Rezoning Application: PD 18-0798 (REMAND)

Zoning Hearing Master Date: May 16, 2022

BOCC Land Use Meeting Date: July 26, 2022



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Johnson Pope Bokor Ruppel &

Burns, LLP

FLU Category: OC-20

Service Area: Urban

Site Acreage: .52

Community

Plan Area: Ruskin

Overlay: None



Introduction Summary:

The applicant proposes to rezone the subject property from RTC-1 (Ruskin Town Center) to Planned Development (PD) to allow uses permitted under the RTC-1 zoning district and motor vehicle sales (a prohibited use in RTC-1).

Zoning:	Existing	Proposed
District(s)	RTC-1	PD 18-0798
Typical General Use(s)	Ruskin: Limited General Commercial and Multi- Family Residential	Ruskin: Limited General Commercial Uses (to include motor vehicle sales) and Multi-Family
Acreage	.52	.52
Density/Intensity	20 units per acre / .75 FAR	20 units per acre / .75 FAR
Mathematical Maximum*	10 units /16,988 sq. ft.	10 units /16,988 sq. ft.

^{*}number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	RTC-1	PD 18-0798
Lot Size / Lot Width	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards
Setbacks/Buffering and Screening	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards
Height	50'	50′

Additional Information:		
PD Variation(s)	None requested as part of this application	
Maiver(s) to the Land Development Code	LDC Section 3.17.03 & 3.17.04 – Off-street parking, minimum building	
Waiver(s) to the Land Development Code	frontages and building design.	

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

Planning Commission Recommendation:

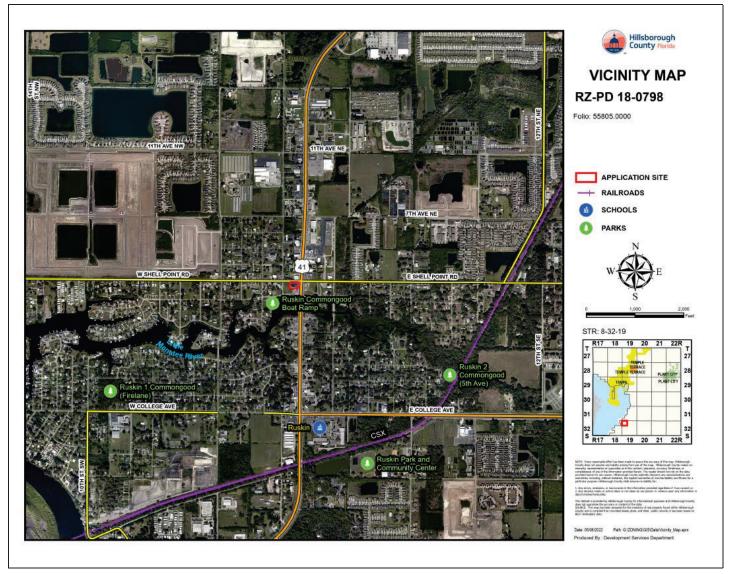
Development Services Recommendation:

Inconsistent

Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

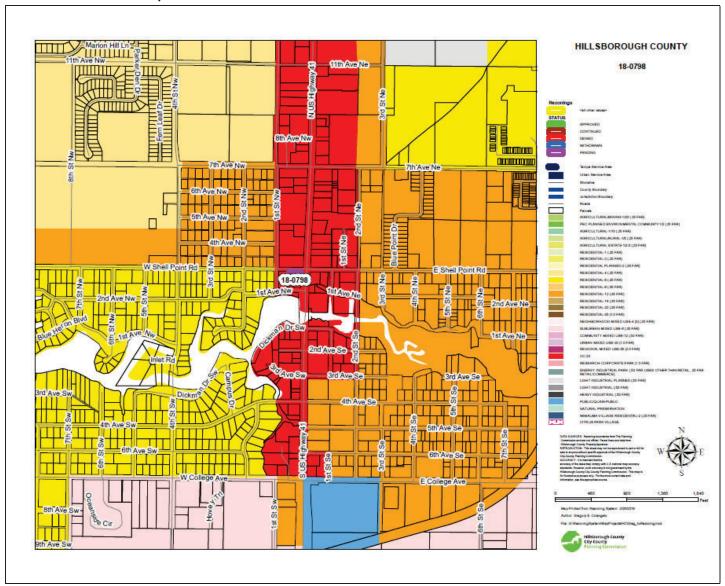


Context of Surrounding Area:

The site is located in an area comprised of suburban scale neighborhood commercial and residential uses. The US 41 corridor which the parcel fronts upon has an OC-20 FLU category, with RES-6 and RES-12 FLU categories further to the east and west. The US 41 corridor north and south of the subject site is comprised primarily of commercial uses, with residential uses, primarily single-family, located further to the east and west of the US 41 commercial corridor.

2.0 LAND USE MAP SET AND SUMMARY DATA

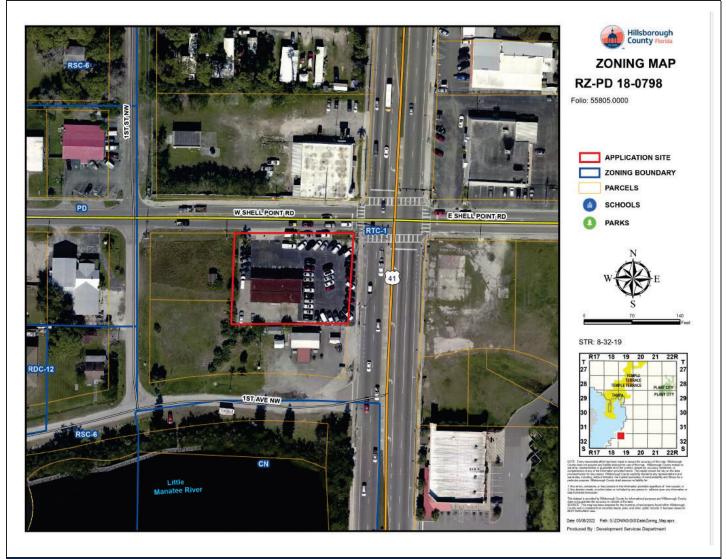
2.2 Future Land Use Map



Subject Site Future Land Use Category:	OC-20
Maximum Density/F.A.R.:	20 units per acre/.75 FAR
Typical Uses:	Community commercial type uses, office uses, mixed use developments and compatible residential uses.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

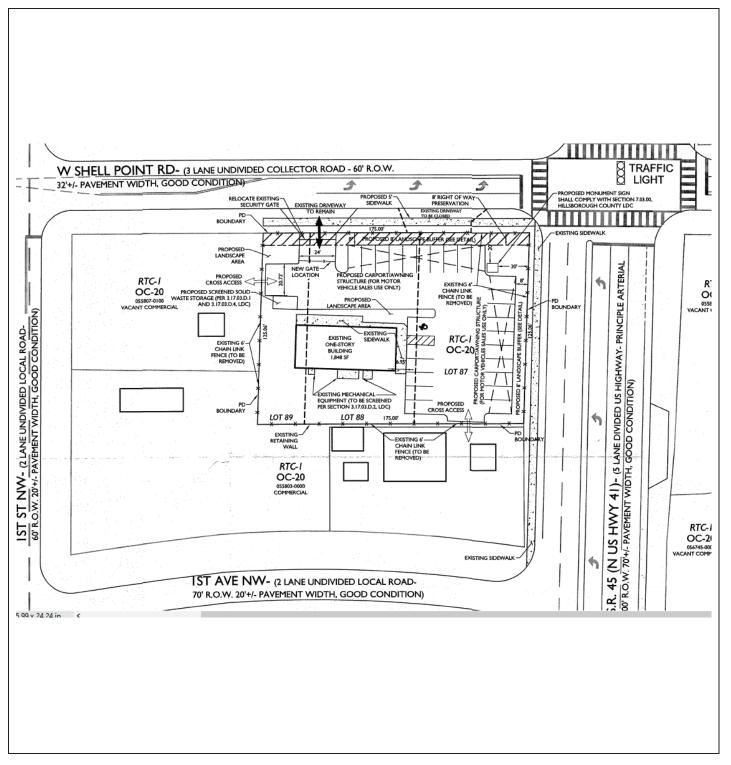


Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial
South	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial
East	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant
West	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

2.0 LAND USE MAP SET AND SUMMARY DATA

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



APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Shell Point Rd.	County Collector - Urban	2 Lanes ☐ Substandard Road ☐ Sufficient ROW Width	 ☑ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generatio	n □ Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Proposed	54	5	11

^{*}Trips reported are based on net new external trips unless otherwise noted.

Primary Access	Additional Connectivity/Access	Cross Access	Finding
X	None	None	Meets LDC
	None	None	Meets LDC
	None	None	Meets LDC
X	None	None	Meets LDC
-	X	None None	None None None

Design Exception/Administrative Variance ⊠ Not applicable for this request			
Road Name/Nature of Request	Type	Finding	
	Choose an item	Choose an item	
Notes:	·	*	

4.0 Additional Site Information & Agency Comme	ents Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
 □ Design Exception/Adm. Variance Requested □ Off-Site Improvements Provided 	☐ Yes ☐ N/A ☐ No	⊠ Yes □ No	See report.

APPLICATION NUMBER: PD 18-0798
ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
	⊠ Yes	☐ Yes	☐ Yes	information/comments
Environmental Protection Commission	□No	⊠ No	⊠ No	
Natural Resources	⊠ Yes	☐ Yes	⊠ Yes	
- Natural Nessaries	□ No	⊠ No	□ No	
Conservation & Environ. Lands Mgmt.	☐ Yes ⊠ No	☐ Yes ☐ No	☐ Yes ☐ No	
Check if Applicable:	l .	/ater Wellfield Pro	l .	
☐ Wetlands/Other Surface Waters	☐ Significan	t Wildlife Habitat		
☐ Use of Environmentally Sensitive Land	☐ Coastal H	igh Hazard Area		
Credit	⊠ Urban/Su	burban/Rural Scer	nic Corridor	
☐ Wellhead Protection Area	☐ Adjacent	to ELAPP property		
☐ Surface Water Resource Protection Area	a 🗆 Other			
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation	☐ Yes	☐ Yes	⊠ Yes	
☐ Design Exc./Adm. Variance Requested	□ No	⊠ No	□ No	See Report
☐ Off-site Improvements Provided				
Service Area/ Water & Wastewater	⊠ Yes	☐ Yes	☐ Yes	
⊠Urban ☐ City of Tampa	□ No	⊠ No	⊠ No	
☐Rural ☐ City of Temple Terrace				
Hillsborough County School Board	□ Vos		☐ Yes	
Adequate \square K-5 \square 6-8 \square 9-12 \boxtimes N/A	☐ Yes 図 No	☐ Yes ☐ No	□ Yes	
Inadequate □ K-5 □ 6-8 □ 9-12 図 N/A	<u> </u>			
Impact/Mobility Fees	<u> </u>		<u> </u>	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
☐ Meets Locational Criteria	⊠ Yes		□ Yes	
☐ Locational Criteria Waiver Requested	□No	☐ Consistent	⊠ No	
☐ Minimum Density Met				

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

This item was heard at the October 9, 2018 Board of County Commissioner (BOCC) Land Use Meeting and was remanded back to the Zoning Hearing Master (ZHM) public hearing by the BOCC for further review/discussion with representatives of the Ruskin community. The applicant has not made any changes to the use requested. A revised plan was submitted subsequent to the remand which added cross access along the western boundary, relocated parking to accommodate the cross access and added a notation regarding the provision of an 8 foot right-of-way preservation area along W. Shell Point Road.

Per LDC Section 3.17.03.A., *Designation of Streets*, West Shell Point Road and North US Highway 41 are established as main streets, both of these streets which the subject property fronts and serve as its north and eastern property boundaries (see graphic to the left). Per the request, while the applicant has shown they can comply with some of the design standards of the established zoning district, they cannot meet some of the key standards found under LDC Section 3.17.03, *General Development Standards* and LDC Section 3.17.04, *Standards for Non-Residential, Mixed Use and Multi-Family Development*. Specifically, under these sections, the request cannot meet the design standards pertaining to offstreet parking (surface parking lots) for projects located on Main Streets, minimum building frontages and building design. Therefore, the applicant is seeking relief from these standards and has proposed alternative design enhancements to address non-compliance with those standards. However, staff is not supportive a waiving these key design standards of the LDC.

Development Services staff finds the proposed rezoning is inconsistent with the development pattern in the area. Per Land Development Code (LDC) Section 3.17.09.h., *Prohibited Uses*, of the Ruskin Town Center, *Motor Vehicle Sales*, *Rentals*, *and Auctions—All Types* is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center. Furthermore, the Ruskin Town Center prohibits other auto dependent uses such as motor vehicle repairs, recreational vehicle sales, convenience stores with fuel pumps and miniwarehouses.

Uses adjacent to, and in the general vicinity of, the site are zoned Ruskin Town Center (RTC-1) and are either permitted uses found under the CG (Commercial, General) zoning district, per LDC Section 3.17.07., or are in compliance with LDC Section 3.17.00. Consistent with the intent of the RTC-1 zoning district, existing uses do not include commercial/auto dependent uses prohibited by the RTC-1 district.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. A commercial restaurant, resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a *Family Dollar*, reside across the road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned *Family Dollar* is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1.

The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district (see site photo below), with the exception of a site yard setback reduction from 5 to 0 feet granted via Variance 14-0580.

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022

Case Reviewer: J. Brian Grady



Given the established development pattern of the area which consists of uses consistent with the intent/requirements of the RTC-1 district, staff does not find the proposed motor vehicle sales use compatible.

5.2 Recommendation

Based on the above considerations, finds the request not supportable.

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

6.0 PROPOSED CONDITIONS

Zoning Administrator Sign Off:

Mon May 9 2022 12:40:34

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

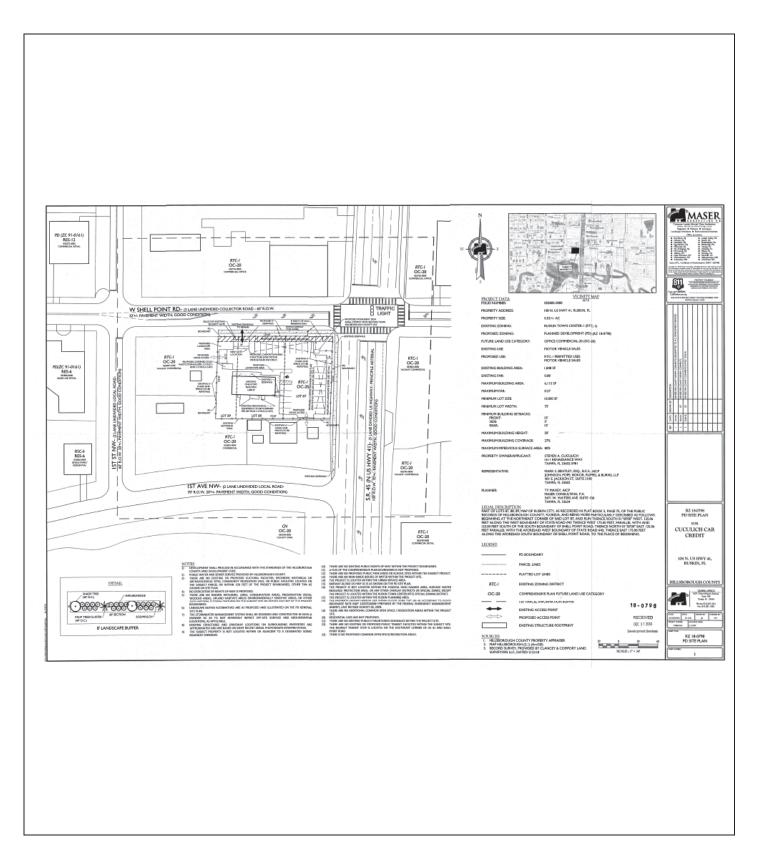
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

APPLICATION NUMBER:	PD 18-0798	
ZHM HEARING DATE:	May 16, 2022	
BOCC LUM MEETING DATE:	July 26, 2022	Case Reviewer: J. Brian Grady

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

None.

8.0 PROPOSED SITE PLAN (FULL)



APPLICATION NUMBER: PD 18-0798
ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

9.0 FULL TRANSPORTATION REPORT (see following pages)

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

AGENCY REVIEW COMMENT SHEET

REVI	oning Technician, Development Services Department EWER: Aiah Yassin, AICP, MSEM NING AREA/SECTOR: Ruskin/South	DATE: 7.31.2018 Revised: 1.3.2019 AGENCY/DEPT: Transportation PETITION NO.: PD 18-0798
	This agency has no comments.	
	This agency has no objection.	
X	This agency has no objection, subject to the listed or attack	ched conditions.

GENERAL REPORT OUTLINE:

I. REPORT SUMMARY AND CONCLUSIONS

- Hillsborough County eliminated its concurrency management system and enacted a transportation mobility fee which went into effect on January 1, 2017. This new fee replaced concurrency and impact fees. The applicant will mitigate transportation impacts by payment of the mobility fee.
- The proposed rezoning would result in no change in the trips potentially generated since the proposed use is less intense that what is already allowable under RTC-1.
- Only one primary vehicular and pedestrian access will be on Shell Point Road. Additional access
 will not be allowed on US.41, subject to FDOT approval.
- The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.
- Transportation Review Section staff has no objection to the proposed rezoning.

II. CONDITIONS OF ZONING APPROVAL

- Notwithstanding anything on the PD site plan or herein these conditions to the contrary, the
 applicant will be required to comply with all applicable access management standards and
 other applicable regulations within the Land Development Code and Transportation Technical
 Manual.
- 2. As Shellpoint Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
- The developer shall construct a vehicular and pedestrian cross access stub out to its western property boundary (Folio 55807.0100) and to its southern property boundary (folio 55803.0000).

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

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APPLICATION NUMBER: PD 18-0798
ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

III. PROJECT SUMMARY

The applicant is requesting to rezone +/- 0.52 acres property (folio 55805.0000) from RTC-1 to Planned Development (PD) to recognize the existing motor vehicle sales use as a permitted use, as well as to permit any of the uses otherwise permitted in the RTC-1 zoning district.

IV. TRANSPORTATION ANALYSIS:

Trip Generation Analysis:

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Since the proposed zoning is less intense in generating trips that is allowed on under RTC-1 and the request still entails the same uses under RTC-1 to remain, then Staff can conclude that no change in the trip generation is anticipated. Staff's analysis is summarized below.

Proposed Uses:

Land Use/Size	24 Hour Two-	Total Hour Trips	Peak
	Way Volume	AM	PM
2,000 SF of Automobile Sales (Used) (ITE Code: 841)	54	5	11

Transportation Infrastructure Analysis:

The subject parcel to be rezoned is located at South West corner of the intersection on Shell Point Road and U.S 41 in Ruskin. Only one access is allowed on Shell Point Road.

Shell Point Rd is a 2-lane, undivided, collector roadway characterized by +/- 12 foot travel lanes. There are no sidewalk on the side of the project. No bike lanes Shell Point Rd in the vicinity of the proposed project. Adjacent to the project site, Shell Point Road lies within a +/- 64 foot wide right-of-way. The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.

Shell Point Rd is identified on the Hillsborough Corridor Preservation Map as a 2 lane enhanced road which makes the standard Right of Way width needed 64 Ft + 12 Ft= 76 ft. As Shellpoint Rd, is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.

Site Access Analysis:

Primary vehicular and pedestrian access to the site will be from the existing driveway on Shell Point Rd. Second exiting access on Shell Point Rd will be closed. No access is proposed on U.S 41.

No turn lanes are warranted based on the trip generation and trip distribution.

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

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Transportation Comment Sheet

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

A THE LUNGSCOOL STATE OF THE ST	Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements		
Shell Point Rd.	County Collector - Urban	2 Lanes □ Substandard Road □ Sufficient ROW Width	 ☑ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other 		

Project Trip Generation ☐ Not applicable for this request			
1,000	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Proposed	54	5	11

^{*}Trips reported are based on net new external trips unless otherwise noted.

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	None	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	X	None	None	Meets LDC
Notes:			1.50100000	

Design Exception/Administrative Variance ☑ Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
Notes:	•	•

4.0 Additional Site Information & Agency Comme	ents Summary		8
Transportation	Objections	Conditions Requested	Additional Information/Comments
☐ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided	☐ Yes ☐ N/A ☑ No	⊠ Yes □ No	See report.

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: RZ PD 18-0798 REMAND*

DATE OF HEARING: May 16, 2022

APPLICANT: Johnson Pope Bokor Ruppel & Burns,

LLP

PETITION REQUEST: A request to rezone property from RTC-

1 to PD to permit motor vehicle sales as well as other uses permitted by RTC-1

LOCATION: 108 North Hwy. 41

SIZE OF PROPERTY: 0.52 acres, m.o.l.

EXISTING ZONING DISTRICT: RTC-1

FUTURE LAND USE CATEGORY: OC-20

SERVICE AREA: Urban

COMMUNITY PLAN: Ruskin

*NOTE: This is the Second Remand of RZ PD 18-0798.

DEVELOPMENT REVIEW STAFF REPORT

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

1.0 APPLICATION SUMMARY



Applicant: Johnson Pope Bokor Ruppel & Burns, LLP

FLU Category: OC-20

Service Area: Urban

Site Acreage: .52

Community Plan Area: Ruskin

Overlay: None

Introduction Summary:

The applicant proposes to rezone the subject property from RTC-1 (Ruskin Town Center) to Planned Development (PD) to allow uses permitted under the RTC-1 zoning district and motor vehicle sales (a prohibited use in RTC-1).

Zoning: Existing Proposed				
District(s)	RTC-1	PD 18-0798		
Typical General Use(s)	Ruskin: Limited General Commercial and Multi- Family Residential	Ruskin: Limited General Commercial Uses (to include motor vehicle sales) and Multi- Family		
Acreage	.52	.52		
Density/Intensity	20 units per acre / .75 FAR	20 units per acre / .75 FAR		
Mathematical Maximum*	10 units /16,988 sq. ft.	10 units /16,988 sq. ft.		

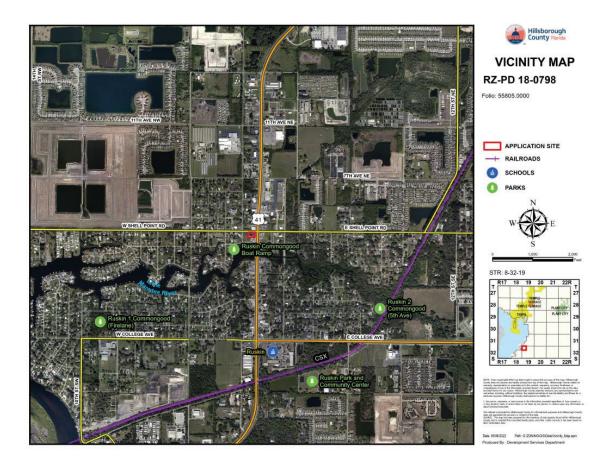
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Development Services Department

Development Standards: Existing Proposed			
District(s)	RTC-1	PD 18-0798	
Lot Size / Lot Width	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards	
Setbacks/Buffering and Screening	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards	
Height	50'	50'	
Additional Information:			
PD Variation(s)	None requested as part of this application		
Waiver(s) to the Land Development Code	LDC Section 3.17.03 & 3 minimum building frontag	17.04 – Off-street parking, es and building design.	

	Development Services Recommendation:
Inconsistent	Not Supportable

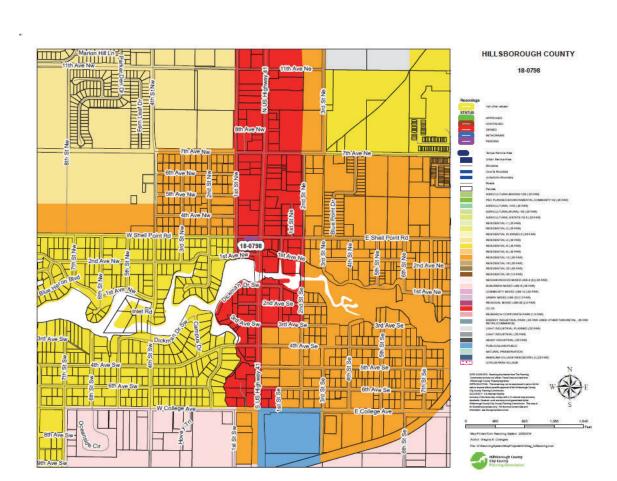
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

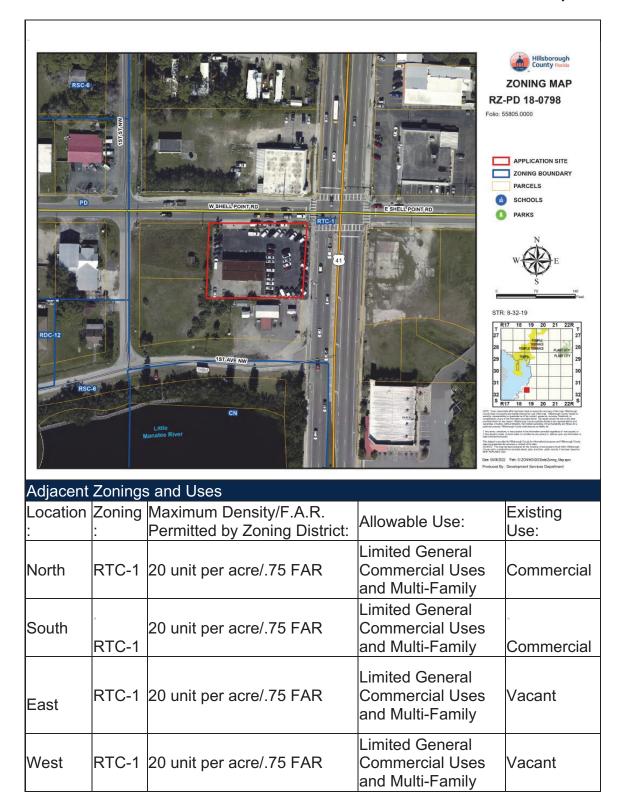
The site is located in an area comprised of suburban scale neighborhood commercial and residential uses. The US 41 corridor which the parcel fronts upon has an OC-20 FLU category, with RES-6 and RES-12 FLU categories further to the east and west. The US 41 corridor north and south of the subject site is comprised primarily of commercial uses, with residential uses, primarily single-family, located further to the east and west of the US 41 commercial corridor.

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



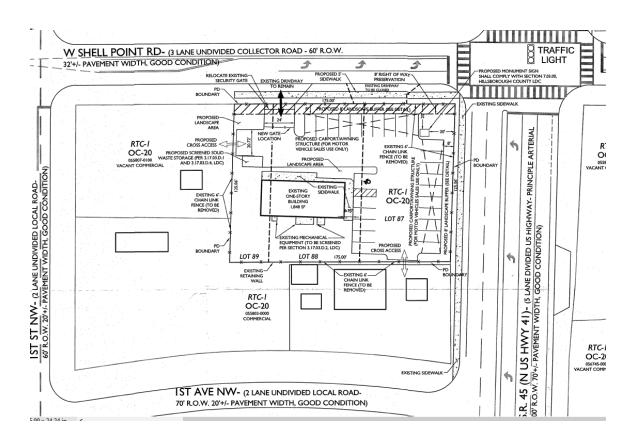
	я
Subject Site Future Land Use Category:	OC-20
Maximum Density/F.A.R.:	20 units per acre/.75 FAR
	Community commercial type uses, office uses, mixed use developments and compatible residential uses.
Typical Uses:	

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



2.0 LAND USE MAP SET AND SUMMARY DATA

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



Transportation Comment Sheet

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

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Project Trip Generation ☐ Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Proposed	54	5	11	

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		Connectivity/Access	Cross Access	Finding
1	X	None	None	Meets LDC
	Ī	None	None	Meets LDC
		None	None	Meets LDC
	X	None	None	Meets LDC
	Χ	December States	JANUARY .	

Road Name/Nature of Request	Type	Finding
2 22	Choose an item	Choose an item.

4.0 Additional Site Information & Agency Comme	ents Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
□ Design Exception/Adm. Variance Requested□ Off-Site Improvements Provided	☐ Yes ☐ N/A ☑ No		See report.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Service Area/ Water & Wastewater

□Rural □ City of Temple Terrace

Hillsborough County School Board

Adequate \square K-5 \square 6-8 \square 9-12 \boxtimes N/A Inadequate \square K-5 \square 6-8 \square 9-12 \boxtimes N/A

Comprehensive Plan:

Planning Commission

☐ Meets Loc	ational Criteria		Criteria	Waiver Requ	uested \Box
Minimum Der	nsity Met ⊠ N/A	A			

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

This item was heard at the October 9, 2018 Board of County Commissioner (BOCC) Land Use Meeting and was remanded back to the Zoning Hearing Master (ZHM) public hearing by the BOCC for further review/discussion with representatives of the Ruskin community. The applicant has not made any changes to the use requested. A revised plan was submitted subsequent to the remand which added cross access along the western boundary, relocated parking to accommodate the cross access and added a notation regarding the provision of an 8 foot right-of-way preservation area along W. Shell Point Road.

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General) zoning district, per LDC Section 3.17.07., or are in compliance with LDC Section 3.17.00. Consistent with the intent of the RTC-1 zoning district, existing uses do not include commercial/auto dependent uses prohibited by the RTC-1 district.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. A commercial restaurant resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a *Family Dollar*, reside across the road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned *Family Dollar* is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1.

The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district (see site photo below), with the exception of a site yard setback reduction from 5 to 0 feet granted via Variance 14-0580.

Motor Vehicle Sales,

Rentals, and Auctions—All Types is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center



Given the established development pattern of the area which consists of uses consistent with the intent/requirements of the RTC-1 district, staff does not find the proposed motor vehicle sales use compatible.

5.2 Recommendation

Based on the above considerations, finds the request not supportable.

Zoning conditions, which were presented Zoning Hearing Master hearing by the applicants representative, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on May 16, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition and stated that a revised staff report that includes information regarding the second remand and the Ruskin Community Plan was submitted into the record.

Mr. Mark Bentley 401 East Jackson Street testified on behalf of the applicant. Mr. Bentley submitted documents into the record and stated that the request is to rezone the subject property from RTC-1 to Planned Development to permit auto sales which is a prohibited use in the RTC-1 and also all RTC-1 land uses. Mr. Bentley stated that the request now includes a proposal that the auto sales component would be limited to a duration of five years. After the five year period, the use would terminate and any future use would be required to fully comply with the RTC design standards. Mr. Bentlev showed a graphic to discuss the proposed design of the subject property. He explained that the intent is to comply with RTC regulations to the greatest extent possible. He pointed to the auto display area where the car inventory is stored. He added that the property owner has agreed to dedicate eight (8) feet of right-of-way on Shell Point Road at an estimated cost of approximately \$50,000. Mr. Bentley then showed a copy of an aerial photo to discuss the general area. He described an adjacent property that was redeveloped for an attorney's office an emergency center. He stated that the adjacent property was not required to comply with the RTC standards. He discussed the existing Family Dollar store and described it as the only building in the area that is RTC compliant and obtained two variances. Mr. Bentley testified that the PD does not require compliance with the RTC although County staff is applying the RTC standards to the subject property. The Board of County Commissioners adopted the RTC in 2005 and did not contemplate the property owners which would be required to demolish structures upon a change in use. The intent was for new construction to meet the RTC standards, not retrofit for it. Mr. Bentley described the real issue as being one of compatibility. The property owner proposes to mitigate the use by having the auto sales be a temporary use for a period of five years. Mr. Bentley described the typical clients of the auto sales business. He stated that auto sales were previously allowed in the prior CG zoning district. Mr. Bentley described the October 2018 Board of County Commissioners meeting at which a County staff member testified that the PD rezoning did not significantly deviate from the RTC and stated that the proposal met the spirit and intent of the RTC to the extent possible. Staff had a problem with the request because the existing use is prohibited. Mr. Bentley detailed the prior request for a zoning interpretation in 2014 that concluded that auto sales was not permitted as it was not the existing principal use on the effective date of the RTC ordinance in 2005. He added that the zoning interpretation also stated that auto repair was a lawful use as opposed to a nonconforming use at the time of the RTC rezoning. Mr. Bentley referred to prior hearing testimony regarding the historical use of the car sales use. He detailed

two projects within the RTC zoning district. The Planning Commission report concludes that the request is inconsistent because of the design of the site is too much of a deviation from the Ruskin Community Plan. Mr. Bentley testified that the request is the most RTC-compliant in the area but for the Family Dollar and AutoZone in 17 years. Mr. Bentley referred to another PD rezoning request which allowed a nursing home extended care facility even though it was prohibited by the Riverview Downtown Development District. He also referred to his land use planner Mr. Maxey regarding to the requests compliance with the design criteria. He concluded his presentation by describing proposed zoning conditions that he submitted into the record.

Hearing Master Finch asked Mr. Bentley about the current second remand of the case and the fact that it was requested to be remanded by the applicant to provide consideration of the Ruskin Community profile which was submitted into the record. Ms. Finch asked Mr. Bentley what happened between the request for remand in 2019 to today. Mr. Bentley replied that there was litigation associated with the application or the zoning interpretation in addition to the pandemic. He added that the applicant also came up with the idea of the five year amortization to allow him to recoup his investment.

Hearing Master Finch asked Mr. Bentley if staff had reviewed the revised request that the existing car lot sales would go away. Mr. Bentley replied no and stated that the client struggled with the limitation of five years but ultimately agreed to it the day before the hearing. He stated that he sent an email to Mr. Grady of the Development Services Department with the request which he believes that was not seen until the morning of the hearing.

Mr. Bentley testified that his client believed that five years was reasonable because he has developed goodwill in the community. He stated that his client is trying to find property outside the RTC that permits auto sales and the five year period would permit time for the relocation.

Hearing Master Finch asked Mr. Bentley if there was a Code Enforcement case on the property. Mr. Bentley replied no. Ms. Finch asked Mr. Bentley if there was ever a Code Enforcement case for the use. Mr. Bentley replied yes and stated that it was not active and has been closed.

Mr. Brian Grady, Development Services Department testified regarding the County's staff report. Mr. Grady stated that the request is to rezone 0.52 acre parcel from RTC-1 to Planned Development to allow uses permitted under the RTC-1 zoning district and motor vehicle sales. The application has been remanded twice from the Board of County Commissioners. The first remand was to allow time for further discussion with the representatives of the Ruskin community which did occur. The second remand was requested by the applicant to provide additional consideration in the Ruskin Community profile. No specific changes have been made to the request other than the recent proposed changes submitted at the hearing regarding the limitation of the vehicle sales use for five

years and to relinquish the ability to do auto repairs. Mr. Grady added that principally the main use of car sales both new and used has not changed since prior hearing. The site plan previously was changed by the applicant to add cross access point and to relocate some parking for the right-of-way preservation along West Shell Point Road. The Planning Commission noted in their report that the Ruskin Community profile is not an adopted document and cannot be used in their analysis. He stated that the reference to prior testimony by staff was in recognition of the applicant's effort to comply as best as they could with the Ruskin Community Design standards. Mr. Grady stated that it is standard practice when a parcel has one of the special zoning districts like the Riverview uptown-downtown district that if one is not permitted from zoning out of the district, that the staff will look at general compatibility issues and inconsistency with the intent of the requirements that promulgated the rezoning. The applicant is asked to provide justification for seeking relief from those standards. Each case is handled on a case by case basis as to whether or not ultimately staff would support the proposed changes. He concluded his presentation by stating that staff did not find the request consistent with the intent of the Ruskin Community Plan and the RTC development requirements as adopted in the Land Development Code. He added that the use is not consistent with the surrounding development pattern and does not support the request. Regarding the proposed five year limitation Mr. Grady suggested the County Attorney weigh in on the issue. He stated that compatibility is still a consideration whether the use is there for five years or in perpetuity. Therefore, the five year limitation does not change the staff's analysis.

Hearing Master Finch asked if it is still the County's position that the recognition of the motor vehicle sales use is inconsistent with the development pattern in the area. Mr. Grady replied that was correct.

Hearing Master Finch asked Mr. Grady if the proposed five year limitation does not change the staff's position. Mr. Grady replied that was correct.

Ms. Karla Llanos of the Planning Commission staff testified that the property is within the Office Commercial Future Land Use category and located in the Urban Service Area and the Ruskin Community Planning Area and the SouthShore Community Plan. She described the prior remand as well as the second remand which was to address the Ruskin Community profile. Ms. Llanos also described the previous zoning verification which failed to establish the motor vehicle sales as a lawful use. She testified that the proposed redesign of the site continues to be too much of a deviation from the Ruskin Community Plan. She concluded her remarks by stating that the rezoning request is inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of

the application.

Ms. Sandy Council P.O. Box 1115 Ruskin testified in opposition to the request. Ms. Council stated that she is the President of the Ruskin Community Development Foundation and supports the staff recommendation as confirmed in their letter dated August 13, 2018. She added that the reasons for opposition to the request has not changed. Ms. Council read a portion of the letter into the record.

Mr. William Bredbenner with the Ruskin Community Development Foundation testified in opposition. Mr. Bredbenner stated that his address is 109 2nd Street Northwest in Ruskin. He stated that he supports not moving forward with the application. He testified that he would like to see the RTC preserved. Mr. Bredbenner stated that the AutoZone is fully compliant with the RTC standards and added that it is an example of what a compliant RTC project should be.

County staff did not have additional comments.

Mr. Bentley testified during the rebuttal period that the AutoZone is not fully compliant with the RTC and received a variance (VAR 18-0539) regarding a setback. Regarding the zoning interpretation, the motor vehicle repair use was established at the time of rezoning to RTC. Mr. Bentley stated that the Board of County Commissioners should know that they have an opportunity to limit the use which does not comply in exchange for the use being temporary. After the expiration of the temporary use, the site would comply with the RTC standards as a complete redevelopment.

Hearing Master Finch asked Mr. Bentley when the property owner bought the property. Mr. Bentley replied approximately 2013.

Hearing Master Finch asked Mr. Bentley to confirm he testified that the property was rezoned to RTC in 2005. Mr. Bentley replied yes.

Hearing Master Finch asked Mr. Bentley to confirm that the property owner bought the site already zoned RTC. Mr. Bentley replied yes and stated that it was rezoned as an areawide rezoning and the property owner submitted an affidavit stating that he did not receive direct notice. Mr. Bentley discussed the notice that was provided by the County and stated that everyone thought the uses were fine.

Hearing Master Finch asked Mr. Bentley if that was the argument brought up in the prior Zoning Interpretation. Mr. Bentley replied yes and stated that it is a legitimate argument that a lay person would not follow the Tampa Tribune notice. He added that the notice also included other overlay districts.

Hearing Master Finch asked Mr. Grady of the Development Services Department if the 2014 Zoning Interpretation was denied by the Zoning Administrator and appealed to the Land Use Hearing Officer who upheld the Zoning Administrator's

decision to deny the vehicle sales use. Mr. Grady replied yes that was correct.

Mr. Bentley did not have additional comments.

The hearing was then concluded.

EVIDENCE SUBMITTED

*Mr. Grady submitted a revised staff report into the record.

*Mr. Bentley submitted proposed zoning conditions, a book of documents that included Pre-Submittal Meeting notes, the 10-9-18 BOCC transcript, an aerial photo, a proposed rendering of the project, copies of affidavits regarding the history of auto sales on-site, a copy of the zoning map, a ZHM recommendation from RZ PD 15-0678, a ZHM recommendation from RZ PD 16-0213, letters in support, the project narrative, a copy of Land Use Planner Mr. Ty Maxey's presentation at the 8-20-18 ZHM and a copy of the Ruskin Community Profile into the record.

PREFACE

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

FINDINGS OF FACT

- 1. The original Findings of Fact from the August 18, 2018 Zoning Hearing Master hearing and the October 14, 2019 Zoning Hearing Master hearing are referenced and incorporated into the Findings of Fact for the Second Remand recommendation.
- 2. The subject site is 0.52 acres in size and is zoned Ruskin Town Center-1 (RTC-1). The property is designated Office Commercial-20 (O-20) by the Comprehensive Plan and located in the Urban Service Area and the Ruskin Community Planning Area.
- 3. The purpose of the rezoning from RTC to PD is to recognize and permit operation of the existing auto vehicle sales land use for a period of five (5) years only and also permit all land uses allowed under the RTC-1 zoning district. The applicant's representative testified that if the Planned Development were approved, the existing auto repair use would cease operation.
- 4. The rezoning application was originally heard by the Zoning Hearing Master on August 20, 2018. A recommendation for denial was filed by the Zoning Hearing Master. The case was remanded by the Board of County

Commissioners on October 9, 2018 to provide the applicant an opportunity to discuss the request and the "...30 other uses..." permitted in the RTC district with representatives of the Ruskin community. A recommendation for denial was filed by the Zoning Hearing Master.

