



PD Modification Application: MM 24-0029

Zoning Hearing Master Date: May 14, 2024

BOCC Land Use Meeting Date: July 9, 2024

1.0 APPLICATION SUMMARY

Applicant: Todd Pressman, Pres., Pressman & Assoc., Inc

FLU Category: RCP

Service Area: Urban

Site Acreage: 0.21 AC

Community Plan Area: East Lake/Orient Park

Overlay: None



Introduction Summary:

The parcel is part of a large Planned Development 92-0056 that was approved during Zoning Conformance most recently approved as MM 21-0036 that permits a wide range of agricultural, commercial, office, limited light industrial and residential uses.

These uses are permitted pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow minor and major moto vehicle repair pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

Existing Approval(s):

Approved PD uses include permits an array of uses including agricultural, commercial, and single family residential uses.

Proposed Modification(s):

The applicant is requesting to expand the existing entitlements to allow major and minor vehicle repair uses, while keeping the existing building 1,762 SF GFA.

Additional Information:

PD Variation(s):

LDC Part 6.06.00 (Landscaping/Buffering)

Waiver(s) to the Land Development Code:

None Requested as part of this application

Planning Commission Recommendation:

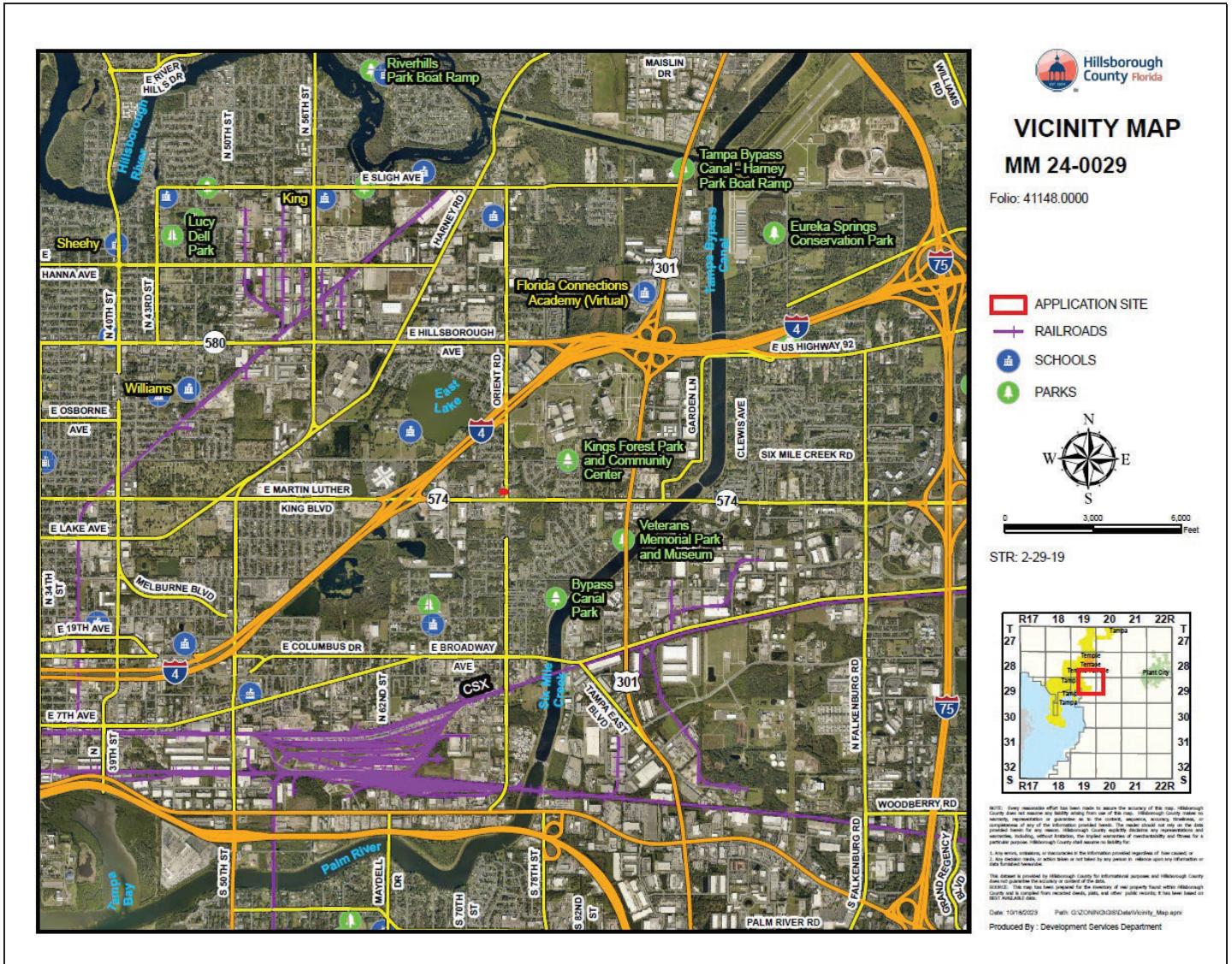
Inconsistent

Development Services Recommendation:

Not supportable.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



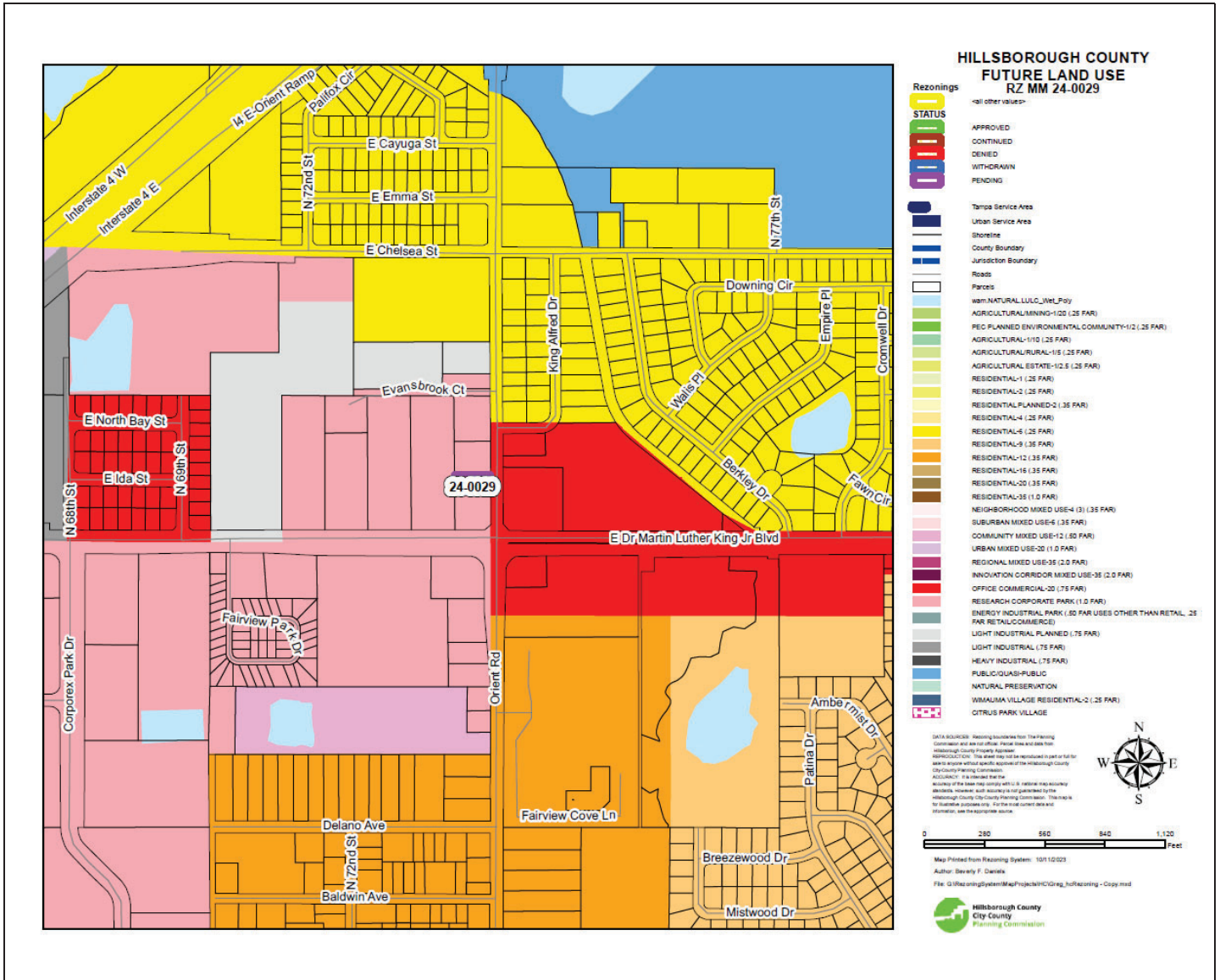
Context of Surrounding Area:

The area contains a mixture of commercial, residential support and residential uses. On the west side of Orient Road immediately to the north is a retail store and to the south on the west side of Orient Road is a convenience store with a gas station.

The intersection of Orient Road and Martin Luther King, Jr. Blvd. to the south of the subject property contains commercial uses. Immediately to the east across Orient Road is a coin laundry and a property used for sales of portable storage buildings and gazebos.

2.0 LAND USE MAP SET AND SUMMARY DATA

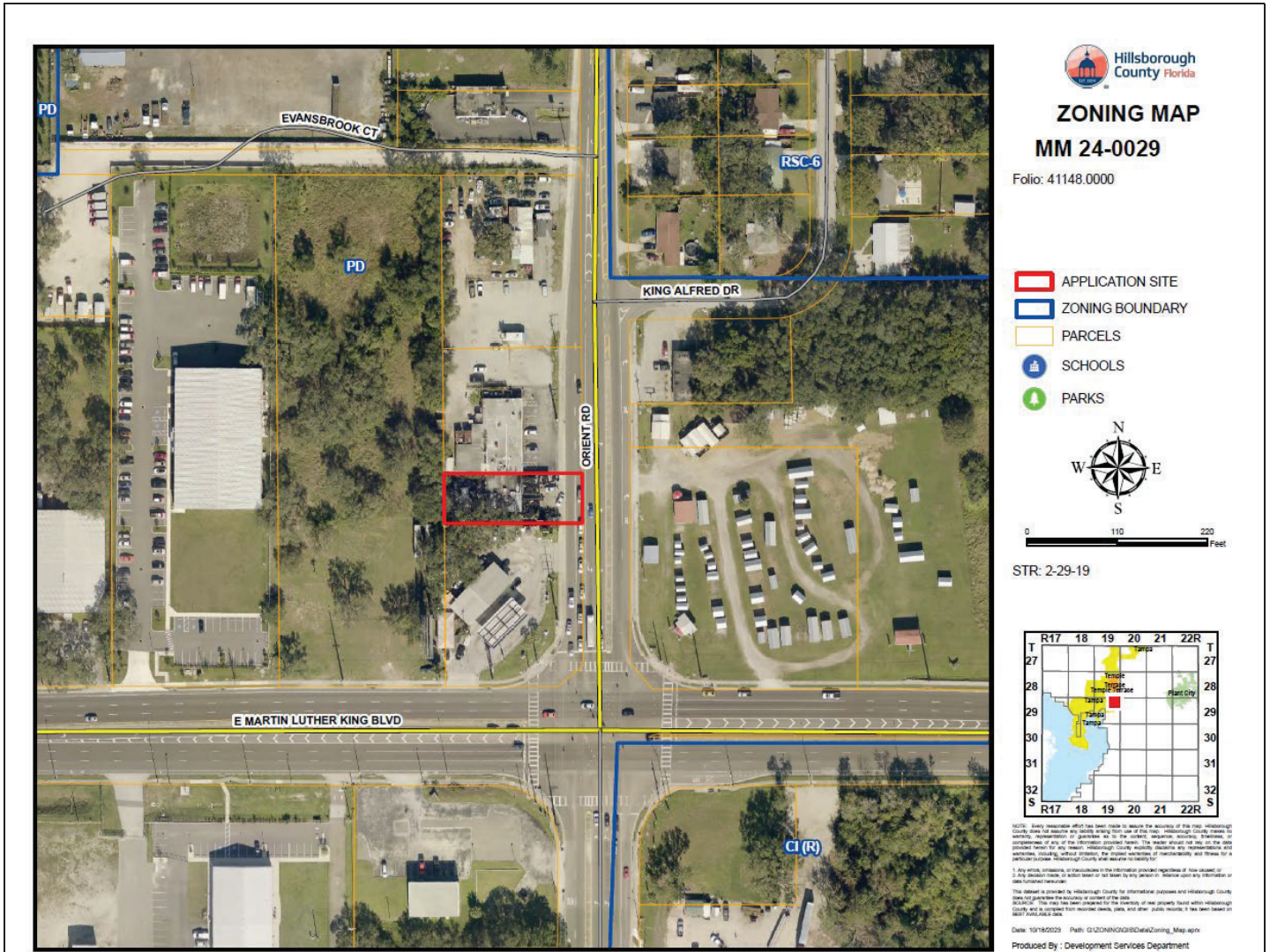
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Research/Corporate Park (RCP)
Maximum Density/F.A.R.:	1.0 FAR permitted in RCP
Typical Uses:	Research and development activities, related educational facilities, electronic components production, light restricted manufacturing and warehousing, offices, corporate headquarters, and related uses such as hotels, motels, restaurants, recreational facilities, and rural scale retail establishments.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

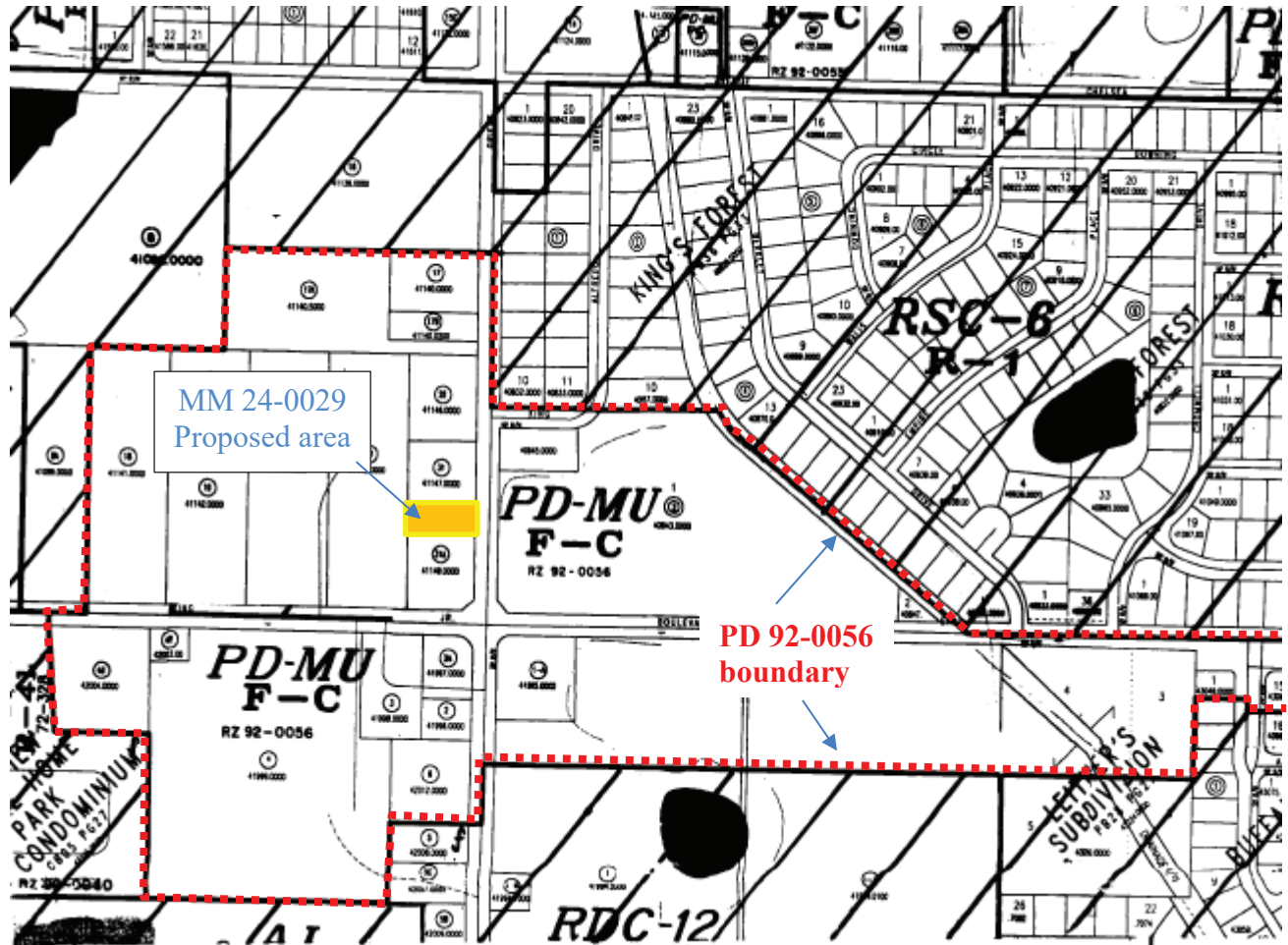


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 92-0056	Not specified by PD	An array of uses including agricultural, commercial, single family residential uses, and limited light industrial uses.	Commercial retail
South	PD 92-0056	Not specified by PD		Convenience Store with Gas Station,
East	PD 92-0056	Not specified by PD		Coin laundry, sales of portable sheds
West	PD 92-0056, PRS 16-0941	Not specified by PD	Open Storage of 2 Semi-Tractor trailers	Open Storage of 2 Semi-Tractor trailers

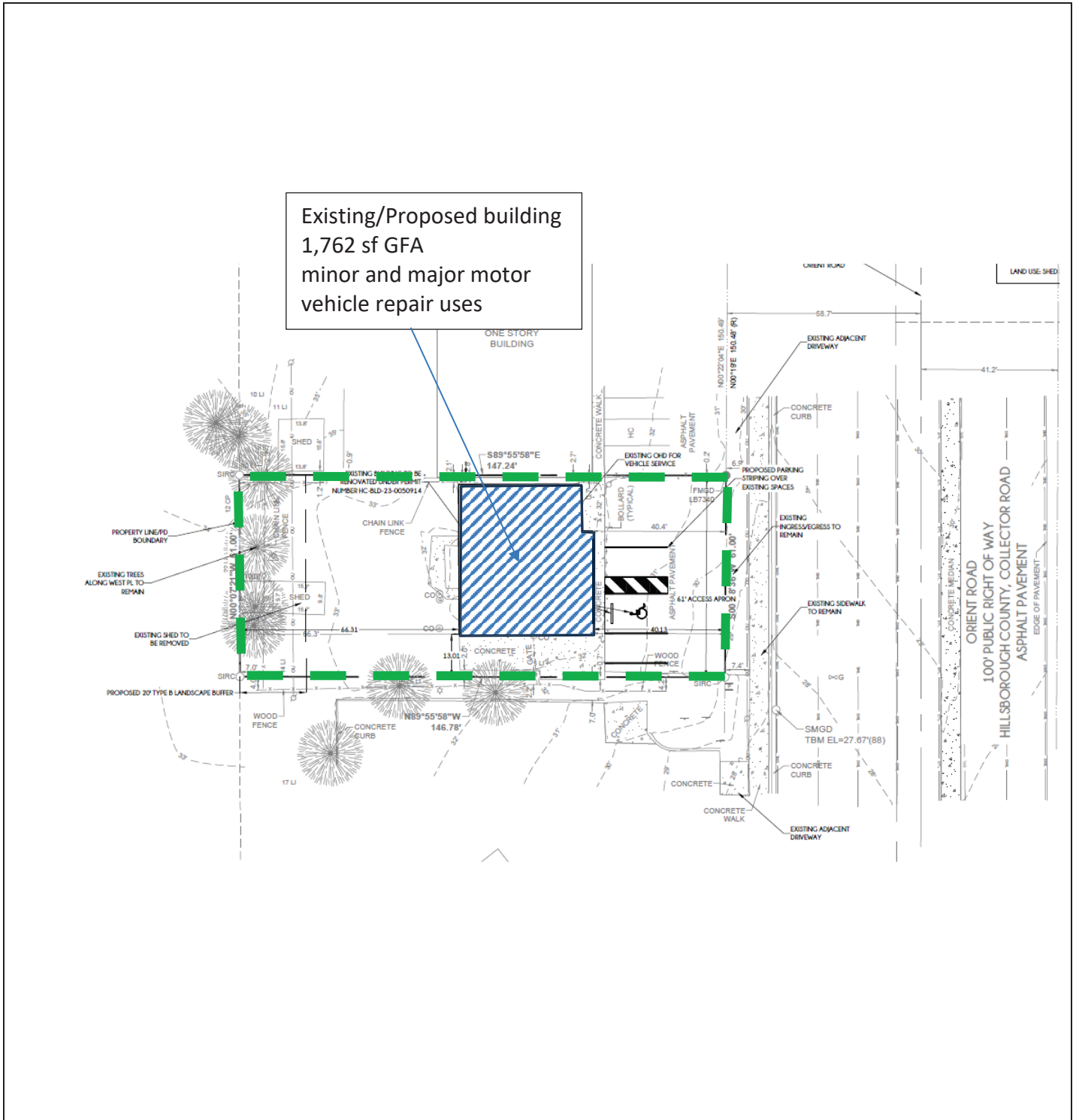
2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



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)

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Orient Road	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 checked="" 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	766	73	56
Proposed	30	4	4
Difference (+/-)	-730	-69	-52

*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	Pedestrian	Does Not Meet LDC
South		None	None	Does Not Meet 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
Orient Road / 6.04.03.Q Cross Access	Administrative Variance Requested	Denied
	Choose an item.	Choose an item.

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input 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	<input type="checkbox"/> Yes <input checked="" 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: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Staff Report.
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees Auto Care Center (Per 1,000 s.f.) Mobility: \$11,706.00 Fire: \$313.00				
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 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 surrounding area contains a wide range of commercial uses approved under the same PD 92-0056. To the west is a use approved under PRS 16-0941 which permitted open storage of 2 Semi-tractor trailers. To the south is a gas station with pumps and a convenience store. To the north and across Orient Road, to the east are some properties developed with commercial and retail uses. Development Services Staff finds the proposed use will not negatively impact the surrounding area and would be compatible with the surrounding area.

Transportation Staff objects to the rezoning due to outstanding safety issues, lack of compliance with pedestrian and vehicular cross access provisions, insufficient parking area and loading zone, and an insufficient pedestrian connection. Additionally, the applicant has not provided enough analysis and/or reconfiguration to the site plan to comply with or justify a variance for code requirements for access, parking, loading areas, drive aisles, throat depth, or pedestrian connections required by the LDC.

Based on these considerations, staff finds the request is NOT supportable.

5.2 Recommendation

Staff finds the request is NOT supportable and recommends DENIAL.

