



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1119

LUHO HEARING DATE: August 22, 2022

CASE REVIEWER: Ryan L. Joyce

REQUEST: The applicant is requesting a variance from the LDC code section 6.06.04.C- buffer adjacent to ROW and LDC section 6.06.04.E.1- other perimeter buffer. The applicant's specific request, as shown on the site plan submitted on July 28, 2022, is to allow for a reduction to the required buffer widths.

SUMMARY OF VARIANCE(S):

Landscaping Buffer requirements

- 1) Per LDC Sec. 6.06.04.C A strip of land, a minimum of 8 feet in width, shall be provided between off- street vehicular use areas and the right-of-way. At least one shade tree per 40 linear feet and screening shrubs shall be planted within this perimeter buffer. The applicant requests a reduction in the required width. The applicant requests a 1.4 ft reduction for approximately 50 percent of the frontage.
- 2) Per LDC Sec. 6.06.04.E A strip of land, a minimum of 6 feet in width, shall be provided between all off street vehicular use areas and the property boundary where these areas abut a property boundary which does not front on road right-of-way. At least one shade tree per 40 linear feet and screening shrubs shall be planted within this perimeter buffer. The applicant requests a reduction to the required width for the East, West, and South property boundaries.

Findings

- East boundary would average a 3' reduction for an average width of 3'.
- West boundary would average a 4.4' reduction for a width of 1.6'
- North, and South boundary is undersized; therefore, landscaping is also not to code and is existing.
- This section of Causeway is a scenic urban corridor.
- The parcel to the west has additional greenspace for landscaping
- The submitted site plan would require additional requirements to meet landscaping code requirements, as there are deficiencies and will be addressed in site review. However, these deficiencies will not require a variance.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental




Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF


LEGEND

-  EXISTING TREE TO BE REMOVED
-  EXISTING TREE TO BE PRESERVED
-  TREE PROTECTION FENCING

HILLSBOROUGH COUNTY NOTES:

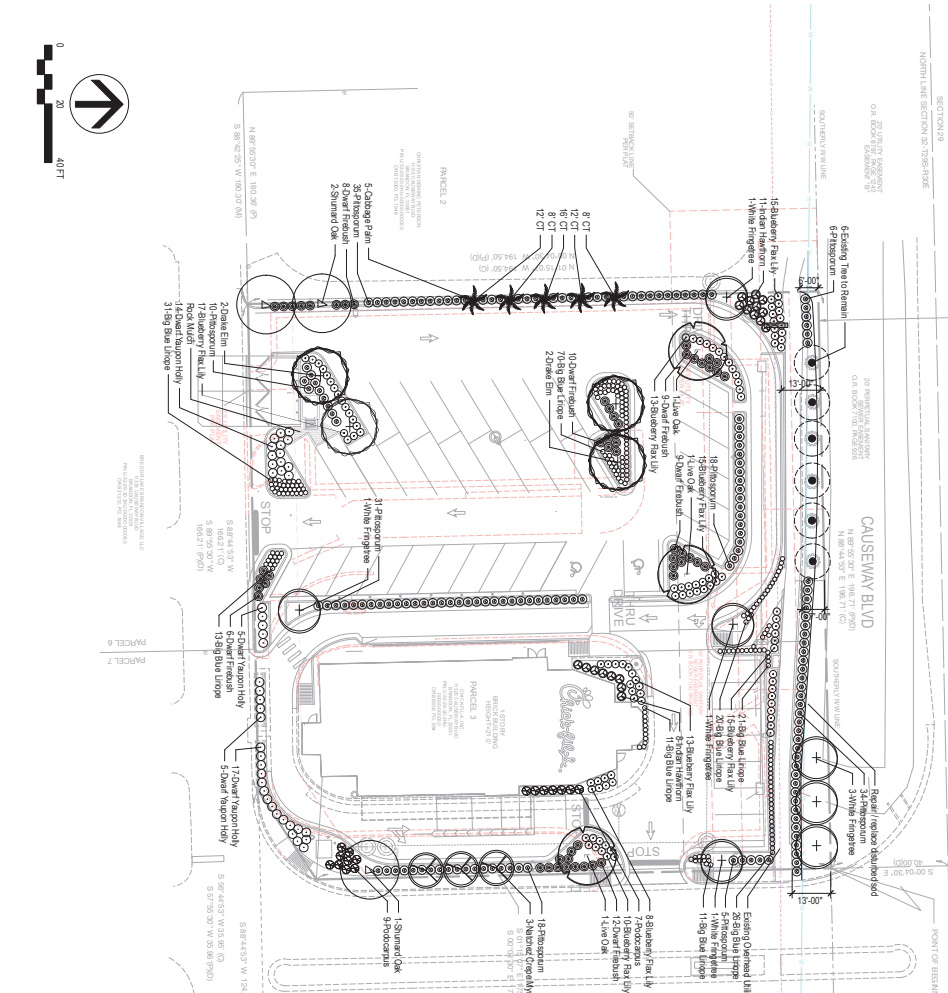
1. All firming undertaken on a site protected by the provisions of the Land Development Code shall be in accordance with the American National Standards Institute (ANSI) specifications.
2. During land clearing and construction activities, a shall be careful to remove vegetation by grubbing or digging and deposit, debris, solvents, construction material, machinery or other equipment of any kind within the square of a tree to remain on the site unless otherwise approved by the County.
3. In order to comply with Section 10.0.10.5.4 of the Hillsborough County Land Development Code to minimize soil erosion proposed land alterations activities shall not unnecessarily remove existing vegetation and shall reseed promptly. Adequate protection measures (i.e., hay bales, straw, erosion control blankets, etc.) shall be provided as necessary, to minimize erosion and determine sedimentation caused by surface water run-off on exposed land surfaces.
4. Any areas subject to erosion must be adequately stabilized with vegetative material that will, within a reasonable time frame, deter soil disturbance. Sodding, plugging, or seeding is acceptable for stabilization; however, sodding may be required in areas of erosion-prone soils or where slopes are greater than 5:1. Vegetation other than grass is acceptable unless otherwise specified.
5. Sodding, plugging, or seeding of grass varieties shall be considered in and limited to areas that are provided with an irrigation system. A method of stabilization must be shown on the Site Development Construction Plans.
6. Do not install screening that will hinder access in the future to the meter assembly from the interior of the site.

