



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0681 BRANDON	
LUHO HEARING DATE: August 28, 2023	CASE REVIEWER: Richard Perez, AICP

REQUEST: The applicant is requesting a variance to waive the required sidewalk connections to the project’s northeast site arrival point on Causeway Blvd and internal to the project site associated with Site Construction Plan (PI# 5777) submitted on May 5, 2023 which includes proposed sidewalk improvements. (See Exhibit B) The property is zoned Planned Development (PD 98-0826) and is designated Regional Mixed Use 35 (RMU-35) and Urban Mixed Use 20 (UMU-20) future land use.

VARIANCE(S):

GENERAL DESCRIPTION	REQUIREMENTS	VARIANCE	RESULT	APPLICABLE LDC SECTIONS
Variance from requirement to construct a sidewalk connection to project site arrival point.	Construct a minimum 5-foot wide sidewalk connecting to existing sidewalk on Causeway Blvd. and along project’s northeast frontage and into the project site to provide for safe pedestrian circulation and meeting the requirements of the Florida Accessibility Code.	Eliminate requirement to construct a sidewalk connecting to existing sidewalk on Causeway Blvd. and along project frontage and into the project site.	The developer would not be required to construct sidewalk connection to existing sidewalk on Causeway Blvd., along the project’s northeast frontage and into the project site.	6.03.02.A. 6.03.02.B.1 6.03.02.C. 6.03.02.G. 6.03.02.H.
Variance from requirement to construct internal sidewalks	Construct a minimum 5-foot sidewalk: a) where necessary for safe pedestrian circulation; b) where necessary to meet ADA/Florida Accessibility Code requirements; c) to connect the public street/sidewalk to the building(s) being served; and d) to connect buildings, facilities, elements and spaces on the same site	Eliminate requirement to construct required internal sidewalks	The developer would not be required to construct the internal sidewalks	6.03.02.A. 6.03.02.B. 6.03.02.G 6.03.02.H.

FINDINGS:

- Provided as Exhibit A, are a set of protocols designed to assist staff's implementation of certain sections of the Land Development Code (LDC). These protocols have been implemented by the County Engineer as an interpretation of relevant sidewalk regulations as provided for within the LDC.
- Provided as Exhibit B, is the site construction plan submitted on May 5, 2023 for site development approval showing proposed sidewalks.
- The applicant states that the alleged hardship is unique and singular to the subject property due to the fact that "*Other properties do not have a vehicle only gas station service being expanded in an already existing Costco property lot. It is unique in that a sidewalk from the NE ROW is not necessary and if it were to be constructed would greatly alter the existing parking lot causing great hardships for the property owner, consumers, and all construction/design companies.*" Staff finds that the applicant has failed to outline or describe a specific hardship that does not apply to any other property that is not compliant with the LDC requirements to provide sidewalks at the time of site/construction plan review. Staff also finds that all types of commercial properties that expand or redevelop within the County are required to construct external and internal sidewalk connections.
- Staff finds that simply stating "*if it were to be constructed would greatly alter the existing parking lot causing great hardships for the property owner, consumers, and all construction/design companies.*" does not qualify. Staff notes that alteration of existing parking lots to meet the standards and requirements of the code is not uncommon for redeveloping or expanding properties. Furthermore, it is a self-imposed hardship as the applicant has elected to expand this site.
- With regards to the second criteria, staff finds the applicant has failed to explain how requiring the sidewalk would deprive the applicant of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC. The applicant states that it "*is not an accessible route for pedestrian traffic, therefore a requirement to build a sidewalk to there is unnecessary.*" Staff finds that pursuant to LDC, Sec. 6.03.02. that sidewalks are required along the frontage of all developments and internal to the site to provide for safe pedestrian circulation. As such it is the lack of the sidewalks that make the route not accessible and therefore unsafe. However, there is nothing preventing or that could prevent pedestrians employed or shopping at the site from walking to and from the site via this route where an existing sidewalk dead-ends.

The applicant also states, "*Preventing this variance limits the cost and design of this site Improvement.*" Staff notes that there is no "right" to not construct ADA compliant sidewalks for the purposes of providing safe pedestrian access to limit the cost of development; as such, no deprivation of rights can or will occur.

- With regard to the third criteria, the applicant states in the variance request "*There is no*

pedestrian traffic to the existing NE ROW, as it services only vehicles and has no convenience store connections.” Staff finds this statement is not supported by any factual information. Staff notes that subject site also include a Costco Center which will attract pedestrians from the same route. Staff finds that there are local bus stops located at or near the intersection of Causeway Blvd and Gornto Lake Rd +/-0.5 or less miles from the project site arrival point and Google StreetView shows pedestrians and bicyclists at or near the site arrival point. (See Exhibit C) Additionally, staff finds that the subject property is located in a compact, urban mixed use area with a variety of commercial retail and multi-family residential uses in close proximity as permit in the subject properties respective future land use designations, Urban Mixed Use 20 and Regional Mixed Use 35. Said urban mixed land uses and corresponding development intensities typically generate pedestrian activity between them. Exhibit D shows an aerial of the subject property and adjacent uses described above.

The applicant states “*....allowing this variance to not require a sidewalk connection to the NE ROW would have no effect on pedestrian traffic in the property and by default result in no hindrances to the property or its customers.”* Staff finds this statement to be incorrect with respect to the variance request as the absence of the sidewalk connection would deprive pedestrians traveling to or from the property and the public at large use of the sidewalk, a safer path of travel.

Regardless of how many or how frequently pedestrians may travel on a given segment of sidewalk, staff finds that waiver of the sidewalks would cause an injury to pedestrians coming to/from adjacent properties (with respect to the internal sidewalk waiver), or to/from an adjacent property to an unrelated destination (with respect to the external sidewalk waiver).

- The applicant’s response to the fourth criteria states “*The existing site layout cannot accommodate the unnecessary sidewalk expansion without major revisions. This variance is within the publics best interest as it will prevent unnecessary pedestrian traffic driveway entrance area that is often busy with vehicle movement. This variance would encourage the developments efficient processing in terms of time and expense.*” Staff finds that applicant failed to demonstrate how the request is in harmony with or serves the general intent and purpose of the LDC and Comprehensive Plan. Staff notes that the applicant has submitted a single site construction plan, on May 5, 2023, for site development approval (Exhibit B) and said plan shows how the sidewalk connections they are proposing to waive can be accommodated on-site. The applicant has the opportunity to propose other alternative designs/routes or request/propose other forms of relief afforded to all developments, such as an LDC, Sec. 6.05.02.G. Alternative Parking Plan or a Sec. 6.05.02.I. Compact Parking allowance or a Sec. 6.05.02. P. Bicycle Parking reduction, to reduce the number of parking spaces required. As such the request is premature without attempting to find design solutions or exhaust options available to accommodate the required sidewalk with minimal impact to the site, e.g. the alleged hardship the applicant states in the Project Description (Variance Request) that the sidewalks “*may cause the site to fall below the minimum parking spaces at 669 stalls required*”.