- 5. The rezoning application was remanded for a second time by the Board of County Commissioners on December 20, 2019 at the request of the applicant. The purpose of the remand was to provide for the consideration of the Ruskin Community Profile. The applicant's representative filed a copy of the Ruskin Community Profile into the record.
- 6. The Planning Commission staff stated that the Ruskin Community Profile is not an adopted document and cannot be used in their analysis regarding land use decisions. Further, staff stated that while the applicant has attempted to provide additional screening, the request continues to deviate too much from the Ruskin Community Plan and is inconsistent with the vision of the Community Plan and the Future of Hillsborough Comprehensive Plan.
- 7. Development Services Department staff testified that the modification to the request that the operation of the existing auto vehicle sales land use be permitted for a period of five (5) years only does not change their position that auto sales is incompatible with the established development pattern in the area.
- 8. The applicant referenced and submitted two other rezoning cases to Planned Development for properties located in the Riverview and Brandon Town Center Special Districts as evidence that the County has previously approved rezonings out of Special District zonings. As was detailed in the Findings of Fact in the prior Zoning Hearing Master recommendation, these two cases are not analogous to the subject property and should not be used for support for the rezoning application.
- 9. Three letters of support were submitted into the record at the Zoning Hearing Master hearing.
- 10. Two people spoke in opposition at the Zoning Hearing Master hearing. They identified themselves as the President and member of the Ruskin Community Development Foundation and stated their continued objection to the rezoning application as previously testified and documented in a letter dated August 13, 2018.
- 11. The parcel was rezoned to RTC in 2005 by Hillsborough County and purchased by the current property owner in 2013. The applicant's representative testified in a previous Zoning Hearing Master hearing that the parcel had been used as a motor vehicle repair facility with ancillary vehicle sales from 1986 to 2012. The current property owner requested a Zoning

Interpretation in 2014 regarding the sale of motor vehicle sales which is prohibited in the RTC-1 zoning district. The Zoning Administrator found that the property owner had not provided adequate evidence that the motor vehicle sales use was an existing "lawful use" and found it was not permitted. The applicant's representative appealed the Zoning Interpretation to the Land Use Hearing Officer who upheld the Zoning Administrator's decision.

- 12. The request for motor vehicle sales is contrary to the intent of the Ruskin Town Center Development Regulations as it is a specifically prohibited use.
- 13. The recent modification to the request to provide for the temporary use of the property for motor vehicle sales for a period of five (5) years does not address the concern with the request being incompatible with the existing development pattern. The applicant's representative testified that the five (5) year period will provide the time necessary for the property owner to find another location that permits auto sales. It is emphasized that the property owner has been aware of the prohibition of auto sales on-site since the Zoning Interpretation was issued by the County in 2014.
- 14. The rezoning to Planned Development is inconsistent with the Land Development Code and the Comprehensive Plan as the proposed motor vehicle sales use is incompatible with the existing development pattern. The rezoning request is also inconsistent with the Ruskin Community Plan as motor vehicle sales is a specifically prohibited use in the Ruskin Town Center Development Regulations.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The request is to rezone 0.52 acres from Ruskin Town Center-1 (RTC-1) to Planned Development (PD) for the purpose of recognizing the existing commercial building for auto vehicle sales for a limited period of five (5) years only and to permit uses allowed under the RTC-1 zoning district. The applicant's

representative testified that if the Planned Development were approved, the existing auto repair use would cease operation.

The rezoning application was remanded for a second time by the Board of County Commissioners on December 20, 2019 at the request of the applicant. The purpose of the remand was to provide for the consideration of the Ruskin Community Profile. The applicant's representative filed a copy of the Ruskin Community Profile into the record.

The original Findings of Fact from the August 18, 2018 Zoning Hearing Master hearing and the October 14, 2019 Zoning Hearing Master hearing are referenced and incorporated into the Findings of Fact for the Second Remand recommendation.

The Planning Commission staff stated that the Ruskin Community Profile is not an adopted document and cannot be used in their analysis regarding land use decisions. Further, staff stated that while the applicant has attempted to provide additional screening, the request continues to deviate too much from the Ruskin Community Plan and is inconsistent with the vision of the Community Plan and the Future of Hillsborough Comprehensive Plan. Development Services Department staff testified that the modification to the request that the operation of the existing auto vehicle sales land use be permitted for a period of five (5) years only does not change their position that auto sales is incompatible with the established development pattern in the area.

Three letters of support were submitted into the record at the Zoning Hearing Master hearing. Two people spoke in opposition at the Zoning Hearing Master hearing. They identified themselves as the President and member of the Ruskin Community Development Foundation and stated their continued objection to the rezoning application as previously testified and documented in a letter dated August 13, 2018.

The recent modification to the request to provide for the temporary use of the property for motor vehicle sales for a period of five (5) years does not address the concern with the request being incompatible with the existing development pattern. The applicant's representative testified that the five (5) year period will provide the time necessary for the property owner to find another location that permits auto sales. It is emphasized that the property owner has been aware of the prohibition of auto sales on-site since the Zoning Interpretation was issued by the County in 2014.

The rezoning to Planned Development is inconsistent with the Land Development Code and the Comprehensive Plan as the proposed motor vehicle sales use is incompatible with the existing development pattern. The rezoning request is also inconsistent with the Ruskin Community Plan as motor vehicle

sales is a specifically prohibited use in the Ruskin Town Center Development Regulations.

RECOMMENDATION

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

June 7, 2022

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Unincorporated Hillsborough County Rezoning			
Hearing Date: May 16, 2022 Report Prepared: May 4, 2022	Petition: PD 18-0798 (Remand) 108 North US Highway 41 Southwest Quadrant of Shell Point Road and Highway 41		
Summary Data:			
Comprehensive Plan Finding:	INCONSISTENT		
Adopted Future Land Use:	Office Commercial-20 (20 du/ac; 0.75 FAR)		
Service Area	Urban		
Community Plan:	Ruskin, SouthShore Areawide Systems		
Requested Rezoning:	Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow the existing vehicle sales business and other permitted RTC-1 uses		
Parcel Size (Approx.):	0.52± acres		
Street Functional Classification:	Shellpoint Road – Collector US Highway 41 – Arterial		
Locational Criteria	N/A		
Evacuation Zone	The subject property is located within Evacuation Zone A		



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

Context

- The applicant is requesting a rezoning from Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow an existing vehicle sales business and other permitted RTC-1 uses.
- The .52± acre site is located at the southwest corner of US Highway 41 and Shell Point Road within the Urban Service Area, the Coastal High Hazard Area and is within the limits of both the Ruskin Community Plan and the SouthShore Areawide Systems Plan. Per the Ruskin Community Plan, the site is located within Ruskin Town Center –1.
- The subject property and surrounding properties have a Future Land Use designation of Office Commercial (OC-20), which includes typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses. The Ruskin Town Center-1 (RTC-1) zoning district surrounds the site, further west the zoning designations are Planned Developments (PD), Residential-Duplex Conventional-12 (RDC-12) and Residential Single Family Conventional-6 (RSC-6).
- The applicant requested a remand of PD 18-0798 at the October 9, 2018, Board of County Commissioners Land Use Hearing meeting. The Board approved this remand to be sent to the November 19, 2018, Zoning Hearing Master (ZHM) meeting for reconsideration. The BOCC approved a second remand at their December 20, 2019, land use hearing to go before the ZHM on January 21, 2020, ZHM. This remand was to address the Ruskin Community Profile. Since then, this application has been out of order several times and subsequently been continued by the applicant until now.

Compliance with Comprehensive Plan:

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

Future Land Use Element

URBAN SERVICE AREA USA)

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

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

Policy 9.2: Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the

federal government unless such requirements have been previously waived by those governmental bodies.

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

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

Discouraging Strip Commercial Development

Objective 23: To maintain the vehicular capacity of public roads, the County discourages linear ("strip") non-residential development patterns and the multiple access points which accompany such linear neighborhood serving commercial development.

Objective 25: The County shall implement commercial redevelopment strategies to concentrate commercial uses, revitalize older commercial areas, and encourage mixed use projects that include commercial development.

Community Design Component
5.0 NEIGHBORHOOD LEVEL DESIGN
5.1 COMPATIBILITY

GOAL 12: Design neighborhoods which are related to the predominant character of the surroundings.

OBJECTIVE 12-1: New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

LIVABLE COMMUNITIES ELEMENT - RUSKIN COMMUNITY PLAN

Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small-town community.

Strategies:

- Establish a mixed-use, walkable and pedestrian friendly Town Center.
- Develop and implement the Master Plan for the Ruskin Town Center.
- Develop common design and landscape standards for commercial development along US 41 outside the Town Center.
- Upgrade the current sewer system to facilitate redevelopment of the business center and Town Center.
- Ensure that improvements to US 41 are compatible with the revitalization of Ruskin's historic business center. Seek alternatives to expansion of US 41.
 - Limit US 41 to two through lanes in each direction.
 - Develop 2nd and 3rd Streets as a local alternative to US 41 with direct connection to US 41.

- Encourage commercial development and redevelopment within downtown Ruskin and the Town Center and direct commercial development away from Shell Point Road West and 19th Avenue N.W.
- Encourage locally owned businesses to locate within Ruskin's historic business corridor and Town Center.
- Establish gateways, located to provide a sense of arrival.

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

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

Staff Analysis of Goals, Objectives, and Policies:

The subject site is approximately 0.52 acres and is located at the southwest corner of Shell Point Road and US Highway 41. The site is developed with a motor vehicle sales business consisting of a 1,848 square foot building and inventory displayed mainly along the frontage of Shell Point Road and US Highway 41. The site is designated Office Commercial-20 on the Future Land use map with a maximum floor area ratio of .75. The surrounding uses in the area include a fast food restaurant to the south, vacant parcels to the west and east, and a real estate office north of the site. The rezoning request is to change the Ruskin Town Center-1 (RTC-1) zoning district to a Planned Development (PD) to recognize the existing motor vehicle sales business and allow other RTC-1 permitted uses. It should be noted that the site underwent a zoning verification in 2014, and it was determined by the Development Services Department that the site failed to establish that motor vehicle sales was an "existing lawful use" at the time of the establishment of the Ruskin Town Center-1 zoning district.

Policy 9.2 of the Future Land Use Element states that developments must meet or exceed land development regulations. As demonstrated on the site plan, the request does not meet the intent of this policy.

The site is located within the limits of the Ruskin Community Plan and within the Ruskin Downtown. There is specific language within the Community Plan (*Goal 1 and 2*) that expresses how development within the downtown should be designed. As the parking fronts the site and is a dominate portion of the site, it creates the look of strip commercial development. *Objective 23* of the Future Land Use element as well as the Ruskin Community Plan discourages strip commercial development.

This second remand was granted by the Board of County Commission for the purpose of considering the Ruskin Community Plan Profile. Planning Commission acknowledges that the Ruskin Community Plan Profile was completed, however, due to the fact that the Ruskin Community Plan Profile is not an adopted document, Planning Commission staff cannot use the document in their analysis in making land development recommendations.

The applicant did attempt to make changes to address the design of the site to further the intent of the Ruskin Community Plan. Fences within the RTC-1 area are to be made of masonry or vinyl or cast iron, and the applicant has agreed to remove the chain link fence that is currently on the site. The applicant is also providing additional screening and an

awning above the cars along Shell Point Road and US Highway 41 to reduce the appearance of the display of cars.

Though the applicant is providing increased screening along the frontage of the site, and also screening the waste storage and mechanical equipment, the proposed design of the site is still too much of a deviation from the Ruskin Community Plan. Therefore, it is inconsistent with the vision of the Community Plan for this area.

Recommendation

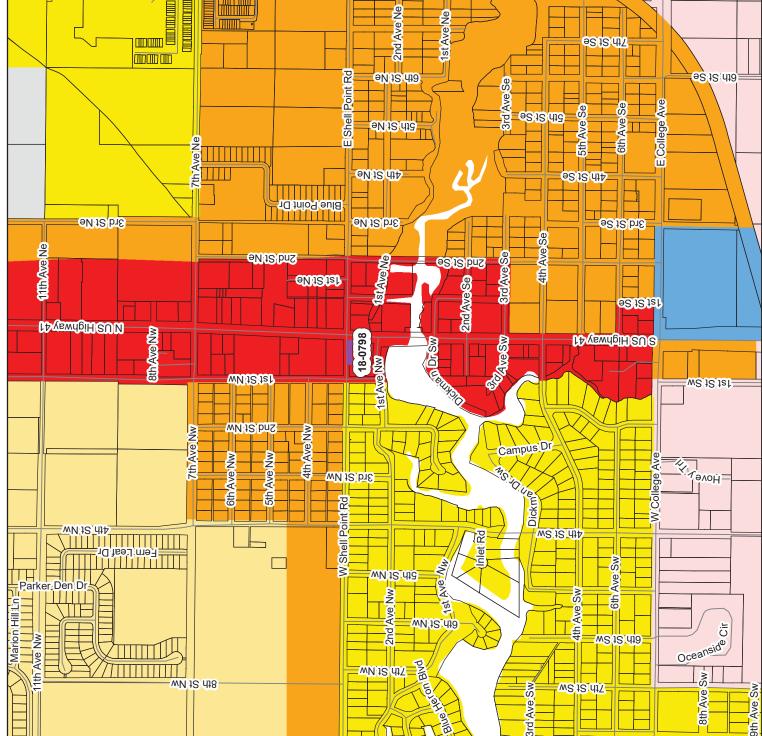
Based upon the above considerations, Planning Commission staff finds the proposed Planned Development **INCONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

1,380 Map Printed from Rezoning System: 2/26/2019 920 460

Author: Gregory E. Colangelo

File: G:\RezoningSystem\Map





APPLICANT PROPOSED CONDITIONS

PETITION NUMBER: MEETING DATE:

RZ 18-0798 October 9, 2018

Approval, subject to the conditions listed below, is based on the general site plan submitted July 31, 2018.

1. The project shall be limited to a maximum of 5,000 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).

- 2. Notwithstanding that auto repair has been determined to be an existing lawful use under LDC Section 3.17.02(A), auto repair shall be a prohibited use.
- 3. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required, as applicable, and the following additional conditions shall apply:
 - 3.1 Unless otherwise approved through the LDC 6.04.02.B. Administrative Variance process, a cross access to the western parcel (Folio 055807.0100) shall be required.
 - 3.2 As Shellpoint Road is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Road frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way line centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the proposed right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 5. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 5.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 5.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 5.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 5.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 5.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 5.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 6. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 7. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 8. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

GENERAL SITE PLAN FOR CERTIFICATION



DEVELOPMENT SERVICES

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

HILLSBOROUGH COUNTY **DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

BOARD OF COUNTY COMMISSIONERS

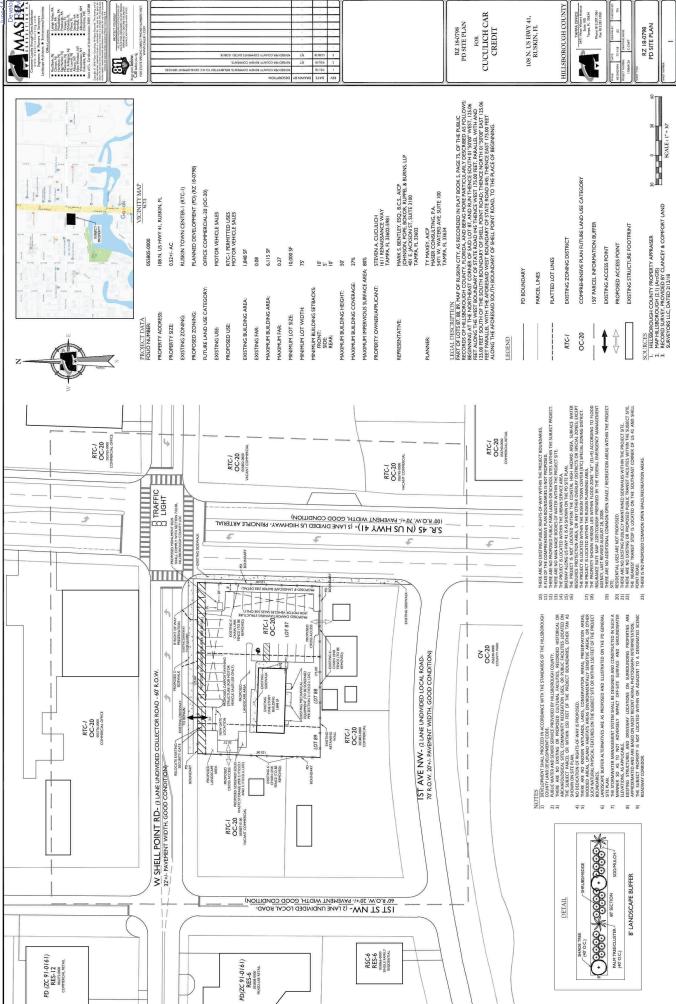
Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Kimberly Overman Mariella Smith Stacy R. White **COUNTY ADMINISTRATOR**

Bonnie M. Wise **COUNTY ATTORNEY** Christine M. Beck

INTERNAL AUDITOR Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR Gregory S. Horwedel

Project Name: Car Credit Ruskin				
Zoning File: RZ-PD 18-0798 Modification: None				
Atlas Page: None Submitted: 06/14/22				
To Planner for Review: Date Due: 06/21/22				
	Phone: 813-225-2500/ markb@pfirm.com			
Right-Of-Way or Land Required for Dedication: Yes ☐ No ✓				
The Development Services Departm	ent HAS NO OBJECTION to this General Site Plan.			
The Development Services Departm Site Plan for the following reasons:	ent RECOMMENDS DISAPPROVAL of this General			
Reviewed by: J. Brian Grady Date: 7/12/22				
Date Agent/Owner notified of Disapproval:				



18-0798

AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

Revised: 1.3.2019

REVIEWER: Aiah Yassin, AICP, MSEM
PLANNING AREA/SECTOR: Ruskin/South

This agency has no comments.

This agency has no objection.

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

GENERAL REPORT OUTLINE:

I. REPORT SUMMARY AND CONCLUSIONS

- Hillsborough County eliminated its concurrency management system and enacted a transportation mobility fee which went into effect on January 1, 2017. This new fee replaced concurrency and impact fees. The applicant will mitigate transportation impacts by payment of the mobility fee.
- The proposed rezoning would result in no change in the trips potentially generated since the proposed use is less intense that what is already allowable under RTC-1.
- Only one primary vehicular and pedestrian access will be on Shell Point Road. Additional access will not be allowed on US.41, subject to FDOT approval.
- The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.
- Transportation Review Section staff has no objection to the proposed rezoning.

II. CONDITIONS OF ZONING APPROVAL

- 1. Notwithstanding anything on the PD site plan or herein these conditions to the contrary, the applicant will be required to comply with all applicable access management standards and other applicable regulations within the Land Development Code and Transportation Technical Manual.
- 2. As Shellpoint Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
- 3. The developer shall construct a vehicular and pedestrian cross access stub out to its western property boundary (Folio 55807.0100) and to its southern property boundary (folio 55803.0000).

III. PROJECT SUMMARY

The applicant is requesting to rezone +/- 0.52 acres property (folio 55805.0000) from RTC-1 to Planned Development (PD) to recognize the existing motor vehicle sales use as a permitted use, as well as to permit any of the uses otherwise permitted in the RTC-1 zoning district.

IV. TRANSPORTATION ANALYSIS:

Trip Generation Analysis:

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Since the proposed zoning is less intense in generating trips that is allowed on under RTC-1 and the request still entails the same uses under RTC-1 to remain, then Staff can conclude that no change in the trip generation is anticipated. Staff's analysis is summarized below. Proposed Uses:

Land Use/Size	24 Hour Two- Way Volume	Total Hour Trips AM	Peak PM
2,000 SF of Automobile Sales (Used) (ITE Code: 841)	54	5	11

Transportation Infrastructure Analysis:

The subject parcel to be rezoned is located at South West corner of the intersection on Shell Point Road and U.S 41 in Ruskin. Only one access is allowed on Shell Point Road.

Shell Point Rd is a 2-lane, undivided, collector roadway characterized by +/- 12 foot travel lanes. There are no sidewalk on the side of the project. No bike lanes Shell Point Rd in the vicinity of the proposed project. Adjacent to the project site, Shell Point Road lies within a +/- 64 foot wide right-of-way. The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.

Shell Point Rd is identified on the Hillsborough Corridor Preservation Map as a 2 lane enhanced road which makes the standard Right of Way width needed 64 Ft + 12 Ft= 76 ft. As Shellpoint Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.

➤ Site Access Analysis:

Primary vehicular and pedestrian access to the site will be from the existing driveway on Shell Point Rd. Second exiting access on Shell Point Rd will be closed. No access is proposed on U.S 41.

No turn lanes are warranted based on the trip generation and trip distribution.

Transportation Comment Sheet

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

ation	Current Conditions	Select Future Improvements
Collector	2 Lanes ☐ Substandard Road ☐ Sufficient ROW Width	 ☑ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other
	Collector	Collector Substandard Road

Project Trip Generation ☐ Not applicable for this request				
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips			
Proposed	54	5	11	

^{*}Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access ☐ Not applicable for this request					
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding	
North	Х	None	None	Meets LDC	
South		None	None	Meets LDC	
East		None	None	Meets LDC	
West	X	None	None	Meets LDC	
Notes:					

Design Exception/Administrative Variance ⊠ Not applicable for this request				
Road Name/Nature of Request Type Finding				
	Choose an item.	Choose an item.		
Notes:				

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
☐ Design Exception/Adm. Variance Requested☐ Off-Site Improvements Provided	☐ Yes ☐ N/A ☒ No	⊠ Yes □ No	See report.	

COMMISSION

Lesley "Les" Miller, Jr., Chair Victor D. Crist, Vice-Chair

Ken Hagan Al Higginbotham Pat Kemp Sandra L. Murman Stacy White



EXECUTIVE DIRECTOR

Janet L. Dougherty

DIVISION DIRECTORS

Hooshang Boostani, P.E. Sam Elrabi, P.E. Andy Schipfer, P.E. Richard Tschantz, Esq. Sterlin Woodard, P.E.

AGENCY COMMENT SHEET

REZONING			
HEARING DATE: July 16, 2018	COMMENT DATE: May 17, 2018		
PETITION NO.: 18-0798	PROPERTY ADDRESS: 108 N 41 Hwy, Ruskin		
EPC REVIEWER: Rose O'Donovan	FOLIO #: 055805-0000		
CONTACT INFORMATION: (813) 627-2600 X1360	STR: 08-32S-19E		
EMAIL: odonovanr@epchc.org			

REQUESTED ZONING: RTC-1 to PD

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

INFORMATIONAL COMMENTS:

Wetlands Management Division staff of the Environmental Protection Commission of Hillsborough County (EPC) reviewed aerials of the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. The aerial review revealed that no wetlands or other surface waters exist within the above referenced parcel.

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

Reo/mst



AGENCY REVIEW COMMENT SHEET

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

TO: Zoning Review, Development Services DATE: 04/05/2022

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Johnson Pope Bokor Ruppel & Burns LLP **PETITION NO:** 18-0798

LOCATION: 108 N Hwy 41

FOLIO NO: 055805.0000

Estimated Fees:

(Various use types allowed. Estimates are a sample of potential development)

 Industrial
 Retail - Shopping Center
 Warehouse

 (Per 1,000 s.f.)
 (Per 1,000 s.f.)
 (Per 1,000 s.f.)

 Mobility: \$3,807.00
 Mobility: \$12,206.00
 Mobility: \$1,239.00

Fire: \$57.00 Fire: \$313.00 Fire: \$34.00

Retail - Fast Food w/Drive Thru Multi-Family (1-2 story, 1,200 s.f.)

(Per 1,000 s.f.) Per Unit

Mobility: \$94,045.00 Mobility: \$5,995 Fire: \$313.00 Parks: \$1,555

School: \$3,891 Fire: \$249

Project Summary/Description:

Urban Mobility, South Fire - Commercial General - non-specific; and Multi-Family units (no quantity specified)

AGENCY COMMENT SHEET

TO:	Zoning/Code Adm	inistration, Development	Services Department
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FROM: **Reviewer:** Joe Gross **Date:** August 13, 2018

Agency: Natural Resources **Petition #:** RZ-18-0798

(X) This agency has **no objections**

() This agency has no objections, subject to listed or attached conditions

() This agency objects, based on the listed or attached issues.

1. The planting of required trees shall be sensitive to overhead electric utility lines. Trees that exceed a mature, overall height of 20 feet shall not be planted within 30 feet of an existing or proposed overhead electric utility line.

AGENCY REVIEW COMMENT SHEET

TO:	ZONING TECHNICIAN, Planning Growth Manag	gement	DATE: 4 May 2018			
REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management						
APPI	APPLICANT: Mark Bentley PETITION NO: RZ PD 18-0798					
LOC	ATION: 108 N US HWY 41, Ruskin, FL 33570					
FOLI	IO NO: 55805.0000	SEC: <u>08</u>	TWN: <u>32</u> RNG: <u>19</u>			
	This agency has no comments.					
	This agency has no objection.					
	This agency has no objection, subject to listed o	r attached	d conditions.			
	This agency objects, based on the listed or attac	ched condi	litions.			
COMMENTS:						



Hillsborough Area Regional Transit Authority (HART) AGENCY COMMENT SHEET

TO: ZONING TECHNICIAN, Hills	porough County Development Services
FROM: Linda Walker	Date: May 2, 2018
PETITION NO.: RZ18-0798	Mobility Fee Benefit District: 4
PROPOSED PROJECT: Cuculich Proj	perty
GENERAL LOCATION: Bordered by	US 41, Shell Point Rd, 1st St NW, & 1st Ave NW
Folio No.: 55805-00000	
☐ This agency has n	o comment.
□ This agency has n	o objections.
☐ This agency has n	o objections, subject to listed or attached conditions.
☐ This agency object	ts, based on the listed or attached issues.
PUBLIC TRANSPORTATION SE	RVING THE LOCATION
Route(s)	
Route 31- South Hillsborough County	(Westfield Brandon Town Center to Ruskin)
Nearest Transit Corridor(s): U.s	6. Hwy 41

Distance to the nearest Stop Location/ Park and Ride: The nearest stop is 18 yards on the SEC US Hwy 41 & Shell Point Road. The Apollo Beach –Winn Dixie Park-N- Ride is approximately 2.6 miles away at the Southshore Regional Service Center- 410 30th Street.

ACCESSIBILITY TO PUBLIC TRANSPORTATION/ALTERNATIVE TRANSPORTATION

No Objection. - HART concurs with the Hillsborough County Land Development Code requirements for pedestrian/ADA travel.

VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	X
IN RE:)
ZONE HEARING MASTER HEARINGS)
	\times

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, May 16, 2022

TIME:

Congluding at 10:14 p.m.

Concluding at 10:14 p.m.

PLACE:

Robert W. Saunders, Sr. Public

Library

Ada T. Payne Community Room

1505 N. Nebraska Avenue Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

Executive Reporting Service

Page 1 HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS 2 ZONING HEARING MASTER HEARINGS May 16, 2022	23
BOARD OF COUNTY COMMISSIONERS 2 ZONING HEARING MASTER HEARINGS	
2 ZONING HEARING MASTER HEARINGS	
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ZONING HEARING MASTER: SUSAN FINCH 4	
5	
B1: 6 Application Number: RZ-PD 18-0798	
Applicant: Johnson Pope Bokor Ruppel &	
7 Burns, LLP 63' SW of Intersection: E.	
8 Shell Point Rd. & N. US Hwy Folio Number: 055805.0000	1
9 Acreage: 0.52 acres, more or less Comprehensive Plan: OC-20	
10 Service Area: Urban	
Existing Zoning: RTC-1, 07-0517 11 Request: Rezone to Planned Development	-
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Executive Reporting Service

Page 24 MR. GRADY: The first item on tonight's 1 2 agenda is item B-1, Rezoning-PD 18-0798. applicant is Johnson, Pope, Bokor, Ruppel & Burns, LLP. 4 5 The request is rezoning from RTC-1 to 6 Planned Development. This was a remanded case that was heard -- remanded a couple of times back to the 8 Zoning Hearing Master Hearing. 9 I will note I did hand out a revised staff report that I neglected to include information 10 regarding the second remand. So there's additional 11 12 information in that report addressing the second 13 remand and the information regarding the -- the 14 Ruskin Plan -- Community Plan profile that was the 15 subject of the second remand. 16 And I'll provide staff recommendation after 17 presentation by the applicant. 18 HEARING MASTER FINCH: Good evening. 19 MR. BENTLEY: Good evening, Ms. Finch. My 20 name is Mark Bentley, 401 East Jackson Street, 21 Tampa, 33602, representing the applicant. 22 Before I get started, can you stop the timer? 23 I just want to hand out a couple of documents. 24 HEARING MASTER FINCH: Sure. Absolutely. 25 MR. BENTLEY: My name is Mark Bentley. Do I

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have to turn this on? Using up all my time turning on the buttons here. But the client's seeking a rezoning from RTC-1 to Planned Development to allow for auto sales, which is a prohibited use in the

RTC-1, along with all RTC-1 uses.

What we're proposing this time is that the auto sales would be limited to a duration of five years. After that, it would terminate, and any subsequent use, other than auto sales, would have to fully comply with the RTC design standards.

And that's -- includes probably in this situation, demolition of the buildings, et cetera. It's kind of starting over because that's kind of the focal point of noncompliance with respect to the RTC is the location of the building and the width, which causes the parking to front U.S. 41.

So what I have here -- can we turn this on?
HEARING MASTER FINCH: I see it.

MR. BENTLEY: Okay. This is in the record and this is the proposed design we came up with working with staff. You can see that we -- I'll just get to the point is that to the extent we could comply with the RTC, this is it right here in terms of buffering and screening.

The auto display area, which staff

Executive Reporting Service

characterized as parking, it's really not. It's
where you store the inventory. Also, we agreed to
dedicate to the County 8 feet of right-of-way on
Shell Point Road, which has an estimated cost of
about \$50,000.

So I will -- this is the existing condition, more or less. This aerial is a little bit dated.

And this is from the staff report, and this shows the general area.

And, Ms. Finch, what I point out to you is this is the subject property, obviously, right here. This property went through redevelopment by attorney Mr. Santiago, and he converted from a real estate office showroom to an attorney's office and emergency center.

And it's my understanding he didn't have to go through any RTC, and you can see his parking is on the side of the building. So in this general area here, the only RTC compliant property is this building right here, and that's the Family Dollar store. But that — that business had to obtain two variances from the RTC.

So to the extent any building would be compliant with the RTC, this one would be it. The Family Dollar, obviously, fully compliant because

it was new construction but for the two variances and then my client's property.

So the PD -- the PD does not require compliance with the RTC, although staff is applying it across the board to our situation. Exhibit 1, the staff had requested during our counseling session that we try and -- to the extent possible to implement the RTC design standards.

When the Board adopted the RTC in 2005, it did not contemplate that owners would be required to demolish structures upon a change of use in order to comply with the RTC. Obviously, the community would not have signed off on that.

And the intent was for new construction to meet the RTC, not retrofitting. So when you peel away all the analysis in both Planning Commission's report and Development Services', the real issue here is in terms of compatibility with the use.

However, we address and mitigate that by having the use amortized out by five years. So auto sales would be a temporary use. This would allow our client to recoup his investment in the property and is goodwill established in the neighborhood.

I'd also mention most of his clientele are

lower income people who live in the immediate
vicinity of subject property, our repeat customers.

We also -- the client would also comply with the
RTC per the site plan to the extent possible for
the auto sales and there be a condition that any
new use comply. And that's in the conditions with
the RTC as a permitted use and with respect to
design.

And here again, remember that but for the RTC, when the change occurred in 2005, auto sales is allowed in CG. And if you read the RTC, it says, RTC allowable uses. It says essentially -- and I'm paraphrasing -- CCG.

Then a little further in the RTC section, it says, By the way, here's a list of prohibited uses, and one of them is auto sales and one is motor vehicle repair.

Tab two, notably the County's then senior official before Brian got promoted advised the Board at its October 2018 hearing on this case that -- and this is tab 2, and I quote, In the PD proposal, the applicant from a design perspective doesn't significantly deviate from the RTC.

In the proposal, at least in our estimation, what it does is it addresses the existing condition

in terms of building placement, capacity, the setbacks that are required and recognizes that in existing condition and then also establishes how to deal with if the use has changed in the future; i.e., new construction.

We believe that in that element of the proposal that the applicant has done a sufficient job of addressing that where we deviate is on the issue of use.

So Mr. Moreda advised the Board, the way I interpret it, is that he agreed that we met the spirit and intent of the RTC to the extent we could, but they just have a problem because the use is prohibited.

There was a zoning interpretation, which I think you're somewhat familiar with, issues in 2014 that concluded that auto sales was not allowed at the property as it was not the existing principal use upon the effective date of the RTC ordinance, which was 2005.

But then it goes on to say in the same zoning interpretation, by the way, automobile repair is a existing lawful use and under the lawful use as opposed to nonconforming use standard in these special districts, that's a use that is in

there in perpetuity. It's not subject to the amortization provisions or the acts of God provision, the 180 days, and that type of thing.

So that being said, motor vehicle repair per this interpretation was established as a lawful use at the time property was rezoned. So I just want to make that clear on the record, especially to the board.

Maybe some of the members aren't familiar with this; that the County authorized a prohibited use as an existing lawful use; that per staff is incompatible with the RTC and notably may remain its current condition without any compliance toward RTC standards in perpetuity doesn't have to comply with any design standards.

So what's more desirable temporary use that Mr. Moreda indicated fulfills the intent of the RTC or an auto repair. It does not have to meet the RTC standards at all. Excuse me.

Tab 5, these are in the record from last time. I just want to bring to your attention again -- is up. The time we got the zoning interpretation 2014, the evidence and documents we had was somewhat lacking in that the prior owner of the business there threw out all his books and

1 records he had testified.

So what we did at the last hearing was we had testimony and affidavits in the record -- and these are in tab 5 -- from people who either bought cars there or worked there or had businesses in the area and they were Buddy Harold, Ted Pieta, Donna Pieta, Lee Davis, and Steven Cuculich.

And they gave sworn testimony that auto sales was an existing lawful use for several years at that location. Talk about the staff report. It mentions on page 8, second paragraph that, quote, the applicant is seeking relief from the standards and has proposed alternative designs.

Here again, we're rezoning to PD. We're not seeking relief from RTC. You know, it's a separate zoning district. There's an accommodation to staff and to try to be compatible to the extent we can, we agreed to incorporate the RTC design standards.

I just want to make it clear that we are a separate zoning district, and that's pretty important because you'll see in a second that the County's allowed in similar situation in the RDD, the Brandon Town Center, I guess, allowed PDs to go in there, okay, and kind of call it zone out of those districts like the RTC.

Then on page 8 of the staff report, it talks about we can't meet design standards pertains to surface parking lot. Here again, you know, it's actually inventory area. It's not a parking lot in the traditional sense. And auto sales, that's how you sell cars; you have the cars displayed.

And then staff on page 9, staff report mentions Family Dollar, and it said it met design standards for RTC, and then it mentions one variance, and here again, that project had to get two.

There was a second RTC project. It was

AutoZone in Variance 18-0539 had to get a variance
to meet RTC as well. So it appears in, roughly,

17 years since the adoption of the RTC is that
there have been two new projects. I could be wrong
on that. And both projects required variances from
the RTC to proceed.

Planning Commission report, it mentions it wasn't -- it mentions the Ruskin Community Plan profile, which copy which I gave you, and Brian modified the staff report to reference that as well.

And the Board had told me once when I was before them on this case is that it was

understanding that a plan was being promulgated, and there might be some information that might be helpful to my case or at least take a look at.

So when I got the remand, this was being prepared, and it might have been completed. It's been so long now. And so -- but you can see in the Planning Commission reports, it's because it wasn't formally adopted, they didn't apply it to the subject property.

But we did an analysis because it was -- it was prepared by strategic planning, and Wade Trim, Professional Planning Consultants. It has a lot of good information, and we're relying on that as part of our presentation as well.

So the Planning Commission says, it concludes that there's inconsistency because of the design of the site is still too much of a deviation from the Ruskin Community Plan.

So it's kind of a too much -- I'm not sure what that means, but, you know, my response would be in light of the fact that this would be the most RTC-compliant use in the area but for Family Dollar and AutoZone in 17 years. And the fact that any other use must fully comply with the RTC design standards besides auto sales is too much conclusion

is somewhat illogical and unreasonable.

And, perhaps, the Planning Commission wasn't aware that if auto sales ceases at the PD, you must fully comply with the RTC, and I don't think they're aware that motor vehicle repair was allowed as a existing lawful use at the subject property.

There's the issue of PD and special zoning districts, and I take you to tab 7. I know I'm running out of time here. But staff supported allowing a prohibited use through a PD in the RDD, RW.

And in that case -- and, in fact, you presided as the Hearing Officer, which allowed a nursing extended care through a PD. It's the Riverview Downtown Development District prohibited that use.

In tab 8, another case dealt with design standards, another PD in special districts in Brandon. Tab 9, letters in support. Tab 10, planning reports by Ty Maxey. I wanted to get those in the records.

And Mr. Maxey's report has a response to all the design criteria, if you wouldn't mind taking a look at that. He goes through each criteria one by one and provides a response. In a strategic plan

analysis, although not adopted, this plan lends significant support for our proposal and need for small independent businesses in the area where there's high minority population and lower income community and other small businesses.

Our analysis of compliance is on the inside of the binder. It was prepared by Mr. Ryan Manasse. He's a planning director for Johnson Pope. So it's just in the inside pocket.

I have the proposed conditions, which I handed out to you if you have any questions. You can see condition No. 1 relates to the five-year limitation on auto sales, and then Condition 2 says after that, everything else has to fully comply with the RTC. And that'll do it, unless you have any questions.

HEARING MASTER FINCH: I do. I do have questions.

MR. BENTLEY: Sure.

HEARING MASTER FINCH: So I'm reading in the -- took me a little bit to go back because, obviously, I've heard this case. This is the second remand -- and went back through the record and my prior recommendations and so forth.

And so I see the last time it went to the

Page 36 Board of County Commissioners on December 20th, 1 2 2019, if that's accurate. That's the change in the staff report, 2019. It was remanded at the request 4 of the applicant to provide consideration of their 5 Ruskin community profile, which I see that you've submitted in the binder. 6 The most obvious question is now in 2022, 8 what has happened between that request for remand in 2019 to today? 9 MR. BENTLEY: Well, what's happened is there 10 11 was litigation associated with these applications 12 or the zoning interpretation which caused, you 13 know, the courts and the pandemic, et cetera. 14 Then we weren't sure of the status of that 15 report, if it was going to be adopted or not. 16 So -- and I guess you could say what happened is, 17 then we came up with this idea, maybe the five-year 18 amortization to allow the client to recoup the 19 investment. 20 So that's kind of -- we came to that. 21 terms of my presentation tonight, I thought it was 22 fair to kind of go over things in its entirety by 23 virtue of the fact that there are new staff 24 reports, and they reference that strategic plan 25 even though they say we're not going to really

Page 37 consider it. You know, that was news to me that 1 2 they wouldn't consider it when I got the staff report last week. So that pretty much sums it up. 4 HEARING MASTER FINCH: Okay. Is the -- the revised or the proposed zoning conditions that you 5 6 submitted into the record tonight, the five years 7 that the use would go away -- the existing car lot 8 sale would go away, was that discussed with County Staff or prior to tonight? 9 MR. BENTLEY: No. What I did is, the client 10 kind of struggled with that. Obviously, he didn't 11 want to limit it to five years. He's built up a 12 13 pretty successful business down there in the 14 community, and it's something I suggested to him 15 and he agreed to yesterday. 16 So I sent an e-mail to Mr. Grady, and he was 17 kind enough to respond. And I think I sent it to 18 him yesterday, and I'm sure Brian didn't see it 19 until this morning. So that's the explanation 20 behind that. 21 HEARING MASTER FINCH: Okay. Let me just check --22 23 MR. BENTLEY: And we thought five years 24 would be reasonable because what he wants to do --

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he's developed such goodwill down there in the

	Page 38
1	community and customer base, he wants to find
2	property outside the RTC where he can have the auto
3	sales, and he doesn't have to go too far because
4	his property is probably the last one south on the
5	west side. And when you go further south, there's
6	some opportunities. So he's trying to scout towns.
7	So we thought there was a reasonable period
8	of time for him to locate property, build a new
9	building, et cetera.
10	HEARING MASTER FINCH: Is there a Code
11	Enforcement case on the property?
12	MR. GRADY: No.
13	HEARING MASTER FINCH: Was there ever?
14	MR. BENTLEY: Yeah.
15	HEARING MASTER FINCH: And that's been
16	resolved?
17	MR. BENTLEY: Well, it's not active.
18	HEARING MASTER FINCH: All right. So it was
19	closed?
20	MR. BENTLEY: Yes.
21	HEARING MASTER FINCH: Okay. Perfect.
22	MR. BENTLEY: I can't say as of today. I
23	haven't looked on is it Optix?
24	HEARING MASTER FINCH: Yes.
25	MR. BENTLEY: I haven't looked on it, but

Page 39 last time I looked, there was no active case. 1 HEARING MASTER FINCH: All right. you. That's the end of my questions. If you 4 could, please, sign in. 5 MR. BENTLEY: Thank you. Sure. 6 HEARING MASTER FINCH: Thank you so much. 7 We'll hear from Development Services. 8 MR. GRADY: Brian Grady, Hillsborough County Development Services. 9 The request is to rezone a .52-acre parcel 10 11 from RTC-1 to Planned Development to allow use 12 permitted under the RTC-1 zoning district and motor 13 vehicle sales, which is a permitted use in RTC-1. As was discussed, this was remanded twice 14 15 from the Board of County Commissioners. The first 16 time to allow for further review discussion with 17 representative of Ruskin Community, which I believe 18 did occur during that first remand. 19 The second remand as referenced was to --20 requested by the applicant to provide additional 21 consideration in the Ruskin Community profile. 22 As noted by the applicant that since the 23 most recent -- since the previous Zoning Hearing 24 Master Hearing, no specific changes in the request 25 has been made other than the recent proposed

Page 40 changes that he submitted tonight regarding 1 limiting the use of this -- the vehicle sales for five years and relinquishing the ability to do auto repairs pursuant to the referenced zoning 5 interpretation. 6 But principally, the main use that they're trying to get is, again, the car sales new and 8 used, which has not changed since prior hearings. With respect to the site plan, the only 9 10 changes since the last time that this appeared 11 before the Zoning Hearing Master is the applicant 12 did make some revisions to the plan to add 13 cross-access points and relocate some parking to 14 accommodate the cross access and then added 15 notations regarding providing for 8 feet of 16 right-of-way preservation area along the West Shell Point Road. 17 18 The revised report handed out today does 19 provide a summary of the Ruskin Community Plan 20 profile which provides information regarding build-out scenarios for certain areas of Ruskin. 21 22 Specifically Ruskin Town Center, College Avenue 23 corridor between U.S. 41 and I-75 and then also the 24 Southshore Corporate Park. 25 The report also contains community-wide

social and economic employment population,

infrastructure, community facilities -- community

facilities analysis and trends.