RETROFIT EXISTING IRRIGATION SYSTEM

- Existing irrigation system shall be retrofitted to include proper flow control devices and backflow preventers. All existing irrigation lines and valves shall be replaced or repaired. All existing irrigation heads, while dip irrigation shall be utilized within stand planting beds, the contractor shall be responsible to ensure that all new and existing irrigation components are in proper working order and provide 100% head to head coverage. Add valves, pipe and provide 100% head to head coverage as needed to achieve the proper coverage as required.
- Only Rainbird products are to be utilized
 - Materials shall be CLS200 PVC
 - Labels must shall be CLS200 PVC
- Priority final completion the Irrigation Contractor shall perform a walk-final inspection with the owner, or owners representative of the landscaping system.

SITE SPECIFIC NOTES:

1. All plant material to be Florida Grade #1 or better.
2. No more than 50% of existing trees to be sodded.
3. Existing irrigation system, All shrub and groundcover beds to be drip irrigation. Drip irrigation all new trees.



PLANT LIST

ID#	Plant Name	Common Name	Scheduled Size	Remarks
1	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
2	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
3	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
4	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
5	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
6	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
7	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
8	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
9	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
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11	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
12	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
13	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
14	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
15	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
16	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
17	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
18	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
19	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
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26	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
27	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
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29	Shady Lady	Shady Lady	10' H	1.5' single upright leader value
30	Shady Lady	Shady Lady	10' H	1.5' single upright leader value

LANDSCAPE REQUIREMENTS

- A. EXISTING LANDSCAPE**
REQUIRED: 1. All existing trees to be preserved. 2. All existing trees to be preserved. 3. All existing trees to be preserved. 4. All existing trees to be preserved. 5. All existing trees to be preserved. 6. All existing trees to be preserved. 7. All existing trees to be preserved. 8. All existing trees to be preserved. 9. All existing trees to be preserved. 10. All existing trees to be preserved. 11. All existing trees to be preserved. 12. All existing trees to be preserved. 13. All existing trees to be preserved. 14. All existing trees to be preserved. 15. All existing trees to be preserved. 16. All existing trees to be preserved. 17. All existing trees to be preserved. 18. All existing trees to be preserved. 19. All existing trees to be preserved. 20. All existing trees to be preserved. 21. All existing trees to be preserved. 22. All existing trees to be preserved. 23. All existing trees to be preserved. 24. All existing trees to be preserved. 25. All existing trees to be preserved. 26. All existing trees to be preserved. 27. All existing trees to be preserved. 28. All existing trees to be preserved. 29. All existing trees to be preserved. 30. All existing trees to be preserved.
- B. NEW LANDSCAPE**
REQUIRED: 1. All new trees to be Florida Grade #1 or better. 2. All new trees to be Florida Grade #1 or better. 3. All new trees to be Florida Grade #1 or better. 4. All new trees to be Florida Grade #1 or better. 5. All new trees to be Florida Grade #1 or better. 6. All new trees to be Florida Grade #1 or better. 7. All new trees to be Florida Grade #1 or better. 8. All new trees to be Florida Grade #1 or better. 9. All new trees to be Florida Grade #1 or better. 10. All new trees to be Florida Grade #1 or better. 11. All new trees to be Florida Grade #1 or better. 12. All new trees to be Florida Grade #1 or better. 13. All new trees to be Florida Grade #1 or better. 14. All new trees to be Florida Grade #1 or better. 15. All new trees to be Florida Grade #1 or better. 16. All new trees to be Florida Grade #1 or better. 17. All new trees to be Florida Grade #1 or better. 18. All new trees to be Florida Grade #1 or better. 19. All new trees to be Florida Grade #1 or better. 20. All new trees to be Florida Grade #1 or better. 21. All new trees to be Florida Grade #1 or better. 22. All new trees to be Florida Grade #1 or better. 23. All new trees to be Florida Grade #1 or better. 24. All new trees to be Florida Grade #1 or better. 25. All new trees to be Florida Grade #1 or better. 26. All new trees to be Florida Grade #1 or better. 27. All new trees to be Florida Grade #1 or better. 28. All new trees to be Florida Grade #1 or better. 29. All new trees to be Florida Grade #1 or better. 30. All new trees to be Florida Grade #1 or better.

