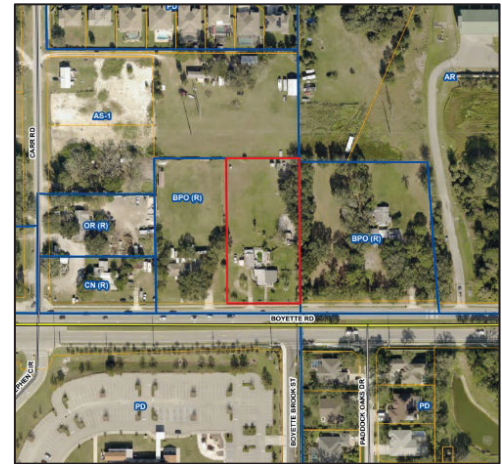


**Rezoning Application: RZ STD 24-0836****Zoning Hearing Master Date: 07/22/24****BOCC Land Use Meeting Date: 09/10/24****Hillsborough County Florida****Development Services Department****1.0 APPLICATION SUMMARY**

Applicant: Todd Pressman  
 FLU Category: R-4  
 Service Area: Urban  
 Site Acreage: 1.58 acres +/-  
 Community Plan Area: Riverview  
 Overlay: None  
 Special District: None  
 Request: Rezone from BPO-R to CG-R

**Introduction Summary:**

The applicant is requesting to rezone property from BPO-R 06-1983 (Business Professional Office with Restrictions) to CG-R (Commercial General with Restrictions). This request is for folio 76782.0050 only, whereas BPO-R 06-1983 also covers the folio to the west (76782.0000 and 76782.0050). With the current CG-R request, the applicant is adding Child Care Centers to the list of permitted uses, increasing the maximum FAR permitted, and removing residential appearance requirements. The applicant is proposing a restriction to allow for only the following uses: Dance Studios, Health Practitioner’s Office, Professional Services, Personal Services, Dentist, Oral Surgeon, and Child Care Centers.

Zoning:	Existing	Proposed
District(s)	BPO-R	CG-R
Typical General Use(s)	Dance Studio, Offices, and Personal Services	General Commercial, Office and Personal Services
Acreage	1.58 +/-	1.58 +/-
Density/Intensity	0.20 FAR	0.25 FAR
Mathematical Maximum*	13,765 square feet	17,206 square feet

\*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	BPO-R	CG-R
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	30' Front (South) 20' Type B Sides (East and West) 20' Type B Buffer Rear (North)	30' Front (South) 20' Type B Sides (East and West) 20' Type B Buffer Rear (North)
Height	50'	50'

**Additional Information:**

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

**Planning Commission Recommendation:**

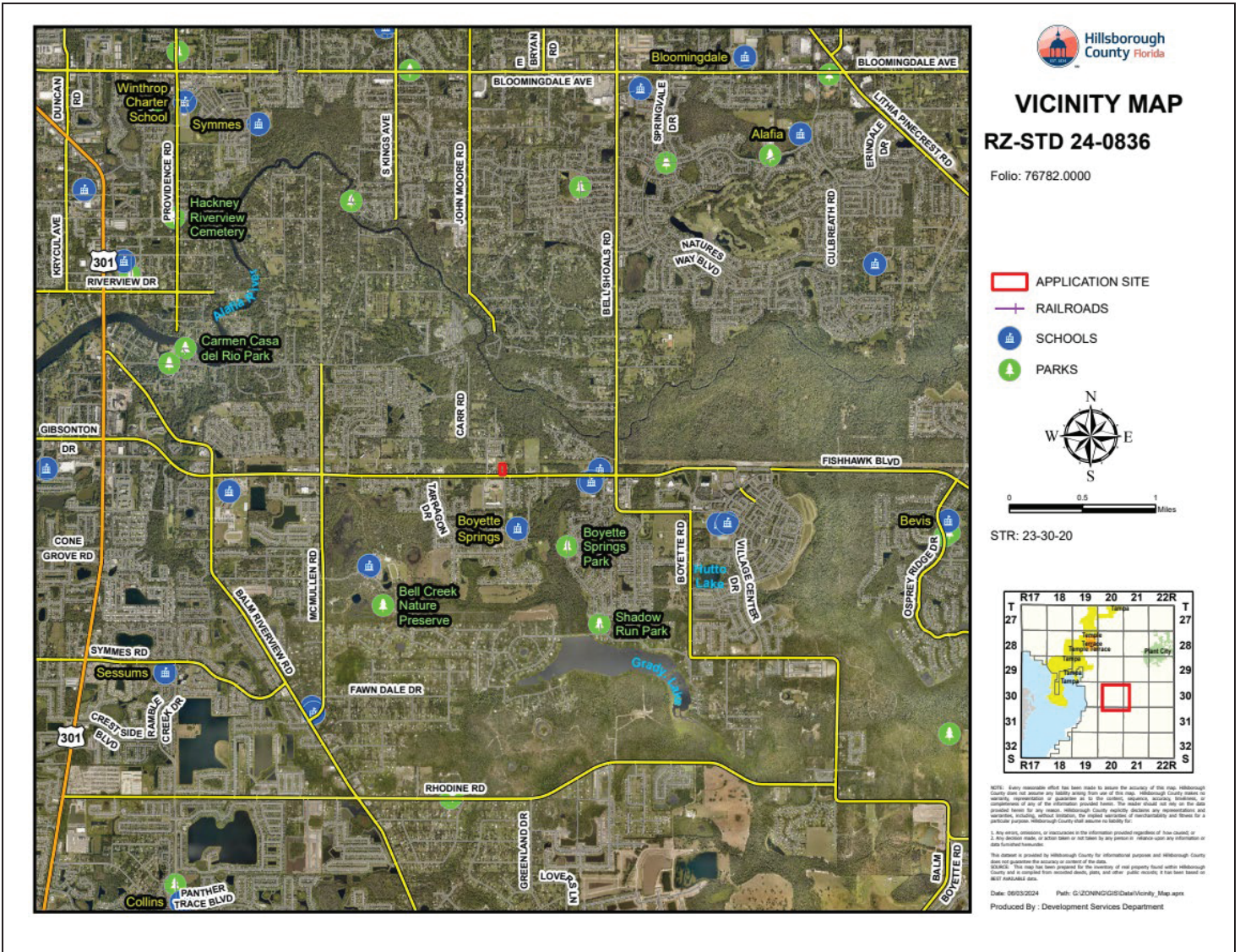
Inconsistent

**Development Services Recommendation:**

Not Supportable

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

**2.1 Vicinity Map**

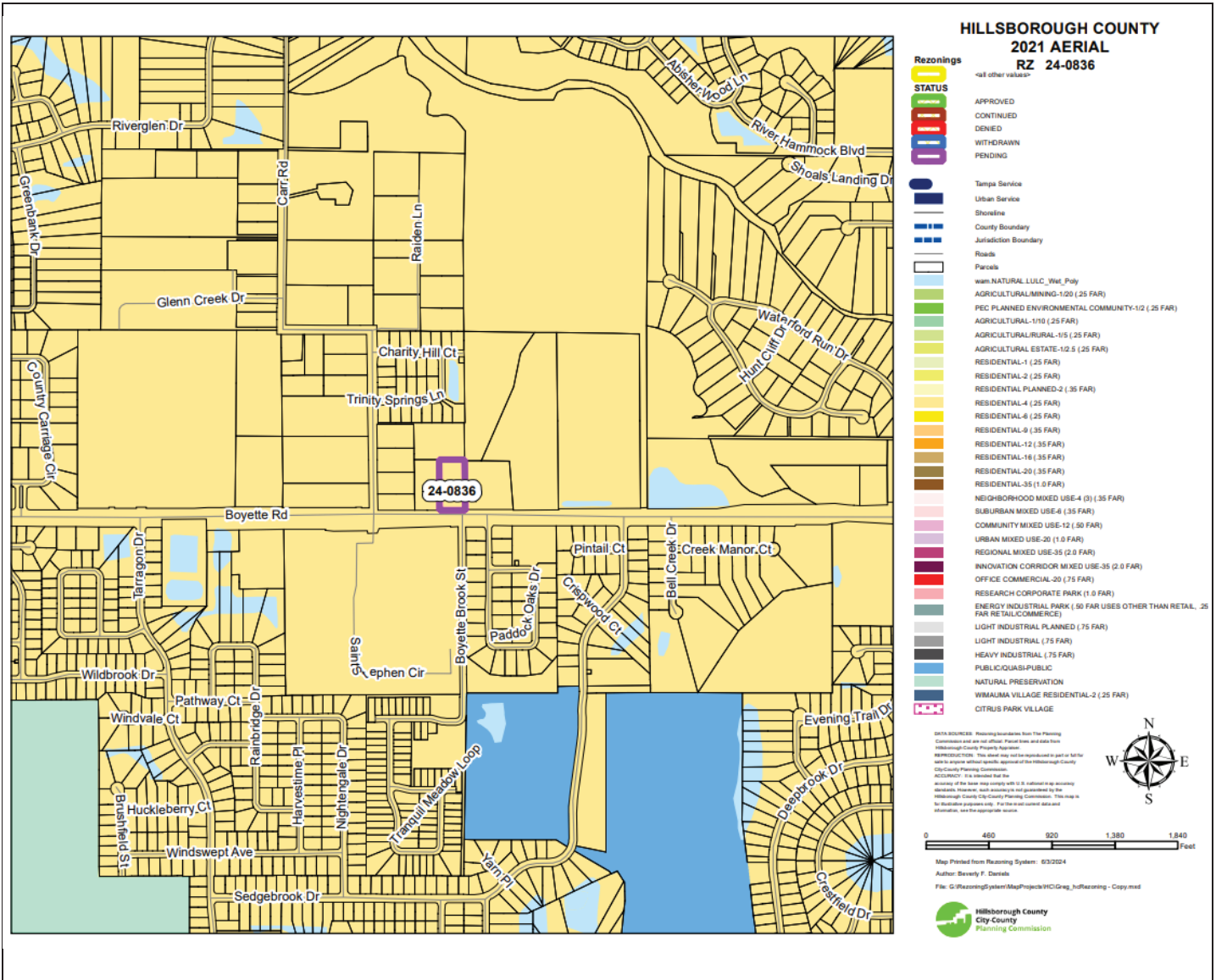


**Context of Surrounding Area:**

The property is located in the Riverview area, along Boyette Road, west of US Highway 301. The surrounding uses are largely single-family residential developments, institutional uses, and agricultural lands. Office and commercial uses are scattered along Boyette Road.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map




Future Land Use Category:	Residential-4 (R-4)
Maximum Density/F.A.R.:	4 DU/GA or 0.25 FAR
Typical Uses:	Residential, suburban commercial, offices, multi-purpose


## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.3 Immediate Area Map



  
**ZONING MAP**  
**RZ-STD 24-0836**  
 Folio: 76782.0000

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- S SCHOOLS
- P PARKS

  
 0 130 260 Feet

STR: 23-30-20

R17	18	19	20	21	22R	
T 27	Trinity Springs					T 27
28	Trinity Springs					28
29	Trinity Springs					29
30	Trinity Springs					30
31	Trinity Springs					31
32	Trinity Springs					32
S 17	18	19	20	21	22R	S

NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of the map. Hillsborough County makes no warranty, representation or guarantee as to the correct, relative accuracy, completeness or completeness of any of the information presented herein. The reader should rely on the data and information for use. Hillsborough County makes no representation and warrants, including without limitation, the proper boundaries of municipalities and streets for a particular parcel. Hillsborough County does not warrant to identify the:  
 1. Any errors, omissions, or inaccuracies in the information provided regardless of the nature or type of information.  
 2. Any changes, updates, or other data not shown by any person in reliance upon any information or data furnished hereon.  
 This document is provided by Hillsborough County for informational purposes and Hillsborough County does not guarantee the accuracy or content of the data.  
 The map has been prepared for the counties of use primarily based upon Hillsborough County's and other public records. The map has been prepared for the counties of use primarily based upon Hillsborough County's and other public records. The map has been prepared for the counties of use primarily based upon Hillsborough County's and other public records.

Date: 06/05/2024 Path: G:\ZONING\GISData\Zoning\_Map.aprx  
 Produced By : Development Services Department

#### Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1	1 DU/GA	Agricultural, Single Family	Mobile Home Dwelling
South	PD 00-0622 (PRS 10-0025)	0.16 FAR	Church, School, Child Care Center, Senior Housing	Church, Private School
East	BPO-R (17-0220)	0.20 FAR	Offices, Personal Services	Single Family Dwelling
West	BPO-R (06-1983)	0.20 FAR	Dance Studio, Offices, Personal Services	Single Family Dwelling

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

N/A

APPLICATION NUMBER: RZ-STD 24-0836

ZHM HEARING DATE: July 22<sup>nd</sup>, 2024

BOCC LUM MEETING DATE: September 10<sup>th</sup>, 2024

Case Reviewer: Michelle Montalbano

**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
Boyette Road	County Arterial - Urban	4 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

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

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,020	38	102
Proposed	2,274	434	439
Difference (+/-)	+1,254	+396	+337

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

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

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

Notes:

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

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

Notes:

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

INFORMATION/REVIEWING AGENCY				
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 type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <li><input type="checkbox"/> Wetlands/Other Surface Waters</li> <li><input type="checkbox"/> Use of Environmentally Sensitive Land Credit</li> <li><input type="checkbox"/> Wellhead Protection Area</li> <li><input type="checkbox"/> Surface Water Resource Protection Area</li> <li><input type="checkbox"/> Potable Water Wellfield Protection Area</li> <li><input type="checkbox"/> Significant Wildlife Habitat</li> <li><input type="checkbox"/> Coastal High Hazard Area</li> <li><input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor</li> <li><input type="checkbox"/> Adjacent to ELAPP property</li> <li><input type="checkbox"/> Other _____</li> </ul>				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See staff report.
<b>Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b>				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested	<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	See agency report.

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The applicant is requesting to rezone an approximate 1.58-acre property located at 12712 Boyette Rd in Riverview from BP-O with Restrictions to CG with Restrictions. The current zoning district, BPO-R (06-1983), restricts the potential uses and requires architectural features to make all development residential in appearance. With the current CG-R request, the applicant is adding Child Care Centers to the list of permitted uses, increasing the maximum FAR permitted, and removing the architectural theme requirements.

The surrounding uses are largely residential, agricultural, institutional, or neighborhood commercial uses. The neighboring properties to the east and west are zoned BPO-R but are currently still occupied by single-family homes. To the north is a AS-1 zoned property occupied by a mobile home dwelling. Across Boyette Road is a Planned Development (PD 00-0622) which is occupied by a church and catholic school.

In the nearby vicinity, there are no developments zoned CG or exceeding an 0.20 FAR. The BPO and CN zoning districts each allow all the proposed uses, but have a maximum 0.20 FAR. The applicant elected to rezone to the CG-R district instead of BPO or CN to increase the allowed FAR to 0.25. The applicant provides the reason for the request is due to the character of the area changing. While staff can acknowledge that Boyette Road has been expanded since 2006, the site continues to be within an area of BPO and CN intensity (0.20 FAR). There has been no change to the surrounding zonings since 2006, except to the immediate east which is now BPO-R from AR, and to the immediate west which is now CN-R from BPO-R. The site continues to not meet Commercial Locational Criteria. Therefore, the CG-R request would introduce a zoning district and FAR increase that is not compatible with the surrounding area.

The abutting properties to the east and west are zoned BPO-R and have restrictions requiring all development to be residential in appearance, similar to the current BPO restrictions on the subject site. The applicant opined to remove the architectural standards with current rezoning request. However, staff finds the residential appearance restrictions remain relevant to maintain the residential character of the area and in keeping with adjacent properties.

Transportation review staff also have objections to the rezoning request. Staff found the proposed intensification not supportable due to the already substandard access along Boyette Road. See their staff report for a full analysis.

The Planning Commission found the request inconsistent with the Comprehensive Plan. Staff had compatibility concerns with the removal of the architectural theme standards, and the site does not meet Commercial Locational Criteria.

### 5.2 Recommendation

Due to the above considerations, staff finds the rezoning request **not supportable**.

## 6.0 PROPOSED CONDITIONS

The applicant has proposed the following conditions:

1. The project shall be restricted to the following uses: Dance Studio, Health Practitioner's Offices, Professional Services, Personal Services, Dentist, Oral Surgeon, and Child Care Centers.



**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**

Not applicable.