6.0 PROPOSED CONDITIONS

N/A

Zoning Administrator Sign Off:



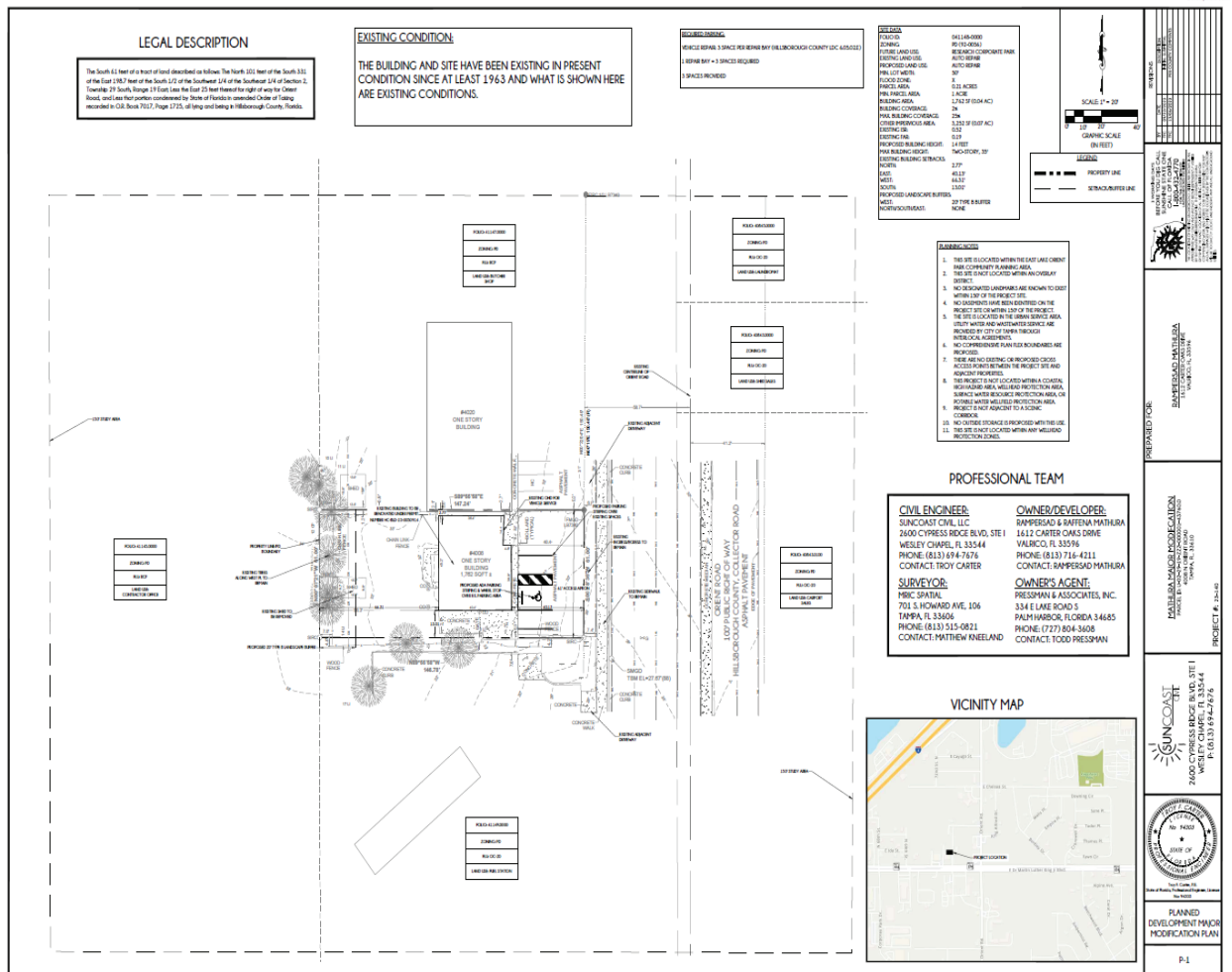
SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

8.0 SITE PLANS (FULL)

8.2 Proposed Site Plan (Full)



DATE: 07/15/24
SCALE: 1" = 20'
GRAPHIC SCALE
PROJECT # P-24-0029

PREPARED FOR: RAMPESAD & RAFFENA MATHARA
1412 CARTER OAKS DRIVE
VALUCCI, FL 33596

MAILED AND MODIFICATION: PROJECT # P-24-0029
DATE: 07/15/24

PLANNED DEVELOPMENT MAJOR MODIFICATION PLAN
P-1

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 3/18/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: ELOP/Northeast

PETITION NO: MM 24-0029

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

RATIONALE FOR OBJECTION

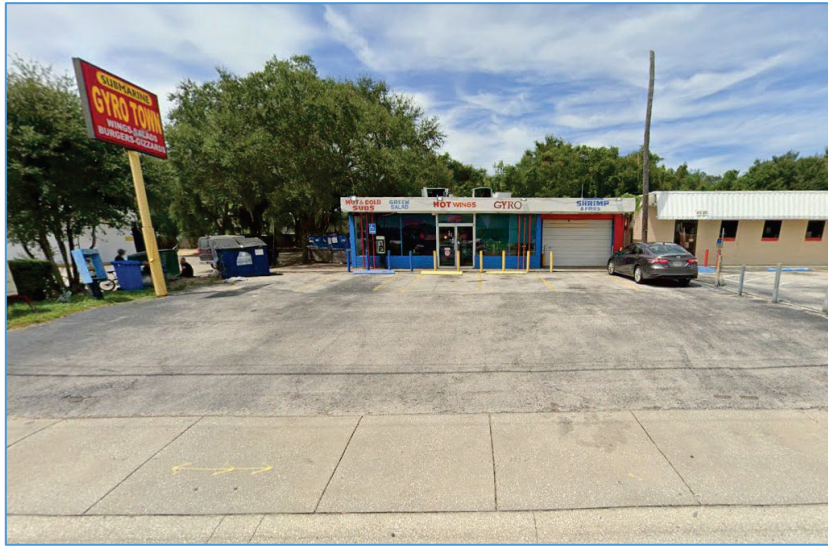
1. Transportation Staff objects to the rezoning due to outstanding safety issues. The size and configuration of the building on site creates a challenge in complying with the Hillsborough County Land Development Code. The applicant has not provided enough analysis and/or reconfiguration to the site plan to comply with or justify a variance for code requirements for access, parking, loading areas, drive aisles, throat depth, or pedestrian connections required by the LDC.
2. The Hillsborough County Land Development Code (LDC) Section 6.04.03.Q requires pedestrian and vehicular cross access to both the north and south of the subject property. The applicant submitted an Administrative Variance for this requirement, but the submittal lacked sufficient technical justification and was deemed not approvable by the county engineer.
3. The Hillsborough County Land Development Code Section 6.04.03.E requires off-street parking to be designed to enter a public street in a forward motion. The proposed site and the proposed site plan do not provide a parking area that would allow for LDC compliance because the current movement would require cars to back up onto Orient Road or back into the public right of way to maneuver vehicles. The speed limit on Orient is 45 mph, and backing out into the roadway is unsafe. The applicant did not ask for a variance to LDC section 6.04.03.E off-site street parking requirements. Staff notes that based on the facts of the case, staff would unlikely support an administrative variance for this LDC requirement. The site has access to Orient Road, a substandard Hillsborough County collector roadway. Based on the trip generation of the proposed use, the use would qualify for de minimus criteria for improving the road. The off-street parking requirements, in addition to all of the other safety issues listed, are worsened by accessing a substandard roadway.
4. The Hillsborough County Transportation Technical Manual TD-2 for parking lot configurations requires parking aisles width to be 24 feet to avoid entering right of way when maneuvering. The site proposes +/- 17.2 feet, which is insufficient to safely maneuver without using the right of way or requires backing out onto Orient Road. The

applicant did not submit a design exception for deviation from HC TTM TD-2 standard; however, staff notes that based on the facts of the case, the design exception would unlikely be supportable. Approval of a design exception for the TD-2 Requirement would violate LDC section 6.04.03.E

5. HC LDC Section 6.05.02.O requires the site to contain one load space which should be designed to be a minimum of 12 feet wide and 30 feet long. The submitted site plan does not have a code-compliant space for loading and unloading on site. Staff notes that based on the nature of the site, loading and unloading may be required on Orient Road, which is unsafe and unsupportable. Loading zone requirements can be addressed via a PD variation; however, staff notes it is unlikely that a PD variation for this requirement would be supportable based on the facts of the case.
6. The LDC requires a 30 foot wide throat depth on site. The site proposes a +/- 15-foot throat depth. The applicant did not submit a justification for relief of this requirement however would unlikely be supported based on the facts of the case.
7. The LDC requires a pedestrian connection from the external sidewalk to the front door of the use. The site does not include this connection and based on the limited space on site, the connection is unlikely to fit with all the other missing elements and spacing concerns on site.
8. While staff supports adaptive reuse of structures, not every use is appropriate for adaptive reuse. Staff believes the site can be developed for specific uses. While there are critical safety issues and procedural issues that need to be further evaluated and addressed, the staff comments do not suggest that there are no uses appropriate for the site. Additional reconfiguration and/or analysis is required to be vetted by the county engineer to look at these life safety and right of way encroachment issues.
9. The County's best opportunity to evaluate the appropriateness of such intensification is during the legislative (zoning) stage of the land development process, and the applicant's desire to move forward with the zoning and sort these issues out at the time of site/construction plan review is not a prudent course of action and cannot be supported. Given the above, staff recommends denial of the proposed zoning request.

CHANGE OF USE TIMELINE

Based on a desktop review of Google Street, staff notes that the location was previously operating as an independent restaurant as of September 2019, as shown in the following image.



September 2019 Street View of the site in Google Maps.

Between 2019 and 2021, a new use started operation on-site without going through the proper process to change use. Without going through the process for a new change use, a proper evaluation of the safety and access of the site was not conducted. The operation on site in 2021 shows daily operation is located in required parking, and open storage is located in the right of way. Each side of the property has equipment preventing pedestrian and vehicular cross-access.



September 2021 Street View of the site in Google Maps.

In March 2022, the street view shows the expansion of service. Both open storage and parking of vehicles are located in the right of way to a greater extent than in 2021.



March 2022 Street View of the site in Google Maps.

In February 2023, open store in the front yard continues to increase and only one parking spot is available with a trailer in the same space.



February 2023 Street View of the Site in Google Maps.

A Google Aerial shows an open storage area in the front of the building, including car storage in the right of way.



2024 Google Map Aerial of the site.

CROSS ACCESS ISSUE

The Land Development Code Section 6.04.03.Q requires pedestrian and vehicular cross access to both the north and south of the subject property. The applicant submitted an Administrative Variance for this requirement, but the submittal lacked sufficient technical justification and was deemed not approvable by the county engineer. The denial for an Administrative Variance for cross access is based off of the following:

- Cross access will improve the safe operation of the site by providing alternate access for both vehicles and pedestrians.
- Cross access will help balance other site issues like drive isle width, parking and loading zone.
- Cross access preserves capacity and increase safety on Orient Road by allowing vehicles and pedestrians to go between uses without going out onto Orient Road.
- Properties adjacent and to the north have facilitated cross access without issue.
- The request speaks about a crash analysis, and the crash data was not provided with the request.
- Sufficient compelling reason to approve this request has not been provided.

OFF SITE STREET PARKING ISSUE

The Hillsborough County Land Development Code Section 6.04.03.E states, “Except for Single Family Residential Units or other types of residential units approved by the County, off-site street parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion.” The proposed site does not provide a parking area that would allow for LDC compliance because the current movement would require cars to back up onto Orient Road or back into the public right of way to maneuver the vehicles. The speed limit on Orient is 45 mph and backing out into the roadway is unsafe.

The applicant did not ask for variance to LDC section 6.04.03.E off-site street parking requirements. Staff notes that based on the facts of the case, and the limited space on site, staff would unlikely support an administrative variance for this LDC requirement. The site has access to Orient Road, a substandard Hillsborough County collector roadway. Based on the trip generation of the proposed use, the use would qualify for de minimus criteria for making improvements to the road. The off-street parking requirements, in addition to all of the other safety issues listed, are made worsened by accessing a substandard roadway.

TD-2 ISSUE

HC Transportation Technical Manual (TTM) TD-2 requires parking aisles to be 24 feet in width to avoid entering the right of way when maneuvering. The site proposes +/- 17.2 feet, which is insufficient to safely maneuver without using right of way or backing out into Orient Road.

The Applicant did not submit a design exception for deviation from HC TTM TD-2 standard; however, staff notes that based on the facts of the case, the design exception would unlikely be supportable. Approval of a design exception for the TD-2 Requirement would violate LDC section 6.04.03.E

LOADING ZONE ISSUE

HC LDC Section 6.05.02.O requires the site to contain one load space and be a minimum of 12 feet in width and 30 feet in length. The submitted site plan does not have a code-compliant space for loading and unloading. Staff notes that, based on the site's nature, loading and unloading may occur on Orient Road, which is unsafe and unsupportable.

Loading zone requirements can be addressed via a PD variation; however, staff notes it is unlikely, based on the facts of the case, that a PD variation for this requirement would be supportable.

THROAT DEPTH ISSUE

The LDC requires a 30-foot-wide throat depth on-site to facilitate cars existing the roadway safety and not disrupt the function of the roadway. The site has a +/- 15-foot throat depth. The applicant did not submit a justification for relief of this requirement.

PEDESTRIAN CONNECTION

The HC LDC requires a pedestrian connection from the external sidewalk into the front door of the use. The site does not include this connection and based on the limited space, the connection is unlikely to fit with all of the other missing elements and spacing concerns on site.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a major modification toe PD 92-0056, to add tire shop as an approved use. The site is +/- 0.23 ac.

Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 1,762 sf Fast-Food Restaurant without Drive-Through (ITE LUC 933)	766	73	56

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 1,762 Automobile Parts and Service Center (ITE LUC 943)	30	4	4

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-730	-69	-52

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 94 feet of Right of Way in the vicinity of the project. Orient Road has sidewalk on both sides of the roadway. There are no bike lanes on either side of the roadway within the vicinity of the project.

SITE ACCESS

Transportation Section staff identified concerns regarding project access, as noted in the “Rationale for Objection” section above. Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Orient Road is included as a 2-lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

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

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
ORIENT RD	SR/60 ADAMO	HILLSBOROUGH AVE	D	D

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Orient Road	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 checked="" 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	766	73	56
Proposed	30	4	4
Difference (+/-)	-730	-69	-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		None	Pedestrian	Does Not Meet LDC
South		None	None	Does Not Meet LDC
East	X	None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Orient Road / 6.04.03.Q Cross Access	Administrative Variance Requested	Denied
	Choose an item.	Choose an item.
Notes:		

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

From: [Williams, Michael](#)
To: [Troy Carter](#)
Cc: todd@pressmaninc.com; [Chapela, Tania](#); [Steady, Alexander](#); [Tirado, Sheida](#); [De Leon, Eleonor](#); [PW-CEIntake](#)
Subject: MM 24-0029 - Administrative Variance Review
Date: Friday, March 15, 2024 1:55:31 PM
Attachments: [image002.png](#)
[24-0029 AVAdd 03-07-24.pdf](#)

Troy,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for MM 24-0029 NOT APPROVABLE.

This DENIAL is based on the following reasons:

- Cross access will improve the safe operation of the site by providing alternate access for both vehicles and pedestrians.
- Cross access will help balance other site issues like drive isle width, parking and loading zone.
- Cross access preserves capacity and increase safety on Orient Road by allowing vehicles and pedestrians to go between uses without going out onto Orient Road.
- Properties adjacent and to the north have facilitated cross access without issue.
- The request speaks about a crash analysis, and the crash data was not provided with the request.
- Sufficient compelling reason to approve this request has not been provided.

In addition to the above, the request has an incorrect project name.

This request should be withdrawn or an official DENIAL will be forthcoming.

Mike

Michael J. Williams, P.E.
Director, Development Review
County Engineer
Development Services Department

P: (813) 307-1851
M: (813) 614-2190
E: Williamsm@HCFL.gov
W: HCFLGov.net

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

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



January 23, 2024

Mr. Mike Williams, P.E.
Hillsborough County Engineer
601 East Kennedy Blvd., 20th Floor
Tampa, FL 33602

RE: ADMINISTRATIVE VARIANCE FOR CROSS ACCESS
PROJECT NAME: BUDGET BLINDS WAREHOUSE
FOLIO: 041148-0000
PROJECT ID: MM 24-0029

Dear Mr. Williams,

The referenced rezoning modification is for a use change to create conformity for the long-standing use of the site. The existing site is 0.21 acres and is currently used for automotive repair. The existing structure is to be renovated and will continue to be used for automotive repair. No substantial site improvements are proposed. The applicant is seeking this modification to correct a long-standing non-conformity within a large PD zoning area.

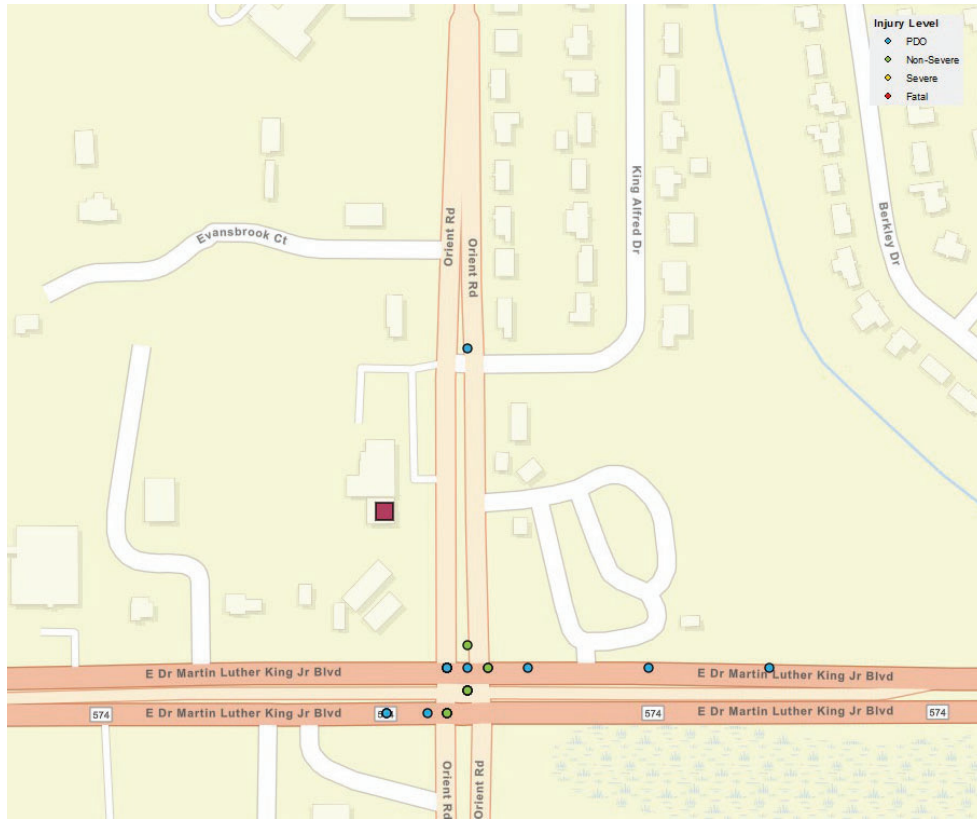
The following justification is presented to support an administrative variance criteria per **LDC section 6.04.02.B.3** for not providing the required vehicular and pedestrian cross access to the adjacent parcels as outlined in the development standards in LDC section **6.04.03.Q.3**:

- A. There is an unreasonable burden on the applicant.
 - The existing site configuration will not allow for cross access as there is insufficient space from the existing building and parking to provide cross access. The minimum width for vehicular cross access is 24' and pedestrian cross access is 5'. The available distance from the back of the existing parking stall to the property line is approximately 17.4'. There is an existing sidewalk along the Orient Road ROW and given the proximity to the structure this meets the intent of pedestrian interconnectivity.
 - The use and site are long standing conditions. Additionally, cross access connections from adjacent sites would face similar feasibility issues thus preventing the connection from being made.

- B. The variance would not be detrimental to the public health, safety, and welfare.
 - Because the minimum width required is not available, the cross access cannot be safely designed. Additionally, a reduced width cross access would create safety concerns from vehicles making traffic movements to their respective parking areas. The current configuration is a long-standing condition and would not be detrimental the public health, safety, and welfare.
 - The existing sidewalk along Orient Road meets the intent of pedestrian connectivity and provides a safe means of pedestrian travel to adjacent properties and is beneficial to the users
 - Crash data was analyzed for the last 5 years in the vicinity of the subject property. No crashes occurred within 150' of the property. Due to the lack of crash occurrence in this



vicinity, the variance would not be determinantal to the public health, safety, and welfare. The crash map is shown on the next page.

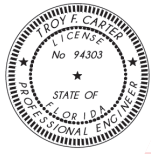


- C. Without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall be valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.
- The subject property is surrounded by private properties with similar existing conditions that would prevent cross access from being feasible.



Thank you for your review of this request. Please contact me if you have any questions at troy@suncoastcivil.com.
Thank you for your consideration.

Respectfully,



Troy F. Carter, P.E.
State of Florida, Professional Engineer,
License No: 94303

This item has been digitally signed and sealed by Troy F. Carter on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on electronic documents.

Digitally signed by Troy
Carter
DN: c=US, st=Florida,
l=Wesley Chapel,
o=Suncoast Civil, LLC,
cn=Troy Carter,
email=troy@suncoastcivil.c
om
Date: 2024.03.07 14:08:40
-05'00'
Adobe Acrobat version:
2023.008.20555

Troy F. Carter, P.E.
Suncoast Civil, LLC

Based on the information provided, this request for an Administrative Variance is

- Approved
- Approved with Conditions
- Denied

Please contact Sheida L. Tirado, P.E., at (813) 276-8364 if you have any questions.

Sincerely,

Mike Williams, P.E.
County Engineer
Development Services Department



AERIAL LOCATION MAP



4008 N Orient Road
Tampa, FL, 33596



December 06, 2023

Hillsborough County Site and Subdivision Intake
Development Services Department
601 E. Kennedy Blvd, 19th Floor
Tampa, FL, 33602

RE: Required Transportation for Major Modification
Project Name: Mathura MM
Folio No.: 041148-0000

Narrative:

The proposed Mathura MM project is located along Orient Rd. with Folio Number: 041148-0000 in Tampa, Florida. The project proposes a 1,762 SF automotive repair facility with a single bay. The following calculations demonstrate the expected project traffic based on the ITE Trip Generation Manual, 11th edition.

Estimated Peak Hour Project Traffic:

Per ITE Trip Generation Manual 11th edition land use code 943, a 1,762 SF auto service center facility generates 16.60 daily trips, 2.06 PM peak hour trips, & 1.91 AM peak hour trips per 1,000 SF GFA

$$1,762 \text{ SF} / 1,000 \text{ SF} * 16.60 \text{ trips/day} = \mathbf{30 \text{ daily trips}}$$

$$1,762 \text{ SF} / 1,000 \text{ SF} * 1.91 \text{ trips/hour} = \mathbf{4 \text{ AM peak hour trips}}$$

$$1,762 \text{ SF} / 1,000 \text{ SF} * 2.06 \text{ trips/hour} = \mathbf{4 \text{ PM peak hour trips}}$$

Conclusion:

This project generates less than 50 peak hour trips. Pursuant to the Development Review Procedures Manual, this project is not required to submit a transportation analysis. Project trip generation is attached hereto.

Please feel free to contact me at troy@suncoastcivil.com with any questions.

Sincerely,

Troy F. Carter, P.E.

PLANNED DEVELOPMENT MODIFICATION PER



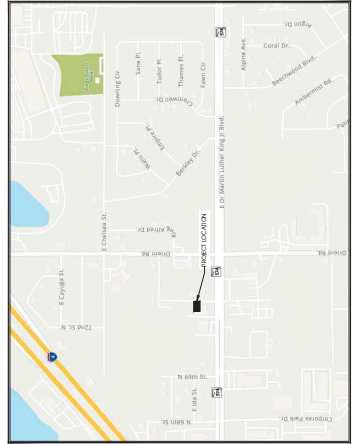
2600 CYPRESS RIDGE BLVD, STE 1 WESELEY CHAPEL, FL 33544 P (813) 694-7676

MATHURA MAJOR MODIFICATION PARCEL ID: 1402-24-22-222-0001-137600 TAPPA, FL 33410

PREPARED FOR: PAPERBARD MATHURA 1612 CARTER OAKS DRIVE VALHOLLO, FL 33596

CALL OF FLORIDA SUNSHINE STATE ONE 813-447-4700

Table with 2 columns: REVISIONS, DESCRIPTION



VICINITY MAP

PROFESSIONAL TEAM
OWNER/DEVELOPER: PAPERBARD & RAFFENMATHURA
CIVIL ENGINEER: SUNCOAST CIVIL LLC
SURVEYOR: MIRC SPATIAL

- BOUNDARY LINES
1. THIS SITE IS LOCATED WITHIN THE EAST LAKE ORIENT...
2. THIS SITE IS NOT LOCATED WITHIN AN OVERLAY...
3. NO DESIGNATED LANDMARKS ARE KNOWN TO EXIST...

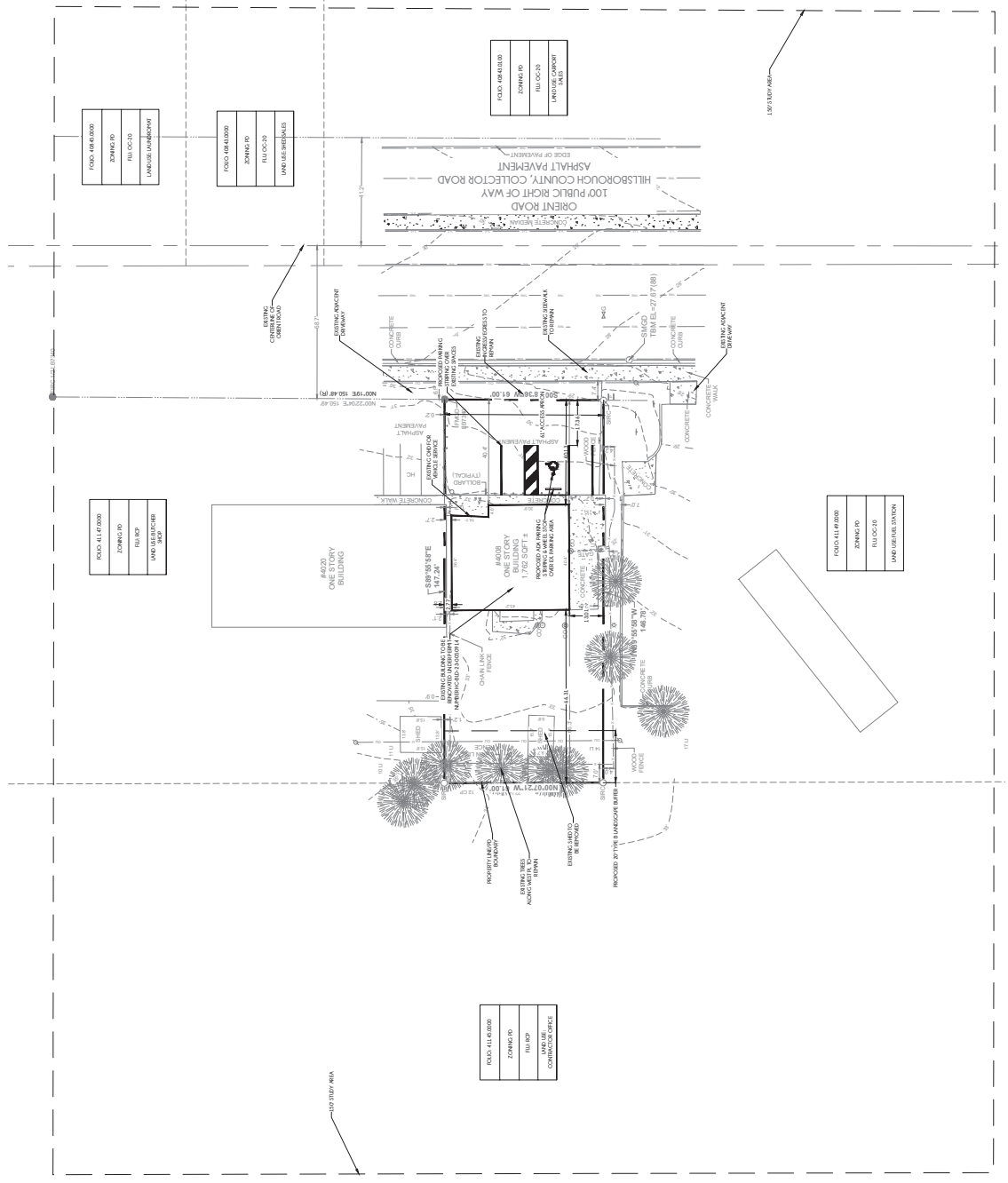
Table with 2 columns: PROPERTY LINE, SETBACKS/BUFFER LINE



SECURED PARKING
VEHICLE REPAIR, 3 SPACES
REPAIR BAY, 3 SPACES REQUIRED

EXISTING CONDITION:
THE BUILDING AND SITE HAVE BEEN EXISTING IN PRESENT CONDITION SINCE AT LEAST 1963 AND WHAT IS SHOWN HERE ARE EXISTING CONDITIONS.