LANDSCAPE NOTES

1. All plant material to be Florida Grade #1 or better.
2. No more than 50% of existing trees to be sodded.
3. Existing irrigation system, All shrub and groundcover beds to be drip irrigation. Drip irrigation all new trees.
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30. All new trees to be Florida Grade #1 or better.

PERMIT
L-100

DATE: 12/21/22
 DRAWN BY: NCS
 CHECKED BY: NCS
 APPROVED BY: NCS

CHICK-FIL-A
LAKE BRANDON FSU
 11325 CAUSEWAY BOULEVARD
 BRANDON, FL 33511

FSU# 0562

DATE: 12/21/22
 DRAWN BY: NCS
 CHECKED BY: NCS
 APPROVED BY: NCS

manley
 Landscape Architecture
 770.423.1141
 770.423.1128 fax
 Manley Land Shaping, Inc.
 5106 Center Street
 Apopka, Oregon 90099
 manleylandscape.com

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 5200 Burlington Road
 Atlanta, Georgia 30349-2998

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Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-22-1119 Applicant's Name: Amanda Bishop; Interplan LLC c/o Chick-fil-A, Inc.

Reviewing Planner's Name: Ryan Joyce / Sheida Tirado Date: 07/28/2022

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 08/22/2022

The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

An updated Project Narrative consistent with the changes or additional information provided, if applicable. Variance Narrative Letter updated to reflect the elimination of the Throat Depth Variance per Sheida Tirado's direction.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

Mail or delivery. Number of Plans Submitted: Large _____ Small _____

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".
For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.
For Minor Change: 6 large copies.
For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
Development Services Department
Community Development Division
P.O. Box 1110
Tampa, FL 33601-1110

Hand Deliver to:
County Center
Development Services Department
19th Floor
601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Amanda Bishop Digitally signed by Amanda Bishop
Date: 2022.07.28 12:28:51 -04'00'

07/28/2022

Signature

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____

July 28, 2022

Hillsborough County
Development Services Department
601 E. Kennedy Blvd, 19th Floor
Tampa, FL 33602
813.274.6835
Zoning@HCFLGov.net

Reference: Chick-fil-A #00562 Lake Brandon Village
11325 Causeway Boulevard, Brandon, FL 33511
IP No.: 2021.0929
Application No.: VAR-22-1119
Revised Information Sheet Cover Letter

To whom it may concern,

Please use this cover letter as a summary of the changes and or additional information that has been provided in regards to the existing Chick-fil-A #00562 Lake Brandon Village referenced at the address listed above. It has been brought to our attention from Sheida Tirado that a throat depth variance is not required and we need to eliminate that request. Also, there was a very minor revision to the Site Plan. The only change that was made to the site plan, is the Drive Aisle located in the parking lot to the western side of the drive-thru has been changed from seventeen (17) feet to eighteen (18) feet. Please see the updated and attached Site Plan for your review.

Please feel free to contact me at 407-645-5008 or via email at abishop@interplanllc.com if you have any questions or require additional information. If I am not available, Nancy Carreras is the Permit Manager and Sean Hickman is the Civil Project Manager and will be able to assist you or answer any questions you may have.

I appreciate your time and consideration for this request.
Thank you.

Sincerely,

Amanda Bishop

INTERPLAN LLC

Amanda Bishop Development Services/ Permit Coordinator

ec: A. Scott, Z. Awalt; Chick-fil-A, Inc.
C. Church, S. Connolly; JLL
N. Carreras, S. Hickman, T. Vu; Interplan LLC

July 28, 2022
Hillsborough County
Development Services Department
601 E. Kennedy Blvd, 19th Floor
Tampa, FL 33602
813.274.6835
Zoning@HCFLGov.net

Reference: Chick-fil-A #00562 Lake Brandon Village
11325 Causeway Boulevard, Brandon, FL 33511
IP No.: 2021.0929
Application No.: VAR-22-1119
Landscape Variance Narrative Letter updated

To Whom It May Concern,

Chick-fil-A, is proposing to make drive-thru modifications including restriping, adding new directional signage and adding a lane at the Order Meal Delivery (OMD) canopy side to help alleviate traffic congestion and circulation areas to the site, adjacent properties and planned development as a whole while maintaining necessary public safety measures. As part of the proposed improvements to the property, there is a lack of compliance with the Hillsborough County’s Land Development Code. Please see the below information as Chick-fil-A, Inc. would like to ask for relief for the required landscape buffers for the off-street vehicular use areas.

Chick-fil-A, Inc. (the petitioner) respectfully submits the following variance request for consideration to Hillsborough County:

Variance Request # 1: Section 6.06.04.C Off Street Vehicular Use Areas – Perimeter buffer Adjacent to Road Right of Way

A Variance is required as a landscaped buffer, a minimum of eight (8) feet in width must be provided between the off-street vehicular use area and the right of way to the North of the property. Due to the increased concern for public safety with increased traffic congestion to this site and the properties lack of dimension, the buffer itself maintains different widths but averages approximately eight (8) feet along Causeway Boulevard and is shown on the Landscape Plan (L-100) provided.