- With regard to the fourth criteria, staff notes the following sections of the Hillsborough County Comprehensive Plan, Mobility Element in support of the required sidewalks:
 - Goal 1, “Build and maintain a transportation system that supports the needs of all users with respect to ability, resources, identity and mode preference.”
 - Objective 1.2, “Consider both positive and negative socio-economic, physical and mental health impacts of transportation projects, especially on underserved communities including people with disabilities, chronic diseases and limited resources.”
 - Goal 2. “Achieve Vision Zero by providing a multimodal transportation system that prioritizes the safety of all roadway users.”
 - Objective 2. “Protect vulnerable users, such as bicyclists, pedestrians, children, seniors and people with disabilities, through a Safe Systems Approach, speed management techniques and context-sensitive multimodal facility design.”
 - Goal 4, “Provide safe and convenient connections within the transportation network that support multimodal access to key destinations, such as community focal points, employment centers and services throughout the County.”
 - Policy 4.1.2, “Require pedestrian and bicycle interconnections between adjacent, compatible development...”
 - Goal 5, “Create a sustainable transportation system that allows people to take their mode of choice to access necessities, opportunities, recreation and each other.”
 - Objective 5.3, “New development shall mitigate its impact on the multimodal transportation network.”
 - Objective 5.7, “Build a comprehensive bicycle/pedestrian system, including multiuse trails or side paths, sidewalks, pedestrian crossings and on-road bicycle facilities, to attract more people to walk and bicycle for all trip purposes.”

Staff also notes the following sections from the Community Design Component of the Future Land Use Element in support of the required sidewalks:

- Policy 15-1.1, “Design pedestrian facilities for designated roadways in urban and suburban areas to include the following considerations: Continuous sidewalks, free of obstruction...”
- Policy 15-1.2, “Provide direct routes between destinations, minimize potential conflicts between pedestrian and automobiles...”

Furthermore, staff notes the following sections from the Brandon Community Area Plan within the Live Communities Element in support of sidewalks specifically in the Brandon area where the subject site is located:

- Goal 1, “Establish a balanced transportation system by prioritizing options to serve local and regional needs and facilitating multi-modal choices.”
- Goal 1.5.a., “New development and transportation infrastructure investments should place emphasis on proximity to community and social services, walkability and creating a healthy street life.”
- Goal 1.5.b., “Accommodate all modes of transportation by providing safe and functional infrastructure and services for driving, walking, biking and transit compatible with the community character.”

- As it relates to the Hillsborough County Land Development Code Section 6.03.02. standards requiring sidewalks for all site development plans, staff notes the following subsections:

- Sec. 6.03.02. A. “Sidewalks shall be required in all Land Use categories where necessary to provide for safe pedestrian circulation and shall be constructed within rights-of-way, adjacent to or internal to the site, regardless of whether the site is adjacent to an existing or new road being constructed for dedication to Hillsborough County or the State of Florida. [*emphasis added*]

Public sidewalks and public sidewalk curb ramps shall conform to the latest requirements of Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.”

- Sec. 6.03.02. B. “Internal sidewalks shall meet the accessibility requirements of the Florida Accessibility Code, specifically the following:
 1. Accessible routes within the boundary of the site shall be provided from public transportation stops, parking and passenger loading zones, and public streets or sidewalks to the building entrance they serve.
 2. Accessible routes shall connect buildings, facilities, elements and spaces that are on the same site.”
- Sec. 6.03.02. C. “Sidewalk construction on external roads shall be on the same side as the development and shall be continuous from boundary to boundary of the development.”
- Sec. 6.03.02. D. “In the event that a right-of-way is determined by Administrator to be too small for the construction of a safe sidewalk, developer shall construct the sidewalk within an easement approved by and dedicated to the County.”
- Sec. 6.03.02. E. “Sidewalks shall be constructed along the entire length of streets which are temporarily dead-ended but which will be expanded in the future.”
- Sec. 6.03.02. F. “Sidewalks shall be constructed within the right-of-way and along the entire width of a site developed under the site development regulations except as provided below:
 1. Where planned right-of-way improvements scheduled in the Capital Improvement Program within two years would require the destruction of the sidewalks. In this case, the developer shall be required to provide funds for the cost of sidewalk construction to the Capital Improvements Project Pseudo Code, or
 2. Where an approved Subdivision or Site Development Master Sidewalk Plan provides otherwise.”

- Sec. 6.03.02. G. “Sidewalk connections shall be designed to meet the requirements of the Florida Accessibility Code.”
- Sec. 6.03.02. H. “Certificates of Occupancy may not be issued until sidewalks are constructed.”
- With regard to the fifth criteria, staff finds that the applicant has failed to define a hardship or explain how the developer’s petition does not constitute a self-imposed action/hardship. The applicant’s statement that “*The variance is for exemption from having to connect a sidewalk to the NE ROW. No illegal acts have influenced this variance request.*” is immaterial. If the sidewalks are not provided as part of the applicant’s site review to make certain improvements, it will not be in compliance with the LDC requirements and safe pedestrian circulation will not be provided as required of all development by LDC, Sec. 6.03.02. sidewalk standards. Staff finds that the applicant’s action (proposed expansion) is triggering the requirement and, therefore, is self-imposed.
- With regards to the sixth criteria, the applicant states “*If this variance were to be rejected, the redesign of the property would result in several hardships trying to include this sidewalk ROW connection with all existing structures and utilities. The addition of the sidewalk will also put pedestrians safety at risk by directing them toward an area of the site with high vehicular traffic.*” Staff finds that the applicant has failed, as required in the application, to explain how allowing the variance would “...result in substantial justice being done, considering both the public benefits intended to be secured by this Code and the individual hardships that will be suffered by a failure to grant a variance.” [*emphasis added*]. Staff notes that all expanding or redeveloping sites, that are not up to code, share the common burden of accommodating structures and utilities while meeting the LDC sidewalk requirements. Furthermore, the applicant did not provide any data or analysis on how the required sidewalk might put pedestrian safety at risk. Staff finds that the absence of sidewalks is less safe than the presence of sidewalks, particularly in an area where the intermingling of vehicular traffic and pedestrian traffic is already occurring and cannot be prohibited.
- Staff finds there is no information in the record indicating how a waiver of the required sidewalks would facilitate and accommodate safe pedestrian circulation or provide accessible routes meeting the requirements of the Florida Accessibility Code. Staff finds the applicant has failed to describe how approval of the variance request would result in substantial justice to those pedestrians who would use said sidewalks.
- Staff also finds that Federal ADA requirements are applicable to this instance and notes that the 2010 ADA Standards for Accessible Design, Subsection 206.2.1 Advisory for Site Arrival Points states that “Each site arrival point must be connected by an accessible route to the building entrance or entrances served.” [*emphasis added*].
- On January 6, 2016 the Hillsborough BOCC adopted Resolution R16-007 pertaining to “Vision Zero” (the County’s goal that no loss of life is acceptable on County roadways).

DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF

**Richard
L.
Perez**

Digitally signed by Richard L. Perez
Perez
DN: cn=Richard L. Perez
gn=Richard L. Perez c=US United States l=US United States o=Hillsborough BoCC ou=Development Services - Transportation Review Section e=perezrl@hillsboroughcounty.org
Reason: I am approving this document
Location:
Date: 2023-08-18 14:22-04:00

Richard Perez, AICP For Sheida Tirado, P.E.

Attachments: Protocol for Implementation of Sidewalks; Site Plan; Zoning Aerial Map



INFORMAL SIDEWALK IMPLEMENTATION PROTOCOL*

**This protocol has been authorized by the County Engineer in order to provide additional information regarding sidewalk regulations within the Land Development Code (LDC), and provide detail on how the Administrator interprets the relevant LDC provisions (i.e. to determine when sidewalks are required). Design criteria can be found within the Hillsborough County Transportation Technical Manual and the LDC.*

1. Is the project within a Planned Development (PD) zoning district? If yes, check the PD site plan and zoning conditions to determine whether any graphics, notes or zoning conditions relate to sidewalks. If so, they must be followed, and you should proceed through the remaining steps of the checklist. Consult a planner in the Zoning or Transportation Review Sections of the Development Services Department for additional guidance. Proceed to Step 2.
2. Is the project within one of the areas listed below? If so, staff should refer to the Special District Regulations within Section 3 of the Hillsborough County Land Development Code (LDC), which provide requirements for each specific area. These requirements can specify both where sidewalks shall be constructed, and where sidewalks shall not be constructed. Some also provide a separate protocol which can result in an “override” of the prohibition against constructing a sidewalk. Staff must evaluate each site separately at the time of permitting, since things can change over time.

If the project is not all or partially within one of these areas, then proceed to Step 3.

- Section 3.08.07, pertaining to **Keystone-Odessa Community Planning Area**
- Section 3.09.07, pertaining to the portion of the **Lutz Community Planning Area within the Rural Services Area**
- Section 3.10.06.11, pertaining to **Citrus Park Village**
- Section 3.12.09 and 3.12.10, pertaining to **Brandon Main Street**
- Section 3.17.03, pertaining to the **Ruskin Town Center Zoning District**
- Section 3.19.03, pertaining to the **Riverview Downtown Districts**

Note: Staff should use DSD viewer to determine the above information. If two or more Community Planning areas are listed or affect a given property, staff should seek guidance from a Zoning or Transportation Review Section planner in order to determine the appropriate standards to apply.

3. If the project is not within one of the areas listed above, then the general sidewalk rules provided for in the following LDC sections apply: Section 6.02.08, subdivision standards, sidewalks, and Section 6.03.02, site development standards, sidewalks. Proceed to Step 4.
4. Is the project within the Urban Services Area (USA)? If so, then sidewalks are required. If no, proceed to Step 5.
5. Is project outside of the USA? If so, follow the County Engineer’s sidewalk protocol to determine when sidewalks are required (i.e. proceed to Step 6). When one or more of the protocols are triggered, sidewalks are required.



SIDEWALK IMPLEMENTATION PROTOCOL*

6. County Engineer's Sidewalk Protocol for Sites within the Rural Service Area:

- a. Is the site all or within one (1) mile of the Urban Service Area? If yes, sidewalks are required to be provided as described in Sections 6.02.08 and 6.03.02 of the LDC. If no, proceed to 6.b.

Note: Staff should use DSD viewer to determine this information. All measurements for 6.a. shall be taken via a straight line (i.e. "as the crow flies").

- b. Is the site within a future land use or zoning designation that provides for extension of utilities outside of the Urban Services Area? Examples of these designations include the Wimauma Village Residential -2 (WVR-2) and Residential Planned – 2 (RP-2) future land use classifications. If no, proceed to 6.c. If yes, sidewalks are required.
- c. Is the site within a two (2) mile walking distance of a public school? If yes, sidewalks are required. If not, proceed to 6.d.

Note: Staff should use a combination of the DSD viewer and a thorough google maps search to determine this information. All measurements for 6.c. shall be taken via a "walking distance" methodology. More specifically, measurements shall be taken to determine whether any edges of the project parcel(s) are within a 2-mile walking distance of a public school, regardless of whether there are sidewalks along the walking route. Additionally, per Florida Statutes, all charter schools are considered public schools; however, charter schools are not listed within the DSD viewer (hence the need to also use a Google Maps search).

- d. Is the site located on a roadway which has been designated by the School District of Hillsborough County as having a hazardous walking condition, as defined by Section 1006.23, Florida Statutes? If yes, sidewalks are required. If no, sidewalks are not required, unless otherwise specified in Steps 7 or 8, below.

7. **Special Advisory 1**. Although sidewalks may not be required using steps 1-6 above, staff should note that sidewalks may be required pursuant to other rules or regulations. Specifically:

- a. Disabled parking must have ADA compliant accessible sidewalks provided between the disabled parking space and primary entrance(s) to the proposed use(s). Also, for commercial sites, ADA compliant accessible sidewalks must be provided between the primary entrance(s) of the proposed use(s) and each site arrival point (i.e. connection to the roadway system); and,
- b. Certain uses are subject to the Special/Conditional Use Regulations specified within [Part 6.11.00 of the LDC](#). These uses may have specific sidewalk requirements which must be enforced independent of the above protocols. For example, Section 6.11.24 requires special sidewalks internal to a site for Child Care Centers (i.e. daycare uses).



