Rezoning Application: 23-0351

Zoning Hearing Master Date: June 20, 2023

BOCC Land Use Meeting Date: August 8, 2023



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Joseph L. Lancaster

FLU Urban Mixed-Use 20 (SMU-6)

Category:

Service Area: Urban

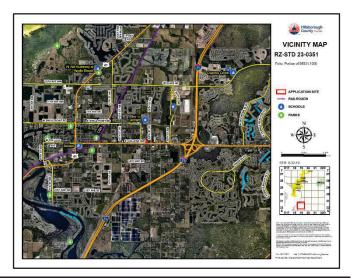
Site Acreage: 1.11 +/Community Ruskin

Plan Area:

Overlay: None

Request: Rezone from Agricultural Rural (AR) to

Commercial Intensive Restricted (CI-R).



Request Summary:

The request is to rezone from the existing Agricultural Rural (AR) to Commercial Intensive Restricted (CI-R) zoning district with restrictions. The restrictions address: access limitations for the parcel; buffering and screening; and site-specific use of Open Storage restricted to domestic passenger vehicles only. The proposed zoning for CI-R permits Intensive Commercial, Office and Personal Services development on lots containing a minimum of 20, 000 square feet.

Zoning:				
	Current AR Zoning	Proposed CI-R Zoning		
Uses	Agricultural	Intensive Commercial, Office and Personal Services		
Acreage	2.75+/- Acres (ac)	2.75 +/- ac (119,790 sf)		
Density / Intensity	1 du per 5 acres	F.A.R. 0.30		
Mathematical Maximum*	0 Dwelling Unit (du)	35,937 sf		
* Mathematical Maximum entitlements may be reduced due to roads stormwater and other improvements				

Development Standards:					
	Current AR Zoning	Proposed CI-R Zoning			
Density / Intensity	1 du per 5 ac	0.30 F.A.R			
Lot Size / Lot Width	5 AC/ 217,800 sf / 150'	20,000 sf / 100'			
Setbacks/Buffering and Screening	50' – Front 25' – Sides 50- Rear	30' - Front 20' w/ Type B Buffering – Rear 0' – Side (West) 20'-(East)			
Height	50'	50'			

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

APPLICATION NUMBER:	RZ STD 23-0351

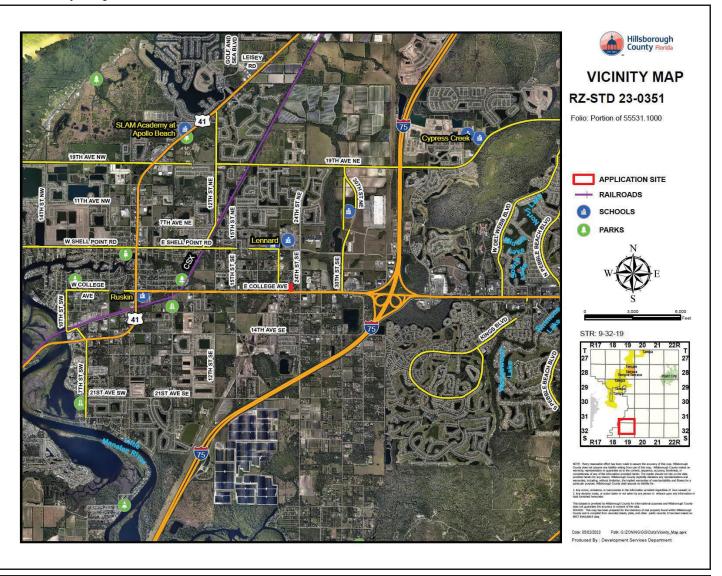
ZHM HEARING DATE: June 20, 2023

BOCC LUM MEETING DATE: August 8, 2023 Case Reviewer: Isis Brown

Additional Information:		
Planning Commission Recommendation	Inconsistent	
Development Services Department Recommendation	Not Supportable	

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



Context of Surrounding Area:

The site is located in an area comprised of mixed and commercial uses and rural-agricultural. The subject site and adjacent properties are within the SMU-6 FLU category which has the potential to permit residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects. The site is adjacent to agricultural, residential, and commercial type use properties. The adjacent properties are zoned AR (to the north); AR, AS-1, PD 78-0221 (R-3 MH) & PD 04-0566 (to the south); RSC-6 MH, AR & CG (to the east); and CG & RSC-6 MH(to the west).

Rezoning Application: 23-0351

Zoning Hearing Master Date: June 20, 2023

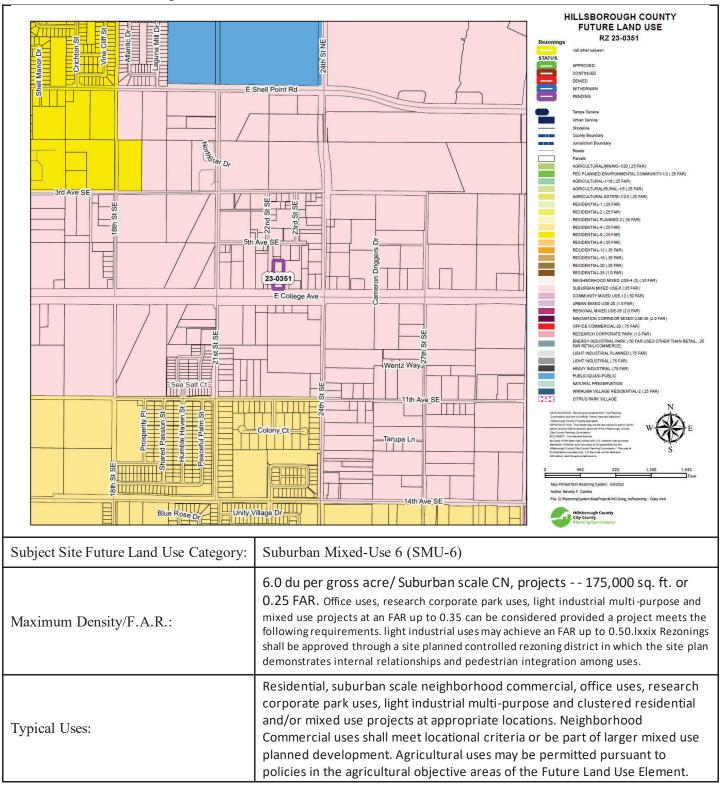
BOCC Land Use Meeting Date: August 8, 2023



Development Services Department

2.0 LAND USE MAP SET AND SUMMARY DATA

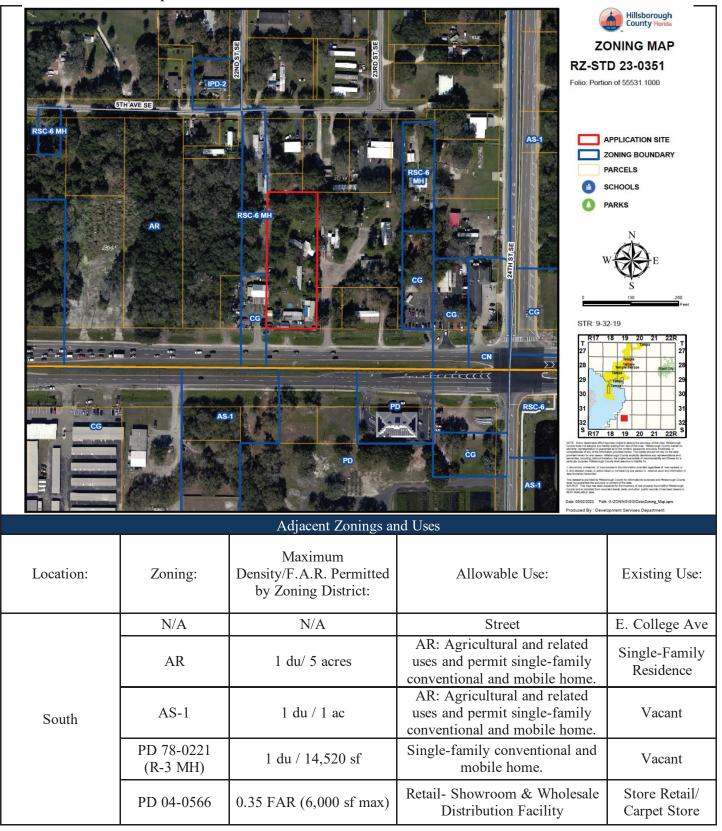
2.2 Future Land Use Map



Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



APPLICATION NUMBER: RZ STD 23-0351
ZHM HEARING DATE: June 20, 2023

BOCC LUM MEETING DATE: August 8, 2023 Case Reviewer: Isis Brown

Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 du/ 5-acres	AR: Agricultural and related uses and permit single-family conventional and mobile home.	Single-Family Residence
	RSC-6 MH	1 du/ 7,000 sf	single-family conventional and mobile home.	Single Family Residence
East	AR	1 du/ 5-acres	AR: Agricultural and related uses and permit single-family conventional and mobile home.	Single-Family Residence
	CG	F.A.R. 0.27	General Commercial, Office and Personal Services	Auto Sales
	CG	F.A.R. 0.27	General Commercial, Office and Personal Services	Towing Services/ Office
West	RSC-6 MH	1 du/ 7,000 sf	single-family conventional and mobile home.	Single Family Residence

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)
Not Applicable
Two Applicable

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

APPLICATION NUMBER: RZ STD 23-0351

ZHM HEARING DATE: June 20, 2023
BOCC LUM MEETING DATE: August 8, 2023 Case Reviewer: Isis Brown

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Objections	Conditions Requested	Additional Information/Comments	
Environmental Protection Commission	□ Yes	□ Yes	No Comments	
	□ No	□ No		
Natural Resources	□ Yes	□ Yes	No Comments	
	□ No	□ No	777	
Conservation & Environmental Lands Mgmt.	☐ Yes ☐ No	☐ Yes ☐ No	This agency has no comments.	
Check if Applicable:				
☐ Wetlands/Other Surface Waters	☐ Significant W	ildlife Habitat		
☐ Use of Environmentally Sensitive Land Credit	☐ Coastal High			
☐ Wellhead Protection Area	⊠ Urban/Suburl	oan/Rural Scenic	e Corridor	
☐ Surface Water Resource Protection Area	☐ Adjacent to E	LAPP property		
☑ Potable Water Wellfield Protection Area	Other			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments	
Transportation				
☐ Design Exception/Adm. Variance Requested	⊠ Yes	☐ Yes		
☐ Off-site Improvements Provided	□ No	⊠ No		
⊠ N/A	□ N/A	□ N/A		
Utilities Service Area/ Water & Wastewater				
⊠Urban ☐ City of Tampa	□ Yes	□ Yes	No comments provided	
□Rural □ City of Temple Terrace	□ No	□ No	1	
Hillsborough County School Board				
Adequate □ K-5 □ 6-8 □ 9-12 □ N/A	□ Yes	□ Yes	No Comment	
Inadequate □ K-5 □6-8 □9-12 □N/A	□ No	□ No		
Impact/Mobility Fees N/A				
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments	
Planning Commission				
☐ Meets Locational Criteria ☐ N/A				
☐ Locational Criteria Waiver Requested		⊠ Yes		
☐ Minimum Density Met ☐ N/A	☐ Consistent	□ No		
□Density Bonus Requested				
⊠Consistent ⊠Inconsistent				

APPLICATION NUMBER: RZ STD 23-0351
ZHM HEARING DATE: June 20, 2023

BOCC LUM MEETING DATE: August 8, 2023 Case Reviewer: Isis Brown

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of rural-agricultural, agricultural, residential, and commercial uses. The subject site and adjacent properties are within the SMU-6 FLU category which has the potential to permit residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects.

The adjacent properties are zoned AR (to the north); AR, AS-1, PD 78-0221 (R-3 MH) & PD 04-0566 (to the south); RSC-6 MH, AR & CG (to the east); and CG & RSC-6 MH (to the west). Therefore, from a compatibility perspective the most potentially impacted parcel would be parcels zoned RSC-6 MH (north-west); AR (north) and AR (east). The applicant proposed use restrictions include: A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North will remain in its current condition. Therefore, given the adjacent zoning/development pattern, staff finds the site characteristics, required buffering/screening/setbacks and the proposed use restrictions provide appropriate mitigation for any potential impacts of the proposed rezoning.

To address site access concerns, the applicant proposed: Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000. To address compatibility concerns, The applicant proposed the subject site shall only permit following CI Uses: Open Storage restricted to domestic passenger vehicles only.

Staff notes, the proposed rezone request is to rezone an approximate 1.1-acre portion of a 2.71-acre parcel zoned AR. Per LDC sec.6.01.01, AR zoning districts require a minimum lot size of five (5) acres and minimum lot width of 150 feet. However, the subject parcel is approximately 2.71 acres in size and currently nonconforming. The request to rezone a portion of a nonconforming AR zoning parcel would make the current parcel more nonconforming.

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

The subject site is located along College Avenue, a designated scenic corridor, which may trigger additional buffering and tree plantings as required by Part 6.06.03.I of the Land Development Code. Additionally, the property is located within 500 feet of a mapped Potable Water Well; therefore, allowable uses may be further prohibited or restricted. in accordance with the requirements of Part 3.05.05 of the Land Development Code.

5.2 Recommendation

Due to the objections from Transportation Review and Planning Commission review, for the reasons outlined in their attached agency comments; and the current nonconformity of the subject parcel, staff finds the request is not supportable. As noted, the applicant is proposing the following restrictions:

- 1) A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North.
- 2) Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000.
- 3) Subject site shall only permit the following CI Uses: Open Storage restricted to domestic passenger vehicles only.

Zoning Administrator Sign Off:

J. Brian Grady Tue Jun 13 2023 15:08:22

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.