LEGAL DESCRIPTION
The South 61 feet of a tract of land described as follows: The North 101 feet of the South 331 of the East 188.7 feet of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 29 South, Range 1 East, Less the East 25 feet thereof for right of way for Orient recorded in O.B. Book 7017, Page 1723, all filed and being in Hillsborough County, Florida.



**COUNTY OF HILLSBOROUGH
ZONING HEARING MASTER'S RECOMMENDATION**

Application number:	MM 24-0029
Hearing date:	May 14, 2024
Applicant:	Todd Pressman, Pressman & Associates, Inc.
Request:	Major Modification to Planned Development
Location:	4008 N. Orient Road, Tampa
Parcel size:	.21 acres +/-
Existing zoning:	PD 92-0056
Future land use designation:	RCP (1.0 FAR)
Service area:	Urban
Community planning area:	East Lake Orient Park Community Plan

A. APPLICATION REVIEW

**DEVELOPMENT SERVICES STAFF REPORT
APPLICATION REVIEW SUMMARY AND RECOMMENDATION**

1.0 APPLICATION SUMMARY

Applicant: Todd Pressman, Pres., Pressman & Assoc., Inc
FLU Category: RCP
Service Area: Urban
Site Acreage: 0.21 AC
Community Plan Area: East Lake/Orient Park
Overlay: None



Introduction Summary:

The parcel is part of a large Planned Development 92-0056 that was approved during Zoning Conformance most recently approved as MM 21-0036 that permits a wide range of agricultural, commercial, office, limited light industrial and residential uses.

These uses are permitted pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow minor and major moto vehicle repair pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

Existing Approval(s):	Proposed Modification(s):
Approved PD uses include permits an array of uses including agricultural, commercial, and single family residential uses.	The applicant is requesting to expand the existing entitlements to allow major and minor vehicle repair uses, while keeping the existing building 1,762 SF GFA.

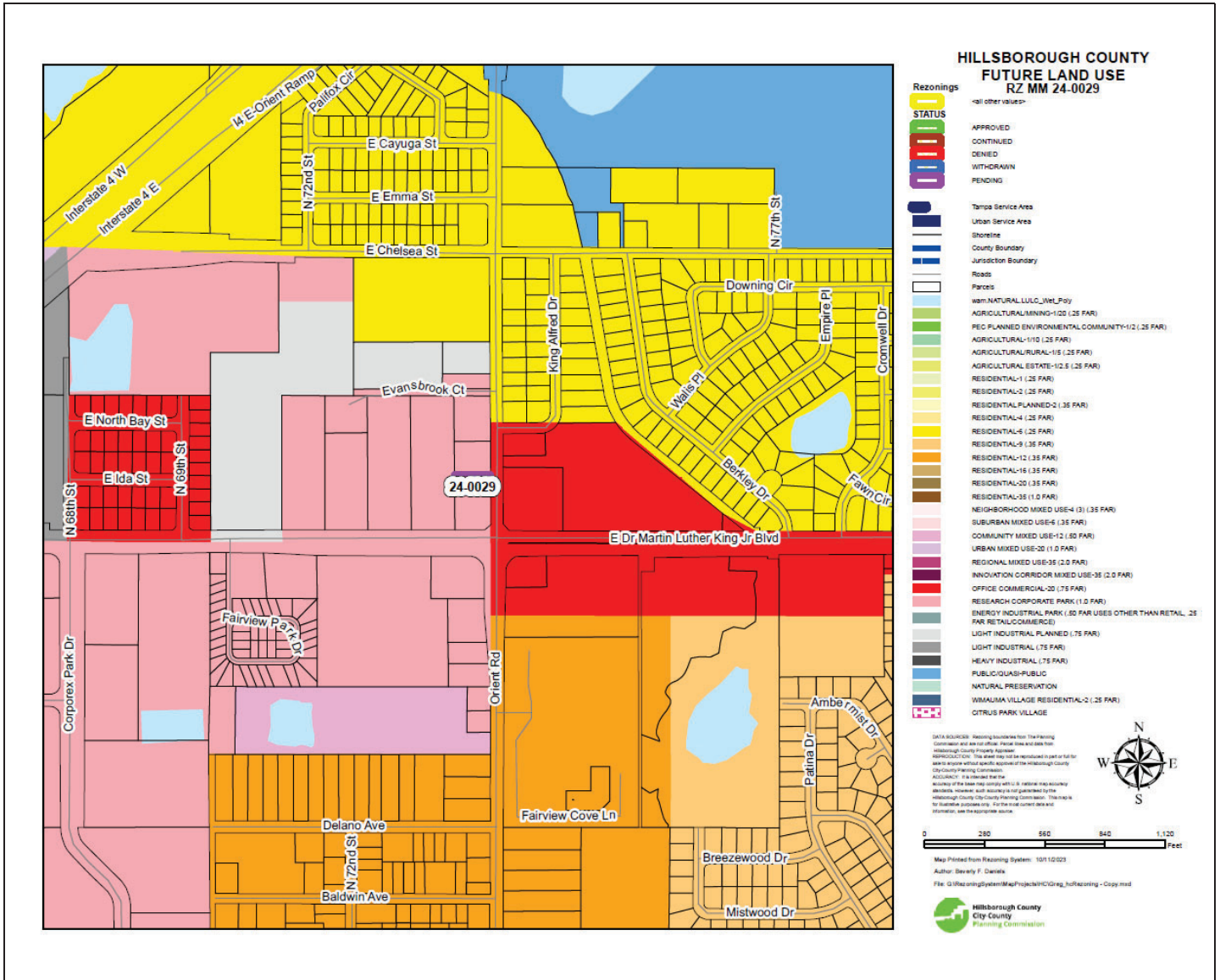
Additional Information:

PD Variation(s):	LDC Part 6.06.00 (Landscaping/Buffering)
Waiver(s) to the Land Development Code:	None Requested as part of this application

Planning Commission Recommendation: Inconsistent	Development Services Recommendation: Not supportable.
--	---

2.0 LAND USE MAP SET AND SUMMARY DATA

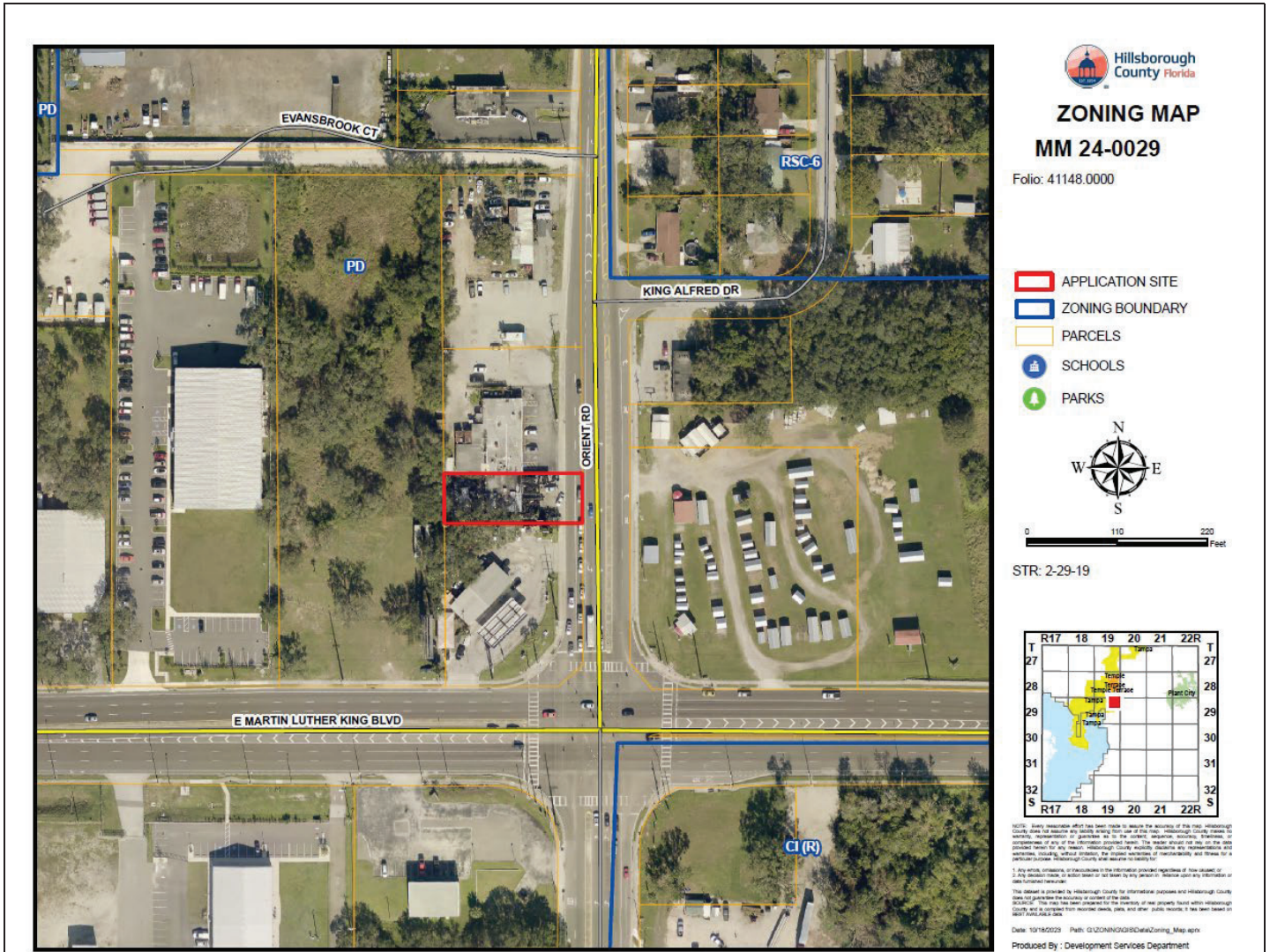
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Research/Corporate Park (RCP)
Maximum Density/F.A.R.:	1.0 FAR permitted in RCP
Typical Uses:	Research and development activities, related educational facilities, electronic components production, light restricted manufacturing and warehousing, offices, corporate headquarters, and related uses such as hotels, motels, restaurants, recreational facilities, and rural scale retail establishments.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

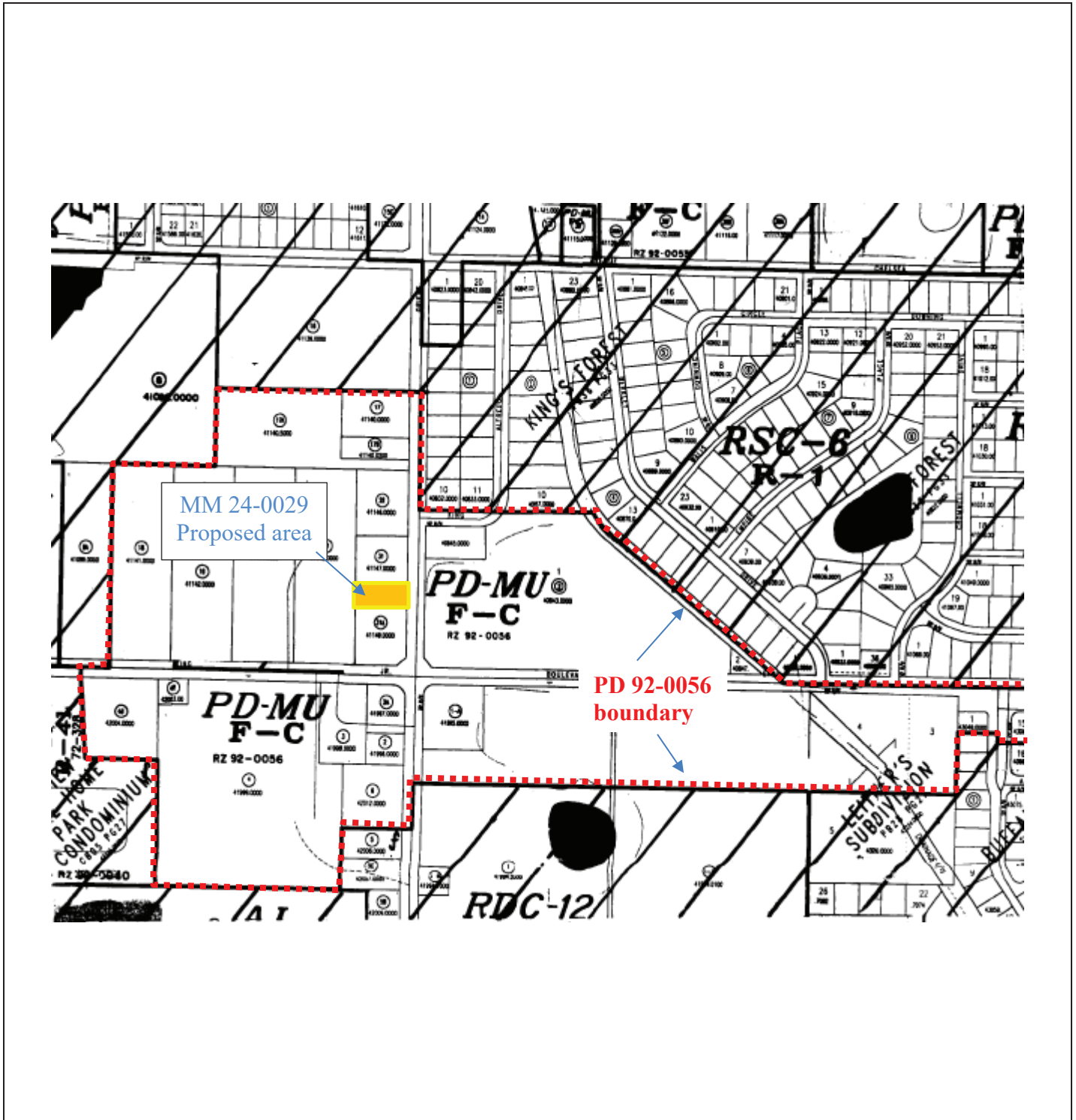


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 92-0056	Not specified by PD	An array of uses including agricultural, commercial, single family residential uses, and limited light industrial uses.	Commercial retail
South	PD 92-0056	Not specified by PD		Convenience Store with Gas Station,
East	PD 92-0056	Not specified by PD		Coin laundry, sales of portable sheds
West	PD 92-0056, PRS 16-0941	Not specified by PD	Open Storage of 2 Semi-Tractor trailers	Open Storage of 2 Semi-Tractor trailers

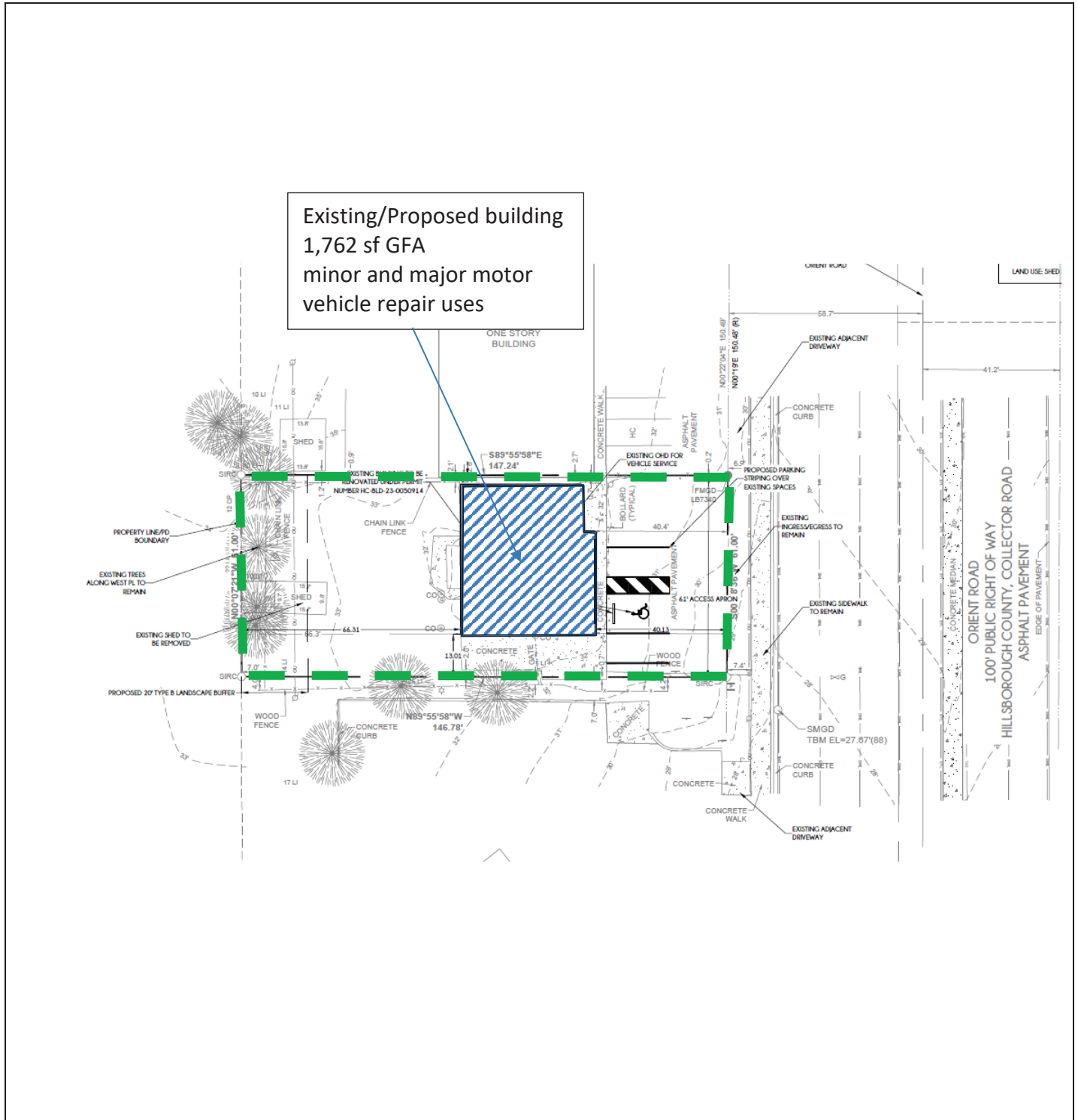
2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



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)



APPLICATION NUMBER: MM 24-0029

ZHM HEARING DATE: May 14, 2024

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
Orient Road	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 checked="" 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	766	73	56
Proposed	30	4	4
Difference (+/-)	-730	-69	-52

*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	Pedestrian	Does Not Meet LDC
South		None	None	Does Not Meet 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
Orient Road / 6.04.03.Q Cross Access	Administrative Variance Requested	Denied
	Choose an item.	Choose an item.

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input 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	<input type="checkbox"/> Yes <input checked="" 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: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Staff Report.
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees Auto Care Center (Per 1,000 s.f.) Mobility: \$11,706.00 Fire: \$313.00				
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 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 surrounding area contains a wide range of commercial uses approved under the same PD 92-0056. To the west is a use approved under PRS 16-0941 which permitted open storage of 2 Semi-tractor trailers. To the south is a gas station with pumps and a convenience store. To the north and across Orient Road, to the east are some properties developed with commercial and retail uses. Development Services Staff finds the proposed use will not negatively impact the surrounding area and would be compatible with the surrounding area.

Transportation Staff objects to the rezoning due to outstanding safety issues, lack of compliance with pedestrian and vehicular cross access provisions, insufficient parking area and loading zone, and an insufficient pedestrian connection. Additionally, the applicant has not provided enough analysis and/or reconfiguration to the site plan to comply with or justify a variance for code requirements for access, parking, loading areas, drive aisles, throat depth, or pedestrian connections required by the LDC.

Based on these considerations, staff finds the request is NOT supportable.

5.2 Recommendation

Staff finds the request is NOT supportable and recommends DENIAL.

6.0 PROPOSED CONDITIONS

N/A

Zoning Administrator Sign Off:



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

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

B. HEARING SUMMARY

This case was heard by the Hillsborough County Zoning Hearing Master on May 14, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. Todd Pressman spoke on behalf of the applicant. Mr. Pressman presented the major modification request, responded to the hearing master's questions, and provided testimony as reflected in the hearing transcript.

Development Services Department

Ms. Tania Chapela, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted to the record, and responded to the hearing master's questions as reflected in the hearing transcript.

Mr. Richard Perez, Transportation Division, provided testimony related to the Transportation staff comments and the basis for the staff's objection to the proposed major modification. Mr. Perez provided testimony and responded to the hearing master's questions as reflected in the hearing transcript. Mr. Perez testified the basis for staff's objection is that the applicant has not demonstrated the proposed development can meet LDC requirements and technical standards related to vehicular access, parking, loading areas, drive aisle standards, throat depth and pedestrian access. He stated these issues raise critical life safety and right-of-way encroachment issues.

Planning Commission

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

Proponents

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

Opponents

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

Development Services Department

Ms. Heinrich stated the Subject Property's existing PD zoning was established in the zoning conformance process and provides a list of approved uses over the PD boundary but does not specify performance standards.

Applicant Rebuttal

Mr. Pressman provided rebuttal testimony and responded to the hearing master's questions as reflected in the hearing transcript.

The hearing officer closed the hearing on RZ-PD 23-0029.

C. EVIDENCE SUBMITTED

Mr. Pressman submitted to the record at the hearing a copy of the applicant's presentation slides.

D. FINDINGS OF FACT

1. The Subject Property consists of approximately .21 acres at 4008 N. Orient Road, Tampa.
2. The Subject Property is zoned PD 92-0056 and is designated RCP (Research Corporate Park) on the comprehensive plan Future Land Use Map. The Subject Property is in the Urban Services Area and is within the boundaries of the East Lake Orient Park Community Plan.
3. The Subject Property's PD zoning was established through the zoning conformance process. The existing PD allows a wide range of uses over a large area but does not provide specific performance standards for the Subject Property.
4. The general area surrounding the Subject Property consists of a mix of commercial, residential support and residential uses. Adjacent properties include a convenience store with gasoline pumps to the south; Orient Road and a portable shed sales business to the east; a food store to the north; and an undeveloped parcel to the west.
5. The Hillsborough County Property Appraiser's website shows the Subject Property is developed with a concrete block building with a gross area of 1,828-square-feet that was built in 1963.
6. Street views available on Google Maps show the Subject Property was operated as a restaurant until around 2020, when the use changed to a tire shop. Street views available on Google Maps and aerial views available on the Property Appraiser's website from 2022 show substantial accumulations of tires on the Subject Property in 2021 and 2022. The latest aerial views on the Property Appraiser's website show no accumulations of tires.
7. The property owners acquired the Subject Property on April 10, 2023 by Warranty Deed recorded April 15, 2023 as Instrument 2023160157, public records of Hillsborough County, Florida. The property owners and applicant's representative stated at the hearing that the owners acquired the Subject Property for a family

automotive repair business and have been in the process of restoring the building and cleaning the property.

8. The applicant is requesting a major modification to PD 92-0056 to expand the existing entitlements to allow major and minor vehicle repair uses on the Subject Property.
9. The applicant is requesting a PD variation from LDC section 6.06.03.I, Scenic Roadways, which requires “the planting of one street tree per 40 feet of frontage. The planting of one canopy tree for every 50 feet of yard frontage shall also be required.”
10. The LDC at section 5.03.06.C.6.a. states:

The purpose of the Planned Development District is to allow flexibility in certain site development standards in order to achieve creative, innovative, and/or mixed use development. The following non-district regulations may be varied as part of a Planned Development based upon the criteria contained herein:

- (1) Part 6.05.00, Parking and Loading Requirements;
- (2) Part 6.06.00, Landscaping, Irrigation, and Buffering Requirements; and
- (3) Part 6.07.00, Fences and Walls.
- (4) Requests to vary any other non-district regulations in this Code must be reviewed and approved through separate application in accordance with Part 11.04.00.

11. Findings on variances pursuant to the criteria of LDC section 5.03.06.C.6.b.:

- (1) **The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.** No. The applicant’s Variations Criteria Review form states the parcel has served as a commercial use for decades and cannot conform to current LDC standards. However, the applicant submitted no competent substantial evidence demonstrating the Subject Property cannot be redeveloped or reconfigured to comply with LDC section 6.06.03.I. The record evidence does not support a finding that the variation is necessary to achieve creative, innovative, or mixed use development that could not be accommodated by strict adherence to current regulations.
- (2) **The variation is mitigated through enhanced design features that are proportionate to the degree of variation.** No. The applicant’s Variations Criteria Review form states the condition of the Subject Property has been

cleaned up to make the site a workable small business. However, this assertion does not address the criterion. The applicant submitted no competent substantial evidence demonstrating the proposed variation is mitigated through enhanced design features proportionate to the degree of variation. The record does not support a finding that the variation is mitigated through enhanced design features.