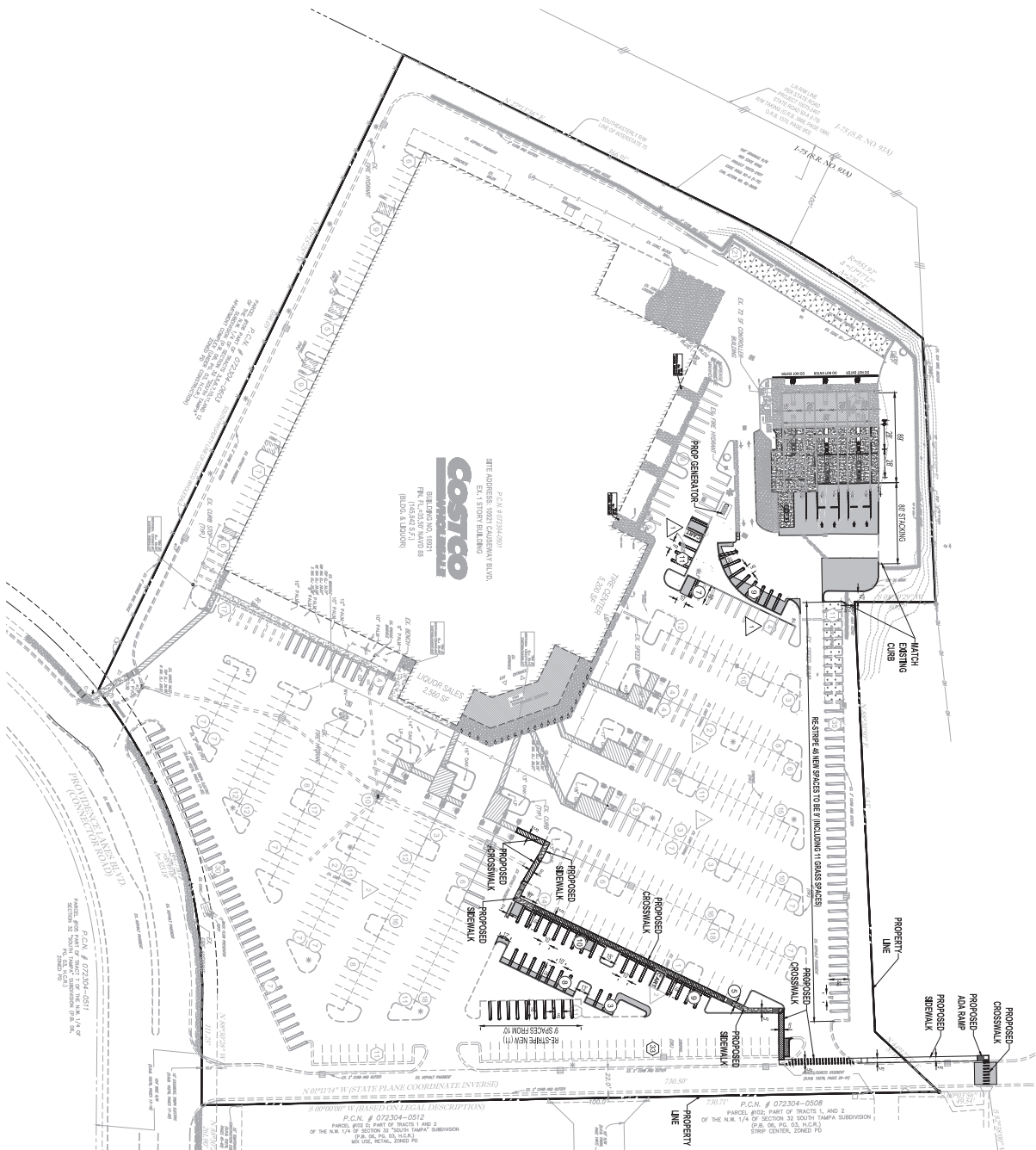
SIDEWALK IMPLEMENTATION PROTOCOL*

- 8. Special Advisory 2.** Where sidewalks are described above as being required or prohibited, applicants generally have the option to apply for a Section 11.04 LDC variance from the specific regulation(s) which require or prohibit the sidewalk. Where a project is zoned as a Planned Development (PD), a site plan feature, plan note or zoning condition may have been written in such a way that would require a developer to construct a sidewalk, regardless of the process afforded by the LDC which may allow the property owner to seek a variance. Where a site plan feature, plan note or zoning condition conflicts with LDC standards or other regulations, the more stringent provision shall generally prevail.

For example, if a zoning condition were to state “The developer shall construct a sidewalk along all roadway frontages.”, the developer would be unable to obtain a variance to waive the required sidewalk without first modifying the PD zoning condition. If a zoning condition stated, “The developer shall construct a sidewalk along all roadway frontages, unless otherwise approved by Hillsborough County.”, then no zoning condition change would be necessary in order to allow the property owner to seek relief via the Section 11.04 variance process.

Similarly, a PD project may have shown a proposed sidewalk or pathway on a PD site plan, or otherwise included a note on the PD plan which stated the project would be providing a specific improvement. It should be noted that such graphics may be present without a corresponding zoning condition. Regardless, the presence of a graphic or note would have the same effect as a PD zoning condition, and the applicant may not be able to seek a variance without first modifying the PD site plan.

Note: Section 11.04 variances are very difficult for an applicant to get approved, and the application fee is +/- \$2,000 and takes at least 2-3 months. It is not simply a matter of, “I can’t afford to comply” or “I don’t want to comply”. An applicant must meet each of the six (6) variance criteria in order to receive approval. Staff should not direct people to this process unless appropriate (so as not to recommend something which will lead to additional delay and expense and is highly unlikely to result in their desired outcome), or unless staff takes the time to explain the process, challenges, and outcomes of similar variance requests (so they can evaluate whether the time, expense and risk is worth it). If they want more information on the process, staff should provide the appropriate information, as well as examples of previous denials. Staff should also make the applicants aware of what happens if the variance is denied (i.e. months from now, they may end up back in the same situation they are in today). Applicants should also be made aware that no certificates of occupancy (temporary or otherwise) can be granted until the required sidewalk is in place, pursuant to the LDC (reference Sections 6.02.08.B.2., 6.020.8.B.3., and 6.03.02.H.)



PROJECT DATA

CLIENT: COSTCO WHOLESALE
 PROJECT ADDRESS: 10921 CLAUSEMWAY BLVD., BRANDON, FL 33551

SITE DATA: 14.39 ACRES (626,699 SF)

INCLUSIONS:
 0.00 ACRES (0 SF)
 0.00 ACRES (0 SF)
 0.00 ACRES (0 SF)
 0.00 ACRES (0 SF)

JURISDICTION: CITY OF BRANDON
 ZONING: PD-MU

SETBACKS:
 FRONT: 30'
 REAR: 35'
 SIDE: 10'

BOUNDARIES:
 THIS PLAN HAS BEEN PREPARED BY THOMAS ENGINEERING USING CAD FILES PROVIDED BY SURVEYING DATED 01/15/2020

BUILDING DATA:
 EXISTING BUILDING AREA: 143,292 SF
 EXISTING LIQUOR SALES: 2,560 SF
 TOTAL EXISTING BUILDING AREA: 145,852 SF

PARKING DATA:
 EXISTING PARKING:
 443 STALLS
 177 STALLS
 35 STALLS
 15 STALLS
 670 STALLS

PROPOSED PARKING:
 494 STALLS
 177 STALLS
 35 STALLS
 10 STALLS
 15 STALLS
 670 STALLS

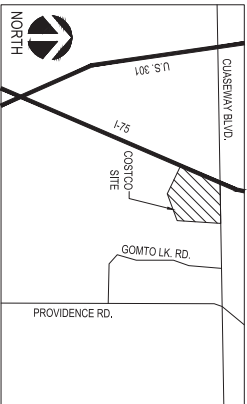
TOTAL PARKING:
 1,364 STALLS

NUMBER OF STALLS PER 1000 SF OF BUILDING AREA:
 494 STALLS

ADDITIONAL PARKING REQUIRED (UNLESS APPROVED WITH PD):
 669 STALLS

NOTES:
 EXISTING CONDITIONS TO BE FIELD VERIFIED.