**8.0 PROPOSED SITE PLAN (FULL)**

N/A

**9.0 FULL TRANSPORTATION REPORT (see following pages)**

## AGENCY REVIEW COMMENT SHEET

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TO: Zoning Technician, Development Services Department

DATE: 7/15/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Riverview/ South

PETITION NO: STD RZ 24-0836

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- 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. The rezoning proposes to add uses that would intensify the site. Due to the proposed intensification, the site must be brought up to current Land Development Code Standards, including access spacing.
2. The Hillsborough County Land Development Code section 6.04.07 requires access spacing to be a minimum of 245 feet from all other access points. The subject property is +/- 140 feet from the nearest access to the east and +/- 87 feet to the nearest access to the west. Based on these spacing issues, an intensification of the property is not supportable as it would be adding trips to already substandard access along Boyette Road.
3. Substandard access spacing is also problematic if the proposed use warrants a right-turn lane. Given the access spacing restraints on Boyette Road, a standard turn lane would not be able to be built.
4. Transportation staff has discussed the concerns with the applicant and potential restrictions that would address concerns such as limiting the size of the new uses so that there would not be an intensification and limiting development to uses that will not warrant turn lanes. The applicant has not submitted any restrictions that would address intensification or turn lane concerns.
5. The best opportunity for the County to argue against 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.
6. Given the above, staff recommends denial of the proposed zoning request.

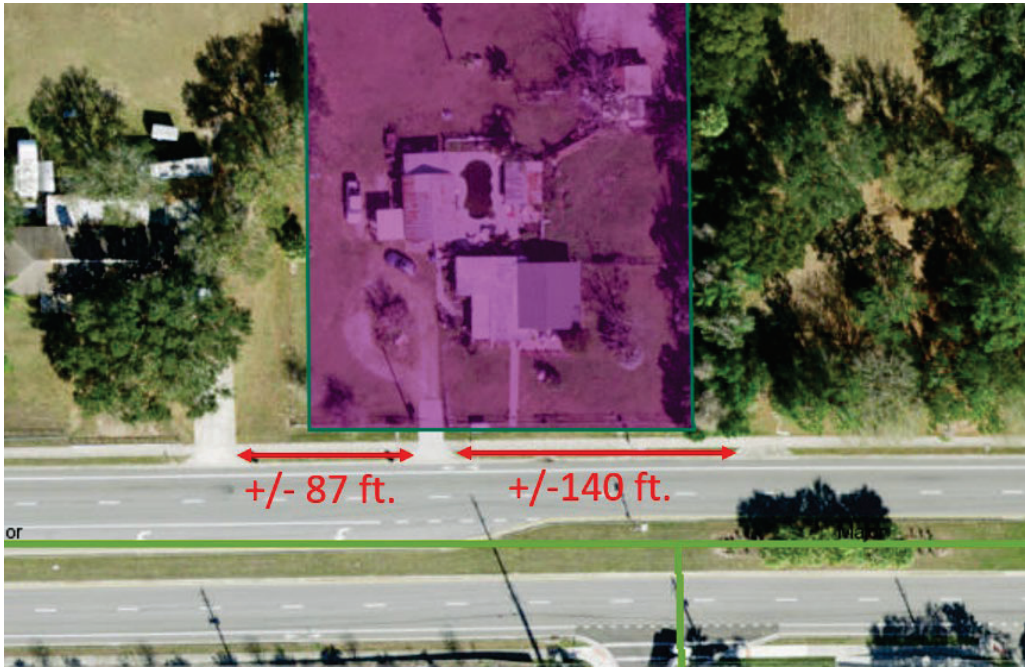


Photo showing spacing concerns on Boyette.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 1.58 acres from Business Professional Office - Restricted (BPO 06-1983 (R)) to Commercial General - Restricted (CG-R). The site is located on the north side of Boyette Road and approximately +/- 480 feet east of the intersection of Sait Stephen Circle and Boyette Road. The Future Land Use designation of the site is Residential-4 (R-4).

The applicant proposes to keep the previously restricted uses under BPO 06-1983 (dance studio, health practitioner’s office, professional services, personal services) and add Dentist, Oral Surgeon, pre-K care, Child Care, and Child Care nursery uses.

***Trip Generation Analysis***

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO-R, 13,765 sf, Copy, Print, and Express Ship Store (ITE Code 920)	1,020*	38	102

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 556 Student* Childcare (ITE Code 565)	2,274	434	439

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,254</b>	<b>+396</b>	<b>+337</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Boyette Road. Boyette Road is a substandard 4-lane, divided, county maintained, urban arterial roadway. The roadway is characterized by +/- 11 ft wide travel lanes, +/- 5 ft wide bike lanes on both sides, and +/- 5 ft wide sidewalks on both sides, within +/- 108 ft of the right of way.

Pursuant to the Hillsborough County corridor preservation plan Boyette Road is designated for a future six lane enhancement.

**SITE ACCESS**

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

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

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

Boyette Road is not a regulated roadway and was not included in the Level of Service Report.

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 24-0836
<b>DATE OF HEARING:</b>	July 22, 2024
<b>APPLICANT:</b>	Todd Pressman
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from BPO (R) to CG (R)
<b>LOCATION:</b>	12712 Boyette Road
<b>SIZE OF PROPERTY:</b>	1.58 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	BPO (R)
<b>FUTURE LAND USE CATEGORY:</b>	RES-4
<b>SERVICE AREA:</b>	Urban

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 APPLICATION SUMMARY



Applicant: Todd Pressman  
FLU Category: R-4  
Service Area: Urban  
Site Acreage: 1.58 acres +/-

Community Plan Area: Riverview

Overlay: None

Special District:

Request: None

Rezone from BPO-R to CG-R

**Introduction Summary:**

The applicant is requesting to rezone property from BPO-R 06-1983 (Business Professional Office with Restrictions) to CG-R (Commercial General with Restrictions). This request is for folio 76782.0050 only, whereas BPO-R 06-1983 also covers the folio to the west (76782.0000 and 76782.0050). With the current CG-R request, the applicant is adding Child Care Centers to the list of permitted uses, increasing the maximum FAR permitted, and removing residential appearance requirements. The applicant is proposing a restriction to allow for only the following uses: Dance Studios, Health Practitioner’s Office, Professional Services, Personal Services, Dentist, Oral Surgeon, and Child Care Centers.

**Additional Information:**

PD Variation(s): None requested as part of this application

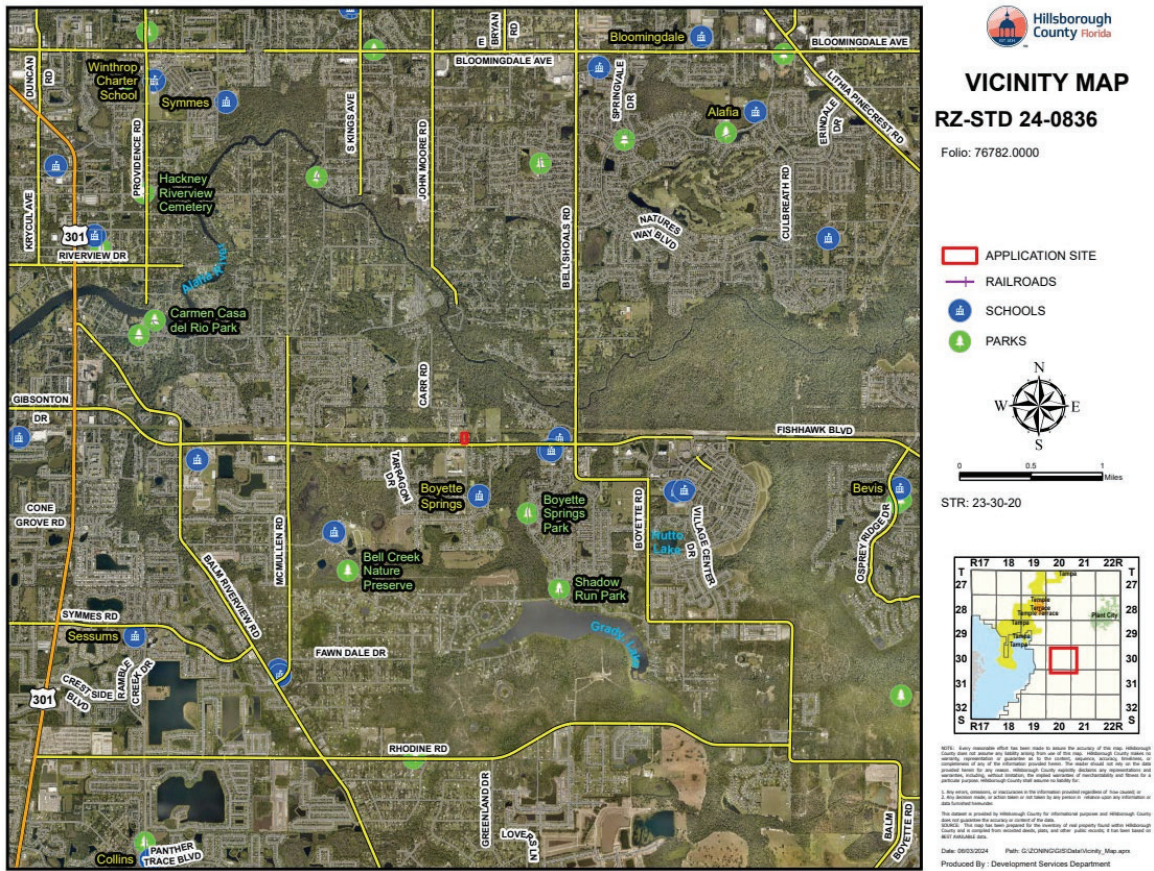
Waiver(s) to the Land Development Code: None requested as part of this application

**Planning Commission Recommendation:** Inconsistent

**Development Services Recommendation:** Not Supportable



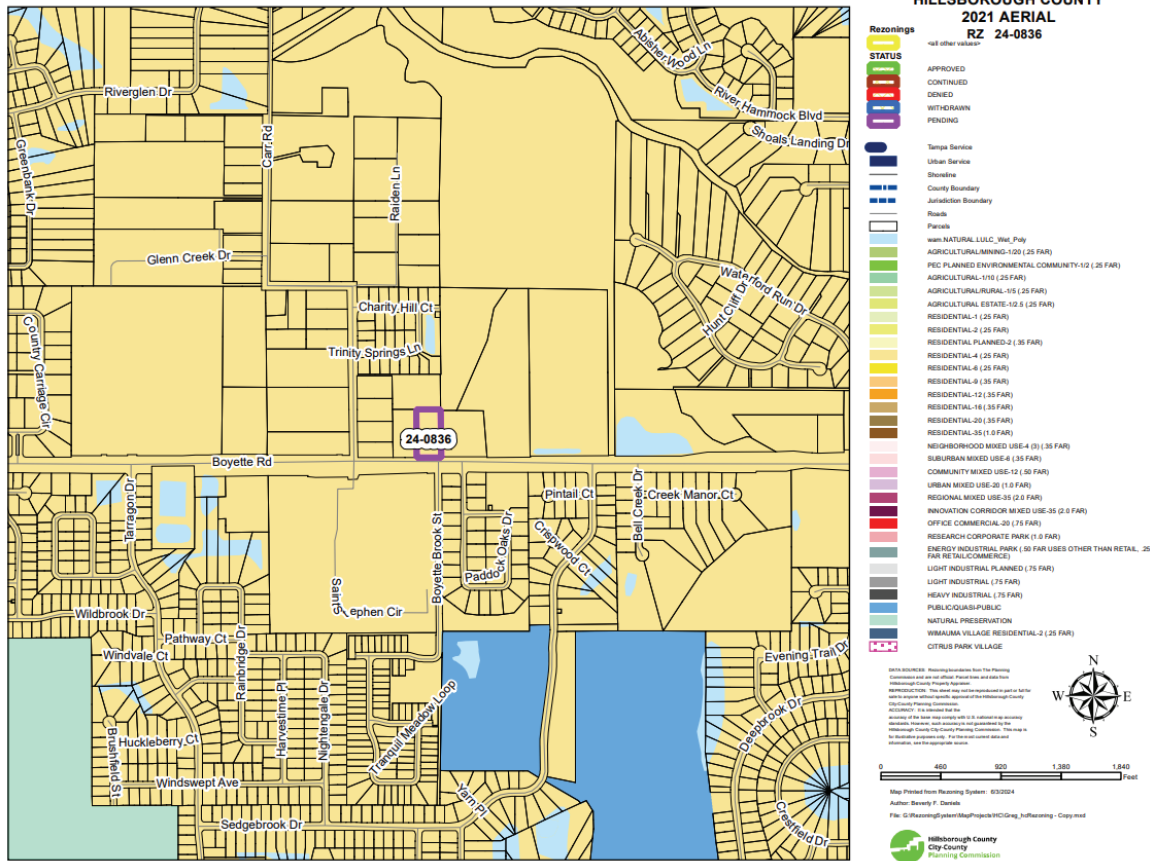
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

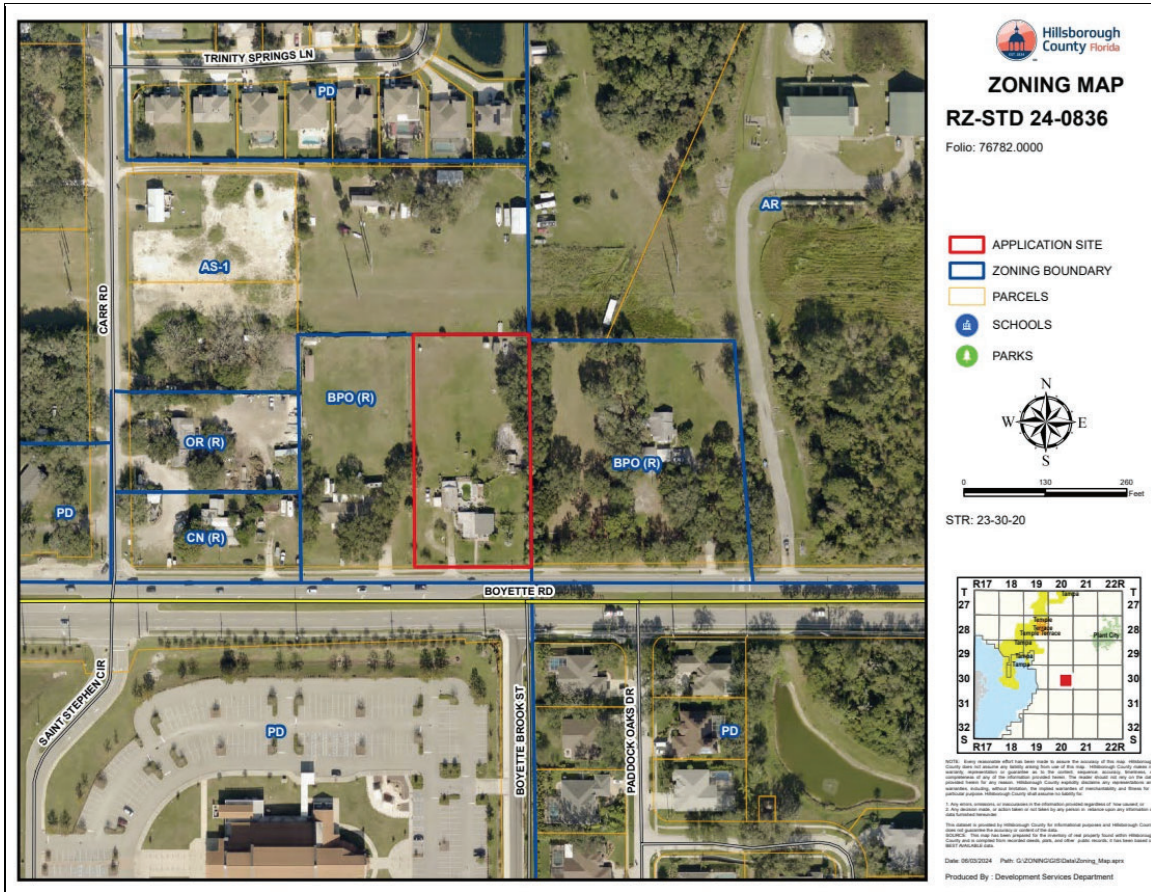
The property is located in the Riverview area, along Boyette Road, west of US Highway 301. The surrounding uses are largely single-family residential developments, institutional uses, and agricultural lands. Office and commercial uses are scattered along Boyette Road.

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



Future Land Use Category:	Residential-4 (R-4)
Maximum Density/F.A.R.:	4 DU/GA or 0.25 FAR
Typical Uses:	Residential, suburban commercial, offices, multi-purpose

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



## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

N/A

**Classification Current Conditions Select Future Improvements**

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

**Adjoining Roadways (check if applicable)**

Boyette Road	County Arterial - Urban	4 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
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**Connectivity and Cross Access  Not applicable for this request**

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

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

INFORMATION/REVIEWING AGENCY				
	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental:				

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area  Significant Wildlife Habitat

Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property

Other \_\_\_\_\_

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	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Public Facilities:</b>				
<b>Transportation</b>  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See staff report.
<b>Service Area/ Water &amp; Wastewater</b>  <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b>  Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b>				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested	<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	See agency report.