Chick-fil-A #00562 Lake Brandon Village

July 28, 2022

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Variance Request #2: Section 6.06.04.E.1 Off-Street Vehicular Use Areas – Other Perimeter Buffer

A variance is required for the landscape buffer requiring a minimum of six (6) feet in width provided between the off-street vehicular use areas and any boundary not fronted by a road right of way per the section referenced above. A six (6) foot buffer is required along the East, West and South property lines where Chick-fil-A is non-compliant but in an effort to maintain public safety measures to the East of the property landscaping was removed to maintain the sidewalk for employees, guest and pedestrians to the site.

Variance Request #3 Section 6.04.04.A.2 Design Standards – Throat Depth – 150 Feet

Update – It has been determined by Sheida Tirado, Transportation Review Manager, that a throat depth Variance is not required to be done along with the LUHO Variance. At this time, the Throat Depth Variance is to be eliminated from the application. Please see the revised information sheet and cover sheet provided.

[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?](#) The current Hillsborough County parcel lacks the dimension to be able to provide/meet all the required perimeter landscape buffer requirements of six (6) feet between the off-street vehicular use areas and the eight (8) feet between the off-street vehicular use area and the right of way. The Causeway Boulevard public right of way located on the North side of the Planned Development entrance is located approximately eighty-two (82) feet from the right turn only restaurant entrance leading vehicles to the parking lot and or drive through entrance causing traffic congestion and backup to Causeway Boulevard and the shopping center increasing concern for public safety.

[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.](#) The literal requirements of the Land Development Code would deprive Chick-fil-A of the same rights commonly enjoyed by other properties in the same district and area under the terms of the LDC because unlike other everyday fast food restaurants in the area, Chick-fil-A typically generates substantially more business in their drive thru than other restaurants due to their limited menu and speed of service. The increased need to improve efficiency and increase the amount of stacking in the drive thru lanes due to traffic congestion, has prompted a reconfiguration of the site. Due, to the property parcel location, size of lot and the developed shopping center and adjacent properties, the proposed site modifications provide the best configuration of the site with the existing conditions and given square footage while maintaining compliance with all other parts of the LDC. Accommodating the literal requirements of the LDC would result in a substantial reduction in parking spaces, constrained or substandard queuing lanes and will not alleviate traffic circulation and congestion issues on site, to adjacent properties or roadways such as Causeway Boulevard or the Shopping Plaza entrance.



Chick-fil-A #00562 Lake Brandon Village

July 28, 2022

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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. The Chick-fil-A parcel is located within the existing Planned Development and granting of the request would not interfere with or injure the rights of others as it would allow safer conditions for the site and adjacent properties. The Hillsborough County Land Development Code requirements would actually work against the integration and interaction of the site and the Planned Development as a whole verse providing better measures for public safety for the development while trying to maintain a positively functionable site for the company itself.

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 variance is in harmony with and serves the general intent and purpose of the LDC as section 1.02.03.a, with the intent to preserve public health, safety, comfort and welfare, and to aid in harmonious, orderly and progressive development of the unincorporated areas of Hillsborough County. The redevelopment is bringing the overall site design much closer to the County's vision. The building was placed to face the right of way with most of the vehicular use and parking to the rear or lateral portions of the site. Priority over the reconfiguration of the site was given to vehicular circulation as that would highly impact the efficiency of operations, all while addressing the major concern of alleviating traffic congestion and circulation issues to the site, adjacent properties and planned development as a whole.

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 request is not self-imposed; there is not enough space on the site to accommodate the required six (6) foot landscape buffer between the off-street vehicular use areas and any boundary not fronted by a road right of way, the required eight (8) foot buffer between vehicular use area and right-of-way without causing other deficiencies on the site by a vast reduction. For example, in the required parking, which is highly important for a restaurant use. By allowing the requests applied for, we were able to revise the plan set to show the required 42 parking spaces verses needing to apply for an additional variance for parking.

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 the variance requested is approved, vehicular circulation and traffic congestion will be highly improved and more efficient for the site and adjacent properties. Employees, guests and pedestrians will also maintain safer measures when visiting the site and planned development as a whole. The commercial property's layout will be reconfigured and upgraded to reflect the quality of standards that Hillsborough County strives for today and in the future.



Chick-fil-A #00562 Lake Brandon Village

July 28, 2022

Page 4 of 4

Please feel free to contact me at 407-645-5008 or via email at abishop@interplanllc.com if you have any questions or require additional information. If I am not available, Nancy Carreras is the Permit Manager and Sean Hickman is the Civil Project Manager and will be able to assist you or answer any questions you may have.

I appreciate your time and consideration for this request.

Thank you.

Sincerely,

Amanda Bishop

INTERPLAN LLC

Amanda Bishop Development Services/ Permit Coordinator

enclosures

ec: A. Scott, Z. Awalt; Chick-fil-A, Inc.
C. Church, S. Connolly; JLL
N. Carreras, S. Hickman, T. Vu; Interplan LLC

VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

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?