- (3) **The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.** No. The applicant's Variations Criteria Review form states the Subject Property is viable, clean, and surpasses the status quo of the area. However, this assertion does not address the criterion. The applicant's site plan shows the Subject Property's configuration does not comply with LDC requirements and presents safety issues related to access, parking, loading areas, drive aisles, throat depth, and pedestrian connections. The record evidence does not support a finding that the variation is in harmony with the purpose and intent of the Hillsborough County LDC to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County.
- (4) **The variation will not substantially interfere with or injure the rights of adjacent property owners.** No. The applicant's Variations Criteria Review form states the Subject Property has been brought to a high functional standard. However, However, this assertion does not address the criterion. The applicant's site plan shows the Subject Property's configuration does not comply with LDC requirements and presents safety issues related to access, parking, loading areas, drive aisles, throat depth, and pedestrian connections. The record evidence does not support a finding that the variation will not substantially interfere with or injure the rights of adjacent property owners.
12. The applicant requested an Administrative Variance for vehicle and pedestrian cross access to adjacent properties to the Subject Property's north and south. The Transportation Division staff comments state the variance submittal lacked sufficient technical justification and the county engineer deemed the request not approvable.
13. Development Services Department staff found the proposed major and minor vehicle repair use would not negatively impact the surrounding area and would be compatible with the surrounding area. However, Development Services Department staff recommends denial of the major modification request based on objections and issues raised by Transportation Division staff.
14. Transportation Division staff objects to the major modification based on outstanding safety issues related to access, parking, loading areas, drive aisles, throat depth, and pedestrian connections.

15. Planning Commission staff found proposed major modification to add minor and major vehicle repair would introduce a use that is appropriate in the RCP future land use category, suitably located, and compatible with surrounding uses. However, staff found the proposal is inconsistent with Future Land Use Objectives and Policies that require developments to meet or exceed LDC requirements. Staff further found the proposal inconsistent with Future Land Use policy 16.3 based on the nonconforming building and inability of the site to provide adequate parking or safe vehicle maneuvering area, and lack of vehicle or pedestrian cross-access. Staff found the applicant’s site plan does not mitigate the adverse impacts. Staff further found the proposed major modification inconsistent with the Mobility Section and Roadway Design policy in the comprehensive plan’s Community Design component. Staff concluded the proposed major modification is inconsistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH COMPREHENSIVE PLAN

Considering the record as a whole, the evidence demonstrates the proposed Major Modification is not in compliance with and does not further the intent of the Goals, Objectives, and Policies of *Unincorporated Hillsborough County Comprehensive Plan*.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2022). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, there is substantial competent evidence demonstrating the requested Major Modification is not consistent with the Unincorporated Hillsborough County Comprehensive Plan and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant is requesting a major modification to PD 92-0056 to expand the existing entitlements to allow major and minor vehicle repair uses on the Subject Property. The applicant is requesting a PD variation from LDC section 6.06.03.I, Scenic Roadways, which requires “the planting of one street tree per 40 feet of frontage. The planting of one canopy tree for every 50 feet of yard frontage shall also be required.”

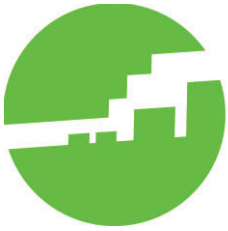
The applicant requested an Administrative Variance for vehicle and pedestrian cross access to adjacent properties to the Subject Property’s north and south. The Transportation Division staff comments state the variance submittal lacked sufficient technical justification and the county engineer deemed the request not approvable.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **DENIAL** of the Major Modification.

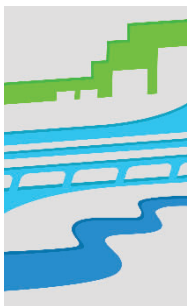
Pamela Jo Hatley
Pamela Jo Hatley PhD, JD
Land Use Hearing Officer

June 6, 2024
Date:



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: May 14, 2024	Petition: MM 24-0029
Report Prepared: May 2, 2024	4008 North Orient Road <i>West of North Orient Road and north of State Road 574</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Research Corporate Park (No residential permitted; 1.0 FAR)
Service Area	Urban
Community Plan	East Lake Orient Park
Request	Major Modification to Planned Development (PD 92-0056) to add minor and major vehicle repair as a permitted use
Parcel Size (Approx.)	0.21 ± acres (9,147 square feet)
Street Functional Classification	North Orient Road – County Collector State Road 574 – State Principal Arterial
Locational Criteria	Meets
Evacuation Area	D



Plan Hillsborough
planhillsborough.org
planner@plancom.org
 813 – 272 – 5940
 601 E Kennedy Blvd
 18th floor
 Tampa, FL, 33602

Context

- The subject site is located west of North Orient Road and north of State Road 574 on approximately 0.21 ± acres.
- The site is in the Urban Service Area and within the limits of the East Lake Orient Park Community Plan.
- The subject property has a Future Land Use designation of Research Corporate Park (RCP). The RCP Future Land Use designation does not allow for consideration of residential uses and allows for consideration of a maximum Floor Area Ratio (FAR) of 1.0. Typical uses in the RCP category include research and development activities, related educational facilities, electronic components production, light restricted manufacturing and warehousing, offices, corporate headquarters, and related uses such as hotels, motels, restaurants, recreational facilities, and rural scale retail establishments. Rural scale neighborhood commercial uses are limited to 30,000 square feet for free standing projects (pursuant to locational criteria) or 20% of the projects land area when part of larger planned research/corporate park.
- The subject site is surrounded by the RCP Future Land Use category to the north, west and south. Across Orient Road to the east is Office Commercial-20 (OC-20).
- According to the Hillsborough County property appraiser, the site is operating as a tire shop and assessed as heavy commercial land. Surrounding uses mainly include light commercial, light industrial and heavy industrial which front along State Road 574. Further northeast of the site is single family residential.
- The subject site is zoned Planned Development (PD 92-0056). PD zoning surrounds the site.
- The applicant requests a Major Modification to Planned (PD 92-0056) to add minor and major vehicle repair as a permitted use.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian

or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

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

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

Relationship to Land Development Regulations

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

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

Policy 9.3: *In implementing this Comprehensive Plan, Hillsborough County shall continue to recognize legal non-conforming uses, and permit the rebuilding or expansion of existing legal non-conforming uses which do not have any significant adverse effects on adjacent properties. With the exception of principle residences, or uses or structures destroyed by an act of God, the expansion of non-conforming uses and rebuilding of non-conforming uses, shall not occur more than once. The expansion or rebuilding shall not result in an increase of the intensity of use which exceeds fifty (50) percent of the existing intensity or the maximum building square footage within the plan category, except in conformance with policy 21.4. However, the expansion may permit the construction of a use that is less intense than the existing non-conforming use. The new use may still be non-conforming with the plan. All expansions or rebuilding shall be consistent with other plan policies.*

Neighborhood/Community Development

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

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

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

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

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

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

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

Commercial-Locational Criteria

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

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

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

Community Design Component (CDC)

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

6.0 ROADWAY LEVEL DESIGN

6.12 ACCESS MANAGEMENT

Objective 15-12: Encourage clear and efficient patterns of movement for access and circulation by designing roadway improvements and new roadways with patterns of access which enhance the livability of the transportation system.

Policy 15-12.1: Provide access across property lines which will allow the users of commercial, office, and civic institutions, as well as mixed-use projects to travel between uses without returning to the roadway. This pattern should utilize the following:

- Interconnect parking areas on separate properties to accommodate cross traffic of people and cars.
- Where the building placement is standard, require access across property lines in front of the building line.
- Where reverse frontage building placement is used, require cross access at the rear of the property line.
- Where vehicular cross access cannot be accommodated, a minimum of pedestrian cross access should be provided.

Policy 15-12.4: Allow a parking reduction for properties that share both cross access and a common entrance drive.

MOBILITY SECTION

Goal 4: Provide safe and convenient connections within the transportation network that support multimodal access to key destinations, such as community focal points, employment centers and services throughout the County.

Objective 4.1: In urban and suburban contexts, design communities around a grid network of streets, or a modified grid, which will improve interconnections between neighborhoods and surrounding neighborhood-serving uses.

Policy 4.1.2: Require pedestrian and bicycle interconnections between adjacent, compatible development, and where appropriate, require vehicular interconnections.

LIVABLE COMMUNITIES ELEMENT: East Lake Orient Park

Economic Development – Provide opportunities for business growth and jobs in the East Lake-Orient Park community.

- Create a commercial/mixed-use district along Orient Road from Hillsborough Avenue to Columbus Drive.

Staff Analysis of Goals Objectives and Policies:

The subject site is located west of North Orient Road and north of State Road 574 on approximately 0.21 ± acres. The site is designated as Research Corporate Park (RCP) on the Future Land Use Map (FLUM). The site is in the Urban Service Area and within the limits of the East Lake Orient Park Community Plan. The applicant requests a Major Modification to Planned (PD 92-0056) to add minor and major vehicle repair as a permitted use in an existing 1,762 square foot single story building. Surrounding uses mainly include light commercial, light industrial and heavy industrial which front along SR 574. Further northeast of the site is single family residential.

The subject site is in the Urban Service Area and per Objective 1 of the Future Land Use Element (FLUE), where 80 percent of the County's growth is to be directed. FLUE Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The site is surrounded by other commercial and industrial uses and no changes are proposed to the existing building. Therefore, the proposal meets the intent of Policy 1.4 in the Future Land Use Element (FLUE) in the *Unincorporated Hillsborough County Comprehensive Plan* relating to compatibility. Furthermore, the proposed use is appropriate for the RCP Future Land Use category. Based on the development pattern in the surrounding area including the OC-20 category across the street to the east, the proposal is also consistent with FLUE Objective 8 and Policy 8.1.

Objective 9 and Policy 9.2 require that developments must meet or exceed the requirements of all land development regulations. The proposal is inconsistent with this policy direction. The Hillsborough County Development Services Department and the Hillsborough County Transportation Review Section have indicated during the sufficiency review process that there are concerns with the nonconforming site and its inability to meet certain setback, street tree, parking and cross access requirements. On March 18, 2024, the County Transportation Review Section objected to the proposal based on those reasons. Policy 9.3 discusses legal nonconforming uses and permit the rebuilding or expansion of existing legal non-conforming uses which do not have any significant adverse effects on adjacent properties. The objection by the County pertaining to the safety of the proposed parking, loading and other vehicular movements are not consistent with this policy direction.

The proposed rezoning meets the intent of FLUE Objective 16 and Policies 16.1, 16.2. The proposed vehicle repair use is suitably located in accordance with locational criteria and is amongst similar uses in nature. There are no adjacent neighborhoods which would require buffering and screening between land uses. However, the proposal is inconsistent with the intent of Policy 16.3 as the building is nonconforming. This prevents the development of adequate parking and safe vehicular maneuvers. The proposal also does not include vehicular or pedestrian cross access. The proposed site plan does not mitigate adverse impacts. The proposal is consistent with Policy 16.5 as the development of the higher intensity non-residential land use is located on a collector roadway and a location external to established neighborhoods.

The site meets Commercial Locational Criteria in accordance with Objective 22 and Policy 22.1. It is within the required 660 feet of the closest qualifying intersection of Orient Road and State Road 574 (Dr. Martin Luther King Junior Boulevard). That intersection quadrant is limited to 30,000 square feet of neighborhood commercial development. The building on

the subject site is 1,762 square feet and no building footprint expansion is proposed, therefore meeting the intent of the policy language.

Objective 12-1 and Policy 12-1.4 of the Community Design Component (CDC) discuss how new development shall be compatible with the established character of the surrounding area. The development pattern and character of this area mainly comprised of light commercial, light and heavy industrial, which is compatible with the proposed use. However, the intensity of the proposed use in an existing nonconforming building that cannot meet the current requirements suggests that it is not compatible.

Objective 15-12 and Policies 15-12.1 and 15-12.4 discuss access across property lines for both vehicles and pedestrians to allow users of mixed-use areas to travel between uses without returning to the roadway. It also discusses the reduction of parking when access is shared. The proposal is inconsistent with the intent of this policy language. The proposal does not meet parking requirements and does not provide either vehicular or pedestrian cross access. Mobility Section Objective 4.1 and Policy 4.1.2 also discuss interconnections between adjacent, compatible development and the proposal does not provide that. Furthermore, Transportation Review staff has objected based on the limited parking area and the existing building location, there are concerns about how the site will operate safely as there is not adequate space for cars to back out.

The proposed Major Modification is within the limits of the East Lake Orient Park Community Plan. The proposed modification meets the intent of the Community Plan as the proposed vehicle repair use is located along Orient Road within the area that the plan envisions a commercial and mixed use district.

Overall, staff finds that the proposed Major Modification is inconsistent with the intent of policy in the Mobility Section and Roadway Design policy in the Community Design Component. The proposal would allow for development that is inconsistent with the Goals, Objectives, and Policies in the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

Based upon the above considerations, Planning Commission staff finds the proposed Major Modification **INCONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.



**GENERAL
SITE PLAN
FOR
CERTIFICATION**



**Hillsborough
County Florida**

DEVELOPMENT SERVICES

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

**HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

**BOARD OF COUNTY
COMMISSIONERS**

Donna Cameron Cepeda
Harry Cohen
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" Myers
Joshua Wostal

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

COUNTY INTERNAL AUDITOR

Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Project Name: MM (24-0029)

Zoning File: None Modification: MM (24-0029)

Atlas Page: None Submitted: 06/20/24

To Planner for Review: 06/20/24 Date Due: ASAP

Contact Person: Todd Pressman Phone: (727)804-1760/todd@pressmaninc.com

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

The Development Services Department HAS NO OBJECTION to this General Site Plan.

The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by: Tania C. Chapela Date: 06/25/2024

Date Agent/Owner notified of Disapproval: _____



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 3/18/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: ELOP/Northeast

PETITION NO: MM 24-0029

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

RATIONALE FOR OBJECTION

1. Transportation Staff objects to the rezoning due to outstanding safety issues. The size and configuration of the building on site creates a challenge in complying with the Hillsborough County Land Development Code. The applicant has not provided enough analysis and/or reconfiguration to the site plan to comply with or justify a variance for code requirements for access, parking, loading areas, drive aisles, throat depth, or pedestrian connections required by the LDC.
2. The Hillsborough County Land Development Code (LDC) Section 6.04.03.Q requires pedestrian and vehicular cross access to both the north and south of the subject property. The applicant submitted an Administrative Variance for this requirement, but the submittal lacked sufficient technical justification and was deemed not approvable by the county engineer.
3. The Hillsborough County Land Development Code Section 6.04.03.E requires off-street parking to be designed to enter a public street in a forward motion. The proposed site and the proposed site plan do not provide a parking area that would allow for LDC compliance because the current movement would require cars to back up onto Orient Road or back into the public right of way to maneuver vehicles. The speed limit on Orient is 45 mph, and backing out into the roadway is unsafe. The applicant did not ask for a variance to LDC section 6.04.03.E off-site street parking requirements. Staff notes that based on the facts of the case, staff would unlikely support an administrative variance for this LDC requirement. The site has access to Orient Road, a substandard Hillsborough County collector roadway. Based on the trip generation of the proposed use, the use would qualify for de minimus criteria for improving the road. The off-street parking requirements, in addition to all of the other safety issues listed, are worsened by accessing a substandard roadway.
4. The Hillsborough County Transportation Technical Manual TD-2 for parking lot configurations requires parking aisles width to be 24 feet to avoid entering right of way when maneuvering. The site proposes +/- 17.2 feet, which is insufficient to safely maneuver without using the right of way or requires backing out onto Orient Road. The

applicant did not submit a design exception for deviation from HC TTM TD-2 standard; however, staff notes that based on the facts of the case, the design exception would unlikely be supportable. Approval of a design exception for the TD-2 Requirement would violate LDC section 6.04.03.E

5. HC LDC Section 6.05.02.O requires the site to contain one load space which should be designed to be a minimum of 12 feet wide and 30 feet long. The submitted site plan does not have a code-compliant space for loading and unloading on site. Staff notes that based on the nature of the site, loading and unloading may be required on Orient Road, which is unsafe and unsupportable. Loading zone requirements can be addressed via a PD variation; however, staff notes it is unlikely that a PD variation for this requirement would be supportable based on the facts of the case.
6. The LDC requires a 30 foot wide throat depth on site. The site proposes a +/- 15-foot throat depth. The applicant did not submit a justification for relief of this requirement however would unlikely be supported based on the facts of the case.
7. The LDC requires a pedestrian connection from the external sidewalk to the front door of the use. The site does not include this connection and based on the limited space on site, the connection is unlikely to fit with all the other missing elements and spacing concerns on site.
8. While staff supports adaptive reuse of structures, not every use is appropriate for adaptive reuse. Staff believes the site can be developed for specific uses. While there are critical safety issues and procedural issues that need to be further evaluated and addressed, the staff comments do not suggest that there are no uses appropriate for the site. Additional reconfiguration and/or analysis is required to be vetted by the county engineer to look at these life safety and right of way encroachment issues.
9. The County's best opportunity to evaluate the appropriateness of such intensification is during the legislative (zoning) stage of the land development process, and the applicant's desire to move forward with the zoning and sort these issues out at the time of site/construction plan review is not a prudent course of action and cannot be supported. Given the above, staff recommends denial of the proposed zoning request.

CHANGE OF USE TIMELINE

Based on a desktop review of Google Street, staff notes that the location was previously operating as an independent restaurant as of September 2019, as shown in the following image.



September 2019 Street View of the site in Google Maps.

Between 2019 and 2021, a new use started operation on-site without going through the proper process to change use. Without going through the process for a new change use, a proper evaluation of the safety and access of the site was not conducted. The operation on site in 2021 shows daily operation is located in required parking, and open storage is located in the right of way. Each side of the property has equipment preventing pedestrian and vehicular cross-access.



September 2021 Street View of the site in Google Maps.

In March 2022, the street view shows the expansion of service. Both open storage and parking of vehicles are located in the right of way to a greater extent than in 2021.



March 2022 Street View of the site in Google Maps.

In February 2023, open store in the front yard continues to increase and only one parking spot is available with a trailer in the same space.



February 2023 Street View of the Site in Google Maps.

A Google Aerial shows an open storage area in the front of the building, including car storage in the right of way.



2024 Google Map Aerial of the site.

CROSS ACCESS ISSUE

The Land Development Code Section 6.04.03.Q requires pedestrian and vehicular cross access to both the north and south of the subject property. The applicant submitted an Administrative Variance for this requirement, but the submittal lacked sufficient technical justification and was deemed not approvable by the county engineer. The denial for an Administrative Variance for cross access is based off of the following:

- Cross access will improve the safe operation of the site by providing alternate access for both vehicles and pedestrians.
- Cross access will help balance other site issues like drive isle width, parking and loading zone.
- Cross access preserves capacity and increase safety on Orient Road by allowing vehicles and pedestrians to go between uses without going out onto Orient Road.
- Properties adjacent and to the north have facilitated cross access without issue.
- The request speaks about a crash analysis, and the crash data was not provided with the request.
- Sufficient compelling reason to approve this request has not been provided.

OFF SITE STREET PARKING ISSUE

The Hillsborough County Land Development Code Section 6.04.03.E states, “Except for Single Family Residential Units or other types of residential units approved by the County, off-site street parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion.” The proposed site does not provide a parking area that would allow for LDC compliance because the current movement would require cars to back up onto Orient Road or back into the public right of way to maneuver the vehicles. The speed limit on Orient is 45 mph and backing out into the roadway is unsafe.

The applicant did not ask for variance to LDC section 6.04.03.E off-site street parking requirements. Staff notes that based on the facts of the case, and the limited space on site, staff would unlikely support an administrative variance for this LDC requirement. The site has access to Orient Road, a substandard Hillsborough County collector roadway. Based on the trip generation of the proposed use, the use would qualify for de minimus criteria for making improvements to the road. The off-street parking requirements, in addition to all of the other safety issues listed, are made worsened by accessing a substandard roadway.

TD-2 ISSUE

HC Transportation Technical Manual (TTM) TD-2 requires parking aisles to be 24 feet in width to avoid entering the right of way when maneuvering. The site proposes +/- 17.2 feet, which is insufficient to safely maneuver without using right of way or backing out into Orient Road.

The Applicant did not submit a design exception for deviation from HC TTM TD-2 standard; however, staff notes that based on the facts of the case, the design exception would unlikely be supportable. Approval of a design exception for the TD-2 Requirement would violate LDC section 6.04.03.E

LOADING ZONE ISSUE

HC LDC Section 6.05.02.O requires the site to contain one load space and be a minimum of 12 feet in width and 30 feet in length. The submitted site plan does not have a code-compliant space for loading and unloading. Staff notes that, based on the site's nature, loading and unloading may occur on Orient Road, which is unsafe and unsupportable.

Loading zone requirements can be addressed via a PD variation; however, staff notes it is unlikely, based on the facts of the case, that a PD variation for this requirement would be supportable.

THROAT DEPTH ISSUE

The LDC requires a 30-foot-wide throat depth on-site to facilitate cars existing the roadway safety and not disrupt the function of the roadway. The site has a +/- 15-foot throat depth. The applicant did not submit a justification for relief of this requirement.

PEDESTRIAN CONNECTION

The HC LDC requires a pedestrian connection from the external sidewalk into the front door of the use. The site does not include this connection and based on the limited space, the connection is unlikely to fit with all of the other missing elements and spacing concerns on site.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a major modification toe PD 92-0056, to add tire shop as an approved use. The site is +/- 0.23 ac.

Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 1,762 sf Fast-Food Restaurant without Drive-Through (ITE LUC 933)	766	73	56

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 1,762 Automobile Parts and Service Center (ITE LUC 943)	30	4	4

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-730	-69	-52

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 94 feet of Right of Way in the vicinity of the project. Orient Road has sidewalk on both sides of the roadway. There are no bike lanes on either side of the roadway within the vicinity of the project.

SITE ACCESS

Transportation Section staff identified concerns regarding project access, as noted in the “Rationale for Objection” section above. Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Orient Road is included as a 2-lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

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

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
ORIENT RD	SR/60 ADAMO	HILLSBOROUGH AVE	D	D

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Orient Road	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 checked="" 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	766	73	56
Proposed	30	4	4
Difference (+/-)	-730	-69	-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		None	Pedestrian	Does Not Meet LDC
South		None	None	Does Not Meet LDC
East	X	None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Orient Road / 6.04.03.Q Cross Access	Administrative Variance Requested	Denied
	Choose an item.	Choose an item.
Notes:		

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

From: [Williams, Michael](#)
To: [Troy Carter](#)
Cc: todd@pressmaninc.com; [Chapela, Tania](#); [Steady, Alexander](#); [Tirado, Sheida](#); [De Leon, Eleonor](#); [PW-CEIntake](#)
Subject: MM 24-0029 - Administrative Variance Review
Date: Friday, March 15, 2024 1:55:31 PM
Attachments: [image002.png](#)
[24-0029 AVAdd 03-07-24.pdf](#)

Troy,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for MM 24-0029 NOT APPROVABLE.

This DENIAL is based on the following reasons:

- Cross access will improve the safe operation of the site by providing alternate access for both vehicles and pedestrians.
- Cross access will help balance other site issues like drive isle width, parking and loading zone.
- Cross access preserves capacity and increase safety on Orient Road by allowing vehicles and pedestrians to go between uses without going out onto Orient Road.
- Properties adjacent and to the north have facilitated cross access without issue.
- The request speaks about a crash analysis, and the crash data was not provided with the request.
- Sufficient compelling reason to approve this request has not been provided.

In addition to the above, the request has an incorrect project name.

This request should be withdrawn or an official DENIAL will be forthcoming.

Mike

Michael J. Williams, P.E.
Director, Development Review
County Engineer
Development Services Department

P: (813) 307-1851
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E: Williamsm@HCFL.gov
W: HCFLGov.net

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

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



January 23, 2024

Mr. Mike Williams, P.E.
Hillsborough County Engineer
601 East Kennedy Blvd., 20th Floor
Tampa, FL 33602

RE: ADMINISTRATIVE VARIANCE FOR CROSS ACCESS
PROJECT NAME: BUDGET BLINDS WAREHOUSE
FOLIO: 041148-0000
PROJECT ID: MM 24-0029

Dear Mr. Williams,

The referenced rezoning modification is for a use change to create conformity for the long-standing use of the site. The existing site is 0.21 acres and is currently used for automotive repair. The existing structure is to be renovated and will continue to be used for automotive repair. No substantial site improvements are proposed. The applicant is seeking this modification to correct a long-standing non-conformity within a large PD zoning area.