As noted, the Planning Commission did note that the report -- the Ruskin Community profile was not -- is not an adopted document, and they cannot use it in their analysis when they get land development regulations.

Again, given that the use has not changed, staff's analysis and nonsupport with respect to compatibility and compliance with the Ruskin Community Design standards remain as previously noted.

I will note that in response to the applicant's reference to staff's presentation or prior board meetings, I think, again, that was in recognition of the applicant's effort to attempt to comply as best they could with the standards of the Ruskin Community Design Standards given the existing use and trying to accommodate the existing use.

I will note that it is standard practice when a parcel has one of these special zoning districts whether here or -- as he referenced, you know, the Riverview uptown-downtown districts and

similar districts, as standard practice, that if you're not permitted from zoning out of that district, that that zoned district staff does look to those standards from a general compatibility and inconsistency with the intent of the requirements that promulgated the rezoning of those districts.

So we generally will apply those standards and look to those and -- and ask, you know -- work with the applicant to provide justification for seeking relief from those standards. So that's not uncommon.

And -- but again, each one is handled on a case-by-case basis to whether or not ultimately staff would support those proposed changes. And, again, in this instance, as noted in this report -- prior reports, we did not find the use consistent with the intent of the Ruskin Community Plan and RTC development requirements as adopted in the Land Development Code.

And the use is not consistent with the surrounding development pattern as would be allowed under the RDC-1, which is the surrounding districts to this proposal.

Therefore, overall, staff does not find the request supportable. I will note with respect to

Page 43 the proposed condition regarding the limitations of 1 the five years -- and if you have any further questions on this, I'm sure County Attorney can weigh in on this also. 5 But from our perspective, from a 6 compatibility standpoint notwithstanding the limitation of five years, we still -- you know, 8 capability is still relevant whether or not the use is there for five years or in perpetuity or for ten 9 years or, you know, that compatibility analysis is 10 11 still relevant. So from our perspective, it 12 doesn't change our analysis. Thank you. 13 HEARING MASTER FINCH: So that was -- that was the point of my question -- the latter part of 14 15 your testimony. 16 So in summary, the County's position is that 17 the proposed use or the existing use that they 18 would like to recognize of motor vehicle sales is 19 inconsistent with the development pattern in the 20 area? 21 MR. GRADY: Correct. 22 HEARING MASTER FINCH: Okay. And that the 23 five years -- the proposed five years transition to 24 recognize that for five years and then have it be 25 removed does not change your staff's opinion --

Page 44 1 MR. GRADY: Correct. HEARING MASTER FINCH: -- recommendation? All right. Thank you so much. All right. We'll go to the Planning 5 Commission. 6 MS. LLANOS: Karla LLanos, senior planner with Planning Commission staff. The subject property has a Future Land Use designation of Official Commercial-20. It's within 9 the Urban Service Area and is within the Ruskin 10 Community Plan and the Southshore Community Plan. 11 12 The applicant requested a remand of Planned 13 Development 18-0798 at the October 9th, 2018, Board of County Commissioners Land Use Hearing-Meeting. 14 15 The Board approved this remand to be sent to the 16 November 19th, 2018, Zoning Hearing Master meeting for reconsideration. 17 18 The Board of County Commissioners approved a 19 second remand at their December 20th, 2019, Land 20 Use hearings to go before the Zoning Hearing Master 21 on January 21st, 2020. This remand was to address 22 the Ruskin community profile. 23 Since then, the application has been out of 24 order several times and subsequently been continued

by the applicant until now. The applicant is

Page 45 requesting a rezoning from Ruskin Town Center-1 to 1 Planned Development to allow for an existing vehicle sales business and other permitted RTC or Ruskin Town Center-5 It should be noted that the site underwent a zoning verification in 2014. It was determined by 6 the Development Services that the site failed to establish the motor vehicle sales was an existing lawful use. At the time of the establishment of the 10 Ruskin Town Center-1 zoning district, Planning 11 12 Commission staff stated in the staff report 13 specifically that the proposed development is not consistent with Policy 9.2. 14 15 The proposed development encourages strict 16 commercial, which is not envisioned in the Ruskin 17 Community Plan and is also consistent with 18 Objective 23 of the Future Land Use Element. 19 Planning Commission staff identified 20 screening issues. Though, the applicant is 21 providing an increased screening along the frontage 22 of the site and is also screening the waste storage 23 and the mechanical equipment area. 24 The proposed redesign still of this site is

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still too much of a deviation from that Ruskin

Page 46 1 Community Plan. Therefore, based on those considerations, Planning Commission staff finds the proposed 4 Planned Development inconsistent with the Future of 5 Hillsborough Comprehensive Plan for unincorporated 6 Hillsborough County. HEARING MASTER FINCH: Thank you very much. 8 I appreciate it. 9 All right. We'll go to proponents. Anyone 10 who would like to speak in support of this application? Is there anyone in the room that 11 12 would like to speak in support? Raise your hand. 13 Seeing no one, anyone online for support? 14 All right. And seeing no one, anyone in 15 opposition to this request? If you could raise 16 your hand, if you'd like to speak. So we have two 17 in the room. Anybody online is? No. 18 If you want to both come forward. You have 19 about -- we're going to split the time. 20 have about seven and a half minutes each. Start by 21 giving us your name and address, please. Good 22 evening. 23 MS. COUNCIL: Good evening. Sandy Council, 24 PO Box 1115, Ruskin, Florida 33575. 25 HEARING MASTER FINCH: Thank you.

MS. COUNCIL: I am president of the Ruskin

Community Development Foundation, and we are in

support of staff's recommendation, and we submitted

a letter to staff of August 13th, 2018.

Our position has not changed where we pointed out the reasons why we are not in support of this rezoning.

I would like to reread into the record one statement in this letter. The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied.

Community plans adopted into the County

Comprehensive Plan by the BOCC took months of

staff's time, community participation to develop,

and come to a consensus. While it is very clear

from the beginning, there was no funding attached

to these plans.

It was a realistic expectation of the people involved that the County would support the intent of the individual community plans and projects as they came forward, especially when there were inconsistencies.

Our position remains the same and, we ask that you continue to not support this or to deny this.

2.2

Page 48 HEARING MASTER FINCH: Thank you very much 1 2 for coming down. If you could, please, sign in with the clerk's office. 4 Good evening, sir. 5 MR. BREDBENNER: Good evening. William Bredbenner. I'm with also with the Ruskin 6 Community Development Foundation. I'm the treasurer. I reside at 109 2nd Street Northwest in Ruskin, Florida. 10 I do want to say as Ms. Council said, we do support the inconsistency and not moving forward 11 12 with it. We did try to work with them and with the 13 zoning department to see if there's a way we like, 14 to support business in the community but we also 15 need to preserve the RTC. 16 If there is any variance to that and this 17 opens -- opens this for anyone to apply for a Planned Development and pokes holes into the RTC 18 19 and sets precedent. So we want to see it as 20 preserved. 21 I would like it explored, as far as I'm, 22 aware and I just tried to check the -- the Optix, 23 the AutoZone is fully compliant. I'm not aware --24 we were not informed of any variances made for

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that, and it is an RTC-1, and I don't see anything

Page 49 in Optix that shows that they were -- that they 1 requested a variance, and I believe we would have been notified. So when it goes to Commission, I would like 4 5 for that to be in record. If there was a variance 6 granted, it's not one that Ruskin Community Development Foundation was aware of. 8 And in fact, I was using that as an example of what a compliant RTC-1 project should be. 9 driveway on the side, parking in the rear, and all 10 of their display windows along the frontage. They 11 12 even have an handicapped accessible walkway up the 13 front to the front door. Thank you. HEARING MASTER FINCH: Thank you so much for 14 15 coming down. If you could please sign in. 16 All right. I do not see anyone else to 17 testify in opposition. We'll go back to 18 Development Services. 19 Mr. Grady, anything further? 20 MR. GRADY: Nothing further. 21 HEARING MASTER FINCH: All right. 22 Mr. Bentley, you have five minutes for rebuttal. 23 MR. BENTLEY: With respect to this issue of 24 AutoZone, not that it's going to save the day here, 25 but it was not fully compliant with the RTC and was

Page 50 case number VAR 18-0539. That was a setback 1 variance. Also, like to get into the record the -- I 4 know it's there, but maybe -- I think it's probably 5 not that visible. Last time I looked at the 6 record, there's about 500 pages. But the zoning interpretation, which here 8 again states that the applicant proposes to reconfigure the land use from motor vehicle repair 9 10 use, which was established at the time the property 11 was rezoned. 12 So I think it's important that the Board 13 know in this situation that there's a balancing act 14 here; that they have the opportunity to limit an 15 ugly use as prohibited on the RTC in exchange for 16 temporary use -- a use doesn't comply, but it's 17 mitigated by compliance with the RTC design 18 standards to the extent possible. 19 And thereafter, any development at that key 20 corner in Ruskin would be completely RTC compliant. 21 And by that, we don't mean like try to retrofit. 22 We mean by clean slate, demolish the buildings on 23 the property and there be a complete redevelopment. 24 So that's what we're looking at. Give this 25 gentleman the opportunity to recoup his investment

Page 51 at the subject property. So I appreciate your 1 2 time. If you have any questions --HEARING MASTER FINCH: I do. On that point, 4 has this property error -- when did he buy the 5 property? How long has he owned it? 6 MR. BENTLEY: And here again, I'll just give you a rough time frame. Approximately 2013. 8 HEARING MASTER FINCH: Oh, 2013. Okay. So 9 you testified that the property was rezoned by the County to RTC in 2005? 10 MR. BENTLEY: Yeah. 11 12 HEARING MASTER FINCH: Okay. So he bought 13 it under the RTC category? 14 MR. BENTLEY: Yeah. But here's -- here's, I 15 guess, the major optics to give you a complete 16 answer is when they did the area-wide zoning, okay, 17 the owner of the property testified and submitted 18 an affidavit that on area wide, you don't get direct notice. 19 20 So the way the RTC is drafted -- and this 21 come up with a lot of other owners, apparently, who 22 caught wind after the fact when the RTC was 23 adopted, when you read it, it says, All CG uses, 24 which made auto sales and auto repair that 25 sanctioned that under the RTC.

Page 52

But when you go a few pages in -- this is by

the way, here are prohibited uses -- that wasn't

really advertised. Okay. First of all, in the

advertisement and second of all, your typical

layperson is not going to know that, hey, I got to

So everybody was proceeding in good faith and thought the use -- the uses were fine, you

here that are prohibited.

HEARING MASTER FINCH: And that -- that was an issue that was brought up, as I recall, in your zoning interpretation request? That -- that argument?

look a little further because there's 10 or 12 uses

MR. BENTLEY: Yeah. It's been brought up.

I mean, it's -- I mean, you do this for a living.

It's a pretty legitimate fair argument, you know,
especially for a layperson that's not following the

Tampa Tribune.

And, actually, the ordinance that adopted the RTC didn't just adopt the RTC, it adopted several of these different -- I'll call them overlay districts.

So you really had to be on the ball to figure out that you're going to be an affected

know.

Page 53 1 property owner in the Ruskin area on 41. HEARING MASTER FINCH: Let me ask Mr. Grady one question, and then I will let you have the last word. 4 5 Mr. Grady, regarding that zoning interpretation from 2014, I believe? 6 MR. BENTLEY: Yes. 7 8 HEARING MASTER FINCH: Correct. 2014. Mr. Bentley's argument and applied for the zoning 9 interpretation, that interpretation by the -- thank 10 you -- was that -- is that something -- that's, 11 12 obviously, in the record, but -- okay. Perfect. 13 That interpretation was denied by the zoning 14 administrator and appealed to the Land Use Hearing 15 Officer who upheld the zoning administrator's 16 opinion to deny the requested -- the request that 17 the vehicle sales use be permitted; is that 18 correct? 19 MR. GRADY: Yes. HEARING MASTER FINCH: All right. Is there 20 21 anything you want to add to that discussion before 22 I go --23 MR. GRADY: Nothing further. 24 HEARING MASTER FINCH: All right. 25 Mr. Bentley, I'll give you the last word.

	Page 54
1	MR. BENTLEY: No. I don't want to beat a
2	dead horse.
3	HEARING MASTER FINCH: Okay.
4	MR. BENTLEY: Thank you. Appreciate it.
5	HEARING MASTER FINCH: With that we'll
6	reclose, Rezoning 18-0798 and go to the next case.
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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARINGS)
) X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY

Land Use Hearing Master

DATE:

Monday, April 18, 2022

TIME:

Commencing at 6:00 p.m.

Concluding at 7:37 p.m.

PLACE:

Robert W. Saunders, Sr. Public

Library

Ada T. Payne Community Room

1505 N. Nebraska Avenue Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

Page 8 was kind of short, Mr. Grady. Thank you, go ahead. 1 MR. GRADY: Those are the two changes on the published agenda. Now I'll go through the published withdrawals and continuances beginning on 5 page 4 of the agenda. 6 The first item is item Rezoning-PD 18-0798. This application is out of order to be heard and is 8 being continued to the May 16, 2022, Zoning Hearing Master Hearing. 9 Item A-2, Rezoning-PD 20-1142. 10 application has been continued by the applicant to 11 12 the June 13, 2022, Zoning Hearing Master Hearing. 13 Item A-3, Rezoning-PD 20-1253. petition -- this application is out of order to be 14 15 heard and is being continued to the May 16, 2022, 16 Zoning Hearing Master Hearing. 17 Item A-4, Major Mod Application 21-0963. 18 This application is out of order to be heard and is being continued to the May 16, 2022, Zoning Hearing 19 20 Master Hearing. 21 Item A-5, Major Mod Application 21-1270. 22 This application is out of order to be heard and is 23 being continued to the May 16, 2022, Zoning Hearing 24 Master Hearing. 25 Item A-6, Rezoning-PD 21-1321.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, December 13, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:10 p.m.

PLACE:

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Page 8 1 page 4 of the agenda. 2 The first item is item A-1, Rezoning-Planned Development 18-0798. This is being continued to the April 18th, 2022, Zoning Hearing Master 4 5 Hearing. 6 Item A-2, Rezoning-PD 20-1253. This is 7 being continued to the -- by the applicant to the 8 January 18, 2022, Zoning Hearing Master Hearing. 9 Item A-3, Rezoning-PD 21-0110. application is out of order to be heard and is 10 being continued to the January 18, 2022, Zoning 11 12 Hearing Master Hearing. 13 Item A-4, Rezoning-PD 21-0647. 14 application is being continued by the applicant to 15 the January 18, 2022, Zoning Hearing Master 16 Hearing. 17 Item A-5, Rezoning-PD 21-0701. This 18 application is being continued by the applicant to the January 18, 2022, Zoning Hearing Master 19 20 Hearing. 21 Item A-6, Rezoning-PD 21-0744. This 22 application is being continued by the applicant to the January 18, 2022, Zoning Hearing Master 23 24 Hearing. 25 Item A-7, Rezoning-PD 21-0745.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, November 15, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 9:16 p.m.

PLACE:

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Page 6 in as part of the agency review. So in order to 1 give ample time for the applicant to respond, that we're asking for the item be continued. 4 HEARING MASTER FINCH: Okay. Is the 5 applicant here? 6 MR. GRADY: I'm not sure if they are. 7 HEARING MASTER FINCH: Is there anyone here 8 that was hoping to address item D-2 on page 8? It's Major Modification Application 21-1090. 9 Anybody in the audience or online? No. All right. 10 11 Seeing none, then we will continue Major 12 Modification 21-1090 to the December 13th, 2021, 13 Zoning Hearing Master Hearing at 6:00 p.m. MR. GRADY: And the other change on the 14 15 published agenda is on page 4, item A-6, 16 Rezoning-PD 21-0650. This is from the continuance 17 section. This applicant is now being withdrawn 18 from the Zoning Hearing Master process. And so it's on page 4, item A-6, Rezoning-PD 21-0650. 19 20 That's the only change to the agenda. 21 will now go through the published withdrawals and 22 continuances beginning on page 4 of the agenda. 23 The first item is Rezoning-PD, Planned 24 Development 18-0798. This application is out of 25 order to be heard and is being continued to the

	Page 7
1	December 13th, 2021, Zoning Hearing Master Hearing.
2	Item A-2, Rezoning-PD 20-1253. This
3	application is being continued by staff to the
4	December 13, 2021, Zoning Hearing Master Hearing.
5	Item A-3, Rezoning-PD 21-0222. This
6	application is being continued by the applicant to
7	the December 13th, 2021, Zoning Hearing Master
8	Hearing.
9	Item A-4, Rezoning-PD 21-0626. This
10	application is out of order to be heard and is
11	being continued to the December 13, 2021, Zoning
12	Hearing Master Hearing.
13	Item A-5, Rezoning-PD 21-0647. As I noted,
14	this item is out of order to be heard and is being
15	continued to December 13, 2021, Zoning Hearing
16	Master Hearing.
17	As noted in the changes to item A-6, PD
18	21-0650 has been withdrawn.
19	Item A-7, Rezoning-PD 21-0701. This
20	application is out of order to be heard and is
21	being continued to the December 13, 2021, Zoning
22	Hearing Master Hearing.
23	Item A-8, Rezoning-PD 21-0744. This
24	application is being continued by the applicant to
25	the December 13, 2021, Zoning Hearing Master

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY and SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, October 18, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:33 p.m.

PLACE:

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	Page 8
1	wishes to speak in support or opposition to this
2	item Rezoning 21-0962, the request for continuance?
3	Anyone to speak on this item?
4	Okay. Don't hear anyone. The continuance
5	is granted, and Rezoning 21-0962 is continued to
6	the December 13, 2021, Zoning Hearing Master
7	meeting.
8	MR. GRADY: And the final change on the
9	agenda is on page 5, A-16, Rezoning-PD 21-1076.
10	The applicant's Lark Ventures.
11	This application is being withdrawn from the
12	Zoning Hearing process. Again, this item on page
13	5, item A-16 is being withdrawn.
14	That concludes the changes to the agenda. I
15	will now go through the published withdrawals and
16	continuances beginning on page 4 of the agenda.
17	First item is A-1, Rezoning-PD 18-0798.
18	This application is out of order to be heard and is
19	being continued to the November 15, 2021, Zoning
20	Hearing Master Hearing.
21	Item A-2, Rezoning-PD 20-1142. This
22	application is out of order to be heard and is
23	being continued to the January 18, 2022, Zoning
24	Hearing Master Hearing.
25	Item A-3, Major Mod Application 21-0316.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, September 13, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:36 p.m.

PLACE:

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(800) 337-7740

Page 8 1 HEARING MASTER FINCH: All right. 2 enough. Is there anyone in the room or online that would like to speak to the continuance of agenda 4 5 item D-11, which is Major Modification 21-0884? Anyone in the room or online? 6 Seeing no one, anyone online? There's no 7 one, Mr. Grandoff. All right. Then with that, we 8 9 will continue Major Modification 21-0884 to the 10 October 18th, 2021, Zoning Hearing Master Hearing at 6:00 p.m. 11 12 MR. GRANDOFF: Thank you very much. 13 MR. GRADY: I'll now go through the 14 published withdrawals and continuances beginning on 15 page 4 of the agenda. 16 First item is A-1, Rezoning-PD 18-0798. 17 This application is out of order to be heard and is 18 being continued to the October 18, 2021, Zoning 19 Hearing Master Hearing. 20 Item A-2, Rezoning-PD 20-1142. application is out of order to be heard and is 21 22 being continued to the October 18, 2021, Zoning 23 Hearing Master Hearing. 24 Item A-3, Rezoning-PD 21-0113. This application is out of order to be heard and is 25

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY and SUSAN FINCH

Land Use Hearing Masters

DATE:

Monday, July 26, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 8:34 p.m.

PLACE:

Appeared via Cisco Webex

Reported By:

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Executive Reporting Service
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Page 6 Hearing. Madam Hearing Officer, there's some 1 late-filed information that was -- that was placed into the file that did not provide sufficient time 4 for both the staff and the applicant to react to. 5 So, therefore, we're requesting this 6 continuance in order to allow a proper review of that information in preparation for the August 16th 8 hearing. The applicant does not object to the continuance. 10 The other change on the agenda is just a clerical clarification on page 5 of the published 11 12 withdrawals and continuances. Item A-13, Rezoning 13 Application-PD 21-0420, 2nd Wave Development, LLC. 14 This is listed as an applicant-requested 15 continuance, and actually, it was a staff-requested 16 continuance to the August 16th, 2021, Zoning 17 Hearing Master Hearing. 18 That concludes the changes to the published 19 agenda. I will now go through the published 20 withdrawals and continuances beginning on page 4 of 21 the agenda. 22 The first item is item A-1, Rezoning-PD 23 18-0798. This application is out of order to be 24 heard and is being continued to the September 13th,

2021, Zoning Hearing Master Hearing.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, June 14, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:36 p.m.

PLACE:

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Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

	Page 14
1	Pressman, 200 2nd Avenue South, No. 451,
2	St. Petersburg.
3	We received quite a number of comments from
4	the zoning and Planning Commission staff, and we
5	are just starting to respond to those. We're going
6	to make some significant changes primarily
7	architecturally to the site and have a chance to
8	respond to those.
9	So we'd like to ask for 60 days in order to
10	try and bring the site at a more comparable level
11	for the staffs.
12	HEARING MASTER FINCH: All right. Thank you
13	so much.
14	Is there anyone in the audience or online
15	that would like to speak to the continuance only of
16	Major Modification 21-0169; it's agenda item D-4?
17	Seeing no one, we'll continue Major
18	Modification 21-0169 to August 16th, 2021, at
19	6:00 p.m.
20	MR. GRADY: That concludes changes to the
21	agenda. I'll now go through the published
22	withdrawals and continuances beginning on page 4 of
23	the agenda.
24	The first item is item A-1, Rezoning-PD
25	18-0798. This application is out of order to be

	Page 15
1	heard and is being continued to the July 26th,
2	2021, Zoning Hearing Master Hearing.
3	Item A-2, Major Mod Application 19-0521.
4	This application is out of order to be heard and is
5	being continued to the July 26th, 2021, Zoning
6	Hearing Master Hearing.
7	Item A-3, Major Mod Application 21-0116.
8	This application is being continued by staff to the
9	July 26th, 2021, Zoning Hearing Master Hearing.
10	Item A-4, Rezoning-PD 21-0220. This
11	application is being continued by the applicant to
12	the July 26th, 2021, Zoning Hearing Master Hearing.
13	Item A-5, Rezoning-PD 21-0221. This
14	application is out of order to be heard and is
15	being continued to the July 26th, 2021, Zoning
16	Hearing Master Hearing.
17	Item A-6, Rezoning-PD 21-0222. This
18	application is continued by the applicant to the
19	July 26th, 2021, Zoning Hearing Master Hearing.
20	Item A-7, Major Mod Application 21-0227.
21	This applicant is continued by staff to the
22	July 26th, 2021, Zoning Hearing Master Hearing.
23	Item A-8, Major Mod Application 21-0310.
24	This application is out of order to be heard and is
25	being continued to the July 26th, 2021, Zoning

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, March 15, 2021

TIME:

Commencing at 6:00 p.m. Concluding at 10:35 p.m.

PLACE:

Webex Videoconference

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

Page 6 1 be amended on the agenda. 2 The other change is a similar change to page 3 6, item C-3, Rezoning Standard 21-0242. Like the previous one, there was -- it's shown on the agenda 5 as a requested CG zoning, and the applicant has offered restrictions. So it's actually CG-Restricted zoning district. Those are the only two changes on the agenda. I'll now go through the published withdrawals and continuances beginning on page 4 of 10 11 the agenda. 12 The first item is Rezoning-PD 18-0798. 13 application is out of order to be heard and is 14 being continued to the June 14th, 2021, Zoning 15 Hearing Master Hearing. 16 Item A-2, Major Mod 19-0521. 17 application is out of order to be heard and is 18 being continued to the April 19th, 2021, Zoning 19 Hearing Master Hearing. 20 Item A-3, Rezoning-PD 19-1458. 21 application is out of order to be heard and is 22 being continued to the April 19th, 2021, Zoning 23 Hearing Master Hearing. 24 Item A-4, Major Mod Application 20-0290. 25 This application is being withdrawn from the Zoning

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	>
IN RE:)
ZONE HEARING MASTER HEARINGS)))
	>

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY

Land Use Hearing Master

DATE:

Monday, December 14, 2020

TIME:

Commencing at 6:00 p.m.

Concluding at 8:36 p.m.

PLACE:

Appeared via Webex videoconference

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

Page 8 1 HEARING MASTER HATLEY: Thank you. Item 20-1248 is continued to January 19th, 3 2021. MR. GRADY: All right. That concludes the 4 5 changes to the published agenda. I will now go through the published withdrawals and continuances 6 beginning on page 4 of the agenda. Item A-1, Rezoning-PD 18-0798. This application is out of order to be heard and is 9 being continued to the March 15th, 2021, Zoning 10 Hearing Master Hearing. 11 12 Item A-2, Major Modification Application 13 19-0521. This application is out of order to be 14 heard and is being continued to the January 19th, 15 2021, Zoning Hearing Master Hearing. 16 Item A-3, Rezoning Standard 20-0144. This 17 application is being withdrawn by the Zoning 18 Administrator in accordance with the LDC Section 10.03.02.C.2. 19 20 I would note for the record, we've handed 21 out a change to this blurb. The continuance notice 22 in the backup referenced the wrong petition number. 23 So we've corrected the petition of the correctly referenced 20-0144. 24 Item A-4, Major Mod Application 20-0290. 25

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONING HEARING MASTER (ZHM)

HEARING

)

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

DWIGHT WELLS

Zoning Hearing Master

DATE:

Tuesday, September 29, 2020

TIME:

Commencing at 6:00 p.m. Concluding at 7:31 p.m.

PLACE:

Robert W. Saunders, Sr.

Public Library

Ada T. Payne Community Room

1505 N Nebraska Avenue Tampa, Florida 33602

Reported By:
Diane T. Emery, CMRS, FPR
Executive Reporting Service
Ulmerton Business Center, Suite 100
Clearwater, FL 33762

Page 4 1 PROCEEDINGS HEARING MASTER WELLS: Good evening. here for ZHM zoning procedures 2020. And we do 4 the pledge at this point. 5 (Pledge of Allegiance.) 6 HEARING MASTER WELLS: Any changes to the 7 agenda? 8 MR. GRADY: For the record, Brian Grady, 9 Hillsborough County Development Services. We have no changes to the published agenda, so I'll go 10 through the published withdrawals and continuances 11 12 beginning on page 4 of the agenda. 13 The first item is item A.1., rezoning PD 14 18-0798. This application is out of order to be 15 heard and is being continued to the December 14, 16 2020, Zoning Hearing Master hearing. 17 Item A.2., major mod application 20-0290. 18 This application is out of order to be heard and 19 is being continued to the November 16, 2020, 20 Zoning Hearing Master hearing. 21 Item A.3., rezoning PD 20-0307. This 22 application is being continued by the applicant to 23 the October 19, 2020, Zoning Hearing Master 24 hearing. 25 Item A.4., rezoning standard 20-0334.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	>
IN RE:)
ZONE HEARING MASTER HEARINGS)))

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

Land Use Hearing Master

DATE:

Tuesday, February 18, 2020

TIME:

Commencing at 6:00 p.m.

Concluding at 12:25 a.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

By:

Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

Page 8 1 one. HEARING MASTER SCAROLA: Okay. So item D-7 is continued to the March 16th. MR. GRADY: Yes. And then D-10 is 4 5 April 13th. 6 That concludes changes to the agenda. now go through the published withdrawals and 8 continuances beginning on page 5 of the agenda. 9 The first item is item one, Rezoning PD 18-0798. The applicant's Mark Bentley. 10 application is out of order to be heard and is 11 12 being continued to the March 16th, 2020, Zoning 13 Hearing Master Hearing. 14 Item A-2, Rezoning PD 19-1443. 15 application is being continued by the applicant to 16 the April 13th, 2020, Zoning Hearing Master 17 Hearing. 18 Item A-3, RZ-PD 19-1451. This application is being continued by the applicant to the April 13th, 19 20 2020, Zoning Hearing Master Hearing. 21 Item A-4, RZ-PD 19-1461. This application is 22 being continued by the applicant to the March 16th, 23 2020, Zoning Hearing Master Hearing. 24 Item A-5, Major Mod Application 19-1462. 25 This application is out of order to be heard and is

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

In Re:

ZONING HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

Zoning Hearing Master

DATE:

January 21, 2020

TIME:

Commencing at 6:00 p.m. Concluding at 10:38 p.m.

PLACE:

Hillsborough County Center

2nd Floor Boardroom

601 East Kennedy Boulevard

Tampa, Florida 33601

Executive Reporting Services
13555 Automobile Boulevard, Suite 100
Clearwater, Florida 33762
(727) 823-4155

Page 24 continuances, beginning on page 5 of the 1 agenda. The first item is Item A.1, Rezoning Application 20-0158. 5 application is being withdrawn from the Zoning Hearing Master process. 7 Item A.2, Rezoning PD 18-0798. 8 This application is out of order to be heard 9 and is being continued to the February 18th, 10 2020, Zoning Hearing Master Hearing. 11 Item A.3, Rezoning PD 19-0935. 12 This application is being continued by the 13 Applicant to the February 18th, 2020, Zoning 14 Hearing Master Hearing. 15 Item A.4, Rezoning PD 19-1420. 16 This application is being continued by the 17 Applicant to the February 18th, 2020, Zoning 18 Hearing Master Hearing. 19 Item A.5, RZ-PD 19-1421. 20 application is being continued by the 21 Applicant to the February 18th, 2020, Zoning 22 Hearing Master Hearing. 23 Item A.6, RZ-PD 19-1443. This 24 application is being continued by the 25 Applicant to the February 18th, 2020, Zoning

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

In Re:

ZONING HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Zoning Hearing Master

DATE:

October 14, 2019

TIME:

Commencing at 6:00 p.m. Concluding at 9:53 p.m.

PLACE:

Hillsborough County Center

2nd Floor Boardroom

601 East Kennedy Boulevard

Tampa, Florida 33601

REPORTED BY: Jerry Lefler, RPR CRR CM

Executive Reporting Services
13555 Automobile Boulevard, Suite 100
Clearwater, Florida 33762
(727) 823-4155

			Page 63
1			COUNTY, FLORIDA
2		BOARD OF COUN	TY COMMISSIONERS
3			
4		ZONING HEARING	MASTER HEARINGS
5		OCTOBER	14, 2019
6		ZONING HEARING M	ASTER: SUSAN FINCH
7			
8	В.1	Application Number:	RZ-PD 18-0798 RU (Remand)
9		Applicant:	Johnson Pope Bokor Ruppel & Burns, LLP
10		Location:	108 N. Hwy. 41
11		Folio Number:	55805.0000
12		Sec/Twn/Rng:	08/32/19
13		-	.52 acres, more or less
14		Comprehensive Plan:	
15		Community Plan Area:	
16		Service Area:	
17			Urban
18		Existing Zoning:	RTC-1 (07-0517)
19		Request:	Rezone to Planned Development
20			
21			
22			
23			
24			
25			

Page 64 MR. GRADY: The next item is Agenda Item 1 B.1, Rezoning Application PD 18-0798. 2 Applicant is Johnson Pope Bokor Ruppel & Burns, The request is to rezone from RTC-1 to a Planned Development. 6 I will provide Staff presentation after 7 presentation by the Applicant. HEARING MASTER FINCH: All right. 8 Is the 9 Applicant here? Good evening. MR. BENTLEY: Good evening, Ms. Finch. 10 11 name is Mark Bentley, 401 East Jackson Street, 12 Tampa 33602. And I have been sworn. I represent 13 the property owner, Steven Kuchlich, who is 14 seeking a rezoning from RTC-1 to PD. 15 HEARING MASTER FINCH: Mr. Bentley, could 16 you bring the microphone just a little closer? 17 Perfect. 18 MR. BENTLEY: Okay. Can you stop the time a 19 second? Before I get started, I just want to go 20 through the documents that I'm going to submit 2.1 into the record. 22 At our last hearing last year I 23 submitted a composite exhibit. It had about 30 24 exhibits. Okay. That's already in the record. 25 I'm going to give you another copy, and

Page 65 on the inside of that binder there are going to 1 be additional documents that I want submitted 2 into evidence. They primarily consist of letters in support and affidavits of people you're going to hear tonight testify about the history of the property. Okay? 6 7 HEARING MASTER FINCH: Okay. Perfect. 8 MR. BENTLEY: So my assistant, Ashley, is 9 dealing with that. 10 HEARING MASTER FINCH: She started with 11 that, yeah. 12 MR. BENTLEY: So, back to the subject 13 property. It consisted of two long-standing land 14 uses at the property of auto sales, auto repair, 15 which occurred from 1986 up to the present time. From '86 to the end of 2012, it was known as 16 17 Ted's Auto Center. It consisted of auto sales 18 and repair. 19 However, in 2006 the property was 20 rezoned RTC by the county, which prohibited the 21 two land uses at the property of auto sales and 22 auto repair. 23 Notably, at no time between the 24 enactment and the sale of the business in 2012 25 did the county advise the prior owner that the

Page 66 uses were prohibited. So the point being that 1 2. from 2006 until the property was sold at the end of 2012, there were no issues with respect to compliance, at least suggested by the county. 5 So prior to filing this Rezoning Application we were advised by County Staff 7 representatives that they may have a more 8 positive perspective on the application if RTC 9 standards were incorporated, to the extent 10 possible, into the PD. Which we did. And we're 11 providing you with the Staff pre-submittal 12 comments in the binder that I just discussed. 13 So our application incorporated RTC 14 standards that would were required as a PD and 15 we've done everything short of demolishing and 16 relocating the existing building in order to 17 comply. 18 On October 9th, 2018, County Staff 19 acknowledged our efforts to the Board of County 20 Commissioners when your recommendation was 2.1 presented to the Board. This is in your backup 22 materials. And Mr. Joe Moreda testified as 23 follows: That our PD meets many of the RTC 24 standards. And I quote Mr. Moreda in front of

"In the PD proposal, the Applicant

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the Board.

Page 67 from a design perspective doesn't significantly 1 deviate from the RTC, and their proposal, at 2. least in our estimation, what it does is it addresses the existing condition and also establishes how to deal with that if the use has changed in the future." 7 Let me stop right there. What we had proposed as a condition, which is also an 8 exhibit, I think Exhibit 20, is that in the event 10 auto sales ceased, that any redevelopment of the 11 property would fully comply with the RTC 12 standard. 13 I go on to quote Mr. Moreda. 14 believe that element of the proposal that the 15 Applicant has done a sufficient job of addressing 16 that, but where we deviate in opinion from the 17 Applicant is in the issue of use." 18 So as you can see, the Staff advised the 19 Board that we have sufficiently respected the RTC 20 and compatibility is not the issue, but the issue 2.1 is the actual use being excluded from the RTC. 22 So the real issue is inconsistency with 23 this RTC Downtown Plan, not incompatibility. 24 Because when you think about it, 25 Ms. Finch, auto sales is a permitted use in the

Page 68 CG Zoning District, and that's the allowed uses 1 in the RTC are CG, but for a certain list that 2. are prohibited, which includes auto sales, obviously, and auto repair. 5 So regardless how the Staff reports 6 dance around the issue of compatibility, Staff 7 will agree, hopefully, I believe, that since auto 8 sales is a CG use, it is compatible with other CG 9 But Staff is opposed, because the use is 10 prohibited from the RTC. 11 But the problem with this analysis is 12 that we are seeking a PD to change the use and 13 opt out and yet be compatible with the 14 surrounding land uses and the plan. 15 A use can be prohibited from a special 16 district but designed in a way to be compatible. If this wasn't a possibility, the Staff would 17 18 have advised us that this is prohibited and 19 wouldn't have encouraged to incorporate RTC 20 standards and would have probably flat-out 21 rejected our application. 22 The points I want to -- I intend to 23 address tonight are, first, our efforts for 24 community outreach which resulted in more 25 supporters.

The new Staff reports or modifications
to the reports discuss issues of concern in your
recommendation to the Board, explain compliance
with the RTC standards.

Our analysis is Exhibit 18, and demonstrates to what extent we've complied with the RTC standards.

I want to show you and Staff where they had recommended prohibited uses in Special Zoning Districts through the PD process, which is exactly what we are dealing with here. And we want to submit zoning conditions which are in the binder, and enter support documents.

So, let's talk about community involvement. Since the BOCC hearing, we met several times with representatives of the Ruskin Community Foundations. And I know they're in attendance tonight and you'll probably hear from them.

They refused to support the rezoning or any modification to LDC that would grandfather the auto sales use in. They feared, from my perspective, that a precedent would be established, even though we agreed to full compliance with the RTC once auto sales ceased.

2.1

1 RTC has been a dismal failure since its 2 inception 13 years ago. Only two projects have 3 attempted to comply, a new Auto Zone and Family 4 Dollar. And neither one could comply with RTC 5 and had to get multiple variances. And we have 6 those in Tab 7, 8 and 9.

To the Ruskin Foundation, about precedent, precedent has been set not necessarily through the PD process, but through the ambiguous grandfathering provision that allows any use lawfully in existence in 2006, which is the effective date of the RTC, to remain in perpetuity.

So all these pawn shops, auto repair and the like will be forever allowed without any amortization or cessation of use provisions similar to a typical nonconforming use in Section 11 of the LDC.

So they don't have to comply with design standards either. This includes auto repair for our own site. There hasn't been auto repair for seven years at our property, but if this application is denied, that use can come back without meeting any RTC standards. It was an existing lawful use upon the effective date. And

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Page 71 that's the County's position. 1 However, if we are -- our PD is 2. approved, we have agreed to relinquish that vested right to auto repair. So essentially the train's left the station and precedent has been established. 7 Also note this is an irrefutable fact 8 that if our project is approved, it would be the 9 most RTC-compliant redevelopment project in the RTC's 13 years. And I'd appreciate it if you 10 11 would include that statement, if it's not 12 refuted, as a finding of fact in your 13 recommendation to the Board. 14 The project complies with seven of nine 15 sections under the RTC, almost 80 percent. 16 that's an analysis we provided under Tab 18. 17 was never intended that the enactment of the RTC 18 would require demolition or relocation of 19 existing buildings. The community would have 20 never agreed to that. 2.1 I discussed this with Ms. Council and I 22 think she agreed with my statement I just made. 23 It was to ensure that redevelopment 24 projects attempt to comply with RTC standards, 25 like we are attempting to do.

It's kind of interesting, too, when you 1 2 think about it, if a client wanted to convert our 3 auto repair to a lawyer's office, there is absolutely nothing in the Code that requires compliance with the RTC. I challenge Staff to show me a Code section that requires compliance. 6

> We've also met with several individuals who support the project and have observed historically auto sales at the property prior to my client's purchase in the latter part of 2012. So these will be affidavits and letters that I mentioned that will be submitted into the record.

> I just want to talk about the Staff Staff fundamentally hasn't really report. grasped, with all due respect, that we are zoning out of the RTC, and so the RTC is really irrelevant.

> For example, on page 2, Staff says the request is not in compliance with the permitted uses found under the RTC. Obviously we realize that, and that's why we're rezoning the property.