## **5.0 IMPLEMENTATION RECOMMENDATIONS**

### **5.1 Compatibility**

The applicant is requesting to rezone an approximate 1.58-acre property is located at 12712 Boyette Rd in Riverview from BP-O with Restrictions to CG with Restrictions. The current zoning district, BPO-R (06-1983), restricts the potential uses and requires architectural features to make all development residential in appearance. With the current CG-R request, the applicant is adding Child Care Centers to the list of permitted uses, increasing the maximum FAR permitted, and removing the architectural theme requirements.

The surrounding uses are largely residential, agricultural, institutional, or neighborhood commercial uses. The neighboring properties to the east and west are zoned BPO-R but are currently still occupied by single-family homes. To the north is a AS-1 zoned property occupied by a mobile home dwelling. Across Boyette Road is a Planned Development (PD 00-0622) which is occupied by a church and catholic school.

In the nearby vicinity, there are no developments zoned CG or exceeding an 0.20 FAR. The BPO and CN zoning districts each allow all the proposed uses, but have a maximum 0.20 FAR. The applicant elected to rezone to the CG-R district instead of BPO or CN to increase the allowed FAR to 0.25. The applicant provides the reason for the request is due to the character of the area changing. While staff can acknowledge that Boyette Road has been expanded since 2006, the site continues to be within an area of BPO and CN intensity (0.20 FAR). There has been no change to the surrounding zonings since 2006, except to the immediate east which is now BPO-R from AR, and to the immediate west which is now CN-R from BPO-R. The site continues to not meet Commercial Locational Criteria. Therefore, the CG-R request would introduce a zoning district and FAR increase that is not compatible with the surrounding area.

The abutting properties to the east and west are zoned BPO-R and have restrictions requiring all development to be residential in appearance, similar to the current BPO restrictions on the subject site. The applicant opined to remove the architectural standards with current rezoning request. However, staff finds the residential appearance restrictions remain relevant to maintain the residential character of the area and in keeping with adjacent properties.

Transportation review staff also have objections to the rezoning request. Staff found the proposed intensification not supportable due to the already substandard access along Boyette Road. See their staff report for a full analysis.

The Planning Commission found the request inconsistent with the Comprehensive Plan. Staff had compatibility concerns with the removal of the

architectural theme standards, and the site does not meet Commercial Locational Criteria.

## **5.2 Recommendation**

Due to the above considerations, staff finds the rezoning request **not supportable**.

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 22, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 2<sup>nd</sup> Street # 451, St. Petersburg, testified on behalf of the applicant. Mr. Pressman showed a PowerPoint presentation and stated that the request is to rezone 1.58 acres from BPO (R) to CG (R). He stated that the Restrictions were placed on the subject property 18 years ago. The request is to rezone to permit a dance studio, health practitioners office, professional services, dentist, oral surgeon and childcare. Mr. Pressman testified that the zoning on each side of the parcel is BPO and that there is an office land use to the east of the site and partial residential to the west. He discussed the church located across the street and described its size and extensive uses. He stated that the church includes a sports field, 58,000 square foot school, 16,000 square foot field house, 31,000 square foot parish life center, 7,100 square foot youth building, 6,300 square foot office, 32,000 square foot church with 300 seats and a 105 bed ALF which creates a large impact. He added that there were no residential appearance requirements for the church structures. Mr. Pressman testified that Boyette Road is now a busy arterial roadway that has 27,500 vehicles per day. He testified that the parcel does not meet commercial locational criteria and a waiver was requested from the Planning Commission based upon the changes in the intensity of land uses over almost two decades. The Planning Commission does not support the waiver based upon the business properties and church across the street. Mr. Pressman refuted the Planning Commission's position by stating that the church use across the street is far more intense than they describe. He testified that the applicant is at odds with the County's transportation position as no transportation analysis is required as the rezoning is a standard application. Transportation is requesting a right turn lane. Mr. Pressman stated that the applicant's transportation consultant does not believe that is required. He concluded his presentation by stating that the request is compatible and cohesive with the area and that there were no emails or letters in opposition.

Hearing Master Finch asked Mr. Pressman about the requested additional uses of dentist and oral surgeon and if those uses were already permitted under the current zoning which permits Health Practitioner's Office. Mr. Pressman replied that he believed the term Health Practitioner's Office was grey therefore he

wanted to ensure that dentist and oral surgeon were permitted. Hearing Master Finch stated that she would confirm the use with staff and asked Mr. Pressman if in his mind that the new use would be childcare center. Mr. Pressman replied yes.

Hearing Master Finch asked Mr. Pressman if the request for the increase in Floor Area Ratio (FAR) from 0.2 to 0.25 provided an additional 3,400 square feet. Mr. Pressman replied yes.

Hearing Master Finch asked Mr. Pressman to confirm that he is requesting to remove the residential appearance requirement for the structure(s) but testified at the Zoning Hearing Master hearing that the adjacent structures to the east and west were residential in appearance although one structure was being used for non-residential purposes. Mr. Pressman replied that he was referring to use and if the Hearing Master was asking about the use of the adjacent residential structures. Hearing Master Finch replied she was asking about appearance and use. Mr. Pressman testified that there is no more residential use to the east and the structure to the west is being partially used for residential. Hearing Master Finch asked Mr. Pressman to confirm that both adjacent homes appear residential. Mr. Pressman replied that was correct.

Hearing Master Finch asked Mr. Pressman to confirm that his rationale for asking to remove the residential appearance requirement was that there was a church across the street. Mr. Pressman replied yes and stated that his rationale also included that the entire area has changed and that Boyette Road is a significant arterial roadway with less residential abutting the subject property.

Hearing Master Finch stated that the childcare land use is a Conditional Use in the BPO zoning district and if he considered requesting that rather than rezone to add 3,400 square feet. Mr. Dimitri Artzibushev 1525 West Hillsborough Avenue replied that he did not need an FAR of 0.25 but only needed 0.22 to accommodate the childcare center with the oral surgeon and dentist. Hearing Master Finch asked Mr. Artzibushev if he understood that both County planning staffs are recommending denial. Mr. Artzibushev replied that he understood.

Ms. Michelle Montalbano, Development Services staff, testified regarding the County's staff report. Ms. Montalbano stated that the applicant is requesting a rezoning from BPO with Restrictions to CG with Restrictions. She stated that the current BPO zoning restricts the potential uses and has residential appearance and architectural standards. The applicant is requesting to add childcare centers to the list of permitted uses and increase the FAR in addition to removing the architectural standards requirements. Ms. Montalbano detailed the surrounding parcels to the east and west which are zoned BPO-R but are still occupied by single-family homes. She added that the parcel to the north is zoned AS-1 and has a mobile home located on-site. Directly across the street is a church zoned Planned Development that also has a school. She stated that there are no



parcels zoned CG within the vicinity and that the applicant elected to rezone to CG to increase the FAR from 0.2 to 0.25. The applicant provided the rationale for the rezoning request is that the character of the area is changing. Staff acknowledged that Boyette Road has been expanded since the subject rezoning approval however the CG zoning would introduce a zoning district and FAR that is not compatible with the surrounding area. Ms. Montalbano testified that the applicant chose to fully remove the architectural requirements with the rezoning request but staff found that the adjacent structures are zoned BPO and have the residential structure appearance standards. County transportation staff also does not support the rezoning request due to the proposed intensification of the site on already substandard access. Ms. Montalbano concluded her presentation by stating that staff does not support the rezoning request.

Hearing Master Finch asked Ms. Montalbano if the proposed dentist and oral surgeon would be permitted under the current zoning as it permits a Health Practitioners Office. Ms. Montalbano replied that was correct and the use would be permitted today.

Hearing Master Finch asked Ms. Montalbano if the applicant could request a Conditional Use to add the childcare use. Ms. Montalbano replied no because the BPO is restricted to the specified list of land uses in the Restrictions. She stated that the site would require a rezoning. Ms. Heinrich testified that if the applicant were not to include the request for the increase in FAR, they could rezone from BPO (R) to BPO (R) to add the childcare use.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Massey stated that the subject property is within the Residential-4 Future Land Use classification and the Urban Service Area and Riverview Community Planning Area. She described the request and testified that staff found the proposed rezoning does not meet the intent of Objective 16 regarding neighborhood protection. Further, staff found that the request to eliminate the residential architectural requirements resulted in compatibility concerns. Ms. Massey stated that the site does not meet commercial locational criteria and that there are not any unique circumstances that warrant a waiver. She testified that the request for CG-R is not consistent with the existing development pattern and character of the area. Planning Commission staff found the rezoning does not meet the vision of the Riverview Community Plan and is inconsistent with the Future of Hillsborough Comprehensive Plan.

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

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

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

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Pressman submitted a copy of his PowerPoint presentation into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject property is 1.58 acres in size and is currently Business Professional Office-Restricted (BPO-R) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Urban Service Area and the Riverview Community Planning Area.
2. The existing BPO-R zoning district limits the permitted land uses to be only a dance studio, health practitioner's office, professional services and personal services only. Also, the current Restrictions require all building(s) to be architecturally finished on all sides and development to be residential in appearance. The maximum permitted Floor Area Ratio is 0.20.
3. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district with an FAR of 0.25. The proposed Restrictions would permit all of the land uses currently allowed and add dentist, oral surgeon and childcare center to the list of permitted uses. The applicant is also requesting to eliminate the architectural standards including the requirement that the building(s) be residential in appearance.
4. The applicant's representative testified that the abutting residential home to the east is currently used for non-residential purposes and that the abutting residential home to the west is only partially used for residential at this time.
5. The applicant's representative testified that Boyette Road is a heavily traveled arterial road and has changed the character of the area since with the current zoning was approved in 2006.

6. The applicant's representative testified that the church located directly across Boyette Road from the subject property has a multitude of uses that include a sports field, 58,000 square foot school, 16,000 square foot field house, 31,000 square foot parish life center, 7,100 square foot youth building, 6,300 square foot office, 32,000 square foot church with 300 seats and a 105 bed ALF which creates a large impact thereby changing the character of the area.
7. The Planning Commission staff does not support the rezoning request. Staff testified that the site does not meet commercial locational criteria. Staff does not support the requested waiver as there are not any unique circumstances that warrant a waiver. Planning Commission staff found that the request to eliminate the residential architectural requirements resulted in compatibility concerns and that the request for CG-R is not consistent with the existing development pattern and character of the area. The Planning Commission found the application to be inconsistent with the Riverview Community Plan and the Comprehensive Plan.
8. The Development Services Department does not support the rezoning request based upon the neighboring properties being developed with single-family homes. Additionally, staff does not support the request to increase the FAR as there are no developments in the area that are zoned CG or permit higher than a 0.20 FAR.
9. County Transportation staff does not support the rezoning based upon the proposed intensification of the use combined with an already substandard access on Boyette Road.
10. The abutting property to the west is zoned BPO-R under the same BPO-R 06-1983 as the subject property and therefore is required to abide by the stated architectural standards and residential appearance conditions of the subject property. The abutting property to the east is also zoned BPO-R 17-0220 and buildings are required to be architecturally finished on all sides and residential in appearance.  
  
It is emphasized that the abutting properties are residential single-family homes. The applicable zoning district for each abutting parcel allows for office development but the structures are required to be residential in appearance.
11. The church and its ancillary uses located across the street from the subject property do not provide justification for a rezoning to Commercial General-Restricted.

12. The subject property does not meet commercial locational criteria and the requested waiver is not supported by the Planning Commission.
13. The improvements to Boyette Road do not support or justify the requested rezoning to Commercial General-Restricted when the development pattern in the area consists of residential, office, church and school land uses.
14. Development Services Department staff testified at the Zoning Hearing Master hearing that the applicant's request for childcare as a permitted land use could be achieved by rezoning the subject property from the existing BPO-R to BPO-R to add the use to the zoning conditions.
15. Development Services Department staff testified at the Zoning Hearing Master hearing that the applicant's requested land uses of dentist and oral surgeon were already permitted under the current BPO-R zoning as it permits health practitioner.
16. The proposed rezoning to Commercial General-Restricted including an increase in the permitted FAR from 0.20 to 0.25 with the elimination of the architectural and residential appearance standards is incompatible with the development pattern in the area. The request is inconsistent with the Land Development Code and the Comprehensive Plan.

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

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

#### **CONCLUSIONS OF LAW**

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

#### **SUMMARY**

The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district. The property is 1.58 acres in size and is currently zoned Business Professional Office-Restricted (BPO-R) and designated RES-4 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the Riverview Community Planning Area. The existing BPO-R zoning district limits the permitted uses to be a dance studio, health practitioner's office,

professional services and personal services only. Also, the current Restrictions require all building(s) to be architecturally finished on all sides and buildings to be residential in appearance. The maximum permitted Floor Area Ratio is 0.20.

The request for CG-R would increase the FAR to 0.25. The proposed Restrictions would permit all of the land uses currently allowed and add dentist, oral surgeon and childcare center to the list of permitted uses. The applicant is also requesting to eliminate the architectural standards including the requirement that the building(s) be residential in appearance.

The Planning Commission staff testified that the site does not meet commercial locational criteria and they do not support the requested waiver as there are not any unique circumstances that warrant a waiver. Planning Commission staff found that the request to eliminate the residential architectural requirements resulted in compatibility concerns and that the request for CG-R is not consistent with the existing development pattern and character of the area. Staff does not support the rezoning request and found it inconsistent with Comprehensive Plan.

The Development Services Department does not support the rezoning request based upon the neighboring properties being developed with single-family homes. Additionally, staff does not support the request as there are no developments in the area that zoned CG or permit higher than a 0.20 FAR.

County Transportation staff does not support the rezoning based upon the proposed intensification of the use combined with an already substandard access on Boyette Road.

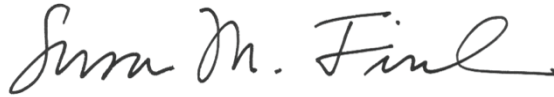
Single-family homes abut the property to the east and west. They are zoned BPO-R and also include the requirement for the building(s) to be architecturally finished on all sides and residential in appearance. A church with ancillary uses is located across the street.

Development Services Department staff testified at the Zoning Hearing Master hearing that the applicant's request for childcare as a permitted land use could be achieved by rezoning the subject property from the existing BPO-R to BPO-R to add the use to the zoning conditions. Staff also testified that the applicant's requested land uses of dentist and oral surgeon were already permitted under the current BPO-R zoning as it permits health practitioner.

The proposed rezoning to Commercial General-Restricted including an increase in the permitted FAR from 0.20 to 0.25 with the elimination of the architectural and residential appearance standards is incompatible with the development pattern in the area. The request is inconsistent with the Land Development Code and the Comprehensive Plan.

**RECOMMENDATION**

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

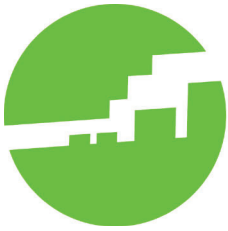


August 12, 2024

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

**Date**



**Hillsborough County  
City-County  
Planning Commission**

**Plan Hillsborough**  
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Tampa, FL, 33602

<b>Unincorporated Hillsborough County Rezoning Consistency Review</b>	
<b>Hearing Date:</b> July 22, 2024 <b>Report Prepared:</b> July 11, 2024	<b>Case Number:</b> RZ 24-0836 <b>Folio(s):</b> 76782.0000 <b>General Location:</b> East side of Carr Road, north of Boyette Road
<b>Comprehensive Plan Finding</b>	<b>Inconsistent</b>
<b>Adopted Future Land Use</b>	Residential-4 (4.0 du/ga 0.25 FAR)
<b>Service Area</b>	Urban
<b>Community Plan(s)</b>	Riverview, SouthShore Areawide Systems
<b>Rezoning Request</b>	CG-R to allow a Dentist, Oral Surgeon, Pre-K Care, Child Care and/or Child Care Nurseries
<b>Parcel Size</b>	+/- 1.58 acres
<b>Street Functional Classification</b>	Carr Road – Local Boyette Road – County Arterial
<b>Commercial Locational Criteria</b>	Not met; Waiver requested
<b>Evacuation Area</b>	None

**Table 1: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-4	BPO	Single-Family Residential
North	Residential-4	AS-1	Single-Family Residential + Agricultural
South	Residential-4	PD	Educational
East	Residential-4	BPO	Single-Family Residential + Agricultural
West	Residential-4	BPO + OR + CN	Single-Family Residential

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

The 1.58-acre subject site is located east of Carr Road and north of Boyette Road within the Residential - 4 (RES-4) Future Land Use category which allows for the consideration of residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses must meet Commercial Locational Criteria. With a Floor Area Ratio of 0.25 and +/- 1.58 acres, up to 17,206 square feet of non-residential uses may be considered per Future Land Use Element (FLUE) Policy 8.5. The site is in the Urban Service Area and is located within the limits of the Riverview Community Plan and the SouthShore Areawide Systems Plan. The intent of the Residential-4 category is to designate areas that are suitable for low density residential development. The applicant seeks to rezone to Commercial General-Restricted (CG-R). The proposed restrictions include:

- In regard to the prior permitted uses approved under RZ 06-1983 RV, to continue to allow a dance studio, health practitioner’s office, professional services and personal services.
- Proposing under this application to allow a Dentist, Oral Surgeon, Pre-K Care, Child Care and/or Child Care Nurseries.