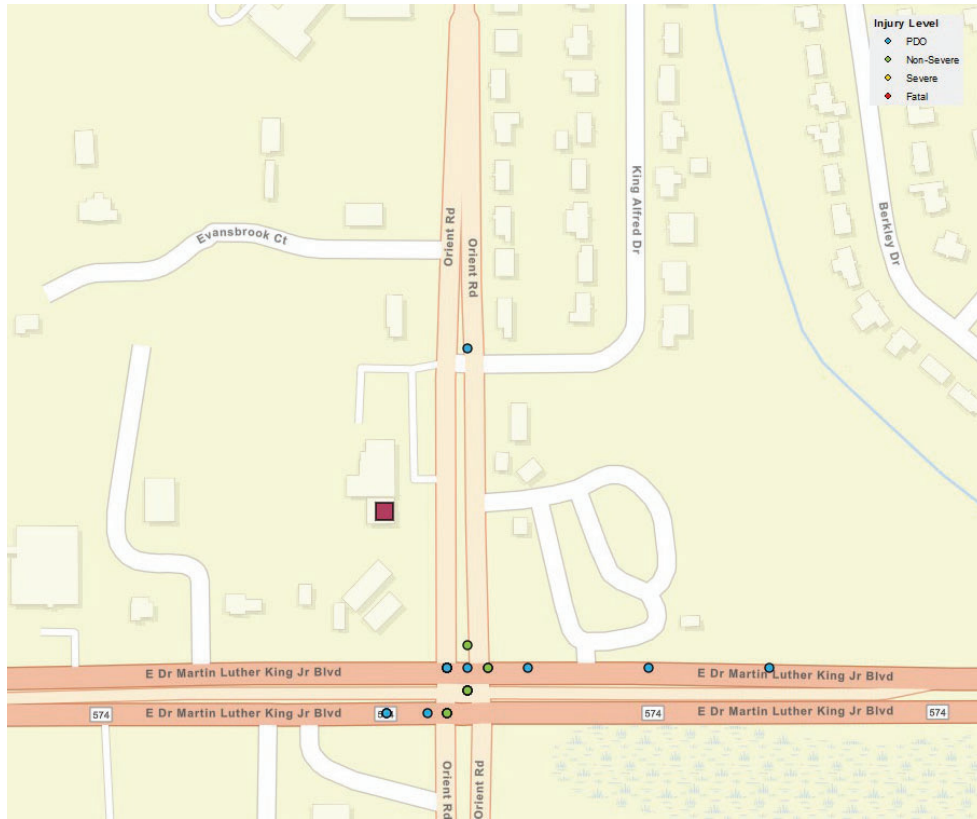
The following justification is presented to support an administrative variance criteria per **LDC section 6.04.02.B.3** for not providing the required vehicular and pedestrian cross access to the adjacent parcels as outlined in the development standards in LDC section **6.04.03.Q.3**:

- A. There is an unreasonable burden on the applicant.
 - The existing site configuration will not allow for cross access as there is insufficient space from the existing building and parking to provide cross access. The minimum width for vehicular cross access is 24' and pedestrian cross access is 5'. The available distance from the back of the existing parking stall to the property line is approximately 17.4'. There is an existing sidewalk along the Orient Road ROW and given the proximity to the structure this meets the intent of pedestrian interconnectivity.
 - The use and site are long standing conditions. Additionally, cross access connections from adjacent sites would face similar feasibility issues thus preventing the connection from being made.

- B. The variance would not be detrimental to the public health, safety, and welfare.
 - Because the minimum width required is not available, the cross access cannot be safely designed. Additionally, a reduced width cross access would create safety concerns from vehicles making traffic movements to their respective parking areas. The current configuration is a long-standing condition and would not be detrimental the public health, safety, and welfare.
 - The existing sidewalk along Orient Road meets the intent of pedestrian connectivity and provides a safe means of pedestrian travel to adjacent properties and is beneficial to the users
 - Crash data was analyzed for the last 5 years in the vicinity of the subject property. No crashes occurred within 150' of the property. Due to the lack of crash occurrence in this



vicinity, the variance would not be determinantal to the public health, safety, and welfare. The crash map is shown on the next page.

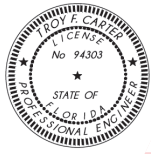


- C. Without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall be valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.
- The subject property is surrounded by private properties with similar existing conditions that would prevent cross access from being feasible.



Thank you for your review of this request. Please contact me if you have any questions at troy@suncoastcivil.com.
Thank you for your consideration.

Respectfully,



Troy F. Carter, P.E.
State of Florida, Professional Engineer,
License No: 94303

This item has been digitally signed and sealed by Troy F. Carter on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on electronic documents.

Digitally signed by Troy
Carter
DN: c=US, st=Florida,
l=Wesley Chapel,
o=Suncoast Civil, LLC,
cn=Troy Carter,
email=troy@suncoastcivil.c
om
Date: 2024.03.07 14:08:40
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Adobe Acrobat version:
2023.008.20555

Troy F. Carter, P.E.
Suncoast Civil, LLC

Based on the information provided, this request for an Administrative Variance is

- Approved
- Approved with Conditions
- Denied

Please contact Sheida L. Tirado, P.E., at (813) 276-8364 if you have any questions.

Sincerely,

Mike Williams, P.E.
County Engineer
Development Services Department



AERIAL LOCATION MAP



4008 N Orient Road
Tampa, FL, 33596

2600 Cypress Ridge Blvd, STE A, Wesley Chapel, FL 33544, O: (813) 694-7676



December 06, 2023

Hillsborough County Site and Subdivision Intake
Development Services Department
601 E. Kennedy Blvd, 19th Floor
Tampa, FL, 33602

RE: Required Transportation for Major Modification
Project Name: Mathura MM
Folio No.: 041148-0000

Narrative:

The proposed Mathura MM project is located along Orient Rd. with Folio Number: 041148-0000 in Tampa, Florida. The project proposes a 1,762 SF automotive repair facility with a single bay. The following calculations demonstrate the expected project traffic based on the ITE Trip Generation Manual, 11th edition.

Estimated Peak Hour Project Traffic:

Per ITE Trip Generation Manual 11th edition land use code 943, a 1,762 SF auto service center facility generates 16.60 daily trips, 2.06 PM peak hour trips, & 1.91 AM peak hour trips per 1,000 SF GFA

$$1,762 \text{ SF} / 1,000 \text{ SF} * 16.60 \text{ trips/day} = \mathbf{30 \text{ daily trips}}$$

$$1,762 \text{ SF} / 1,000 \text{ SF} * 1.91 \text{ trips/hour} = \mathbf{4 \text{ AM peak hour trips}}$$

$$1,762 \text{ SF} / 1,000 \text{ SF} * 2.06 \text{ trips/hour} = \mathbf{4 \text{ PM peak hour trips}}$$

Conclusion:

This project generates less than 50 peak hour trips. Pursuant to the Development Review Procedures Manual, this project is not required to submit a transportation analysis. Project trip generation is attached hereto.

Please feel free to contact me at troy@suncoastcivil.com with any questions.

Sincerely,

Troy F. Carter, P.E.

COMMISSION

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 Harry Cohen VICE-CHAIR
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 Steffanie L. Wickham WASTE DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 1/16/2024 PETITION NO.: 24-0029 EPC REVIEWER: Melissa Yañez CONTACT INFORMATION: (813) 627-2600 X 1360 EMAIL: yanezm@epchc.org	COMMENT DATE: 10/27/2023 PROPERTY ADDRESS: 4008 N Orient Rd, Tampa, FL 33610 FOLIO #: 041148-0000 STR: 02-29S-19E
REQUESTED ZONING: Major Mod to PD	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	NO
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Desktop Review – Aerial review, soil survey and EPC file search.
INFORMATIONAL COMMENTS: Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) reviewed aerials, soil surveys, and historical records, to determine the limits of wetlands and other surface waters regulated by Chapter 1-11, Wetlands, Rules of the EPC. The review revealed that no wetlands or other surface waters exist within the above referenced parcel. Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.	

My/cb

ec: Todd Pressman – Todd@pressmaninc.com



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

TO: Zoning Review, Development Services

DATE: 01/03/2024

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Todd Pressman

PETITION NO: 24-0029

LOCATION: 4008 N Orient Rd

FOLIO NO: 41148.0000

Estimated Fees:

Auto Care Center

(Per 1,000 s.f.)

Mobility: \$11,706.00

Fire: \$313.00

Project Summary/Description:

Urban Mobility, Northeast Fire - Auto repair - size not specified

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

PETITION NO.: MM 24-0029

REVIEWED BY: Clay Walker, E.I.

DATE: 10/23/2023

FOLIO NO.: 41148.0000

WATER

- The property lies within the City of Tampa Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A ___ inch water main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

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

WASTEWATER

- The property lies within the City of Tampa Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

- A ___ inch wastewater force main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

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

COMMENTS: _____.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 2023

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

APPLICANT: Todd Pressman

PETITION NO: MM 24-0029

LOCATION: 4008 N. Orient Rd., Tampa, FL 33610

FOLIO NO: 41148.0000

SEC: 02 TWN: 29 RNG: 19

- This agency has no comments.

- This agency has no objection.

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

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

COMMENTS: _____.



VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
Board of County Commissioners

-----X
IN RE:)
ZONE HEARING MASTER)
HEARINGS)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Tuesday, May 14, 2024

TIME: Commencing at 6:00 p.m.
Concluding at 8:28 p.m.

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

Reported by:
Diane DeMarsh, AAERT No. 1654
Digital Reporter

1 MS. HEINRICH: Our next application is Item D.2, major
2 mod 24-0029. The applicant is Todd Pressman requesting a major
3 modification to a plan development. Tania Chapela will present
4 staff findings after the applicant's presentation.

5 MR. PRESSMAN: Good evening, Hearing Officer.
6 Todd Pressman, 200 2nd Avenue South, Number 451 in Saint
7 Petersburg.

8 This is major mod 24-0029. I have here this evening
9 Mr. And Ms. Murtha, who are the property owners. This is point
10 24 acres in the East Lake Orion Park area. It's a very small
11 site located very close to the intersection. This is a closer
12 look, as the property appraiser has it. And I wanted to show
13 this right up front because this is a somewhat recent prior
14 photo of the site that the -- the Murtha's have been working
15 with, which was quite a task, as you could see.

16 Staff does go through a recent timeline, at least from
17 2019 to 2024, which contains some retail, and then that prior
18 use. That use is no longer there. So the issue is a major
19 modification of an older and unusual site.

20 HEARING MASTER: Okay. Mr. --

21 MR. PRESSMAN: Yes.

22 HEARING MASTER: -- Mr. Pressman, I'm sorry. Just to
23 be clear, the photograph you showed me with those car tires --

24 MR. PRESSMAN: Mountains of tires.

25 HEARING MASTER: -- mountains of tires, that use is no

1 longer there, is that correct?

2 MR. PRESSMAN: That is correct.

3 HEARING MASTER: Okay. Was that a different property
4 owner?

5 MR. PRESSMAN: Yes. That was a diff -- yes, that was a
6 different owner.

7 HEARING MASTER: Okay. Thank you.

8 MR. PRESSMAN: So you -- you can see the reason I put
9 that up, I wanted to see the -- the hurdles that the Murthers
10 have been through.

11 Now, we are just seeking one additional new use at the
12 site, which is auto repair with one operating repair -- repair
13 bay. The prior user evidently didn't have permits or didn't go
14 through any regulatory permitting process of any kind. So under
15 the existing PD, this would be one new use. Now, this PD is a
16 long time existing since 1963 or I'm sorry, the site has been a
17 long time existing since 1963. Same footprint. There's no
18 footprint changes, but per the Development Services, this is a
19 very old PD that was just an official zoning map. And as I had
20 a lot of discussions with Mr. Grady and Ms. Hamer trying to
21 figure this out. As being an old zoning for PD, it only covered
22 large geographical areas. So the PD was literally a copy of the
23 zoning map of an entire area.

24 So projects have come in to modify the PD, they've all
25 required them or us to provide a site plan for the parcel being

1 modified.

2 So this is the existing old PD by the red line. This
3 is a very large area. And the yellow spot is the very small
4 spot that's under your review today and is owned by the
5 Murthers. So that is why we are here. That's the issue that we
6 are here. This is the major modification plan, which is showing
7 the existing proposed building, 1,762 square feet for minor
8 major motor vehicle repair uses. No change in the footprint of
9 the building. They removed a structure, small structure in the
10 back and cleaned that up. And the vehicle repair would occur in
11 this part of the structure. And we're proposing, which may have
12 not been terribly verbalized or presented, an appropriate sized
13 loading zone which would appear prior or in front of the vehicle
14 repair, single vehicle repair. So on the site this is the site
15 now, you can see it's been cleaned up quite a bit. And this
16 would be the single repair bay area. You can also see the site
17 that's had problems with homeless and people living there. So
18 that would be the single repair bay, the folks that -- that the
19 vehicle would be in.

20 This is just another photo to show you for the
21 cleanup. The Mathuros have put a new, an entire new roof system
22 on -- on the small structure and cleaned up the building as
23 well. And this is just another view right before the roof, new
24 roof was installed.

25 So we are in the CMU-12 Future Land Use Category,

1 which is very intensive category light industrial community
2 retail commercial. OC-20 is across the street. Per the PC
3 staff report, typical uses are very intensive. Meets locational
4 criteria. There's just substantial heavy use and activity,
5 abutting and all throughout the area, which is well reviewed by
6 the staff report. The DSD report notes PD uses include permits
7 or array of agriculture, commercial, single-family residential.
8 Applicants' requesting to expand the existing entitlements to
9 allow major/minor vehicle repair while keeping the existing
10 building.

11 The zoning department department finds it very
12 compatible. The area, again, very intensive they note
13 semi-tractor trailers, gas station next door, store, note the
14 proposed use will not negatively impact the surrounding area.

15 Planning Commission is pretty much said the -- the
16 same thing that relate to compatibility. It's consistent with
17 objective eight and 8.1. Policies and the 16's, suitably
18 located with locational criteria. There's no adjacent
19 neighborhoods meets the intent of the community plan. But this
20 is more or less a retro from 1963 because we're adding this new
21 use. So as they made improvements, they cannot possibly fix
22 everything up to the 2024 standards. This is a 1963 site.

23 And there's a long record, property appraiser record
24 back to 63. It's not a continual record, but it's served as a
25 commercial use, obviously throughout the many, many years, 1990,

1 1995 begin the prior photo. And this was some other photos of
2 the site that they worked with and cleaned up 2009, 2002.

3 So we do meet required parking. Three spaces are
4 required. And that's what we're proposing. Transportation
5 department per their report, it's a reduction of 730 trips. So
6 we really come down to difficulties generated by the
7 transportation department. And the first is administrative
8 variance to address it regarding vehicular exit orientation. So
9 the administrative variance was to address vehicles leaving or
10 entering the public right-of-way traveling in a forward motion.
11 What we've indicated is that there is a 24.75 drive aisle space
12 in front of the parking area of which 7.35 is in the public
13 right-of-way, but not in the street. I'll show you in a second.

14 So this is the site plan. So from the rear of the
15 parking there is 25.75 feet to the street curb. That's the best
16 that we can do. That's the best that's going to be done here.
17 And the engineer submittal indicates the site exceeds that
18 drive aisle. And we also pulled the crash map for the last five
19 years, which we think is important finding, which under the five
20 year crash data map, this particular site is very clear and very
21 clean. So we do have a test of time over a long period of time
22 that the vehicular movements that are occurring are not causing
23 crashes or public safety issues on Orient Road.

24 HEARING MASTER: Can you, and I'm not sure I'm
25 following your testimony. This -- this is related to having to

1 to leave the site, not forward, but backing out of the site?

2 MR. PRESSMAN: The administrative variance is for
3 vehicles leaving and entering the public right-of-way to be
4 traveling in a forward motion. So the engineer has determined
5 that having the rear distance is enough to allow a vehicle to
6 maneuver and move on the site to provide forward motion out on
7 Orient Boulevard.

8 HEARING MASTER: Okay. So that wasn't one of
9 transportation's objections?

10 MR. PRESSMAN: If -- to clarify, if we can go back to
11 the PowerPoint. So this administrative variance is stated at
12 the top, all vehicles leaving or entering the public street
13 right-of-way shall be traveling in a forward motion. That is
14 the -- that is the issue of which the administrative variance is
15 addressing. The contention of our engineer is that having the
16 24.75 drive aisle to pull -- be able to pull back allows
17 vehicles enough room to pull back and maneuver on the site to be
18 able to exit onto Orient Road in a forward motion.

19 HEARING MASTER: So what's the -- what is the
20 unreasonable burden?

21 MR. PRESSMAN: Noting here that the -- let me see
22 here. So the unreasonable burden, as -- as I understand it, if
23 I'm answering your question, is that transportation is -- is
24 raising objection that vehicles cannot leave and actually or
25 enter -- or enter the public street right-of-way traveling in

1 forward motion, which is the first yellow highlight section.

2 HEARING MASTER: Okay. But your engineer says that
3 they can, that the site provides for that?

4 MR. PRESSMAN: Yes.

5 HEARING MASTER: And -- but part of that 24.75 feet is
6 in the right-of-way?

7 MR. PRESSMAN: It isn't -- 7.35 are located in the
8 right-of-way, but that in the roadway.

9 HEARING MASTER: Right.

10 MR. PRESSMAN: Right. So there's a 7.35 foot
11 distance.

12 HEARING MASTER: Okay.

13 MR. PRESSMAN: It's that latter part of the arrow, the
14 right part of the arrowhead is in the 7.3 or is showing that
15 area which is 7.35 feet, but not in the street.

16 HEARING MASTER: Okay.

17 MR. PRESSMAN: Best we can do. And notes, again, the
18 crash -- and also notes that indicating that in consideration of
19 land use plan policies, local traffic circulation operation of
20 the site in adjacent areas, that the surrounding private
21 properties are all in the same similar existing condition. All
22 these sites are very old and operate in that manner.

23 The second administrative variance is for cross
24 access. And the issue is the existing site configuration.
25 So -- I'm sorry, let me go back a step. So as I think you're

1 well aware, access to the north and south or the abutting
2 properties is required.

3 So in this case, the existing site configuration will
4 actually not allow for cross accesses as there is completely
5 insufficient space. Cross access connections from adjacent
6 site, we also face feasible similarity issues or similar issues.
7 So looking at the site, it becomes pretty clear, and I think
8 also from the photos, which I'll show a few more, that providing
9 any kind of access to the north or south would be impossible
10 because their -- on -- on the south is a function gasoline
11 station and their access point, in the parking lot to the site
12 to the north.

13 So this is our building on the right. You can see
14 we're literally right on top of the property, the neighboring
15 gas station on the south. And you can see we're literally
16 almost literally abutting to the north as well. So that would
17 require -- that would cause difficulties on both properties,
18 north and south, as well as our own to be able to comply.

19 HEARING MASTER: Wouldn't the requirement just be that
20 the property owner here provide stubouts?

21 MR. PRESSMAN: Well, even providing a subout would
22 remove the parking -- parking on the site. Looking back at the
23 site --

24 HEARING MASTER: Right.

25 MR. PRESSMAN: -- because we're literally right at the

1 property line.

2 HEARING MASTER: Right.

3 MR. PRESSMAN: Because of its older status.

4 HEARING MASTER: Okay.

5 MR. PRESSMAN: So -- so good question.

6 HEARING MASTER: So the -- the subject property is
7 just not big enough to provide parking and the cross access as
8 required?

9 MR. PRESSMAN: Absolutely correct. Yes.

10 HEARING MASTER: Okay. Thank you.

11 MR. PRESSMAN: But we don't feel -- our -- our
12 contention obviously is, we don't feel that those cross
13 connections are appropriate let alone on our property, let alone
14 on the two neighboring properties.

15 And then pedestrian access is well provided by the
16 sidewalk which runs along Orient Drive. Pedestrian access was
17 the other issue. And again, citing again the subject prop -- or
18 the subject property, private properties with similar existing
19 conditions, that would prevent cross access on the pedestrian
20 element.

21 In -- in conclusion, really, what we're looking at is
22 a site that would be defunct. It would be inoperative. It
23 would be completely nonfunctional. It would be incapable of
24 carrying any use without the issues that are being brought
25 forward to make the site operative and functional.

1 HEARING MASTER: But the site is allowed us under its
2 existing zoning.

3 MR. PRESSMAN: My prolonged discussions with the
4 zoning staff is that any site, any use going forward would have
5 to meet these same challenges raised by the transportation
6 department.

7 HEARING MASTER: But I'm sorry, my question was any
8 uses that are currently allowed under the existing PD would be
9 allowed to continue.

10 MR. PRESSMAN: There are uses that are recognized
11 under the PD as permissible, but the lot is considered
12 nonconforming. That's been my understanding in discussions with
13 the staff as we've weeded through, obviously some complex issues
14 here.

15 HEARING MASTER: Okay.

16 MR. PRESSMAN: That is my understanding as of the last
17 few days.

18 HEARING MASTER: Okay. All right.

19 MR. PRESSMAN: Thank you.

20 HEARING MASTER: Thank you.

21 MR. PRESSMAN: We have (indiscernible) make a short
22 comment please.

23 HEARING MASTER: Thank you.

24 MR. MATHURA: My name is Ramasad Mathura. I live at
25 1612 Coral Oaks Drive, Valerico.

1 I bought this property to help my son out. I have a
2 son who's an auto mechanic, at the time, we didn't know that it
3 wasn't zoned for a tire shop because of all the existing tires
4 there. After we purchased it we realized the situation and --
5 and we have spent a lot of money fixing the building out. You
6 know, it was probably a crack house at one time. And we fix it
7 up. You know, I'm trying to help my son out.

8 HEARING MASTER: Was it a tire sought before?

9 MR. MATHURA: It was never -- it was a tire shop, but
10 it was never for a tire shop.

11 HEARING MASTER: Never zoned.

12 MR. MATHURA: It was illegal.

13 HEARING MASTER: Right. Okay.

14 MR. PRESSMAN: So this is the family's business. This
15 is the sole element that they're trying to put together. And as
16 you recognize, there are a -- a large number of uses that are
17 permissible here. Retail, bank, the list goes on. The issue is
18 is as raised by transportation is a lot conformance. Although
19 the staff on site is very compatible and cohesive. Thank you.

20 HEARING MASTER: Thank you. All right.
21 Development Services.

22 MS. CHAPELA: Good afternoon. This is Tania Chapela,
23 Development Services.

24 The parcel is part of the planned development 92-0056
25 that was approved during the zoning conformance. And it is most

1 recently approved as major notification 21-0036 that permits a
2 wide range of agricultural, commercial, office limited light
3 industrial and residential uses. The applicant is requesting to
4 expand the existing entitlements to allow a major and minor
5 vehicle repair uses while keeping the existing building.

6 The surrounding area contains a wide range of
7 commercial uses approved under the same PD 92-0056. To the west
8 is a use approved under PR 16-0941, which permitted open storage
9 for two semi tractor trailers. To the south is a gas station
10 with pumps and a convenience store. To the north and across
11 Orient Road, to the -- the east R zoned property is developed
12 with commercial and retail uses. Development Services staff
13 finds the proposed use will not negatively impact the
14 surrounding area and will be compatible with the surrounding
15 area as well.

16 However, as we have discussed already, transportation
17 staff objects to the rezoning due to outstanding safety issues,
18 lack of compliance with pedestrian and vehicular cross access
19 provisions, insufficient parking and loading zone and an
20 insufficient pedestrian connection.

21 Additionally, the applicant has not provided an
22 analysis and a configuration to the site plan to comply with or
23 justify a variance for code requirements for access parking
24 loading area drive. (Indiscernible) pedestrian connections
25 require the LDC.

1 Based on this considerations, staff finds the request
2 is not supportable and recommends denial. I'm available for
3 questions.

4 HEARING MASTER: Yes. Ms. Chapela, the
5 modification -- major modification 21-0036, it's mentioned in
6 this staff report. Was that at all related to this property or
7 anything close by or was it something else? Do you know?

8 MS. CHAPELA: Can you please repeat the number?

9 HEARING MASTER: It's in the staff report. The very
10 first page. It says that this existing PD was -- was, I guess,
11 subject to major modification 21-0036.

12 MS. CHAPELA: Yes, I understand that's the latest and
13 greatest approval we have. That's dated -- that's the last
14 conditions of approval or was typed August 2021. We also have a
15 current application just across the street. It's also my case,
16 24-0904.

17 HEARING MASTER: Okay.

18 MS. CHAPELA: As far as I understand.

19 HEARING MASTER: That's all right. I -- I just
20 wondered whether that major modification had anything -- any
21 relation to this property, but apparently it doesn't.

22 MS. CHAPELA: I understand your question. It does not
23 have --

24 HEARING MASTER: Okay.

25 MS. CHAPELA: -- a relationship with this property.

1 HEARING MASTER: All right. Thank you. Is
2 transportation or transportation staff here, could they speak to
3 their objections? We can come back to them if they're not --

4 MR. PEREZ: Yes. Good evening, Zoning Hearing Master.

5 HEARING MASTER: Thank you.

6 MR. PEREZ: This is Richard Perez, for the record,
7 transportation review section.

8 As laid out in the transportation review comments on
9 the staff report, the basis for staff's objection is that the
10 applicant has not demonstrated that the proposed development can
11 meet county code and technical standards as it relates to
12 vehicular access, parking, loading areas, drive aisle standards,
13 throat depth and pedestrian access, given the site's existing
14 conditions and it's geometric constraints of the site raising
15 critical like safety and right-of-way encroachment issues.

16 Furthermore, there are requirements for, as pointed as
17 discussed, Section 604.03.Q, cross access that the applicant
18 submitted an administrative variance to seek relief from, but
19 that has not been deemed approvable by the county engineer. All
20 of these issues are of a significant safety and operational
21 nature that -- that must be addressed as part of the plan
22 development rezoning process and not left to the site
23 development phase.

24 And staff recognizes that there is an existing
25 building there, but to meet code as it is today, the applicant

1 has and demonstrated they're capable of doing that and that --
2 trying to utilize the same building isn't necessarily
3 justification to not meet safety and other access requirements.
4 Modifications could be made in the building or to the site that
5 would allow it to meet code.

6 HEARING MASTER: So is it your testimony, then, that
7 despite the -- the subject parcel's relatively small size for
8 the proposed use, that the parcel could be brought to code or, I
9 guess for this use?

10 MR. PEREZ: I -- I don't think the applicant has
11 exhausted every opportunity to make this site comply with code
12 standards. For example, the requirement that vehicles can
13 maneuver sufficient that they are leaving the site in a forward
14 motion is a requirement of Section 604.03.E. The location of
15 the parking is such that it does appear that it's very difficult
16 to maneuver and the backout in such a way to orient the vehicle
17 to move forward into Orient Road, which is a collector roadway
18 with a 45-mile per hour speed limit, very close to the
19 intersection with turn lanes at the approach of the intersection
20 with MLK Boulevard.