VICINITY MAP



COSTCO - BRANDON

BRANDON, FLORIDA

FUEL FACILITY EXPANSION

SEP 01, 2022



BRANDON, FL #358

10921 CLAUSEMWAY BLVD BRANDON, FL 33511

COSTCO WHOLESALE CORPORATION
 999 LAKE DRIVE
 ISSAQUAH, WA 98027
 WWW.COSTCO.COM



1600 W. LETCHER AVE. SUITE 601
 BRANDON, FL 33511
 Phone: 813.294.4100
 www.ThomasEngineering.com

PERMIT SET



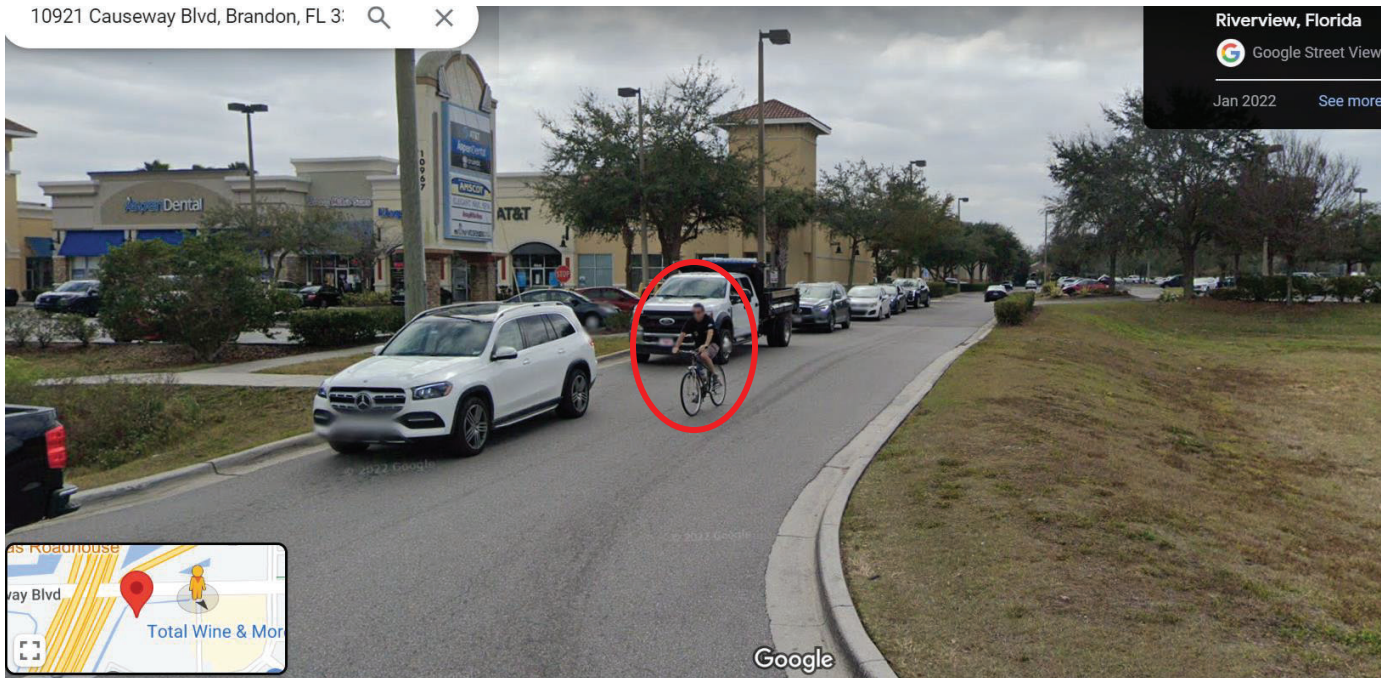
THOMAS ENGINEERING, INC.
 1600 W. LETCHER AVE. SUITE 601
 BRANDON, FL 33511
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

F7220005
 FUEL FACILITY IMPROVEMENTS

OVERALL SITE PLAN

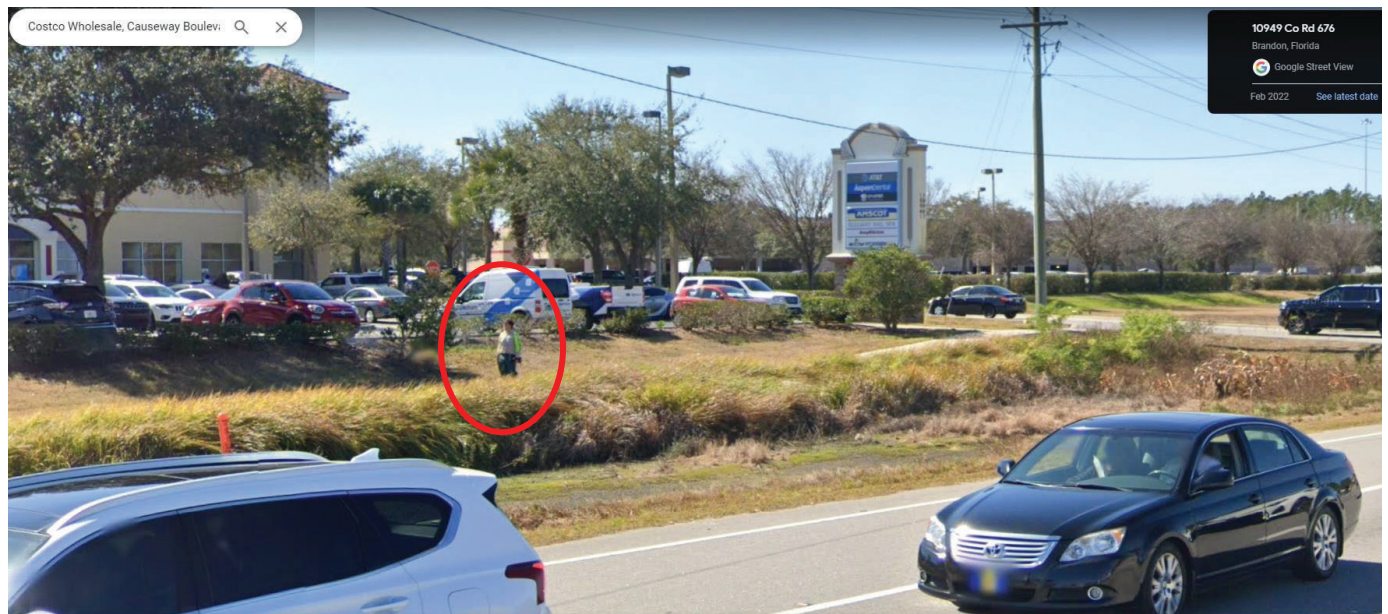
C-3.0

EXHIBIT C



Google Streetview January 2022

Looking south from Causeway Blvd at subject property site arrival point in the area where required sidewalks would connect to existing sidewalks. Bicyclist circled in red.