The proposed rezoning does not meet the intent of FLUE Objective 16 and its accompanying policies relating to neighborhood protection. In the project narrative, the applicant has opined that their application no longer necessitates adherence to previous requirements regarding residential appearance and window treatments. The applicant justifies this change by pointing out the evolving character of the surrounding area, notably the presence of business properties and a church situated across Boyette Road. The requested change to eliminate the architectural theme requirement does not align with the surrounding residential character of the area, where single-family residences are situated to the west,



north and east of the subject property. Per FLUE Policy 1.4, compatibility is defined as the characteristics of different uses which allow them to be located near or adjacent to each other in harmony. Please note that compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development. Eliminating the previously approved restriction that addresses architectural requirements would eliminate important mitigative measures that were put in place for the subject site to address compatibility concerns. Given the surrounding residential development pattern, there are still significant compatibility concerns with a non-residential use. Additionally, the request to rezone from the BPO-R zoning district to CG-R would introduce a more intensive zoning district in an area that is not appropriate for this type of intensity.

The requested amendment to eliminate the architectural theme requirement is not consistent with Community Design Component (CDC) Policy 12-1.4, where 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. The architectural theme requirement was put in place to address compatibility concerns and removing this requirement now would not be in line with this policy direction. The proposed rezoning from Business, Professional Office- Restricted (BPO-R) to Commercial General-Restricted (CG-R) appears to be too intense of a zoning district, given that Business, Professional Office (BPO) zoning already accommodates many of the intended uses. Considering these factors, a Planned Development (PD) may offer a more suitable approach given the surrounding residential and lower intensity office development pattern. A Planned Development would allow staff to better evaluate for consistency with Objective 16 and associated policies by looking at site planning techniques that could mitigate for any adverse policies such as Locational Criteria for the placement of non-residential uses, requiring buffer areas and screening devices between different land uses. Gradual transitions of intensities between different land uses must 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 use per Policy 16.2. Absent a site plan controlled zoning district such as a PD zoning application, these types of mitigative strategies and designs are impossible to evaluate with a Euclidian rezoning district.

Additionally, the site does not meet Commercial Locational Criteria (CLC) per FLUE Policy 22.2, as the nearest qualifying intersection is located at Boyette Road (a 4-lane roadway) and Bell Shoals Road (a 4-lane roadway), which is approximately 4,000 feet away. Distance requirements in FLUE Policy 22.2 require the subject site to be within 900 feet of a qualifying intersection, which this site does not meet. FLUE Objective 22 seeks to scale new commercial development consistent with the character of the area. A request to waive the CLC criteria, per FLUE policy 22.8, has been submitted. The waiver request states that the area surrounding the site has shifted from residential to mixed-use, bordered by BP-O zones and a large Catholic church across Boyette Road. Planning Commission staff cannot support the CLC waiver request because there do not appear to be any unique circumstances that would warrant the support of a waiver to CLC. In addition, the proposed rezoning to CG-R is not consistent with the existing pattern and character of the area with single family residences located to the north, west and east of the subject property. The subject site is also not located at a major intersection where more intense uses are expected per FLUE Policy 22.5. Planning Commission staff recommends that the Board of County Commissioners deny the CLC waiver.

According to the related community plans, design standards should incorporate identifiable themes and architectural elements inspired by Riverview's historic landmarks and heritage. It aims to steer clear of

generic "strip" commercial developments, advocating instead for unique roadway designs and landscapes that enhance the community's character. These standards also encourage the use of techniques such as landscaping, berms, and median enhancements to create buffers around parking areas, water retention areas, and sidewalks. A rezoning to CG-R on a site not meeting Commercial Locational Criteria and where significant compatibility concerns exist does not meet the vision of the Riverview Community Plan.

Overall, staff finds that the proposed rezoning is not compatible with the existing development pattern found within the surrounding area and does not support the vision of the Riverview Community Plan or the Southshore Areawide Systems Plan. The proposed rezoning would not allow for development that is consistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

### **Recommendation**

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

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

#### **FUTURE LAND USE ELEMENT**

##### ***Urban Service Area***

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

**Policy 1.4:** *Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

##### ***Land Use Categories***

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

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

the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.

**Policy 8.5:** For purposes of calculating the maximum permitted gross building square footage for non-residential uses within a development proposal the following procedure shall apply: In applying floor area ratios (FAR) to acreage, all residential land use types that fall within a project's boundaries are excluded (except as allowed in the Innovation Corridor Mixed Use-35 land use category). Also, only those lands specifically within a project's boundaries may be used for calculating maximum permitted gross building square footage. Except in accordance with the County's transferable development rights regulations, intensity cannot be transferred from one parcel of land to another when such parcels are physically separated from each other unless the separation is created by a roadway, wetlands, stream, river, lake or railway.

### **Relationship to Land Development Regulations**

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

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

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

### **Neighborhood/Community Development**

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

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

- Locational criteria for the placement of non-residential uses as identified in this Plan,
- Limiting commercial development in residential land use categories to neighborhood scale;
- Requiring buffer areas and screening devices between unlike land uses.

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

screening techniques and control of specific land uses.

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

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

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

**Objective 17: Neighborhood and Community Serving Uses**

Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

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

**Community Design Component (CDC)**

**4.3 COMMERCIAL CHARACTER**

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

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

**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.

**COMMERCIAL-LOCATIONAL CRITERIA**

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

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

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

**Policy 22.5:** *When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services or specialty retail (i.e. antiques, boutiques) toward the edges of the activity center.*

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

## **7.0 SITE DESIGN**

### **7.1 DEVELOPMENT PATTERN**

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

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

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

## **LIVABLE COMMUNITIES ELEMENT: RIVERVIEW COMMUNITY PLAN**

### **Goal 1: Achieve better design and densities that are compatible with Riverview's Vision**

Develop Riverview district-specific design guidelines and standards

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

- Incorporate traditional neighborhood development (TND) and Crime Prevention through Environmental Design (CPTED) techniques and principles in design standards.
- Develop visually pleasing sign standards that prohibit pole signs and require monument signs. It also is the desire of the community to limit or keep out any additional billboard signs.
- Avoid "strip" development patterns for commercial uses.
- Develop distinctive roadway design and landscape standards for new developments and redevelopment projects that complement the community's uniqueness as well as encourage buffers to parking areas, water retention areas and sidewalks. Techniques may include landscaping, berming and median enhancements.

## **LIVABLE COMMUNITIES ELEMENT: SOUTHSHORE AREAWIDE SYSTEMS PLAN**

### ***Economic Development Objective***

*The SouthShore community encourages activities that benefits residents, employers, employees, entrepreneurs, and businesses that will enhance economic prosperity and improve quality of life.*

### ***The community desires to pursue economic development activities in the following areas:***

#### ***1. Land Use/ Transportation***

- a) Analyze, identify and market lands that are available for economic development, including: residential, commercial, office, industrial, agricultural (i.e., lands that already have development orders or lands that are not developable.)*
- b) Recognize preferred development patterns as described in individual community plans and implement the communities' desires to the greatest extent possible (including codification into the land development code). I.e., activity center, compatibility, design and form, pedestrian and bicycle/trail connectivity.*
- c) Utilize the Hillsborough County Competitive Sites Program to identify potential competitive sites (e.g. SouthShore Park DRI).*
- d) Analyze potential new economic sites,(e.g. Port Redwing) based on development*
- e) Support the potential Ferry Study and auxiliary services around Port Redwing*
- f) Utilize Hillsborough County Post Disaster Redevelopment Plan*

# HILLSBOROUGH COUNTY 2021 AERIAL RZ 24-0836

Rezoning

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

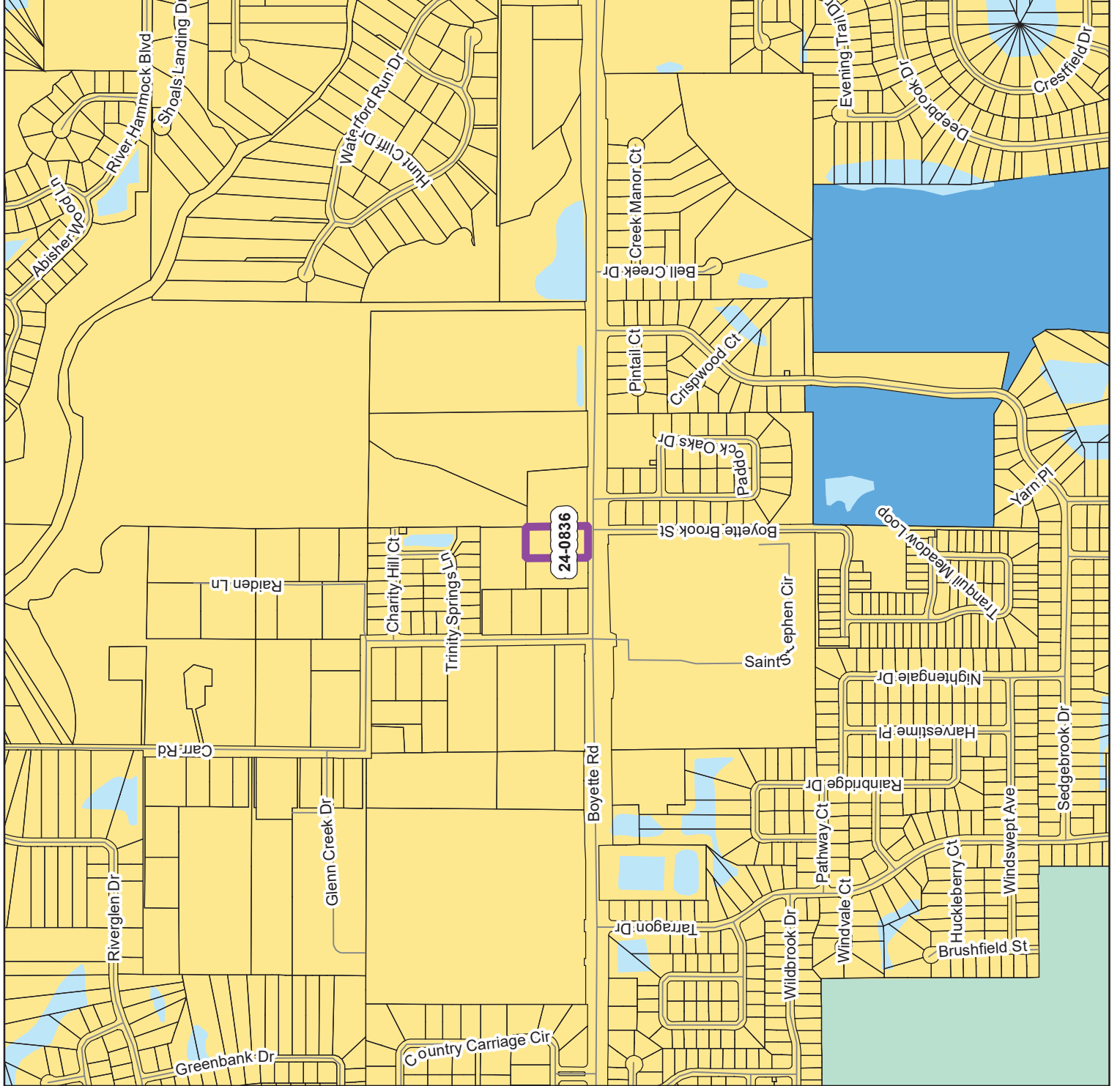
- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- WATER NATURAL LULC\_Water Poly
- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-110 (.25 FAR)
- AGRICULTURAL/RURAL-145 (.25 FAR)
- AGRICULTURAL ESTATE-112.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
- OFFICE COMMERCIAL-20 (75 FAR)
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (75 FAR)
- LIGHT INDUSTRIAL (75 FAR)
- HEAVY INDUSTRIAL (75 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning status and other information on this map is for informational purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 6/3/2024  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HC\Gen\_RZ\Rezoning - Copy.mxd





# **AGENCY COMMENTS**



## AGENCY REVIEW COMMENT SHEET

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TO: Zoning Technician, Development Services Department

DATE: 7/15/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Riverview/ South

PETITION NO: STD RZ 24-0836

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- 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. The rezoning proposes to add uses that would intensify the site. Due to the proposed intensification, the site must be brought up to current Land Development Code Standards, including access spacing.
2. The Hillsborough County Land Development Code section 6.04.07 requires access spacing to be a minimum of 245 feet from all other access points. The subject property is +/- 140 feet from the nearest access to the east and +/- 87 feet to the nearest access to the west. Based on these spacing issues, an intensification of the property is not supportable as it would be adding trips to already substandard access along Boyette Road.
3. Substandard access spacing is also problematic if the proposed use warrants a right-turn lane. Given the access spacing restraints on Boyette Road, a standard turn lane would not be able to be built.
4. Transportation staff has discussed the concerns with the applicant and potential restrictions that would address concerns such as limiting the size of the new uses so that there would not be an intensification and limiting development to uses that will not warrant turn lanes. The applicant has not submitted any restrictions that would address intensification or turn lane concerns.
5. The best opportunity for the County to argue against 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.
6. Given the above, staff recommends denial of the proposed zoning request.

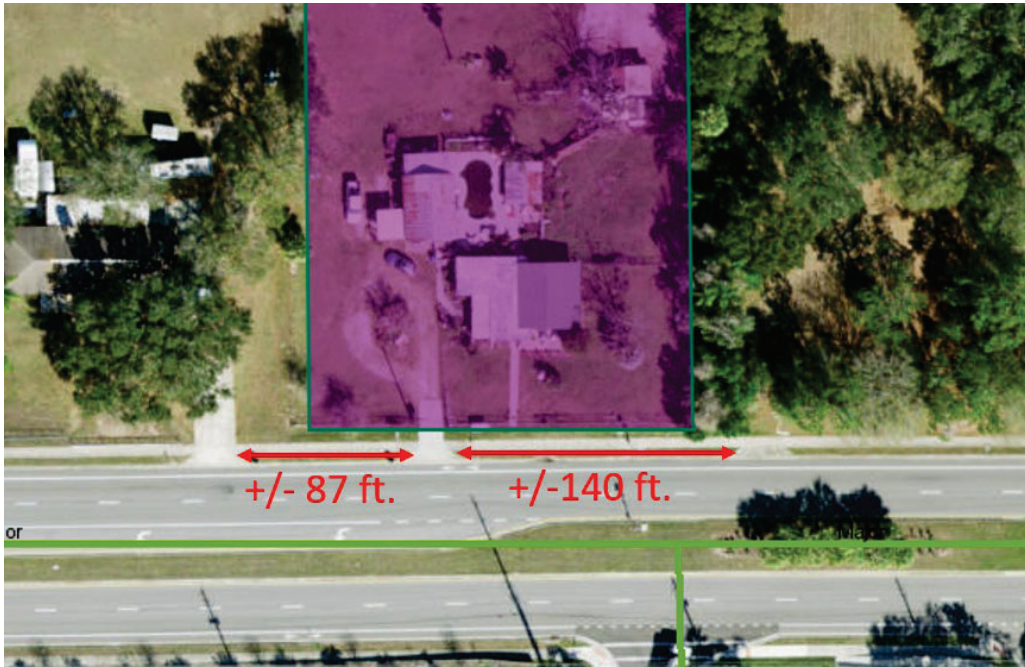


Photo showing spacing concerns on Boyette.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 1.58 acres from Business Professional Office - Restricted (BPO 06-1983 (R)) to Commercial General - Restricted (CG-R). The site is located on the north side of Boyette Road and approximately +/- 480 feet east of the intersection of Sait Stephen Circle and Boyette Road. The Future Land Use designation of the site is Residential-4 (R-4).

The applicant proposes to keep the previously restricted uses under BPO 06-1983 (dance studio, health practitioner’s office, professional services, personal services) and add Dentist, Oral Surgeon, pre-K care, Child Care, and Child Care nursery uses.

***Trip Generation Analysis***

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO-R, 13,765 sf, Copy, Print, and Express Ship Store (ITE Code 920)	1,020*	38	102

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 556 Student* Childcare (ITE Code 565)	2,274	434	439

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,254</b>	<b>+396</b>	<b>+337</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Boyette Road. Boyette Road is a substandard 4-lane, divided, county maintained, urban arterial roadway. The roadway is characterized by +/- 11 ft wide travel lanes, +/- 5 ft wide bike lanes on both sides, and +/- 5 ft wide sidewalks on both sides, within +/- 108 ft of the right of way.

Pursuant to the Hillsborough County corridor preservation plan Boyette Road is designated for a future six lane enhancement.