Please see the attached Variance Narrative Provided.

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.

Please see the attached Variance Narrative Provided.

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.

Please see the attached Variance Narrative Provided.

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*).

Please see the attached Variance Narrative Provided.

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.

Please see the attached Variance Narrative Provided.

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.

Please see the attached Variance Narrative Provided.

June 22, 2022

Hillsborough County
Development Services Department
601 E. Kennedy Blvd, 19th Floor
Tampa, FL 33602
813.274.6835
Zoning@HCFLGov.net

Reference: Chick-fil-A #00562 Lake Brandon Village
11325 Causeway Boulevard, Brandon, FL 33511
IP No.: 2021.0929
Landscape Variance Narrative Letter

To Whom It May Concern,

Chick-fil-A, is proposing to make drive-thru modifications including restriping, adding new directional signage and adding a lane at the Order Meal Delivery (OMD) canopy side to help alleviate traffic congestion and circulation areas to the site, adjacent properties and planned development as a whole while maintaining necessary public safety measures. As part of the proposed improvements to the property, there is a lack of compliance with the Hillsborough County's Land Development Code. Please see the below information as Chick-fil-A, Inc. would like to ask for relief for the required landscape buffers for the off-street vehicular use areas and the throat depth requirements.

Chick-fil-A, Inc. (the petitioner) respectfully submits the following variance request for consideration to Hillsborough County:

Variance Request # 1: Section 6.06.04.C Off Street Vehicular Use Areas – Perimeter buffer Adjacent to Road Right of Way

A Variance is required as a landscaped buffer, a minimum of eight (8) feet in width must be provided between the off-street vehicular use area and the right of way to the North of the property. Due to the increased concern for public safety with increased traffic congestion to this site and the properties lack of dimension, the buffer itself maintains different widths but averages approximately eight (8) feet along Causeway Boulevard and is shown on the Landscape Plan (L-100) provided.

Variance Request #2: Section 6.06.04.E.1 Off-Street Vehicular Use Areas – Other Perimeter Buffer

A variance is required for the landscape buffer requiring a minimum of six (6) feet in width provided between the off-street vehicular use areas and any boundary not fronted by a road right of way per the section referenced above. A six (6) foot buffer is required along the East, West and South property lines where Chick-fil-A is non-compliant but in an effort to maintain public safety measures to the East of the property landscaping was removed to maintain the sidewalk for employees, guest and pedestrians to the site.

Variance Request #3 Section 6.04.04.A.2 Design Standards – Throat Depth – 150 Feet

A Variance is required for the minimum throat depth requirement to the Hillsborough County Land Development Code as this parcel is required to meet the 150 feet for Community Shopping Centers. Traffic congestion and circulation is a significant problem for this site and is cause for concern for the public safety of pedestrians, employees and clients. The proposed modifications will allow only one entrance access to the southwest of the property along the internal access road while making the existing entrance access to the Northeast, along the Shopping Plaza entrance road an exit only to prevent stopped vehicles along the Causeway Boulevard turning lane and plaza entrance. Please see the attached aerials provided as examples.

[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?](#) The current Hillsborough County parcel lacks the dimension to be able to provide/meet all the required perimeter landscape buffer requirements of six (6) feet between the off-street vehicular use areas and the eight (8) feet between the off-street vehicular use area and the right of way. The Causeway Boulevard public right of way located on the North side of the Planned Development entrance is located approximately eighty-two (82) feet from the right turn only restaurant entrance leading vehicles to the parking lot and or drive through entrance causing traffic congestion and backup to Causeway Boulevard and the shopping center increasing concern for public safety.

[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.](#) The literal requirements of the Land Development Code would deprive Chick-fil-A of the same rights commonly enjoyed by other properties in the same district and area under the terms of the LDC because unlike other everyday fast food restaurants in the area, Chick-fil-A typically generates substantially more business in there drive thru than other restaurants due to their limited menu and speed of service. The increased need

to improve efficiency and increase the amount of stacking in the drive thru lanes due to traffic congestion, has prompted a reconfiguration of the site. Due, to the property parcel location, size of lot and the developed shopping center and adjacent properties, the proposed site modifications provide the best configuration of the site with the existing conditions and given square footage while maintaining compliance with all other parts of the LDC. Accommodating the literal requirements of the LDC would result in a substantial reduction in parking spaces, constrained or substandard queuing lanes and will not alleviate traffic circulation and congestion issues on site, to adjacent properties or roadways such as Causeway Boulevard or the Shopping Plaza entrance.

[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.](#) The Chick-fil-A parcel is located within the existing Planned Development and granting of the request would not interfere with or injure the rights of others as it would allow safer conditions for the site and adjacent properties. The Hillsborough County Land Development Code requirements would actually work against the integration and interaction of the site and the Planned Development as a whole verse providing better measures for public safety for the development while trying to maintain a positively functionable site for the company itself.

[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 variance is in harmony with and serves the general intent and purpose of the LDC as section 1.02.03.a, with the intent to preserve public health, safety, comfort and welfare, and to aid in harmonious, orderly and progressive development of the unincorporated areas of Hillsborough County. The redevelopment is bringing the overall site design much closer to the County's vision. The building was placed to face the right of way with most of the vehicular use and parking to the rear or lateral portions of the site. Priority over the reconfiguration of the site was given to vehicular circulation as that would highly impact the efficiency of operations, all while addressing the major concern of alleviating traffic congestion and circulation issues to the site, adjacent properties and planned development as a whole.