The Staff report, Section 1.5, page 3, entitled "Compatibility" states, "Development Services Staff finds the proposed rezoning inconsistent with the development pattern in the

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Page 73 area." 1 2 So my question is, how could this be All development on page 4 on the graphic are CG uses, and auto sales is a CG use. 5 Also Staff fails to mention all of the 6 uses in the area that are now prohibited in the 7 RTC that can remain in perpetuity and that are 8 compatible with auto sales, which are auto repair 9 shops on 41, lawn mower repair, liquor stores, 10 pawn shops, and others. 11 So it appears what Staff is apparently 12 intending to say under the guise of 13 incompatibility is not that CG use, auto sales, 14 is incompatible with the surrounding CG uses from 15 a planning standpoint, but that it is 16 inconsistent with the RTC plan. 17 Here again, that is not the appropriate 18 standard when a petition is seeking a PD. 19 should be, "Are the PD uses compatible with what 20 is around it in terms of character and 21 intensity?" 22 Staff, I believe, errored also on page 4 23 when it states that the family dollar constructed

in 2015 met RTC standards. Obviously, to the

contrary, it didn't, as it failed to -- as it

24

Page 74 filed two Variance Applications to allow 1 deviations from the RTC standards. And these are 2. at Tab 7 and 8. Tab 9 is a new Auto Zone. The only new project in 13 years on 41 also needed variances from the RTC. 7 I'd just like to talk about your prior recommendation. You state as a Finding of Fact 8 9 on page 8, paragraph 9, that, "The Planned 10 Development District is intended to provide 11 flexibility for design and other characteristics 12 but not to permit uses that are prohibited by 13 Special Zoning Districts." 14 This was not a fact for the record, but 15 it appears to be your personal opinion as set 16 forth as a fact, with all due respect. 17 I also note that Case Number RZ 15-0678, 18 rezoning from the RDD Special District to PD, you 19 endorsed a prohibited use through the PD process 20 and stated in your recommendation that the 2.1 prohibited use would be compatible, although 22 prohibited. And I'm submitting those documents 23 to you in your binders. 24 So the point is, a prohibited use can 25 still be compatible. We agree with you on that.

	Page 75
1	In this point, auto sales can be compatible,
2	especially when surrounded by other CG uses.
3	Compliance with RTC standards,
4	Exhibit 18, cases where Staff and the ZHM
5	recommended prohibited uses in specified zoning
6	districts via the PD process. Those are in your
7	documents in the binder, and the proposed
8	conditions are at Exhibit 20.
9	We also have letters in support. I
10	think at Tab 10 there's one from the property
11	owner located at the southeast corner of Shell
12	Point and U.S. 41. Rolando Santiago. And there
13	will be other letters of support. I think
14	they're in your binder.
15	So the final points I want to make are,
16	we can rezone to PD without trying to comply with
17	RTC standards, but we have tried And
18	Mr. Moredo advised the BOCC positively on this
19	point, about our efforts.
20	Second, precedent has been established
21	that PD may be used to introduce a prohibited use
22	into a Special District if it can be designed to
23	be compatible, like we have done, and like you
24	have recommended in this prior case I eluded to.
25	Auto repair is sanctioned in perpetuity

	Page 76
1	at our client's property, so the residents should
2	strongly consider this when evaluating our
3	project, which would be the most RTC-compliant
4	redevelopment project in the history of that
5	regulation.
6	In terms of support, as I mentioned,
7	Mr. Santiago is the property owner located across
8	the street at the southeast corner. To the north
9	is a restaurant, and they're in support.
10	And the only surrounding property owner
11	that we're aware of that is opposed is
12	Ms. Council, who owns the property located
13	directly east of and contiguous to the subject
14	property.
15	So I won't get into it now. I think I
16	used most of my time. And he's not here tonight,
17	but Edwin Harwell, Jr they call him the
18	"Mayor of Balm" he spent a lot of time down
19	there and he submitted a letter of support
20	basically saying that he supports the project,
21	and also that he has bought vehicles from Ted's
22	when it was in business. So he's got an
23	affidavit and a letter in support.
24	And that's it, unless you have any
25	questions.

Page 77 HEARING MASTER FINCH: I do. Do you -- I 1 2. looked through your exhibits, and you were reading from Mr. Moreda's testimony at the Board of County Commissioners meeting. Did you submit a copy of that transcript, by any chance? 6 MR. BENTLEY: It was in your backup that I 7 got from Staff online. But, Ashley, do we have a 8 copy we can give? 9 HEARING MASTER FINCH: If it's online -- if 10 you have a copy, that would be great. If it's 11 online, I can get it. If it's in the Optics 12 system, I can get it. 13 MR. BENTLEY: Ms. Finch, I think I have it 14 right here. 15 HEARING MASTER FINCH: All right. I'll keep 16 going while you're looking. 17 So in preparation for this case, I 18 watched the video of the October 9th hearing. 19 Because the Staff report says that the 20 Applicant -- the direction back to the Zoning 2.1 Hearing Master was to further review discussion 22 with representatives of the Ruskin community. 23 And it sounds like you did that, that 24 you met with members of the Ruskin community. 25 that's good. Thank you.

Page 78 Is this for me? Okay. Thank you so 1 2. much. I appreciate it. 3 But the Board -- it was clear from the motion for denial and some of the comments from the Board that they were looking for something other than the car sales lot. 6 7 And I understand and saw your testimony 8 that that was your intent, was to keep the car 9 sales lot as the use. Commissioner Murman said, "I look forward to the 30 other uses that are 10 11 permitted in the RTC." 12 So I just want to make sure that I get 13 that on the record, that it's -- to make sure 14 that I understand. It's still your intent to go 15 with the car sales use. MR. BENTLEY: Here's our intent: 16 17 relinquish auto repair, which has been sanctioned 18 as a lawful use under the RTC. And that's in the 19 conditions. Okay. That we would pursue auto 20 sales as the primary use, okay, and any other use 2.1 allowed in RTC. And that in the event auto sales 22 should cease at that property, then any 23 redevelopment would fully comply with the RTC. 24 Let me just kind of clarify, is that in 25 front of the Board they said, "We're looking for

Page 79 something other than auto sales." And when we 1 kind of regrouped here and met with the 2 community -- and we had some very good, enlightening discussions, and very positive with Ms. Council and members of her development group. But we also found out, just in terms of 6 7 our outreach, other people who supported the auto 8 sales, okay, and recognized, number one, it had 9 been there, and number two, thought that what was 10 out there was compatible with the surrounding 11 area. 12 So we said, "Let's just kind of press on 13 with auto sales, because we're getting this kind 14 of grassroots support from the community for that 15 particular use." 16 And Ms. Council, with all due respect, 17 that's just one organization there, okay, that 18 has a certain perspective on what should be on 19 that corner. So that's the way it shook out, and 20 that's what I'm doing here. 21 HEARING MASTER FINCH: All right. Thank you 22 very much for your testimony. I appreciate it. 23 MR. BENTLEY: Thank you. 24 HEARING MASTER FINCH: Development Services, 25 please.

Page 80 MR. GRADY: Brian Grady, Hillsborough County 1 2 Development Services. 3 The Applicant is requesting to rezone from RTC-1, Ruskin Town Center, to a Planned Development Zoning District, which is an existing, small commercial building and car sales 6 7 lot. 8 The community utilizes the site for 9 that, motor vehicle sales, and also to 10 permit other uses permitted under the RTC Zoning 11 District found in Land Development Code Section 12 3.17.00, Ruskin Town Center Development 13 Regulations. 14 As noted by the Applicant, there are a 15 number of design requirements that the project is 16 subject to, and there are some that they are 17 unable to meet and they're seeking relief from 18 In particular, off-street parking 19 standards and also requirements regarding 20 building frontage and building design. 2.1 The Applicant, as noted in their prior 22 testimony and submittals, is seeking relief from 23 those and proposed alternative design 24 enhancements to address noncompliance with those 25 standards. However, Staff is not supportive of

Page 81 the requested waiver of those design standards. 1 2 With respect to compatibility, Development Service Staff does find the proposed rezoning inconsistent with the development pattern in the area. Per Land Development Code Section 6 7 3.1709h, prohibited uses of the Ruskin Town 8 Center, Motor vehicle sales, rentals and auctions of all types is not a permitted use with any of 10 the Special Zoning District standards under the 11 development regulations of the Ruskin Town 12 Center. 13 Furthermore, the Ruskin Town Center 14 prohibits other auto-dependent uses such as motor 15 vehicle repairs, recreational vehicle sales, 16 convenience stores with fuel pumps, and 17 mini-warehouses. 18 Per adjacent uses to the property and 19 the vicinity are uses that are zoned Ruskin Town 20 Center and are continued uses found under the 2.1 Commercial Zoning District per LDC Section 3.1707 22 in the Ruskin Town Center regulations or in 23 compliance with the Ruskin Town Center 24 regulations consistent with the intent of the 25 RTC-1 Zoning District.

These uses do not include compatible

commercial auto-dependent uses permitted by the

RTC-1 District.

Shell Point Road resides adjacent to the north of the site, with commercial uses across the street. A commercial restaurant is adjacent and south of the site. U.S. 41 is adjacent east of the site. Commercial uses, including a Family Dollar, are across the street. A vacant lot with a shed on it resides adjacent west of the site.

Given the established development pattern in the area which consists of uses consistent with the intent and requirements of the RTC-1 District, Staff does not find the proposed motor vehicle sales use compatible.

Again, from our perspective, I understand Mr. Bentley's contention that since RTC allowed CG uses, we shouldn't be looking at the RTC.

But, again, like any other Zoning

District, as part of any other compatibility

analysis, you obviously look at the surrounding

zoning pattern to see what uses are permitted.

And so given the fact that within the RTC this is not a permitted use, and again as

Page 83 analyzed here, the presence is not in that area, 1 we, from a compatibility standpoint, found it not 2 compatible. HEARING MASTER FINCH: Thank you very much. Planning Commission, please. 6 MS. HALEY: Jiwaun Haley, Planning 7 Commission. 8 The subject property's adopted Future 9 Land Use category is Office Commercial-20. subject property is located within the Urban 10 11 Service Area. It is within the limits of the 12 Ruskin SouthShore Areawide Systems Community 13 Plan. 14 The site is developed with a motor 15 vehicle sales business consisting of a 16 1,848-square-foot building and inventory display 17 mainly along the frontage of Shell Point Road and 18 U.S. Highway 41. 19 The surrounding uses in the area include 20 a fast food restaurant to the south, vacant 21 parcels to the west, east, and a real estate 22 office north of the site. 23 The Rezoning Request is to change the 24 Ruskin Town Center 1 Zoning District to a Planned 25 Development to recognize the existing motor

vehicle sales business and allow other RTC-1
permitted uses.

It should be noted that the site

underwent a zoning verification in 2014 and it

was determined by the Development Services

Department that the site failed to establish that

motor vehicle sales was an existing lawful use

at the time of the establishment of the Ruskin

Town Center 1 Zoning District.

Policy 9.2 of the Future Land Use

Element states that "Developments must meet or
exceed land development regulations.as shown on
the site plan, the request is not meeting the
intent of this policy.

The site is located within the limits of the Ruskin Community Plan and within the Ruskin downtown. There is specific language within the Community Plan that expresses how development within the downtown should be designed. Because the parking fronts the site and is a dominant portion of the site, this creates the look of a strip commercial development.

Objective 23 of the Future Land Use Element, as well as the Ruskin Community Plan, discourages strip commercial development.

2.1

The Applicant did attempt to make

changes to address the design of the site to

further the intent of the Ruskin Community Plan.

Fences within the RTC-1 area are to be made of

masonry or vinyl or cast iron, so the Applicant

has agreed to remove the chain link fence that is

currently on the site.

The Applicant is also providing

additional screening and an awning above the cars along Shell Point Road and U.S. Highway 41 to reduce the appearance of the display of cars.

Though the Applicant is providing increased screening along the frontage of the site, screening and waste storage and mechanical equipment, the proposed design of the site is still too much of a deviation from the Ruskin Community Plan.

And based upon these considerations, the Planning Commission Staff finds the proposed Planned Development inconsistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County. Thank you.

HEARING MASTER FINCH: Thank you very much.

I'll call at this time for anyone who would like to speak in support. Anyone in favor

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- 1 of the application.
- 2 Yes. If you could please come forward.
- 3 Everyone who wants to speak in favor, if you
- 4 could go ahead and come forward to line up, it
- 5 speeds everything up. How many people would like
- to speak? Three? Three. Okay. Then you have
- 7 15 minutes. We'll give you five minutes each.
- 8 And whoever would like to go first is
- 9 welcome to. Good evening. If you can give us
- 10 your name and address to start.
- MR. PIETA: My name is Ted Pieta. I live at
- 12 2008 Heathfield Circle, Sun City, Florida 33573.
- And I am the former owner of the
- property in question on 108 U.S. Highway 41 in
- Ruskin. My business operations consisted of auto
- 16 repair and auto sales. I was in existence from
- approximately December of '86 to December of
- 18 2012. During this time, I attended auto auctions
- on a monthly basis. My wife came to a few of
- them with me also.
- 21 At these auctions, I would purchase
- vehicles and then resell them to the general
- public. At all times the car sales side of my
- business was licensed to sell automobiles by the
- 25 State of Florida Department of Motor vehicles.

Page 87 And I sold automobiles as a significant component 1 of my business. 2. And I would like to add that the Florida Department of Motor vehicles, the very epitome of dot the "i's" and crossed "t's," don't have any 5 record of my dealer's license, the number of 6 7 which was VI15189. That I had for over a decade. 8 They have no record of that. 9 The State of Florida DMV required under the Florida Administrative Code that I maintain 10 11 an office clearly separated from the auto repair. 12 It had to have a separate entrance. And I 13 complied with that at all times. 14 I sold the property to Mr. Steven 15 Kuchlich on or about December 13th, 2012, and at 16 that time I was retailing automobiles. 17 On or about November 2nd, 2006, 18 Hillsborough County changed the zoning for the 19 property from CG to RTC-1 to prohibit both motor 20 vehicle sales and repair. 2.1 The zoning change was never made known 22 to me by the County, as it did not provide direct 23 notice of the zoning change. And I continued to 24 sell automobiles pretty much right up until the 25 end when I sold the property to Mr. Kuchlich.

Page 88 All of my business records, including 1 2 licenses with the County and the state and the 3 DMV, apparently were purged after the sale of the property. But I was in there for a lot of years and I was never once cited by Hillsborough County for improper use. Never. 6 7 And that's what I wanted to say. There 8 were in fact legal car sales going on all the 9 time. 10 HEARING MASTER FINCH: Thank you for your 11 testimony and coming down. If you could please 12 sign in. Next, please. Good evening. 13 MRS. PIETA: Hi. I'm Donna Pieta. 14 at 20008 Heathfield Circle, Sun City Center. 15 I'm Ted's wife for 48 years now. And I 16 just -- I agree with everything that he said, 17 but -- not "but." I'm sorry. 18 It has been in existence since like '86 19 to 2012. And during this time I stood in the 20 office, I went to auctions with him, bought cars, 21 you know, and things like that. Sorry. I'm very 22 nervous. 23 HEARING MASTER FINCH: Go right ahead. No 24 one's watching. It's okay. 25 MRS. PIETA: Everybody's watching me.

Page 89

At all times during the existence of

Ted's the car sales side of the business was

licensed to sell automobiles by the State of

Florida Department of Motor vehicles, and sold

automobiles as a significant component of the

business.

We sold the property to Mr. Kuchlich in December of 2012, and we were never notified of the change to prohibit both auto sales and auto repair. The zoning change was never made known to us by the County, and Ted continued to sell automobiles after November 2nd, 2006, until the sale of the property to Mr. Kuchlich, and was never cited for this activity by Hillsborough County. At all times, Ted sold motor vehicles at the property.

HEARING MASTER FINCH: Thank you for coming down. Appreciate it. If you could sign in.

Yes, sir.

MR. DAVIS: My name is Lee Davis. I live at 308 14th Street Southwest, Ruskin. I worked for Ted in 1986 to 1991, and this business was selling cars and auto repair. I own an at-home auto care in Ruskin today, and as long as I've been there, Ted has always been selling cars at

Page 90 that same property. That's about what I have. 1 2 HEARING MASTER FINCH: Thank you for coming 3 I appreciate your testimony. Thank you, sir. If you could please sign in. All right. 5 We'll close the testimony in support, and we'll call for anyone that would like to 6 7 speak in opposition to this application. Anyone 8 opposed that would like to testify? All right. 9 Good evening. 10 MS. COUNCIL: Good evening. Sandra R. 11 Council, P.O. Box 1115, Ruskin, Florida 33575. 12 I'm going to speak -- I'm President of 13 the Ruskin Community Development Foundation, but 14 I'm going to speak as the adjacent property owner 15 and relinquish my time for the Foundation to Mr. Chris Bredbenner. 16 17 HEARING MASTER FINCH: Okay. 18 MS. COUNCIL: As the adjacent property 19 owner, and due respect to Ted and his wife and to 20 Mr. Davis, I had specific conversations with Ted 2.1 asking him about the nonconforming use, that it 22 was not an allowed use of car sales, and his 23 response to myself and to my business partner was 24 that he did not sell cars there, that he had 25 other property that he sold cars from. The cars

Page 91 that were sitting there were cars that had been 1 2 abandoned for nonpayment for repair bills. So that's my recollection of a conversation, as well as my business partner's conversation. So I'm in support of staff's 7 recommendation to deny. 8 HEARING MASTER FINCH: Thank you so much. 9 If you could please sign in. Yes, sir. (Inaudible). 10 11 HEARING MASTER FINCH: All right. Can you 12 submit it to the Clerk's office and I'll get it. 13 Absolutely. 14 MR. BREDBENNER: William Bredbenner, 15 B-R-E-D-B-E-N-N-E-R. I am here representing 109 16 2nd Street Northwest, Ruskin, Florida. I am a 17 resident, but here representing the Ruskin 18 Community Development Foundation, a volunteer 19 board that was formed years ago. As Sandy 20 mentioned, she is our president. I am a Board 21 member and speaking for the Board. 22 We applaud Mr. Kuchlich and Mr. Bentley 23 working with us. We have met once with them on 24 October 25th to review. They came down and met 25 with us to see, after the remand came through, to

Page 92 see if there were any ways to work through this. 1 2 And then we also met on January 25th --Excuse me -- yes, January 25th, with County Staff, to see what could be done, and even explore a letter of carve-out, so to speak, for it. 7 Our issue is definitely not with a 8 business coming in there. That's what we want to do, is to develop the Ruskin community. Using that, we really couldn't find a way to do it and 10 11 still preserve the intent of RTC-1 and -2 by 12 carving that out. 13 And it would allow for, yes, the 14 precedent that Mr. Bentley does speak of, of now 15 anyone wanting to do something outside of that to 16 come in and get -- and carve out a PD for 17 themselves. 18 So I would disagree with the claim, his 19 opinion, that it would be the most compliant. 20 think if this were to pass, it would probably be 21 the last compliant project in RTC, because no one 22 will need to follow the rules if we can carve 23 this out. So we are worried about that 24 precedent. 25 The Board did meet after our meeting

Page 93 with County Staff where it couldn't be determined 1 2 that we in fact -- we could go through the process of there was a lot more to it. And we submitted again our vote that we still continue to support this Board's decision that it is not 6 consistent and that it should be moved forward by 7 the County Commissioners as not consistent. 8 Thank you. HEARING MASTER FINCH: Thank you for your 10 time. I appreciate it. 11 Anyone else that would like to speak in 12 opposition? Sir, if you could please sign in. 13 Thank you. All right. Then we'll close that 14 portion of the testimony. 15 Mr. Grady, anything further? 16 MR. GRADY: Nothing further. I just wanted, 17 for those who spoke in support or in opposition, 18 that if you have questions regarding filing oral 19 argument, Fernando Quinones is in back of the 20 room here and can answer any questions. 2.1 HEARING MASTER FINCH: So we do have a Staff 22 person available. All right, perfect. 23 All right. Mr. Bentley, you have five 24 minutes for rebuttal. 25 MR. BENTLEY: I'm going to request a couple

Page 94 of additional minutes. First of all, I'm waiting 1 2 for Mr. Pieta to come down. I want to use him on rebuttal. HEARING MASTER FINCH: Okay, absolutely. 5 MR. BENTLEY: Ted, your name and address 6 again, please. 7 MR. PIETA: My name is Ted Pieta. I live at 8 2008 Heathfield Circle, Sun City Center, Florida. 9 MR. BENTLEY: Ted, you heard what 10 Ms. Council had to say about her conversation 11 with you. Would you elaborate on that? 12 MR. PIETA: I really --13 Will you speak into the MR. GRADY: 14 microphone? 15 HEARING MASTER FINCH: Can you grab the 16 microphone if you're going to do that as well. 17 MR. PIETA: Well, I really can't elaborate 18 on that, because I don't have any -- I don't have 19 any recollection of that conversation whatsoever. 20 And I realize my memory is not what it 21 used to be, but I think I would have remembered 22 that one. I can remember my dealer's license, 23 and I can't remember what I had to eat yesterday. 24 That's all I can tell you. 25 HEARING MASTER FINCH: Thank you.

Page 95 1 MR. BENTLEY: You sold salvaged cars or 2 something? HEARING MASTER FINCH: Mr. Bentley, you need 4 to be on the record. 5 MR. BENTLEY: Thanks, Ted. That will do it. 6 HEARING MASTER FINCH: Thank you, sir. 7 MR. BENTLEY: We're good. Thank you. 8 Just a couple points. Not to 9 re-litigate the zoning interpretation, but that interpretation related to a different set of 10 11 facts. And also the issue -- and it's set forth 12 in the Staff report. 13 This is our bone of contention, is the 14 RTC says, "Any existing lawful use in existence 15 on the effective date of this ordinance shall be considered a lawful use." End of story. 16 17 It doesn't say whether it's subordinate 18 or accessory or principal. So if you look at 19 page 2 of the Staff report, they say "A zoning 20 interpretation was issued," et cetera, et cetera, 21 and they give the number. It says, "... to 22 recognize vehicle sales as the principal use of 23 the property." We never alleged that. We always 24 alleged that it was subordinate or accessory. 25 So this is the fundamental issue here,

Page 96 the misapplication of the Code, okay, that this 1 was a principal use of the property. So I didn't 2 want to re-litigate that zoning interpretation. And from our perspective, that was four years ago. We have a different set of facts 6 We beat the pavement and found a lot of 7 people who actually dealt with Ted. You heard 8 them testify today. And the issue is not the principal use. 10 And you're required under the criteria 11 as a LUHO to consider the history of the 12 property. I think that's the first enumerated 13 criteria. So, so much for that. 14 Then Brian indicated that we were seeking relief from the RTC. And with all due 15 16 respect to Brian, we were not seeking relief from 17 the RTC. We were rezoning to PD. We were not 18 seeking a waiver or variance from the RTC. 19 just want that corrected in the record, that 20 there's no relief from the RTC. 2.1 Then in terms of -- would it be 22 appropriate at this point where I can ask the 23 Staff a couple questions? 24 HEARING MASTER FINCH: You have two minutes. 25 This is your rebuttal period. Sure.

Page 97 MR. BENTLEY: Brian, I just have a couple 1 2 questions for you. First, auto sales is a permitted use under the CG Zoning District, correct? MR. GRADY: Correct. 6 MR. BENTLEY: So presumably auto sales would 7 be considered compatible with other CG uses, 8 correct? 9 MR. GRADY: In other CG zoning districts, in 10 a vacuum, yes. 11 MR. BENTLEY: Okay. The subject property 12 has several CG uses either contiguous to or in 13 close proximity to it, correct? It's page 4 of 14 your report. 15 MR. GRADY: Similar, yes. CG use, correct. 16 MR. BENTLEY: So assuming auto sales wasn't 17 prohibited under the RTC, your opinion would be 18 that it is compatible with the surrounding land 19 uses, correct? 20 MR. GRADY: In a vacuum, if you had an area 21 that had CG Zoning Districts in an area, and then 22 you came in to do a CG Zoning District with 23 similar uses, generally I would say that in that 24 vacuum, we would find, you know, CG adjacent to a 25 CG compatible.

Page 98 MR. BENTLEY: So assuming that the RTC was 1 not applicable in this situation, the subject 2 property as it relates to surrounding zonings and land uses that are primarily CG would be compatible, correct? 6 MR. GRADY: If I understand your question, 7 you're saying not considering the RTC use issue, 8 if you're looking at a CG against a CG, those being compatible, yes. 9 10 MR. BENTLEY: Okay. Thank you. Then a 11 couple questions for the Planning Commission and 12 then I'll be done, Ms. Finch. 13 Ms. Haley, did you author the report 14 that's in the backup? Planning Commission 15 report. 16 MS. HALEY: 18-0798, that report? 17 MR. BENTLEY: Yes, ma'am. 18 MS. HALEY: No, I did not. 19 MR. BENTLEY: Okay. On page 3, there's two 20 elements of the Ruskin Community Plan that are 21 set forth with their goals. Can you pull out 22 your report and identify either a goal or a 23 strategy that the proposed rezoning is in 24 conflict with? It starts with "Liveable 25 Communities, Ruskin Community Plan."

Page 99 MS. HALEY: So, there are several bullet 1 2 points below Goal 1. 3 MR. BENTLEY: Yep. 4 MS. HALEY: So, it says "Encourage 5 commercial development and redevelopment within 6 downtown Ruskin and the Town Center and direct 7 commercial development away from Shell Point 8 Road -- I'm sorry -- Shell Point Road west and 19th Avenue northwest." I'm sorry. MR. BENTLEY: And then Goal 2 on page 4, 10 11 would you mind taking a look at that? 12 MS. HALEY: Sure. Yes. Goal 2 states 13 "Economic development. Provide opportunities for 14 business growth and jobs in the Ruskin community, 15 promote commercial development at a scale and 16 design that reflects the character of the 17 community and ensure that future commercial 18 development with strip development patterns." 19 Goal 1 and Goal 2 were addressed in the 20 report concerning the strip commercial 21 development. 22 MR. BENTLEY: Okay. So in your professional 23 opinion, the auto sales is considered strip 24 development? 25 MS. HALEY: The Staff report states that.

1 MR. BENTLEY: I said in your professional 2 opinion, is auto sales strip development? 3 HEARING MASTER FINCH: Mr. Bentley, she's 4 testified 5 MR. BENTLEY: Just "Yes" or "No." That's 6 all. 7 HEARING MASTER FINCH: Mr. Bentley, she's 8 filed the report. She testified she didn't write 9 the report, and she's answered your question. 10 Please conclude your rebuttal. 11 THE WITNESS: Okay. That will do it. Thank 12 you very much. 13 HEARING MASTER FINCH: Thank you for your 14 testimony. Then with that, we'll close Rezoning 15 PD 18-0798 and go to the second Remand case. 16 17 18 19 20 21 22 23 24 25		Page 100
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17 18 19 20 21 22 23 24	15	PD 18-0798 and go to the second Remand case.
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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

In Re:

ZONING HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: JA

JAMES SCAROLA

Zoning Hearing Master

DATE:

September 16, 2019

TIME:

Commencing at 6:00 p.m. Concluding at 11:17 p.m.

PLACE:

Hillsborough County Center

2nd Floor Boardroom

601 East Kennedy Boulevard

Tampa, Florida 33601

REPORTED BY: Jerry Lefler, RPR CRR CM

Executive Reporting Services
13555 Automobile Boulevard, Suite 100
Clearwater, Florida 33762
(727) 823-4155

Page 10 I believe the applicant is here to 1 2. explain the request for the continuance. HEARING MASTER SCAROLA: Good evening. 4 MR. McCORMICK: Good evening. We're 5 requesting a continuance to the November Zoning 6 Hearing Master Hearing to allow us to have some 7 additional time to work with Planning Commission 8 staff on an interpretation regarding the WBRT Community Plan area. HEARING MASTER SCAROLA: Okay. Thank you 10 11 for that. 12 Anybody here today with an interest in 13 this continuance request, Rezoning PD 19-935? 14 Seeing none, we'll continue that one to 15 November the 18th. 16 MR. GRADY: I'll now go through the 17 published withdrawals and continuances, beginning 18 on page 5 of the agenda. 19 Item A.1, Special Use General 20 Application 19-0220. This application is being 2.1 withdrawn from the Zoning Hearing Master process. 22 Item A.2, RZ-Standard 19-0409. 23 application is being withdrawn from the Zoning 24 Hearing Master process. 25 Item A.3, RZ-PD 18-0798. This

	Page 11
1	application is being continued by staff to the
2	October 14th, 2019, Zoning Hearing Master
3	Hearing.
4	Item A.4, RZ-PD 18-1037. This
5	application is out of order to be heard and is
6	being continued to the October 14th, 2019, Zoning
7	Hearing Master Hearing.
8	Item A.5, RZ-PD 19-0404. This
9	application is continued by staff to the
10	October 14th, 2019, Zoning Hearing Master
11	Hearing.
12	Item A.6, Major Mod Application 19-0521.
13	This application is being continued by staff to
14	the October 14th, 2019, Zoning Hearing Master
15	Hearing.
16	Item A.7, RZ-PD 19-0613. This
17	application is being continued by staff to the
18	October 14th, 2019, Zoning Hearing Master
19	Hearing.
20	Item A.8, RZ-Standard 19-0747. This
21	application is out of order to be heard and is
22	being continued to the October 14th, 2019, Zoning
23	Hearing Master Hearing.
24	Item A.9, RZ-Standard 19-0748. This
25	application is out of order to be heard and is

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	X
IN RE:)
ZONE HEARING MASTER HEARINGS)
	X

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

Land Use Hearing Master

DATE:

Monday, July 29, 2019

TIME:

Commencing at 6:00 p.m.

Concluding at 11:00 p.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

	Page 10
1	application is out of order to be heard and 949,
2	excuse me. 19-0949. This application is out of
3	order to be heard and is being continued to the
4	August 19, 2019, Zoning Hearing Master Hearing.
5	Item 24, RZ-Standard 19-0956. This
6	application is out of order to be heard and is
7	being continued to the August 19, 2019, Zoning
8	Hearing Master Hearing.
9	Item A-25, Special Use SU-AB 19-0957. This
10	application is being continued by staff to the
11	August 19, 2019, Zoning Hearing Master Hearing.
12	Item A-26, RZ-PD 18-098 (sic). This
13	application is out of order to be heard and is
14	being continued to the September 16, 2019, Zoning
15	Hearing Master Hearing.
16	Item A-27, RZ-PD 19-0837. This application
17	is being continued by the applicant to the
18	October 14th, 2019, Zoning Hearing Master Hearing.
19	And item A-28, RZ-Standard 19-0730. This
20	application is out of order to be heard and is
21	being continued to the December 16, 2019, Zoning
22	Hearing Master Hearing.
23	That concludes all withdrawals and
24	continuances.
25	HEARING MASTER SCAROLA: Thank you for that,

Executive Reporting Service

18-0798

Page 1 IN THE MATTER OF: ZONING HEARING MASTER HEARINGS HEARING June 17, 2019 Executive Reporting Service 300 1st Avenue South Suite 402 St. Petersburg, Florida 3370 Phone: (727) 823-4155/(800) 337-7740 Fax: (800) 621-9077 www.executivereporting.com

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1		OUGH COUNTY, FLORIDA
2	In Re:	COUNTY COPENIES TONEINS
3		IDADINGO
4	ZONING HEARING MASTER H	1LAKINGS
5		
6		ARING MASTER HEARINGS
7	TRANSCRIPT OF T	TESTIMONY AND PROCEEDINGS
8	BEFORE:	James Scarola Susan Finch
9		Zoning Hearing Masters
10	DATE:	Monday, June 17, 2019
11	TIME:	Commencing at 6:00 p.m. Concluding at 11:52 p.m.
12	PLACE:	
13	PLACE.	Hillsborough County Center 2nd Floor Boardroom
14		601 East Kennedy Boulevard Tampa, Florida 33601
15	REPORTED BY:	Heidi Fabrikant, FPR Notary Public, State of Florida
16		At Large
17		
18		
19		
20		
21		
22		
23		Pages 1 to 333
24		
25		
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Page 8 joining us at the dais tonight are, to my left, Mr. 1 Louis Whitehead with the County Attorney's office; to his left is Melissa Lenhard with the Hillsborough County City County Planning Commission; and to her left is Tom Hiznay with 6 Development Services. Tom will be handling the 7 Special Use Applications on tonight's agenda. We have no changes to the published agenda, so I will go through the published withdrawals and continuances beginning on page 5 of the agenda. 10 11 First item is A.1., Rezoning Application 12 19-0017. this application is being withdrawn from 13 the Zoning Hearing Master process. Item A.2., Rezoning Application 19-0554, this 14 15 application is being withdrawn from the Zoning 16 Hearing Master process. 17 Item A.3., Major Mod Application 19-0669, 18 this application is being withdrawn from the Zoning 19 Hearing Master process. 20 Item A.4., Rezoning Application 18-0798, this 21 application is out of order to be heard and is 22 being continued to the July 29, 2019, Zoning 23 Hearing Master Hearing. 24 Item A.5., Rezoning Application 19-0102, this application is being continued by the applicant to 25

Page 1

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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IN RE:)
ZONE HEARING MASTER HEARINGS)))
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ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

Land Use Hearing Master

DATE:

Monday, May 13, 2019

TIME:

Commencing at 6:00 p.m.

Concluding at 9:27 p.m.

PLACE:

Hillsborough County Center 601 East Kennedy Boulevard

2nd Floor Boardroom

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

	Page 9
1	applicant here for Bali Properties? Bali
2	Properties? Is there anybody here for the Bali
3	Property request today?
4	Anybody recognize the applicant in the
5	audience anywhere?
6	MR. GRADY: I would suggest at this point
7	we'll move on the agenda. We'll see if we can find
8	out what's transpiring with the applicant.
9	HEARING MASTER SCAROLA: Sounds good.
10	MR. GRADY: All right. I'll now go through
11	the published withdrawals and continuances
12	beginning on page 5 of the agenda. The first is
13	item is item A-1, Rezoning Application 19-0184.
14	This application is being withdrawn from the Zoning
15	Hearing Master process.
16	Item A-2, Special Use Application 19-0611.
17	This application is being withdrawn from the Zoning
18	Hearing Master process.
19	Item A-3, Rezoning Application 19-0636.
20	This application is being withdrawn from the Zoning
21	Hearing Master process.
22	Item A-4, Rezoning Application 18-0798.
23	This application is out of order to be heard and
24	has been continued to the June 17 Zoning Hearing
25	Master Hearing.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

In Re:

ZONING HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

SUSAN FINCH

Zoning Hearing Masters

DATE:

April 22, 2019

TIME:

Commencing at 6:00 p.m. Concluding at 10:20 p.m.

PLACE:

Hillsborough County Center

2nd Floor Boardroom

601 East Kennedy Boulevard

Tampa, Florida 33601

REPORTED BY:

Jerry Lefler, Notary Public

Executive Reporting Services
13555 Automobile Boulevard, Suite 100
Clearwater, Florida 33762
(727) 823-4155

	Page 12
1	6 p.m.
2	MR. GRADY: That concludes changes to the
3	agenda.
4	I will now go through the published
5	withdrawals and continuances beginning on page 5
6	of the agenda.
7	The first item A.1, Rezoning Application
8	19-0183 is being withdrawn from the Zoning
9	Hearing Master process.
10	Item A.2, Major Mod Application 19-0411,
11	this application is being withdrawn from the
12	Zoning Hearing Master process.
13	Item A.3, Rezoning Application 19-0451,
14	this application is also being withdrawn from the
15	Zoning Hearing Master process.
16	Item A.4, Rezoning Application 18-0798,
17	this application is out of order to be heard and
18	is being continued to the May 13th Zoning Hearing
19	Master Hearing.
20	Item, A.5, Rezoning Application 18-1349,
21	this application will be continued by the
22	applicant to the May 13th Zoning Hearing Master
23	Hearing.
24	Item A.6, Special Use Application
25	19-0095, this application is being continued by

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARINGS)
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ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA and SUSAN FINCH

Land Use Hearing Masters

DATE:

Monday, March 18, 2019

TIME:

Commencing at 6:00 p.m.

Concluding at 11:29 p.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

Page 13 MR. GRADY: That's the only change to the 1 2 agenda. I'll now go through the published withdrawals and continuances beginning on page 5 of the agenda. 5 The first item is item A-1, Rezoning Application 18-798. The request -- this 6 7 application is out of order to be heard and being 8 continued to the April 22nd, 2019, Zoning Hearing Master Hearing. Item A-2, Rezoning Application 18-1349. 10 This application is continued by the applicant to 11 the April 22nd Zoning Hearing Master Hearing. 12 13 Item A-3, Major Mod Application 18-1493. This application is being continued by the 14 15 applicant to the April 22nd Zoning Hearing Master 16 Hearing. 17 Item A-4, Major Mod Application 18-1494. 18 application is being continued by the applicant to 19 the April 22nd Zoning Hearing Master Hearing. 20 Item A-5, Special Use Application 19-0095. 21 This application is out of order to be heard and is 22 being continued to the April 22nd Zoning Hearing 23 Master Hearing. 24 Item A-6, Rezoning Application 19-0102. 25 This application is being continued by the

Page 1

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA and SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, January 22, 2019

TIME:

Commencing at 6:00 p.m.

Concluding at 11:08 p.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

Page 6 Hillsborough County Development Services. 1 Before we go through the changes to the agenda and withdrawals and continuances, I'll introduce folks here joining us at the dais. left is Cameron Clark with the County Attorney's 5 6 Office; to his left is Yeneka Mills with the 7 Hillsborough County City-County Planning Commission; to her left is Tom Hiznay with Development Services. Tom will be handling the Special Use cases on tonight's agenda. 10 11 I'd also like to introduce Maricel Medrano. 12 Maricel, if you could stand up and raise your hand. 13 If you any questions regarding oral argument and 14 filing oral argument, which Cameron will discuss 15 later on in the introductions to the agenda, any 16 questions regarding the oral argument and the 17 filing of that, Maricel is here to assist you with 18 those questions and any assistance you may need 19 with that. 20 With that, I'll go through the -- we have two 21 requested changes on the agenda. The first one is 22 on page 7 of the agenda. Item B-2, Rezoning Application 18-0798. This is a remand. 23 24 The applicant is requesting a continuance to the March 18th, 2019, Zoning Hearing Master 25

Page 7 Hearing. I believe the applicant's here to make 1 2 the request for that continuance. HEARING MASTER SCAROLA: This is for Hearing Officer Finch. So, yes, please come forward. this is directed right to Hearing Officer Finch. 5 6 HEARING MASTER FINCH: Good evening. 7 MR. BENTLEY: Good evening, Ms. Finch. 8 name is Mark Bentley, 401 East Jackson Street, Tampa, 33602. I represent the applicant. We had requested a continuance to March, and 10 I had advised the Ruskin Community Association of 11 12 our request, and that the hearing would not be 13 going forward this evening. We actually have a 14 meeting scheduled with some county officials 15 concerning this matter, I think, this Thursday. So 16 I'd appreciate your consideration. 17 HEARING MASTER FINCH: All right. 18 Then we will grant the continuance. enough. 19 agenda item B-2 on page 7, Rezoning PD 18-0798 will 20 be continued to the March 18th, 2019, Zoning 21 Hearing Master Hearing at 6:00 p.m. and will not be 22 heard this evening. 23 MR. BENTLEY: Thank you. 24 HEARING MASTER FINCH: Thank you, 25 Mr. Bentley.

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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH and JAMES SCAROLA

Land Use Hearing Master

DATE:

Monday, December 17, 2018

TIME:

Commencing at 6:00 p.m.

Concluding at 9:33 p.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

	Page 11
1	Item A-11, Rezoning Application 18-0798.
2	This application is being continued by the
3	applicant to the January 22nd, 2019, Zoning Hearing
4	Master Hearing.
5	Item A-12, Special Use Application 18-0937.
6	This application is out of order to be heard and is
7	being continued to the January 22nd, 2019, Zoning
8	Hearing Master Hearing.
9	Item A-13, Rezoning Application 18-1048.
10	This application is being continued by the
11	applicant to the January 22nd, 2019, Zoning Hearing
12	Master Hearing.
13	Item A-14, Rezoning Application 18-1054.
14	This application is being continued by staff to the
15	January 22nd, 2019, Zoning Hearing Master Hearing.
16	Item A-15, Rezoning Application 18-1153.
17	This application is being continued by the
18	applicant January 22nd, 2019, Zoning Hearing Master
19	Hearing.
20	Item A-16, Rezoning Application 18-1163.
21	This application is being continued by the
22	applicant to the January 22nd, 2019, Zoning Hearing
23	Master Hearing.
24	Item A-17, Rezoning Application 18-1349.
25	This application is out of order to be heard and is

Page 1

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA and SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, November 19, 2018

TIME:

Commencing at 6:00 p.m.

Concluding at 10:12 p.m.

PLACE:

Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH

Land Use Hearing Master

DATE: Monday, August 20, 2018

TIME: Commencing at 6:00 p.m.

Concluding at 11:52 p.m.