6.0 PROPOSED CONDITIONS:

N/A

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

APPLICATION NUMBER:	RZ STD 23-0351	
ZHM HEARING DATE:	June 20, 2023	
BOCC LUM MEETING DATE:	August 8, 2023	Case Reviewer: Isis Brown
O A DDADACED CITE	DI AN (DIII I)	
8.0 PROPOSED SITE	L PLAN (FULL)	
		Not Applicable
		Tiot ripplicate

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department REVIEWER: Alex Steady, Senior Planner PLANNING AREA/SECTOR: Ruskin/South		DATE: 06/12/2023 AGENCY/DEPT: Transportation PETITION NO.: STD 23-0351
	This agency has no comments.	
This agency has no objection.		
X	X This agency objects for the reasons set forth below.	

RATIONALE FOR OBJECTION

- Transportation staff asked the applicant to provide documentation concerning existing access, including any existing easements used for access to the subject property. The applicant has not provided the required information and as such transportation staff cannot properly evaluate the request and must object to the proposed rezoning.
- The proposed rezoning proposes to take access to College Avenue, an FDOT maintained roadway.
 Due to the configuration of existing access and the proposed access to the site, transportation staff
 requires formal documentation concerning FDOT requirements for access to the subject property.
 The applicant has not submitted documentation regarding the required coordination with FDOT
 and as such Transportation Staff must object to the proposed rezoning.
- The proposed rezoning would result in a split zoned property. The Land Development Code does not allow a commercial property to take access through a residential property. The currently submitted documents do not provide sufficient access restrictions to ensure LDC compliant access between the split zoned uses. The access to this property indicates that it takes access through an easement and a residential property but information concerning that easement was not submitted to the record and restrictions limiting access through the east were not provided. As such transportation staff must object to the proposed rezoning.
- The applicant submitted a restriction that states "Access to this proposed zoning parcel will be from the contracted owner's property located abutting West, folio #55540.0000." The proposed restriction would typically require a certified parcel process to combine the two lots in order to maintain legal access to the proposed CI-R portion of the rezoning through folio 55540.000. Without legal access granted through combining the parcels or granting an easement, access cannot be guaranteed through folio 55540.000 if the property changes ownership. Due to the listed major concerns, transportation staff objects to the proposed rezoning.

PROJECT SUMMARY

The applicant is requesting to rezone one +/- 2.74 acre parcel from Agricultural Residential (AR) to Agricultural Residential (AR) and Commercial Intensive – Restricted (CI-R). The proposed restriction is to only provide storage of vehicles in relation to a towing company on the part of the site being rezoned to Commercial Intensive. The applicant proposed an additional restriction that limits access to the contractor's office located abutting west folio #55540.000. The site is located on the north side of College Avenue, +/- 370 feet west of the intersection of 24th Street SE and College Avenue. The Future Land Use designation of the site is Suburban Mixed Use -6 (SMU-6).

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	RZ STD 23-0351
DATE OF HEARING:	June 20, 2023
APPLICANT:	AMQ International Corp/ Dennis Creech
PETITION REQUEST:	The request is to rezone a parcel of land from AR to CI-R
LOCATION:	750 feet Northwest of the Intersection of E. College Avenue and 24 th Street SE.
SIZE OF PROPERTY:	1.11 acres m.o.l.
EXISTING ZONING DISTRICT:	AR
FUTURE LAND USE CATEGORY:	SMU-6

Urban

SERVICE AREA:

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: Joseph L. Lancaster

FLU Category: Suburban Mixed-Use 20 (SMU-6)

Service Area: Urban

Site Acreage: 1.11 +/-

Community Plan Area: Ruskin

Overlay: None

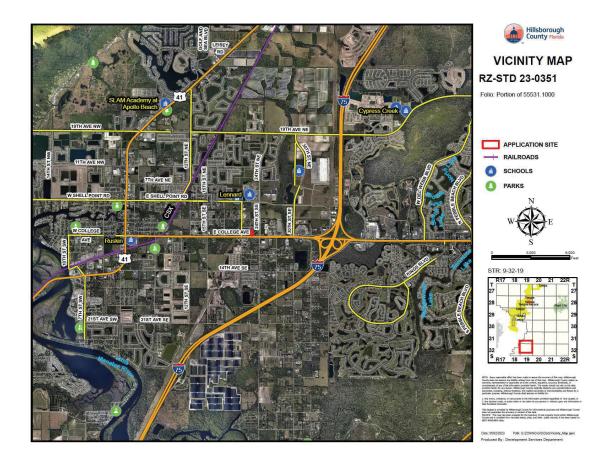
Request: Rezone from **Agricultural Rural (AR)** to **Commercial Intensive Restricted (CI-R)**.

The request is to rezone from the existing Agricultural Rural (AR) to Commercial Intensive Restricted (CI-R) zoning district with restrictions. The restrictions address: access limitations for the parcel; buffering and screening; and site-specific use of Open Storage restricted to domestic passenger vehicles only. The proposed zoning for CI-R permits Intensive Commercial, Office and Personal Services development on lots containing a minimum of 20, 000 square feet.

Planning Commission Recommendation: Inconsistent

Development Services Department Recommendation: Not Supportable

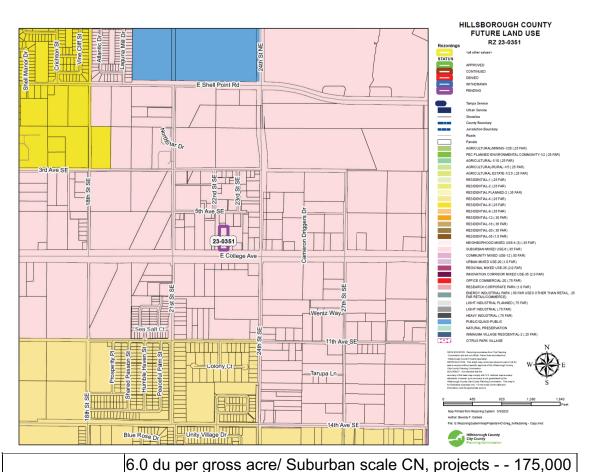
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



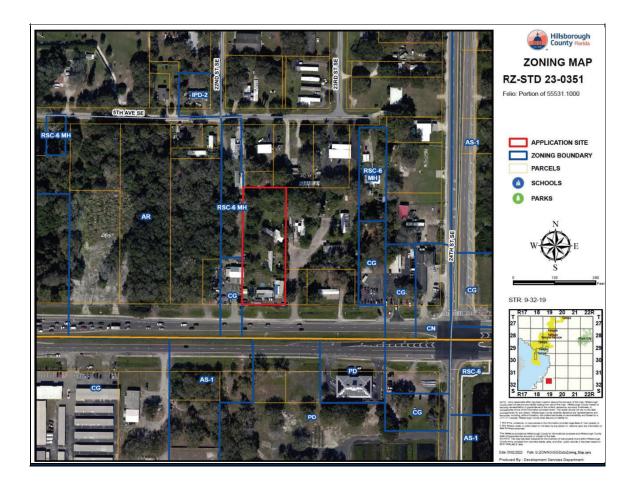
Context of Surrounding Area:

The site is located in an area comprised of mixed and commercial uses and rural-agricultural. The subject site and adjacent properties are within the SMU-6 FLU category which has the potential to permit residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects. The site is adjacent to agricultural, residential, and commercial type use properties. The adjacent properties are zoned AR (to the north); AR, AS-1, PD 78-0221 (R-3 MH) & PD 04-0566 (to the south); RSC-6 MH, AR & CG (to the east); and CG & RSC-6 MH(to the west).

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



sq. ft. or 0.25 FAR. Office uses, research corporate park uses, light industrial multi -purpose and mixed use projects at an FAR up to 0.35 can be considered provided a project meets the Maximum following requirements. light industrial uses may achieve an Density/F.A.R.: FAR up to 0.50.lxxix Rezonings shall be approved through a site planned controlled rezoning district in which the site plan demonstrates internal relationships and pedestrian integration among uses. Residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multipurpose and clustered residential and/or mixed use projects at appropriate locations. Neighborhood Commercial uses shall Typical Uses: meet locational criteria or be part of larger mixed use planned development. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.



2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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

4.0 ADDITIONAL SITE INF	ORMATION 8	AGENCY C	OMMENTS SUMMARY
INFORMATION/REVIEWIN	G		
AGENCY		Conditions	Additional
Environmental:	Objections	Requested	Information/Comments
	-		
Check if Applicable:			
☐ Wetlands/Other Surface V	Vaters		
☐ Use of Environmentally S	ensitive Land	Credit □ Wel	Ihead Protection Area
☐ Surface Water Resource			
□ Potable Water Wellfield P	rotection Area	1	
☐ Significant Wildlife Habita	t		
☐ Coastal High Hazard Area			
☑ Urban/Suburban/Rural Sc	enic Corridor	☐ Adjacent to	ELAPP property
☐ Other			
Transportation			
☐ Design Exception/Adm. V	arianco Pogu	ostod □ Off s	ito Improvoments
Provided Provided	anance requ	esteu 🗆 OII-s	ite improvements
⊠ N/A			
Utilities Service Area/ Water & Wastewater			
Ottilities Service Area/ Water & Wastewater			
⊠Urban □ City of Tampa			
□Rural □ City of Temple Terrace			
Comprehensive Plans	- Findings	Conditions	Additional
•	Findings	Requested	Information/Comments
Planning Commission			
☐ Meets Locational Criteria	\boxtimes		
□N/A □ Locational Criteria	Inconsistent	⊠Yes □No	
Waiver Requested □	☐ Consistent		
Minimum Density Met □			

N/A □Density Bonus Requested		
⊠Consistent ⊠Inconsistent		

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of rural-agricultural, agricultural, residential, and commercial uses. The subject site and adjacent properties are within the SMU-6 FLU category which has the potential to permit residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects.

The adjacent properties are zoned AR (to the north); AR, AS-1, PD 78-0221 (R-3 MH) & PD 04-0566 (to the south); RSC-6 MH, AR & CG (to the east); and CG & RSC-6 MH (to the west). Therefore, from a compatibility perspective the most potentially impacted parcel would be parcels zoned RSC-6 MH (north-west); AR (north) and AR (east). The applicant proposed use restrictions include: A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North will remain in its current condition. Therefore, given the adjacent zoning/development pattern, staff finds the site characteristics, required buffering/screening/setbacks and the proposed use restrictions provide appropriate mitigation for any potential impacts of the proposed rezoning.

To address site access concerns, the applicant proposed: Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000. To address compatibility concerns, The applicant proposed the subject site shall only permit following CI Uses: Open Storage restricted to domestic passenger vehicles only.

Staff notes, the proposed rezone request is to rezone an approximate 1.1-acre portion of a 2.71-acre parcel zoned AR. Per LDC sec.6.01.01, AR zoning districts require a minimum lot size of five (5) acres and minimum lot width of 150 feet. However, the subject parcel is approximately 2.71 acres in size and currently nonconforming. The request to rezone a portion of a nonconforming AR zoning parcel would make the current parcel more nonconforming.

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

The subject site is located along College Avenue, a designated scenic corridor, which may trigger additional buffering and tree plantings as required by Part 6.06.03.I of the Land Development Code. Additionally, the property is located within 500 feet of a mapped Potable Water Well; therefore, allowable uses may be further prohibited or restricted.

in accordance with the requirements of Part 3.05.05 of the Land Development Code.

5.2 Recommendation

Due to the objections from Transportation Review and Planning Commission review, for the reasons outlined in their attached agency comments; and the current nonconformity of the subject parcel, staff finds the request is not supportable. As noted, the applicant is proposing the following restrictions:

- 1. A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North.
- 2. Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000.
- 3. Subject site shall only permit the following CI Uses: Open Storage restricted to domestic passenger vehicles only.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on June 20, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 2nd Avenue # 451 St. Petersburg testified on behalf of Dennis and Lynell Creech. Mr. Pressman stated that the request is to rezone from AR to CI-R with restrictions. He showed a series of graphics to discuss the location of the property in the Ruskin area on College Avenue. Mr. Pressman testified that the subject property owner also owns the adjacent property. Access to the subject property will be through the owner's adjacent parcel. He stated that College Avenue is very busy with 29,000 cars per day and it is one of the main arterials in the area. The proposed use of the subject property would be the open storage of domestic vehicles which is the property owner's business. Mr. Pressman pointed to a map to describe other parcels that are zoned CG and other commercial zoning districts. He added that the parcel across the street is zoned PD for 2,000 square feet of retail and 4,000 square feet of wholesale distribution. He detailed the proposed 70 foot buffer from the north. Regarding staff's transportation agency comments, Mr. Pressman stated that he did not believe that the first three comments apply to the rezoning. Specifically, he stated that access will be taken from College Avenue and that staff did not receive information regarding access but in point #4, the information has been

received. Point #3 states that access to College Avenue will be through a residential parcel does not apply as the applicant will not do that. Comment #4 states that staff wants a certified parcel process or easement even though the property owner owns the adjacent property. Regarding the Planning Commission comments, Mr. Pressman stated that the subject property is under two acres therefore the mixed use provision is not applicable. The Planning Commission report states that a PD level site plan is needed which is not applicable because the property is under two acres. Mr. Pressman testified that the Planning Commission did not give enough weight to the proposed Restrictions offered by the applicant. An average of three people a day come to the property. The Restrictions ensure compatibility and the request is comparable to the other CG and PD in the area. Mr. Pressman cited Goal 2 in the Ruskin Community Plan regarding economic development. He stated that a 6-foot PVC or wooden fence will be placed along the frontage so that there will be no visual impact. There will be only domestic vehicles. Development Services staff stated that the buffering and screening and also the setbacks and restrictions mitigate the impacts of the proposed zoning. Mr. Pressman stated that he did not understand the staff comment regarding increasing the nonconformity as the property will remain 2.71 acres. He discussed letters that were submitted into the record from the Florida Highway Patrol and their interaction with the property owner for the pickup of vehicles from law enforcement. He also stated that six letters in support were filed into the record. Mr. Pressman concluded his presentation by stating that he believes the request is supportable.