[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 request is not self-imposed; there is not enough space on the site to accommodate the required six (6) foot landscape buffer between the off-street vehicular use areas and any boundary not fronted by a road right of way, the required eight (8) foot buffer between vehicular use area and right-of-way, and the required 150 feet throat depth minimum without causing other deficiencies on the site by a vast reduction. For example, in the required parking, which is highly important for a restaurant use. By allowing the requests applied for,



Chick-fil-A #00562 Lake Brandon Village

June 22, 2022

Page 4 of 4

we were able to revise the plan set to show the required 42 parking spaces verses needing to apply for an additional fourth variance for parking.

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 the variance requested is approved, vehicular circulation and traffic congestion will be highly improved and more efficient for the site and adjacent properties. Employees, guests and pedestrians will also maintain safer measures when visiting the site and planned development as a whole. The commercial property's layout will be reconfigured and upgraded to reflect the quality of standards that Hillsborough County strives for today and in the future.

Please feel free to contact me at 407-645-5008 or via email at abishop@interplanllc.com if you have any questions or require additional information. If I am not available, Nancy Carreras is the Permit Manager and Sean Hickman is the Civil Project Manager and will be able to assist you or answer any questions you may have.

I appreciate your time and consideration for this request.

Thank you.

Sincerely,

Amanda Bishop

INTERPLAN LLC

Amanda Bishop

Development Services/ Permit Coordinator

enclosures

ec: C. Baker; Chick-fil-A, Inc.
N. Carreras, T. Vu; Interplan LLC



Electronically Certified Official Record

Document information

Agency Name: Hillsborough Clerk of Circuit Court and Comptroller
Clerk of the Circuit Court: The Honorable Cindy Stuart
Date Issued: 6/22/2022 11:43:54 AM
Unique Reference Number: BAA-FBB-BCAFH-HGCDBBDFBBAFFDEJGGHC-BCCGEI-C
Certification ID: 76231135110553496672
Requesting Party Code: 511
Requesting Party Reference: 33704853

CERTIFICATION

Pursuant to Sections 90.955(1) and 90.902(1), Florida Statutes, and Federal Rules of Evidence 901(a), 901(b)(7), and 902(1), the attached document is electronically certified by The Honorable Cindy Stuart, Hillsborough County Clerk of the Circuit Court and Comptroller, to be a true and correct copy of an official record or document authorized by law to be recorded or filed and actually recorded or filed in the office of the Hillsborough County Clerk of the Circuit Court. The document may have redactions as required by law.

HOW TO VERIFY THIS DOCUMENT

This document contains a Unique Reference Number for identification purposes and a tamper-evident seal to indicate if the document has been tampered with. To view the tamper-evident seal and verify the certifier's digital signature, open this document with Adobe Reader software. You can also verify this document by scanning the QR code or visiting <https://Verify.Clerkecertify.com/VerifyImage>.

**The web address shown above contains an embedded link to the verification page for this particular document.

*If you are a person with a disability who needs an accommodation, you are entitled, at no cost to you, to the provision of certain assistance. To request such an accommodation please contact the Clerk's ADA Coordinator within seven working days of the date the service is needed; if you are hearing or voice impaired, call 711.

Clerk of Court & Comptroller's Office ADA Coordinator

601 E. Kennedy Blvd., Tampa, FL 33602

Phone: (813) 276-8100, extension 4347

Email: recording@hillsclerk.com



Return to: HBT Title of Florida, Inc. ✓
5100 West Copans Rd. #600
Margate, Florida 33063
Attn. Harry Binnie

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

INSTR # 98060901
OR BK 8938 PG 0684
RECORDED 03/10/98 03:24 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S.201.02) 4,200.0
DEPUTY CLERK L Evans

This instrument prepared by

Rosemarie McConnell, Esq.
Troutman Sanders LLP
600 Peachtree Street, N.E., Suite 5200
Atlanta, GA 30308-2216

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this ^{34th} day of March, 1998, by JDN DEVELOPMENT COMPANY, INC., a Delaware corporation, having its principal place of business at 359 East Paces Ferry Road, N.E., Suite 400, Atlanta, Georgia 30305, hereinafter called "Grantor", to CHICK-FIL-A, INC., a Georgia corporation, having its principal place of business at 5200 Buffington Road, Atlanta, Georgia 30349, hereinafter called "Grantee".

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of the individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land and easements appurtenant thereto situate in Hillsborough County, Florida (the "Land"), viz:

See Exhibit "A" attached hereto and by this reference made a part hereof.