PLACE: Hillsborough County Center

601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Stenographically Reported By:
KELLY A. HICKSON, RPR, FPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

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1	Page 240
1	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
2	ZONING HEARING MASTER HEARINGS
3	August 20, 2018 ZONING HEARING MASTER: SUSAN FINCH
4	
5	E.5.: Application Number: RZ-PD 18-0798 RU
6	Applicant: Johnson Pope Bokor Ruppel & Burns, LLP
7	Location: 108 N. Highway 41 Folio Number(s): 55805.0000
8	Sec/Twn/Rng: 08/32/19 Acreage: .52 acres, more or less
9	Comprehensive Plan: OC-20 Community Plan Area: Ruskin
10	Service Area: Urban Existing Zoning: RTC-1 (07-0517)
11	Request: Rezone to Planned Development
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Page 241 1 MR. GRADY: The next item on our Agenda is Agenda 2 Item E.5., Rezoning Application 18-0798. The Applicant is 3 Johnson Pope Bokor Ruppel & Burns, LLP. The request is to rezone from RTC-1 to Planned Development. Charles Andrews 4 5 will provide Staff recommendation after presentation by the Applicant. 6 7 HEARING MASTER FINCH: Good evening. MR. BENTLEY: Good evening. My name is Mark Bentley, 8 9 501 East Jackson Street. 10 Please hang on before you start. I know you've been 11 holding us all to the clock, but it's a possibility I 12 might need three minutes, so we'll just deal with that 13 when the issue arises. HEARING MASTER FINCH: We will try to do our best to 14 stay in the time frame --15 16 MR. BENTLEY: Yes. HEARING MASTER FINCH: -- because I really -- I can't 17 18 take a case past midnight. 19 MR. BENTLEY: No, I gotcha. 2.0 HEARING MASTER FINCH: I'm trying to get through this 21 agenda. MR. BENTLEY: I gotcha. 22 23 HEARING MASTER FINCH: Thank you. 24 MR. BENTLEY: It's just a little not your -- no 25 offense to the other cases -- kind of your typical case

here. There is a lot of intertwining code sections and things like that.

The client is seeking a rezoning to allow retail sales of motor vehicles at the site and other uses permitted under the RTC, which was enacted in 2006 in Ruskin. Staff report misstates that we are also seeking auto rental and auction as uses.

Auto sales became prohibited in 2006 when the County unilaterally imposed the RTC via general publication and not direct notice. So for example, under Florida statutes, if it's 10 acres or more, you can just do notice by publication. And that's what occurred with respect to this property in interviewing the property owner. He wasn't aware actually he had come on the list of prohibited uses. His use was actually auto repair and ancillary auto sales.

So the zoning allowed car sales and auto repair until 2006. Then auto repair and occasional ancillary sales of vehicles occurred until 2012. The prior owner and the client purchased the property in 2013.

The County has rendered a formal interpretation that auto repair is an existing lawful use and may continue forever. It does not have to comply with the RTC. And I'll elaborate on that more in a few minutes.

The process -- the County has established two

processes to allow a different use than authorized under the RTC to be located in Ruskin RTC-1. First, under Section 10.04.04, which is at Tab 11, I believe, of the LDC, one can seek to amend the LDC by actually exempting specific folios.

So if you have your own property and you want to be exempt, you can approach the Staff and then ultimately the Board of County Commissioners. And they'll actually amend the LDC, saying that all these use are prohibited but for Susan Finch's property, Folio No. So-and-so.

So that occurred three times, actually, where property owners apparently complained to the County Commission that they were — their uses were prohibited, and the County exempted them. And those ordinances are at Tab 2. And they're, for example, uses such as vendor shelters, major repair, motorcycles, scooters, lawn mowers, and other things that are presently prohibited under the RTC.

Our client did not pursue the LDC amendment process as he feels and obligation to the community that has greatly supported him over the past five years. And so he chose a path that would allow him the ability to comply with the RTC design standards, to the extent he could, short of demolition of the building at the property.

So he's exercising Option 2, I'll call it, rezoning

- to PD and self-imposing conditions on his development,

 attempting to comply with RTC design standards.
- You're going to hear Ty Maxey's presentation. He'll identify and actually opine to you that the client-proposed project -- which is on the ELMO. There you go -- complies with the majority of the RTC quidelines.

Conditions have been provided to Staff and are found at Tab 15, in the event you're inclined to recommend approval to the Board of County Commissioners.

The client is working within the most -- like most structures in the RTC, a building that has site characteristics that don't meet the RTC standards.

There is a very important LDC provision relating to RTC that you should be aware of. It's located at Tab 2. It sanctions properties that are not compliant with RTC standards, which is basically most properties with the RTC on 41.

This is Section 317.02 at Tab 6 -- I'm sorry -- Tab 2, which states that, quote: Existing characteristics of lands and density shall not be required to be removed or otherwise modified as a result of the requirements set forth in this part.

Note that it says an existing lawful use never has to comply with the RTC design standards, nor does a structure

have to be removed or modified. They don't make them nonconforming uses, they're existing lawful uses. So for example, converting a pawnshop, a Realtor's office to personal services or emergency clinic doesn't trigger demolition or removal or force a change of characteristics.

Note: There's a property across the street in the northwest corner of Shell Point Road and U.S. 41 that is being redeveloped from office showroom for Little Harbor to an attorney's office and emergency care clinic, and the owner has confirmed that the County is not requiring compliance with the RTC. That's at Tab 11. So the RTC does not apply even in the change-of-use situation.

Our analysis is further confirmed by the County's actions since the RTC was enacted in 2006. The County's only applied the RTC standards for projects that consisted of new construction, and that was in two situations:

Number 1, the Family Dollar Store, located directly across 41 from our project, approved in 2013. Tab 7 and 8.

What's interesting, Miss Finch, about this project, even this new construction project couldn't comply with the RTC standards and had to get two variances from Hillsborough County to comply.

The second project that's been subject to the RTC is the AutoZone auto parts, and that received a variance this

1 year. So they couldn't comply with RTC standards.

it got a variance to extend out to 56 feet.

Ironically, one of the standards it couldn't comply with, there's a maximum setback of 20 feet from a right of way, and that was one of the problems with that project. And

So I told you that redevelopment projects aren't held to RTC standards, and existing structures and characteristics do not have to be removed. So when does the RTC apply? Apparently, it applies only when there's new construction or someone like my client, through this process, voluntarily seeks imposition of these RTC design standards on his project.

Before we filed, we were advised by Staff to comply to the extent possible with the RTC. We had numerous exchanges, and Staff requested an elevation -- which is on the ELMO -- and we did all that. We did everything short of demolishing the building, which that code, I'll call it the savings provision, says, you know, in terms of redevelopment, you don't have to demolish buildings.

That makes sense. I've talked to some of the people involved in the design guidelines in the community down there. It was never the intent to convert from a pawnshop to an attorney's office and have them demolish the building. They were trying to facilitate and encourage redevelopment and compliance with the RTC, to the extent

1 that they could.

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But it's been kind of an amazing flop. Since 2006,

there have been two new projects on U.S. 41, and this

project would be the most RTC-design-compliant in the

County's history, in the twelve years of the existence of

the RTC if this project's approved.

We fall short, I think, by three -- on three issues, and Ty will talk about that.

I've given you copies of all these hearings to look.

I just want to move it along.

There's a zoning interpretation referenced in both Staff reports, Tab 14. I'll just let you review that, but basically, we requested a zoning interpretation to see if auto sales was sanctioned at the location, and the County came back in this letter said, Well, not -- auto sales was never a principal use, and we never alleged that. And you'll see that in the documentation. We've always alleged it was an accessory subordinate use to the vehicle repair that used to be there, where someone would occasionally sell a car or two, but for that --

HEARING MASTER FINCH: I'm going to interrupt you.

MR. BENTLEY: I'm sorry.

HEARING MASTER FINCH: Because you are at that point,

I think it's appropriate to ask my question. So I have

read the zoning interpretation, and my question is: I

Page 248 understand that this was previously used -- it says: The 1 2 zoning interpretation cites from 1986 to December 2012, 3 but then the property clearly was sold to perhaps your client. And in 2014, the zoning interpretation was 4 5 requested where the County said, Yes, vehicle repair is permitted, but motor vehicle sales was never the principal 6 7 use, it was always an ancillary use. So my question is: Why, four years later, are we talking about this? 8 9 MR. BENTLEY: Well, what happened -- did you stop the clock because I'm answering questions? 10 11 You get it. You can give me some additional time. 12 So what happened is when our client purchased the 13 property in 2013, the prior owner, Ted Piata -- and his affidavit, sworn affidavit is in the file -- he was under 14 15 the impression that he was still zoned CG and wasn't aware of this list of prohibited uses. 16 So my client purchases the property, okay? 17 18 requested an interpretation. And Ted, this guy Piata, the prior owner, he sold an occasional car. 19 20 Now, if I take you back to the vesting provision, it 21 never says anything about being the principal under the 22 RTC, it never says anything about being the principal use. 23 It says if you were an existing lawful use on the 24 effective date of this ordinance, which is 2006, then you 25 continue to be a lawful use, okay?

so what happened is we submitted a letter and gave evidence in support of, in our view, accessory sales of automobiles. And the letter -- the response we got back was, Dear Mr. Bentley, sales of auto -- automobiles was never the principal use of the property. And that's not in the code, Miss Finch. It never says principal or subordinate.

So we alleged it was subordinate or accessory. The County turns around, without us giving them evidence on repair, and says, Oh, by the way, repair is existing lawful use, and implication is you can go do repair today out there, okay? We got the letter in 2014, and repair had stopped in 2012.

So the repair runs with the property in perpetuity. And when that happens, guess what? You don't have to comply with the RTC. You can just have your cyclone fence, no landscaping, etc., and that's the way it came down.

HEARING MASTER FINCH: Did you appeal the interpretation?

21 MR. BENTLEY: Yeah, I did, to the LUHO.

22 HEARING MASTER FINCH: And what was the result of

23 that?

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MR. BENTLEY: They affirmed the zoning administrator.

25 HEARING MASTER FINCH: And so now is this back three

Page 250 or four years later because it's a code enforcement issue? 1 2 Is that how we got here? MR. BENTLEY: It's a pending code enforcement issue. 3 HEARING MASTER FINCH: I see. That makes sense. 4 5 MR. BENTLEY: So we're not here to reargue the erroneous decision rendered by the County in its letter. 6 7 We're here to demonstrate our project meets the spirit and intent of the RTC in its compatible to surrounding area 8 9 and that almost a hundred percent of this area is not 10 compliant. And, notably, the owner of the northwest 11 corner, as I mentioned, he sent in a letter in support. Miss Finch, I need to make this real clear to you, is 12 13 that even though there's a prohibited-use list, okay, there's a process that I'm going through tonight, and also 14 15 I fit it onto the other process amending the LDC 16 provision, okay, the prohibited-list provision, say everything is prohibited but for Mark Bentley's property 17 18 here, and it consists of motorcycle sales or repair. So the County has established two processes. If I --19 2.0 if we weren't allowed to go through this process to re-establish auto sales, they wouldn't have taken my 21 22 application or my fee. 23 So, so much for the letter. When you get a chance, 24 just read through that. It sounds like you're kind of 25 familiar with that.

HEARING MASTER FINCH: I've read the whole file.

MR. BENTLEY: Okay. So what happened is the County sanctioned auto repair. And like I said, the implication is now you can have auto repair there, and I don't -- I can't imagine that's what the planners of this community want, an ugly auto repair location instead of our project. And we've drafted condition. In the event we're approved, we'll eliminate that as a sanctioned use of the property.

So couple points before I turn it over to Ty, is -really don't have much time here, but I just want to point
out the two Staff reports, okay, they are concerned about
lack of compliance with the RTC design standards,
primarily the parking in front. And here, again, it's not
parking, it's display area. And also, 60 percent of our
building isn't adjacent to the street, okay?

In neither one of those reports do they object to auto sales as a use. Each report says auto sales is on the prohibited-use list, but there's never a compatibility analysis concerning auto sales, okay? They don't say it's a bad use here or anything. They just do their analysis and say, Oh, by the way, it's a prohibited use. Yeah, we all know that.

And that was the extent of their analysis on auto sales. So I would take auto sales off the table. So what do we have? Neither Staff performed a compatibility

analysis concerning auto sales as it relates to the
surrounding area. Presumably, auto sales is not an issue,
and that can get off the table.

The Staff's objections to a redevelopment project because it doesn't meet three of the several design standards. So although the LDC and Comp Plan encourage redevelopment in Ruskin, the code says lawful structures and nonconforming characteristics can remain -- they won't support the most compliant project that's been presented at the County to date.

So, Ms. Hearing Officer, this speaks volumes and shows you why the RTC has failed to do new development and redevelopment twelve years.

I'm going to turn it over to Ty.

15 Thank you.

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16 HEARING MASTER FINCH: Thank you.

Good evening.

MR. MAXEY: Good evening. For the record, Ty Maxey
with Maser Consulting, 5471 West Waters, Tampa.

I just wanted to point on the PD site plan that we submitted, we identified several improvements to the landscape buffers as well as parking lot striping, removing chain link fencing along U.S. Highway 41 and Shell -- Shell Point Road frontage. We removed -- we're proposing to remove any illegal signage and installing a

1 new monument sign.

The addition of the landscape buffers and the striping in the designated parking areas will clean up the site and eliminate haphazard parking or display of inventory, and it will also limit or reduce the amount of vehicle inventory on the site. These site improvements not only help to bring the site in compliance with the RTC standards, but they also further the intent of the Ruskin Community Plan.

You've seen the rendering. We also have, in Tab 16, an aerial photograph which is of the existing site. So you can see the comparison between what's existing versus what would be proposed with our rendering.

We also provided a copy of the RTC zoning district standards, and we highlighted those standards which this project cannot comply with. And the standards are not — that are not highlighted are either they're not applicable or the project does comply with.

Noncompliance is primarily, as Mr. Bentley indicated, the result of the existing site characteristics; and as Mr. Bentley indicated, the RTC development regulations specifically state that existing lawful structures and characteristics of land shall not be required to be removed or otherwise modified as a result of these standards.

The motor vehicle sales use is a business which serves the community of the Ruskin area and its residents. It provides an affordable option to purchasing a car as opposed to buying from a larger dealership which -- outside of this community.

The scale of the motor vehicle sales business is nonobtrusive, we feel, and furthers the Ruskin Community Vision which promotes a downtown that is, and I quote:

Made up of small businesses as opposed to big box stores and preserves its small-town character.

There are also several goals and elements of the Ruskin Community Vision Statement and the Ruskin Community Plan strategies that we feel we comply with. Goal No. 1 refers to downtown Ruskin, and revital -- it's intended to revitalize Ruskin's business center along U.S. 41, enhance the appearance of the district, and promote business growth that is compatibility with our small-town community. There's a bullet point to that goal which encourages commercial development and redevelopment within downtown Ruskin in the town center.

Goal No. 2 refers to economic development, provides opportunities for business growth. Their bullet point is promote commercial development at a scale and design that reflects the character of the community. Again, we feel like this small auto sales business is reflective of the

2.0

Page 255 1 small scale of Ruskin, and it certainly promotes business within the Ruskin area. 2 3 There are also components of the goals and objectives which prohibit pole signs and limit ground signs to 8 4 5 feet. That's why we're proposing the monument sign. The PD rezoning request is compatible with the 6 7 existing and the proposed zoning development at or within the surrounding area. It's generally compliant with the 8 9 RTC design standards and we feel it's consistent with the Hillsborough County Land Development codes and the 10 11 Comprehensive Plan. 12 HEARING MASTER FINCH: Thank you so much. 13 appreciate it. Does that conclude your presentation? 14 15 MR. BENTLEY: Well, I guess I'm kind of done for time. 16 HEARING MASTER FINCH: We are done for time. 17 18 MR. BENTLEY: I know you asked me a couple questions, 19 but I guess I can handle it in rebuttal, then. HEARING MASTER FINCH: I think that would be 2.0 21 appropriate. Thank you. 22 Development Services. 23 MR. ANDREWS: Good evening, Ms. Finch. Charles 24 Andrews. 25 I'll make it brief. The request the Applicant stated

Page 256 1 was to rezone the property from RTC-1 to PD zoning district. Uses currently prohibited under the RTC-1 2 3 zoning district: motor vehicle sales, rentals and auctions, all types, for LDC Section 3.17.09(H). 4 5 The property is located one north of U.S. 41 within the Ruskin Planning Area and the Ruskin Town Center 6 7 Special Zoning District. In the interest of time, the details of Staff's 8 9 positions of denials is listed in my Staff report, which 10 addresses the aforementioned zoning interpretation. I 11 will say that there was a site visit that I did back on 12 June 14 there, earlier this year, and has several pictures 13 there from the north and east including -- I think it's also in the Staff report -- on the east side there, with 14 15 Family Dollar showing that they met those conditions, 16 separate projects that met the RTC development standards. Objections were received from the Planning 17 18 Commission, which found it -- the request inconsistent 19 with the Comprehensive Plan. Staff recommends denial. 20 Happy to answer any questions. 21 HEARING MASTER FINCH: Just to emphasize that the use 22 they're asking for is not permitted under the Ruskin

Executive Reporting Service

MR. ANDREWS: That's correct, 317.09(H).

HEARING MASTER FINCH: Thank you.

23

24

25

zoning?

1 Mr. Grady, do you want to add anything?

2 MS. LIENHARD: Thank you. Melissa Lienhard, Planning 3 Commission Staff.

The subject property is located in the Office

Commercial 20 Future Land Use category. It is within the

limits of the Ruskin Community Plan as well as the

SouthShore Areawide Systems Plan, and it is an Urban

Service Area.

A major component of the Ruskin Town Center 1 zoning district is the design of the site. Shell Point Road and U.S. Highway 41 are considered main streets within the Ruskin Town Center. For the development regulations, developments along Main Street should have parking located behind the front facade of the Main Street building, and the building's primary orientation shall also be toward the street rather the parking — rather than the parking area. The entrance shall also be visible and accessible from the public street.

With the inventory of cars parked along the frontage of the Main Street and the building frontage set outside of the design parameters, the request would not meet these standards.

Because parking fronts the site is a dominant portion of the site, this creates the look of a strip development.

Objective 23 of the Future Land Use Element as well as the

2.0

Page 258 1 Ruskin Community Plans discourage strip development. So the Applicant is providing increased screening 2 3 along the frontage of the site, screening the storage and medical equipment -- I'm sorry -- mechanical equipment, 4 5 the proposed design of the site is still too much of a deviation from the required standards and is not meeting 6 7 the intent of the Ruskin Community Plan. Based upon those considerations, Planning Commission 8 9 Staff finds the proposed planned development inconsistent with the Future of Hillsborough Comprehensive Plan for 10 11 Unincorporated Hillsborough County. 12 HEARING MASTER FINCH: All right. Thank you so much. 13 Is there anyone that would like to speak in favor of the application? 14 15 Seeing no one, anyone in opposition? Yes, ma'am. 16 While she's coming up, is there anyone else that 17 18 wants to speak in opposition? 19 Okay. Good evening. 20 MS. COUNCIL: Good evening. 21 HEARING MASTER FINCH: Let's start with giving us 22 your name and address. 23 MS. COUNCIL: Sandy Council, P.O. Box 1115, Ruskin. 24 And I'm here this evening to speak to this rezoning to be denied with concerns regarding 18-0798 for the 25

community -- Ruskin Community Development Foundation. The board of directors would like to express the following concerns regarding this rezoning: RTC-1 non-permitted use specifically listed car sales as not permitted in the RTC-1. The narrative incorrectly states the historical use as a used car sales.

The RTC-1 primary intersection for our Main Street.

The intersection that we're talking about is in need of major safety improvements. The Strategic Plan for Redevelopment of Downtown is being launched by the Planning Commission. They just hired a new consultant.

The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied. Community plans adopted into the County Comprehensive Plan by the Board of County Commissioners took months of Staff time and community participation to develop and come to a consensus. While it was made clear from the beginning there was no funding attached to these plans for implementation, there was a realistic expectation the County would support the intent of individual community plans as projects came forward and went through — that were inconsistent.

The Board's position has no reflection on the Applicant, other than it's the wrong use in the wrong place. We encourage the Applicant to participate in the

Page 260 strategic plan when it launches in the next few weeks as 1 we believe it would help him fully understand why Ruskin 2 is so passionate about the way our downtown is 3 redeveloped. 4 I also am an adjoining property owner, and I echo those same sentiments. 6 7 HEARING MASTER FINCH: Thank you for coming down. appreciate it. If you could please sign in. 8 9 All right. We will close opposition testimony and go 10 back to County Staff. Do you have anything further? 11 All right. Mr. Bentley, you have five minutes. MR. BENTLEY: Okay. Ms. Council's comments, I 12 13 received a copy of the letter. Four points: RTC is not permitted; we realize that. 14 The County has created a process to for us to allow that 15 16 introduction of the use to the LDC process, for the 17 amendment process. The narrative, she says, incorrectly states 18 historical use as a used car dealer. I said in all this 19 20 backup that it was accessory ancillary use. 21 Ms. Council has only owned the property next door 22 since '95, and the prior owner sold an occasional car. 23 I don't think she's in a position to make that call, 24 whether or not they ever sold a used car. 25 Then she talks about the intersection, which is kind

of interesting and irrelevant to this application and a couple other points.

Just what Charles indicated, and he said this in the Staff report, he said Family Dollar is an example of a project that's met the RTC guidelines. And I gave you two variances they received, which are very significant, in your backup. So contrary to the assertion in the Staff report, Family Dollar did not meet the RTC design guidelines but for receiving two variances.

As I mentioned before, and looked at the reports again, neither Staff objected to the use they just mentioned, that it was on the list of prohibited uses.

Also, Development Services, in their analysis, they never objected to this project not being the intent of the Ruskin Town Center, which is at 317.01, which is revitalize business along 41, enhance appearance, and establish mixed-use walkable and friendly town center.

Certainly, based on Ty's opinion in his report, obviously, we do all that. We do meet the intent. The only hiccup here is the auto use. And speaking with some of the people down in Ruskin, how in the heck did motor vehicle sales end up on this hit list, I'll call it? Is that because there were a lot of mom-and-pops who would throw an occasional car out there?

I've given you a couple examples in terms of

Page 262 1 photographs of auto repairs and places like pawnshops that 2 are operating, and looks like illegally, and I think that was the wrong that they were trying to cure. What we have 3 here is not that situation. 4 5 We have a legitimate auto sales dealership, who owns other dealerships around Tampa. And what you've seen in 6 7 that rendering is we've taken off most of the cars. put a canopy which functions, in essence, as a building 8 9 along the roadway. The only thing we couldn't do, okay, is knock down that building. And the building, in its 10 11 location, essentially has caught three waivers to the RTC design standards. 12 13 The long and the short of it, no one was concerned 14 about the use. They were concerned about the building and its location and the parking in front, which, in our view, 15 16 is really not parking, it's display area. 17 So that's all I have to say. And I appreciate your 18 time. HEARING MASTER FINCH: Thank you so much. 19 20 With that, we'll close Rezoning 18-0798. 21 22 23 24 25

Executive Reporting Service

1 Item A-7, Rezoning Application 18-1037. Th
2 application is being continued to the
3 December 17th, 2018, Zoning Hearing Master Hearing
4 Item A-8, Rezoning Application 18-1048. Th
5 application is being continued to the
6 December 17th, 2018, Zoning Hearing Master Hearing
7 Item A-9, Rezoning Application 18-1054. Th
8 application is being continued to the
9 December 17th, 2018, Zoning Hearing Master Hearing
10 Item A-10, Rezoning Application 18-1069.
11 This application is being continued to the
December 17th, 2018, Zoning Hearing Master Hearing
13 Item A-11, Rezoning Application 18-1106.
14 This application is being continued to the
December 17th, 2018, Zoning Hearing Master Hearing
16 Item A-12, Rezoning Application 18-1153.
17 This application is being continued to the
December 17th, 2018, Zoning Hearing Master Hearing
19 Item A-13, Rezoning Application 18-1163.
20 This application is being continued to the
December 17th, 2018, Zoning Hearing Master Hearing
Item A-14, Major Mod Application 18-1206.
23 This application is being continued to the
December 17th, 2018, Zoning Hearing Master Hearing
25 Item A-15, Rezoning Application 18-1252.

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

In Re:

ZONING HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

JAMES SCAROLA

Zoning Hearing Master

DATE:

July 16, 2018

TIME:

Commencing at 6:00 p.m. Concluding at 7:36 p.m.

PLACE:

Hillsborough County Center

2nd Floor Boardroom

601 East Kennedy Boulevard

Tampa, Florida 33601

REPORTED BY: Jerry Lefler, RPR CRR CM

Executive Reporting Services
13555 Automobile Boulevard, Suite 100
Clearwater, Florida 33762
(727) 823-4155

Executive Reporting Service

	Page 7
1	A1 and A2 are being withdrawn.
2	The following items are being continued
3	because they're out of order to the August 20th,
4	2018, Zoning Hearing Master hearing: Item A3,
5	Rezoning Application 17-0416; Item A4, Rezoning
6	Application 17-1120; item A5, Rezoning
7	Application 18-0404; Item A6, 18-0540; Item A7,
8	Rezoning Application 18-0544.
9	Again, those items out of order and
10	being continued to the August 28th, 2018, Zoning
11	Hearing Master Hearing.
12	Zoning Application 18-0568, this
13	application is being continued by the applicant
14	to the August 20th, 2018, Zoning Hearing Master
15	Hearing.
16	Item A9, Rezoning Application 18-0646,
17	this application is out of order to be heard and
18	will be continued to the August 20th, 2018,
19	Zoning Hearing Master Hearing.
20	Item A10, Rezoning Application 18-0798,
21	this application has been continued by the
22	applicant to the August 20th, 2018, Zoning
23	Hearing Master Hearing.
24	Item All, Rezoning Application 18-0800,
25	this application is being continued by the

EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR, (2015) DATE/TIME: 5/14/2692	ZHM PHM, LUHO HEARING MASTER: Susan Fineh PAGE 1 OF 5
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION # RZ 22-0423	MAILING ADDRESS PO BOX 273417 CITY Tampa STATE FL ZIP 368 PHONE
APPLICATION# RZ 226456	PLEASE PRINT NAME David Wright MAILING ADDRESS PO Box 273417 CITY Tampa STATE FL ZIP 3368PHONE (813) 230-747
APPLICATION# RZ18-6798	MAILING ADDRESS 401 E Jacky 50 CITY 1/14 STATE PZ ZIP 3361 PHONE
APPLICATION# RZ 18-0798	MAILING ADDRESS PO BOX 1115 CITY STATE F1 ZIP 33575 PHONE 813.812.9760
APPLICATION# RZ 18-0798	NAME WICLIAM BREDGEARE MAILING ADDRESS 109 2 ^{NJ} ST NW CITY RUSKIN STATE FT ZIP 3>5 20 PHONE 917-617-700
APPLICATION# RZQG-1257	MAILING ADDRESS / E Kenve by Ble/ Sac 3700 Tomped CITY TAM DU STATE FL ZIP 3500 PHONE S. 22.27 8421

LUHO
HEARING MASTER: Sugan Finch
PAGE 2 OF 5 SIGN-IN SHEET: RFR, ZHM PHM, LUHO DATE/TIME: 5/16/2622 PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING **APPLICATION #** MAILING ADDRESS 10408 Blooming dal Auchue CITY Riverview STATE ZIP 375 PHONE 813-309-661 PLEASE PRINT LUKE LIROT **APPLICATION #** R Z 20-125 MAILING ADDRESS 2240 BELLENIR RD. "190 CITY CLEARWATER STATE FL ZIP 33764 PHONE 727'536.2100 PLEASE PRINT **APPLICATION #** NAME MAILING ADDRESS STATE FL ZIP 33908 HONE (239)560-5864 **APPLICATION #** NAME RAM A. CALCO IR. MAILING ADDRESS 18422 SWAN LAKE 1 Dr. 20-1253 CITY LUT 2 STATE FL ZIB35/9 PHONE 813 '50 PLEASE PRINT JAY A. Muffly **APPLICATION #** RZ 26-1253 MAILING ADDRESS 107 STH AVE CITY LUTZ STATE FL ZIP 3354 PHONE 949-2224 **APPLICATION #** RZ 28-1257 MAILING ADDRESS 505 012 Grove Da CITY Luta STATE ZIP 33548 PHONE 813-949

SIGN-IN SHEET: RFR, ZHMI PHM, LUHO DATE/TIME: 5/4/2022 HEARING MASTER: 545an Finch							
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING							
APPLICATION #	PLEASE PRINT NAME Isabelle albert						
RZ 22-6586	MAILING ADDRESS 1000 v ashley Dr. Suit 900						
	CITY Tempe STATE PC ZIP 33 629 PHONE 813 331 0976						
APPLICATION#	PLEASE PRINT NAME ATOM Breickente						
RZ 22-8498	MAILING ADDRESS 4477 W. / GENNER, BUD						
	CITY AM PA STATE ZIP 336 PHONE (P17) 229-7200						
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	CITY The Pole STATE To ZIP 3770/PHONE SOUR-						
APPLICATION #	NAME Suckerser						
12 22-649	MAILING ADDRESS 4427 J. KENNEDT BLUD						
	CITY AMPA STATE ZIP 376° PHONE (813)229-?>						
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RZ 22-0699	MAILING ADDRESS / Z 40/ Aust ZAul						
	CITY Then 2/05/55 ATE TIZIP PHONE 6/3						
APPLICATION#	ION# PLEASE PRINT JUGAA SOLO						
KZ 220102	MAILING ADDRESS 4103 N. Herbana Aul						
	CITY TOC STATE PLONE & 33.447						

SIGN-IN SHEET: RFR, ZHM PHM, LUHO
DATE/TIME: 5/W/2622 HEARING MASTER: Sugan Finch

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RZ-22-676.	MAILING ADDRESS 200 14 14 5. #456 CITY F. Pele STATE (4 ZIP 374 PHONE 404 7 76					
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RZ 22-6762	MAILING ADDRESS LOLO - 36TH ALL SU-					
	CITY STATE ZIP 369 PHONE 813-215-1154					
APPLICATION# RZ 22-6762	PLEASE PRINT NAME W.L Sexter Cook Tr					
16.2	MAILING ADDRESS 6210 36 Thur So					
	CITY Tame STATE EL ZIP 3419 PHONE PROSE					
APPLICATION# RZ 22-0439	NAME DAVIS M. Smith					
1 1 22 00	MAILING ADDRESS 401 E. Julison Strol St. 2100					
	CITY Imp STATE F/ ZIP 3360) PHONE 8/3 225-50/					
APPLICATION #	PLEASE PRINT NAME JESSICA ICEMAN					
07 27-0439	MAILING ADDRESS 401 Fast Jackson St # 21W					
	CITY Tampa STATE FL ZIP 3360ZPHONE 813-222-300					
APPLICATION #	PLEASE PRINT MALL MOLL					
RZ 22-6441	MAILING ADDRESS 325 5 RW					
	CITY Janpa STATE T ZIP ZIP PHONE					

SIGN-IN SHEET: RFR, ZHM PHM, LUHO DATE/TIME: 5/14/2122 HEARIN LUHO
HEARING MASTER: SUSAn Finch

PAGE 5 OF 5 **PLEASE** PRINT CLEARLY. THIS INFORMATION WILL BE USED FOR MAILING **APPLICATION #** NAME TODD AMADEN R7 22-8441 MAILING ADDRESS 8515 Parm KIVED ___STATE FL ZIP33419 PHONE 421 - 784 PLEASE PRINT **APPLICATION #** MAILING ADDRESS 3923 Coconut Palm Dr: R7 22 6441 __state / < zip ____phone PLEASE PRINT GROWN **APPLICATION #** R> 22-8441 MAILING ADDRESS 12916 Para Rd STATE ZIP 33675 PHONE PLEASE PRINT **APPLICATION #** NAME . RZ 22-8441 _ STATE FL ZIP 33635PHONE 542-838) PLEASE PRINT NAME Kum' Cer held **APPLICATION #** MAILING ADDRESS 101 E Komery 18hd Ste 3700 CITY THYPH STATE FL ZIBBGOZ PHONES 13-227842 PLEASE PRINT **APPLICATION #** NAME ___ 22-6452 MAILING ADDRESS 3816 CITY Tampa STATE FL ZIP 33624 PHONE (813) 394-099 HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: <u>5/16/2022</u>

HEARING MASTER: Susan Finch PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
MM 22-0452	Brian Grady	1. Revised Staff Report	Yes (copy)
MM 22-0452	Kami Corbett	2. Applicant Presentation Packet	No
RZ 22-0439	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0439	Jessica Icerman	2. Applicant Presentation Packet	Yes (copy)
RZ 18-0798	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 18-0798	Mark Bentley	2. Applicant Presentation Packet	Yes (copy)
RZ 18-0798	Sandy Council	3. Opposition Presentation Packet	No
RZ 20-1253	Kami Corbett	1. Applicant Presentation Packet	No
RZ 20-1253	Dr. Dale Merryman	2. Applicant Presentation Packet	No
RZ 20-1253	Sam Calco	3. Opposition Presentation Packet	No
RZ 20-1253	Jay A. Muffly	4. Opposition Presentation Packet	No
RZ 20-1253	Susan Guess	5. Opposition Presentation Packet	No
RZ 20-1253	Christopher Capkovic	6. Opposition Presentation Packet	No
RZ 22-0580	Isabelle Albert	1. Applicant Presentation Packet	No
RZ 22-0697	Todd Pressman	1. Applicant Presentation Packet	No
RZ 22-0702	Todd Pressman	1. Applicant Presentation Packet	No
RZ 22-0441	William Molloy	1. Applicant Presentation Packet	No
RZ 22-0441	Susan Martin	2. Opposition Presentation Packet	No

MAY 16, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, May 16, 2022, at 6:00 p.m., held virtually.

Susan Finch, ZHM, calls the meeting to order and leads in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

Brian Grady, Development Services, introduces staff and reviews changes/withdrawals/continuances.

C.1. RZ 22-0423

Brian Grady, Development Services, calls RZ 22-0423.

David Wright, applicant rep, requests continuance for RZ 22-0423.

Susan Finch, ZHM, calls proponents/opponents/grants continuance for RZ 22-0423.

C.2. RZ 22-0456

Brian Grady, Development Services, calls RZ 22-0456.

David Wright, applicant rep, requests continuance for RZ 22-0456.

Susan Finch, ZHM, calls proponents/opponents/grants continuance for RZ 22-0456.

Brian Grady, Development Services, continues changes/withdrawals/continuances.

Susan Finch, ZHM, overview of ZHM process.

Senior Assistant County Attorney Cameron Clark overview of oral argument/ZHM process.

Susan Finch, ZHM, Oath.

Brian Grady, Development Services, introduces staff.

MONDAY, MAY 16, 2022

B. REMANDS

B.1. RZ 18-0798

- Brian Grady, Development Services, calls RZ 18-0798.
- Mark Bentley, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Mark Bentley, applicant rep, answers ZHM questions.
- Susan Finch, ZHM, questions to applicant rep.
- Mark Bentley, applicant rep, answers ZHM questions.
- Brian Grady, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Brian Grady, Development Services, answers ZHM questions.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Sandy Council, opponent, provides testimony
- William Bredbenner, opponent, provides testimony.
- Susan Finch, ZHM, calls Development Services/applicant rebuttal.
- Mark Bentley, applicant rep, gives rebuttal.
- Susan Finch, ZHM, questions to applicant rep.
- Mark Bentley, applicant rep, answers ZHM questions.
- Susan Finch, ZHM, questions to Development Services.
- Brian Grady, Development Services, answers.
- Susan Finch, ZHM, calls applicant rebuttal/closes RZ 18-0798.

MONDAY, MAY 16, 2022

B.2. RZ 20-1253

- Brian Grady, Development Services, calls RZ 20-1253.
- Kami Corbett, applicant rep, presents testimony.
- Dr. Dale Meryman, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep
- Dr. Dale Meryman, answers ZHM questions.
- Kami Corbett, applicant rep, continues testimony.
- Brian Grady, Development Services, staff report.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Luke Lirot, opponent, provides testimony
- Max Forgey, opponent, provides testimony.
- Sam Calco, opponent, provides testimony.
- Jay A. Muffly, opponent, provides testimony.
- Susan Guess, opponent, provides testimony.
- Sam Calco, opponent, continues testimony.
- Kami Corbett, applicant rep, questions to opponent.
- Susan Guess, opponent, answers applicant rep questions.
- Kami Corbett, applicant rep, provides rebuttal.
- Dr. Dale Merryman, applicant rep, provides rebuttal.
- Kami Corbett, applicant rep, continues rebuttal.
- Susan Finch, ZHM, closes RZ 20-1253.

MONDAY, MAY 16, 2022

C. REZONING STANDARD (RZ-STD):

C.3. RZ 22-0580

- Brian Grady, Development Services, calls RZ 22-0580.
- Isabelle Albert, applicant rep, presents testimony.
- Isis Brown, Development Services, staff report.
- Exarla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rebuttal/closes RZ 22-0580.

C.4. RZ 22-0690

- Brian Grady, Development Services, calls RZ 22-0690.
- Clayton Bricklemyer, applicant rep, presents testimony.
- ☑ Isis Brown, Development Services, staff report.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rebuttal/closes RZ 22-0690.

C.5. RZ 22-0697

- Brian Grady, Development Services, calls RZ 22-0697.
- Todd Pressman, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rebuttal/closes RZ 22-0697.

C.6. RZ 22-0699

- Brian Grady, Development Services, calls RZ 22-0699.
- Clayton Bricklemyer, applicant rep, presents testimony.
- Isis Brown, Development Services, staff report.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/closes RZ 22-0699.
- Susan Finch, ZHM, reopens RZ 22-0699.
- Deff Marple, opponent, provides testimony.
- Susan Finch, ZHM, questions to opponent.
- Deff Marple, opponent, answers ZHM questions.
- Clayton Bricklemyer, applicant rep, provides rebuttal.
- Susan Finch, ZHM, questions to applicant rep.
- Clayton Bricklemyer, applicant rep, answers ZHM questions and continues rebuttal.
- Susan Finch, ZHM, closes RZ 22-0699.
- Susan Finch, ZHM, calls break.
- Susan Finch, ZHM, resumes meeting.

C.7. RZ 22-0702

- Brian Grady, Development Services, calls RZ 22-0702.
- Susan Finch, ZHM, Oath.
- Todd Pressman, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep, answers ZHM questions and continues testimony.

- Susan Finch, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep, answers ZHM questions and continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Juana Soto, applicant rep, answers ZHM questions
- Todd Pressman, applicant rep, continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep, answers ZHM questions and continues testimony.
- Chris Grandlienard, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Chris Grandlienard, Development Services, answers ZHM questions.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, questions to Planning Commission.
- Exarla Llanos, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, questions to Planning Commission.
- Exarla Llanos, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, calls proponents/opponents.
- Thelma Fernandez, opponent, provides testimony.
- W. L. Saxton Cook Jr., opponent, provides testimony.
- Exarla Llanos, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, calls Development Services/applicant rebuttal.
- Todd Pressman, applicant rep, provides rebuttal.

- Juana Soto, applicant, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-0702.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 22-0439

- Brian Grady, Development Services, calls RZ 22-0439.
- Dessica Icerman, applicant rep, provides testimony.
- David M. Smith, applicant rep, provides testimony
- Susan Finch, ZHM, questions to applicant rep.
- David M. Smith, applicant rep, answers ZHM questions.
- Israel Monsanto, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Israel Monsanto, Development Services, answers ZHM questions.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rebuttal.
- Dessica Icerman, applicant rep, provides rebuttal.
- Susan Finch, ZHM, questions to applicant rep.
- Dessica Icerman, applicant rep, answers ZHM questions.
- Susan Finch, ZHM, closes RZ 22-0439.

D.2. RZ 22-0441

- Brian Grady, Development Services, calls RZ 22-0441.
- Susan Finch, ZHM, Oath.
- William Molloy, applicant rep, presents testimony.

- Susan Finch, ZHM, questions to applicant rep
- William Molloy, applicant rep, answers ZHM questions and continues testimony.
- Todd Amaden, applicant rep, provides testimony.
- William Molloy, applicant rep, continues testimony
- Palex Azan, applicant rep, provides testimony.
- William Molloy, applicant rep, continues testimony.
- Michelle Heinrich, Development Services, staff report.
- Exarla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Gerod Vernon, opponent, presents testimony.
- Susan Martin, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Service/applicant rebuttal.
- William Malloy, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-0441.

D.3. MM 22-0452

- Brian Grady, Development Services, calls MM 22-0452.
- Kami Corbett, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Kami Corbett, applicant rep, answers ZHM questions.
- Timothy Lampkin, Development Services, staff report.
- Karla Llanos, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services

- Susan Finch, ZHM, questions to Development Services.
- Timothy Lampkin, Development Services, answers ZHM questions.
- Kami Corbett, applicant rep, provides rebuttal.
- Dallas Evans, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes MM 22-0452.

ADJOURNMENT

Susan Finch, ZHM, adjourns meeting.