21 No -- the -- the -- the administrative variance that
22 the applicant spoke of has not been adjudicated by the county
23 engineer. The other issue with drive aisles per the county's
24 technical transportation technical manual TD2 typical details,
25 the drive aisles in the parking lot have to be a minimum of 24

1 feet to allow for sufficient maneuvering throughout the site.

2 The site proposes approximately 17-foot drive aisles
3 which are in sufficient for safe maneuvering on the site. There
4 doesn't appear to be, and I see the applicants spoken to the
5 loading zone, but there doesn't appear to be a -- a loading zone
6 designated on a submitted site plan that shows that it meets the
7 minimum 12 by 30-foot dimension that is required.

8 There are also throat depth issues. For example, the
9 Land Development Code requires a minimum of a 30-foot wide
10 throat depth on site. The -- the site appears to only have a
11 15-foot throat depth. And then additionally, there are the
12 pedestrian connectivity issues and ADA access throughout the
13 site that are a concern, as vehicles would be maneuvering in and
14 out through the site.

15 HEARING MASTER: Okay. Thank you very much. I
16 appreciate your testimony.

17 MR. PEREZ: You're welcome.

18 HEARING MASTER: All right. Planning Commission.

19 MS. LIENHARD: Thank you. The subject property is
20 located in the research corporate park Future Land Use Category.
21 It is in the urban service area. And it is also located within
22 the limits of the East Lake Orient Park Community Plan. The
23 subject site is surrounded by the research corporate park
24 community -- I'm sorry, Future Land Use Category to the northwest
25 and south and across Orient Road to the east is the office

1 commercial 20 Future Land Use Category. Objective nine and
2 Policy 9.2 of the Future Land Use Element require that
3 developments must meet or exceed the requirements of all land
4 development regulations.

5 The proposal is inconsistent with this policy
6 direction. The Hillsborough County Development Services
7 Department and the Hillsborough County Transportation Review
8 Section have indicated during the sufficiency review process
9 that there are concerns with the nonconforming site and its
10 inability to meet certain setback, street tree, parking and
11 cross access requirements. The county transportation review
12 section has objected to the proposal based upon those reasons.

13 Future Land Use Element Policy 9.3 discusses legal
14 nonconforming uses and permits the rebuilding or expansion of
15 existing legal nonconforming uses which do not have a
16 significant adverse impact on adjacent properties. The
17 objection by the county pertaining to the safety of the proposed
18 parking, loading and other vehicular movements are not
19 consistent with this policy direction. The proposed rezoning
20 meets the intent of Future Land Use Element Objective 16 and
21 Policies 16.1 and 16.2 as they relate to neighborhood
22 protection.

23 The proposed vehicle repair use is suitably located in
24 accordance with locational criteria and is among similar uses in
25 its operating -- operating characteristics. There are no

1 adjacent neighborhoods which would require buffering and
2 screening between land uses.

3 However, the proposal is inconsistent with the intent
4 of Policy 16.3 as the building is nonconforming. This prevents
5 the development of adequate parking and safe vehicular
6 maneuvers. The proposal does not include vehicular or
7 pedestrian cross access. Objective 15-12 and Policies 15-12.1
8 and 15-12.4 of the community design component in the Future Land
9 Use Element discuss access across property lines for both
10 vehicles and pedestrians to allow users of mixed use areas to
11 travel between uses without returning to a roadway.

12 It also discusses the reduction of parking when access
13 is shared. The proposal is inconsistent with the intent of this
14 policy language. The proposal does not meet parking
15 requirements and does not provide either vehicular or pedestrian
16 cross access. Mobility section Objective 4.1 and Policy 4.1.2
17 also discuss interconnections between adjacent compatible
18 development and the proposal does not provide that.

19 Furthermore, transportation review staff has objected
20 based on the limited parking area and the existing building
21 location, which there are concerns about how the site will
22 operate safely and there is not adequate space for cars to back
23 out.

24 Based upon those considerations, Planning Commission
25 staff finds the proposed modification inconsistent with the

1 Unincorporated Hillsborough County Comprehensive Plan. Thank
2 you.

3 HEARING MASTER: Thank you. All right. Is there
4 anyone here or online who wishes to speak in support of this
5 application? I'm not hearing anyone.

6 Is there anyone here or online who wishes to speak in
7 opposition to this application? All right. I'm not hearing
8 anyone.

9 Development Services, anything further?

10 MS. HEINRICH: I would just add, as Mr. Pressman
11 stated, and I know we've talked a lot along with the case
12 planner. This is a unique zoning and that it's a zoning
13 conformance project that, like Mr. Pressman said was outlining
14 an area saying you're PD and here's uses that you could have.
15 It does not provide us with development standards. So really,
16 the only nonconformity at this point would be the use, the --
17 the use that was there, the tire store that was not permitted.

18 So unfortunately, as you probably know, with any use,
19 that doesn't mean it could be appropriate at all locations due
20 to maybe the size of the parcel or where the building is. It
21 does get a little more difficult when you have an existing
22 building and, you know, staff could explore that further, but
23 it -- it sounds like the use has ceased over the years. So it
24 would be kind of difficult to take that kind of review under.
25 But --

1 HEARING MASTER: What -- what was the use that was
2 approved under the conforming -- conformance PD zoning?

3 MS. HEINRICH: It didn't state -- it provides, like
4 Mr. Pressman stated, a page long list of uses, variety from very
5 intense uses to very non-intense residential uses. I believe
6 probably at the time in 1992, they just wanted to recognize
7 things that were there things that they felt would be
8 appropriate there in the future. And that's what they gave us.

9 HEARING MASTER: Okay. I understand. Thank you.

10 All right. Applicant.

11 MR. PRESSMAN: If you can give me just one moment,
12 please to respond to your -- just make a comment to your
13 question from the staff report.

14 HEARING MASTER: All right. And, Mr. Pressman, in
15 your comments, maybe you can address the possibility that the
16 site plan could have been more specific or could use -- could
17 have been these address -- these issues could have been
18 addressed more fully in the site plan.

19 MR. PRESSMAN: The only issue that -- or the only item
20 that may not have been presented completely is the loading zone,
21 which there is an area, as I pointed out in my slide, that does
22 meet and exceed the dimensions required for a loading zone,
23 although, of course, as I clearly noted or showed, that would
24 occur in front of the single vehicle repair area.

25 So that is an area that can provide for that and not

1 meeting all the requirements of the code, as we're hearing on a
2 number of circumstances, but it would meet that -- most of that
3 requirement.

4 As the staff report says, under the original PD,
5 there's a wide range of uses permitted. But I think while we
6 heard very specific, I -- I don't use this word negligibly,
7 credit requirements under the code. And those are important.
8 The fact is, we clearly show since 2019 when there's been uses
9 there and operating, that there's not been a single incident
10 accident on Orient Road. That's a long term five-year record
11 that was pulled to show that while transportation staff is
12 bringing up a number of issues that they indicate are
13 nonfunctional, the reality is, is that the site has been able to
14 run and operate without a danger to Orient Road. And that's
15 really a -- a test of time. The proof is in the pudding. I
16 think it's a very strong indication that, as -- as Ms. Heinrich
17 said, we're looking at a difficult site and unusual site here,
18 unusual issue. But I think the critical factor is, how has the
19 site operated? How has the site performed? And the site's
20 performed very well on transportation issues.

21 HEARING MASTER: All right. Thank you. I have no
22 further questions for you.

23 MR. PRESSMAN: Thank you.

24 HEARING MASTER: All right. We have two more cases.
25 Shall we take a -- a quick break? It's 8:00. Typically, we

1 take about five minutes after two hours. So five minutes.

2 We'll be back at about 8:03.

3 (Off the record at 7:57 p.m.)

4 (On the record at 8:03 p.m.)

5 HEARING MASTER: All right. Thank you. Welcome back
6 to the May 14, 2024 Zoning Hearing Master Meeting. And I failed
7 to state on the record that we're closing major modification
8 24-0029. So I'm stating that now that case is closed and we're
9 ready to go onto the next case.

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1 at 6:00 p.m.

2 MR. MOLLOY: Thank you.

3 HEARING OFFICER: Thank you so much.

4 MS. HEINRICH: Next, we have Agenda page eight, Item
5 D.6, Major Mod 24-0029. The applicant is requesting a
6 continuance to the May 14, 2024 ZHM Hearing which would need to
7 be approved by the hearing officer.

8 HEARING OFFICER: All right. Is the applicant here?
9 Good evening.

10 MR. PRESSMAN: Good evening, Hearing Officer.
11 Todd Press, 200 2nd South, Number 451, Saint Petersburg.

12 Similar to the last one, we received some significant
13 transportation, items and concerns that we're addressing. So
14 we're looking to continue tonight so we can work with those and
15 address them as best we can.

16 HEARING OFFICER: Okay. Let me ask, again, if there
17 is anyone in the room or online that would like to speak to the
18 continuance of Major Modification 24-0029? That's Agenda Item
19 D.6. Anyone to speak to the continuance? All right. I'm
20 hearing no one.

21 We'll continue Major Modification 24-0029.

22 THE CLERK: Mr. Pressman.

23 HEARING OFFICER: Oh, Mr. Pressman, sign in please.
24 Sorry.

25 Continue Major Modification 24-0029 to the

1 May 14, 2024 Zoning Hearing Master Hearing at 6:00 p.m.

2 MS. HEINRICH: And now we'll go over the published
3 withdrawals and continuances for tonight.

4 The first one is Item A.1, PD 23-0618. This
5 application is being withdrawn by the zoning administrator in
6 accordance with LDC Section 10.03.02.C.2.

7 Item A.2, Major Mod 23-0768. This application is out
8 of order to be heard and is being continued to the
9 April 15, 2024 ZHM Hearing.

10 Item A.3, PD 23-0780. This application is being
11 continued by the applicant to the April 15, 2024 ZHM Hearing.

12 Item A.4, PD 23-0848. This application is out of
13 order to be heard and is being continued to the April 15, 2024
14 ZHM Hearing.

15 Item A.5, Major Mod 23-0904. This application is out
16 of order to be heard and is being continued to be April 15, 2024
17 ZhM Hearing.

18 Item A.6, PD 23-0997. This application is being
19 continued by the applicant to the April 15, 2024 ZHM Hearing.

20 Item A.7, Major Mod 24-0034. This application is out
21 of order to be heard and is being continued to the
22 April 15, 2024 ZHM Hearing.

23 Item A.8, PD 24-0044. This application is being
24 continued by the applicant to the April 15, 2024 ZHM Hearing.

25 Item A.9, PD 24-0141. This application is out of

ZHM Hearing
February 20, 2024

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
)
IN RE:)
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ZONE HEARING MASTER)
HEARINGS)
)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch
Land Use Hearing Master

DATE: Tuesday, February 20, 2024

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

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

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

1 continued by the applicant to the March 25, 2024 ZHM Hearing.

2 Item A.14, Major Mod 24-0029. This application is out
3 of order to be heard and is being continued to March 25, 2024,
4 ZHM Hearing.

5 Item A.15, PD 24-0031. This application is being
6 continued by Staff to the March 25 2024, ZHM Hearing.

7 Item A.16, Major Mod 24-0034. This application is out
8 of order to be heard and is being continued to the March 25,
9 2024, ZHM Hearing.

10 Item A.17, PD 24-0044. This application is being
11 continued by the applicant to the March 25, 2024 ZHM Hearing.

12 Item A.18, PD 24-0124. This application is out of
13 order to be hear and is being continued to the April 15, 2024
14 ZHM Hearing.

15 Item A.9 -- A.19, PD 24-0132. This application is out
16 of order to be heard and is bing continued to the March 25, 2024
17 ZHM Hearing.

18 Item A.20, PD 24-0141. This application is out of
19 order to be heard and is being continued to the March 25, 2024,
20 ZHM Hearing.

21 Item A.21, PD 24-0147. This application is being
22 withdrawn from the ZHM process.

23 Item A.22, Standard Rezoning 24-0166. This
24 application is out of order to be heard and is being continued
25 to the March 25, 2024 ZHM Hearing.

1 the February 20, 2024 Zoning Hearing Master Hearing.

2 Item A.16, Rezoning PD 23-0918. This application is
3 out of order to be heard and is being continued to the
4 March 25, 2024 Zoning Hearing Master Hearing.

5 Item A.17, Major Mod Application 23-0951. This
6 application is out of order to be heard and is being continued
7 to the February 20, 2024 Zoning Hearing Master Hearing.

8 Item A.18, Specially Use General 23-0955. This
9 application is out of order to be heard and is being continued
10 to the February 20, 2024 Zoning Hearing Master Hearing.

11 Item A.19, Rezoning PD 23-0992. This application is
12 being continued by Staff to the February 20, 2024 Zoning Hearing
13 Master Hearing.

14 Item A.20, Rezoning PD 23-0993. This application is
15 out of order to be heard and is being continued to the
16 February 20, 2024 Zoning Hearing Master Hearing.

17 Item A.21, Rezoning PD 23-0994. This application is
18 being continued by the applicant to the February 20, 2024 Zoning
19 Hearing Master Hearing.

20 Item A.22, Rezoning PD 23-0997. This application is
21 out of order to be heard and is being continued to the
22 February 20, 2024 Zoning Hearing Master Hearing.

23 Item A.23, Major Mod Application 24-0029. This
24 application is out of order to be heard and is being continued
25 to the February 2024 Zoning Hearing Master Hearing.



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

DATE/TIME: 5/14/2024 6pm HEARING MASTER: Pamela Jo Hatley

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

<p>APPLICATION # <u>RZ 24-0232</u></p>	<p>PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S. #451</u> CITY <u>St. Petersburg (St.)</u> STATE <u>FL</u> ZIP <u>33719</u> PHONE <u>727-564-1760</u></p>
<p>APPLICATION # <u>RZ 24-0338</u></p>	<p>PLEASE PRINT NAME <u>Rohit Mehta</u> MAILING ADDRESS <u>6331 Gandula Dr</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>813-643-5511</u></p>
<p>APPLICATION # <u>RZ 24-0338</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Denah Butts</u> MAILING ADDRESS <u>11306 J and B Dr.</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>813-853-1280</u></p>
<p>APPLICATION # <u>RZ 24-0469</u></p>	<p>PLEASE PRINT NAME <u>CHRISTOPHER S. MCNEEL</u> MAILING ADDRESS <u>15957 N. FLORIDA AVE</u> CITY <u>LUTZ</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-205-2504</u></p>
<p>APPLICATION # <u>RZ 23-0997</u></p>	<p>PLEASE PRINT NAME <u>Trent Stephenson</u> MAILING ADDRESS <u>505 E Jackson #200</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 375 0616</u></p>
<p>APPLICATION # <u>RZ 23-0997</u></p>	<p>PLEASE PRINT NAME <u>Stephen Sposato</u> MAILING ADDRESS <u>505 E Jackson St.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-375-0616</u></p>

DATE/TIME: 5/14/2024 6pm HEARING MASTER: Pamela Jo Hatley

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


<p>APPLICATION # RZ 23-0997</p>	<p>PLEASE PRINT NAME <u>STEVE HENRY</u></p> <p>MAILING ADDRESS <u>5023 W. LANIER ST</u></p> <p>CITY <u>TVA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u></p>
<p>APPLICATION # RZ 23-0997</p>	<p>PLEASE PRINT NAME <u>Rebecca Kert</u></p> <p>MAILING ADDRESS <u>400 N Tampa St Suite 1908</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-368-3064</u></p>
<p>APPLICATION # RZ 23-0997</p>	<p>PLEASE PRINT NAME <u>Michael Brooks</u></p> <p>MAILING ADDRESS <u>400 N Tampa St / St 1910</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-594-5900</u></p>
<p>APPLICATION # MM 24-0029</p>	<p>PLEASE PRINT NAME <u>Todd Pressing</u></p> <p>MAILING ADDRESS <u>200 Julie Ave S #157</u></p> <p>CITY <u>J. Pk</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>813-274-1760</u></p>
<p>APPLICATION # MM 24-0029</p>	<p>PLEASE PRINT NAME <u>Rajiv Mathur</u></p> <p>MAILING ADDRESS <u>1612 Carlin Oaks Dr</u></p> <p>CITY <u>Vero</u> STATE <u>FL</u> ZIP <u>32909</u> PHONE <u>887-7164211</u></p>
<p>APPLICATION # RZ 24-0293</p>	<p>PLEASE PRINT NAME <u>William J. Molly</u></p> <p>MAILING ADDRESS <u>326 S Blvd</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>813-629-2752</u></p>

DATE/TIME: 5/14/2024 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING


APPLICATION # <u>RZ 24-0454</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>14 E Kennedy Blvd, Ste 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION # <u>RZ 24-0454</u>	PLEASE PRINT NAME <u>Stephen Sposato</u> MAILING ADDRESS <u>505 E Jackson St</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-375-0611</u>
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____
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MAY 14, 2024 - ZONING HEARING MASTER


The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, May 14, 2024, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.


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

A. WITHDRAWALS AND CONTINUANCES

 Michelle Heinrich, Development Services (DS), reviewed the changes to the agenda.

 Pamela Jo Hatley, ZHM, overview of ZHM process.

 Assistant County Attorney Mary Dorman, overview of evidence/ZHM/BOCC Land Use process.

 Pamela Jo Hatley, ZHM, Oath.

B. REMANDS - None.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 24-0232

 Michelle Heinrich, DS, called RZ 24-0232.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-0232.

C.2. RZ 24-0338

 Michelle Heinrich, DS, called RZ 24-0338.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-0338.

C.3. RZ 24-0469

 Michelle Heinrich, DS, called RZ 24-0469.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-0469.

TUESDAY, MAY 15, 2024

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

D.1. RZ 23-0997

 Michelle Heinrich, DS, called RZ 23-0997.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 23-0997.

D.2. MM 24-0029

 Michelle Heinrich, DS, called MM 24-0029.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed MM 24-0029.

D.3. RZ 24-0293


 Michelle Heinrich, DS, called RZ 24-0293.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-0293.

D.4. RZ 24-0454

 Michelle Heinrich, DS, called RZ 24-0454.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-0454.

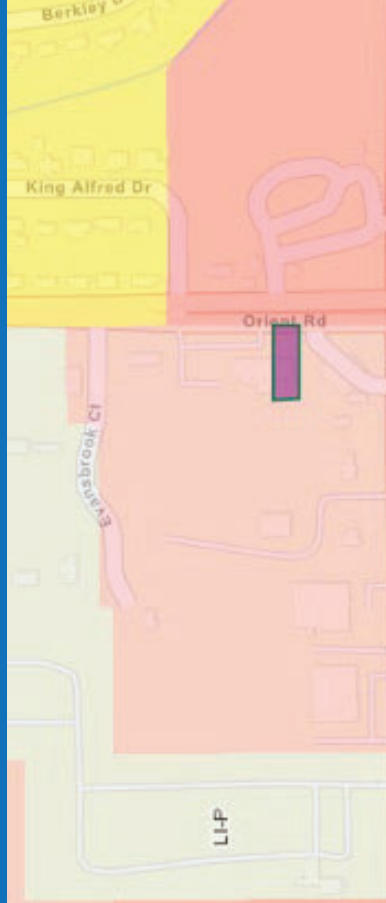
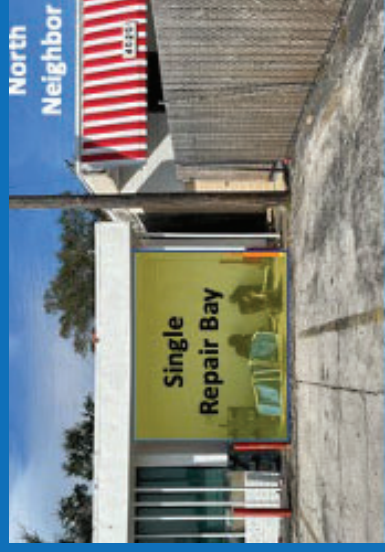
E. ZHM SPECIAL USE - None.

ADJOURNMENT

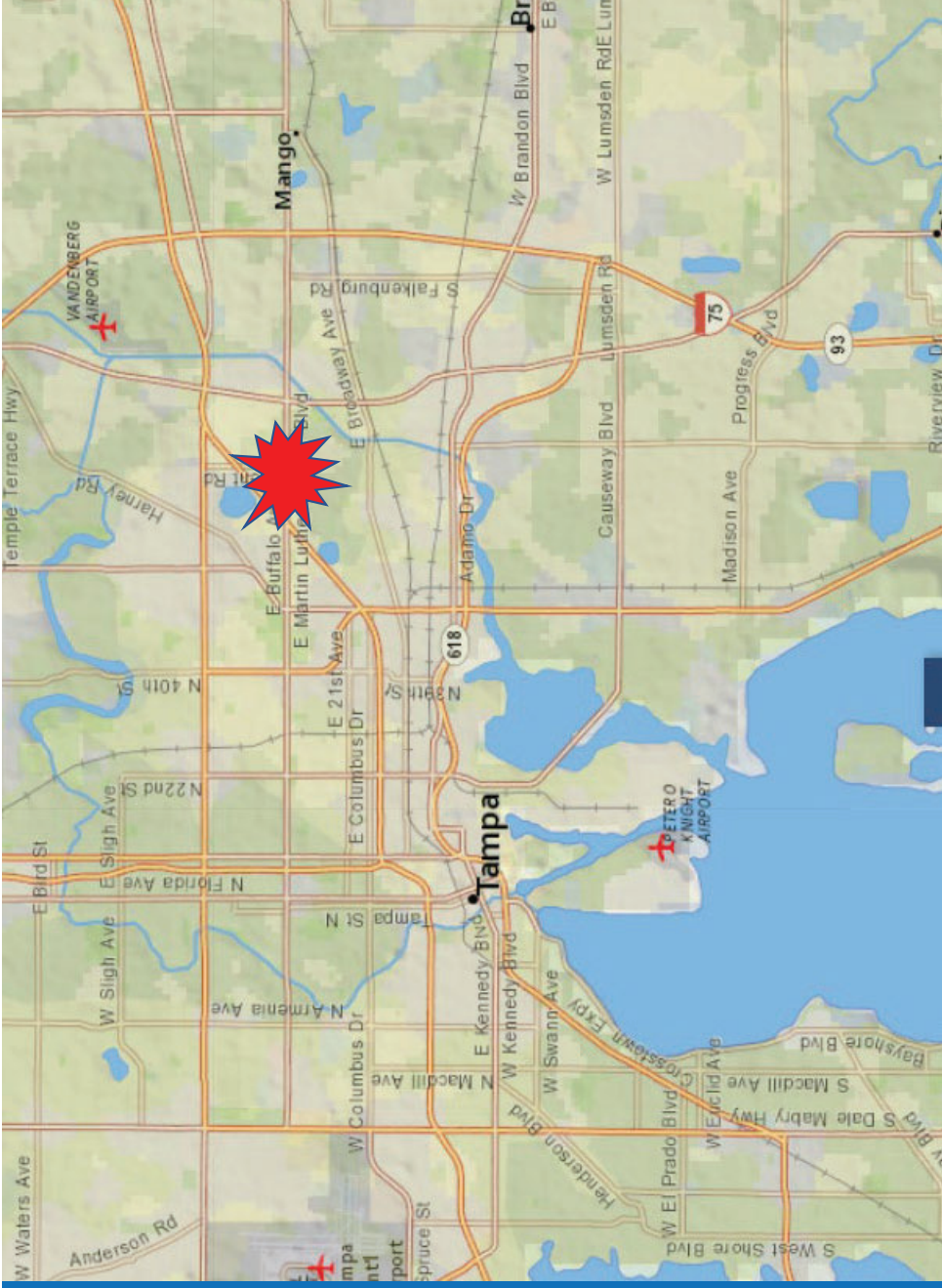
 Pamela Jo Hatley, ZHM, adjourned the meeting at 8:27 p.m.

Application No.	RZ 24-0029
Name:	Todd Pressman
Entered at Public Hearing:	ZHM
Exhibit #	1
Date	5/14/2024

MM 24-0029



.24 acres East Lake/Orient Park





MLK, Jr., Blvd.



PRIOR



RECENT TIMELINE

2019 to 2024



Issue: Major Modification of an old & unusual site.