Google Streetview February 2022

Looking southwest from Causeway Blvd at subject property site arrival point in the area where required sidewalks would connect to existing sidewalks. Pedestrian circled in red.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



Project Description (Variance Request)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

Requesting an exception for connecting a sidewalk to the NE ROW. Existing site does not utilize a sidewalk connection in this area and proposed expansion to the gas station does not have an impact on pedestrian traffic. Construction from the NE ROW to the site would cause undue hardships in redesigning parking spaces and may cause the site to fall below the minimum parking spaces at 669 stalls required.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

N/A

Additional Information

1. Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
 No Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): _____
3. Is this a request for a wetland setback variance? No Yes
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
5. Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
 No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

Other properties do not have a vehicle only gas station service being expanded in an already existing Costco property lot. It is unique in that a sidewalk from the NE ROW is not necessary and if it were to be constructed would greatly alter the existing parking lot causing great hardships for the property owner, consumers, and all construction/design companies.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

As dictated in Article IV - Part 6.03.00 - Sec. 6.03.02 - Sidewalks of the LDC, accessible routes shall connect buildings, facilities, elements and spaces that are on the same site. However, the NE ROW is not an accessible route for pedestrian traffic, therefore a requirement to build a sidewalk to there is unnecessary. Preventing this variance limits the cost and design of this site improvement +

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

There is no pedestrian traffic to the existing NE ROW, as it services only vehicles and has no convenience store connections. Therefore allowing this variance to not require a sidewalk connection to the NE ROW would have no effect on pedestrian traffic in the property and by default result in no hindrances to the property or its customers.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

The existing site layout cannot accommodate the unnecessary sidewalk expansion without major revisions. This variance is within the public's best interest as it will prevent unnecessary pedestrian traffic driveway entrance area that is often busy with vehicle movement. This variance would encourage the development's efficient processing in terms of time and expense.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The variance is for exemption from having to connect a sidewalk to the NE ROW. No illegal acts have influenced this variance request.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

If this variance were to be rejected, the redesign of the property would result in several hardships trying to include this sidewalk ROW connection with all existing structures and utilities. The addition of the sidewalk will also put pedestrians safety at risk by directing them toward an area of the site with high vehicular traffic.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

INSTR # 2000198621
OR BK 10276 PG 0021

THIS INSTRUMENT WAS PREPARED BY)
Eugene J M Leone, Esq)
Pircher, Nichols & Meeks)
900 North Michigan Avenue, Suite 11050)
Chicago, Illinois 60611-1575)

RECORDED 07/14/2000 01:03 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD (F.S. 201.02) 41,673.10
DEPUTY CLERK S Margeson

↓ **AFTER RECORDING RETURN TO:**)
Mr Harry Binnie)
HB Title of Florida, Inc)
5100 West Copans Road *Suite 3600*)
Margate, Florida 33063)

(Space reserved for recording data)

3 of 6

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of this 13 day of July, 2000, between **RICHARD R. MULHOLLAND**, an individual who is not married ("**Grantor**"), having an address of 101 East Kennedy Boulevard, Suite 3900, Tampa, Florida 33602, and **COSTCO WHOLESALE CORPORATION**, a Washington corporation ("**Grantee**"), having an address of 999 Lake Drive, Issaquah, Washington 98027

WITNESSETH, that, Grantor, for and in consideration of the sum of TEN DOLLARS (\$10 00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, and its successors and assigns forever, that certain vacant piece of land, situate, lying and being in the County of Hillsborough, State of Florida and more particularly described on Exhibit A attached hereto and made a part hereof (the "**Property**")

TOGETHER WITH all tenements, hereditaments and appurtenances thereto, belonging or in anywise appertaining

SUBJECT TO the following restrictions

1 DRI Order Grantor has disclosed to Grantee that the Property is located within the Florida Corporate Center, the development and use of which is subject to and governed by that certain Development Order for Florida Corporate Center (the "Order") issued by Hillsborough County, Florida and that certain approval of development (the "Zoning Approval") issued by Hillsborough County, Florida Grantor has also disclosed to Grantee that the Order and the Zoning Approval may be modified from time to time either upon Grantor's initiative or upon the initiative of a third party, including, without limitation, Hillsborough County Grantor shall provide notice to Grantee of any proposed modification of the Order and the Zoning Approval as soon as practicable, but in no event later than seven (7) days prior to the date on which any applicable

governmental authority is scheduled to conduct a formal hearing or forum during which any action may be taken with respect thereto. Provided that Grantor has provided Grantee with notice of any such modification as provided in the preceding sentence and any such modification of the Order or the Zoning Approval (1) will not prohibit or prevent Grantee from building and occupying approximately but not more than 152,000 square feet of gross building area for retail use upon the Property, (2) will not adversely impair any development entitlements pertaining to the Property including all Permitted Uses thereof, and (3) will not encumber the Property or impose more than a *de minimis* economic burden on the Property not now existing, Grantee hereby (a) acquiesces and consents to any and all modifications of the Order and the Zoning Approval, (b) agrees that it shall not make any objection to any proposed modification of the Order and the Zoning Approval, (c) agrees to deliver, within ten (10) days of written request by Grantor, any and all consents and approvals which are necessary to evidence the consent and approval of Grantee or the absence of any objection by Grantee to a modification of the Order and the Zoning Approval, (d) agrees not to modify the Order, and (e) acknowledges that Grantor is not assigning any development rights contained in the Order to Grantee other than the right to construct a building containing approximately but not more than 152,000 square feet of gross building area for retail use. Grantee hereby irrevocably appoints Grantor as its attorney-in-fact, coupled with an interest, to execute and deliver such instruments as Grantor may deem necessary to evidence the consent and approval of Grantee or the absence of any objection by Grantee to any and all modifications of the Order and the Zoning Approval.