**SITE ACCESS**

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

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

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

Boyette Road is not a regulated roadway and was not included in the 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
Boyette Road	County Arterial - Urban	4 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,020	38	102
Proposed	2,274	434	439
Difference (+/-)	+1,254	+396	+337

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	None	Meets LDC
South		Choose an item.	None	Meets LDC
East		Choose an item.	None	Meets LDC
West		Choose an item.	None	Meets LDC
Notes:				

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

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input 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.

**COMMISSION**

Gwendolyn “Gwen” W. Myers CHAIR  
Harry Cohen VICE-CHAIR  
Donna Cameron Cepeda  
Ken Hagan  
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**AGENCY COMMENT SHEET**

REZONING	
HEARING DATE: 7/22/2024	COMMENT DATE: 6/6/2024
PETITION NO.: 24-0836	PROPERTY ADDRESS: 12712 Boyette Rd, Riverview, FL 33569
EPC REVIEWER: Melissa Yañez	FOLIO #: 0767820000
CONTACT INFORMATION: (813) 627-2600 X 1360	STR: 23-30-20
EMAIL: <a href="mailto:yanezm@epchc.org">yanezm@epchc.org</a>	
REQUESTED ZONING: Minor Modification to PD	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	3/5/2024
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	No onsite wetlands
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.</p> <p><b>INFORMATIONAL COMMENTS:</b></p> <p>The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.</p> <p>EPC staff reviewed the above referenced parcel in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite/ within the proposed construction boundaries.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	

My/cb

ec: [Dimitri@firsdttampa.com](mailto:Dimitri@firsdttampa.com) / [Todd@pressmaninc.com](mailto:Todd@pressmaninc.com)

*Environmental Excellence in a Changing World*

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



## Agency Review Comment Sheet

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

**TO:** Zoning Review, Development Services      **REQUEST DATE:** 5/31/2024  
**REVIEWER:** Kim Cruz, Environmental Supervisor      **REVIEW DATE:** 6/12/2024  
**PROPERTY OWNER:** Waters and Armenia Plaza LLC      **PID:** 24-0836  
**APPLICANT:** Todd Pressman  
**LOCATION:** 12712 Boyette Road Riverview, FL 33569  
**FOLIO NO.:** 76782.0000

### AGENCY REVIEW COMMENTS:

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

Hillsborough County EVSD has no objection and no recommended conditions.

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

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PETITION NO.: RZ-STD 24-0836 REVIEWED BY: Clay Walker, E.I. DATE: 6/10/2024

FOLIO NO.: 76782.0000

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**WATER**

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 12 inch water main exists  (approximately \_\_\_ feet from the site),  (adjacent to the site), and is located south of the subject property within the north Right-of-Way of East U.S. Highway 92. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

**WASTEWATER**

- The property lies within the \_\_\_\_\_ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 4 inch wastewater forcemain exists  (approximately 3,500 feet from the project site),  (adjacent to the site) and is located southwest of the subject property within the east Right-of-Way of Williams Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems. The subject area is located within the Hillsborough County Wastewater Service Area and will be served by the Falkenburg Wastewater Treatment Plant. If all of the development commitments for the referenced facility are added together, they would exceed the existing reserve capacity of the facility. However, there is a plan in place to address the capacity prior to all of the existing commitments connecting and sending flow to the referenced facility. As such, an individual permit will be required based on the following language noted on the permits: The referenced facility currently does not have, but will have prior to placing the proposed project into operation, adequate reserve capacity to accept the flow from this project.

**AGENCY REVIEW COMMENT SHEET**

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

**DATE: 3 June 2024**

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

**APPLICANT: Todd Pressman**

**PETITION NO: RZ-STD 24-0836**

**LOCATION: 12712 Boyette Rd., Riverview, FL 33569**

**FOLIO NO: 76782.0000**

**SEC: 23 TWN: 30 RNG: 20**

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- This agency has no comments.
  
- This agency has no objection.
  
- This agency has no objection, subject to listed or attached conditions.
  
- This agency objects, based on the listed or attached conditions.

COMMENTS: \_\_\_\_\_.





# **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: Susan Finch  
Land Use Hearing Master

DATE: Monday, July 22, 2024

TIME: Commencing at 6:00 p.m.  
Concluding at 9:32 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 C.3,  
2 Standard Rezoning 24-0836. The applicant is requesting to  
3 rezone property from BPO restricted to CG restricted.  
4 Michelle Montalbano with Development Services will provide staff  
5 findings after the applicant's presentation.

6 HEARING MASTER: Is the applicant here? Good evening  
7 again.

8 MR. PRESSMAN: Good evening, Hearing Officer.  
9 Todd Pressman, 200 2nd Avenue South, Number 451 in Saint  
10 Petersburg.

11 This is our RZ Standard 24-0836. We're located in the  
12 general Riverview area located on Boyette Road. And the site is  
13 1.58 acres and shown here by the property of Boyette Road.  
14 Issues before you are rezoning from DPO to CGR. It's only for  
15 to one specific parcel. We're seeking to add childcare use,  
16 increasing the FAR from 0.2 to 0.25. And also remove the  
17 residential appearance requirements. The prior restrictions  
18 were placed on the site quite some time ago, 18 years ago.

19 So overall what's before you, as the uses allowed  
20 would be dance studio, health practitioner, professional  
21 services, personal services, dentist, oral surgeon, child --  
22 childcare. That's the bottom line of what's before you under  
23 the rezoning, restricted uses.

24 The entire area is R-4, Future Land Use category,  
25 which allows for suburban neighborhood, commercial, office and

1 mixed uses. This is the current zoning, BPO on both sides with  
2 a CN at the intersection of Carr Road with an OR. Per the  
3 applicant, he's communicated, is the site on the east is an  
4 office use is not residentially used. And the BPO on the west  
5 side is partially residential use as a rental from what we  
6 understand.

7           Now what's important and a critical factor and really  
8 the biggest change in the area is directly across the street,  
9 which is the church, which has quite a few extensive uses. And  
10 it is quite a large campus and quite a large impact. So that  
11 was approved under RZ 00-0622. You can see there's quite a wide  
12 array of uses approved. Looking at their site plan, again,  
13 directly across the street is a sports field, 58,000 square foot  
14 school, 16,000 square foot fuel house, 31,000 square foot Paris  
15 Lift Center, 7,100 square foot youth building, office, church  
16 300 seats and a 105 bed ALF. So, it -- is quite extensive  
17 and quite impactful. And as that came through the process, very  
18 importantly, there were no residential appearance requirements  
19 as they required across the street. And that condition is  
20 specific that they just be architecturally finished on all  
21 sides, which again, is different -- much different than what's  
22 occurring on the site before you.

23           As this came through, 00-0622, both land use staffs  
24 approved it. The zone administrator found it approvable and the  
25 Planning Commission found it consistent. As far as we can see,

1 the uses proposed here are basically the same intensity across  
2 the street. As you can see, they have quite a large sports  
3 field, 600 student school and what's proposed here is small  
4 scale dance studio, health practitioner. They're not the same,  
5 but in terms of what was approved and supported by the entire  
6 county, basically roughly the same.

7           The other major change is the arterial roadway, which  
8 is Boyette. This is Boyette prior to 2012. And today, the  
9 arterial road is a four-lane divided highway. This is Boyette  
10 Road as it currently exists. A car is up over there to your  
11 right. And it's a very busy arterial road at 27,500 vehicles  
12 per day in 19 -- or in 2020.

13           Now, we don't meet locational criteria, but we place  
14 the waiver based upon the evolving advancements, the changes,  
15 the expansion, the allowed uses, the intensity that has occurred  
16 in almost two decades. Planning Commission report notes it --  
17 basically that's how we justify these changes. They refer to it  
18 strictly as the business properties and church across the  
19 street, which I've shown you is actually much, much more, many,  
20 many times more than just a church. Development Services notes  
21 the surrounding uses are single-family, institutional,  
22 agricultural, office and commercial are scattered along Boyette  
23 Road. We think that's -- we think that's a -- a definition or a  
24 view that's within the ballpark. Planning Commission has a  
25 different -- they refer to the given surrounding residential and

1 lower intensity office development pattern.

2           When you look at the Planning Commission report, they  
3 look at what's to the south is just educational, although we've  
4 showing you that it is many times the intensity, many times the  
5 uses than just educational. They note to the east,  
6 single-family residential agricultural although that's changing.  
7 And to the west single-family residential, which is also  
8 changing as well. The community plan under the residential  
9 district vision does note that manage growth does permit higher  
10 densities, which we do believe supports the increase of FAR from  
11 0.20 to 0.25.

12           The Planning Commission also at one point notes that  
13 RES-4 allows for the consideration of many uses, residential,  
14 suburban scale, neighbor commercial, office uses, multipurpose  
15 projects, which we meet. Yet at the same time, they say the  
16 intent of the Residential-4 category is to designate only low  
17 dense residential development. So with respect to the  
18 Planning Commission, we look at how they are presenting that  
19 RES-4 category and clearly it -- it is the first that does allow  
20 suburban scale neighborhood commercial.

21           We are a little bit at odds with transportation.  
22 In -- in our posture, this is a standard application. No  
23 transportation is required for submittal. The issues they raise  
24 are to be addressed to permitting and site lane. They are  
25 indicating that they, as I understand it, feel that a right turn

1 lane is required. We did look at that quickly as we got those  
2 comments and our transportation consultant, who I did ask her to  
3 look at that said no, that would not be required.

4 Driveway spacing Euclidian, all those projects are  
5 driving spacing go through a variance. It's -- it's very  
6 common. But those are issues as far as we're concerned, that  
7 are to be handled and looked at and considered after a zoning  
8 entitlement under standard application.

9 So with that, we feel that when you look at the whole  
10 site and look at the uses that were approved and supported by  
11 the county, this is -- request is compatible and cohesive. I  
12 did check the record before the hearing this morning. There  
13 were no emails or letters in opposition. The site's been  
14 noticed and of course, the big yellow sign's been out for quite  
15 some time. So with that, we appreciate your consideration.

16 HEARING MASTER: I do have several questions. Let me  
17 start with, and some of these questions I'll ask of staff too,  
18 I'll -- I'll go ahead and while you're here, ask you, yourself.

19 First, regarding the proposed restriction. The  
20 addition -- the -- the application infers that it's only adding  
21 childcare as that's the only use that's added that's not  
22 currently permitted under the BPO, is that correct?

23 Because -- and the reason I ask, is that it  
24 specifically calls out in addition. I pulled the conditions for  
25 the BPO from 2006. And it -- this application that's at -- the

1 subject for tonight lists an addition dentist and oral surgeon.  
2 But my first question is, wouldn't that fit under the existing  
3 condition that allows health practitioner's office? Why was  
4 that separately out?

5 MR. PRESSMAN: Well, I -- I always list everything in  
6 in extra or in any regard so it's on record. Health  
7 practitioner, from my understanding, is a little bit gray. So I  
8 wanted to be actually sure that the specific uses of dentist,  
9 oral surgeon or an oral surgeon are clearly presented and part  
10 of the record.

11 HEARING MASTER: Okay. So we'll clarify that with  
12 staff. But in -- in your mind, make change is to ask for a  
13 childcare center, is that correct? As an -- as an additional  
14 use.

15 MR. PRESSMAN: Yes. Correct.

16 HEARING MASTER: Okay. And then the request to  
17 increase the FAR from 0.2 to 0.25 gives you an additional 3,400  
18 square feet, correct?

19 And then the last request is to remove the requirement  
20 to have the structure appear residential in nature. And did you  
21 not just say that the structure to the west is residential, but  
22 being used commercially or was that the structure to the east?  
23 One of them was residential in appearance.

24 MR. PRESSMAN: Well, I was referring to use. You just  
25 said appearance, which I think you're asking use, correct?



1 HEARING MASTER: I'm asking both.

2 MR. PRESSMAN: In -- in my estimation, they do look  
3 residential in appearance. The applicant has indicated to me,  
4 and he is here tonight, that there is no more residential use in  
5 the east. On the west, there is still a -- a rented or partial  
6 rented residential use.

7 HEARING MASTER: All right. And so then you have  
8 structures to both the east and the west that continue to appear  
9 residential but maybe used otherwise?

10 MR. PRESSMAN: That's my understanding, yes.

11 HEARING MASTER: Okay. And your rationale for red --  
12 for eliminating that requirement is it a church across the  
13 street?

14 MR. PRESSMAN: Well, it's a number of factors. It is  
15 how the whole area has changed, modified and moved forward in  
16 almost two decades, which includes the approvals across the  
17 street, includes the expansion of the arterial, significant  
18 extension of the arterial, and what appear to be a lessening or  
19 reduction of residential use abutting.

20 HEARING MASTER: Okay. And then finally, this is my  
21 last question for you. The child car center is a conditional  
22 use in BPO. And so why not for 3,400 square feet why not avoid  
23 this and just ask for a conditional use to add it to the  
24 existing zoning.

25 MR. PRESSMAN: We'll that's a -- oh, I'm sorry, did we

1 see it?

2 HEARING MASTER: Good evening. Give us your name and  
3 address.

4 MR. ARTZIBUSMEU: Dimitri Artzibusmeu at 1525 West  
5 Hillsborough Avenue, Tampa.

6 We -- we don't need 25. But we -- 22.22 is what we're  
7 requiring to fit the -- the childcare center in, as well as the  
8 oral surgeon and a dentist.

9 HEARING MASTER: Okay.

10 MR. ARTZIBUSMEU: We're just a little shy and it  
11 just -- to fit their standard footprint, that's what we're  
12 trying to --

13 HEARING MASTER: Right.

14 MR. ARTZIBUSMEU: -- to accomplish.

15 HEARING MASTER: But you understand you have  
16 recommendations for denial from both planning staffs?

17 MR. ARTZIBUSMEU: I do.

18 HEARING MASTER: Okay. All right. Thank you. That's  
19 all my questions, Mr. Pressman, unless you had anything you  
20 wanted to add?

21 MR. PRESSMAN: No, thank you.

22 HEARING MASTER: All right. If you could both please  
23 sign in. Thank you.

24 Development Services.

25 Mr. Pressman, does that complete your presentation?

1 MR. PRESSMAN: Yes.

2 HEARING MASTER: Thank you. Go ahead.

3 MS. MONTALBANO: Michelle Montalbano, Development  
4 Services.

5 This applicant is requesting to rezone property from  
6 BPO with restrictions to CG with restrictions. The current  
7 BPO-R zoning district restricts the potential uses and has  
8 residential appearance, architectural standards. For the  
9 current CG-R request, the applicant is adding childcare centers  
10 to the list of permitted uses, increasing the maximum FAR  
11 permitted and moving the architectural theme requirements. The  
12 property is located in the Riverview area -- area along Boyette  
13 Road. The surrounding uses are residential, agricultural,  
14 institutional or neighborhood commercial uses.

15 The neighboring properties to the east and west are  
16 zoned BPO-R, but are currently still occupied by single-family  
17 homes. To the north is the AS-1 zoned property occupied by a  
18 mobile home dwelling. Across Boyette Road is a PD with a church  
19 and school. In the neighborhood vicinity, there are no  
20 developments zoned CG or exceeding a 0.2 FAR. The applicant  
21 elected to rezone to the CGR district instead of BPO or CN,  
22 which permits all the proposed uses to increase the FA -- the  
23 allowed FAR to 0.25.

24 The applicant provides the reason for the request is  
25 through the character of the area changing. While staff could

1 acknowledge that Boyette Road has been -- has been expanded  
2 since 2006, the site continues to be an area of BPO and CN  
3 intensity. Therefore, the CCR request would introduce a zoning  
4 district and FAR request that is not compatible with the  
5 surrounding area.

6           Also, the applicant chose to fully remove the  
7 architectural theme requirements with this request. The  
8 abutting properties to the east and west zoned BPR still have  
9 these standards. Staff finds the residential restrictions  
10 remain relevant to maintaining the residential character of the  
11 area and in keeping with residential adjacent properties.

12           Transportation review staff also have objections to  
13 the rezoning request due to the proposed continuation of the  
14 site on a substandard access.

15           Due to these considerations, staff finds the rezoning  
16 request not supportable. Thank you.

17           HEARING MASTER: Let me ask you this, Ms. Montalbano  
18 or Ms. Heinrich, either one.

19           Back to my same -- almost my same questions to  
20 Mr. Pressman. And am I correct that dentist and oral surgeon  
21 would both fit under the existing health practitioner?

22           MS. MONTALBANO: Correct.

23           HEARING MASTER: Okay. So that -- that clarification  
24 is unnecessary. They could do that today?

25           MS. MONTALBANO: Correct.

1 HEARING MASTER: All right. So then the -- if they  
2 are adding a childcare, that is the new use.

3 MS. MONTALBANO: Correct.

4 HEARING MASTER: All right. Thank you. And am I  
5 correct also that childcare is a conditional use in BPO, that  
6 they could request that?

7 MS. MONTALBANO: It was -- it is not permitted in that  
8 standard -- in BPO the BPO restricted currently.

9 HEARING MASTER: Right.

10 MS. MONTALBANO: So to add that use, they would still  
11 have to rezone it.

12 HEARING MASTER: They would have to rezone to add the  
13 use. You couldn't get it through the conditional use process?