Hearing Master Finch asked Mr. Pressman if he would agree that the parcel is 2.71 acres and the rezoning is 1.11 acres therefore the remainder parcel zoned AR would be smaller thereby increasing the non-conformity. Mr. Pressman replied that the property owner owns the entire parcel and the only change is a zoning overlay. Hearing Master Finch stated that the zoning is not an overlay and a part of the property is proposed to be rezoned.

Hearing Master Finch asked Mr. Pressman to confirm that the proposed access is through the adjacent parcel to the west which is not the same parcel therefore guaranteed access could not be established. Mr. Pressman replied that he would agree to a zoning condition regarding access.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated the request is to rezone 1.1 acres of the 2.71 acre parcel from Agricultural Rural to Commercial Intensive-Restricted. She stated that the proposed restrictions address access limitations, buffering and screening and site specific open storage which limits the parcel to only domestic vehicles. She described the surrounding parcels and stated that from a compatibility standpoint, the most affected parcels are zoned RSC-6 MH to the northwest and AR to the north and east. She detailed the proposed restrictions and state that the parcel is 2.71 acres and currently non-conforming to the AR minimum lot size requirement of 5 acres. The rezoning of a part of the 2.71 acre parcel makes the

property more non-conforming. Ms. Brown testified that the site is within the College Avenue scenic route which requires additional buffering and screening. Ms. Brown concluded his presentation by stating that due to the objections of County transportation staff and the Planning Commission as well as the non-conformity of the subject property, staff finds the request not supportable.

Hearing Master Finch asked County transportation staff to comment on the proposed rezoning. Mr. Alex Steady testified that a zoning condition cannot be applied to property that is not included in the rezoning request. He added that at the time of the staff report, staff did not have all of the facts necessary to make an appropriate analysis of the rezoning application. Mr. Steady stated that the applicant indicated that they do not have direct access to College Avenue. Staff asked the applicant to meet with FDOT to find out if they would accept the proposed access arrangement however, the applicant did not submit that information. Hearing Master Finch asked Mr. Steady if he had the FDOT information. Mr. Steady replied that he does not have it therefore staff could not analyze the access which resulted in their objection to the rezoning request. Hearing Master Finch asked Mr. Steady to confirm that because the application is for a standard rezoning district and the proposed access is not part of the application as it is an adjacent parcel, whether its owned by the subject property owner or not, it's not included in the subject rezoning therefore staff cannot condition it to provide access to the subject property. Mr. Steady replied that was correct.

Mr. Steady testified that the Land Development Code does not permit a commercial parcel to take access through a residential parcel. He added that is why staff required more information regarding the existing access and any easements that may be included in the future.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Suburban Mixed Use-6 Future Land Use classification and the Urban Service Area and Ruskin Community Planning area. Ms. Papandrew described the surrounding land use categories and stated that the request does not meet the intent of Policy 1.4 of the Future Land Use Element regarding compatibility. She stated that the requested standard zoning district does not permit site planning techniques that would achieve a development compatible with the surrounding area. A Planned Development would allow staff to evaluate how the proposed commercial character would be compatible with the area. Ms. Papandrew testified that Policy 9.2 requires development to meet or exceed the land development regulations and previous rezoning application of 2 acres or more have followed the Code which requires a rezoning to a Planned Development when in a mixed-use Future Land Use category. She concluded her presentation by stating that the Planning Commission finds the proposed rezoning inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application.

Ms. Lynell Creech 2212 College Avenue testified as the property owner and stated that she lives at the property next door to the subject property. Ms. Creech stated that the main reason for the rezoning is because there are low-income mobile home housing that she is purchasing and they are trying to not make anyone leave. The residents own their mobile homes and they pay minimal rent. She added that is why the parcel is not included in the rezoning. The cars come to their lot about three times per day and the rezoning will allow the tow trucks to not have to move vehicles around so much. She stated that the rezoning provides more room for storage but will not change how many cars come to the property.

Hearing Master Finch asked Ms. Creech if the property she owns next door which is not a part of the subject rezoning is where the cars are currently going in and out. Ms. Creech replied yes.

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

Mr. Brian Grady of the Development Services Department testified regarding the non-conformity of the lot size and stated that the degree of non-conformity of existing mobile home portion on property zoned AR will be increased and the acreage used to calculate density will be reduced.

Hearing Master Finch asked Mr. Grady if the residential units were to ask for a permit to do improvements to their mobile homes and the rezoning has made them more non-conforming, does it affect the property owner. Mr. Grady replied potentially yes.

Mr. Pressman showed a graphic and testified during the rebuttal period about the proposed access. He stated that a restriction could be added that access would be via an easement from the adjacent property. He concluded his rebuttal by stating that the priority is to take care of the residents that are on-site. He added that there is no opposition to the request.

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 2.71 acres in size of which 1.1 acres is requested to be rezoned. The property is currently Agricultural Rural (AR) and is designated Suburban Mixed Use-6 (SMU-6) by the Comprehensive Plan. The property is located within the Urban Service Area and the Ruskin Community Planning Area.
- 2. The applicant is requesting a rezoning to the Commercial Intensive-Restricted (CI-R) zoning district. The proposed Restrictions are as follows:
- A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North.
- Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000.
- Subject site shall only permit the following CI Uses: Open Storage restricted to domestic passenger vehicles only.
- 3. The property owner testified that the rezoning request serves to increase the area of their business on the adjacent parcel for the open storage of domestic vehicles. The property owner testified that no additional tow trucks will come to the site as a result of the increase in project acreage.
- The Planning Commission staff does not support the rezoning request. The Planning Commission found the request does not meet the intent of Policy 1.4 of the Future Land Use Element regarding compatibility. Staff stated that the requested standard zoning district does not permit site planning techniques that would achieve a development compatible with the surrounding area and that a Planned Development would allow staff to evaluate how the proposed commercial character could be compatible with the area. Planning Commission staff testified that Policy 9.2 requires development to meet or exceed the land development regulations and previous rezoning application of 2 acres or more have followed the Code which requires a rezoning to a Planned Development district when in a mixed-use Future Land Use category such as the subject parcel. The Planning Commission found the application inconsistent with the Comprehensive Plan.

- 5. The Development Services Department testified that the parcel is currently non-conforming as it does not meet the AR zoning minimum lot size of 5 acres as it is 2.71 acres in size. Further, staff found that the request to rezone only 1.1 acres of the site increases the non-conformity of the remainder parcel which is currently developed with mobile homes. Staff found the rezoning request to be not supportable.
- 6. County Transportation staff objected to the proposed rezoning due to insufficient information from the applicant regarding the proposed access to the property. Staff testified that the applicant's proposed access through the adjacent parcel to the west would require a certified parcel process to grant legal access through the adjacent property as guaranteed access cannot be ensured if ownership of the adjacent parcel were to change in the future.
- 7. The property owner testified that a portion of the subject parcel was not included in the rezoning application to ensure that the existing mobile homes could be retained on-site.
 - Development Services Department staff testified that omitting a portion of the site increases the non-conforming of the remainder parcel and could potentially impact the existing mobile home owner's ability to obtain a building permit for repairs/improvements in the future.
- 8. The applicant's representative submitted letters of support from some of the adjacent property owners into the record.
- 9. The acreage for the rezoning request (1.1 acres) does not include the entire parcel (2.71 acres) which results in making the remainder parcel that includes existing mobile homes more non-conforming and not consistent with the Land Development Code.
 - Further, the SMU-6 Future Land Use category requires a Planned Development zoning and integrated land uses for parcels 2 acres or greater in size. The reduced rezoning acreage circumvents the Comprehensive Plan requirement and results in the remainder parcel being made more non-conforming.
- 10. The proposed access through the property owner's adjacent parcel cannot be ensured as the two parcels are not combined and/or an easement has not been established to guarantee access if the adjacent property ownership were to change in the future.
- 11. The rezoning request to CI-R 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 CI-R zoning district. The property is 2.71 acres in size of which 1.1 acres is requested to be rezoned. The parcel is zoned AR and designated SMU-6 by the Comprehensive Plan. The parcel is located within the Ruskin Community Plan.

The applicant is requesting a rezoning to the Commercial Intensive-Restricted (CI-R) zoning district. The proposed Restrictions are as follows:

- A buffer of 70' from the Northern property line of the existing dense, thick and high forestation on the North.
- Access to proposed zoning parcel from the contracted owner's property located abutting West, folio 55540.0000.
- Subject site shall only permit the following CI Uses: Open Storage restricted to domestic passenger vehicles only.

The property owner testified that the rezoning request serves to increase the area of their business on the adjacent parcel for the open storage of domestic vehicles. The property owner testified that no additional tow trucks will come to the site as a result of the increase in project acreage.

The Planning Commission staff does not support the rezoning request. The Planning Commission found the request does not meet the intent of Policy 1.4 of the Future Land Use Element regarding compatibility. Staff stated that the requested standard zoning district does not permit site planning techniques that would achieve a development compatible with the surrounding area and that a Planned Development would allow staff to evaluate how the proposed commercial character could be compatible with the area. Planning Commission staff testified that Policy 9.2 requires development to meet or exceed the land development regulations and previous rezoning application of 2 acres or more have followed the Code which requires a rezoning to a Planned Development

district when in a mixed-use Future Land Use category such as the subject parcel. The Planning Commission found the application inconsistent with the Comprehensive Plan.

The Development Services Department testified that the parcel is currently non-conforming as it does not meet the AR zoning minimum lot size of 5 acres as it is 2.71 acres in size. Further, staff found that the request to rezone only 1.1 acres of the site increases the non-conformity of the remainder parcel which is currently developed with mobile homes. Staff found the rezoning request to be not supportable.

County Transportation staff objected to the proposed rezoning due to insufficient information from the applicant regarding the proposed access to the property. Staff testified that the applicant's proposed access through the adjacent parcel to the west would require a certified parcel process to grant legal access through the adjacent property as guaranteed access cannot be ensured if ownership of the adjacent parcel were to change in the future.

The acreage for the rezoning request (1.1 acres) does not include the entire parcel (2.71 acres) which results in making the remainder parcel that includes existing mobile homes more non-conforming and not consistent with the Land Development Code. Further, the SMU-6 Future Land Use category requires a Planned Development zoning and integrated land uses for parcels 2 acres or greater in size. The reduced rezoning acreage circumvents the Comprehensive Plan requirement and results in the remainder parcel being made more non-conforming.

The proposed access through the property owner's adjacent parcel cannot be ensured as the two parcels are not combined and/or an easement has not been established to guarantee access if the adjacent property ownership were to change in the future. The rezoning request to CI-R is inconsistent with the Land Development Code and the Comprehensive Plan.

RECOMMENDATION

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

July 12, 2023

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Unincorporated Hillsborough County Rezoning			
Hearing Date: June 20, 2023	Petition: RZ 23-0351		
Report Prepared:	2218 College Avenue North side of College Avenue between 21st Street SE and 24th Street SE		
June 8, 2023			
Summary Data:			
Comprehensive Plan Finding	INCONSISTENT		
Adopted Future Land Use	Suburban Mixed Use-6 (6 du/ga; 0.25/0.35/0.50 FAR)		
Service Area	Urban		
Community Plan	Ruskin, SouthShore Areawide Systems		
Rezoning Request	Rezone from Agricultural Rural (AR) to Commercial, Intensive with Restrictions (CI-R)		
Parcel Size (Approx.)	1.11 +/- acres		
Street Functional Classification	College Avenue – State Arterial 21 st Street SE - County Collector 24 th Street SE– Local		
Locational Criteria	Not applicable		
Evacuation Area	None		



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

Context

- The subject site is located on the north side of College Avenue between 21st Street SE and 24th Street SE on approximately 1.11 acres, which is a portion of folio 55531.1000. The entire folio is approximately 2.74 acres.
- The site is in the Urban Service Area and within the limits of the Ruskin Community Plan and the SouthShore Areawide Systems Plan.
- The site has a Future Land Use designation of Suburban Mixed Use-6 (SMU-6), which allows for consideration of up to 6 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.50. Typical allowable uses in SMU-6 include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed use projects at appropriate locations. In SMU-6, Neighborhood Commercial uses must meet Commercial Locational Criteria or be part of larger mixed use planned development. Uses that require a Commercial Intensive (CI) zoning district are not subject to Commercial Locational Criteria. In SMU-6, office uses are not subject to Commercial Locational Criteria.
- The subject site is surrounded by SMU-6 on all sides. Surrounding uses include single family residential to the north, mobile homes to the east, and vacant residential land to the west. There are pockets of heavy and light commercial uses along College Avenue to the east and west.
- The subject site is zoned Agricultural Rural (AR). In the general vicinity, the site is surrounded by AR zoning, Commercial, General (CG) zoning, and Residential, Single-Family Conventional-6 (RSC-6) zoning. On the south side of College Avenue there is Planned Development (PD) zoning and Agricultural, Single-Family-1 (AS-1) zoning.
- The applicant requests to rezone the subject site from Agricultural Rural (AR) to Commercial, Intensive with Restrictions (CI-R). The proposed restrictions are limiting the use to storage of domestic passenger vehicles only in relation to a towing company, providing access from the abutting parcel on west (folio 55540.0000) and providing a 70' buffer on the northern boundary.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area

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

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements

affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

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

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

Relationship to Land Development Regulations

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

Policy 9.1: 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:

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

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

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

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

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

Policy 16.10: Any density increase shall be compatible with existing, proposed or planned surrounding development. 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.

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.