Rezoning Application: PD 18-0798 (REMAND)

Zoning Hearing Master Date: May 1

May 16, 2022

BOCC Land Use Meeting Date: July 26, 2022

Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant:

Johnson Pope Bokor Ruppel &

Burns, LLP

FLU Category:

OC-20

Service Area:

Urban

Site Acreage:

.52

Community

Plan Area:

Ruskin

Overlay:

None



Introduction Summary:

The applicant proposes to rezone the subject property from RTC-1 (Ruskin Town Center) to Planned Development (PD) to allow uses permitted under the RTC-1 zoning district and motor vehicle sales (a prohibited use in RTC-1).

Zoning:	Existing	Proposed
District(s)	RTC-1	PD 18-0798
Typical General Use(s)	Ruskin: Limited General Commercial and Multi- Family Residential	Ruskin: Limited General Commercial Uses (to include motor vehicle sales) and Multi-Family
Acreage	.52	.52
Density/Intensity	20 units per acre / .75 FAR	20 units per acre / .75 FAR
Mathematical Maximum*	10 units /16,988 sq. ft.	10 units /16,988 sq. ft.

^{*}number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	RTC-1	PD 18-0798
Lot Size / Lot Width	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards
Setbacks/Buffering and Screening	Per Ruskin Town Center Development Standards	Per Ruskin Town Center Development Standards
Height	50'	50'

Additional Information:	
PD Variation(s)	None requested as part of this application
Mainer de Nan Abert and Development Code	LDC Section 3.17.03 & 3.17.04 - Off-street parking, minimum building
Waiver(s) to the Land Development Code	frontages and building design.

APPEICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022 BOCC LUM MEETING DATE: July 26, 2022

Case Reviewer: J. Brian Grady

Planning Commission Recommendation:

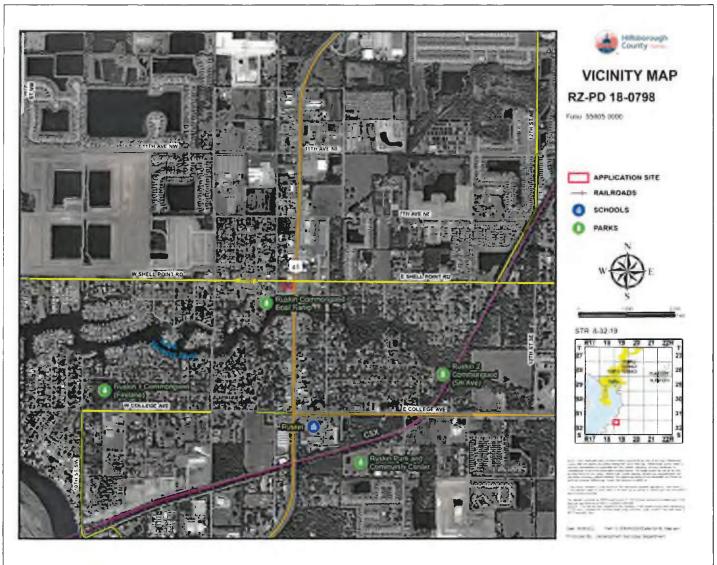
Inconsistent

Development Services Recommendation:

Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

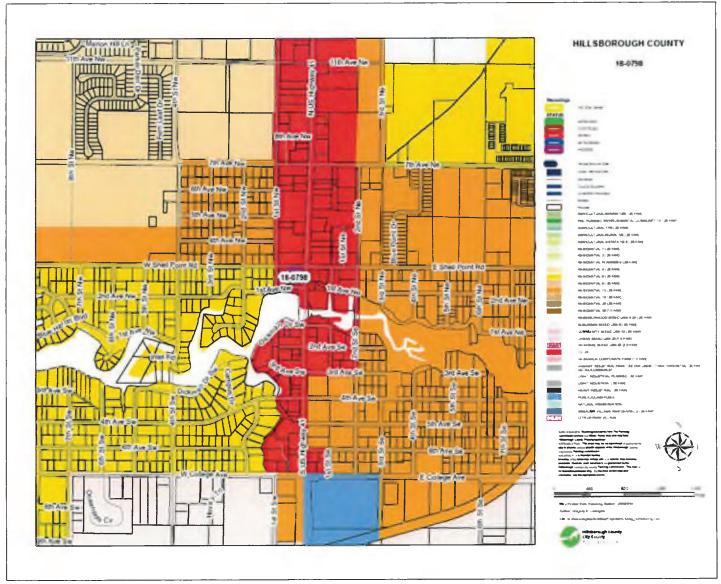


Context of Surrounding Area:

The site is located in an area comprised of suburban scale neighborhood commercial and residential uses. The US 41 corridor which the parcel fronts upon has an OC-20 FLU category, with RES-6 and RES-12 FLU categories further to the east and west. The US 41 corridor north and south of the subject site is comprised primarily of commercial uses, with residential uses, primarily single-family, located further to the east and west of the US 41 commercial corridor.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Subject Site Future Land Use Category:	OC-20
Maximum Density/F.A.R.:	20 units per acre/.75 FAR
Typical Uses:	Community commercial type uses, office uses, mixed use developments and compatible residential uses.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



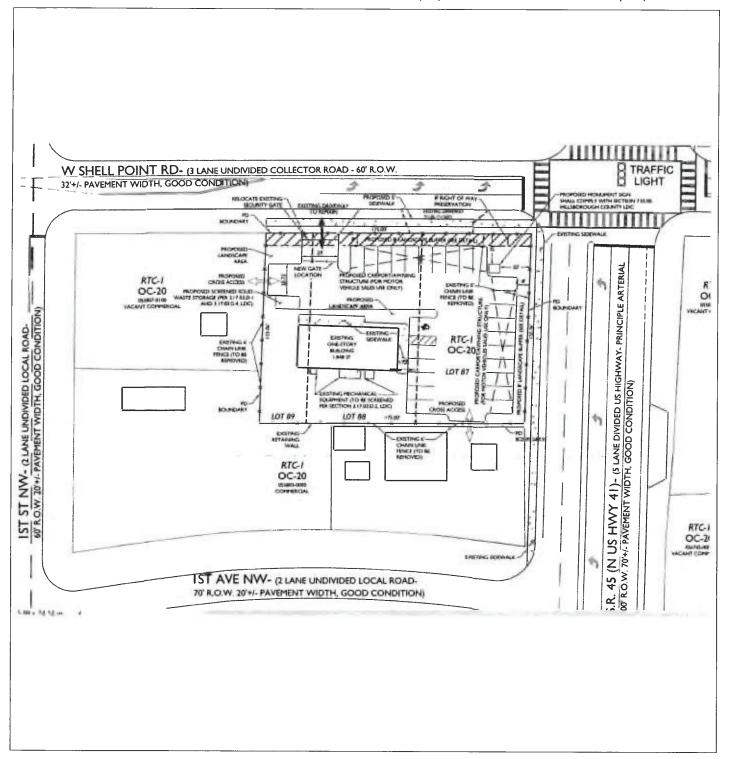
Title		Adjacent Zor	nings and Uses	
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial
South	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial
East	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant
West	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant

ZHM HEARING DATE: BOCC LUM MEETING DATE: May 16, 2022 July 26, 2022

Case Reviewer: J. Brian Grady

2.0 LAND USE MAP SET AND SUMMARY DATA

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



APPLICATION NUMBER: PD 18-0798

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May 16, 2022

Case Reviewer: J. Brian Grady

Transportation Comment Sheet

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

Adjoining Roadway	ys (check if applicable)		
Road Name	Classification	Current Conditions	Select Future Improvements
Shell Point Rd.	County Collector - Urban	2 Lanes ☐ Substandard Road ☐ Sufficient ROW Width	 ☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation	Not applicable for this request		and a second
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Proposed	54	5	11

^{*}Trips reported are based on net new external trips unless otherwise noted.

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	None	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	X	None	None	Meets LDC
Notes:	,			

Road Name/Nature of Request	Туре	Finding
	Choose an item.	(boxsect.

4.0 Additional Site Information & Agency Comme	nts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
□ Design Exception/Adm. Variance Requested□ Off-Site Improvements Provided	☐ Yes ☐N/A ⊠ No	Yes No No	See report.

PD 18-0798

ZHM HEARING DATE: BOCC LUM MEETING DATE: May 16, 2022 July 26, 2022

Case Reviewer: J. Brian Grady

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes ☑ No	
Natural Resources	⊠ Yes □ No	☐ Yes ☑ No	⊠ Yes □ No	
Conservation & Environ. Lands Mgmt.	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	
Check if Applicable:	☐ Potable V	Vater Wellfield Pro	tection Area	
☐ Wetlands/Other Surface Waters	☐ Significan	t Wildlife Habitat		
☐ Use of Environmentally Sensitive Land Credit	☐ Coastal H	igh Hazard Area burban/Rural Scer	nic Corridor	
☐ Wellhead Protection Area		to ELAPP property		
☐ Surface Water Resource Protection Area	☐ Other	to LLAFF property		
Public Facilities:	Comments	Objections	Conditions Requested	Additional Information/Comments
Transportation		_		
☐ Design Exc./Adm. Variance Requested☐ Off-site Improvements Provided	☐ Yes ☐ No	☐ Yes ⊠ No	⊠ Yes □ No	See Report
Service Area/ Water & Wastewater				
☑ Urban ☐ City of Tampa	⊠ Yes	☐ Yes	☐ Yes	
☐ Rural ☐ City of Temple Terrace	□ No	⊠ No	⊠ No	
Hillsborough County School BoardAdequate□ K-5□ 6-8□ 9-12⊠ N/AInadequate□ K-5□ 6-8□ 9-12⊠ N/A	☐ Yes 図 No	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission ☐ Meets Locational Criteria ☐ N/A ☐ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A	⊠ Yes □ No		□ Yes ⊠ No	

APPLICATION NUMBER: PD 18-0798

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5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

This item was heard at the October 9, 2018 Board of County Commissioner (BOCC) Land Use Meeting and was remanded back to the Zoning Hearing Master (ZHM) public hearing by the BOCC for further review/discussion with representatives of the Ruskin community. The application was remanded a second time at the December 20, 2019 BOCC Land Use Meeting at the request of the applicant to provide for consideration of the Ruskin Community Profile. The applicant has not made any changes to the use requested. A revised plan was submitted subsequent to the remand which added cross access along the western boundary, relocated parking to accommodate the cross access and added a notation regarding the provision of an 8-foot right-of-way preservation area along W. Shell Point Road. With respect to the Ruskin Community Plan Profile, the profile was a study commissioned by the Hillsborough County City-County Planning Commission to profile the Ruskin submarket through 2023. The profile includes the Adopted Ruskin Community Plan and a buildout analysis for three subareas: Ruskin Town Center, College Avenue Corridor (between U.S. 41 Community Planning Commission and Southshore Corporate Park. The profile contains community wide socioeconomic, employment, population, infrastructure and community facilities analyses and trends. Furthermore, the Planning Commission stated in their report that the Ruskin Community Profile is not an adopted document and cannot be used in their analysis when making land development recommendations.

Case Reviewer: J. Brian Grady

Per LDC Section 3.17.03.A., *Designation of Streets*, West Shell Point Road and North US Highway 41 are established as main streets, both of these streets which the subject property fronts and serve as its north and eastern property boundaries (see graphic to the left). Per the request, while the applicant has shown they can comply with some of the design standards of the established zoning district, they cannot meet some of the key standards found under LDC Section 3.17.03, *General Development Standards* and LDC Section 3.17.04, *Standards for Non-Residential, Mixed Use and Multi-Family Development*. Specifically, under these sections, the request cannot meet the design standards pertaining to off-street parking (surface parking lots) for projects located on Main Streets, minimum building frontages and building design. Therefore, the applicant is seeking relief from these standards and has proposed alternative design enhancements to address non-compliance with those standards. However, staff is not supportive a waiving these key design standards of the LDC.

Development Services staff finds the proposed rezoning is inconsistent with the development pattern in the area. Per Land Development Code (LDC) Section 3.17.09.h., *Prohibited Uses*, of the Ruskin Town Center, *Motor Vehicle Sales*, *Rentals*, *and Auctions—All Types* is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center. Furthermore, the Ruskin Town Center prohibits other auto dependent uses such as motor vehicle repairs, recreational vehicle sales, convenience stores with fuel pumps and miniwarehouses.

Uses adjacent to, and in the general vicinity of, the site are zoned Ruskin Town Center (RTC-1) and are either permitted uses found under the CG (Commercial, General) zoning district, per LDC Section 3.17.07., or are in compliance with LDC Section 3.17.00. Consistent with the intent of the RTC-1 zoning district, existing uses do not include commercial/auto dependent uses prohibited by the RTC-1 district.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. A commercial restaurant, resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a *Family Dollar*, reside across the road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned *Family Dollar* is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1.

The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district

APPLICATION NUMBER: PD 18-0798

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Case Reviewer: J. Brian Grady

(see site photo below), with the exception of a site yard setback reduction from 5 to 0 feet granted via Variance 14-0580.



Given the established development pattern of the area which consists of uses consistent with the intent/requirements of the RTC-1 district, staff does not find the proposed motor vehicle sales use compatible.

5.2 Recommendation

Based on the above considerations, finds the request not supportable.

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE:

May 16, 2022

BOCC LUM MEETING DATE:

July 26, 2022

Case Reviewer: J. Brian Grady

6.0 PROPOSED CONDITIONS

Zoning Administrator Sign Off:

J. Brian Grady Mon May 16 2022 16:54:49

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

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

APPLICATION NUMBER: PD 18-0798

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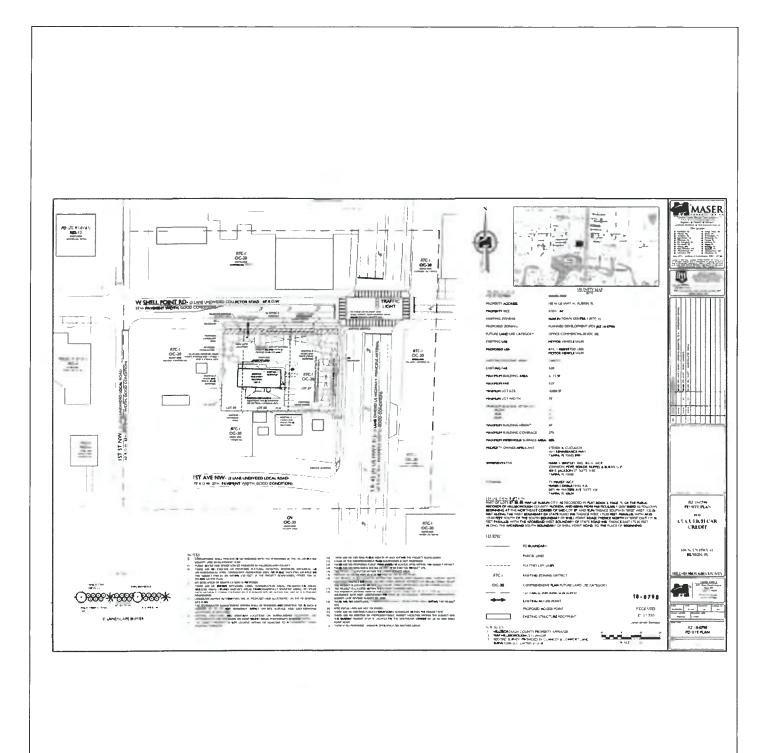
7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

None.

ZHM HEARING DATE: May 16, 2022 BOCC LUM MEETING DATE: July 26, 2022

Case Reviewer: J. Brian Grady

8.0 PROPOSED SITE PLAN (FULL)



APPLECATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

9.0 FULL TRANSPORTATION REPORT (see following pages)

APPL:CATION NUMBER:	PD 18-0798	
ZHM HEARING DATE:	May 16, 2022	
BOCC LUM MEETING DATE:	July 26, 2022	Case Reviewer: J. Brian Grady

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE:

May 16, 2022

BOCC LUM MEETING DATE: July 26, 2022 Case Reviewer: J. Brian Grady

AGENCY REVIEW COMMENT SHEET

REVIEWER: Aiah Yassin, AICP, MSEM Revised: 1.3.20 AGENCY/DI		DATE: 7.31.2018 Revised: 1.3.2019 AGENCY/DEPT: Transportation PETITION NO.: PD 18-0798
	This agency has no comments.	
	This agency has no objection.	
X	This agency has no objection, subject to the listed or attached	ed conditions.

GENERAL REPORT OUTLINE:

I. REPORT SUMMARY AND CONCLUSIONS

- Hillsborough County eliminated its concurrency management system and enacted a transportation mobility fee which went into effect on January 1, 2017. This new fee replaced concurrency and impact fees. The applicant will mitigate transportation impacts by payment of the mobility fee.
- The proposed rezoning would result in no change in the trips potentially generated since the proposed use is less intense that what is already allowable under RTC-1.
- Only one primary vehicular and pedestrian access will be on Shell Point Road. Additional access
 will not be allowed on US.41, subject to FDOT approval.
- The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.
- Transportation Review Section staff has no objection to the proposed rezoning.

II. CONDITIONS OF ZONING APPROVAL

- Notwithstanding anything on the PD site plan or herein these conditions to the contrary, the applicant will be required to comply with all applicable access management standards and other applicable regulations within the Land Development Code and Transportation Technical Manual.
- 2 As Shellpoint Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
- 3 The developer shall construct a vehicular and pedestrian cross access stub out to its western property boundary (Folio 55807.0100) and to its southern property boundary (folio 55803.0000).

PLICATION NUMBER:	PD 18-0798	
M HEARING DATE:	May 16, 2022	
DCC LUM MEETING DATE:	July 26, 2022	Case Reviewer: J. Brian Grady

APPLICATION NUMBER:	PD 18-0798	
ZHM HEARING DATE:	May 16, 2022	
BOCC LUM MEETING DATE:	July 26, 2022	Case Reviewer: J. Brian Grady

III. PROJECT SUMMARY

The applicant is requesting to rezone ± -0.52 acres property (folio 55805.0000) from RTC-1 to Planned Development (PD) to recognize the existing motor vehicle sales use as a permitted use, as well as to permit any of the uses otherwise permitted in the RTC-1 zoning district

IV. TRANSPORTATION ANALYSIS:

Trip Generation Analysis:

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Since the proposed zoning is less intense in generating trips that is allowed on under RTC-1 and the request still entails the same uses under RTC-1 to remain, then Staff can conclude that no change in the trip generation is anticipated. Staff's analysis is summarized below. Proposed Uses:

Land Use Size	24 Hour Two-	Total Hour Trips	Peak
	Way Volume	AM	PM
2.000 SF of Automobile Sales (Used) (ITE Code: 841)	54	5	11

Transportation Infrastructure Analysis:

The subject parcel to be rezoned is located at South West corner of the intersection on Shell Point Road and U.S.41 in Ruskin. Only one access is allowed on Shell Point Road.

Shell Point Rd is a 2-lane, undivided, collector roadway characterized by +1-12 foot travel lanes. There are no sidewalk on the side of the project. No bike lanes Shell Point Rd in the vicinity of the proposed project. Adjacent to the project site. Shell Point Road lies within a +1-64 foot wide right-of-way. The developer will be required to construct a 5-foot sidewalk along frontage on Shell Point Rd.

Shell Point Rd is identified on the Hillsborough Corridor Preservation Map as a 2 lane enhanced road which makes the standard Right of Way width needed 64 Ft + 12 Ft= 76 ft. As Shellpoint Rd, is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.

Site Access Analysis:

Primary vehicular and pedestrian access to the site will be from the existing driveway on Shell Point Rd. Second exiting access on Shell Point Rd will be closed. No access is proposed on U.S. 41.

No turn lanes are warranted based on the trip generation and trip distribution.

APPLICATION NUMBER: PD 18-0798

ZHM HEARING DATE: May 16, 2022 BOCC LUM MEETING DATE: July 26, 2022

Case Reviewer: J. Brian Grady

Transportation Comment Sheet

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

Adjoining Roadway	/s (check if applicable)		
Road Name	Classification	Current Conditions	Select Future Improvements
Shell Point Rd.	County Collector - Urban	2 Lanes ☐ Substandard Road ☐ Sufficient ROW Width	 ☑ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation	☐ Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Proposed	54	5	11

^{*}Trips reported are based on net new external trips unless otherwise noted.

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding	
North	Х	None	None	Meets LDC	
South		None	None	Meets LDC	
East		None	None	Meets LDC	
West	Х	None	None	Meets LDC	
Notes:				•	

Road Name/Nature of Request	Туре	Finding
	Choose an sem	Ten.

4.0 Additional Site Information & Agency Comme	nts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
☐ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided	☐ Yes ☐N/A ☑ No	☑ Yes ☑ No	See report.

Applicati	on No.	RZ	18.	-079	18
Name:	Mark	Be	nt	lev	
Entered a	t Public	Hearin	g:	ZHM	
Exhibit #	<u>a</u>	_ Date	_	16/2	122

FINAL CONDITIONS OF APPROVAL

, Y.

ETITION NUMBER: MEETING DATE:

RZ 18-0798 May 16, 2022

Approval, subject to the conditions listed below, is based on the general site plan submitted December 31, 2018.

- 1. The vehicle sales use will be terminated after five (5) years from the date of approval.
- 2. The property will relinquish the right to have the prohibited use of auto repair which was interpreted to be an existing lawful principal use that does not have to comply with RTC standards.
- 3. The project shall be limited to a maximum of 6,115 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).
- 4. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required.
 - 4.1 As Shellpoint Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Rd frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- 5. The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 6. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 6.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 6.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 6.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 6.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 6.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 6.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 7. The developer shall construct a vehicular and pedestrian cross access stub out to its western boundary (folio 55807.0100) and to its southern boundary (folio 55803.0000).
- 8. Notwithstanding anything on the PD site plan or herein these conditions to the contrary, the applicant will be required to comply with all applicable access management standards and other applicable regulations within the Land Development Code and Transportation Technical Manual.
- 9. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 10. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 11. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

EXHIBIT LIST

- 1. Rezoning Pre-Submittal Meeting Staff Recommendations & Findings
- 2. BOCC Land Use Meeting Transcript October 9, 2018
- 3. Aerial Subject Property located at 108 N US Hwy 41, Ruskin
- 4. Rendering Proposed Design
- 5. Affidavits attesting to History of Auto Sales at Subject Property
- 6. Aerial/Zoning Map Immediate Surrounding Area
- 7. RZ PD 15-0678 Recommendation of the Land Use Hearing Officer
- 8. RZ PD 16-0213 Recommendation of the Land Use Hearing Officer
- 9. Letters in Support of Rezoning Petition RZ-PD 18-0798
- 10. Rezoning Project Narrative/Planning Report for RZ-PD 18-0798
- 11. Expert Planner Ty Maxey's Presentation at August 20, 2018 ZHM for RZ-PD 18-0798

ZHM Meeting – May 16, 2022 RZ-PD 18-0798 Remand

EXHIBIT LIST

- 1. Rezoning Pre-Submittal Meeting Staff Recommendations & Findings
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- 8. RZ PD 16-0213 Recommendation of the Land Use Hearing Officer
- 9. Letters in Support of Rezoning Petition RZ-PD 18-0798
- 10. Rezoning Project Narrative/Planning Report for RZ-PD 18-0798
- 11. Expert Planner Ty Maxey's Presentation at August 20, 2018 ZHM for RZ-PD 18-0798



Rezoning Pre-Submittal Meeting

Development Services Department

-	Applicant Information
Property Owner: Steven Cuculich	Phone:
opplicant/Representative: Mark Bently	Phone:
roject address or intersection: 108 h. US	(WY 41
olio number (s): 55105.0000	
Future La	and Use: 0C-20 Service Area: USA
Staff Re	ecommendations/Findings
Meeting Date: 11/01/17 & 11:00 am	
taff in attendance: Michelle Heinrich, U	Lunka Mills James Rattitl Pandy Krange,
_Application Discussed Matt LCUIS + Louis	hedule HCAA Review Necessary
_ Schedule Discussed Noticir	ng Requirement (if applicable) 300 '
Counseling Meeting Notes	
Applicant seeks auto salu usc Pr	philothed in RTC-1 per LDC Section 3.17.09. h
ncu 14 071,7 + All 14-0987	
PD projud to car solu my s	inhanud landscaping
DSD Staff recommends adhering to	the duign standards. Applicant to su
ROW presuration will be segured	alma shull beint. (& to subject site)
Shall Point + 41 are Main Streets	4 CHOSS ACCOUNT SAMPLE WEST
JULI FORT ? 41 MC FUMA SILCAS	only one accus allowed-
	•
Add RTC-1 was as well, per	DSD staff
1 7	
repared by: Miduu Hum	Applicant's Signature:

Note: Counseling offered during a Rezoning Pre-Submittal Meeting is based upon the information provided at the meeting. A Rezoning Pre-Submittal Meeting recommendation does not constitute a waiver of any requirements in the Land Development Code or Development Review Procedures Manual.

CAPTIONING OCTOBER 9, 2018 HILLSBOROUGH COUNTY LAND USE MEETING

***This is not an official, verbatim transcript of the
***following meeting. It should be used for informational
***purposes only. This document has not been edited;
***therefore, there may be additions, deletions, or words
***that did not translate.

>> SANDRA MURMAN: GOOD MORNING, EVERYONE.

COULD I HAVE YOUR ATTENTION, PLEASE?

THANK YOU.

IT IS TUESDAY, OCTOBER 9th, I WANT TO WELCOME YOU TO OUR LAND USE MEETING FOR THE COUNTY COMMISSIONERS, AND WE'RE GOING TO START WITH THE PLEDGE OF ALLEGIANCE AND THE PRAYER FROM OUR CHAPLAIN, COMMISSIONER STACY WHITE.

>> STACY WHITE: THANK YOU, MADAM CHAIR.

WE'LL BEGIN WITH THE PLEDGE OF ALLEGIANCE.

ATTENTION, SALUTE, PLEDGE.

[PLEDGE OF ALLEGIANCE]

HEAVENLY FATHER, I PRAY THAT YOU WILL GUIDE THIS BOARD, OUR STAFF, AND STAKEHOLDERS AS WE MAKE IMPORTANT DECISIONS ON PLANNING FOR BETTER COMMUNITIES THIS MORNING.

I PRAY THAT YOU'LL SEE TO IT THAT WE RECOGNIZE THAT WE'RE ALL NEIGHBORS, AND THAT ALTHOUGH WE MAY HAVE DIFFERENCES OF OPINION

DRAINAGE, FLOODING ISSUES.

WE ARE HAVING AND HEARING WAY TOO MUCH OF ABOUT THAT AND ALSO JUST IN TERMS OF COUNTY FOLLOW-UP ON THAT WITH TREES FALLING IN A SATURATED AREA, I THINK THERE IS AN INDICATION THAT THERE CAN BE AN INDICATION THAT PART OF THAT IS TO THE -- BECAUSE OF THE EXTREME RAINFALL AND THE SATURATION OR EVEN THE WATER TABLE IN THE AREA.

SO I AM I THINK WE DO NEED TO BE THINKING ABOUT THE COUNTY DEALING WITH THESE BECAUSE THESE HAVE COME UP TOO MUCH AND NOT HAVING THESE FLOODING ISSUES DEALT WITH SO THAT'S JUST IN GENERAL BUT THANK YOU FOR THAT AND I'M GLAD THAT WE LOOK LIKE WE ARE MOVING IN THE RIGHT DIRECTION.

I WOULD ALWAYS FEEL MORE COMFORTABLE I DON'T LIKE THE WAY THESE APPROVALS GO THAT WE DEAL WITH THIS AFTER WE AFFIRM SOMETHING RATHER THAN HAVE IT IN PLACE AHEAD OF TIME, BUT WITH THE CONDITION THERE TO WORK ON THAT.

SECONDLY, WITH THE PEDESTRIAN, THE CONNECTION AS PER USUAL EVERYBODY DOESN'T WANT A BUNCH OF CARS GOING THROUGH THEIR NEIGHBORHOOD.

I GET THAT IT IS REALLY IMPORTANT THAT WE MAINTAIN THAT

CONNECTIVITY FOR EMERGENCY VEHICLES AND PEDESTRIANS AND

BICYCLES SO WHEN I HEARD SOMETHING ABOUT LOOSE GRAVEL I WAS A

LITTLE CONCERNED BECAUSE I LIKE TO, I DON'T SEE HOW YOU CAN RIDE

YOUR BICYCLE ON LOOSE GRAVEL BUT I DON'T THINK THAT'S PART OF

WHAT WE WILL BE DOING WHEN WE CONNECT IT HERE BUT I THINK IT

ON THE SOUTHWEST CORNER.

COMMISSIONERS, THIS IS A REQUEST TO REZONE FROM THE RTC-1 WHICH IS THE RUSKIN TOWN CENTER DISTRICT WHICH WAS PART OF THE IMPLEMENTATION PLAN FOR THE RUSKIN COMMUNITY PLAN SO THE APPLICANT IS PROPOSING FOR A PLANNED DEVELOPMENT AWAY FROM THE RTC USING THE PLANNED DEVELOPMENT AS A TOOL TO COME UP WITH A CUSTOMIZED DISTRICT.

IN THAT PROPOSAL, I WILL GIVE YOU BACKGROUND ABOUT THE RTC-1.

THE RTC-1 DISTRICT ANTICIPATES THAT THIS WILL BE A TOWN CENTER.

IT CONSIDERS IN THE CURRENT ZONING IN THE RTC-1 ZONING IT

CONSIDERS SHELL POINT AND 41 AS MAIN STREETS IN THAT

IMPLEMENTATION ZONING THAT WAS ADOPTED BY THE BOARD SEVERAL

YEARS AGO.

IN THE PD PROPOSAL, THE APPLICANT FROM A DESIGN PERSPECTIVE DOESN'T SIGNIFICANTLY DEVIATE FROM THAT.

IN THE PROPOSAL AT LEAST IN OUR ESTIMATION, WHAT IT DOES IS IT ADDRESSES THE EXISTING CONDITION IN TERMS OF THE BUILDING PLACEMENT, THE CAPACITY, THE SETBACKS THAT ARE REQUIRED AND RECOGNIZES THAT IN AN EXISTING CONDITION AND THEN ALSO ESTABLISHES HOW TO DEAL WITH THAT IF THE USE HAS CHANGED IN THE FUTURE.

WE BELIEVE THAT IN THAT ELEMENT OF THE PROPOSAL THAT THE

APPLICANT HAS DONE A SUFFICIENT JOB OF ADDRESSING THAT BUT WHERE

WE DEVIATE IN OPINION FROM THE APPLICANT IS ON THE ISSUE OF USE.

WHAT THE APPLICANT IS PROPOSING IN THE PLANNED DEVELOPMENT IS

A CAR SALES LOT, AND IN THAT WE FEEL THAT SINCE THIS IS THE MAIN STREET AREA WHETHER IT IS THE RTS-1 WHICH DOES NOT PERMIT THE CAR SALES OR IN THE PD PROPOSAL WE FEEL THAT THAT LAND USE IS FUNDAMENTALLY INCONSISTENT WITH WHAT THE MAIN STREET AND TOWN CENTER CONCEPT IS PROPOSED TO DELIVER.

SO WE ARE RECOMMENDING DENIAL OF THE REQUEST ON THAT BASIS.

>> SANDRA MURMAN: OKAY.

THANK YOU VERY MUCH, AND WE WILL NOW START WITH THE APPLICANT.
YOU WILL HAVE TEN MINUTES.

>> OKAY.

BEFORE I GET STARTED I HAVE A HANDOUT, TOO, AND THESE ARE -- MARK BENTLEY ONCE AGAIN, 401 EAST JACKSON STREET.

>> SANDRA MURMAN: CAN YOU GIVE THEM TO OUR COUNTY ATTORNEY AND HAVE HER VERIFY FOR US AND DID YOU WANT TO USE THE ELMO WITH THOSE?

>> YES, MA'AM.

I GAVE YOUR -- THE COUNTY ATTORNEY A HEADS UP AS TO WHICH ONES I'M GOING TO USE.

- >> SANDRA MURMAN: I THINK SHE JUST BRIEFLY IF YOU WILL JUST --
- >> YOU CAN PROCEED AND I WILL DISTRIBUTE THESE.
- >> THANK YOU VERY MUCH.
- >> SANDRA MURMAN: DO YOU WANT TO GO TO THE ELMO THERE IS A MICROPHONE OVER THERE.
- >> THANK YOU VERY MUCH.
- I APPRECIATE IT.

OUR CLIENT IS SEEKING A REZONING AT THE SOUTHWEST CORNER OF SHELL POINT AND U.S. 41.

IT IS A.52 ACRE SITE AND THE EXISTING USE IS AUTO SALES AND IT HAS BEEN IN CODE ENFORCEMENT FOR A FEW YEARS NOW.

WHAT HAPPENED WITH THE THIS IS NOT AN OVERLAY AN ACTUAL ZONING DISTRICT AND WHEN THE BOARD OF COUNTY COMMISSIONERS ENACTED THE RTC IN NOVEMBER OF 2006 IT HAD A PORTION OF THE TEXT IT PROHIBITED CERTAIN USES, AND ONE OF THOSE WAS AUTO SALES AND ONE OF THOSE WAS AUTO REPAIR.

ULTIMATELY WE APPROACHED THE COUNTY BECAUSE THE PREEXISTING USE OF THE PROPERTY AND THE COUNTY CONFIRMED THAT YOU CAN HAVE AUTO REPAIR THERE THAT DOESN'T HAVE TO COMPLY WITH SOME OF THESE RTC DESIGN STANDARDS WHICH I WILL TALK TO YOU ABOUT IN A SECOND. BUT AUTO SALES BECAUSE IT WAS NEVER PRINCIPLE USE OF THE PROPERTY IT WAS NOT A PERMITTED USE.

SO WHAT WE DID WAS WE FILED FOR PLAN DEVELOPMENT AND ONCE YOU DO THAT YOU DON'T HAVE TO COMPLY WITH ANY OF THESE DESIGN STANDARDS KIND OF LIKE I'M NOT SUGGESTING OPTING OUT, OKAY, BUT YOU ARE KIND OF AN ISLAND TO YOURSELF SO WHEN WE APPROACHED THE COUNTY THEY SAID IF YOU ARE GOING TO FILE A PD WOULD YOU MIND TRYING TO COMPLY WITH THESE RTC DESIGN STANDARDS TO THE EXTENT YOU CAN AND WE SAID CERTAINLY SO WE'VE DONE EVERYTHING WE CAN SHORT OF DEMOLISHING THE BUILDING AND THE PARKING LOT.

JUST TO GIVE YOU A FEEL FOR SOME OF THE RTC DESIGN STANDARDS
THEY REQUIRE THAT A BUILDING BE FOR EXAMPLE NOT FURTHER THAN

20 FEET FROM THE RIGHT-OF-WAY OR PROPERTY LINE.

CERTAINLY LINEAL FRONTAGE OF THAT BUILDING HAS TO BE WITHIN THE 20 FEET.

A CERTAIN PERCENTAGE HAS TO BE GLASS AND THERE CAN BE NO PARKING IN FRONT OF A BUILDING.

YOU WILL SEE IT IS INTERESTING SINCE THE RTC WAS ENACTED IN 2006
THERE HAVE BEEN ABSOLUTELY NO PROJECTS THAT HAVE COME IN AND
COMPLIED WITH THE RTC ANY REDEVELOPMENT PROJECTS AND TO THE
EXTENT ANY PROJECT HAS COMPLIED WITH THE RTC THERE HAVE BEEN
TWO PROJECTS COME IN.

ONE WAS AN AUTO ZONE THIS YEAR AND A COUPLE OF YEARS AGO WAS A FAMILY DOLLAR AND SO THE BOTTOM LINE SINCE 2006 REALLY SO THE UNREFUTED TESTIMONY AT OUR HEARING WAS IN THE ENTIRE 12-YEAR HISTORY OF THE RTC THIS WOULD BE THE MOST COMPLIANT PROJECT WITH RESPECT TO THE RTC DESIGN STANDARDS NOTWITHSTANDING THAT IT IS A PD YOU ARE NOT OBLIGATED TO DO THAT.

NOW, WITH ALL DUE RESPECT IF YOU REVIEW THE STAFF REPORTS THE PLANNING COMMISSION OR DEVELOPMENT SERVICES NEITHER STAFF BASED ON THE USE THERE IS NO ANALYSIS DONE IN TERMS OF COMPATIBILITY OF SURROUNDING AREA WITH RESPECT TO THE AUTO SALES USE.

AS A MATTER OF FACT THERE IS A RESTAURANT NEXT DOOR, THERE IS A SHOWROOM ON THE OTHER SIDE OF SHELL POINT, THE FAMILY DOLLAR IS ACROSS THE STREET.

THEY DID MENTION THE REPORTS THAT PURSUANT TO THE RTC AUTO SALES IS NOT A PERMITTED USE.

OKAY?

BUT THERE WAS NO OBJECTION BASED ON IN COMPATIBILITY OF THE SPECIFIC AUTO SALES USE WITH THE SURROUNDING AREA.

WHAT I'VE GIVEN YOU IS A PORTION OF THE CODE AND I'M GOING TO PARAPHRASE BECAUSE I KNOW I DON'T HAVE MUCH TIME AND THIS IS 317.07 WHICH STATES THAT CERTAIN USES IF YOU HAD AN EXISTING LAWFUL USE ON THE EFFECTIVE DATE OF THE ORDINANCE OR A LOT OR STRUCTURE OR CHARACTERISTIC OF LAND SUCH AS LACK OF PARKING, BUILDING LOCATION, LANDSCAPING, ACCESS, SIGNAGE, ET CETERA, THAT THEY WERE NOW FOREVER LAWFUL, EXISTING LAWFUL USE.

THERE WAS ABSOLUTELY NO PROVISION THAT IF YOU CHANGED THE USE, OKAY, THAT YOU HAVE TO DEMOLISH THE BUILDING SO YOU CHANGE FROM AUTO SALES TO AN ATTORNEY'S OFFICE OR A PAWN SHOP TO REALTOR'S OFFICE, OKAY, IF YOUR BUILDING DIDN'T MEET THE RTC STANDARDS THAT'S OKAY IN PERPETUITY AND THAT IS WHAT THAT SAYS THERE SO THEY TOOK A SNAPSHOT IN TIME ON U.S. 41 WHEN THEY ENACTED THIS ORDINANCE AND IT MAKES A LOT OF SENSE.

BECAUSE THE COMMUNITY WOULD HAVE NEVER BOUGHT INTO THE RTC IF
THE SITUATION WAS THAT YOU HAD TO DEMOLISH A BUILDING TO COMPLY
WITH RTC IF YOU WANTED TO CONVERT THE USE IT WOULDN'T MAKE A
LOT OF SENSE BUT AS I MENTIONED BEFORE SOMETHING IS UP WITH
DOWNTOWN RUSKIN BECAUSE ABSOLUTELY NOTHING IS HAPPENING WITH
RESPECT TO COMPLIANCE FOR THE RTC IN A 12-YEAR PERIOD SO MY
CLIENT IS TRYING TO DO THAT BUT HE CAN'T DEMOLISH HIS BUILDING
AND ELIMINATE THE PARKING LOT AND ALSO IF IT IS AN AUTO DEALER

WE DON'T CONSIDER IT PARKING AND IT IS MORE LIKE DISPLAY AREA AND WE WILL GET TO THAT IN A COUPLE OF MINUTES.

I ALSO PROVIDED YOU WITH THE UNCONTESTED AFFIDAVIT OF THE PRIOR OWNER OF THE PROPERTY WHO INDICATED THAT HE RAN AN AUTO REPAIR FROM '86 TO 2012 WITH ACCESSORY AUTO SALES AND I'VE MADE THIS CLEAR FOR THE COUNTY WE ARE NOT SUGGESTING THIS IS A IF ACTUAL-BLOWN AUTO SALES FACILITY.

IT WAS LIKE A LOT OF AUTO REPAIRS YOU WILL SEE OCCASIONALLY WHERE THEY WILL SELL, YOU KNOW, A SPORADIC CAR HERE OR THERE.

IT MIGHT BE THREE OR FOUR AND THAT'S ALL WE WERE SUGGESTING TO THE COUNTY IS THAT AUTO SALES WAS THERE FROM '86 TO 2012 AND THAT'S WHEN HE CONFIRMS SO SOME OF THE CONFUSION HAPPENED WHEN THE CODE GOT AMENDED A LOT OF THE PROPERTY OWNERS BECAUSE OF THE MAGNITUDE OF THE AREA WIDE ZONING DID NOT RECEIVE DIRECT NOTICE FROM THE COUNTY IT WAS PUBLISHED IN THE TAMPA TRIBUNE SO UNLESS YOU GO THROUGH A FEW PAGES IN YOUR CODE INTO THE RTC YOU WOULDN'T KNOW THAT FOR EXAMPLE AUTO SALES OR AUTO REPAIR IS PROHIBITED.

NOW, IF WE GET THIS APPROVED TODAY HOPEFULLY IS THAT THE AUTO REPAIR WHICH IS SANCTIONED IN PERPETUITY AND THIS AUTO REPAIR CAN HAVE CYCLONE FENCE NOT MEET ANY OF THE RTC DESIGN STANDARDS, NO LANDSCAPING AND ACCESS ISSUES, ET CETERA, IN AND NOT LOOK AESTHETICALLY PLEASING BUT THAT CAN STAY.