14 MS. HEINRICH: It wouldn't be through the conditional  
15 use process because this is a restricted BPO. It doesn't allow  
16 all BPO uses. If the increased FAR was not an issue. They  
17 could just do a new BPO-R and add that in.

18 HEARING MASTER: I see. I see. But it would still  
19 require rezoning although not as --

20 MS. HEINRICH: Correct.

21 HEARING MASTER: -- intensive as this. Okay.

22 Ms. Montalbano, I think that is it.

23 MS. MONTALBANO: Okay.

24 HEARING MASTER: Thank you --

25 MS. MONTALBANO: Thank you.

1 HEARING MASTER: -- so much. I appreciate it.

2 All right. We will go to Planning Commission.

3 MS. MASSEY: Jillian Massey with Planning Commission  
4 staff.

5 The subject site's designated as Residential-4 in the  
6 Future Land Use Map. It's in the urban service area and within  
7 the limits of the communi -- Riverview Community plan in the  
8 South Shore Areawide Systems Plan. The proposed rezoning does  
9 not meet the intent of Future Land Use Element Objective 16 and  
10 it's accompanying policies relating to neighborhood protection.  
11 Eliminating the previously approved restriction that addresses  
12 architectural requirements would eliminate important mitigated  
13 measures that were put in place for the subject site to address  
14 compatibility concerns. Given the surrounding residential  
15 development pattern, there are still significant compatibility  
16 concerns with a nonresidential use.

17 The architectural theme requirement was put in place  
18 to address these compatibility concerns. And removing this  
19 requirement would not be in line with the policy direction under  
20 Policy 1.4 and 12-1.4.

21 The proposed rezoning from BPO-R to CG-R appears to  
22 too intense of a zoning district, given that the BPO zoning  
23 already accommodates many of these intended uses. Additionally,  
24 the site does not meet comm -- commercial locational criteria,  
25 per Future Land Use Element Policy 22.2 as the nearest

1 qualifying intersection is located at Boyette Road and Bell  
2 Shoals Road, which is approximately 4,000 feet away. They do --  
3 there do not appear to be any unique circumstances that would  
4 warrant the support of the waiver to this criteria.

5 In addition, the proposed rezoning to CG-R is not  
6 consistent with the existing pattern and character of the area  
7 with single-family residence -- residences to the north, west  
8 and east of the subject site. It's also not located at a major  
9 intersection where the more intense uses are expected per  
10 Policy 22.5. Staff recommends that the Board deny the waiver to  
11 the locational criteria.

12 And according to related community plans, design  
13 standards should incorporate identical -- identifiable themes  
14 and architectural elements inspired by Riverview's historical  
15 landmarks and heritage. And it aims to steer clear of the  
16 generic strict commercial developments, advocating instead for  
17 unique roadway designs and landscape that enhance the  
18 community's character. These standards also encourage the use  
19 of techniques such as landscaping, berms and median enhancements  
20 to create buffers around parking areas, water retention areas  
21 and sidewalks.

22 The rezoning to CGR with the removed restrictions does  
23 not meet the vision of the Riverview Community Plan. And based  
24 on these considerations, Planning Commission Staff finds the  
25 proposed rezoning inconsistent with the comprehensive plan.

1 HEARING MASTER: Thank you so much. Is there anyone  
2 in the room or online that would like to speak in support?

3 Anyone in favor? I'm seeing no one.

4 Anyone in opposition to this request? No one.

5 Ms. Heinrich, anything further?

6 MS. HEINRICH: No, ma'am. Unless you have any  
7 questions.

8 HEARING MASTER: No. You answered my question. Thank  
9 you.

10 Mr. Pressman, you have five minutes for rebuttal.

11 MR. PRESSMAN: No.

12 HEARING MASTER: Okay. Thank you so much.

13 Then with that, we'll close Rezoning 24-0836 and go to  
14 this next case.

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**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

DATE/TIME: 7/22/24 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>24-0775</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S. #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP _____ PHONE _____
APPLICATION # <u>RZ</u> <u>24-0807</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727-824-1760</u>
APPLICATION # <u>RZ</u> <u>24-0836</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727-824-1760</u>
APPLICATION # <u>RZ</u> <u>24-0836</u>	PLEASE PRINT NAME <u>Dimitri Artarushid</u> MAILING ADDRESS <u>1525 W. Hillsborough Av</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33603</u> PHONE <u>813-237-0529</u>
APPLICATION # <u>mm</u> <u>24-0034</u>	PLEASE PRINT NAME <u>Brian Kiraly</u> (Brian Kiraly) MAILING ADDRESS <u>400 N Tampa St #1320</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>(813) 416-7913</u>
APPLICATION # <u>mm</u> <u>24-0034</u> <u>US</u>	PLEASE PRINT NAME <u>Polly Roush</u> MAILING ADDRESS <u>5116 State Road 674</u> CITY <u>Wimauma</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE <u>941-725-4251</u>

DATE/TIME: 7/22/24 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>24-0124</u>	PLEASE PRINT NAME <u>Al Halaoui</u> MAILING ADDRESS <u>202 windward psge</u> CITY <u>chr. Bch</u> STATE <u>FL</u> ZIP <u>33767</u> PHONE <u>813-263-4826</u>
APPLICATION # <u>RZ</u> <u>24-0124</u>	PLEASE PRINT NAME <u>Timothy Healey</u> MAILING ADDRESS <u>803 N. Howard Ave.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>(813)251-0169</u>
APPLICATION # <u>mm</u> <u>24-0300</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u> CITY <u>TAMP</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 227 8424</u>
APPLICATION # <u>mm</u> <u>24-0300</u>	PLEASE PRINT NAME <u>SAM STARK</u> MAILING ADDRESS <u>5776 Royal Lytton Ct</u> CITY <u>DORUN</u> STATE <u>OH</u> ZIP <u>43017</u> PHONE <u>614 394 7057</u>
APPLICATION # <u>mm</u> <u>24-0300</u>	PLEASE PRINT NAME <u>Stephan Sposato</u> MAILING ADDRESS <u>505 E Jackson St.</u> CITY <u>Tamp</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-375-0616</u>
APPLICATION # <u>RZ</u> <u>24-0538</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u> CITY <u>Tamp</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 227 8124</u>

DATE/TIME: 7/22/24 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>24-0538</u>	PLEASE PRINT NAME <u>Stephen Spasato, level 2up</u> MAILING ADDRESS <u>505 E Jackson</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-375-0615</u>
APPLICATION # <u>RZ</u> <u>24-0538</u> <u>VS</u>	PLEASE PRINT NAME <u>Ethel Hammer</u> MAILING ADDRESS <u>19825 Angel Lane</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33556</u> PHONE <u>813-781-9866</u>
APPLICATION # <u>RZ</u> <u>24-0676</u>	PLEASE PRINT NAME <u>David M. Smith</u> MAILING ADDRESS <u>401 E. Jackson St. Ste 2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222 5010</u>
APPLICATION # <u>mm</u> <u>24-0678</u> <u>VS</u>	PLEASE PRINT NAME <u>David Mechanik</u> MAILING ADDRESS <u>305 S. Boulevard</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813-928-9152</u>
APPLICATION # <u>RZ</u> <u>24-0791</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> MAILING ADDRESS <u>1000 W. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813 331-0776</u>
APPLICATION # <u>RZ</u> <u>24-0791</u>	PLEASE PRINT NAME <u>William J. Maly</u> MAILING ADDRESS <u>325 S. Blvd St</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE _____

DATE/TIME: 7/22/24 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>mm</u> <u>24-0805</u>	PLEASE PRINT NAME <u>Tyler Hudson</u> (Tyler Hudson) MAILING ADDRESS <u>400 N. Wally Dr. #1100</u> CITY <u>Tampa</u> STATE _____ ZIP <u>33602</u> PHONE <u>813-221-9600</u>
APPLICATION # <u>mm</u> <u>24-0805</u>	PLEASE PRINT NAME <u>Addie Clark</u> MAILING ADDRESS <u>400 N. Ashby Dr. Ste. 1100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-221-9600</u>
APPLICATION # <u>mm</u> <u>24-0805</u> <u>VS</u>	PLEASE PRINT NAME <u>Joseph W. Seivold</u> MAILING ADDRESS <u>4811 Kelly Rd.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813-885-1673</u>
APPLICATION # <u>mm</u> <u>24-0805</u>	PLEASE PRINT NAME <u>Kim Leatess</u> MAILING ADDRESS <u>6011 28<sup>th</sup> Ave N</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33707</u> PHONE <u>707-215-6883</u>
APPLICATION # <u>mm</u> <u>24-0805</u>	PLEASE PRINT NAME <u>Ana L. Porra Paz</u> MAILING ADDRESS <u>8610 Blossom Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33604</u> PHONE <u>813-389-6927</u>
APPLICATION # <u>mm</u> <u>24-0805</u>	PLEASE PRINT NAME <u>Andrew Wright</u> MAILING ADDRESS <u>1211 N. Westshore Blvd #800</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-839-7320</u>

HEARING TYPE: ZHM PHM, VRH, LUHO

DATE: 7/22/2024

HEARING MASTER: Susan Finch

PAGE: 1 of 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 24-0807	Todd Pressman	1. Applicant Presentation Packet-thumb drive	No
RZ 24-0836	Todd Pressman	1. Applicant Presentation Packet-thumb drive	No
MM 24-0034	Rosa Timoteo	1. Revised Staff Report – email	Yes (Copy)
MM 24-0034	Rosa Timoteo	2. Revised Staff Report – email	Yes (Copy)
MM 24-0034	Brian Kiraly	3. Applicant Presentation Packet-thumb drive	No
RZ 24-0124	Timothy Healey	1. Applicant Presentation Packet	No
MM 24-0300	Kami Corbett	1. Applicant Presentation Packet-thumb drive	No
MM 24-0300	Stephen Sposato	2. Applicant Presentation Packet	No
RZ 24-0538	Stephen Sposato	1. Applicant Presentation Packet	No
RZ 24-0538	Kami Corbett	2. Applicant Presentation Packet	No
RZ 24-0538	Kami Corbett	3. Applicant Letter of Support	No
RZ 24-0676	Rosa Timoteo	1. Revised Staff Report – email	Yes (Copy)
RZ 24-0676	Rosa Timoteo	2. Revised Staff Report – email	Yes(Copy)
RZ 24-0676	Rosa Timoteo	3. Transportation Staff Report - email	Yes(Copy)
RZ 24-0676	Rosa Timoteo	4. Transportation Staff Report - email	Yes (Cop)
MM 24-0678	Rosa Timoteo	1. Revised Staff Report - email	Yes(Copy)
RZ 24-0791	Rosa Timoteo	1. Revised Staff Report - email	Yes(Copy)
RZ 24-0791	Rosa Timoteo	2. Revised Staff Report email	Yes(Copy)
RZ 24-0791	Isabelle Albert	3. Applicant Presentation Packet	No
RZ 24-0791	William Molloy	4. Applicant Letter of Support	No

JULY 22, 2024 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, July 22, 2024, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

A. WITHDRAWALS AND CONTINUANCES

▶ Michelle Heinrich, Development Services (DS), introduced staff and reviewed the changes to the agenda. ▶ Continued with the changes/withdrawals/continuances.

▶ Susan Finch, ZHM, overview of ZHM process.

▶ Chief Assistant County Attorney Cameron Clark, overview of evidence/ZHM/BOCC Land Use process.

▶ Susan Finch, ZHM, Oath.

B. REMANDS - **None.**

C. REZONING STANDARD (RZ-STD):

C.1. RZ 24-0775

▶ Michelle Heinrich, DS, called RZ 24-0775.

▶ Testimony provided.

▶ Susan Finch, ZHM, continued RZ 24-0775 to September 16, 2024, ZHM hearing.

C.2. RZ 24-0807

▶ Michelle Heinrich, DS, called RZ 24-0807.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 24-0807.

C.3. RZ 24-0836

▶ Michelle Heinrich, DS, called RZ 24-0836.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 24-0836.

MONDAY, JULY 22, 2024

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

D.1. MM 24-0034

- ▶ Michelle Heinrich, DS, called MM 24-0034.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 24-0034.

D.2. RZ 24-0124

- ▶ Michelle Heinrich, DS, called RZ 24-0124.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 24-0124.

D.3. MM 24-0300

- ▶ Michelle Heinrich, DS, called MM 24-0300
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 24-0300.

D.4. RZ 24-0538

- ▶ Michelle Heinrich, DS, called RZ 24-0538.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 24-0538.

D.5. RZ 24-0676

- ▶ Michelle Heinrich, DS, called RZ 24-0676.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 24-0676.



MONDAY, JULY 22, 2024

D.6. MM 24-0678

- ▶ Michelle Heinrich, DS, called MM 24-0678.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 24-0678.

D.7. RZ 24-0791

- ▶ Michelle Heinrich, DS, called RZ 24-0791.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 24-0791.

D.8. MM 24-0805

- ▶ Michelle Heinrich, DS, called MM 24-0805.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 24-0805.

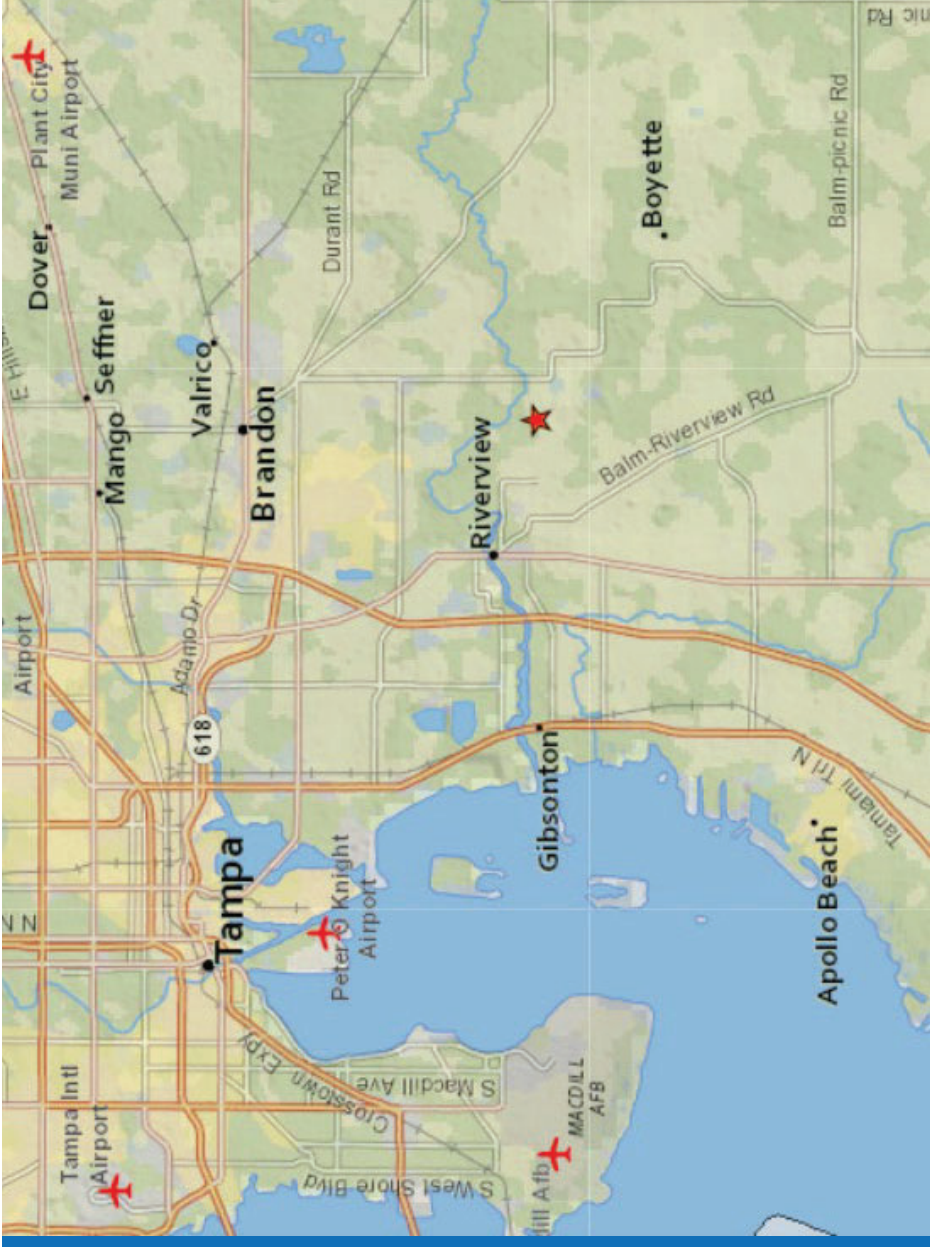
E. ZHM SPECIAL USE - **None**.