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: Ruskin Community Plan

Goal 2. Economic Development – Provide opportunities for business growth and jobs in the Ruskin community.

Strategies:

 Promote commercial development at a scale and design that reflects the character of the community. Ensure that future commercial development avoids "strip" development patterns.

Goal 5: Community and Neighborhood Character – Provide for a diversity of home styles and types while protecting Ruskin's small town character.

Strategies:

- Encourage development that is connected with, and integrated into, the Ruskin community. Design features (e.g. walls, gates) that isolate or segregate development from the community is inconsistent with the community's character and should be discouraged.
- Support housing to accommodate a diverse population and income levels.

Goal 7: College Avenue – Ensure that development along College Avenue enhances the appearance of Ruskin, avoids strip commercial patterns, and is compatible with the revitalization of downtown Ruskin.

Strategies:

- Locate new uses along College Avenue in the following manner:
 - o Commercial, office and residential uses from the intersection of 21st Street and College Avenue to the eastern boundary of the Community Plan area.

Livable Communities Element: Southshore Areawide Systems Plan

Cultural/Historic Objective

- 4. Maintain housing opportunities for all income groups.
 - a. Explore and implement development incentives throughout SouthShore that will increase the housing opportunities for all income groups, consistent with and furthering the goals, objectives and policies within the Comprehensive Plan Housing Element.

Economic Development Objective

- 1. Land Use/ Transportation
 - 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.

Staff Analysis of Goals Objectives and Policies:

The subject site is located on the north side of College Avenue between 21st Street SE and 24th Street SE on approximately 1.11 acres, which is a portion of folio 55531.1000. The entire folio is approximately 2.74 acres. The site is in the Urban Service Area and within the limits of the Ruskin Community Plan and the SouthShore Areawide Systems Plan. The applicant requests to rezone the subject site from Agricultural Rural (AR) to Commercial, Intensive with Restrictions (CI-R). The proposed restrictions include the following: limiting the use to storage of domestic passenger vehicles only in relation to a towing company, providing access from the abutting parcel on west (folio 55540.0000) and providing a 70' buffer on the northern boundary. Surrounding uses include single family residential to the north, mobile homes to the east, and vacant residential land to the west. There are pockets of heavy and light commercial uses along College Avenue to the east and west.

The subject site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The proposed CI-R zoning district for the purpose of open storage of vehicles is not consistent with the existing character of development in the area.

Per FLUE Objective 8, the Future Land Use categories outline the maximum level of intensity or density and range of permitted land uses allowed in each category. Appendix A contains a description of the character and intent permitted in each of the Future Land Use categories. The site is within the Suburban Mixed Use-6 (SMU-6) Future Land Use category. According to Appendix A of the FLUE, the intent of the SMU-6 Future Land use category states the following: "Rezonings shall be approved through a site planned controlled rezoning district in which the site plan demonstrates internal relationships and pedestrian integration among uses, controlled through performance standards adopted in the Land Development Regulations, or through a mixed use standard zoning district. Exceptions to this requirement may be included within the Land Development Code." As the language above states, rezonings shall be approved through a site planned controlled rezoning district with integrated site plans. The requested rezoning is through a standard or Euclidean rezoning district, and not a Planned Development (PD) rezoning. A standard rezoning does not permit site planning techniques that would achieve a development compatible with the surrounding land uses, including the adjacent residential uses. In addition, per FLUE 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". A PD application allows Planning Commission staff to evaluate how the proposed commercial character would be compatible with the surrounding area uses, density/intensity and building types. Although the applicant is proposing restrictions, the CI zoning district permits more intensive commercial uses, site planning is essential to ensure compatibility in the surrounding area. Planning Commission staff are unable to support a rezoning that circumvents the intent of the SMU-6 FLU category.

The requirement for a PD in a Mixed-Use Future Land Use categories 2 acres or greater in size provides staff with the additional details needed to fully review a development

proposal's compatibility with the surrounding scale, design, and uses. The proposed CI-R zoning district may restrict certain uses, but it is not a mixed use zoning district. The intent of the mixed use Future Land Use categories is to achieve development that is integrated, interconnected, and compatible with surrounding land use patterns. Recommending approval of this request for a Euclidian zoning district in lieu of a Planned Development has the future consequence of any applicant being able to circumvent the site plan controlled consistency standards of the Comprehensive Plan and Land Development Code. Planning Commission staff does not support this precedent and finds the proposed rezoning does not meet the intent of Objective 8 and its policies and the intent of the Suburban Mixed Use-6 Future Land Use category.

Per FLUE Policy 9.2, developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County. Previous rezoning applications with 2 acres or greater in size have followed the Land Development Code (LDC) language, which requires a rezoning to a Planned Development when located in a mixed use Future Land Use category. It should be noted that the aforementioned LDC provision does include language about a mixed use standard zoning district. However, to date, a mixed use standard zoning district has not been created and is therefore not a rezoning option. At the time of filing this report, no comments were received from the Development Services Department or County Transportation staff.

The proposed standard rezoning does not allow for the use of buffer and screening and other professional site planning techniques to ensure a gradual transition between intensity of uses beyond the Land Development Code minimum requirements. A site plan is only required for submission with a Planned Development rezoning. The proposed rezoning does not meet the intent of the Neighborhood Protection Policies of the Future Land Use Element (Objective 16 and Policies 16.1, 16.2, 16.3, 16.5, 16.10 and Policy 9.2, and Goal 12 and Objective 12-1). The proposed rezoning to CI-R would not allow for a gradual transition of intensities between the residential land uses that currently surround the subject site to the north and east and is therefore not consistent with policy direction.

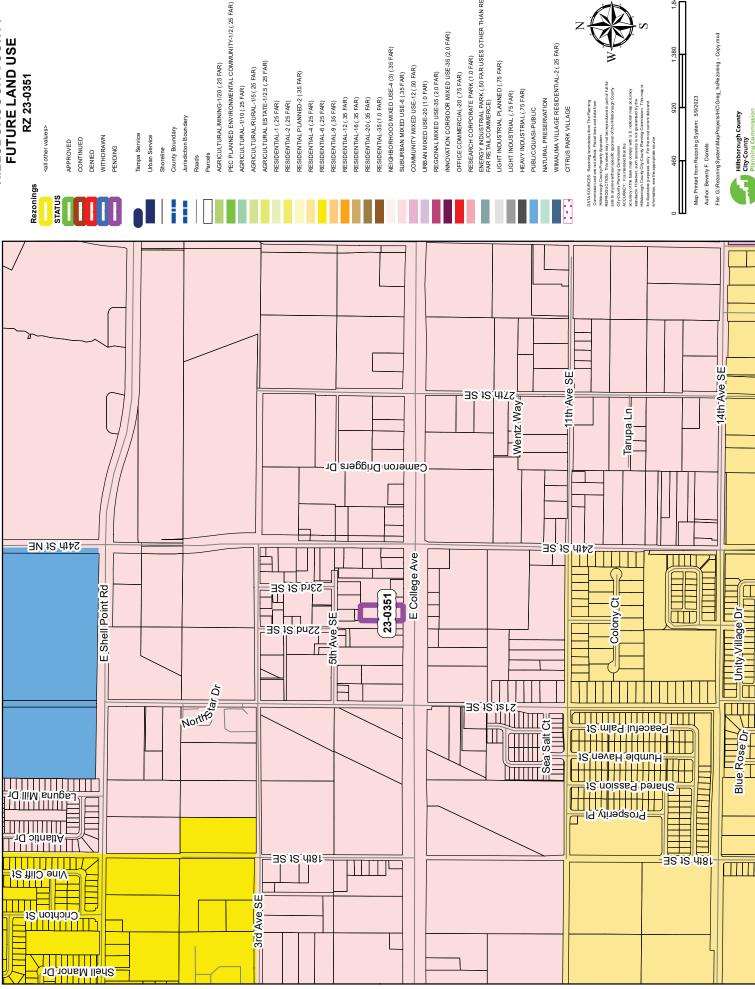
Objective 12-1 and Policy 12-1.4 of the Community Design Component (CDC) discuss how new development shall be compatible with the established character of the surrounding area. The development pattern and character of this portion of College Avenue contains mainly single family residential to the north, mobile homes to the east, vacant residential land to the west, and light commercial uses along College Avenue. Goal 17 of the CDC encourages commercial developments that enhance the County's character. Objective 17-1 and Policy 17.1-4 seek to facilitate patterns of development that are organized and purposeful.

The proposed rezoning to CI-R does not meet the intent of the Ruskin Community Plan nor the SouthShore Areawide Systems Plan. The Ruskin Community Plan seeks to promote commercial development at a scale and design that reflects the character of the community. Furthermore, the Plan envisions commercial, office and residential uses from the intersection of 21st Street and College Avenue to the eastern boundary of the Community Plan area, which is where the subject site is located. The proposed CI-R zoning district will allow an intense commercial use that is out of scale with the character of development along the portion of College Avenue. In addition, rezoning this site will change the nature of possible development, removing residential as an option. Though not necessarily a requirement, providing housing opportunities is a goal of both Community Plans.

Overall, staff finds that the proposed rezoning to CI-R would allow for an intense commercial use that does not support the vision of the Ruskin Community Plan and SouthShore Areawide Systems Plan. The proposed rezoning would not allow for development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the *Unincorporated Hillsborough County Comprehensive Plan*. The request is not compatible with the existing development pattern found within the surrounding area and is inconsistent with the SMU-6 Future Land Use category.

Recommendation

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



HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ 23-0351

<all other values>

CONTINUED

Tampa Service Urban Service Shoreline AGRICULTURAL/MINING-1/20 (.25 FAR)

AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.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)

INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR) REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR) OFFICE COMMERCIAL-20 (.75 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.75 FAR) LIGHT INDUSTRIAL (.75 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION PUBLIC/QUASI-PUBLIC

CITRUS PARK VILLAGE

920 460

Map Printed from Rezoning System: 5/9/2023



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

REVIEWER: Alex Steady, Senior Planner PLANNING AREA/SECTOR: Ruskin/South		AGENCY/DEPT: Transportation PETITION NO.: STD 23-0351
	This agency has no comments.	
	This agency has no objection.	
X	This agency objects for the reasons set forth below.	

RATIONALE FOR OBJECTION

- Transportation staff asked the applicant to provide documentation concerning existing access, including any existing easements used for access to the subject property. The applicant has not provided the required information and as such transportation staff cannot properly evaluate the request and must object to the proposed rezoning.
- The proposed rezoning proposes to take access to College Avenue, an FDOT maintained roadway. Due to the configuration of existing access and the proposed access to the site, transportation staff requires formal documentation concerning FDOT requirements for access to the subject property. The applicant has not submitted documentation regarding the required coordination with FDOT and as such Transportation Staff must object to the proposed rezoning.
- The proposed rezoning would result in a split zoned property. The Land Development Code does not allow a commercial property to take access through a residential property. The currently submitted documents do not provide sufficient access restrictions to ensure LDC compliant access between the split zoned uses. The access to this property indicates that it takes access through an easement and a residential property but information concerning that easement was not submitted to the record and restrictions limiting access through the east were not provided. As such transportation staff must object to the proposed rezoning.
- The applicant submitted a restriction that states "Access to this proposed zoning parcel will be from the contracted owner's property located abutting West, folio #55540.0000." The proposed restriction would typically require a certified parcel process to combine the two lots in order to maintain legal access to the proposed CI-R portion of the rezoning through folio 55540.000. Without legal access granted through combining the parcels or granting an easement, access cannot be guaranteed through folio 55540.000 if the property changes ownership. Due to the listed major concerns, transportation staff objects to the proposed rezoning.

PROJECT SUMMARY

The applicant is requesting to rezone one +/- 2.74 acre parcel from Agricultural Residential (AR) to Agricultural Residential (AR) and Commercial Intensive – Restricted (CI-R). The proposed restriction is to only provide storage of vehicles in relation to a towing company on the part of the site being rezoned to Commercial Intensive. The applicant proposed an additional restriction that limits access to the contractor's office located abutting west folio #55540.000. The site is located on the north side of College Avenue, +/- 370 feet west of the intersection of 24th Street SE and College Avenue. The Future Land Use designation of the site is Suburban Mixed Use -6 (SMU-6).



RON DESANTIS GOVERNOR 11201 North McKinley Drive Tampa, FL 33612 JARED W. PERDUE, P.E. SECRETARY

MEMORANDUM

DATE: May 10, 2023

TO: Todd Pressman

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT

Donald Marco, FDOT Mecale' Roth, FDOT

Richard Perez, Hillsborough County

SUBJECT: RZ-STD 23-0351, 2218 College Ave, Ruskin

This project is on a state road, SR 674.

It is recommended that the applicant meet with FDOT before zoning approval. Preapplication meetings may be made through Ms. Mecale' Roth at the District Seven Tampa Operations offices of the Florida Department of Transportation.

Contact info:

Mecale' Roth

Mecale.Roth@dot.state.fl.us

813-612-3237

Thank you for the opportunity to comment.

END OF MEMO

COMMISSION

Joshua Wostal CHAIR
Harry Cohen VICE-CHAIR
Donna Cameron Cepeda
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" W. Myers
Michael Owen



DIRECTORS

Janet D. Lorton EXECUTIVE DIRECTOR Elaine S. DeLeeuw ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Michael Lynch WETLANDS DIVISION Rick Muratti, Esq. LEGAL DEPT Steffanie L. Wickham WASTE DIVISION Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 6/20/2023	COMMENT DATE: 5/31/2023
PETITION NO.: 23-0351	PROPERTY ADDRESS: 2218 E College Ave,
EPC REVIEWER: Melissa Yañez	Ruskin, FL 33570 FOLIO #: 0555311000 (Partial)
CONTACT INFORMATION: (813) 627-2600 X 1360 EMAIL: yanezm@epchc.org	STR: 09-32-19
REQUESTED ZONING: AR to CI-R	<u> </u>

REQUESTED	LOMING.	TIN to CI-IX	

FINDI	NGS
WETLANDS PRESENT	NO
SITE INSPECTION DATE	N/A
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO,	N/A
SOILS SURVEY, EPC FILES)	

INFORMATIONAL COMMENTS:

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) 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.

Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.

My/cb

ec: Todd Pressman – todd@pressmaninc.com

AGENCY REVIEW COMMENT SHEET

TO:	ZONING TECHNICIAN, Planning Growth Man	agement	DATE: 9 May 2023
REV	IEWER: Bernard W. Kaiser, Conservation and	Environmental Lai	nds Management
APP	LICANT: Todd Pressman	PETITION NO:	RZ-STD 23-0351
LOC	CATION: 2218 College Ave, Ruskin, FL 33570		
FOL	IO NO: <u>55531.1000</u>	SEC: <u>09</u> TWN:	<u>32</u> RNG: <u>19</u>
\boxtimes	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection, subject to listed	or attached condi	tions.
	This are now objects, based on the listed or att	ashad canditions	
	This agency objects, based on the listed or atta	ached conditions.	
COMMENTS:			

VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA Board of County Commissioners

IN RE:

ZONE HEARING MASTER

HEARINGS

)

ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch

Zoning Hearing Master

DATE:

Tuesday, June 20, 2023

TIME:

Commencing at 6:32 p.m. Concluding at 10:28 p.m.

PLACE: Hillsborough County Board of

Commissioners

601 East Kennedy Boulevard

Second Floor

Tampa, Florida 33601

Reported via Zoom Videoconference by: Jennifer Cope, Court Reporter No. GG 187564

1	with the Town and Country Community Plan as the vision
2	includes redevelopment of older commercial centers,
3	a strong business section, and meaningful
4	employment opportunities.
5	Planning commission staff finds the proposed
6	rezoning consistent with the Unincorporated
7	Hillsborough County Comprehensive Plan.
8	HEARING MASTER FINCH: Thank you so much. I
9	appreciate it. Is there anyone in the room or
10	online that would like to speak in support? Anyone
11	in favor?
12	Seeing no one, anyone in opposition to this
13	request?
14	No one.
15	Ms. Heinrich, anything else?
16	MS. HEINRICH: No, ma'am.
17	HEARING MASTER FINCH: All right. We'll go
18	back to the applicant.
19	You're good? All right. Thank you so much.
20	Then with that we'll close rezoning 23-0330 and go
21	to the next case.
22	MS. HEINRICH: Our next case is Item C-5,
23	Standard Rezoning 23-0351. The applicant is
24	requesting to rezone property to CR with restrict-
25	or CI with restrictions. Isis Brown with

1 Development Services will provide staff comments after 2 the applicant's presentation. 3 HEARING MASTER FINCH: Good evening, again. 4 MR. PRESSMAN: What did I do? Thank you. 5 Thank you very much. Good evening. Todd Pressman, 200 2nd Avenue 6 7 South, Number 451, St. Petersburg. This is RZ STD 23-0351. I'm here with Dennis 8 and Lynell Creech who are the applicants before 10 you. The issue today is AR to CI-R with 11 12 restrictions. We're located in the south county 13 area as indicated on the location map. 14 rezoning from AR to CI-R. 15 A little closer you can see that we're in the 16 Ruskin area on College Avenue. This is the parcel 17 that will be purchased, which is 2.71 acres. And I 18 want to run you through a number of slides here on 19 what's before you. 20 The requested zoning area is 1.1 acres which 21 the applicant owns next door, as indicated there 2.2 and shown here contiguous and abutting. So, again, 23 the requested zoning area is this area here. access will be through the existing owned property, 24

which is actually one of the restrictions.

25

And we've submitted a survey, as well, that depicts the zoning parcel. And, again, applicant owning abutting. College Avenue is very busy with 29,000 vehicles per day. It's clearly one of the main arterials in the area.

2.2

Restriction number one is access -- taking access from the abutting owner's property. Second is a buffer of 70 feet from the north, which will allow to be remaining as very dense, thick, and very high forestation area.

And the only use would be permitted to open storage of domestic vehicles. That is the Creech's business, their current business. So we're restricting strictly to that use, which will be a quiet, low trips, no infrastructure, no odors.

And tremendously reduces the intensity and impact of what would be typically a CI zone category. So looking at the zoning map you can see there's a lot of CGs and commercial activity on College. You can see the site here.

In '04 there was a PD to allow 2,000 square feet of retail and 4,000 square feet of wholesale distribution, which was roughly right across the street. You'll see the PD -- you'll see the site -- across the site street is the PD 04-0566 which

was an intensive rezoning.

2.2

The area is SMU-6. I think that's important. Because as you well know, SMU-6 calls for light industrial, let alone multipurpose suburban commercial and research parks. That's a very intensive overlay category.

So one restriction I mentioned was the 70-foot north buffer, which is an extreme buffer. Again, the use on site is quiet. It's low trips. No infrastructure.

I did want to review the staff reports with you because I personally had some concerns about how these reports were presented to you and I'd like to address them if I may.

The transportation to four comments. It's our opinion the first three comments don't apply in the least. The first comment is indicating about taking access from College Avenue and notes that we were asked to provide information about access, but this point number one says was never received.

And you'll see in point number four it was received. Point number two is discussion of College Avenue access, which we're not taking at all. So that point was off mark, as well. Point three was a concern about taking access through

College Avenue through a residential parcel. That, again, doesn't apply at all because we're not doing that.

2.2

Finally, number four, transportation

department commented they accept abutting access

but they want a certified parcel process or

easement of some sort even though the property

owner owns the property. So we feel a lot of those

comments were off the mark, unfortunately.

Now, the Planning Commission report -- while the staff does a great job and they're a great department, the difficulty there is that the code is very clear, 5.03.02, on mixed-use comprehensive plan categories. Applications that are greater than 2 acres require a PD. Well, we're under 2 acres.

And I've submitted under 2 acres in the past for the same reason. They don't need to use it all. That's all they want to use. That's all they need of the entire parcel. But the Planning Commission's main thrust, almost an entire page of the report, is that they need to have more, they need to have a PD level site plan or a detailed site plan, which is not necessary, isn't called for under the code, and quite frankly we're either

going to follow the code or we're not. We're under the 2 acres. Code says we're fine and we can go through with the standard.

2.2

However, the Planning Commission does say the development pattern and character of this portion of College Avenue contains light commercial uses along College Avenue.

I think -- my personal opinion is they did not place enough weight on the SMU overlay future language category which includes light industrial uses. They refer -- and they also refer to this being an intense commercial use. But what they did not factor in -- with great respect to the Planning Commission, they did not factor in the restrictions that this will be quiet, low trips, no infrastructure, no odors.

In fact, odors -- in fact, when I asked the Creeches, which Ms. Creech will verify for me, she indicated they get maybe -- was it three people a day? An average of three people a day who were coming to the site. So why we're asking for CI is because the restrictions were much, much less impacting use.

The Planning Commission also refers to the compatibility about being it's the same as

sensitivity development. Well, with the restrictions we're providing with a 70-foot buffer to the north and the reduction to one use, we feel that we are compatible. We're compatible to the CGs. We're compatible to the PDs across the street.

2.2

And that applies to the community plans and how they reviewed the community plans, as well. In fact, when you look at the Ruskin Community Plan, when it looks under Goal 2, Economic Development, provide opportunities for business growth and jobs.

Strategy, ensure there's appropriate land area zoned for office and light industrial development.

So we are officially under light industrial development, but, again, we've reduced that use substantially.

Also, promote beautification and landscaping along US-41, College Avenue, Shell Point Road. So as you look at College Road, this site really is a really bad -- it just doesn't look good. In fact, the first thing you see is a garbage dumpster and unfortunately very old, very unkept land and residences.

What would be required is a 6-foot solid PVC fence or wood along the front. So it will be an improvement. It will be a beautification. All the

vehicles will be domestic vehicles, so they'll be below this 6-foot fence so there will not be a visible impact. There's not commercial vehicles or commercial trucks. Strictly domestic.

2.2

Zoning staff recommendation is important because they note given the adjacent zoning development patterns, staff finds the site characteristics, the required buffering, screening, and setbacks and the proposed restrictions provide appropriate mitigation for any potential impacts of the proposed rezoning.

The Planning Commission, again -- I think it's important to state they find the development pattern in character of this portion of College Avenue that includes light commercial uses along the avenue.

Zoning staff recommendation, of course, we know that they will take the Planning Commission recommendation in balance to their review, but because of the transportation, which we feel the transportation comments are very much off the mark, in fact, extremely off the mark.

And because the Planning Commission we feel, as well, as I've stated to you is also off the mark. That pulls the zoning staff recommendation

into a different direction.

2.2

They also note that this would be increasing, the zoning staff, a nonconforming 2.71 acres. I'm not sure how that works, because it's still going to be 2.71 acres. The size of it is not changing. We're only placing on top of it a zoning area.

So our opinion is on that particular point for the zoning department it can't be more nonconforming because the size of the property is not going to change.

Now, I do have a couple of letters that I think are in great respect to Mr. Creech and how he's run the business and how he's run this business and expansion from FHP, Lieutenant David Frye notes he's been with FHP for two years.

They will -- his business is to work in conjunction with law enforcement, including the sheriff's office to pick up vehicles from accidents and bring them to the site and they stay there for quite a long time until the insurance and all those matters are done.

FHP notes that he's been with FHP for two years, provided excellent service to the public and agency, operate in several zones, keep the trucks presentable. They provide background checks and

driver's license checks for all their workers.

2.2

Sheriff Chronister, as well, has a letter that Mr. Creech's business -- Mr. and Mrs. Creech's business has been active with them since 1997, has been an asset to the agency, and operates in several zones. This will be a good business. It will add to the Ruskin area. It will be a beautification. And it will be a good use that will be compatible.

Now, I also had the Creeches be very busy and talk with every abutting property owner to this site. And these are six letters of support that literally abut the entire site who are all in support of this request.

So if we're concerned about compatibility, if we're concerned about impacts on residential, which we don't think we will anyway, we wanted to bring forward that all of the abutting owners support this request.

So with all that and with what we feel are difficulties with the staff reports, we feel that this is a request that is very supportable and we're happy to answer any questions that you may have.

HEARING MASTER FINCH: I do. Just a couple.

1 Regarding the nonconformity issue that was raised 2 by Development Services, so you would agree -- I 3 understand what you're saying. But you would agree 4 that the parcel is 2.71 and you're only rezoning 1.11, so therefore the size of the remaining AR 5 parcel will be smaller, thereby increasing the 6 7 level of nonconformity? MR. PRESSMAN: Well, at the same time the 8 Creeches will own the whole property. And I think 9 10 there's a lot of -- there's -- there are some circuitous there. 11 12 But the fact is that it's 2.71, it's going to be 2.71, I won't beat a dead horse, the only change 13 14 is a zoning overlay. It's still going to be owned 15 by one owner. So the property is still valid as 16 one owner. 17 HEARING MASTER FINCH: All right. 18 just correct you in my own opinion that it's not an 19 overlay. You're rezoning the property to a 20 different designation. MR. PRESSMAN: It's not being subdivided. 21 2.2 HEARING MASTER FINCH: All right. So we'll 23 leave that. And then that leads me to my transportation question. And that is the first 24 25 comment from transportation that talked about -- or

1	I'm not sure, perhaps it's the fourth, that talked
2	about the access and that proposal to go through
3	the subject property, the same owner's property
4	that is adjacent to the west, and that that not
5	being a single parcel, so therefore you couldn't
6	guarantee that that would be permitted access.
7	MR. PRESSMAN: We're happy to maybe I
8	should have verbalized it better. We're happy for
9	that to be a condition of the zoning.
10	HEARING MASTER FINCH: All right. I'll
11	when it's appropriate, I'll go to transportation to
12	talk to them, as well.
13	MR. PRESSMAN: Okay. They as you asked
14	that question, I should have verbalized that a
15	little better.
16	HEARING MASTER FINCH: All right. Thank you
17	so much.
18	MR. PRESSMAN: Thank you.
19	HEARING MASTER FINCH: That's the end of my
20	questions. If you could sign in, please.
21	We will go to Development Services.
22	MS. BROWN: Good evening. Isis Brown,
23	Development Services. This is Standard Rezone 23-
24	0351. The request is to rezone 1.11 acre of an
25	existing 2.71 acre of AR to Commercial Intensive

with restrictions. The restrictions address access limitations for the parcel, buffering and screening, and site-specific use of open storage restrictions to domestic passenger vehicles only.

2.2

The adjacent properties are zoned AR to the north. AR, AS-1, PD 78-0221, which is R-3 with a mobile home overlay, and PD 04-0566 to the south, RSC-6 with mobile home overlay, AR and CG to the east, and CG RSC-6 with mobile home overlay to the west.

Therefore, from a compatibility prospective most potentially impacted would be the parcels zoned RSC-6 MH to the northwest, AR to the north, and AR to the east. The applicant has proposed restricted use as the 70-foot buffer to the northernly property line, which does mitigate those potential impacts.

To address site access concerns, the applicant proposed access to the parcels from the contractor owned parcel to the west. To address compatibility concerns they also put in the restriction of just a CI use of open storage restricted to domestic passenger vehicles only.