IF WE DO GET THIS APPROVED YOU WILL SEE WHAT WE HAVE COME UP WITH, A VERY BEAUTIFUL DESIGN, THAT WE WOULD RELINQUISH THE

RIGHT TO AUTO REPAIR.

THAT WOULD BE OFF THE TABLE, OKAY, AND WOULD YOU NEVER SEE THAT AGAIN.

SO I JUST WANT TO SHOW YOU A COUPLE OF PHOTOS.

THIS IS THE HAND-OUT I GAVE YOU HERE IS THAT ALTHOUGH WE CAN'T COMPLY WITH THE RTC WHAT WE'VE AGREED TO DO IS PUT THESE CANOPIES OVER THE DISPLAY AREA HERE THAT MIMIC BUILDINGS AND THEN WE REDUCE THE SIGNAGE AND ENHANCE LANDSCAPING, THE BUILDING WE'VE COMPLETELY RETROFITTED, ET CETERA, SO IT CAME OUT TO BE A PRETTY NICE PROJECT AND THESE ARE EXHIBITS 14 AND 15 IN THE RECORD AND HERE'S WHAT I AM TELLING YOU ALL, COMMISSIONERS, IS HERE IS AN AUTO REPAIR ON U.S. 41 THAT IS SUBJECT TO THE RTC AND BECAUSE IT WAS THERE ON THE EFFECTIVE DATE THIS CAN STAY THERE FOREVER. IT IS PROHIBITED USE AND THIS IS WHAT IT IS GOING TO LOOK LIKE AND HERE'S ANOTHER ONE DOWN THE STREET.

THIS IS PROHIBITED USE A PAWN SHOP, OKAY, AND THIS IS WHAT IT LOOKED LIKE IN 2006 BASED ON OUR RESEARCH AND THIS IS WHAT IT LOOKS LIKE NOW, OKAY?

AND IT IS NOT GOING TO COMPLY WITH THE RTC.

IT NEVER HAS TO.

WHETHER OR NOT IT IS A PAWN SHOP OR AN ATTORNEY'S OFFICE.

SO THERE ARE TWO WAYS TO ALLOW AUTO SALES OR SOME USE THAT'S PROHIBITED UNDER THE RTC.

ONE WAY IS TO AMEND THE LAND DEVELOPMENT CODE AND IF YOU DO THAT AND ALLOW SOMEONE TO OPT OUT THEY DON'T HAVE TO COMPLY WITH THE

RTC DESIGN STANDARDS.

NOW, THIS IS COUNTY COMMISSION SINCE THE ENACTMENT OF THE CODE IN 2006 HAS ALLOWED FOUR DIFFERENT PROPERTY OWNERS TO OPT OUT. AND THAT IS SIMPLY BY IDENTIFYING THEIR PROPERTY AND PUTTING THAT IN LAND DEVELOPMENT CODE UNDER AN EXISTING LAWFUL USE. THE SECOND PROCESS IS WHAT WE ARE TALK BEING TODAY AND WHAT WE ARE TRYING TO ACCOMPLISH AND THAT'S THROUGH A PD.

NOTE HERE AGAIN WITH A PD YOU DON'T HAVE TO COMPLY WITH THE RTC BUT MY CLIENT BEING A GOOD CORPORATE CITIZEN HE WANTS TO STAY THERE FOR THE LONG HAUL.

HE IS DOING REALLY WELL DOWN THERE.

HE WANTS TO COMPLY WITH THE RTC SO HE HAS DONE EVERYTHING IN HIS POWER BUT FOR THE DEMOLITION OF THE BUILDING AND THE PARKING LOT AND I THINK JOE ACCURATELY DESCRIBED WHAT IS GOING ON OUT THERE.

I THINK THE STAFF RECOGNIZES THE GOOD FAITH EFFORT THE CLIENT HAS MADE TO COMPLY WITH THE RTC EVEN THOUGH THEY DON'T HAVE ANY OBLIGATION.

SO TO MAKE UP FOR OUR SHORTFALL BY NOT DEMOLISHING OUR BUILDING OR OUR PARKING LOT WE INCORPORATED FEATURES THAT MEET THE SPIRIT AND INTENT OF RTC IN THE RENDERING THAT YOU HAVE HERE.

ENHANCED LANDSCAPING, CANOPIES, SIGNAGE, ELIMINATING ACCESS, ET CETERA.

THERE IS ALSO A RUSKIN DOWNTOWN PLAN THAT WE COMPLETELY COMPLY WITH AND THAT STATES ENCOURAGE COMMERCIAL DEVELOPMENT,

REDEVELOPMENT WITHIN DOWNTOWN RUSKIN AND PROMOTE COMMERCIAL DEVELOPMENT AT A SCALE AND DESIGN THAT REFLECTS THE CHARACTER OF THE COMMUNITY, PROMOTE BEAUTIFICATION ON 41 AND SHELL POINT, PLACE SIDEWALKS AT 41 AND SHELL POINT, WHICH WE INTEND TO DO, LANDSCAPING AT 41 AND SHELL POINT.

WE OFFERED UP AND TALKED TO THE ASSOCIATION WELCOME TO RUSKIN BUT I GUESS BY THE TIME YOU GET TO OUR CLIENT'S PROPERTY YOU ARE SO FAR INTO RUSKIN IT REALLY DOESN'T MAKE SENSE, YOU KNOW, SO THAT WAS OUR -- OFFERED UP AS WELL.

WE ALSO HAVE A LETTER OF SUPPORT IN THE RECORD.

>> SANDRA MURMAN: ALL RIGHT.

YOUR TIME IS UP.

YOU HAD TEN MINUTES.

- >> CAN I FINISH UP ON REBUTTAL THEN?
- >> SANDRA MURMAN: IN REBUTTAL YOU CAN.
- >> THANK YOU VERY MUCH.
- >> SANDRA MURMAN: WELL, ACTUALLY THERE ARE NO PEOPLE IN THE PARTIES OF RECORD SIGNED UP TO SPEAK SO YOU CAN JUST MOVE AGAIN JUST PAUSE FOR A SECOND.
- I KNOW THAT YOU ALL ATTENDED THE ZONING HEARING MASTER BUT YOU HAD TO, ACCORDING TO THE WAY THE PROCESS WORKS UP BECAUSE WE ARE QUASI-JUDICIAL UP HERE, AND AT THE ZONING HEARING MASTER YOU HAVE TO SIGN UP AS A PARTY OF RECORD EVEN THOUGH THEY SPOKE AT THE ZONING HEARING MASTER BUT THEY DIDN'T SIGN.

SO DO YOU WANT TO COMMENT FURTHER?

- >> THERE WERE NO REQUESTS FOR ORAL ARGUMENT FILED BY ANY OPPONENTS ON THIS REZONING.
- I JUST DOUBLE-CHECKED THE ELECTRONIC FILES TO SEE IF THERE WERE ANY ORAL ARGUMENTS OR REQUESTS THAT WERE MISSED AND I COULD NOT FIND ANY SO UNFORTUNATELY THOSE WHO DIDN'T SUBMIT ORAL ARGUMENT CANNOT BE ALLOWED TO BE PERMITTED TO SPEAK.
- >> SANDRA MURMAN: OKAY.
- SO WE CANNOT ALLOW ANY FURTHER TESTIMONY BECAUSE YOU ARE NOT A PART OF THE RECORD TO SPEAK.
- SO I WILL ALLOW YOU A FEW MINUTES ADDITIONAL TIME BECAUSE YOU

 ARE NOT REALLY REBUTTING ANYTHING BUT YOU DO HAVE THE FIVE

 MINUTES AVAILABLE TO YOU -- COMMISSIONER WHITE?
- >> STACY WHITE: MY THOUGHTS HAVE TO DO WITH THE PROCESS.
- I CAN SAVE IT FOR THE END OF THE MEETING.
- >> SANDRA MURMAN: I UNDERSTAND THAT I THINK AT THE ZONING
 HEARING MASTER MEETING DO THEY MAKE IT CLEAR ENOUGH TO THE
 RESIDENTS THAT THEY HAVE -- THEY HAVE TO DO THIS, SIGN UP AS
 A PARTY OF RECORD IN ORDER TO SPEAK AT THE ACTUAL HEARING WHERE
 WE APPROVE OR DISAPPROVE OF THE ITEM.
- IS THAT CLEAR ENOUGH TO THEM?
- >> THAT ANNOUNCEMENT IS MADE AT THE BEGINNING OF THE ZONING HEARING MASTER MEETING.
- IT IS ALSO PRINTED ON THE AGENDA FOR THE ZONING HEARING MASTER MEETING.
- >> STACY WHITE: DO I STILL HAVE THE FLOOR, MADAM CHAIR?

>> SANDRA MURMAN: YES.

>> STACY WHITE: I'M TO THE POINT TO WHERE, YOU KNOW, I'M READY
TO ASK STAFF AND I CAN BRING THIS AS AN ITEM TO THE NEXT LAND
USE MEETING.

I'M AT THE POINT TO WHERE I THINK WE NEED TO HAVE A STAFF MEMBER AT A STATION AND HAVE AN ANNOUNCEMENT DIRECTING CITIZENS TO THAT STATION AT SOME POINT DURING THE MEETING SO THEY CAN STOP THERE AND STAFF CAN SAY, OKAY, YOU NEED TO DO X, Y, Z IF YOU WOULD LIKE TO CONTINUE TO SPEAK AT THE COUNTY COMMISSIONER'S MEETING.

>>

>> SANDRA MURMAN: WE DO THIS AT THE COUNTY COMMISSION BOARD MEETINGS NOW THEY HAVE STAFF AT A TABLE WHERE THEY SIGN UP TO SPEAK AND THEY STAY IN THERE AND THEY ARE AVAILABLE TO ASK QUESTIONS BUT I DO AGREE THAT I THINK SOMETHING, SOMETHING NEEDS TO BE MADE CLEAR.

I JUST THINK IT PROBABLY WASN'T CLEAR TO THEM.

>> THAT'S A GREAT SUGGESTION.

WE CAN HAVE A STAFF PERSON THERE DEDICATED FOR THAT PURPOSE

AND --

>> SANDRA MURMAN: I THINK YOU REALLY SHOULD DO THAT BECAUSE IF PEOPLE SPEAK, IF THEY SEE PEOPLE SPEAK ON ITEMS AT THE MEETING THEN THEY NOTICE IF THEY DON'T SIGN UP AS PARTIES OF RECORD THEY ARE PROBABLY GOING TO ASSUME THEY CAN SPEAK BECAUSE THEY DON'T KNOW OTHERWISE.

SO COMMISSIONER KEMP, YOU ARE RECOGNIZED.

>> PAT KEMP: THANK YOU.

THE POLICY WE HAVE OF REQUIRING PEOPLE TO APPEAR AT THE ZONING HEARING MASTER, WAIT UNTIL ZONING HEARING MASTER DECISION IS OUT AND THEN NOTIFY THAT THEY ARE GOING TO COME TO THE MEETING TO SPEAK AFTERWARDS ONCE AGAIN DOES NOTHING ONLY DISSUADES PEOPLE FROM ENGAGEMENT, ONLY MAKES BARRIERS TO ENGAGEMENT. OTHER PLACES DO NOT HAVE THAT REQUIREMENT.

NOR SHOULD WE.

I WILL BE TOTALLY IF I COULD GET SUPPORT FOR THAT IN ELIMINATING THAT REQUIREMENT IF SOMEONE SPEAKS AT THE ZONING HEARING MASTER THERE IS NO REASON WHY THEY SHOULDN'T ADDRESS OUR MEETING WITH THE SAME INFORMATION AND WITHOUT A REQUIREMENT AND AN ADDITIONAL BARRIER THAT NOT ONLY DO THEY COME FROM RUSKIN OR WHEREVER ELSE TO COME TO THE ZONING HEARING MASTER TO MAKE THEIR POINTS BUT THEN THEY HAVE TO WAIT UNTIL THERE IS A ZONING HEARING MASTER AND THEN FIT WITHIN THE WINDOW OF NOTIFYING THAT THEY ARE GOING TO SPEAK AT THIS HEARING AFTER THE ZONING HEARING MASTER'S DECISION AND THEN BUT WITHIN DAYS BEFORE THIS MEETING.

I THINK IT IS AN ONEROUS REQUIREMENT.

A REQUIREMENT THAT DOES NOTHING BUT DISSUADE THE PUBLIC FROM ENGAGEMENT AND A REAL BARRIER AND ONE THAT I THINK WE NEED TO ELIMINATE HERE IN THE FUTURE.

>> SANDRA MURMAN: WE DO SEE IT VERY OFTEN, ABSOLUTELY.
OKAY.

YOU CAN CONTINUE.

>> THANK YOU.

THERE WAS ONE OPPONENT WHO SPOKE AT THE HEARING FOR WHAT IT IS WORTH.

AS I MENTIONED, SOMEONE RECENTLY PURCHASED THE NORTHWEST CORNER OF SHELL POINT AND 41 WHICH IS A PRIMARY LOCATION DOWNTOWN RUSKIN AND THEY ISSUED A LETTER OF SUPPORT.

THEY ARE CONVERTING THE FACILITIES FROM A SHOWROOM TO AN ATTORNEY'S OFFICE AND MEDICAL EXCUSE ME EMERGENCY MEDICAL FACILITY AND THEY INDICATED THAT THEY APPROACHED THE COUNTY AND THEY DID NOT HAVE TO APPLY WITH THE RTC BECAUSE IT WAS AN EXISTING SITUATION IN TERMS OF THE BUILDING AND THE LAYOUT.

IN SUMMARY AUTO SALES WAS PERMITTED USE UNTIL NOVEMBER OF 2006.

THE PD BEFORE YOU COMPLIES WITH THE MAJORITY OF RTC STANDARDS

ALTHOUGH IN THE REQUIRING FOR THE PD.

TWO NEW PROJECTS AUTO ZONE AND FAMILY DOLLAR AND EVEN THESE TWO NEW PROJECTS FROM THE GROUND UP COULD NOT COMPLY WITH THE RTC AND NEEDED MULTIPLE VARIANCES AND THE INTENT OF THE RTC IS NOT TO REQUIRE DEMOLITION BUT TO ENCOURAGE REDEVELOPMENT OF EXISTING STRUCTURES WHICH WE CANNOT COMPLY WITH THE LETTER OF THE LAW OF THE RTC BECAUSE OF THE SITUATION.

THIS IS THE MOST SIGNIFICANT REDEVELOPMENT PROJECT IN THE
HISTORY OF THE RTC AND I WOULD LIKE TO TURN IT OVER AND THERE
WAS NO SUBSTANTIAL COMPETENT EVIDENCE IN THE RECORD SUPPORTING
THAT AUTO SALES IS IN COMPATIBLE WITH THE AREA OR INCONSISTENT
WITH THE COMPREHENSIVE PLAN.

- I WOULD LIKE TO TURN IT OVER TO OUR PLANNER FOR A TWO OR THREE-MINUTE PRESENTATION TO FOCUS ON THE RTC DESIGN STANDARDS. THANK YOU.
- >> SANDRA MURMAN: YOU HAVE THREE AND A HALF MINUTES.
- >> FOR THE RECORD, TY MAXEY, I JUST WANTED TO REITERATE IN THE PROPOSED PROJECT PROVIDES IMPROVEMENTS TO THE SITE WHICH WE IMPLEMENT OR WILL IMPLEMENT TO TRY TO BRING THE PROPOSED INTO CONFORMANCE.
- >> SANDRA MURMAN: WAIT ONE SECOND.
- HE IS NOT SIGNED UP IN THE PARTY OF RECORD.
- >> BECAUSE HE IS ON THE APPLICANT'S TEAM AND HE DID SPEAK AT
 THE ZONING HEARING MASTER HE IS PERMITTED TO PROCEED.
- >> SANDRA MURMAN: I NOTICE OTHER APPLICANTS HAVE THEIR PEOPLE SIGNED UP AS PARTY OF RECORD.
- >> SOMETIMES --
- >> SANDRA MURMAN: THIS WHOLE PROCESS NEEDS TO BE LOOKED AT.
 CONTINUE.

>> OKAY.

THANK YOU.

SO I JUST WANTED TO AGAIN I WANTED TO REITERATE THAT WE, YOU KNOW, PROVIDED FOR THESE CANOPY STRUCTURES ONE OF THE CONDITIONS IN THE RTC STANDARDS IS THAT YOUR BUILDING MUST BE BROUGHT FORWARD WITH A MAXIMUM 20-FOOT SETBACK ALONG THE FRONTAGES WITH AN EXISTING SITUATION THE BUILDING IS ALREADY BEEN CONSTRUCTED. IT HAS BEEN THERE FOR MANY, MANY YEARS.

WE DECIDED TO PROVIDE THESE CANOPY STRUCTURES WHICH ESSENTIALLY PROVIDE AN ALTERNATIVE AND THEY NOT ONLY PROVIDE SCREENING OF THE VEHICLE STORAGE OR THE VEHICLE INVENTORY ON THE SITE BUT THEY ALSO PROVIDE A STRUCTURAL ELEMENT BRINGING THAT CLOSER TO THE FRONTAGE.

THE APPLICANT'S PROJECT IS AS MARK STATED COMPLIANT WITH THE MAJORITY OF THE STANDARDS ONLY A FEW IT IS NOT COMPLIANT WITH IT HAS TO DO WITH THE PLACEMENT OF THE BUILDING, THE PLACEMENT OF THE PARKING AREA, THE ORIENTATION OF THE BUILDING.

WE BELIEVE THIS IS A SMALL BUSINESS THAT SERVES THE COMMUNITY

OF RUSKIN AND ITS RESIDENTS.

THE SCALE OF THE BUSINESS IS NOT OBTRUSIVE AND FURTHERS THE RUSKIN COMMUNITY VISION STATEMENT WHICH PROMOTES AND I QUOTA DOWNTOWN THAT IS MADE UP OF SMALL BUSINESSES AS OPPOSED TO BIG BOX BUSINESSES, END QUOTE, PRESERVES ITS SMALL TOWN CHARACTER. THE ENHANCED LANDSCAPING IMPROVEMENTS PROVIDES -- PROVIDED BY THE PD ALSO FURTHER THE RUSKIN VISION STATEMENT THAT, QUOTE, ENVISIONS A COMMUNITY EXTRAVAGANTLY LAVISHED WITH TREES AND LUSH LANDSCAPES OF NATIVE FLORIDA PLANTS EXISTING AND NEW. THERE ARE OTHER COMPONENTS OF THE RUSKIN COMMUNITY VISION STATEMENT AND THE RUSKIN PLAN GOALS AND STRATEGIES WHICH INCLUDE ENCOURAGING COMMERCIAL DEVELOPMENT AND REDEVELOPMENT WITHIN THE RUSKIN AND THE TOWN CENTER AREA, PROMOTING COMMERCIAL DEVELOPMENT AT A SCALE AND DESIGN THAT REFLECTS THE CHARACTER OF THE COMMUNITY, PROMOTING BEAUTIFICATION AND LANDSCAPING

ALONG U.S. 41 AND SHELL POINT ROAD, PROHIBITING POLE SIGNS.

WE ARE ELIMINATING THE EXISTING SIGN AND PROVIDING FOR A GROUND

SIGN AND COMPLETING SIDEWALKS ALONG SHELL POINT ROAD WHICH WILL

ALSO BE A PROPOSAL OF THIS PROJECT.

THE PD REZONING REQUEST IS COMPATIBLE WITH THE EXISTING AND PROPOSED ZONING AND THE DEVELOPMENT PATTERN WITHIN THE AREA AND WE WOULD RESPECTFULLY REQUEST YOUR APPROVAL.

THANK YOU.

>> SANDRA MURMAN: THANK YOU VERY MUCH.

OKAY.

THAT CONCLUDES OUR ORAL ARGUMENT PART OF THIS ITEM.

I WILL GO TO THE PLANNING COMMISSION FOR THEIR REPORT.

>> THANK YOU, MADAM CHAIR, TONY GARCIA, PLANNING COMMISSION STAFF.

THE SUBJECT SITE IS APPROXIMATELY.52 ACRES LOCATED AT THE SOUTHWEST CORNER OF SHELL POINT ROAD AND U.S. HIGHWAY 41.

THE SITE IS DEVELOPED WITH A MOTOR VEHICLE SALES BUSINESS CONSISTING OF A -- APPROXIMATELY 1800 SQUARE FOOT BUILDING AND INVENTORY DISPLAYED MAINLY ALONG THE FRONTAGE OF SHELL POINT ROAD AND U.S. HIGHWAY 41.

THE SITE IS DESIGNATED OFFICE COMMERCIAL 20 ON THE FUTURE LAND USE MAP WITH A MAXIMUM FLOOR AREA RATIO OF.75.

THE SURROUNDING USES IN THE AREA INCLUDE A FAST FOOD RESTAURANT TO THE SOUTH, VACANT PARCELS TO THE WEST AND EAST AND A REAL ESTATE OFFICE NORTH OF THE SITE

THE REZONING REQUEST IS TO CHANGE THE RUSKIN TOWN CENTER ONE ZONING DISTRICT TO A PLANNED DEVELOPMENT TO RECOGNIZE THE EXISTING MOTOR VEHICLE SALES BUSINESS AND ALLOW OTHER RTC-1 PERMITTED USES.

IT SHOULD BE NOTED THAT THE SITE UNDERWENT A ZONING VERIFICATION
IN 2014 AND IT WAS DETERMINED BY THE DEVELOPMENT SERVICES
DEPARTMENT THAT THE SITE FAILED TO ESTABLISH THAT MOTOR VEHICLE
SALES WAS AN EXISTING LAWFUL USE AT THE TIME OF THE ESTABLISHMENT
OF THE RUSKIN TOWN CENTER ONE ZONING DISTRICT.

POLICY 9.2 OF THE FUTURE LAND USE ELEMENT STATES THAT

DEVELOPMENTS MUST MEET OR EXCEED LAND DEVELOPMENT REGULATIONS.

PLANNING COMMISSION STAFF BELIEVES THERE ARE SEVERAL MAJOR

DEVIATIONS FROM THE LAND DEVELOPMENT CODE THAT THE PROPOSED PLAN

DEVELOPMENT IS FAILING TO ADHERE TO.

DEVELOPMENT UNDER THE RUSKIN TOWN CENTER ONE DISTRICT ALLOWS

FOR COMMERCIAL GENERAL AND RESIDENTIAL MULTI FAMILY

CONVENTIONAL USES WITH THE PROHIBITION OF CERTAIN USES, MOTOR

VEHICLE SALES BEING ONE OF THOSE THAT ARE PROHIBITED.

A MAJOR COMPONENT OF THE RUSKIN TOWN CENTER ONE IS THE DESIGN OF THE SITE.

SHELL POINT ROAD AND U.S. HIGHWAY 41 ARE CONSIDERED MAIN STREETS WITHIN THE RUSKIN TOWN CENTER.

PER THE DEVELOPMENT REGULATIONS DEVELOPMENT ALONG MAIN STREETS SHOULD HAVE PARKING LOCATED BEHIND THE FRONT FACADE OF A MAIN STREET BUILDING.

A BUILDING'S PRIMARY ORIENTATION SHOULD BE TOWARD THE STREET RATHER THAN PARKING AREAS AND THE ENTRANCE SHALL BE VISIBLE AND ACCESSIBLE FROM THE PUBLIC STREET.

WITH THE INVENTORY OF CARS PARKED ALONG THE FRONTAGE OF THE MAIN STREET AND THE BUILDING FRONTAGE SET OUTSIDE OF THE DESIGN PARAMETERS THAT REQUEST WOULD NOT MEET THESE STANDARDS.

BECAUSE OF PARKING FRONTS IS A DOMINANT PORTION OF SITE THIS CREATES THE LOOK OF STRIP DEVELOPMENT.

OBJECTIVE 23 OF THE FUTURE LAND USE ELEMENT AS WELL AS THE RUSKIN COMMUNITY PLAN DISCOURAGES STRIP DEVELOPMENT.

THE APPLICANT DID ATTEMPT TO MAKE CHANGES TO FURTHER THE INTENT OF THE RTC-1 REGULATIONS FENCES WITHIN THE RTC-1 AREA ARE TO BE MADE OF MASONRY OR VINYL OR CAST IRON SO THE APPLICANT HAS AGREED TO REMOVE THE CHAIN LINK FENCE CURRENTLY ON THE SITE. THE APPLICANT IS PROVIDING ADDITIONAL SCREENING AND AN AWNING ABOVE THE CARS AS SHOWN ALONG SHELL POINT ROAD AND U.S. HIGHWAY 41 TO REDUCE THE APPEARANCE OF THE DISPLAY OF CARS.

THOUGH THE APPLICANT IS PROVIDING INCREASED SCREENING ALONG THE FRONTAGE OF THIS SITE SCREENING THE WASTE STORAGE AND MECHANICAL EQUIPMENT THE PROPOSED DESIGN OF THE SITE IS TOO MUCH OF A DEVIATION FROM THE REQUIRED STANDARDS THAT IS NOT MEETING THE INTENT OF THE RUSKIN COMMUNITY PLAN.

BASED UPON THESE FINDINGS PLANNING COMMISSION STAFF FINDS THE PROPOSED REQUEST INCONSISTENT WITH THE COMPREHENSIVE PLAN. THANK YOU.

>> SANDRA MURMAN: THANK YOU VERY MUCH.

ZONING HEARING MASTER WE WILL NOW HEAR YOUR REPORT.

>> ZONING HEARING MASTER CONSIDERED THE REQUEST TO REZONE.52
ACRES FROM RUSKIN TOWN CENTER 1 ZONING TO PLANNED DEVELOPMENT.
FOR THE PURPOSE OF RECOGNIZING THE EXISTING COMMERCIAL BUILDING
AS IT CONTINUED TO UTILIZE THE BUILDING FOR MOTOR VEHICLE SALES
AS WELL AS PERMITTING ALL USES ALLOWED UNDER THE RTC-1 ZONING
DISTRICT.

ACCORDING TO THE APPLICANT'S REPRESENTATIVE THE PROPERTY WAS UTILIZED AS A MOTOR VEHICLE REPAIR FACILITY WITH ANCILLARY VEHICLE SALES FROM 1986 TO 2012.

THE CURRENT PROPERTY OWNER PURCHASED THE PROPERTY IN DECEMBER OF 2012 AND 2014.

THE PROPERTY OWNER REQUESTED A ZONING INTERPRETATION FROM HILLSBOROUGH COUNTY REGARDING THE SALE OF MOTOR VEHICLES ON THE PROPERTY WHICH WAS SUBJECT TO THE RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS.

THE COUNTY DETERMINED AT THAT TIME THAT WHILE NEIGHBORHOODS

SERVING MOTOR VEHICLE REPAIR WAS PERMITTED IN THE RTC-1 ZONING

DISTRICT MOTOR VEHICLE SALES WAS PROHIBITED.

FURTHER, THE COUNTY DETERMINED THAT THE PROPERTY OWNER HAD NOT PROVIDED ADEQUATE EVIDENCE THAT THE MOTOR VEHICLE SALES USE WAS AN EXISTING LAWFUL USE AND THEREFORE NOT PERMITTED.

TESTIMONY WAS PROVIDED AT THE ZONING HEARING MASTER MEETING IN OPPOSITION PRIMARILY FOCUSED ON THE LACK OF ADHERENCE TO THE

RUSKIN COMMUNITY PLAN FOR BOTH THE USE OF THE PROPERTY AND THE PROPOSED DESIGN.

THE PLANNING COMMISSION STATED THAT REQUESTS -- SIGNIFICANTLY DEVIATES FROM THE RUSKIN COMMUNITY PLAN AND THE DEVELOPMENT SERVICES DEPARTMENT ALSO DOES NOT SUPPORT THE REQUEST AS MOTOR VEHICLE SALES IS NOT A PERMITTED USE IN THE RUSKIN TOWN CENTER AND THE PROPOSED DESIGN DOES NOT MEET KEY STANDARDS ESTABLISHED FOR THE RUSKIN TOWN CENTER IN THE LAND DEVELOPMENT CODE.

BASED ON THE FOREGOING THE RECOMMENDATION IS FOR DENIAL OF THE PLANNED DEVELOPMENT REZONING REQUEST AS INDICATED BY THE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

>> SANDRA MURMAN: OKAY.

THANK YOU VERY MUCH.

I THINK I WILL MAKE MY COMMENTS FIRST AND I WILL CALL ON YOU, COMMISSIONER KEMP, IF THAT'S OKAY.

I DO WANT TO READ WHAT SHE SAID HER TESTIFYING AT THE ZONING HEARING MASTER.

SHE STATED THAT SHE WAS SPEAKING ON BEHALF OF THE RUSKIN COMMUNITY DEVELOPMENT FOUNDATION, THE REZONING REQUEST IS INCONSISTENT WITH THE RTC-1 ELEMENT AND SHOULD BE DENIED THE PROPOSED USE AS THE WRONG USE AND THE WRONG PLACE.

SHE ADDED SHE IS ALSO AN ADJOINING PROPERTY OWNER.

SO SINCE SHE CAN'T TESTIFY HERE TODAY BECAUSE OF OUR PROCESS I WANTED TO MAKE SURE HER REMARKS WERE READ INTO THE RECORD. THIS, YOU KNOW, WE GET PUT IN THESE POSITIONS UP HERE, BUT I

AM SO CLOSE TO THE RUSKIN COMMUNITY.

THEY KNOW I HAVE WORKED ALONGSIDE THEM ON THEIR COMMUNITY PLAN,
THEIR, YOU KNOW, THE FIRE HOUSE CENTER, YOU KNOW, WE'RE WORKING
ON A WHOLE NEW COMMUNITY CENTER TO GO IN DOWN THERE.

I JUST, YOU KNOW, THIS USE, I GUESS, IT DOESN'T PROMOTE OR IT JUST GOES AGAINST THE TOWN CENTER CONCEPT, AND I'M NOT SAYING YOUR PROPOSAL IS BAD BUT JUST THE A THE WRONG PLACE AND IT IS NOT THE RIGHT TIME.

I GUESS I SHOULD ASK YOU, DID YOU WORK WITH THE RESIDENTS AT ALL WHEN YOU WERE PLANNING THIS?

>> MARK BENTLEY, WHAT WE HAD DONE IS WE UNDERSTAND MISS COUNCIL
IS THE POINT PERSON PLUS THE ADJOINING PROPERTY OWNER SO WE SAT
DOWN WITH HER AND PROVIDED HER ALL OF THE INFORMATION AND THE
RENDERING AND TRIED TO GET FEEDBACK SO TO THAT EXTENT WE DID,
YES.

>> SANDRA MURMAN: THANK YOU.

I THINK THAT, YOU KNOW, THE FACT THAT EVERYBODY IS IN DENIAL FOR THIS PROJECT I THINK IT PUTS US IN A REALLY TOUGH PLACE TO GO AGAINST STAFF, PLANNING COMMISSION, ZONING HEARING MASTER TO REALLY MOVE THIS PROJECT FORWARD.

I KNOW WHAT MY VISION IS FOR THE RUSKIN COMMUNITY.

EVERYBODY AND THEIR BROTHER IS MOVING DOWN TO THAT AREA.

IT IS THE MOST SPRAWLED OUT COMMUNITY I HAVE EVER SEEN.

THAT HAS DEVELOPED BUT IT IS DEVELOPING IN A REALLY GREAT WAY

AND WE AS COMMISSIONERS HAVE TO KEEP OUR EYE ON THAT SO WE MAKE

SURE EVERY PIECE OF IT GOES ALONG WITH WHAT THE CITIZENS HAVE DONE IN BUILDING THEIR PLANS.

I RESPECT THE WORK THAT YOU ALL HAVE DONE BUT I'M ABSOLUTELY GOING TO HAVE TO PASS THE GAVEL.

CAN I PASS IT TO YOU?

TO DENY THIS PROPOSAL.

ITEM G.5.

I JUST, I THINK IT DOESN'T PROMOTE WALKABILITY, IT DOESN'T PROMOTE THE TOWN CENTER CONCEPT THAT THEY ARE WORKING SO HARD TOWARDS AND I JUST THAT'S IT.

>> STACY WHITE: WE HAVE A MOTION TO DENY.

SECONDED BY COMMISSIONER KEMP.

COMMISSIONER KEMP, YOU ARE RECOGNIZED.

>> PAT KEMP: THANK YOU FOR THE MOTION.

I DO RECOGNIZE THAT THE APPLICANT WENT TO SOME LENGTHS TO TRY

TO MAKE THE MOST PALATABLE OF THIS CORNER BUT THINK IT IS VERY,

VERY CLEAR IT WAS A DENIAL BY THE -- VERY RARE TO GET A LINEUP

LIKE THIS.

A DENIAL BY THE ZONING HEARING MASTER AND NOT SUPPORTED BY THE DEVELOPMENT SERVICES AND INCONSISTENT BY THE PLANNING COMMISSION, YOU KNOW, IN THE PAST FAILURE TO ESTABLISH THAT MOTOR VEHICLE SALES WERE PART OF, YOU KNOW, WHAT WAS DONE THERE. I REALIZE MAYBE IT WAS A SIDE THING.

MY MECHANIC DOES THE SAME, AND THIS I THINK WOULD BE -- I MEAN THE COMMUNITY PLANS WERE ABOUT VISION, ABOUT CHANGE.

THE FACT THAT THE TOWN CENTER HASN'T HAPPENED YET I THINK WITH ALL OF THE DEVELOPMENT HAPPENING AROUND IT IS GOING TO HAPPEN AND THIS IS A PRIME TIME TO HAVE IT HAPPEN AND THIS WOULD BE A REAL SET BACK.

>> SANDRA MURMAN: I SHOULD HAVE SAID THIS EARLIER THEY ARE WORKING WITH THE PLANNING COMMISSION AS WE SPEAK RIGHT NOW IN GETTING THAT WHOLE PROCESS MOVING FORWARD.

>> PAT KEMP: RIGHT.

WE NEED TO BE FACILITATORS OF THAT VISION AND THIS IS AN OPPORTUNITY TO DO THAT.

WE'VE BEEN IN A RECESSION WHERE THESE -- IT HASN'T BEEN REALIZED AND THIS IS THIS IS A CHANCE WE HAVE TO MOVE FORWARD.

I THINK IT IS VERY CLEAR FROM ALL OF THE REVIEWS THAT THIS HAS BEEN THROUGH THAT THIS ISN'T APPROPRIATE FOR US TO APPROVE THIS AND SO I'M SUPPORTING THE DENIAL.

>> OKAY.

THANK YOU, COMMISSIONER MILLER, YOU ARE RECOGNIZED.

>> LES MILLER, JR: YOU ARE GOING DOWN IN FLAMES, BUDDY.

IS THERE SOMETHING ELSE YOUR CLIENT COULD LOOK AT WITH THIS LAND

AND DO SOMETHING TO IT?

>> WELL, HE CAN SELL IT FOR THE AUTO REPAIR WITH THE OLD CYCLONE FENCE AND KIND OF LOOK PRETTY TERRIBLE OUT THERE AND THAT'S WHAT HAS BEEN SANCTIONED BY THE COUNTY JUST ANOTHER AUTO REPAIR. HE COULD WALK AWAY AND LEAVE THAT.

>> SANDRA MURMAN: COMMISSIONER MILLER, I CAN TELL YOU THAT I

WOULD WITHDRAW MY MOTION TO DENY AND MAKE ANOTHER MOTION TO REMAND IF HE WERE TO WORK WITH RESIDENTS AND COME BACK WITH SOMETHING THAT EVERYBODY CAN LIVE WITH.

- >> I WOULD CERTAINLY DO THAT WITH THE UNDERSTANDING THAT, YOU KNOW, AT THE END OF THE DAY THE USE WOULD BE AUTO SALES BUT THEY WANT TO HELP US WITH THE DESIGN.
- >> SANDRA MURMAN: I'M WILLING TO GIVE YOU A SHOT TO WORK WITH THEM AND LIKE I DO SEE WHERE THIS IS HEADED AND BUT I THINK I'M HAPPY TO DO THAT BUT YOU'VE GOT TO WORK WITH THE CITIZENS AND YOU'VE GOT TO REALLY UNDERSTAND THEY DON'T WANT AUTO SALES ON THEIR CORNER.
- IF YOU CAN'T GET PAST THAT THEN WE ARE PROBABLY GOING TO HAVE
 TO PROCEED WITH THE MOTION TO DENY.
- >> WHAT WE ARE SEEKING IS AUTO SALES AND ANYTHING ELSE THAT IS ALLOWED UNDER THE RTC.
- >> WHAT ELSE IS ALLOWED UNDER THE RTC?
- >> 30 DIFFERENT THINGS.
- >> LES MILLER, JR: DO 30 DIFFERENT THINGS AND COME BACK.
- >> SANDRA MURMAN: AND WORK WITH THE CITIZENS.
- I'LL REMOVE MY MOTION TO DENY AND I WILL MAKE MY MOTION --
- >> STACY WHITE: COMMISSIONER MILLER STILL HAS THE FLOOR.
- >> LES MILLER, JR: YOU ARE RAISING YOUR HAND.

WHAT IS IT?

>> WHY DON'T WE DO THIS, OKAY?

HERE AGAIN MY CLIENT IS NOT HERE HE IS OUT OF THE COUNTRY AND

- I HATE TO AT LEAST IF AUTO SALES WASN'T GOING TO BE SANCTIONED HE MIGHT HAVE THE ABILITY TO PUT IT TO ANOTHER USE.
- >> I THINK YOU NEED A REMAND EVEN THOUGH YOUR CLIENT IS OUT OF
 THE COUNTRY AND IF WE KILL THIS IT IS GOING TO BE PO'D.
- >> WAS I GOING DOWN IN FLAMES?
- >> SANDRA MURMAN: I WILL DO MY MOTION TO REMAND.
- >> STACY WHITE: WE HAVE A MOTION ON THE FLOOR TO REMAND NOW

THE PREVIOUS MOTION WAS WITHDRAWN.

SECONDED BY COMMISSIONER MILLER.

STAFF IS A MOTION TO REMAND THE PROMOTION IS THAT IN ORDER?

>> YES, THAT IS IN ORDER.

DATE IS NOVEMBER 19 AT 6:00 P.M.

>> STACY WHITE: THE DATE AND TIME IS NOTED FOR THE RECORD. OKAY.

SEEING NO DISCUSSION ON THAT MOTION TO REMAND, PLEASE RECORD YOUR VOLT.

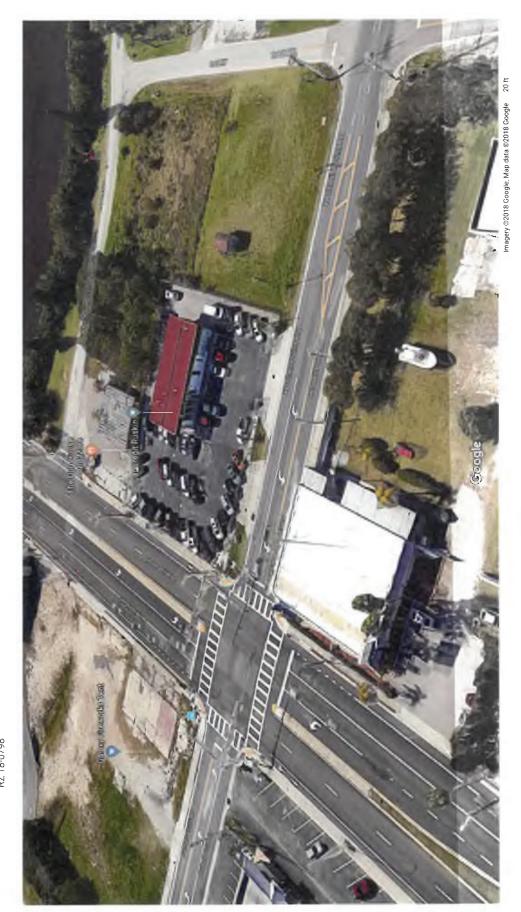
- >> MOTION CARRIED 6-0.
- >> SANDRA MURMAN: NOW I NEED A MOTION TO OPEN FOR ORAL ARGUMENT ON G.7.

MOTION BY COMMISSIONER MILLER AND SECONDED BY COMMISSIONER WHITE.

PLEASE RECORD YOUR VOTE.

- >> MOTION CARRIED 6-0.
- >> SANDRA MURMAN: OKAY.

AND WITH THAT WE WILL GOO TO STAFF.





Affidavit of Ted Pieta

- 1. My name is Ted Pieta and I am the former owner of Ted's Auto Center located at 108 N US Hwy 41, Ruskin, Florida ("Ted's").
- 2. The business operations at Ted's consisted of auto repair and auto sales.
- 3. Ted's was in existence from approximately December 29, 1986 to December 13, 2012. During this time I attended auto auctions on a monthly basis. My wife Donna Pieta attended these auctions with me on a regular basis.
- 4. At these auctions, I would purchase vehicles and then resell them from Ted's to the general public.
- 5. At all times during the existence of Ted's, the car sales side of the business was licensed to sell automobiles by the State of Florida, Department of Motor Vehicles ("DMV") and sold automobiles as a significant component of the business.
- The state of Florida DMV required, under the Florida Administrative Code, that I
 maintain an office clearly separated from the auto repair which, at all times I complied
 with.
- 7. I sold the property to Mr. Steven Cuculich on or about December 13, 2012 and at that time, the business was retailing automobiles.
- 8. One or about November 2, 2006, Hillsborough County changed the zoning for the property from CG to RTC-1 to prohibit both motor vehicle sales and auto repair.
- 9. This zoning change was never made known to me by the County as it did not provide direct notice of the zoning change.
- 10. Ted's continued to sell automobiles after November 2, 2006 until the sale of the property to Mr. Cuculich on December 13, 2012.
- 11. At all times Ted's sold motor vehicles at the property.
- 12. All of Ted's business records, including licenses with the County and state, were purged after the sale of the property.
- 13. I was never cited by Hillsborough County for improper use of the property.