TOGETHER with (a) the easements and rights as set forth in Article X of that certain Declaration of Protective Covenants and Easements for Lake Brandon, dated as of April 22, 1997, by and among Richard R. Mulholland, JDN Development Company, Inc., JDN Realty Corporation and Lowe's Home Centers, Inc., recorded in Official Record Book 8539, page 165, of the Public Records of Hillsborough County, Florida; (b) the rights and easements set forth in that certain Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida) dated as of April 22, 1997, by and among JDN Development Company, Inc., Lowe's Home Centers, Inc. and JDN Realty Corporation, recorded in Official Record Book 8539, page 322 of the Public Records of Hillsborough County, Florida, as amended by that certain First Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), filed of record July 31, 1997, in Official Record Book 8657, page 1792, aforesaid Public Records, as further amended by that certain Second Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), filed November 18, 1997, recorded in Official Record Book 8797, page 1539, aforesaid Public Records, as further amended by that certain Third Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), dated December 12, 1997, filed December 23, 1997, recorded in Official Record Book 8842, page 179, aforesaid Public Records; and (c) any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and any right, title and interest of Grantor in and to any land lying in the bed of any street, road or highway directly abutting said Land, together with any strips or gores relating to said Land (the Land and the foregoing easements and interests being hereinafter referred to collectively as the "Property").

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property; that the Grantor hereby fully warrants the title to said Property and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under Grantor; and that said Property is free of all encumbrances, except as set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

Grantor hereby covenants and agrees that no building on the adjoining property of Grantor shown on Exhibit "C" attached hereto and incorporated herein by this reference (the "Adjoining Property") shall be leased, used or occupied as a quick-service restaurant deriving twenty-five percent (25%) or more of its annual gross receipts from the sale of chicken.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

"GRANTOR"

Signed, sealed and delivered in the presence of:

[Signature]
Robert A. Stinson

JDN DEVELOPMENT COMPANY, INC.,
a Delaware corporation

By: [Signature]
Its: Vice President

(CORPORATE SEAL)

STATE OF GEORGIA

COUNTY OF FULTON

The foregoing instrument was acknowledged before me this 4th day of March, 1998, by Rob L. Hughes, the Vice President of JDN DEVELOPMENT COMPANY, INC.

Patricia J. Kask
Notary Public
Print Name: Patricia J. Kask

My Commission Expires:

4/1/2000



EXHIBIT "A"

A portion of land lying in Section 32, Township 29 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the East Quarter (1/4) corner of said Section 32; thence along the Easterly line of said Section 32, North 01 degree 20 minutes 25 seconds East, for a distance of 2,694.72 feet to the Northeast corner of said Section 32; thence along the Northerly line of said Section South 89 degrees 55 minutes 30 seconds West, for a distance of 755.97 feet; thence South 00 degrees 04 minutes 30 seconds East, for a distance of 40.00 feet, to the POINT OF BEGINNING of the herein described parcel; thence South 00 degrees 04 minutes 30 seconds East, for a distance of 175.44 feet; thence South 57 degrees 55 minutes 30 seconds West, for a distance of 35.96 feet; thence South 89 degrees 55 minutes 30 seconds West, for a distance of 166.21 feet; thence North 00 degrees 04 minutes 30 seconds West, for a distance of 194.50 feet; thence North 89 degrees 55 minutes 30 seconds East, for a distance of 196.71 feet, to the POINT OF BEGINNING; said tract containing 37,984.32 square feet or 0.872 acre, and all as shown on that certain Boundary & Topographic Survey prepared for Chick-fil-A, Inc., by FLD&E Surveying, and bearing the certification of Charles David Feeraro, Florida Certification No. 4768, dated November 19, 1997, last revised January 15, 1998.

EXHIBIT "B"

1. Taxes and assessments for the year 1998 and subsequent years, not yet due and payable.
2. Notice of Adoption of Development Order filed of record February 3, 1984 in Official Record Book 4269, Page 344; Notice of Modification to Adopted Development Order filed of record August 10, 1990 in Official Record Book 6052, Page 1222; Notice of Modification to Adopted Development Order filed of record September 13, 1991 in Official Record Book 6378, Page 424 and Notice of Modification to Adopted Development Order filed of record November 22, 1994 in Official Record Book 7590, Page 1936; and Notice of Modification to Adopted Development Order filed of record January 19, 1996 in Official Record Book 8019, Page 1740, all of the Public Records of Hillsborough County, Florida.
3. Perpetual Sanitary Sewer Easement granted to County of Hillsborough as set forth in instrument filed of record September 1, 1993 in Official Record Book 7100, Page 926, Public Records of Hillsborough County, Florida.
4. Mitigation Agreement as set forth in instrument filed of record November 3, 1994 in Official Record Book 7573, Page 143, and Amendment Number 1 as set forth in instrument filed of record in Official Record Book 7691, Page 351, all of the Public Records of Hillsborough County, Florida.
5. Declaration of Protective Covenants and Easements for Lake Brandon, filed of record April 24, 1997, in Official Record Book 8539, page 165, Public Records of Hillsborough County, Florida.
6. Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), filed of record April 24, 1997, in Official Record Book 8539, page 322; as amended by First Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), filed of record July 31, 1997, in Official Record Book 8657, page 1792, Public Records of Hillsborough County, Florida; as further amended by Second Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), filed of record November 18, 1997, in Official Record Book 8797, page 1539, Public Records of Hillsborough County, Florida; as further amended by Third Amendment to Declaration of Easements and Restrictive Covenants (Parcel 104 - Brandon, Florida), dated December 12, 1997, filed December 23, 1997, recorded in Official Record Book 8842, page 179, aforesaid Public Records
7. Terms, conditions and provisions as contained in that certain Special Warranty Deed between Richard R. Mulholland, an individual and JDN Development Company, Inc., a Delaware corporation, filed of record April 24, 1997, in Official Record Book 8539, page 256, Public Records of Hillsborough County, Florida.
8. Easement in favor of Tampa Electric Company, a Florida corporation, filed of record November 10, 1997, in Official Record Book 8787, page 1238, of the Public Records of Hillsborough County, Florida.
9. Easement in favor of Tampa Electric Company, a Florida corporation, filed of record November 10, 1997, in Official Record Book 8787, page 1242, of the Public Records of Hillsborough County, Florida.
10. Utility Easement Agreement in favor of Tampa Electric Company, a Florida corporation, filed of record November 10, 1997, in Official Record Book 8787, page 1246, of the Public Records of Hillsborough County, Florida.