Staff notes that the proposed rezone request to the approximate 1.1-acre parcel of a 2.71 AR

1 zoned parcel per LDC Section 6.0101, AR zoned 2 districts are required a minimum of 5 acres and a 3 minimum lot width of 150 feet. However, the subject parcel is approximately 2.71 acres in size and currently nonconforming. The request to portion -- the request to rezone a 6 7 portion of a nonconforming AR zoned parcel will just make it further nonconforming. 8 The site additionally is within the College 10 Avenue scenic route district and also within the potable water well district, which will trigger 11 12 additional -- trigger additional buffers and 13 screenings. 14 Due to the objections of transportation review 15 and Planning Commission review for the concerns 16 outlined previously and the current nonconformity of the subject parcel, staff finds and requests not 17 18 supportable at this time. 19 And I'm available for any questions. 20 HEARING MASTER FINCH: No questions at this 21 time, but I would like to talk to the person 2.2 participating from transportation. 23 Okay. I think he's online. MS. BROWN: MS. HEINRICH: He is. 24 25 HEARING MASTER FINCH: Is that Mr. Steady?

1 MS. HEINRICH: It is.

2.2

HEARING MASTER FINCH: All right. Perfect.

MR. STEADY: Good evening, Madam Hearing

Officer. This is Alex Steady, Transportation

Review. I'm here to answer any questions and I was on listening. So I can go ahead and start with the question you were asking earlier.

Based off of our -- the question based off of the access is offer a condition -- I think, the applicant said that they would offer a condition, but this is the standard rezoning process. And based off of this process, I can't write a condition that would require access through a property that's not included in this rezoning.

More importantly, I think to maybe go -- to summarize our objection is that at this point at the time of our staff report, we did not have all the facts to make an appropriate analysis about -- concerning the subject rezoning.

And that is contingent on -- based off -because this -- the applicant indicated that they
do not have direct access to College Avenue,
however we are not -- with this rezoning we have
asked the applicant to meet with FDOT to get a -to see if they'll accept the proposed access

June 20, 2023 1 arrangement. 2 However, the applicant did not submit that 3 information. 4 HEARING MASTER FINCH: So you currently do not have that information? 5 MR. STEADY: Right. That is not on the 6 7 So we weren't able to make that analysis and -- hence objection to this subject rezoning. 8 HEARING MASTER FINCH: All right. And just to 10 make sure I understand what you said earlier, so because this is a standard Euclidian zoning and the 11 12 proposed access is not a part of this rezoning,

> it's an adjacent parcel, whether it's owned by the same property owner or not, it's not included in this rezoning, you can't condition it to provide access to this parcel, correct?

MR. STEADY: Correct. That would be more appropriate in the PD process.

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HEARING MASTER FINCH: Understood. All right. Thank you for that clarification. Did you want to add anything else before I move on?

MR. STEADY: I just also wanted to comment on the opposition based off of -- our objection based off of the split zoning. The land development code does not allow a commercial property to take an

access through a residential property. And that is also part of why we required more information concerning the existing access and any easements and working with the applicant to maybe include any -- some easements in the future.

So that is all. Thank you.

2.2

HEARING MASTER FINCH: All right. Thank you for that testimony and clarification. I appreciate it. We will go to Planning Commission.

MS. PAPANDREW: Andrea Papandrew Planning
Commission staff. This site is the Suburban Mixed
Use-6 Future Land Use Category and is within the
Ruskin Community Plan and the Southshore Area Wide
Systems Plan.

The subject site is surrounded by the Suburban Mixed Use-6 Category on all sides. Surrounding uses include single-family residential to the north, mobile homes to the east, and vacant residential to the west. There are pockets of heavy and light commercial uses along College Avenue.

Policy 1.4 requires all new development to be compatible with the surrounding area, noting that compatibility does not mean the same as, rather it refers to the sensitivity of development proposals

and maintaining the character of existing development.

2.2

The proposed zoning district for open storage of vehicles is not consistent with existing character of development. Per Objective 8, the future land use categories outline the maximum level of density and intensity and range and permitted land use is allowed in each category.

According to Appendix A, rezoning shall be approved through a site plan-controlled rezoning district with integrated site plans. The requested rezoning is through a standard or Euclidean rezoning district and not a planned development rezoning.

A standard rezoning does not permit site

planning techniques that would achieve a

development compatible with the surrounding area.

A PD or planned development application allows

Planning Commission staff to evaluate how the

proposed commercial character would be compatible

with the surrounding area uses, density, intensity,

and building types.

In addition in Appendix A, the intent of the Suburban Mixed Use-6 Future Land Use Category states the following: Rezoning shall be approved through a site plan-controlled rezoning district in

which the site plan demonstrates internal relations and pedestrian integration among uses controlled through performance standards adopted in the land development regulations or through a mixed-use standard zoning district.

2.2

As I said previously, PD application would allow Planning Commission staff to evaluate how it is compatible with the surrounding area. Planning commission staff does not support the proposed standard rezoning as it tries to circumvent the intent of Suburban Mixed Use-6 Future Land Use Category.

In addition, per Policy 9.2, development must meet or exceed the requirements for all land develop and regulations. Previous rezoning applications of 2 acres or greater have followed land development code, which requires a rezoning to a plan development when in a mixed-use future land use category.

The Ruskin Community Plan seeks to promote commercial development in its scale and design that reflects the character of the community. The plan does envision commercial office and residential from the intersection of 21st Street and College Avenue to the eastern boundary, which is where the

subject site is located.

2.2

Rezoning of the site will change the nature of possible development or moving residential as an option. And though not necessarily a requirement, providing housing opportunity is a goal both the Ruskin Community Plan and the Southshore Areawide Systems Plan.

Based on this Planning Commission staff finds the proposed rezoning inconsistent with the Unincorporated Hillsborough County Comprehensive Plan.

HEARING MASTER FINCH: Thank you very much. I appreciate it. Is there anyone to speak in support? Anyone in favor?

Yes, ma'am. Give us your name and address.

MS. CREECH: My name is Lynell Creech. We reside at 2212 College Avenue right next door.

The main reason why we were doing it that way was because there is a very -- what you consider low-income housing that we're getting, the mobile home community that we're purchasing. We are trying to not make anybody leave.

So they own their own mobile homes. And they pay very minimal rent, which we include septic and well. And so we're trying not to make them move at

all. So that's why we did that little corner, because otherwise they're going to have no place to go.

2.2

They can't get rent anywhere. And it's going to be very difficult to move. Their mobile homes are probably 30-some-years-old. So even trying to move them, they're going to probably break apart. So we were trying to help the community, let them stay where they're at. Because they're not going anyplace else.

So they're just going to be displaced. They will have no homes, no place to live. So that's why we were trying to do it that way, was to make sure we didn't displace them.

And the intensity that we're doing -- like I said, they only do -- we only like come like three times a day. They're already coming to our shop. The only thing we're trying to do is to make it so that the tow trucks don't have to move vehicles around so much.

Because if they have a -- if we have a little bit more room to move the regular cars, then we don't have to be moving them back and forth, back and forth, back and forth all day long. But it doesn't change anything of how many cars are coming in, where we're coming in at, anything like that.

1 The -- when the cars come in, they come in and 2 they are stored on the lot. If they had to be 3 moved at any time, they would be moved during the 4 next day if they came in at night. It wouldn't disrupt anybody. So it wouldn't effect anybody in 5 the area whatsoever. 6 7 We are just trying to accommodate the owners of the current -- the people that are currently 8 staying at property and to help us just make it a 10 little bit more room for us to work. HEARING MASTER FINCH: Yes. If I can 11 12 interrupt, I just want to make sure I understand. 13 So the property you own next door that's not a part of this, that's where the cars are currently going 14 15 in and out now? 16 MS. CREECH: Correct. 17 HEARING MASTER FINCH: I understand. 18 MS. CREECH: Yes. 19 HEARING MASTER FINCH: All right. Thank you. 20 Okay. Oh, ma'am, if you could, sign in. 21 so much. 2.2 Is there anyone else that would like to speak 23 in support? Anyone in favor either in the room or online? 24 25 Seeing no one, anyone in opposition to this

request?

2.2

No one. All right. Development Services, anything else?

MALE SPEAKER: Yes, Madam Hearing Master, just to expand for the record on the issue about the nonconformity, notwithstanding whether or not they would subdivide it, part of this issue is -- and, again, as evidenced by the last speaker's testimony about the fact that there's existing residential uses on portions of the property, you're creating a nonconformity.

Even if you don't subdivide it, you're creating a nonconformity from the standpoint PF -- from a density standpoint assuming those mobile homes are -- AR zoning doesn't allow mobile home parks, so assuming they're a legally nonconforming mobile home park, you're increasing the degree of nonconformity, because, again, you're taking out a portion of the property that's CG that would no longer allow residential.

In the area that would be -- the acreage that could be calculated towards that density is being reduced. So notwithstanding whether or not the subdivide it or not, I think our opinion still stands that they are increasing the degree of

1 nonconformity by the fact that a portion of that 2 property is being zoned to CG, therefore the 3 different uses are allowed in those two districts. And so there's no residential uses allowed, no 4 residential intensity. And so you're reducing, 5 again, the size there that you can't count towards 6 7 density, towards residential that would be permitted on the other AR zone parcel that's 8 nonconforming now and would be then even more 10 nonconforming. So that's part of our concern. HEARING MASTER FINCH: And so just to follow 11 12 that point, so the effect is currently if they were to -- if those residential units were to ask for 13 14 permits to do improvements to their mobile homes or 15 something that's on that existing, could -- if this 16 were done and they were made more nonconforming, 17 does that affect those property owners? 18 MALE SPEAKER: Yeah. Potentially, yes. 19 HEARING MASTER FINCH: All right. 20 MALE SPEAKER: Yeah. 21 HEARING MASTER FINCH: Thank you so much. 2.2 Does that conclude your comments from Development 23 Services? MALE SPEAKER: 24 Yes. 25 HEARING MASTER FINCH: Thank you. Then we'll

go back to the applicant who has five minutes for a rebuttal.

MR. PRESSMAN: What I'm putting up is from the PowerPoint you just saw, but I want to point to a couple of things.

HEARING MASTER FINCH: All right.

2.2

MR. PRESSMAN: So with great respect to Alex, who does a great job, what he's still referring to is he's referring to an access, first of all, point number one, from College, which would be here, and secondly through this parcel which is residential, which, again, we're not proposing.

And we made him aware of that, because obviously his point number four reflects and discusses all that. So, again, we have quite a wide separation from transportation, which I believe, again, with great respect, is off the mark.

Secondly, the project -- or the property that's before you certainly can accept conditions or restrictions. And a condition or restriction that the access only be by easement from the property next door would be -- as I understand it, would be a conditional restriction that we could apply to this site.

1 So in regard to those comments, again, we feel that we had the discussion -- transportation had 2 3 that communication and representing it in a different direction which was communicated to them. HEARING MASTER FINCH: Does that complete your 5 rebuttal testimony? 6 7 MR. PRESSMAN: I would just say again that -or I would say the priority here is trying to take 8 care of residents who are on the site that are not 10 in the greatest repair condition. And as you heard from the applicant, they're trying to work with 11 those folks and will work with those folks. That's 12 13 by evidence of what they're asking for here today. 14 And in terms of compatibility and in terms of 15 compatibility with the immediate neighborhood, 16 we've had no opposition. And in that sense it's a 17 positive application that would work well on 18 College Avenue. 19 Thank you. 20 HEARING MASTER FINCH: Thank you for that. 21 appreciate it. We'll close Rezoning 23-0351. 2.2 It's a little after 8:00. We typically take a 23 break there. So by the clock on the wall if we could take a five-minute recess and come back, 24 25 let's just say, 8:15.

EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE OF 6
DATE/TIME: 6/20	12023 HEARING MASTER: Sugan Finch
6:00 p	n
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME DILIP AGARUM
23-0115	MAILING ADDRESS 301 WYLAY 7 ST
	CITY THINK STATE FLZIP 336 PHONE S12-421
APPLICATION #	PLEASE PRINT James Paul
23-0115	MAILING ADDRESS 8323 King Blossom C+
VS	CITY Tampa STATE FL ZIP32/5PHONE
APPLICATION #	PLEASE PRINT SUS LA SWIFT
23-8203	MAILING ADDRESS 607 S. A lexander St # 101 CITY Cant City STATE FL ZIP 33/3 PHONE 747-9100
APPLICATION #	PLEASE PRINT Radiney Smith
23-0203	MAILING ADDRESS 10016 ON'O Ave CITY 1 handons STATE FC ZIP 335 2 HONE 494-5048
	CITY / henotosis STATE / C ZIP 33372 HONE 499-3098
APPLICATION #	NAME OCO (1954)
23-6730	MAILING ADDRESS DOD DA ARE S. #5
	CITY J. GESSON STATE ZIPZZ PHONE SZG
APPLICATION #	NAME OF CESSION
23-0351	MAILING ADDRESS DO JA Ay, 5. 4955
	CITY STATE ZIP ZIP PHONE 804

SIGN-IN SHEET: RFR,						
DATE/TIME: 6/20/3	HEARING MASTER: Sugan Finch					
C: Opm						
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING						
APPLICATION#	NAME Cincle Creech					
23 035	MAILING ADDRESS 2212 8 College AV					
	CITY RIVER STATE ZIP 33570 PHONE 335078888					
APPLICATION #	PLEASE PRINT John LaRocca					
23-0442	MAILING ADDRESS 3225 S. MOCDI // Olive #1 (29320)					
	CITY Tampa STATE FC ZIP 32629 PHONE 813 6950469					
APPLICATION #	NAME DOLLS EVANS					
23-0469	MAILING ADDRESS 3610 North de la Profiste 100					
	CITY Tampa STATE FL ZIP 3367 HONE 813-949-7449					
APPLICATION #	PLEASE PRINT NAME Magaret Tasson					
23-0469	MAILING ADDRESS 2810 Northdale Block Soute, 800					
	CITY Tumph STATE FL ZIPBIGG PHONE B13-quy-700					
APPLICATION #	PLEASE PRINT Kami Corbett					
22-1390						
0.0, 0.0	CITY TON DA STATE FL ZIP 3360 PHONE 813 227 7421					
APPLICATION #	NAME DON HOMBTON					
22-1390	MAILING ADDRESS 6692 CORFTON POND ST.					
	CITY (I TEMPLE ME STATE FL ZIP 33598 PHONE					