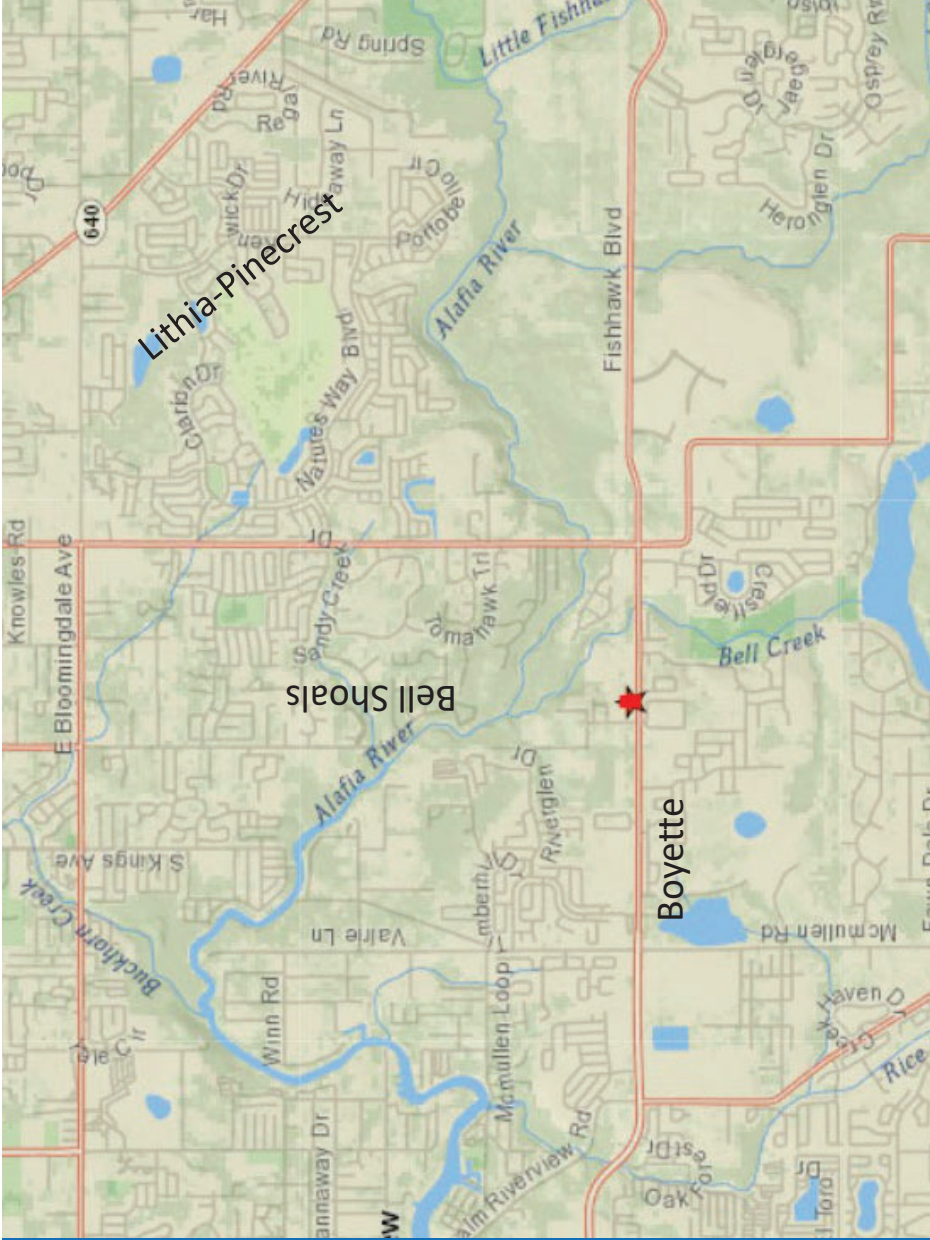
ADJOURNMENT

- ▶ Susan Finch, ZHM, adjourned the meeting at 9:32 p.m.

# RZ-STD 24-0836

Application No. RZ 24-0836  
Name: Todd Pressman  
Entered at Public Hearing: ZHM  
Exhibit #1  
Date: 7-22-2024





Lithia-Pinecrest

Bell Shoals

Boyette

1.58 acres

Riverview area



## Issues:

BP-O to CG-R. 76782.0050 parcel only.

- 1) Adding Child Care,
- 2) Increase the FAR - .20 to .25, and
- 3) Remove residential appearance requirements

## Issues:

BP-O to CG-R. 76782.0050 parcel only.

- 1) Adding Child Care,
- 2) Increase the FAR - .20 to .25
- 3) Remove residential appearance requirements
  - **Prior restrictions placed 18 years ago**

## Over All Restrictions:

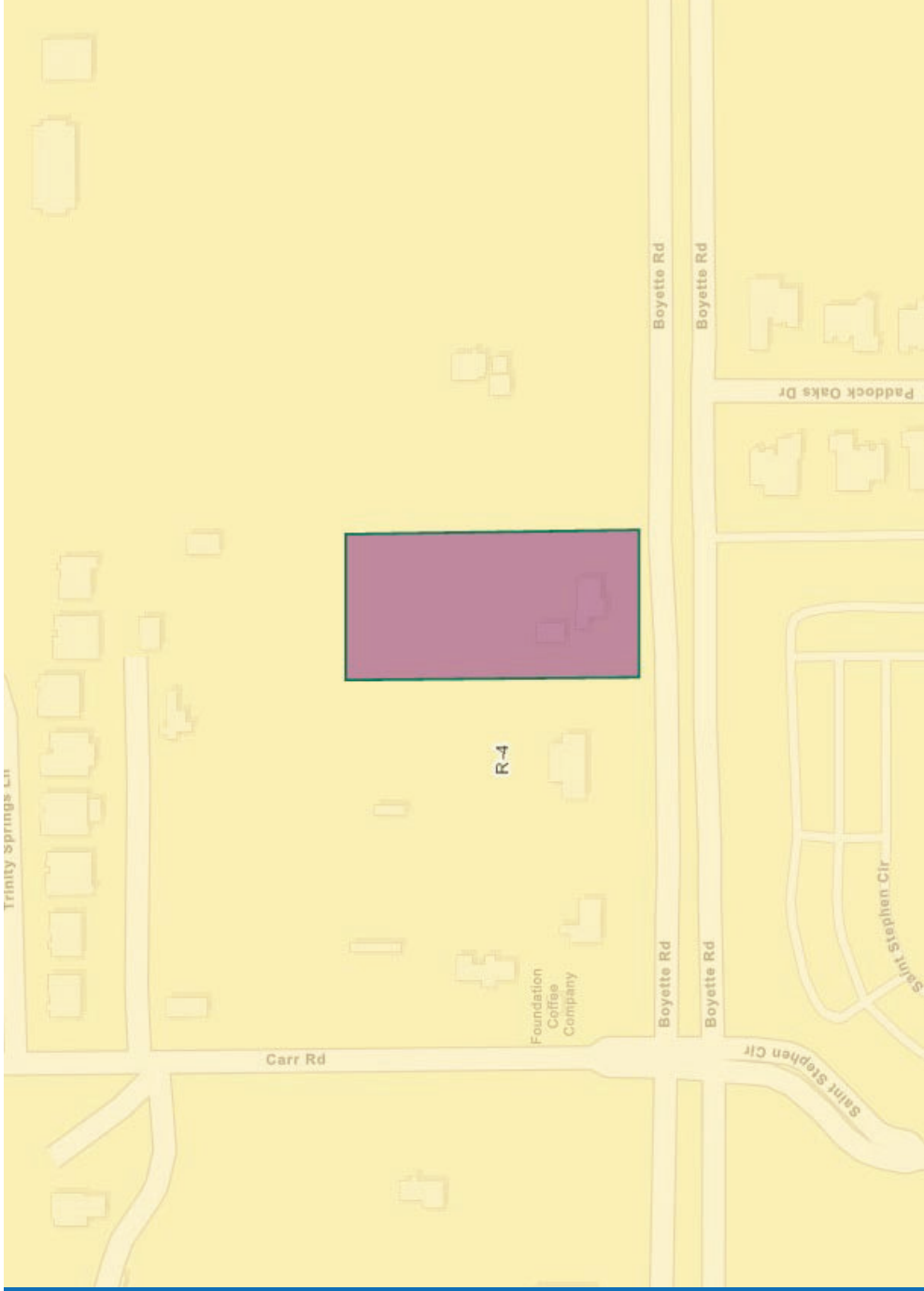
Only the following uses:

- Dance Studio
- Health Practitioner
- Professional Services
- Personal Services
  - Dentist
- Oral Surgeon and Child Care

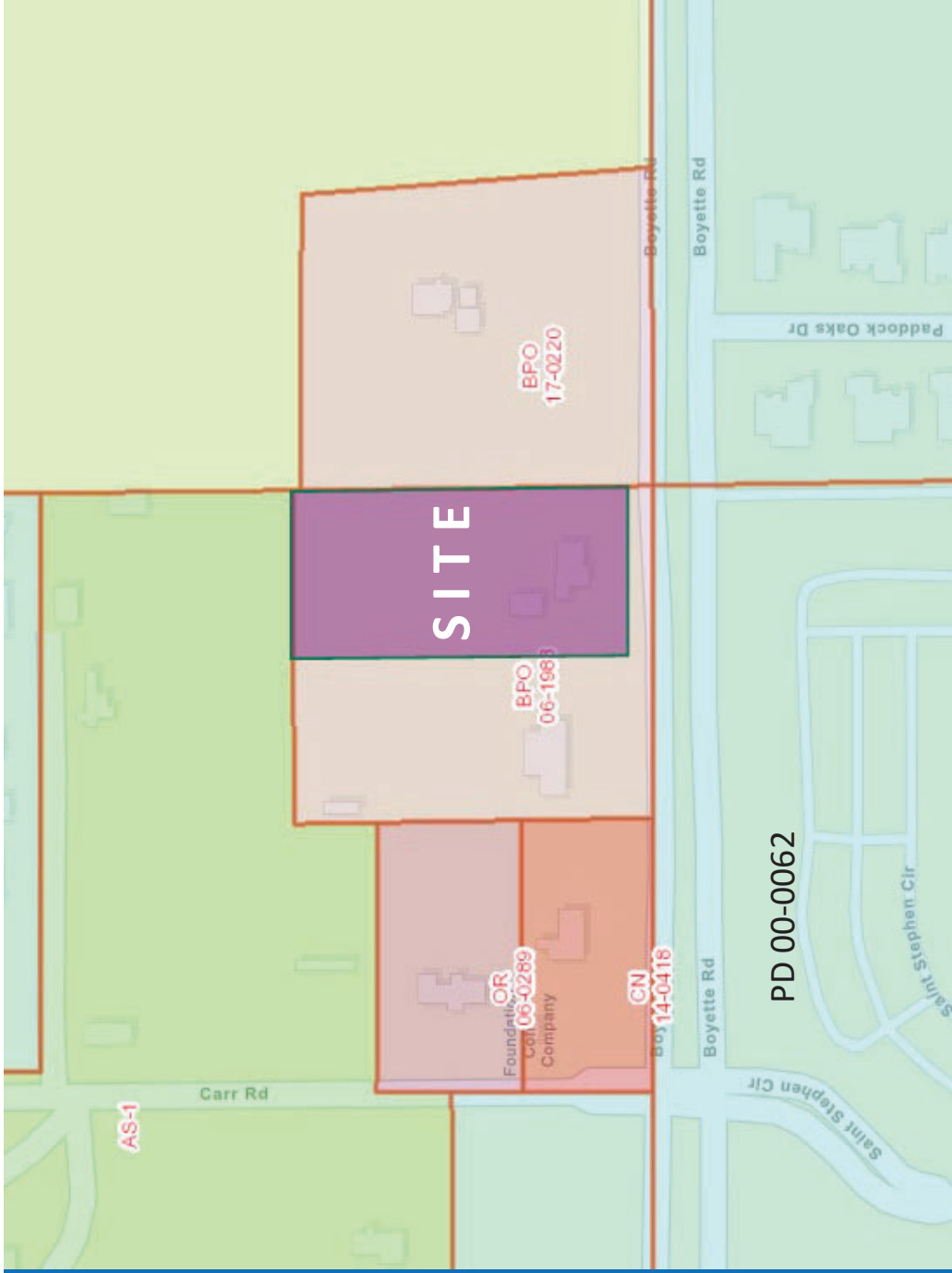


# R-4 Future Land Use category

Allows suburban neighborhood commercial, office & mixed uses



# Zoning



# Use: Per Applicant









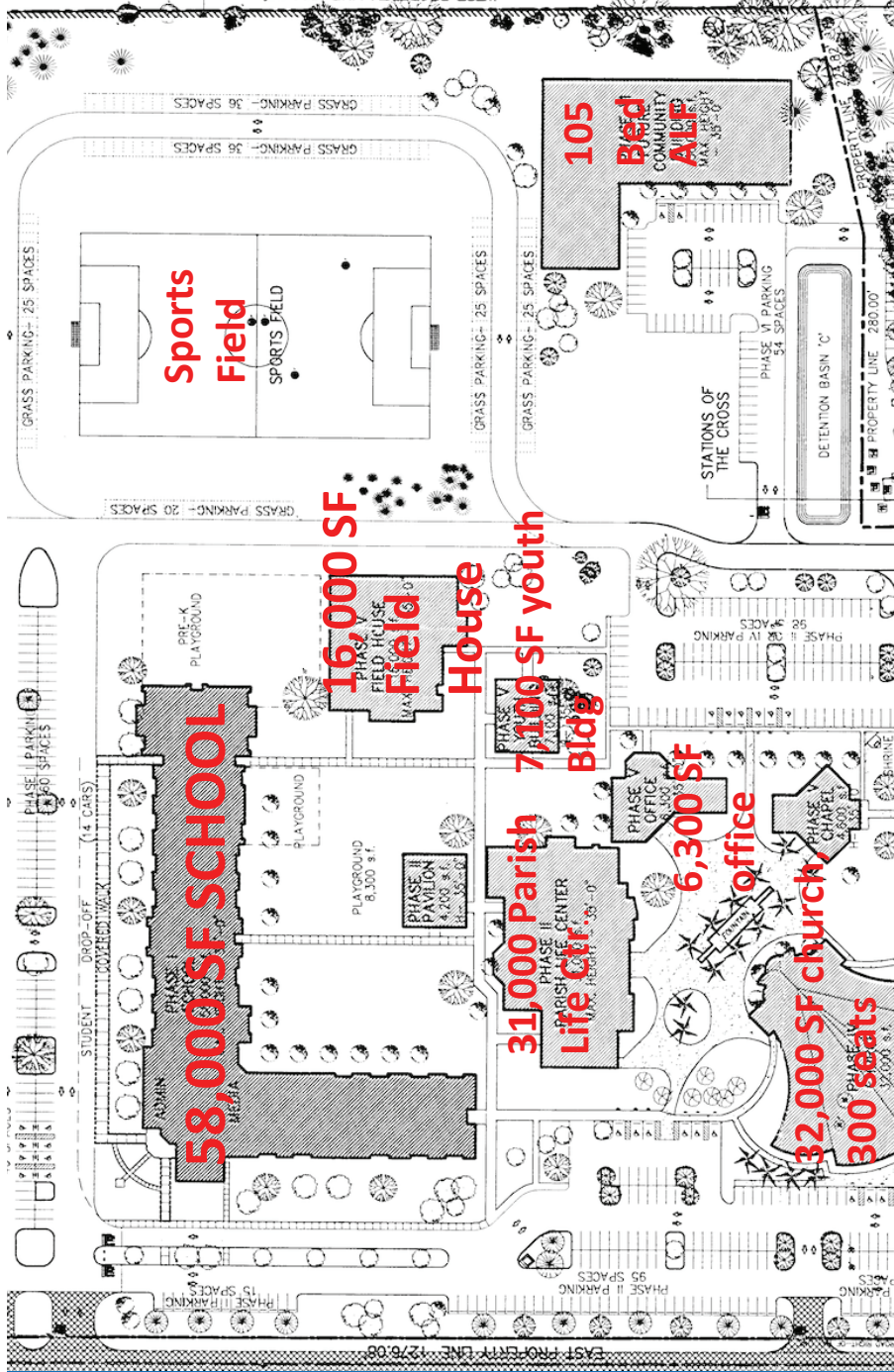
FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER: RZ 00-0622-BW  
BOCC MEETING DATE: August 8, 2000  
DATE TYPED: August 8, 2000

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted March 16, 2000.

1. The project shall be permitted a 58,000 square foot elementary school serving 600 students in grades kindergarten through eighth and a child care center for 60 pre-school aged children; 31,000 square foot Parish Life Center; a 1,300-seat 32,000 square foot church; a 4,600 square foot chapel; a 6,300 square foot office; a 7,100 square foot youth building; a 16,000 square foot field house; a 30,000 square foot community building; and a 50,000 square foot assisted care living facility with a maximum of 105 beds. Permitted ancillary facilities shall include a unlighted sports field and a 4,200 square foot pavilion. All facilities shall be located as generally shown on the site plan.