EXHIBIT C
PARCEL 1

OR BOOK 8938 PAGE 0688

A PORTION OF LAND LYING IN SECTION 32, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER (1/4) CORNER OF SAID SECTION 32; THENCE ALONG THE EASTERLY LINE OF SAID SECTION 32, NORTH 01°20'25" EAST, FOR A DISTANCE OF 2,894.72 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32 ; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 32 SOUTH 89°55'30" WEST, FOR A DISTANCE OF 1,133.04 FEET; THENCE SOUTH 00°04'31" EAST, FOR A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°04'30" EAST, FOR A DISTANCE OF 194.50 FEET; THENCE SOUTH 89°55'30" WEST, FOR A DISTANCE OF 190.37 FEET; THENCE NORTH 00°04'30" WEST, FOR A DISTANCE OF 194.50 FEET; THENCE NORTH 89°55'30" EAST, FOR A DISTANCE OF 190.37 FEET, TO THE POINT OF BEGINNING.

PARCEL 4

A PORTION OF LAND LYING IN SECTION 32, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER (1/4) CORNER OF SAID SECTION 32; THENCE ALONG THE EASTERLY LINE OF SAID SECTION 32, NORTH 01°20'25" EAST, FOR A DISTANCE OF 2,694.72 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32 ; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 32; SOUTH 89°55'30" WEST, FOR A DISTANCE OF 400.40 FEET; THENCE SOUTH 00°04'30" EAST, FOR A DISTANCE OF 44.02 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°04'30" EAST, FOR A DISTANCE OF 190.48 FEET; THENCE SOUTH 89°55'30" WEST, FOR A DISTANCE OF 261.48 FEET; THENCE NORTH 57°04'30" WEST, FOR A DISTANCE OF 34.68 FEET; THENCE NORTH 00°04'30" WEST, FOR A DISTANCE OF 175.61 FEET; THENCE NORTH 89°55'30" EAST, FOR A DISTANCE OF 232.15 FEET; THENCE SOUTH 86°08'23" EAST, FOR A DISTANCE OF 58.55 FEET, TO THE POINT OF BEGINNING;



VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 11325 Causeway Boulevard City/State/Zip: Brandon, FL 33511 TWN-RN-SEC: _____

Folio(s): 072308-5656 Zoning: PD 88-0090 Future Land Use: _____ Property Size: 0.87 Acres

Property Owner Information

Name: Chick-fil-A, Inc. Daytime Phone: 407-765-8000

Address: 5200 Buffington Road City/State/Zip: Atlanta, GA 30349

Email: chad.baker@cfacorp.com FAX Number: _____

Applicant Information

Name: Amanda Bishop; Interplan LLC c/o Chick-fil-A, Inc. Daytime Phone: 407-645-5008

Address: 220 East Central Parkway, Suite 4000 City/State/Zip: Altamonte Springs, FL 32701

Email: abishop@interplanllc.com FAX Number: _____

Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____

Address: _____ City / State/Zip: _____

Email: _____ FAX Number: _____

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Amanda Bishop
Digitally signed by Amanda Bishop
Signature of Applicant Date: 2022.06.22 15:14:01 -04'00'

Amanda Bishop
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 6/24/2022
Case Number: 22-1119 Public Hearing Date: 8/22/2022
Receipt Number: 174028



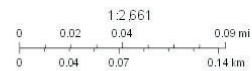
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	88-0090
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 Firm Panel	1201120387E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Planned Development	PD
Re-zoning	null
Major Modifications	90-0010,95-0045
Personal Appearances	96-0081
Census Data	Tract: 013318 Block: 1000
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
Competitive Sites	NO
Redevelopment Area	NO

Folio: 72308.5656



June 27, 2022



Hillsborough County Florida

Folio: 72308.5656
 PIN: U-32-29-20-2HU-000000-00003.0
 CHICK FIL A
Mailing Address:
 5200 BUFFINGTON RD
 ATLANTA, GA 30349-2945
Site Address:
 11325 CAUSEWAY BLVD
 BRANDON, FL 33511
 SEC-TWN-RNG: 32-29-20
 Acreage: 0.87164801
 Market Value: \$1,558,144.00
 Landuse Code: 2201 COMM./OFFICE

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.

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