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE OF 6					
DATE/TIME: $(\sqrt{20})$	2023 HEARING MASTER: SUSAh Finch					
DATE/TIME: (20/2023 HEARING MASTER: SUSAn Finch						
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING						
APPLICATION #	PLEASE PRINT BEN J DUM					
22-1790	MAILING ADDRESS SUZ W. LAWREL ST					
000	MAILING ADDRESS SUZ W. LANGEL ST CITY TPA STATE ZIP 336PHONE CU39					
APPLICATION #	PLEASE PRINT Jaim Majer					
22-1639	MAILING ADDRESS LOL E. KENNEDY Blud. Ste 3700					
N .	CITY TOMPO STATE FL ZIP 3502 PHONE 813 506 5184					
APPLICATION #	NAME Matthew Norman					
22-1639	MAILING ADDRESS 101 E. Kennedy Blud. Ste3700					
VS	CITY Tampa STATE FL ZIP 3760 HONE					
APPLICATION #	NAME Mary Brigham					
22-1639	MAILING ADDRESS 18050 S US 301					
	CITY WI MALL STATE FL ZIP 3359 PHONE 813-503-					
APPLICATION#	NAME LING TABOK					
22-1639						
	CITY TAMPA STATE & ZIPSONE 27-345-7039					
APPLICATION #	NAME Kathern Burges 5					
22-1639						
	CITY Wimauma STATE ZIP 3359 PHONE 803-589 265					

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO					
DATE/TIME: $6/20$	2023 HEARING MASTER: Susan Finch					
6:00 p	m					
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING						
APPLICATION #	NAME John D Hooker					
22-1639	MAILING ADDRESS John D Hoo Ker, Com 8621 M Willow Ave CITY Amps STATE F/ ZIPSKOYPHONE 813-503-1802					
APPLICATION# 22-1639 VS	MAILING ADDRESS 13 620 Metropolis Ave. Ste. 10 CITY Fort Myers STATE FL ZIP 33912 PHONE (239) 204-5360					
22-1639	MAILING ADDRESS V914 SAVOY STOLES CITY					
APPLICATION# 22-1701	PLEASE PRINT NAME Colin Rice MAILING ADDRESS 1000 W Cass CITY Tauka STATE FL ZIP376 PHONE 239 9042771					
APPLICATION# 22-1701	MAILING ADDRESS 3/02 Thonotogassa Robert City Plant City State Fl zip 356 parone 727-543-6134					
APPLICATION# 23-004/	MAILING ADDRESS 1000 W Orlleg & # 900 CITY Tampa STATE FL ZIP 33602 HONE 33					

SIGN-IN SHEET: RFR,	2027 HEARING MASTER: SURA PAGE OF G
DATE/TIME: $(1/20)$	2023 HEARING MASTER: SUSAN FINCH
7:00	nag 0
PLEASE PRINT CLEA	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME Kumi Cohett
23-0041	MAILING ADDRESS 10/9 Kennel 1 Blod 3700
	CITYTHMPA STATE ZIBJUD PHONE 813-2278421
APPLICATION#	NAME TENEN TOWN
23-0041	MAILING ADDRESS SUZZ W. LAVIEL ST
	CITY TOPA STATE ZIP 3360 PHONE 613-269 PHONE 0039
APPLICATION #	PLEASE PRINT STEVE LUCE
27-0041	MAILING ADDRESS /// S. ARMEN A
	CITY TAMPA STATEFU ZIP 33404 PHONE 813-767-5763
APPLICATION #	PLEASE PRINT JU HAV RECLAN
23-0041	MAILING ADDRESS 5051 BANSY BROOK GREET
Ü	CITY WIMAUMA STATE FL ZIP 335/8 PHONE 8/3-938-4058
APPLICATION #	PLEASE PRINT NAME TO THE P
23-0041	MAILING ADDRESS 16692 CORPORTED ST
	CITY CHARACTE STATE T ZIP 337 PHONE 0635
APPLICATION #	PLEASE PRINT 1/40 Acres
27-6041	MAILING ADDRESS 5224 SR 674 754-226- CITY Wimdumdstate FL ZIP 3354 PHONE 47-73
	CITI W I TO WARME TO ZIE 355 WEHOME 9777

SIGN-IN SHEET: RFR, DATE/TIME: 6/20/	2023 HEARIN	G MASTER: _.	Susai	PAGE OF 6
6:00	pm			
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23-6041				
23001				1NG STONE DR 598PHONE 81338048-20
APPLICATION #	PLEASE PRINT NAME			
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	CITY	STATE	ZIP	PHONE
APPLICATION #	PLEASE PRINT NAME			
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	CITY	STATE	ZIP	PHONE
APPLICATION #	PLEASE PRINT NAME			
	MAILING ADDRESS	8		
	CITY	_STATE	ZIP	PHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: 06/20/2023

HEARING MASTER: Susan Finch PAGE: 1 of 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0203	Susan Swift	Applicant Presentation Packet	No
RZ 23-0330	Todd Pressman	Applicant Presentation Packet	No
RZ 23-0351	Todd Pressman	Applicant Presentation Packet	No
RZ 23-0469	Dallas Evans	Applicant Presentation Packet	No
RZ 22-1390	Kami Corbett	Applicant Presentation Packet	No
RZ 22-1390	Steve Henry	2. Applicant Presentation Packet	No
MM 22-1639	Michelle Heinrich	Revised Staff Report	Yes (copy)
MM 22-1639	Jaime Maier	2. Applicant Presentation Packet	No
MM 22-1639	John D. Hooker	3. Opponent Presentation Packet	No
RZ 22-1701	Colin Rice	Applicant Presentation Packet	No
RZ 23-0041	Michelle Heinrich	Revised Staff Report	Yes (copy)
RZ 23-0041	Isabelle Albert	Applicant Presentation Packet	No
RZ 23-0041	John Regan	3. Proponent Presentation Packet	No
RZ 23-0041	Gil Martinez	4. Proponent Presentation Packet	No

JUNE 20, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, June 20, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

Susan Finch, ZHM, after a delay, called the meeting to order at 6:31 p.m., led in the pledge of allegiance to the flag, and introduced Development Services.

A. WITHDRAWALS AND CONTINUANCES

Michelle Heinrich, Development Services, introduced staff, and reviewed changes/withdrawals/continuances.

Susan Finch, ZHM, overview of ZHM process.

Mary Dorman, Senior Assistant County Attorney, overview of oral argument/ZHM process.

Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 22-0648

Susan Finch, ZHM, announced the item was continued to the July 24, 2023, ZHM.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-1681

Susan Finch, ZHM, announced the item was continued to the July 24, 2023, ZHM.

C.2. RZ 23-0115

Michelle Heinrich, Development Services, called RZ 23-0115.

Testimony provided.

Susan Finch, ZHM, closed RZ 23-0115.

C.3. RZ 23-0203

- Michelle Heinrich, Development Services, called RZ 23-0203.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0203.

C.4. RZ 23-0330

- Michelle Heinrich, Development Services, called RZ 23-0330.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0330.

C.5. RZ 23-0351

- Michelle Heinrich, Development Services, called RZ 23-0351.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0351.

C.6. RZ 23-0442

- Michelle Heinrich, Development Services, called RZ 23-0442.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0442.

C.7. RZ 23-0469

- Michelle Heinrich, Development Services, called RZ 23-0469.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0469.

TUESDAY, JUNE 20, 2023

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

D.1. RZ 22-1390

Michelle Heinrich, Development Services, called RZ 22-1390.

Testimony provided.

Susan Finch, ZHM, closed RZ 22-1390.

D.2. MM 22-1639

Michelle Heinrich, Development Services, called MM 22-1639.

Testimony provided.

Susan Finch, ZHM, closed MM 22-1639.

D.3. RZ 22-1701

Michelle Heinrich, Development Services, called RZ 22-1701.

Testimony provided.

Susan Finch, ZHM, closed RZ 22-1701.

D.4. RZ 23-0041

Michelle Heinrich, Development Services, called RZ 23-0041.

Testimony provided.

Susan Finch, ZHM, closed RZ 23-0041.

ADJOURNMENT

Susan Finch, ZHM, adjourned meeting at 10:28 pm.

RZ-STD 23-0351

LETTER OF SUPPORT

Hillsborough County School Graduations

To Hillsborough County, Florida:

Regarding rezoning application RZ-STD 23-0351, located at 2218 College Ave., rezoning to the Commercial Intensive zoning category to allow for outdoor storage of vehicles, as an abutting neighbor, I do no have any opposition to this request. Thank you.

ELGALALI SCHOOL Propebly Owner

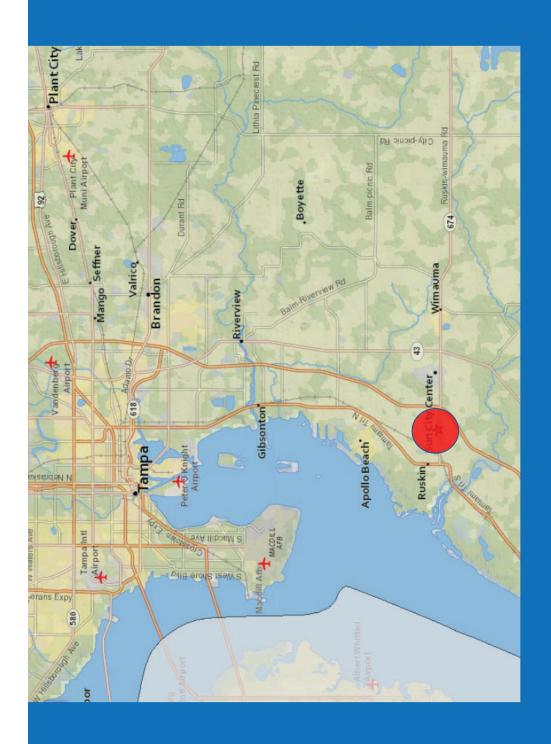


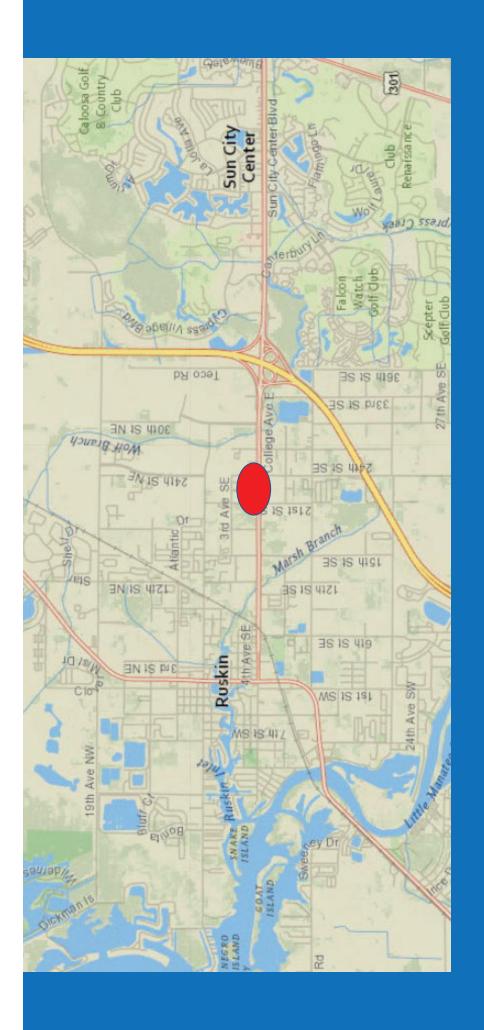






ISSUE: AR to CI-R With Restrictions



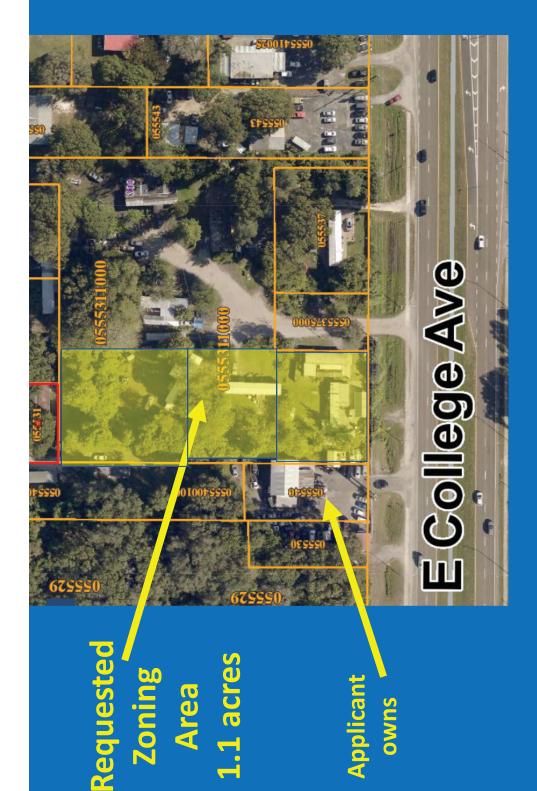


Parcel Purchase 2.71 acres



Property Appraiser

Overlay Zoning Area



Applicant owns



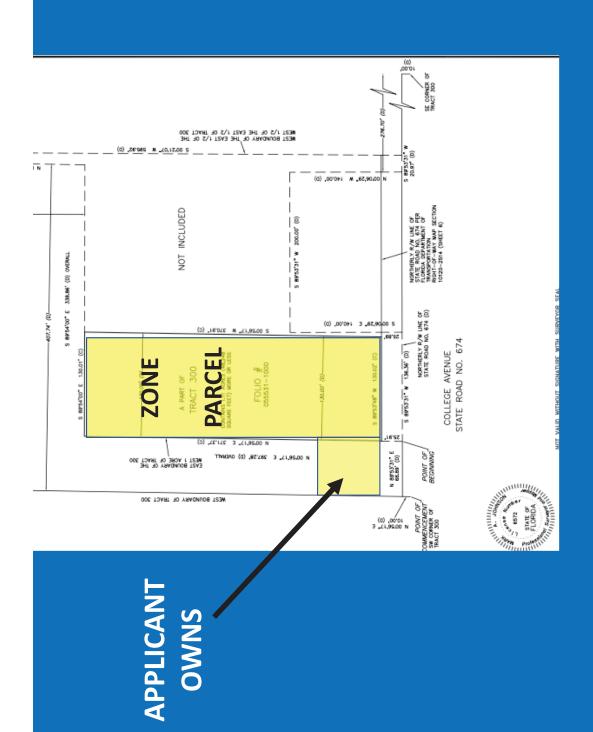
Property Appraiser

Requested Zoning Area

ACCESS

Zoning Parcel Overlay





29,000 Vehicles/Day



RESTRICTIONS

- 1) Access from abutting owner's property
- 3) Only use permitted Open Storage for domestic vehicles only; current business 2) Buffer of 70' from North, remaining dense, thick and high forestation stays
- Use will be quiet, low trips, no infrastructure, no odors.
- Tremendously reduces the intensity & impact of a CI Zoning