2 Permitted Uses The Property may be used for the following purposes and no other purposes as a retail development containing approximately but no more than 152,000 square feet of gross building area for retail use, including outparcels, which may be used, subject to applicable local, state and federal statutes, ordinances and laws ("Legal Requirements"), for fast food restaurants (but not more than two (2) in number which shall be located in places other than the easternmost and westernmost locations of any retail establishments on the Property), sit down restaurants, banking enterprises with drive-through facilities, insurance offices, dental offices, optometrist offices, professional offices, a membership warehouse club with (a) a connected (*i.e.*, not a separate building) tire, battery and automobile accessories sales and installation center and (b) a beer, wine and liquor department, and retail establishments commonly found at first class power centers and community centers. The Property shall not be used for any of the following purposes: (i) any bowling alley; (ii) any nightclub, bar (except in connection with a restaurant use) or discotheque; (iii) any second-hand or surplus store; (iv) any mobile home park or trailer court; (v) any dumping, disposing, incineration or reduction of garbage (exclusive of appropriately screened dumpsters and/or recycling bins located in the rear of any building); (vi) any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation; (vii) any gasoline or automobile service station, repair shop (including a body repair shop), oil change or lubrication facility except a connected (*i.e.*, not a separate building) tire, battery and automobile accessories sales and installation center that is part of a membership warehouse club; (viii) any central laundry or dry cleaning plant or laundromat (except that this prohibition shall not be applicable to on-site services providing solely for pick-

up and delivery by the ultimate consumer, including nominal supporting facilities), (ix) except with respect to a connected (i.e., not a separate building) tire, battery and automobile accessories sales and installation center that is a component of a membership warehouse club, or under the canopy of the building on the Property on a temporary and occasional basis, any automobile, truck, trailer or recreational vehicle sales, leasing or display facility, (x) any skating rink, (xi) any veterinary hospital (except in connection with a pet shop) or animal raising facilities, (xii) any mortuary, (xiii) any store in which more than five percent (5%) of the inventory is not available for sale or rental to children under eighteen (18) years of age because such inventory explicitly deals with, relates to, or depicts human sexuality, (xiv) a factory or manufacturing facility, (xv) any industrial usage such as a warehouse, processing or rendering plant, (xvi) any "flea market," (xvii) any off-track betting operation, (xviii) any massage parlor or carnival or any establishment offering nude or partially nude entertainment, or (xix) any beauty or barber school, (xx) any video arcade or game center (except as may be incidental to another permitted retail use)


AND FURTHER SUBJECT TO those matters as contained in Exhibit B attached hereto and made a part hereof

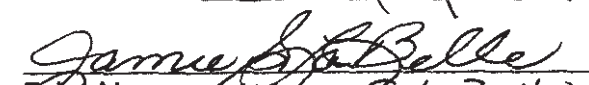
TO HAVE AND TO HOLD the Property, with the appurtenances, in fee simple, unto Grantee, its successors and assigns, to its own proper use, benefit and behoof forever

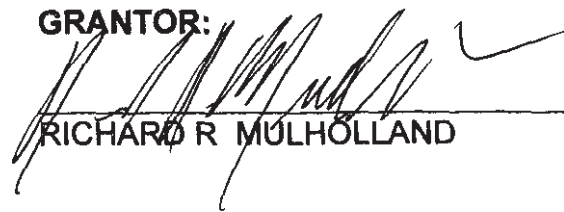
AND GRANTOR, for itself and for his successors and assigns, does specially warrant the title to the Property and will defend the same against the lawful claims (other than those set forth on Exhibit B) of all persons claiming by, through or under Grantor, but not otherwise

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written

Signed, sealed and delivered
In the presence of.


Print Name: Ernie W. Worrissey


Print Name: Jamie S. LaBelle

GRANTOR:

RICHARD R. MULHOLLAND

STATE OF FLORIDA)
)ss
COUNTY OF HILLSBOROUGH)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that RICHARD R MULHOLLAND, an individual not married, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth *He is personally known to me.*

Given under my hand and Notarial Seal this 12 day of July, 2000



Jamie S LaBelle
Print Name JAMIE S LABELLE
Notary Public

Commission Expiration 9/18/03

Exhibit A

[Legal Description of Lake Brandon Parcel 101]

Exhibit "A"

A parcel of land lying in the Northwest 1/4 of Section 32, Township 29 South, Range 20 East, Hillsborough County, Florida, said parcel also lying in a portion of Tracts 2, 3, 6 and 7 in the Northwest 1/4 of said Section 32 as per map or plat thereof, South Tampa, as recorded in Plat Book 6, page 3 of the Public Records of Hillsborough County, Florida and being more particularly described as follows

Commence at Northeast corner of the Northwest 1/4 of said Section 32, thence South $01^{\circ} 17' 56''$ West, along the Easterly boundary of the Northwest 1/4 of said Section 32, a distance of 40 00 feet, to a point on the Southerly right of way line of Causeway Boulevard, (the next three courses are along the Southerly right of way line of said Causeway Boulevard), thence South $89^{\circ} 57' 08''$ West, a distance of 543 68 feet, thence South $82^{\circ} 38' 00''$ West, a distance of 297 50 feet, thence South $00^{\circ} 03' 56''$ West, a distance of 49 54 feet to the POINT OF BEGINNING of the herein described parcel, thence South $00^{\circ} 00' 00''$ West, a distance of 730 71 feet, to a point on the Northerly boundary of a private road known as the East/West Connector Road, (the next two courses are along the Northerly boundary of said East/West Connector Road), thence North $88^{\circ} 30' 28''$ West, a distance of 111 25 feet, to a point of curvature of a curve, having a radius of 477 00 feet and a central angle of $38^{\circ} 49' 09''$, thence along the arc of said curve, to the left, a distance of 323 18 feet and a chord of 317 03 feet which bears South $72^{\circ} 04' 57''$ West, to a point of intersection with a non-tangent line, thence North $63^{\circ} 15' 25''$ West, a distance of 698 05 feet, to a point on the Southeasterly drainage right of way line of Interstate 75, (State Road No 93A), (the next two courses are along the Southeasterly right of way line of said Interstate 75), thence North $27^{\circ} 13' 36''$ East, a distance of 366 91 feet, to a point of curvature of a curve, having a radius of 951 92 feet and a central angle of $13^{\circ} 17' 11''$, thence along the arc of said curve to the right a distance of 220 74 feet and a chord of 220 25 feet which bears North $33^{\circ} 52' 11''$ East, to a point of intersection with a non-tangent line, said point also being on the Southerly limited access right of way line of said Causeway Boulevard, thence North $88^{\circ} 20' 50''$ East, along the Southerly limited access right a way of said Causeway Boulevard, a distance of 261 24 feet, to a point on the Southerly right a way line of said Causeway Boulevard, (the next three courses are along the Southerly right of way line of said Causeway Boulevard), thence South $01^{\circ} 30' 29''$ West, a distance of 80 12 feet, thence North $88^{\circ} 20' 50''$ East, a distance of 426 13 feet, thence North $44^{\circ} 12' 23''$ East, a distance of 87 01 feet, to the POINT OF BEGINNING

Exhibit B

[Exceptions to Title]