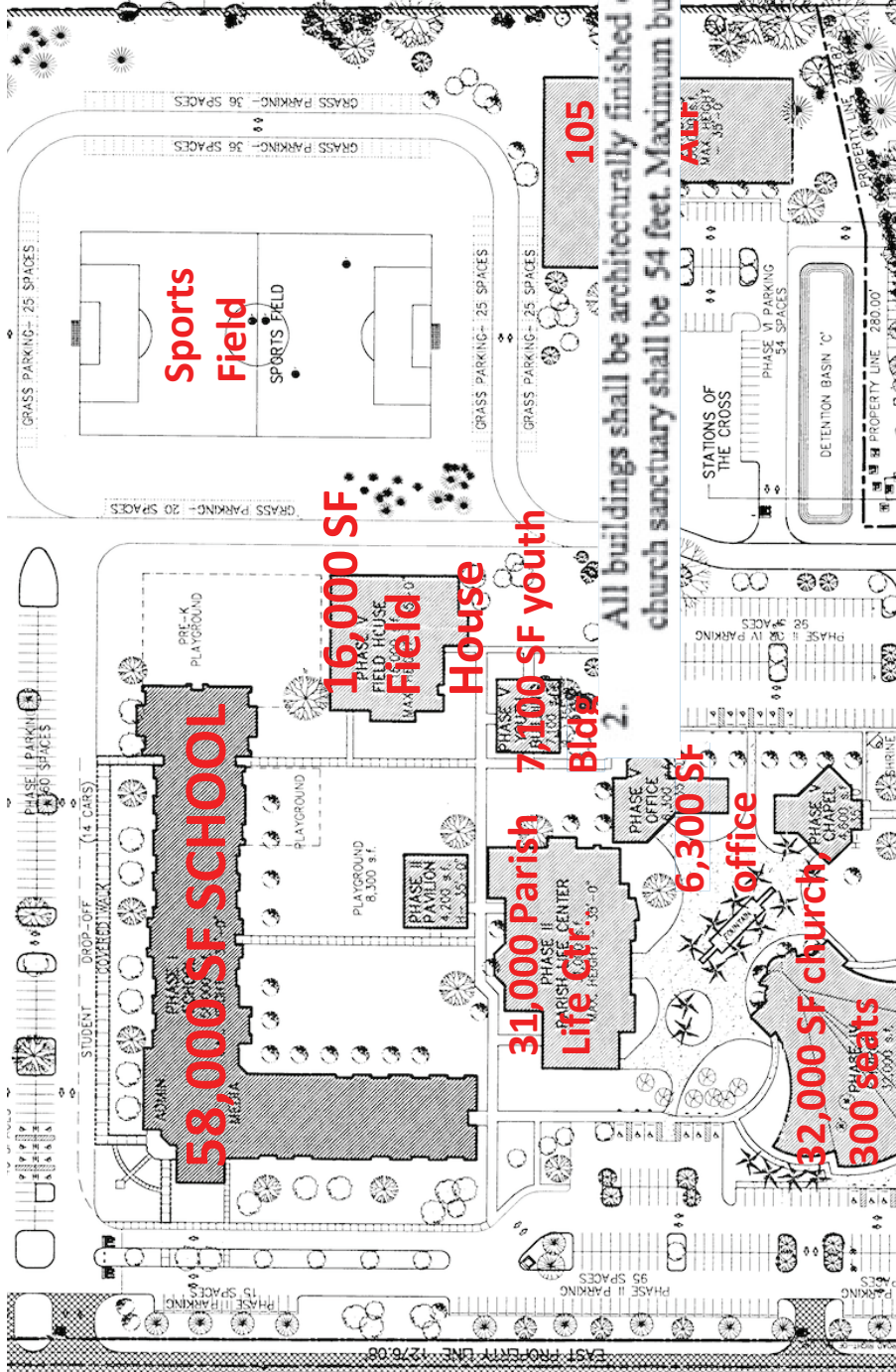
PD 00-0622





PD 00-0622

No aesthetic or use  
restrictions in any  
similar regard



2. All buildings shall be architecturally finished on all sides. Maximum building height for the church sanctuary shall be 54 feet. Maximum building height for all other structures shall be 35

FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER: RZ 00-0622-BW  
BOCC MEETING DATE: August 8, 2000  
DATE TYPED: August 8, 2000

2. All buildings shall be architecturally finished on all sides. Maximum building height for the church sanctuary shall be 54 feet. Maximum building height for all other structures shall be 35 feet.

00-0622

P&GM Staff presented testimony describing the request, stating that the requested building height of 54 ft. for the church facility is consistent with the standards of the Southern Building Code and would be an acceptable variance. Staff testified that the complex as proposed would be compatible with the surrounding land use pattern. The Zoning Administrator finds the request to be **approvable, subject to conditions.**

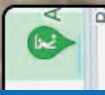
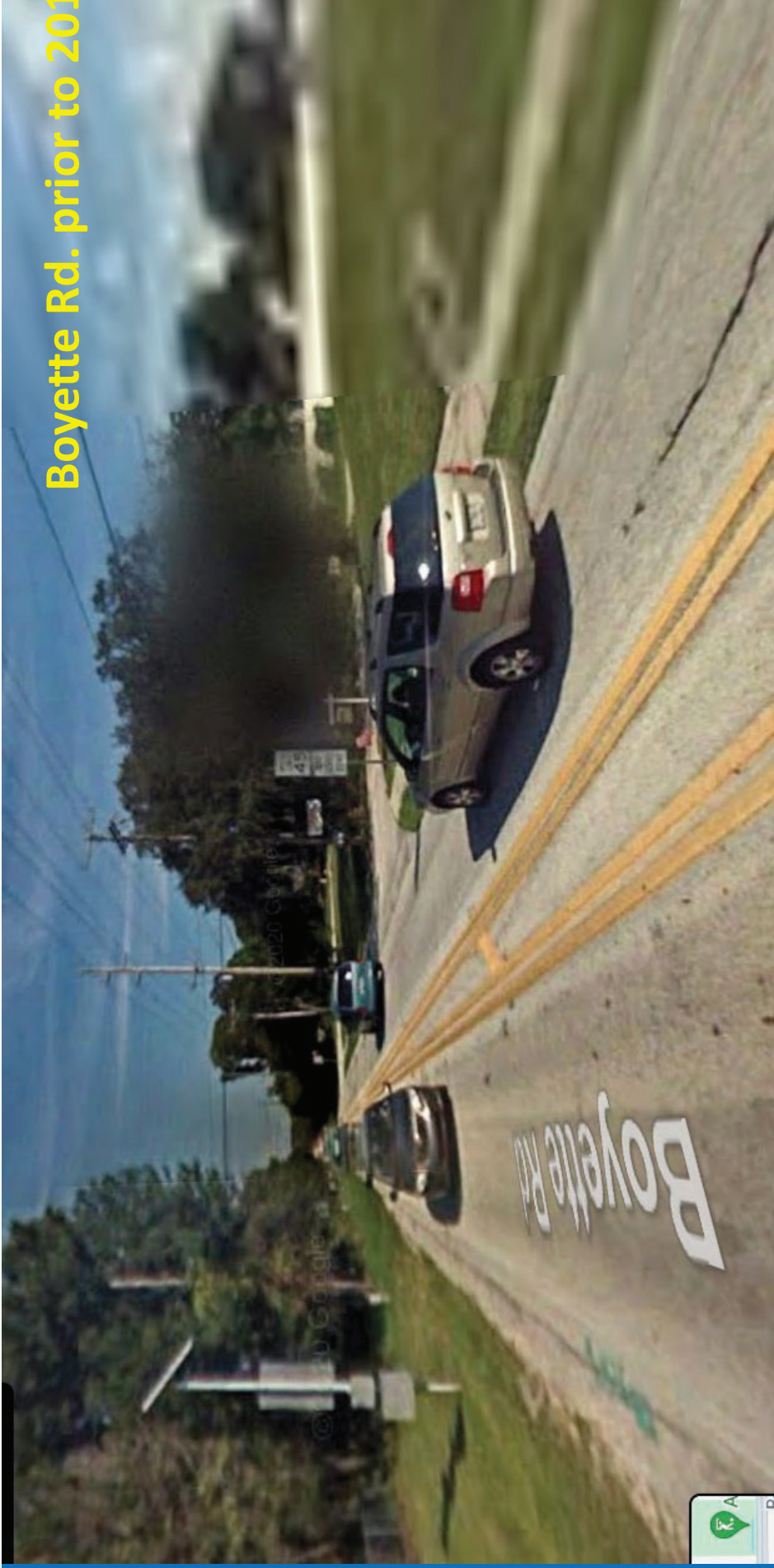
HCCCPC Staff presented testimony stating that the request is found to be **consistent** with the Future of Hillsborough Comprehensive Plan.

**Uses proposed are basically the same intensity**

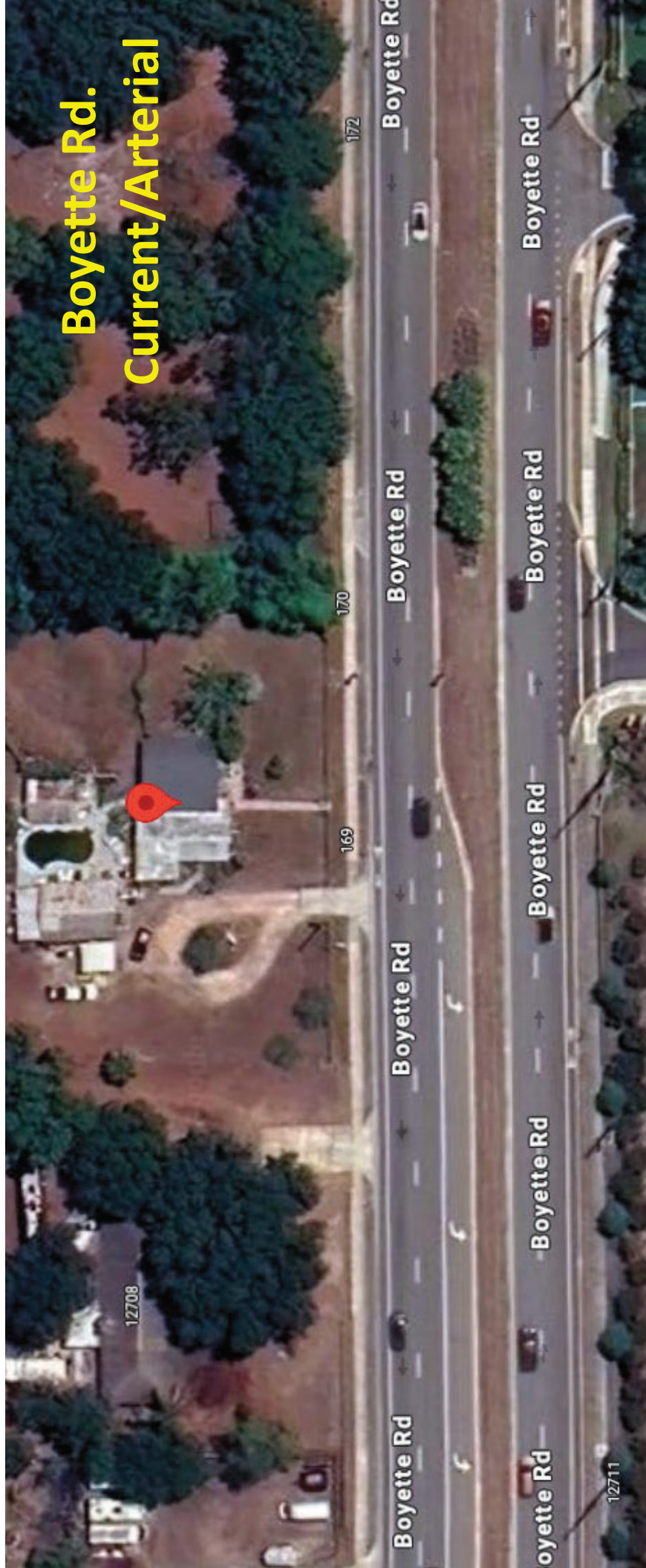
**across street:**

- **Dance Studio**
- **Health Practitioner**
- **Professional Services**
- **Personal Services**
  - **Dentist**
- **Oral Surgeon and Child Care**

# Boyette Rd. prior to 2012



# Boyette Rd. Current/Arterial

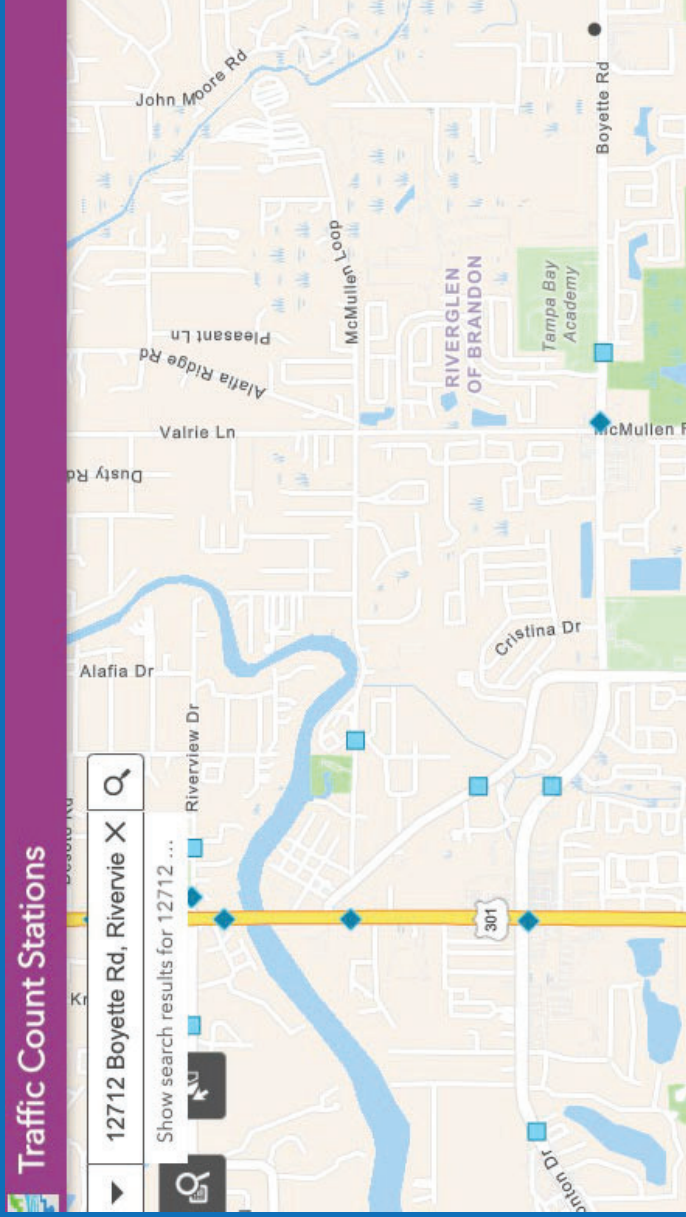


Boyette Rd. current



Boyette Rd





27,500 vehicles/day, 2020



## Locational Criteria

**All these evolving advancements, changes, expansions & allowed uses, support the locational criteria waiver**

**Plan Comm:** *"The applicant justifies this change by pointing out the evolving character of the surrounding area, notably the presence of business properties and a church situated across Boyette Road".*

**D.S.D.: “The surrounding uses are largely single-family residential developments, institutional uses, and agricultural lands. Office and commercial uses are scattered along Boyette Road.”**

**Plan Comm: “ ...given the surrounding residential and lower intensity office development pattern”.**

**Plan. Comm:** “ ...the request to rezone from the BPO-R zoning district to CG-R would introduce a more intensive zoning district in an area that is not appropriate for this type of intensity”.

Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-4	BPO	Single-Family Residential
North	Residential-4	AS-1	Single-Family Residential + Agricultural
South	Residential-4	PD	Educational
East	Residential-4	BPO	Single- Family Residential + Agricultural
West	Residential-4	BPO + OR + CN	Single-Family Residential

## Community Plan

5. Residential District Vision The area south of the Alafia River along US Highway 301 has been developed as primarily residential. The residential district appeals to people of many economic and cultural backgrounds. In this area, managed growth permits higher densities.

**Plan Comm:** “(RES-4)...allows for the consideration of residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects”.

**Plan Comm:** “The intent of the Residential-4 category is to designate areas that are suitable for low density residential development”.

## Transportation:

- 1) Standard application. No transportation is required for submittal. Permitting and site planning.
- 2) Requires right turn lane. Our look at that says no.
- 3) Driveway spacing, Euclidian, majority of projects require variance & most approved.



**PARTY OF  
RECORD**

**NONE**