ZONING RSC-6 9 STIP SI SE 50 9 A P SITE SITE 9 9 9 **5** 0 College Ave E

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FINAL CONDITIONS OF APPROVAL

PETITION NUMBER: RZ 04-0566 RU MEETING DATE: June 8, 2004 DATE TYPED: June 14, 2004

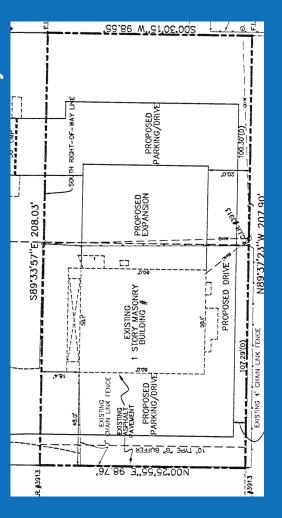
Approval - Approval of the request, subject to the conditions listed below, is based on the general si plan submitted January 29, 2004.

The project shall be permitted a 2,000-square foot retail showroom and a 4,000-square foo wholesale distribution facility in a 6,000-square foot single story building with a maximun Mixed Use Floor Area Ratio (FAR) of 0.35 on 0.47 acres of land.

RZ-PD 04-0566

2,000 SF retail show 4,000 SF wholesale

dist.



FLU Map

9-NWS

Light industrial, multi-purpose, Suburban commercial, Research parks





70' North Buffer

- Use is:
 Quiet,
 low trips
 no infrastructure

Transportation 4 Comments

RATIONALE FOR OBJECTION

provided the required information and as such transportation staff cannot properly evaluate the Transportation staff asked the applicant to provide documentation concerning existing access, including any existing easements used for access to the subject property. The applicant has not request and must object to the proposed rezoning. 'Not Received' but makes comment on that information in point #4

Fransportation Comments

Due to the configuration of existing access and the proposed access to the site, transportation staff The applicant has not submitted documentation regarding the required coordination with FDOT requires formal documentation concerning FDOT requirements for access to the subject property. The proposed rezoning proposes to take access to College Avenue, an FDOT maintained roadway. and as such Transportation Staff must object to the proposed rezoning. 'discusses College Ave. access' but makes comment on that information in point #4

Transportation Comments

The proposed rezoning would result in a split zoned property. The Land Development Code does not allow a commercial property to take access through a residential property. The currently submitted documents do not provide sufficient access restrictions to ensure LDC compliant access between the split zoned uses. The access to this property indicates that it takes access through an easement and a residential property but information concerning that easement was not submitted to the record and restrictions limiting access through the east were not provided. As such transportation staff must object to the proposed rezoning. 'Discussions College Ave. thru residential' but makes comment on that information in point #4

Fransportation Comments

restriction would typically require a certified parcel process to combine the two lots in order to The applicant submitted a restriction that states "Access to this proposed zoning parcel will be from the contracted owner's property located abutting West, folio #55540.0000." The proposed Without legal access granted through combining the parcels or granting an easement, access cannot be guaranteed through folio 55540.000 if the property changes ownership. Due to the listed major maintain legal access to the proposed CI-R portion of the rezoning through folio 55540.000 concerns, transportation staff objects to the proposed rezoning. 'Accepts Abutting access' but wants certified parcel process or easement

Planning Commission Report:

1) "As the language above states, rezonings shall be approved through a site planned controlled rezoning district with integrated site plans".

Sec. 5.03.02 - General requirements

The application shall be submitted in accordance with the requirements listed in Section 6.0 of the Development Review Procedures

2) Mixed-Use Comprehensive Plan Categories. <mark>Applications greater than two (2) acres in size that are located in a Mixed</mark>-Use Comprehensive Plan Category shall be required to be rezoned to a PD, PD-S or a mixed use standard zoning district.

Not a precedent, been exercised previously, 'not circumventing'

Ä

B.

Planning Commission Report:

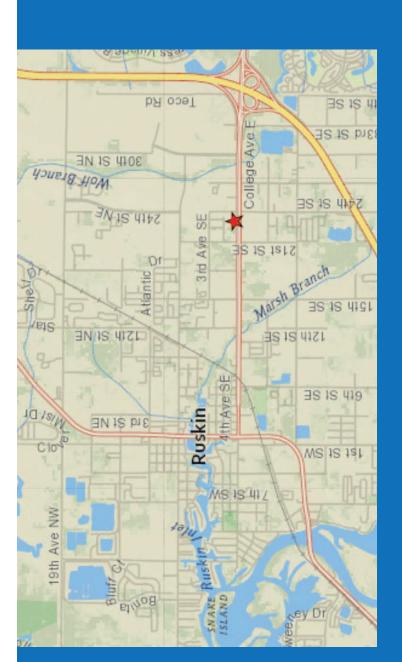
- single family residential to the north, mobile homes to the east, vacant residential land to the "The development pattern and character of this portion of College Avenue contains mainly west, and light commercial uses along College Avenue.
- SMU-6 intensive category, includes Light Industrial Uses
- "Intense commercial use". Not the case. RESTRICTIONS: quiet, low trips, no infrastructure, no odors.
- maintaining the character of existing development." Restrictions reduce the proposed use. Many CG uses could "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in be much more intensive. Gas stations, major vehicle repair, contractor's office, etc.
- Community plans: "commercial development at a scale and and design that reflects the character of the community". Restrictions accomplish that.

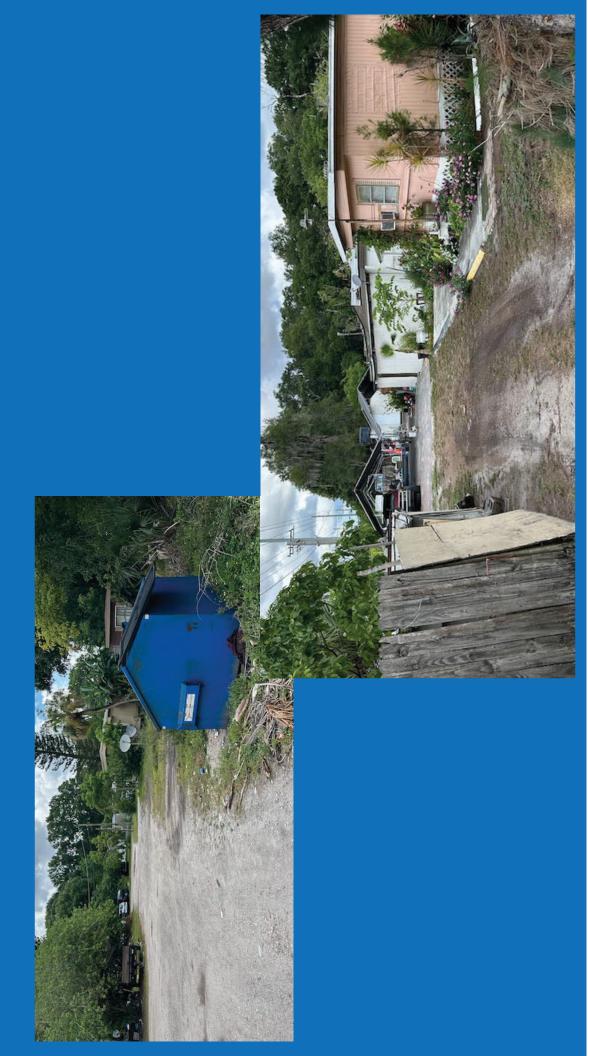
RUSKIN COMMUNITY PLAN

Goal 2. Economic Development - Provide opportunities for business growth and jobs in the Ruskin community.

Strategies:

- Ensure that there are appropriate land areas zoned for office and light industrial development.
- Promote beautification and landscaping along US 41, College Avenue and Shell Point Road





6' solid wall, PVC fence or wood required

Zoning Staff Recommendation

"The applicant proposed use restrictions include:...

restrictions provide appropriate mitigation for any potential Therefore, given the adjacent zoning/development pattern, buffering/screening/setbacks and the proposed use staff finds the site characteristics, required impacts of the proposed rezoning".

Planning Commission:

the north, mobile homes to the east, vacant residential land College Avenue contains mainly single family residential to "The development pattern and character of this portion of to the west, and light commercial uses along College Avenue.

Zoning Staff Recommendation

Concerns are:

- Transportation
- Planning Commission
- acres. Overlay does not impact Non-conforming - Increase of non-conforming. 2.71 acres is 2.71



2900 Apalachee Parkway Tallahassee, Florida 32399-0500 www.fihsmv.gov

To Whom it May Concern:

B&D Towing has served on the Florida Highway Patrol's rotation wrecker program for two years. They several of our zones in Hillsborough County, including the south zone from their facility on College Avenue. have provided excellent service to the public and our agency during their tenure. Currently, they operate in

keep their trucks presentable, carry required items set by our agency, conduct background checks and driver As part of the Florida Highway Patrol's rotation wrecker service, wrecker companies are required to license checks on their drivers and provide a facility within the zone they are operating.

signage, and staffing. With the population increase in Hillsborough County, the Florida Highway Patrol's calls The Florida Highway Patrol requires specific items for wrecker facilities such as secured storage space, for crashes and our requests for wreckers at crash scenes has increased. This has put a burden on many of our wrecker companies due to limited storage space for towed vehicles and the wreckers that operate in that zone.

Lieutenant David L. Frye

Florida Highway Patrol Troop C -Tampa District 11305 North McKinley Drive

Tampa, Florida 33612

'Been with FHP for 2 years...excellent service to the public and agency...operate in several zones...keep trucks presentable, background and driver license checks...'



June 16, 2023

To Whom It May Concern:

wrecker program since 1997. They have been an asset to our agency, and we look forward B&D Towing has served on the Hillsborough County Sheriff's Office rotation to further working with them. Currently, they operate in several of our zones in Hillsborough County.

The Hillsborough County Sheriff's Office requests from the towing companies on transport our vehicles when they are disabled, and transport vehicles to our crime scene our rotation to respond to accidents, arrests, and abandoned vehicles. They also help when we need

Melissa Brewster ABN 251431 Hillsborough County Sheriff's Office Vehicle Impound Officer/Gate Codes

'Since 1997...been an asset to the agency...and operate in several zones'.

LETTER OF SUPPORT

To Hillsborough County, Florida:

Regarding rezoning application RZ-STD 23-0351, located at 2218 College Ave., rezoning to the Commercial Intensive zoning category to allow for outdoor storage of vehicles, as an abutting neighbor, I do not have any opposition to this request. Thank you.

ropeky Owner

Eucenia Sentet Property Owner

2215 5th AVE. SE Address

ccompi

Ruskin Fl 33570

6)15/2023

DATE

LETTER OF SUPPORT

To Hillsborough County, Florida:

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Property Owner

operty Owner

2217 SHUVE SE PUSICIO FI 33570

Address

6/10

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LETTER OF SUPPORT

To Hillsborough County, Florida:

allow for outdoor storage of vehicles, as an abutting neighbor, I do not College Ave., rezoning to the Commercial Intensive zoning category to Regarding rezoning application RZ-STD 23-0351, located at 2218 have any opposition to this request. Thank you.

MARGARET CONDOLLY

DATE

LETTER OF SUPPORT

To Hillsborough County, Florida:

allow for outdoor storage of vehicles, as an abutting neighbor, I do not College Ave., rezoning to the Commercial Intensive zoning category to Regarding rezoning application RZ-STD 23-0351, located at 2218 have any opposition to this request. Thank you.

Eugenia Something

2223-5th SE. AVE

Rudkin FL.
Address

6/15/2023

LETTER OF SUPPORT

To Hillsborough County, Florida:

College Ave., rezoning to the Commercial Intensive zoning category to allow for outdoor storage of vehicles, as an abutting neighbor, I do not Regarding rezoning application RZ-STD 23-0351, located at 2218 have any opposition to this request. Thank you.

DATE

LETTER OF SUPPORT

To Hillsborough County, Florida:

allow for outdoor storage of vehicles, as an abutting neighbor, I do not College Ave., rezoning to the Commercial Intensive zoning category to Regarding rezoning application RZ-STD 23-0351, located at 2218 have any opposition to this request. Thank you.



All Abutting Owners Support

PARTY OF RECORD

NONE