7/12/00
WCM

- 1 Taxes and assessments for the year ~~2000~~²⁰⁰¹ and subsequent years
- 2 Notice of Adoption of Development Order, filed for record in O R Book 4269, Page 344, and modification notices filed in O R. Book 6052, Page 1222, O R Book 6378, Page 424, O R Book 7590, Page 1936, O R Book 8019, Page 1740, and O R Book 9999, Page 338, all of the Public Records of Hillsborough County, Florida
- 3 Mitigation Agreement filed for record in O R. Book 7573, Page 143, as amended by instrument filed for record in O R. Book 7691, Page 351, all of the Public Records of Hillsborough County, Florida
4. Declaration of Protective Covenants and Easements for Lake Brandon, filed for record in O R. Book 8539, Page 165, as amended by instruments filed for record in O R Book 9210, Page 1193, O.R Book 9484, Page 1545, and O R Book 10144, Page 1038, all of the Public Records of Hillsborough County, Florida.
5. Conservation Easement in favor of Southwest Florida Water Management District, filed for record in O R Book 8764, Page 599, of the Public Records of Hillsborough County, Florida (applies to easements appurtenant to the Land and created in Article X of that certain Declaration of Protective Covenants and Easements for Lake Brandon, Tampa, Florida, by Richard R. Mulholland dated April 22, 1997 and recorded April 24, 1997 in Official Records Book 8539, Page 165, Public Records of Hillsborough County, Florida, as amended by said party in First Amendment to Declaration of Protective Covenants and Easements dated August 27, 1998 and recorded August 28, 1998 in Official Records Book 9210, Page 1193, in Second Amendment to Declaration of Protective Covenants and Easements dated December 14, 1998 and recorded February 17, 1999 in Official Records Book 9484, Page 1545, and in Third Amendment to Declaration of Protective Covenants and Easements for Lake Brandon dated April 11, 2000 and recorded April 19, 2000 in Official Records Book 10144, Page 1038, all of said amendments being so recorded in the Public Records of Hillsborough County, Florida).
6. Easement granted by Seller to Tampa Electric Company, a Florida corporation, dated July 12, 2000



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0681

Intake Date: 06/21/2023

Hearing(s) and type: Date: 08/28/2023

Type: LUHO

Receipt Number: 279681

Date:

Type:

Intake Staff Signature: Keshia Rivas

Property Information

Address: 10921 Causeway Blvd City/State/Zip: Brandon, FL, 33511

TWN-RN-SEC: 29S-20E-32 Folio(s): 072304-0501 Zoning: PD-MU Future Land Use: RMU-35 & UMU-35 Property Size: 14.37 acres

Property Owner Information

Name: Costco Wholesale Corporation Daytime Phone 571-771-6041

Address: 45940 Horseshoe Drive, Suite 150 City/State/Zip: Sterling, VA, 20166

Email: john@adc-consulting.net Fax Number N/A

Applicant Information

Name: Costco Wholesale Corporation Daytime Phone 571-771-6041

Address: 45940 Horseshoe Drive, Suite 150 City/State/Zip: Sterling, VA, 20166

Email: john@adc-consulting.net Fax Number N/A

Applicant's Representative (if different than above)

Name: Edward M. McDonald Daytime Phone 813-379-4100

Address: 1502 West Fletcher Avenue City/State/Zip: Tampa, FL 33612

Email: emcdonald@thomaseg.com Fax Number N/A

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

[Handwritten signature of Edward M. McDonald]

Signature of the Applicant

Edward M. McDonald

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Costco Wholesale Corporation

By: Margaret McCulla

Signature of the Owner(s) - (All parties on the deed must sign)

Margaret C. McCulla

Type or print name

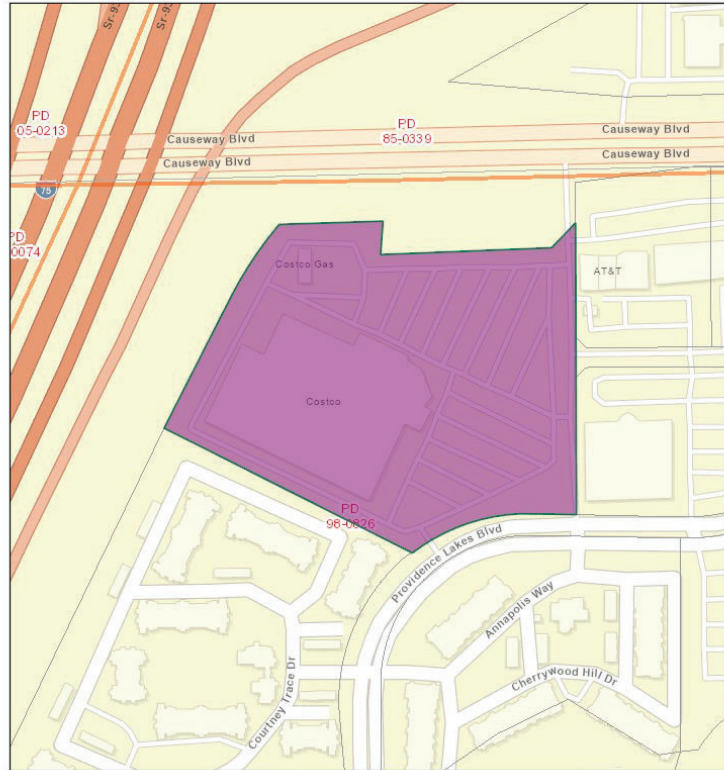
Assistant Secretary



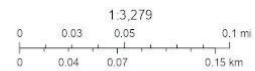
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	98-0826
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0387J
FIRM Panel	12057C0387J
Suffix	J
Effective Date	Fri Sep 27 2013
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120387E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Planned Development	PD
Re-zoning	null
Note	OLD PD 90-0122
Minor Changes	01-0568
Major Modifications	95-0046,90-0010,95-0045, 04-0712
Personal Appearances	11-0458,04-1778,00-0863, 03-0024,12-0517,01-0364 DENIED,06-0099 WD
Census Data	Tract: 013319 Block: 1000
Future Landuse	UMU-20
Future Landuse	RMU-35
Future Landuse	RMU-35
Future Landuse	RMU-35
Future Landuse	UMU-20
Future Landuse	UMU-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	Outside 140 MPH Area
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 72304.0501



June 20, 2023



RS: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

Folio: 72304.0501
PIN: U-32-29-20-663-000002-69951.0
Costco Wholesale Corporation
Mailing Address:
 Property Tax Dept 358
 999 Lake Dr Ste 200
 Issaquah, Wa 98027-8982
Site Address:
 10921 Causeway Blvd
 Brandon, Fl 33511
SEC-TWN-RNG: 32-29-20
Acreage: 14.36590004
Market Value: \$11,653,000.00
Landuse Code: 1320 Store/shp Cente

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
- Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.