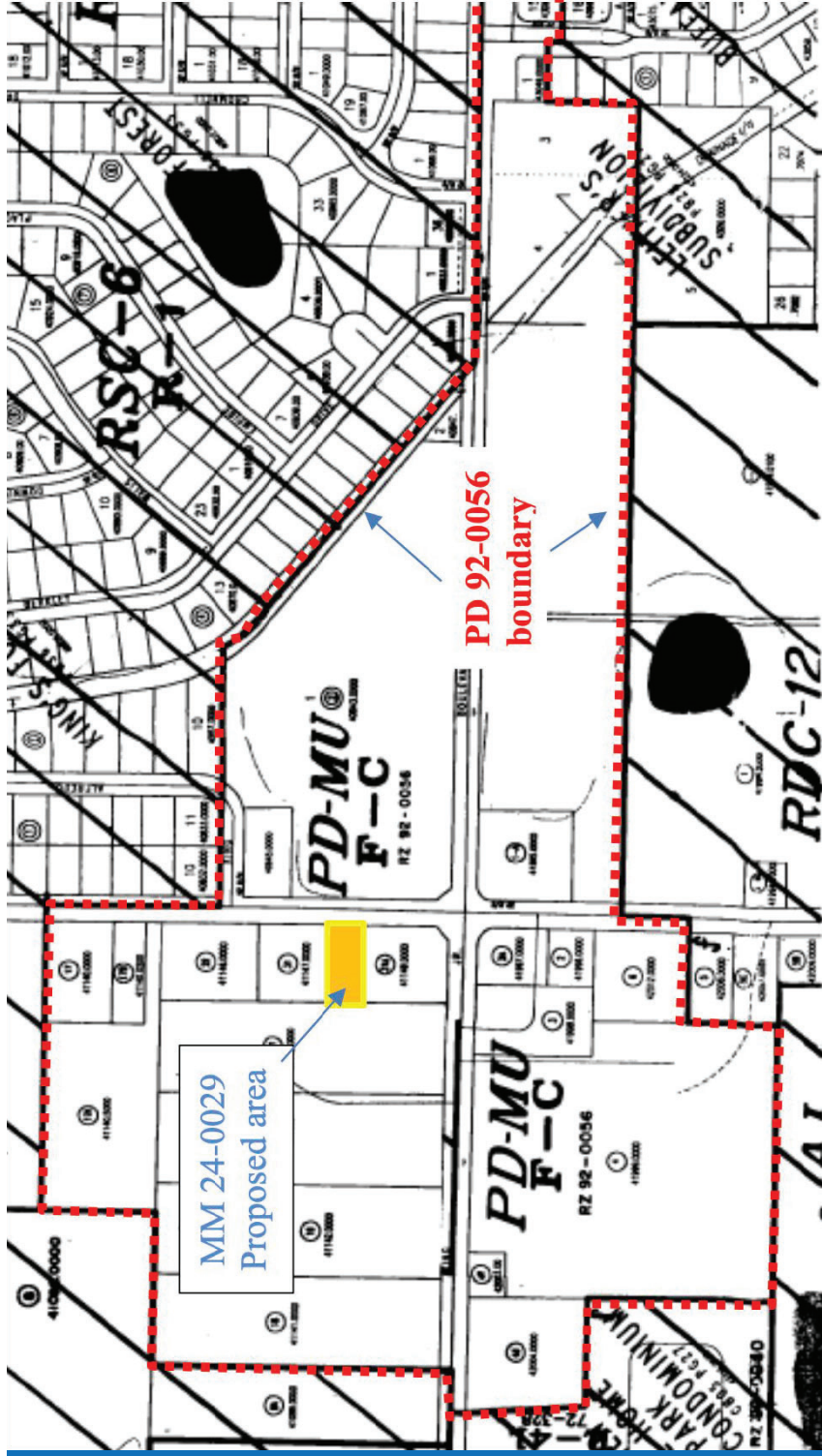
We are just seeking one additional new use:
auto repair with one operating repair bay.

- Long time existing, since 1963. Same Footprint.
- Per DSD, old PD that was just an official zoning map

The subject Planned Development is an old Zoning Conformance PD that covered a large geographic area and the PD site plan for the PD was literally a copy of the official zoning map. Therefore, as projects have come into modify the PD we have only required them to provide a site plan for the parcel being modified. You will see when reviewing the conditions there a numerous conditions that reference specific parcels and applications that amended the original PD conditions.

J. Brian Grady
Director, Community Development Division
Development Services Department

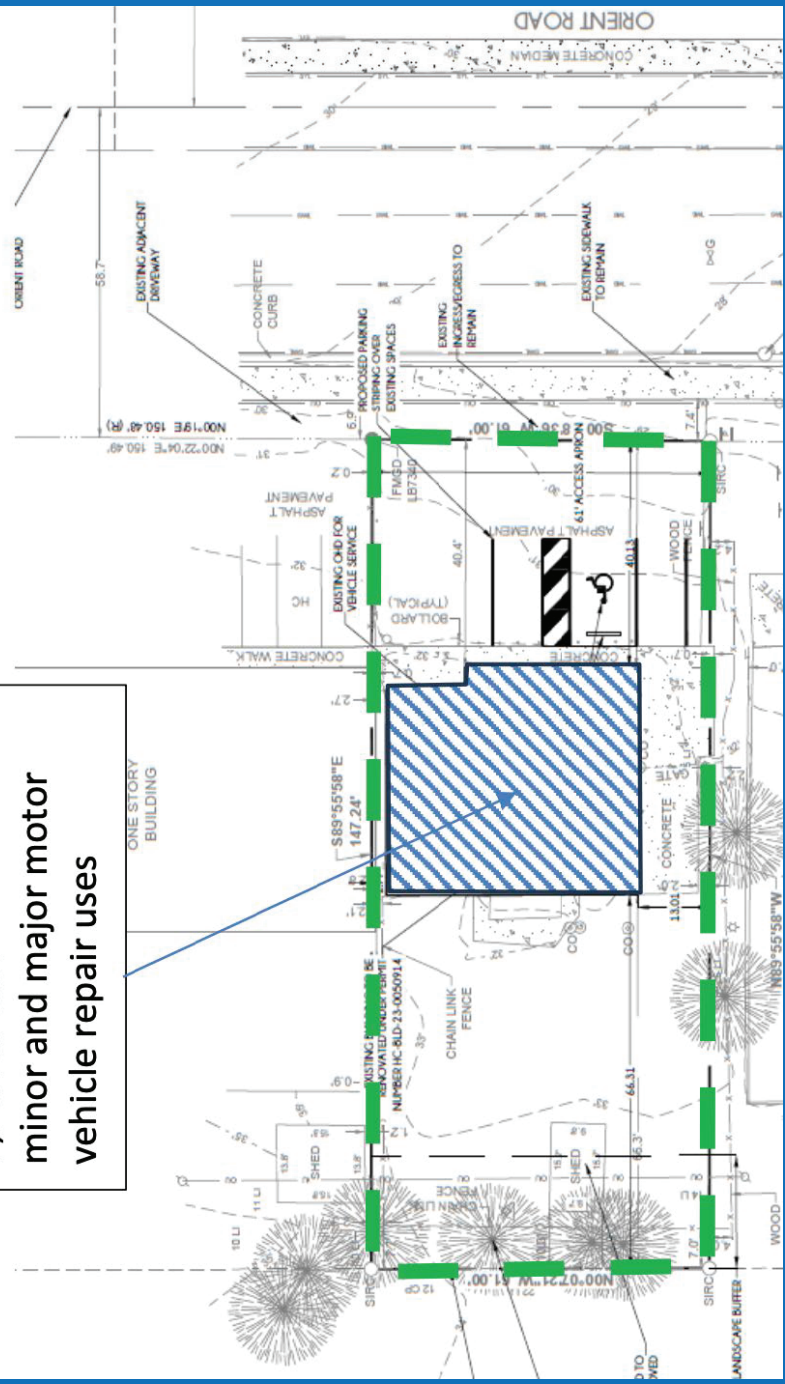
Existing Old PD (in red)



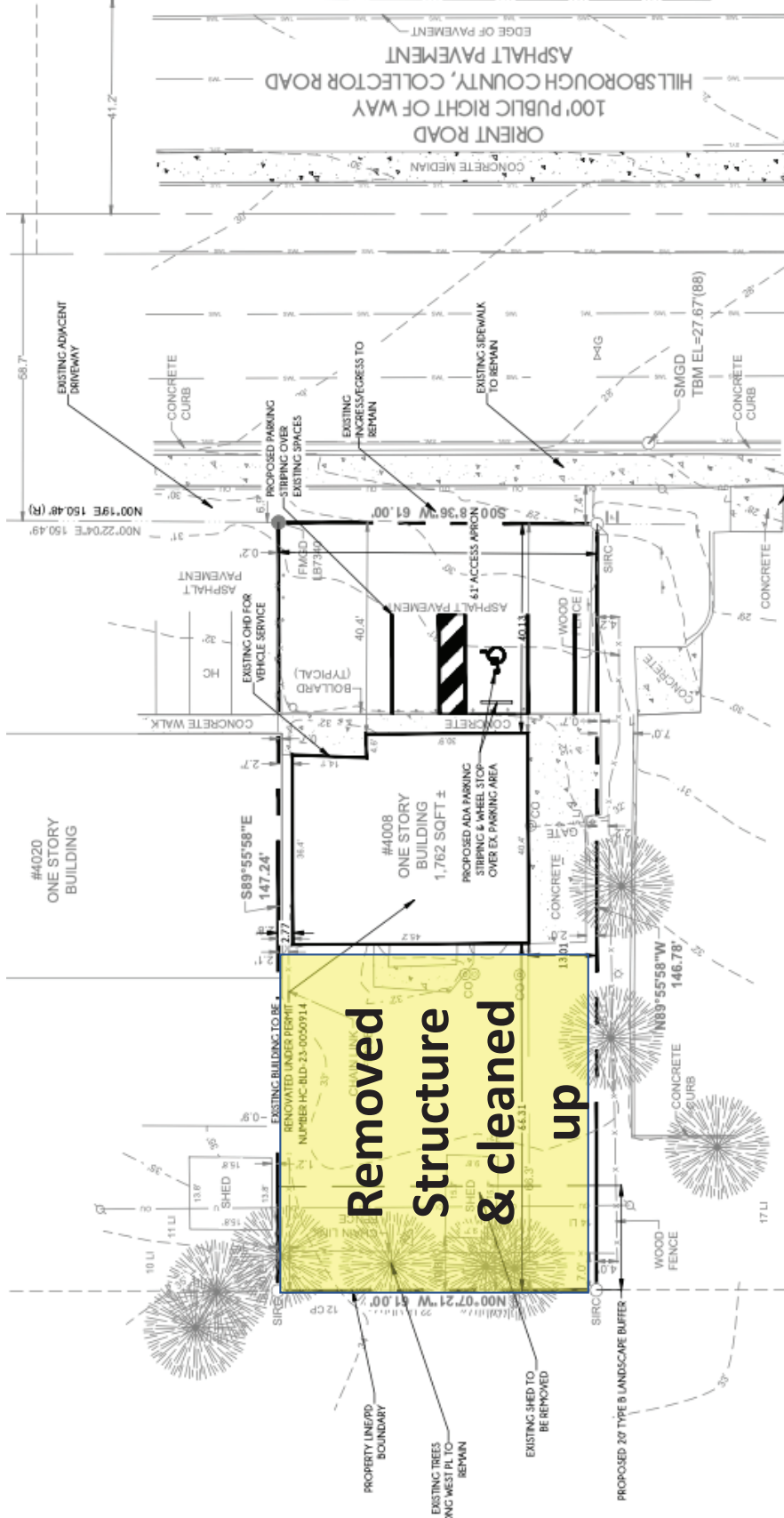
MM Plan

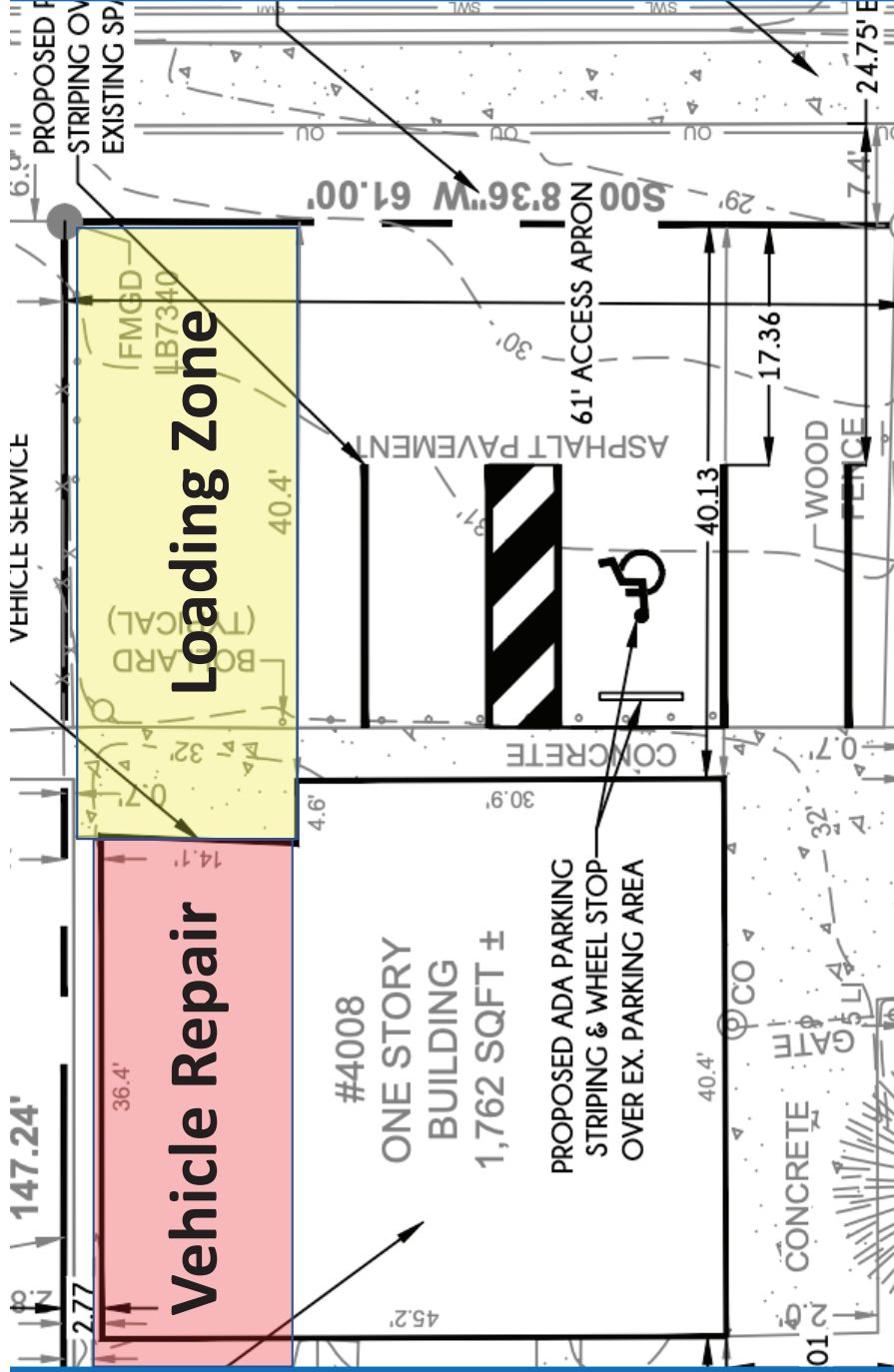
No foot
print change

Existing/Proposed building
1,762 sf GFA
minor and major motor
vehicle repair uses



PROPOSED PD





Vehicle Repair

Loading Zone

#4008
ONE STORY
BUILDING
1,762 SQFT ±

PROPOSED ADA PARKING
STRIPING & WHEEL STOP
OVER EX. PARKING AREA

VEHICLE SERVICE

61' ACCESS APRON

WOOD FENCE

147.24'

6.5'

PROPOSED STRIPING OVER EXISTING SP...

500 8.36"W 61.00'

24.75'E

ASPHALT PAVEMENT

CONCRETE

CONCRETE

2.77'

36.4'

14.1'

4.6'

30.9'

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North Neighbor



Single
Repair Bay

4020

4020
ORIENT RD

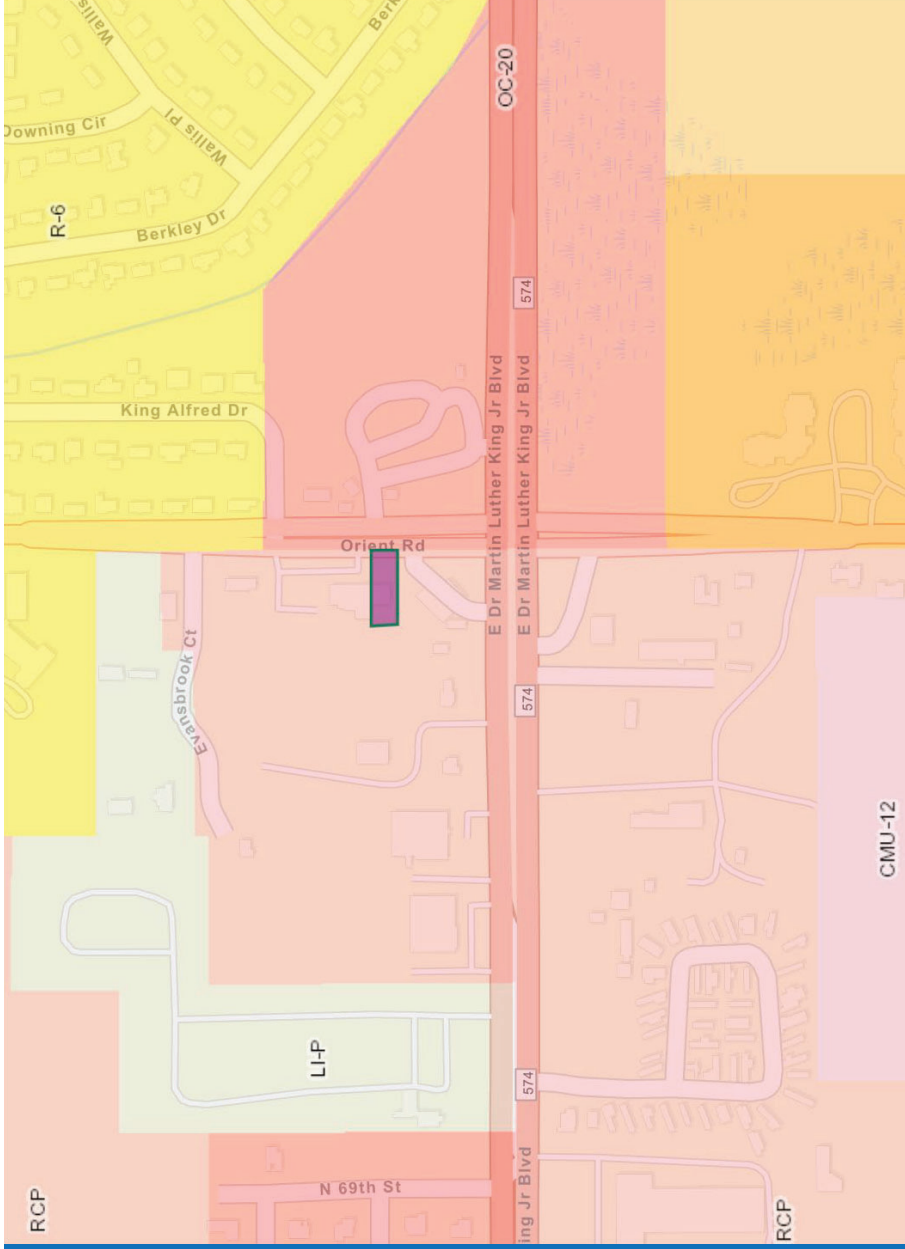
IMPROVEMENTS





**CMU-12 FLU...Light
Industrial,
community retail
commercial**

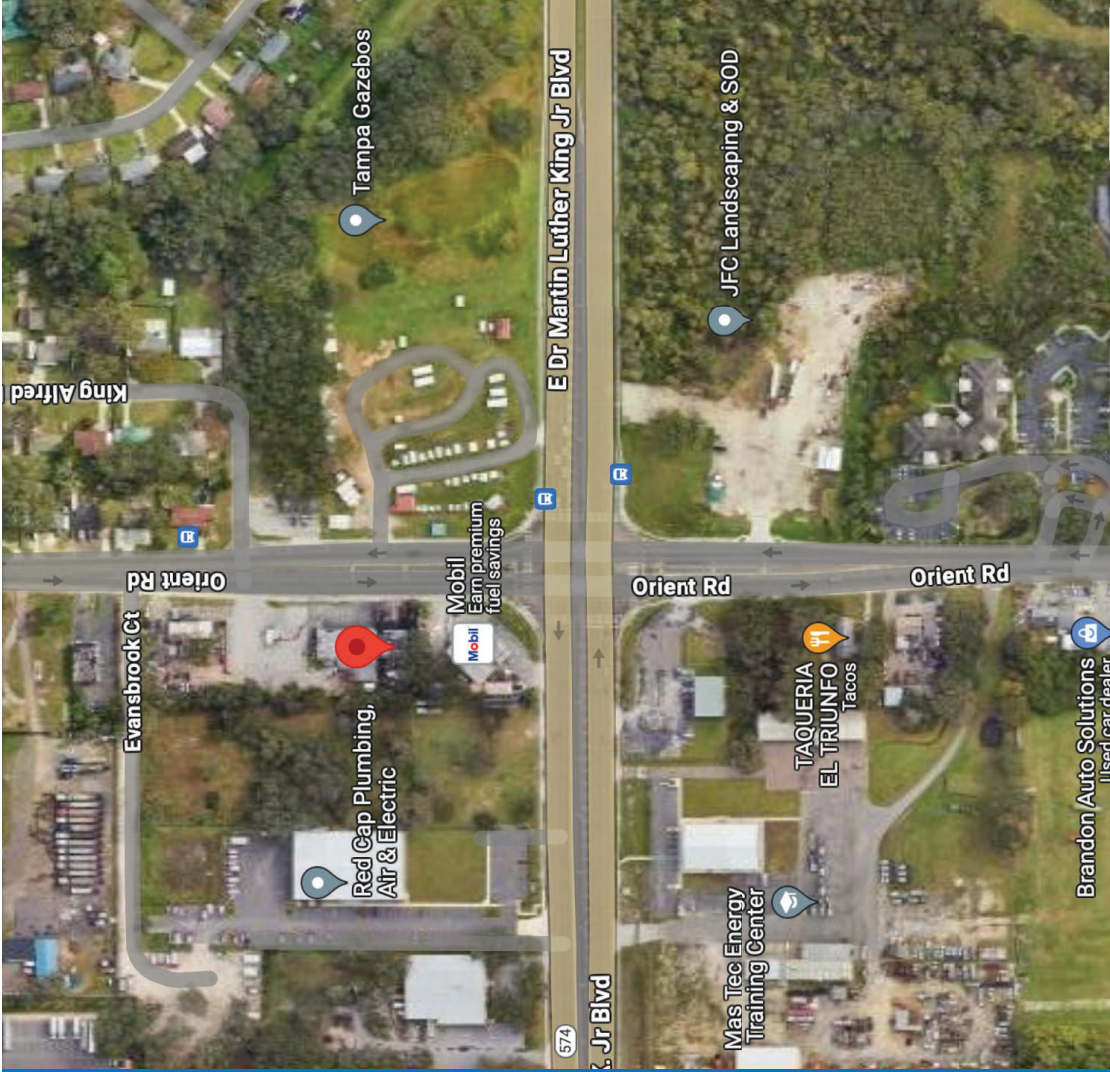
**OC-20 across the
street**



P.C.STAFF REPORT: Typical Uses:

Research and development activities, related educational facilities, electronic components production, light restricted manufacturing and warehousing, offices, corporate headquarters, and related uses such as hotels, motels, restaurants, recreational facilities, and rural scale retail establishments

P.C.: Meets Locational Criteria



D.S.D. STAFF REPORT: “Proposed Modification(s)”:

Approved PD uses include permits an array of uses including agricultural, commercial, and single family residential uses.

The applicant is requesting to expand the existing entitlements to allow major and minor vehicle repair uses, while keeping the existing building 1,762 SF GFA.

ZONING DEPT. 5.1 Compatibility

“The surrounding area contains a wide range of commercial uses approved under the same PD 92-0056. To the west is a use approved under PRS 16-0941 which permitted open storage of 2 Semi-tractor trailers. To the south is a gas station with pumps and a convenience store. To the north and across Orient Road, to the east are some properties developed with commercial and retail uses. Development Services Staff finds **the proposed use will not negatively impact the surrounding area and would be compatible with the surrounding area”**.

PLAN. COMM:” “The proposal meets the intent of Policy 1.4 in the Future Land Use Element (FLUE) in the *Unincorporated Hillsborough County Comprehensive Plan relating to compatibility*. **Furthermore, the proposed use is appropriate for the RCP Future Land Use category.**

Based on the development pattern in the surrounding area including the OC-20 category across the street to the east, **the proposal is also consistent with FLUE Objective 8 and Policy 8.1” ...**

P.C.:...The proposed rezoning meets the intent of FLUE Objective 16 and Policies 16.1, 16.2. The proposed vehicle repair use is **suitably located in accordance with locational criteria and is amongst similar uses in nature. There are no adjacent neighborhoods** which would require buffering and screening between land uses

...The proposed modification **meets the intent of the Community Plan** as the proposed vehicle repair use is located along Orient Road within the area

RETROFIT FROM 1963

Make Improvements...but cannot fix everything up to
2024 standards

Property Appraiser Record

Building Characteristics

Type: 65 | AUTO SERVICE/REPAIR GARAGE

Year Built: 1963

Construction Details

Element Code Construction Detail

31	31	14
BAS 1240	SFB 490	SE
31	5	2
	CAN 98	4
	14	14

"1995, Fast Food"

PAGE 1 OF 1
08/07/95
REV# 272 Z 06/11/92.

SEC. 02-29-19
N 61 FT OF S 291 FT OF E

MAP# 31-B
S02 T29 R19
CURA GUSTAVO E
3916 W SAN OLISPO ST 2
TAMPA FL

041148.C000
4012 ORIENT RIENT RD
HILLSBOROUGH COUNTY
MPOD 3500 100/100/100
2100 RESTAURANT

DESCRIPTION	100	AREA	PC1
COMMERCIAL	4500	504	50
REST FAST	20	1240	100
CONCRETE B	20	146	30
N/A	02		
BUILT UP C	02		
1ST STORY	100		
DRY WALL	24		
M/A	23		
CLAY TILE	23		
N/A	03		
ELECTRIC	100		
WALL	75		
MINIMUM	03		
MINIMUM	70		
MASONRY	06		
PARTIAL FT	100		
N/A	100		
NINE FEET	100		
DPR CONMSO			

NO	BOOK	PAGE	DATE	DC	QC	PRICE	UNITS
02	5367	093	3/88	MO	0	6000	390.00
01	5367	093	3/88	MO	U	10000	360.00

NO	BLDG	MUSE	DESCRIPTION	SRD	ADJ	LENGTH	WIDTH	UNITS	TP	PRICE	ADJUSTMENTS	ADJ PRICE	VALUE
04	L14	831	040 CANC/2 R45 U6 L14										
01	1	MACADAM								1.50		1.50	12942
02	1	CONE											

NO	USE	DESCRIPTION	FRONT	DEPTH	UNITS	TP	PRICE	ADJUSTMENTS	ADJ PRICE	VALUE
01	1410	CONVENIENCE STORE	61	108	8628.00	SF				
										12942

NO	BOOK	PAGE	DATE	DC	QC	PRICE	UNITS
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01	5367	093	3/88	MO	U	10000	360.00

NO	BLDG	MUSE	DESCRIPTION	SRD	ADJ	LENGTH	WIDTH	UNITS	TP	PRICE	ADJUSTMENTS	ADJ PRICE	VALUE
04	L14	831	040 CANC/2 R45 U6 L14										
01	1	MACADAM								1.50		1.50	12942
02	1	CONE											

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01	1	MACADAM								1.50		1.50	12942
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01	1	MACADAM								1.50		1.50	12942
02	1	CONE											

NO	BLDG	MUSE	DESCRIPTION	SRD	ADJ	LENGTH	WIDTH	UNITS	TP	PRICE	ADJUSTMENTS	ADJ PRICE	VALUE
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01	1	MACADAM								1.50		1.50	12942
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01	1	MACADAM								1.50		1.50	12942
02	1	CONE											

1620 SF - BUFFALO AVE

MARKET

MARKET

MARKET

LAND/TOTAL
HTD AREA
AREA/UNIT
EFF AREA
EFF RATE
BUIL DIENS
MKF ADJ
INDEZ
MARKET

0.26
1240
1240
1536
32.40
47766
36.00
31870

REST GOLD
SHDP

318 NOM
318 BUTICK FO
318 SANDWICH

PRICE Y8 DT PCT
1.50 63 DE 15
1.50 63 DE 15
MARKET

VALUE
2883
714
3597

PRICE
1.50

ADJ PRICE
1.50

MARKET
12942

MARKET

MARKET

MARKET

MARKET

MARKET

MARKET

MARKET

MARKET

"1990, Fast Food"

2-29-19 31-B

OWNER: **"B"**
 FIELD NO: 41148.000

ADDRESS OF PROPERTY: **4012 ORIENT RD.**

BUILDING DIAGRAM:
 7-11
 30
 40
 50
 60
 70
 80
 90
 100
 110
 120
 130
 140
 150
 160
 170
 180
 190
 200
 210
 220
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 980
 990
 1000

REAL PROPERTY RECORD **FAST FOOD**
 HILLSBOROUGH COUNTY TAX ASSESSOR **REBT**
 4-CHEAT

1134

A. BREXOR
 ARCHITECTURE
 GENERAL PLAN
 LANDSCAPING
 BROUJURE
 BOUNDARY CONSTRUCTION
 FOUNDATION
 WALLS
 ROOF
 EXTERIOR FINISH
 INTERIOR FINISH
 PARTITIONS
 FLOORING
 PLUMBING
 EQUIPMENT AND ACCESSORY SCHEDULE

BASIC INTERIOR CONSTRUCTION
 TABERNACLE
 HEATING
 COOLING
 INSULATION
 PARTITIONS
 FLOORING
 PLUMBING
 EQUIPMENT AND ACCESSORY SCHEDULE

1. PAIR RATE
 2. DEDUCTION
 3. DEDUCTION
 4. DEDUCTION
 5. DEDUCTION

TOTAL
 5990.00
 5800.00

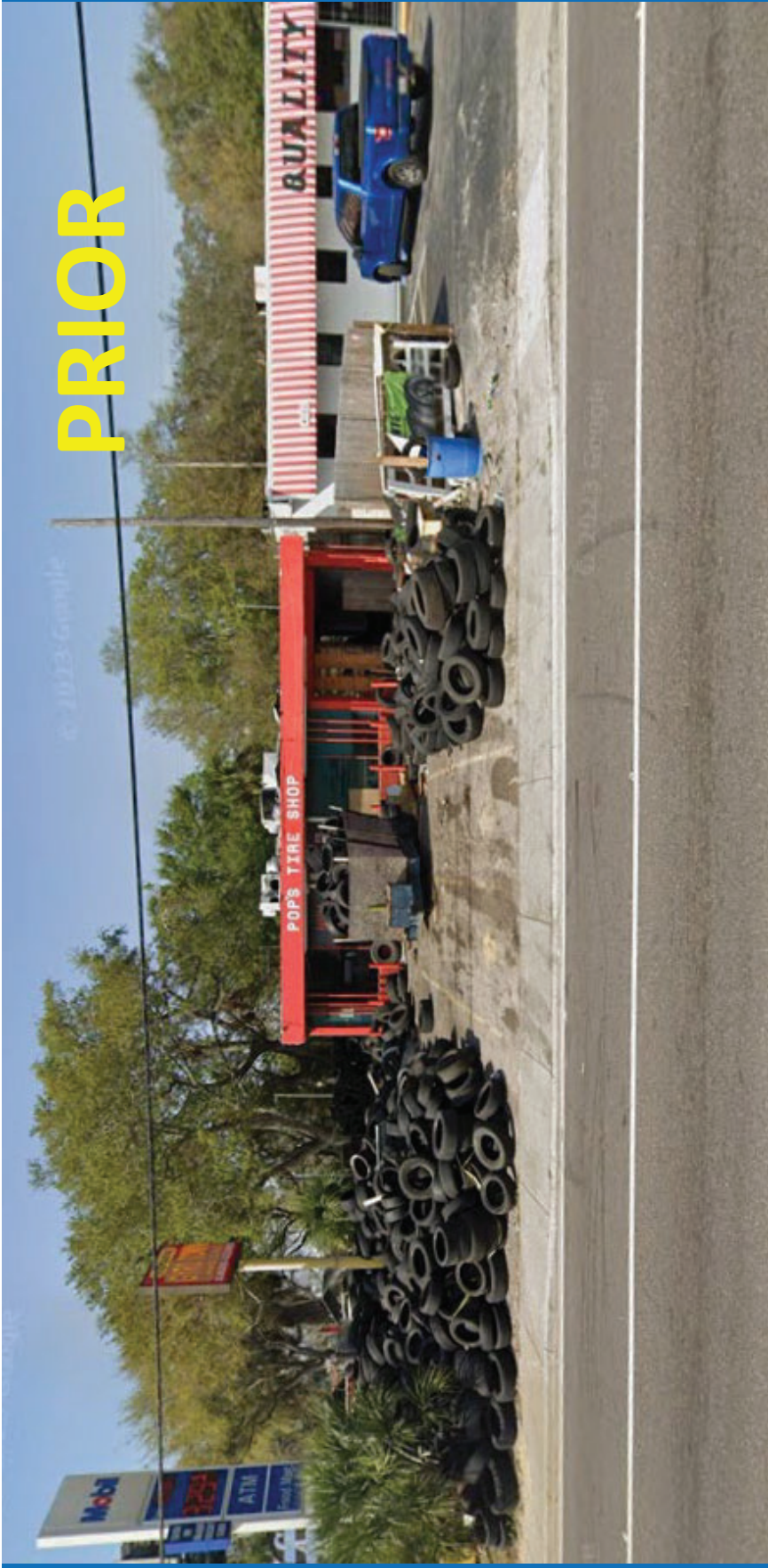
6. OTHER BLDG. PERM. FEE
 7. OTHER BLDG. PERM. FEE
 8. OTHER BLDG. PERM. FEE
 9. OTHER BLDG. PERM. FEE
 10. OTHER BLDG. PERM. FEE

CO. 11-11-19 5-6-19

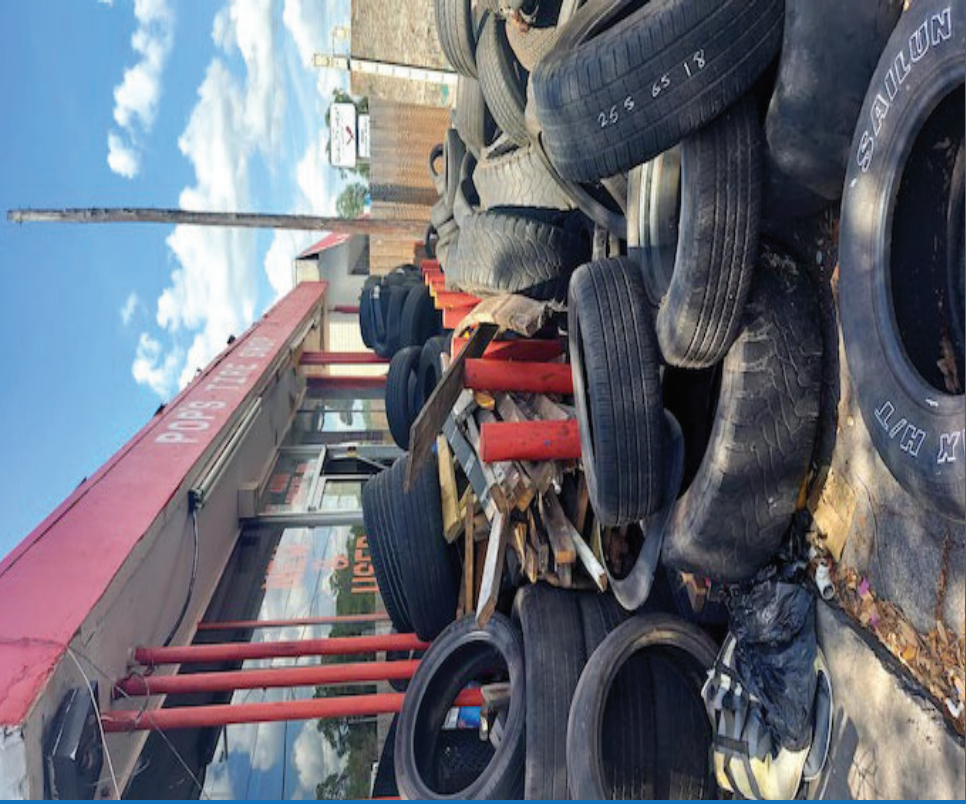
PRIOR



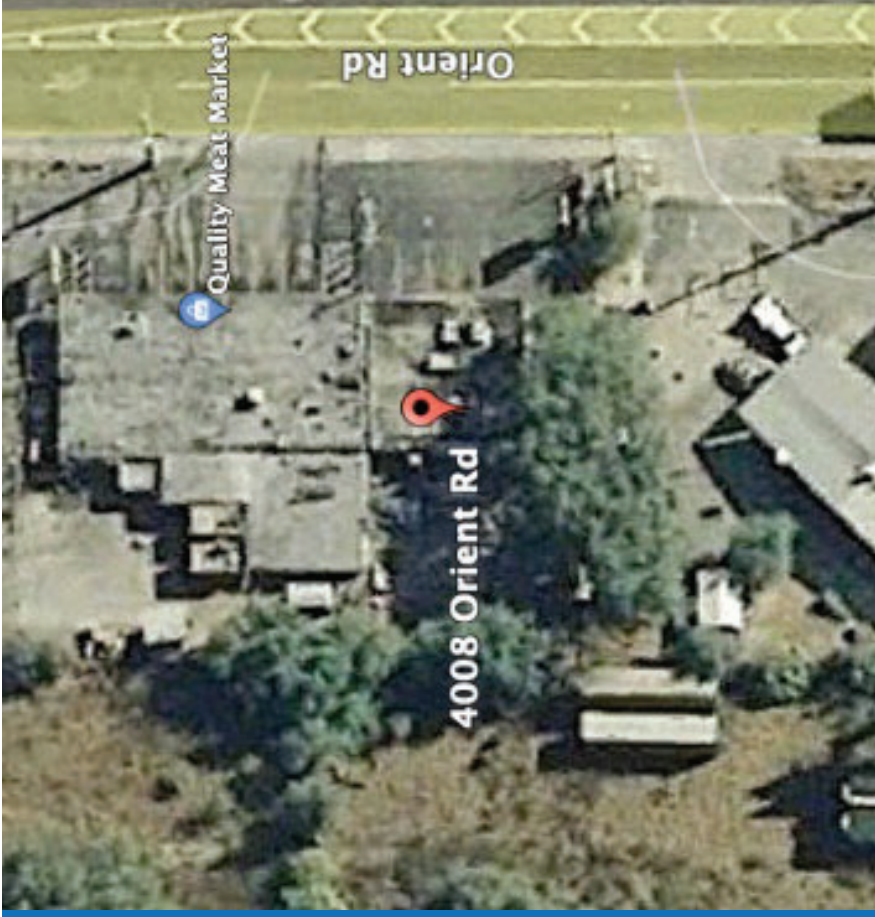
PRIOR







2009



2002



REQUIRED PARKING:

VEHICLE REPAIR: 3 SPACE PER REPAIR BAY (HILLSBOROUGH COUNTY LDC 6.05.02.E)

1 REPAIR BAY = 3 SPACES REQUIRED

3 SPACES PROVIDED

Transportation Dept.:

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-730	-69	-52

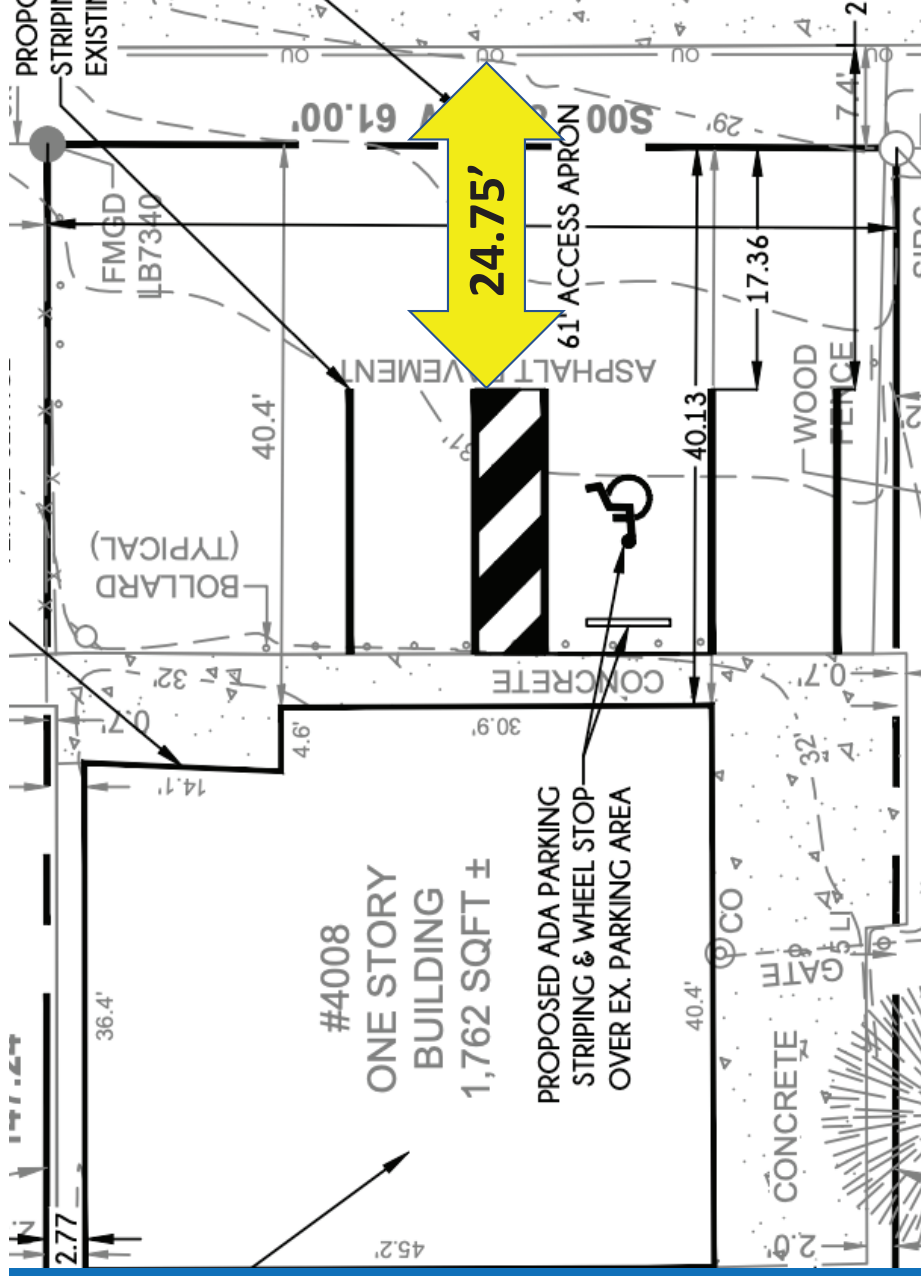
ADMINISTRATIVE VARIANCE FOR VEHICULAR EXIT ORIENTATION MATHURA MAJOR MODIFICATION

for LDC Sec. 6.04.03.E which states, "parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion." Per email correspondence with Sheida Tirado on

A. There is an unreasonable burden on the applicant.

- There is an existing 24.75' drive aisle located in front of the existing parking area. However, the distance from the back of the existing parking stall to the property line is approximately 17.4'. The remaining 7.35' are located within the Hillsborough County ROW because of a previous ROW dedication. The existing 24.75' allows for vehicles to turn around and make a forward exit from the site access. This is a similar condition to the adjacent property to the north. The applicant would be required to demolish the existing building and site, and completely reconfigure and reconstruct the site to accommodate the full width 24' drive aisle within their property.
- The use and site are long standing conditions.

24.75'
provided to
curb



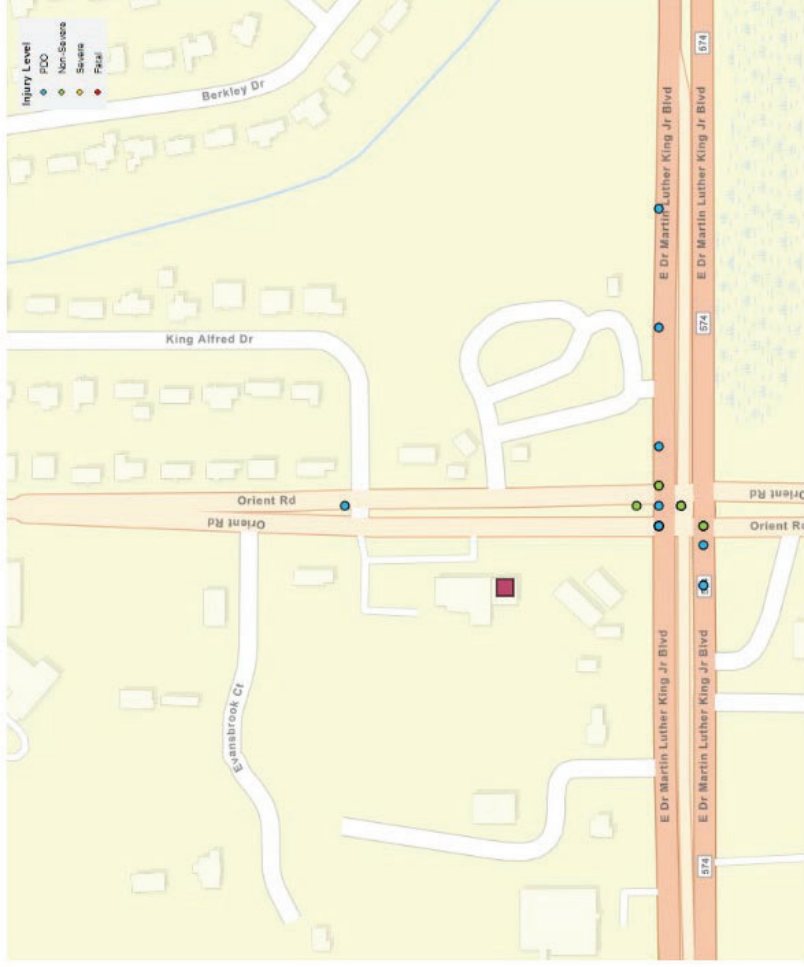
B. The variance would not be detrimental to the public health, safety, and welfare.

- From a functional standpoint, the site exceeds the minimum required 24' drive aisle which allows for the vehicles to turn around and make a forward exit from the existing site access. This is a longstanding condition that has not resulted in any known issues with public health, safety, and welfare.

- The crash map for the last 5 years was analyzed in the vicinity of the subject property. No crashes occurred within 150' of the property. Due to the lack of crash occurrence in this vicinity, the variance would not be determinantal to the public health, safety, and welfare.

5 Year Crash Data Map

Test of Time



- C. Without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall be valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.
- The subject property is **surrounded by private properties with similar existing conditions** that would require total redevelopment for the drive aisle widths to be provided within the subject properties.

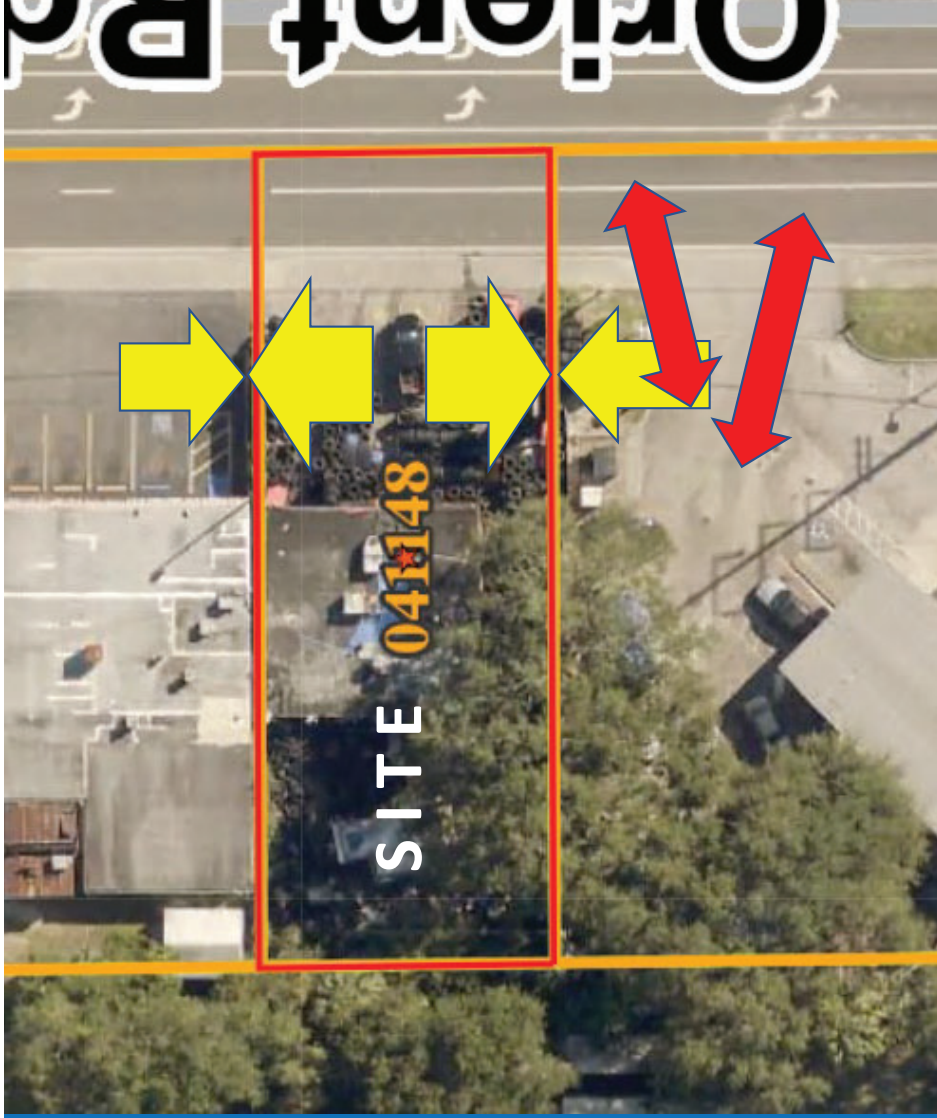
ADMINISTRATIVE VARIANCE FOR CROSS ACCESS

- A. There is an unreasonable burden on the applicant.
- The existing site configuration will not allow for cross access as there is insufficient space from the existing building and parking to provide cross access. The minimum width for vehicular cross access is 24' and pedestrian cross access is 5'. The available distance from the back of the existing parking stall to the property line is approximately 17.4'. There is an existing sidewalk along the Orient Road ROW and given the proximity to the structure this meets the intent of pedestrian interconnectivity.
 - The use and site are long standing conditions. Additionally, cross access connections from adjacent sites would face similar feasibility issues thus preventing the connection from being made

B. The variance would not be detrimental to the public health, safety, and welfare.

- Because the minimum width required is not available, the cross access cannot be safely designed. Additionally, a reduced width cross access would create safety concerns from vehicles making traffic movements to their respective parking areas. The current configuration is a long-standing condition and would not be detrimental to the public health, safety, and welfare.
- The existing sidewalk along Orient Road meets the intent of pedestrian connectivity and provides a safe means of pedestrian travel to adjacent properties and is beneficial to the users
- Crash data was analyzed for the last 5 years in the vicinity of the subject property. No crashes occurred within 150' of the property. Due to the lack of crash occurrence in this vicinity, the variance would not be determinantal to the public health, safety, and welfare. The crash map is shown on the next page.

Site Cross Access Impossible.





South
neighbor

Our Building

Neighbor, gas station



Pedestrian cross access
is
achieved by
immediately adjacent
sidewalk.



C. Without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall be valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.

- The subject property is surrounded by private properties with similar existing conditions that would prevent cross access from being feasible.

Site will be defunct, inoperative,
nonfunctional. Incapable of carrying
any use.



**PARTY OF
RECORD**

NONE