14. Attached as Exhibit "A" are copies of true and correct documents confirming auto sales occurred at the property.

FURTHER AFFIANT SAITH NOT.

TED P ETA

SWORN TO AND SUBSCRIBED before me by Ted Pieta, who is personally known to me, or who produced <u>FL October</u> as identification, this <u>14th</u> day of <u>October</u>, 2019.

Notary Public

Print name:

My Commission Expires:

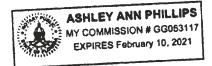


Exhibit "A"

LES FORM UCS-55 (Rev. 7' ') cose

DEPARTMENT OF LAGOR AND EMPLOYMENT SECURITY BUREAU OF TAX TAX EMFORCEMENT

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Date 5/16/91

To Ted R. Pieta - Ted's Auto Center

From Joe Vinski Pield Auditor.

Subject Audit results and corrections

Enclosed please find a copy of the results of the nudlt that was recently completed. A copy of the corrections that were made (if any) are included for your information.

If you have any questions regarding the above plause do not hesitate to contact our office.

TEO R. PIETA OWNER COMPLETE AUTO REPAIR AUTOMOTIVE AIR CONDITIONING .

TED'S AUTO CENTER AUTO REPAIR & SALES SINCE 1075

108 N. US WHY 41 RUSKIN, FL. 33570

PHONE: 813-645-9541

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Ashley Phillips

From:

Farris, Mary Helen <FarrisM@hillsboroughcounty.org>

Sent:

Tuesday, January 14, 2014 10:11 AM

To:

Mark Bentley

Cc:

Subject:

Ashley Phillips

RE: HSMV: Open Government/Public Records

Hello Mark,

Here is the information i received, with redactions made pursuant to 18 U.S.C. 2725:

- 2010 Dadge PK, Vehicle Identification Number (VIN) 1D7RB1CTXAS195680; title number 110705249; issued 05/02/2013. License plate number Z5DZR - registration expires 05/26/2014; title and registration is issued to: 33569
- 2001 Chrysfer SW, VIN 3C4FY4BB21T300202; title number 81394361 Issued 07/20/2000. License plate number TEDONNA - registration expires 10/25/2014; title and registration is issued to: 33569

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

····Original Message·····

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Monday, January 13, 2014 10:44 AM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen - sorry for the delayed response. Yes please send me the information. Thanks, Mark

Mark Bentley, Esquire, B.C.S., AICP

Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM

14-0767

14-0987

One Tampa City Center, Suite 1650 201 North Franklin Street Tampa, Florida 33602

Ph: 813.223.5050 Fax: 813.223.3555

---- Original Message-----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

Sent: Tuesday, December 17, 2013 10:03 AM

To: Mark Bentley

Subject: FW: HSMV: Open Government/Public Records

Hello Mark - I am following up on the email below. Do you still want the information? Thanks and have a great Holiday!

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hlllsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message-----From: Farris, Mary Helen

Sent: Friday, November 22, 2013 2:56 PM

To: 'Mark Bentley'

Subject: RE: HSMV: Open Government/Public Records

Hello Mark - I am reviewing Section 119.0712(2)(b) to determine what needs to be redacted. The information I received relates to Ted Pieta and another individual. Did you only want information on Mr. Pieta individually?

. Mary Helen

Mary Helen Farils, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

2

14-0767

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

·---Original Message----

From: Mark Bentley (malito:mbentley@bentleylawfirm.net)

Sent: Tuesday, November 19, 2013 4:53 PM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen,

I reviewed the website your provided however, I previously made a public records request to the DMV in connection with this matter and was advised that they do not keep records over 5 years old and that they have none of the requested records. I have attached the subsequent request made to the Tax Collector's office for your review. You will notice that it specifically requests records held by the Tax Collector in connection with the specified motor vehicle sales.

If the Tax Collector's office does not possess any of the requested records, please advise me accordingly in writing and as indicated in the attached correspondence.

3

Once again, I appreciate your assistance with this matter.

Thank you,

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050
Fax: 813.223.3555

Thank you very much Mary Helen - I appreciate your getting this resolved. Mark

Mark Bentley, Esquire, B.C.S., AICP
Board Certified by The Florida flar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050
Fax: 813.223.3555

----Original Message---From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

14-0767

Affidavit of Clayton Groce

STATE OF FLORIDA)	
)	
COUNTY OF HILLSBOROUGH)	

BEFORE ME, the undersigned authority, personally appeared CLAYTON GROCE ("Affiant"), who being first duly sworn, deposes and says:

- 1. My name is Clayton Groce. I am over the age of 18. I have personal knowledge of the facts in this Affidavit, and I am competent to testify about those facts.
- 2. I am the previous owner of Thompson Auto Parts, Inc. located at 1114 N US Hwy 41, Ruskin, Florida ("Thompson"). I sold my interest in January of 2019. I am working here now unpaid for 1 year as an advisor.
- 3. I started working at Thompson in 1974. The business operations at Thompson consisted of auto part sales.
- 4. I formed a business relationship with Ted's Auto Center located at 108 N Us Hwy 41, Ruskin, Florida ("Ted's") in or around 1986. Ted's would purchase automobile parts from Thompson to fix and repair used cars that Ted's sold at its 108 N Hwy 41 location, along with cars that Ted's would repair.
- 5. I observed Ted's selling automobiles from the 108 N Hwy 41 location. In addition to observing these sales, I purchased a Dodge Caravan and a 1990 Ford pickup truck from Ted's. I have attached the application for the certificate of titles for the Dodge Caravan and the Ford pickup truck this affidavit as composite exhibit "A."
- 6. At time, it was my observation and belief that Ted's, while in business at 108 N Hwy 41 location, sold motor vehicles.

[Signature Page Below]

FURTHER AFFIANT SAITH NOT.

CLAYTON GROCE

SWORN TO AND SUBSCRIBED before me by Clayton Groce, who is personally known to me, or who produced FLDL#G620-11057 as identification, this 8th day of October, 2019.



Notary Public
Print name: Canssa Quaga - Mbulo
My Commission Expires: 9110/22

STATE OF FLORIDA
APPLICATION FOR VEHICLE/VESSEL
CERTIFICATE OF TITLE
AND/OR REGISTRATION
NTY A Y
RT

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B# 93446 R 272784283								
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APPLICANT CERTIFICATION								
I/WE HEREBY CERTIFY THAT THE VEHICLE/VESSEL TO BE TITLED WILL NOT BE OPERATED UPON THE PUBLIC HIGHWAYS/WATERWAYS OF THIS STATE.								
I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED.								
1/WE HEREBY CERTIFY THAT I/WE LAWFULLY OWN THE ABOVE DESCRIBED VEHICLE/VESSEL. AND MAKE APPLICATION FOR TITLE IF LIEN IS BEING RECORDED, NOTICE IS HEREBY GIVEN THAT THERE IS AN EXISTING WRITTEN LIEN INSTRUMENT INVOLVING THE VEHICLE/VESSEL DESCRIBED ABOVE								
AND HELD BY LIENHOLDER SHOWN ABOVE 1/WE FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS. UNDER PENALTIFS OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.								
HSMV 82041 (REV. 3/99) S Signature (of Registered Owner	OWNE	R COPY	Signature of Regis	stered Co-Owner			

01/31/01 \$0.00 \$ \$44.35 FLORIDA VEHICLE REGISTRATION

DL# -TAG# VSP55A DECAL# 20134656 EXP 06/30/01 VIN 1B4GH243XRX201249 TC 66602113 YR/MAKE:1994 DODG

THOMPSONS AUTO PARTS 1114 N TAMIAMI TR RUSKIN, FL 33570-3547

L* 153812 T* 272784217 B* 93446 R* 272784283

APPLICATION FOR VEHICLE/VESSEL CERTIFICATE OF TITLE AND/OR REGISTRATION COUNTY AGY # SUB # REPORT# JCP BIB 9 T# 272784742 B# 93446 77784815 I# 153810 PLATE NUMBER OR FLORIDA # DECAL NUMBER 20077861 K50391 49638923 1FTEF15N4LNB14475 WHI 2nd OWNER FL/DL# OR UNIT# 11 Owner Registrant's Name & Address VOLUNTARY CONTRIBUTIONS THOMPSONS AUTO PARTS 1114 N TAMIAMI TR RUSKIN, FL 33570-3547 CREDIT VEHICLE
CLASS WT/LENGTH GRAND OTAL FLEET NUMBER REG. FEE GENC EE MAIL FEE TITLE FEE SALES TAX Action Requested TRANSFER TITLE STATE PREV. REG DATE ACQUIRED USID ODONETER / VESSEL MANUFACTURER 12/27/2000 XX EXEMPT FL LIEN INFORMATION HID # OR FU DI # AND SEX AND DATE OF BIRTH **ODOMETER** DATE OF LIEN **DECLARATION CERTIFICATION** NAME OF FIRST LIENHOLDER, HE NO LIEN, ENTER NONE ADDRESS: PRIVATE **SELLER INFORMATION** NAME DISEAUR ALBEITS DE LE RANDIER PREVIOUS OMNER AUTOB TAMIAMI TRAIL NW ORO KIN, FL 33570 DEVELOPES 189 SALES TAX AND USE REPORT CONSUMER OR SALES TAX EXEMPTION # TRANSFER OF TITLE IS EXEMPT FROM PURCHASER HOLDS VALID INDICATE TOTAL PURCHASE PRICE, INCLUDING ANY FLORIDA SALES OR UNPAID BALANCE DUE SELLER, BANK OR OTHERS **EXEMPTION CERTIFICATE** USE TAX FOR THE 0.00 REASON(S) CHECKED VEHICLE/VESSEL WILL BE USED INDICATE SALES OR USE TAX DUE AS PROVIDED BY **EXCLUSIVELY FOR RENTAL CHAPTER 212, FLORIDA STATUTES** OTHER SELLING PRICE VERIFIED APPLICANT CERTIFICATION I/WE HEREBY CERTIFY THAT THE VEHICLE/VESSEL TO BE TITLED WILL NOT BE OPERATED UPON THE PUBLIC HIGHWAYS/WATERWAYS OF THIS STATE. I CERTIFY THAT THE CERTIFICATE OF TITLE IS LOST OR DESTROYED. 1/WE HEREBY CERTIFY THAT I/WE LAWFULLY OWN THE ABOVE DESCRIBED VEHICLE/VESSEL. AND MAKE APPLICATION FOR TITLE. IF LIEN IS BEING RECORDED, NOTICE IS HEREBY GIVEN THAT THERE IS AN EXISTING WRITTEN LIEN INSTRUMENT INVOLVING THE VEHICLE / VESSEL DESCRIBED ABOVE AND HELD BY LIENHOLDER SHOWN ABOVE. I. WE FURTHER AGREE TO DEFEND THE TITLE AGAINST ALL CLAIMS UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. HSMV 82041 (REV. 1/99) 5 Signature of Registered Owner **OWNER COPY** Signature of Registered Co-Owner

STATE OF FLORIDA

REG TAX REG FEE FEE TAX FEE
\$16 S1 \$ \$7 75 \$ \$0 00 \$35.00

PLATE DATE INTERNET VOLUNTARY TOTAL

\$0.00

\$

\$59.26

FLORIDA VEHICLE REGISTRATION

01/31/01

DL# -TAG# K5039I DECAL# 20077861 EXP 06/30/01 VIN 1FTEF15N4LNB14475 TC 49638923 YR/MRKE 1990 FORD

THOMPSONS AUTO PARTS 1114 N TAMIAMI TR RUSKIN, FL 33570-3547

L* 153819 T* 272784742 B* 93446 R* 272784815

Affidavit of Donna Pieta

- 1. My name is Donna Pieta and I am married to Ted Pieta, former owner of Ted's Auto Center located at 108 N US Hwy 41, Ruskin, Florida ("Ted's").
- 2. Ted's was in existence from approximately December 29, 1986 to December 13, 2012. At all times Ted's existed, I was married to Mr. Pieta and remain married to Mr. Pieta.
- 3. During this time, I was often at Ted's and assisted with administrative matters and I also attended auto auctions with Mr. Pieta on a monthly basis.
- 4. At these auctions, Mr. Pieta would purchase vehicles and then resell them from Ted's to the general public.
- 5. At all times during the existence of Ted's, the car sales side of the business was licensed to sell automobiles by the State of Florida, Department of Motor Vehicles ("DMV") and sold automobiles as a significant component of the business.
- 6. Mr. Pieta sold the property to Mr. Steven Cuculich on or about December 13, 2012 and at that time, the business was retailing automobiles.
- 7. One or about November 2, 2006, Hillsborough County changed the zoning for the property from Commercial General to RTC-1 to prohibit both automobile sales and auto repair.
- 8. This zoning change was never made known to us by the County as it did not provide direct notice to Mr. Pieta or myself of the zoning change.
- 9. Ted's continued to sell automobiles after November 2, 2006 until the sale of the property to Mr. Cuculich on December 13, 2012 and was never cited for this activity by Hillsborough County.
- 10. At all times Ted's sold motor vehicles at the property.
- 11. All of Ted's business records, including licenses with the County and state, were purged after the sale of the property.

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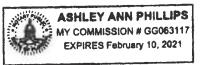
FURTHER AFFIANT SAITH NOT.

DONNA PIETA

SWORN TO AND SUBSCRIBED before me by Donna Pieta, who is personally known to me, or who produced FL Driver License as identification, this 1474 day of October , 2019.

Notary Public Print name:

My Commission Expires:



Affidavit of Edwin H Harwell Jr

STATE OF FLORIDA)				
COUNTY OF HILLSBOROUGH)				
BEFORE ME, the undersigned authority,				
personally appeared EDWIN H HARWELL JR("Affiant"), who being first duly sworn, deposes and				
says:				
1. My name is Edwin H Harwell Jr. I am over the age of 18. I have personal knowledge of the facts in this Affidavit, and I am competent to testify about those facts.				
 I have known Ted Pieta, previous owner of the property located at 108 N. US Hwy 41, Ruskin, Florida, since 2003. 				
3. Since 2003, I frequently visited Mr. Pieta's business known as Ted's Auto Center ("Ted's") located at 108 N. US Hwy 41, Ruskin, Florida. Ted's was at all times in the business of auto repair and vehicle sales.				
4. On several occasions, Mr. Pieta informed me that he had vehicles available for sale at Ted's.				
FURTHER AFFIANT SAITH NOT.				
Edwin H HARWELL Jr				
SWORN TO AND SUBSCRIBED before me by Edwin H Harwell Jr, who is personally known to me or who produced as identification, this day of day of				
2019.				
andrea has				

Notary Public
Print name:
My Commission Expires:

Affidavit of Lee Davis

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

BEFORE ME, the undersigned authority, personally appeared LEE DAVIS ("Affiant"), who being first duly sworn, deposes and says:

- 1. My name is Lee Davis. I am over the age of 18. I have personal knowledge of the facts in this Affidavit, and I am competent to testify about those facts.
- 2. I am the co-owner of At Home Auto Care, Inc. located at 2003 South US Hwy 41, Ruskin, Florida ("At Home Auto"). Our business has been in business since 1991.
- 3. I was employed at Ted's Auto Center ("Ted's") located at 108 N. US Hwy 41, Ruskin, Florida from 1986 to 1991. Ted's was in the business of auto repair and vehicle sales.
- 4. Ted's sold automobiles from the 108 N Hwy 41 location at all times I was employed by Ted's.
- 5. After leaving Ted's and starting At Home Auto, it was my observation and belief that Ted's, while in business at 108 N Hwy 41 location, at all times sold motor vehicles.

[Signature Page Below]

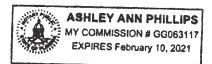
FURTHER AFFIANT SAITH NOT.

I FE DAVIS

SWORN TO AND SUBSCRIBED before me by Lee Davis, who is personally known to me, or who produced FL Drivers Lilense as identification, this 1479 day of October, 2019.

Notary Public Print name:

My Commission Expires:





AFFIDAVIT OF STEVEN A. CUCULICH

- I, Steven A. Cuculich, swear or affirm:
- 1. I am Steven A. Cuculich and I am the owner of property located at 108 N. US Highway, 41, Ruskin, Florida 33570 ("The Property").
- 2. In December of 2012, I purchased the subject Property.
- 3. Prior to purchasing the Property in December 2012, I had been advised by the previous owner, Ted R. Pieta, that from 1986 through December 2012, Mr. Pieta owned a business at the Property known as "Ted's Auto Center."
- 4. Prior to purchasing the Property in December 2012, I had further been advised by Mr. Pieta that Ted's Auto Center continuously sold motor vehicles to the public from 1986 through December 2012.

Further affiant sayeth not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date

Steven A. Cuculich

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Sworn to before me this _____ day of December, 2014 by Steven A. Cuculich, who is personally known to me or who has provided ______ as identification and did take an oath.

MARTHA LOPEZ

Notary Public - State of Florida

My Comm. Engines Aug 8, 2015

Commission & EE 85045

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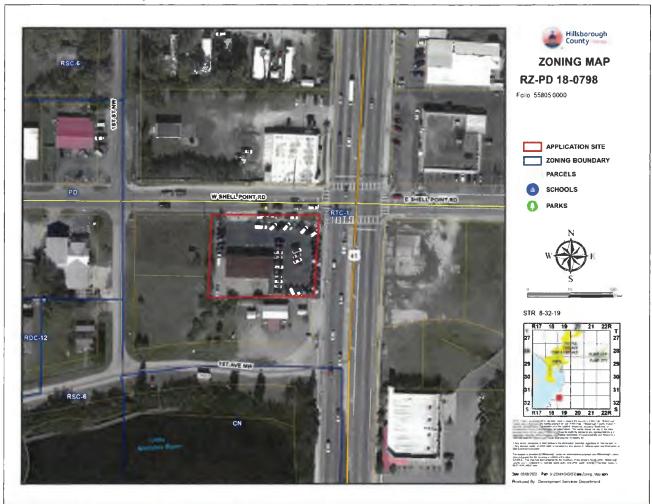
My Commission Expires:

Motary Public

Case Reviewer: J. Brian Grady

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses					
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:	
North	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial	
South	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Commercial	
East	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant	
West	RTC-1	20 unit per acre/.75 FAR	Limited General Commercial Uses and Multi-Family	Vacant	

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ PD 15-0678 RV

DATE OF HEARING:

August 10, 2015

APPLICANT:

GBS Riverview, LLC

PETITION REQUEST:

A request to rezone property from RDD-RW1 to PD to permit a Community Residential Home and Nursing, Convalescent and Extended Care Facility project on the subject property.

LOCATION:

West side of US Hwy 301, 50 feet north

of Palmetto Street

SIZE OF PROPERTY:

15.44 acres, m.o.l.

EXISTING ZONING DISTRICT:

RDD-RW1 (09-0892)

FUTURE LAND USE CATEGORY:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Riverview

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The request is to rezone a 15.44 acre parcel, located on the west side of U.S. Highway 301, just south of the Alafia River, from Riverview Downtown District – Riverwalk One (RDD-RW1) to a Planned Development. The site is currently zoned Riverview Downtown District – Riverwalk One (RDD-RW1) with an approve Special Use to allow for a Community Residential Home Type C for 300 placed residents.

The PD is to allow RDD-RW1 zoning district uses (Commercial General (CG) and Residential Multi-family Conventional (RMC-12) uses), including the approved Community Residential Home (reducing the number of beds from 300 to 233), and to add Nursing, Convalescent and Extended Care Facility use, all developed with RDD-RW1 zoning district development standards found in the Land Development Code Section 3.19.00.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located in the Urban Service Area. An 8 inch water main is located adjacent to the site within the western right-of-way of U.S. Highway 301 and a 20 inch wastewater force main is located approximately 100 feet from the site within the eastern right-of-way of U.S. Highway 301.

The site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Originally, the Community Residential Home was planned for Phases I and II, while Phase III was planned to be developed with the Riverview Downtown District – Riverwalk One development regulations.

The site has been improved with a Community Residential Home for 92 placed residents within Phase I (1 structure). Part of the approval for the construction

plans had road improvements which included the lighted three lane main entry road.

Transportation staff reviewed the request and have no objections. Staff commented that the request will not anticipate increase in traffic compared to the current approval on site. A detailed transportation analysis will be required at time of construction plan review.

1.4 Comprehensive Plan Consistency

The Planning Commission finds the request consistent with the *Future of Hillsborough Comprehensive Plan*.

1.5 Compatibility

As stated, the site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Per SU 12-0491, the Community Residential Home is planned for Phases I and II, while Phase III is planned to be developed with the Riverview Downtown District – Riverwalk One development regulations. Per Section 3.19.18, permitted uses under the RDD- RW1 zoning district are CG and RMC-12 zoning district uses. The site is currently developed with a Community Residential Home for 92 placed residents within Phase I. The applicant wishes to reduce the number of allowable beds from 300 to 233.

The request is to expand with the theme of health and wellness through the site by requesting an additional use, a Nursing, Convalescent and Extended Care Facility use, which is not permitted under the RDD-RW-1 zoning district. A Nursing, Convalescent and Extended Care Facility has similar characteristics to a Community Residential Home and a Multi-family development, such as being permitted in a multi-family zoning district (RMC-16 and RMC-20) and having independent and/or congregate kitchens.

The request also includes the allowance to develop the Nursing, Convalescent and Extended Care Facility with RDD-RW1 development standards. The Land Development Code Section 6.11.68 contains additional requirements for Nursing, Convalescent and Extended Care Facility. If developed as a nursing home, a minimum front, side and rear yards setback of 50 feet and a maximum Floor Area Ratio (FAR) of 0.25. Sections 3.19.03, 3.19.04, and 3.19.08 contains development standards for the overall Riverview Downtown Development zoning district as well as specifically for RDD-RW1 zoning district. Setback requirements ranges from 5 to 30 feet, depending on the street classification the site is located on, and the maximum intensity is 0.5 FAR, with exception within 75 feet adjacent to a single-family development not zoned RDD-RW1.

With a request for 233 placed residents, 4.29 acres is dedicated to the CRH use while 11.15 acres are dedicated to the RDD-RW1 uses, allowing a maximum of 239,347 square feet of development. Being that the site is a unified site plan and a maximum 0.5 FAR is currently permitted under the RDD-RW1 zoning district development standards, staff has no objections to allowing a nursing home facility to be developed with similar standards.

1.6 AgencyComments

There was no objection form reviewing agencies. These include Fire Rescue, Natural Resource Department, Water and Wastewater Department, Transportation Department, Environmental Protection Commission, Parks, Recreation, and Conservation Department, the Planning Commission, and HART.

1.7 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed General Site Plan RZ 15-0678

2.0 Recommendation

Approvable, subject to the conditions submitted by the Development Services Department into the record.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on August 10, 2015. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Kevin Mineer testified on behalf of the Riverview Landings regarding the rezoning application. Mr. Mineer stated that the rezoning request to Planned Development was for the purpose of adding a new use, which will be a nursing convalescent and extended care facility to the list of already approved uses for the property. Mr. Mineer testified that the property is 15 acres in size and located on the west side of US 301 at the intersection with Balm-Riverview and US 301 on the southern shore of the Alafia River. It was previously approved for the state of the art assisted living and memory care community home known as The Crossings at Riverview. The property is currently zoned RDD-RW1 which permits a full mix of commercial and residential land uses. The application includes a request to reduce the size of the previously approved Community Residential Home from 300 beds to 233 beds to meet the density requirements of the RDD-RW1 zoning district. Mr. Mineer described Section 3.19.2 of the

Riverview Downtown District development regulations to emphasize that if there is a conflict between the RDD standards and the LDC standards, the RDD standards prevail. A waiver of the required setback and floor area ratio is requested as a part of the rezoning application.

Hearing Officer Finch asked about the proposed CG uses listed on the site plan. Mr. Mineer replied that while there are no current plans for CG uses, he would like the right to develop CG land uses per the RDD-RW1 zoning district in the future.

Hearing Officer Finch asked Mr. Mineer about the A through E lettering on the site and its meaning. Mr. Mineer replied that the previously approved site plan included the lettering system.

Finally, Hearing Officer Finch asked about access from the project to the Alafia River. Mr. Mineer replied that the reference to the river access stemmed from the prior zoning approval.

Mr. Brian Grady, Development Services Department testified regarding the County's staff report. Mr. Grady stated that the applicant is requesting a rezoning of 15.44 acres for property located on the west side of US 301, just south of the Alafia River from the Riverview Downtown District Riverwalk to a Planned Development. Mr. Grady stated that a prior Special Use on the property approved a Community Residential Home for 300 beds. The PD would reduce the number of beds to 233 and add a nursing convalescent extended care facility on the subject property. Mr. Grady distributed revised zoning conditions, which pertain to transportation. Staff supports the rezoning application request.

Mr. Randy Kranjec of the Planning Commission staff testified that the property is located in the Community Mixed Use-12 Comprehensive Plan category. The site is an extension of the already approved development on the property and that the Planning Commission finds the request consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents or opponents of the application. None replied.

Mr. Grady of the Development Services Department clarified that there was a typographical error in Condition #1. The correct square footage amount should be 239,347 square feet.

Mr. Mineer did not have additional comments.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

Mr. Grady submitted revised zoning conditions into the record.

PREFACE

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

FINDINGS OF FACT

- The subject site is 15.44 acres in size and is zoned RDD-RW1. The
 property is designated CMU-12 by the Comprehensive Plan and located in
 the Urban Service Area and the Riverview Community Plan.
- 2. The request to rezone to Planned Development (PD) is for the purpose of adding a Nursing Convalescent-Extended Care Facility to the already approved Community Residential Home project. The Community Residential Home will be reduced in size from the approved 300-bed facility to a maximum of 233 beds. Other permitted land uses will include all uses permitted in the RDD-RW1 zoning district including all CG and RMC-12 land uses. Development standards will be consistent with the Riverview Downtown District, Section 3.19.00.
- The surrounding area is a combination of residential and commercial land uses. The subject property is currently developed with Phase I of the Community Residential Home.
- 4. The County's Transportation staff did not have any objections to the rezoning request.
- 5. The Planning Commission finds the rezoning consistent and compatible with the Comprehensive Plan.
- 6. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to establish a compatible land use with the surrounding area.

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

The rezoning request is in compliance with and does further the intent of the Goals. Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The request is to rezone 15.44 acres from RDD-RW1 to PD for the purpose of adding a Nursing Convalescent Extended Care Facility on the subject property. The property is located in the Urban Service area and the Riverview Community Plan. The property is currently developed with Phase I of a Community Residential Home. Proposed zoning conditions serve to reduce the number of beds for the already approved Community Residential Home, limit the maximum square footage of the Nursing Convalescent Extended Care Facility and establish vehicular and pedestrian access thereby ensuring compatibility with the surrounding area.

RECOMMENDATION

Based on the foregoing, this recommendation is for APPROVAL of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the revised zoning conditions prepared by the Development Services Department.

Susan M. Finch, AICP

Land Use Hearing Officer

Date

9-31-15

COUNTY OF HILLSBOROUGH RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ-PD 16-0213 (Remand) BR/C

DATE OF HEARING:

March 7, 2016; July 18, 2016

APPLICANT:

Vincent A. Marchetti

PETITION REQUEST:

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and

a minimum of 1,000 square feet of office space.

LOCATION:

E/S of Pauls Dr., 1000' S/O Oakfield Dr.

SIZE OF PROPERTY:

30.81 Acre±

EXISTING ZONING:

BMS-TC2

FUTURE LAND USE:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Brandon Main Street

APPLICATION REVIEW SUMMARY AND RECOMMENDATION

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. Approval of this request is dependent on meeting the requirements of the CMU-12 Future Land Use category, policy 19.1 of the Comprehensive Plan, which requires a minimum of two land uses (retail, residential, or office uses) vertically integrated in one building, or 3 land uses if not vertically integrated; and the granting of a mixed use density bonus pursuant to Policy 19.3.

1.2 Compliance Overview with Codes and Technical Manuals

The applicant has not requested any variations to the Land Development Code Sections 6.05.00, 6.06.00, or 6.07.00.

1.3 Evaluation of Existing and Planned Public Facilities

The site is within the Urban Service Area and will utilize public water and sewer facilities. The water lines will have to be extended to the subject property and the cost should be born by the applicant.

Pauls Drive is a two-lane undivided roadway with a heavy tree canopy. There are currently no sidewalks or bicycle facilities on this segment. The impacted portion of Pauls Drive is operating at a level of service B with an adopted level of service D. The proposed use will generate less vehicle trips than the most intense permitted use in the current zoning district. The location, type and design of access point will be reviewed during the subdivision plan approval stage of the development.

Hillsborough Area Regional Transit (HART) provides local service to this area on Route 37 (Brandon to Netpark Transfer Center via Grand Regency Plaza). The closest transit stop for Route 37 is located approximately ¼ mile away on Oakfield Drive. Wherever possible, HART recommends the construction of an ADA accessible route to transit stops.

1.4 Comprehensive Plan Consistency

The Planning Commission staff has reviewed this petition and finds it consistent with the <u>Future of Hillsborough</u> Comprehensive Plan.

1.5 Compatibility

The Brandon Main Street district encourages a mix of uses, which include residential and office uses. Of particular importance to the Brandon Main Street Community Plan area is the form and orientation of structures as they relate to public streets. Structures must face public streets and sites must provide as much connectivity and accessibility to complementary uses in order to support the vision of an urban, pedestrian and transit oriented area. Compatibility of uses is not at issue in this case. Of greater importance is maintaining the form and street pattern envisioned for the

Brandon Main Street District. A potential impact of re-zoning a parcel in the middle of the BMS district has the potential of disrupting the street connectivity and block pattern planned in the district. The BMS district requires a certain level of street connectivity expressed in an index ratio of connections to intersections. However, the ratio is difficult to meet in places where a grid has not already been established and when site constraints such as environmentally sensitive areas prohibit connections at certain points. The applicant has worked with staff to develop a site design to meet the intended block length requirements of the BMS district. Also, the BMS district sets minimum and maximum setbacks as opposed to standard zoning districts that set minimum setbacks. The maximum setback in the BMS TC-2 district is 15'; however, in order to keep maintain the tree canopy along the front of the property, it is appropriate to consider a more lenient front setback for the building fronting Pauls Drive. Staff has recommended a maximum of 30'.

The 5-acre MOL site to the south was permitted to rezone to a PD (14-0901) due to its site constraints. However, the applicant was amenable to incorporating certain design elements, such as a terminated vista illustrated in the TND zoning district and TND street features, so that the design remained true to the BMS community plan. It is imperative that this application also incorporate certain design features to be consistent with the BMS Community Plan and properly connect to the site to the south.

1.6 Environmental Impacts

The Environmental Protection Commission of Hillsborough County (EPC) staff has identified wetlands on site. EPC staff has stated that the site design may have to be modified at site development to mitigate the impacts on the wetlands.

Natural Resources staff evaluated the site and identified the following:

- A number of mature trees. The stature of these trees warrants every effort to minimize their removal.
- This site contains trees that qualify as Grand Oaks as defined by the Land Development Code (LDC).

1.7 Agency Comments

The following agencies have reviewed the request and offered no objections. Recommendations are reflected in the list of conditions of approval.

Transportation (with conditions)
Natural Resources (with conditions)
Water/Wastewater
Parks
Environmental Protection Commission
HART (with condition).

1.8 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

2.0 Recommendation

- 1. Prior to Site Plan Certification, the developer shall revise the General Site Plan to:
- A. Show the driveway and cross access connection within PD 14-0901;
- B. Add a cross access arrow in a location which vertically aligns with the access described in the conditions below, and labeled "Vehicular and pedestrian cross access connection";
- C. Add a cross access arrow in a location along its northern property boundary that vertically aligns with the access described in the conditions below, and labeled "Future vehicular and pedestrian connection (to be constructed by others)";
- D. Revise notes 22, 23, and 28 for consistency, and to reflect the site plan revisions and conditions below.

2.1 Recommended Conditions of Approval

Approvable, subject to the conditions based on and predicated on changes being made to the site plan submitted on February 16, 2016, pursuant to the notes above and conditions below prior to the BOCC Land Use Hearing.

SUMMARY OF HEARING (March 7, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 7, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Vincent Marchetti, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, represented Gardner Capital, the applicant. Mr. Marchetti testified that the applicant is under contract for an approximate 30-acre parcel located on the east side of Pauls Drive, just south of Oakfield Drive in Brandon, which is the in Brandon Main Street Overlay Plan. The applicant is seeking this PD to develop approximately 350 dwelling units and 1,000 square feet of office on the site. The site does have significant wetlands; approximately 12 acres of wetland area is along its eastern-southern portions, which effectively negates the possibility of applying the current BMS-TC2 standards to the entire property. The applicant has worked extensively with all Development Services staff and the Planning Commission to provide a very creative site plan to accommodate BMS standards on the frontage along Pauls Drive and to still have the ability to develop the site in its entirety beyond the wetland.

The applicant's Planner, David Smith, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, also provided testimony. Mr. Smith handed out an information package containing several maps. He displayed the site plan and explained that it reflects the conditions agreed upon. He then pointed out the extensive wetlands on the site and that Pauls Drive is essentially the eastern road boundary of the Brandon Main Street Overlay. He then indicated the wetlands and ditch

connections all the way down and out and underneath Pauls Drive and also Brandon Parkway. He pointed out the large wetland at the center of the site that limits the development area to the northern portion. Mr. Smith stated that the Brandon Main Street Overlay has various zoning districts. Within those zoning districts BMS-TC2 would allow 20 units per acre and would not require a mixed-use project in order to accomplish that. However, in order to do that, one has to accomplish all the goals and standards within the Brandon Main Street Plan that has block and grid type development of a very structured type layout. With the subject project, the applicant's issue is a church property to the subject property's south that has approval. It has a cross-access but there is also an existing small office park. The church property is just north of Millennium Parkway. Part of the Brandon Main Street is a block type development, but if one were to try to put a block type development in the rectangle site, no connections can be made to the north or south. Additionally, no connections can be made to the east because of an existing subdivision.

Mr. Smith stated that in looking at the property and discussing it with staff, the applicant had options to either come into Site Development and apply for several variances, or to go into a PD plan to identify specifically what standards of the Brandon Main Street Plan can be accomplished and justify, as part of a PD, why he needing to go to that type of development program. Additionally, with the CMU-12 Comprehensive Plan category, if one is not zoning for 20 units per acre then they have to look for a density bump-up to achieve a higher density than the 12 units per acre. The applicant is proposing this by vertically integrating a 1,000 square foot office. The building fronting Pauls Drive will provide that vertical integration and allow the applicant to bump up to 16 units per acre.

Mr. Smith then displayed a map depicting the subject property and its surrounding area and pointed out the CMU-12 as well as the Brandon Main Street Overlay areas. He stated that the subject site is on the extreme boundary of the overlay and not many properties have developed under the BMS-TC2 or BMS standards to date. The church had issues similar to the applicant's. The proposed PD will meet the standards identified in the applicant's conditions with a building that fronts Pauls Drive and has a vertically integrated portion of mixed-use within. Each one of the units at the bottom will either have direct pedestrian connection, the ones that are facing Pauls Drive, or there will be a central entrance that will be a prominent feature connecting Pauls Drive to provide for the town center. The parking will be to the rear and will be a minimum of 100 feet back, meeting the BMS-TC2 standards. The applicant will provide direct cross-access to the church and future cross-access is identified to the north to be provided if any redevelopment does occur. In the back is a traditional park development except for the fact that the applicant will meet the BMS-TC2 architectural standards and the fence standards and buffering. Those were all identified in the conditions so that the applicant has a true BMS-TC2 type project. While he cannot meet all the standards he is meeting the intent and is specifically meeting it on the frontage along Pauls Drive. The applicant has worked hard with staff to craft the conditions and is in agreement with the conditions as those have been provided at the hearing. The units facing Pauls Drive will have the direct pedestrian connection even though the conditions do not say that.

Catherine Hartley of Development Services pointed out a minor correction in the header of the staff report. Also, the applicant has 31 acres, not 39 (originally indicated in report) which impacted the calculation for the density that they wanted; it was 350 units, where she had previously listed 375. The conditions are correct; it was just the narrative of the staff report that had the errors. Ms. Hartley pointed out that what the Hearing Officer had taken into evidence at the beginning of the hearing were a combinations of staff's revised conditions and those from the applicant. They had spent several weeks trying to work those out. The most important thing to County staff is that the building or buildings in the front. In order to get the density bonus, the applicant has requested to get up to 16 units an acre. The applicant has to have a vertically integrated use in the front facing Pauls Drive and it has to be a minimum of thousand square feet. How the building or buildings fronts Pauls drive is important. Pauls Drive is one of the streets called out in the code and so the way it fronts that street is most important. Secondly, last year, when the church came in for their PD, their biggest issues were the connectivity. The subject site is such a "weird" shaped parcel along with a significant amount of wetlands in the back. Therefore, staff had to come up with a creative design solution instead of getting numerous variances; however it is the cross-connection for the future possibilities redevelopment to the north and the south that was of most concern. One has to guess what might happen in the future and try to meet them within the block requirements of Brandon Main Street. The church was willing to do that. Now this applicant has come in and so that cross-access with the church is most important next to the building that faces Pauls.

Melissa Lienhard with the Planning Commission testified that the subject property is located within the Community Mixed Use-12 Future Land Use Category, within the Brandon and Brandon Main Street Community Planning Areas, and is also in the Urban Service Area. Ms. Lienhard stated that Planning Commission staff does support the rezoning to a Planned Development as conditioned by the Development Services Department. The CMU-12 Future Land Use Classification requires a mix of uses for parcels over 20 acres. The project will include office space that will be for lease and integrated into the building that fronts Pauls Drive. The applicant is also seeking a density bonus to 350 multifamily units. Staff supports the request for that density increase due to the vertical integration of the proposed use. Both Development Services and the Planning Commission staff have worked very hard with the applicant's representative who has agreed to front the vertically integrated building along Pauls Drive. Ms. Lienhard provided an exhibit for the record, depicting the front of a building because the front is so important to have on Pauls Drive. She stated that the applicant's representative has seen the exhibit and has agreed that this photo represents the front of the building. For the reasons noted, Planning Commission staff found the request consistent with the Future of Hillsborough Comprehensive Plan, subject to the conditions requested by the Development Services Department.

The Zoning Hearing Master then asked for any audience members in support of the request. There were none.

The Zoning Hearing Master then asked for any audience members in opposition to the request. The Hearing Officer noted that two people had raised their hands in opposition. No specific opposition testimony was received.

Vincent Marchetti provided rebuttal testimony for the applicant. Mr. Marchetti stated that a neighborhood meeting had been held early on in the process of the application with probably 10 to 15 people attending. No one after the meeting expressed any opposition to the project. He was surprised someone showed up at the hearing opposing it.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

Ina DeMay (DS Staff)

Conditions

David Smith

Site Plans

Melissa Lienhard (PC)

Photograph

SUMMARY OF HEARING (July 18, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 18, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.¹

The hearing officer asked if any representative of the Homeowner's Association, which had been previously excluded from the original public notice but noticed properly for the Remand Hearing, or any resident living within that community was available to speak. Hearing no response, the second public hearing was concluded.

PREFACE

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

FINDINGS OF FACT

 The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area.

¹ Due to no fault of the applicant, a neighborhood organization was inadvertently excluded from the notice list of the original hearing due to an error in the database that was utilized by Hillsborough County to generate the list of the registered Neighborhood Organizations and Civic Associations that were required to be notified. As a result of that error, the petition was remanded back to the Land Use Hearing Officer to conduct an additional public hearing after appropriate notice was provided.

- 2. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district.
- 3. Although "zoning out" of the BMS-TC2 zoning district, the parcel does fall under the Brandon Main Street plan and must meet the intent of that plan. Additionally, by requesting to "zone out" of the BMS-TC2, the applicant is also subject to the requirements of the Community Mixed Use-12 Future Land Use Classification.
- 4. The parcel to the south is a Planned Development for a church and ancillary buildings. Across Pauls Drive is a 54 acre farm, the largest piece of property in the Brandon Main Street Planning area. The subject parcel is the second largest parcel in the Brandon Main Street Planning area. North of this site is an older apartment complex developed prior to Brandon Main Street regulations. On the west side of Pauls Drive, north of the farm, is the Brandon Chamber of Commerce building.
- 5. The applicant has requested a density/intensity bonus per Policy 19.3 of the Future Land Use Element. The request is for 350 multi-family units. Under the CMU-12 Future Land Use category the maximum number of units without the vertical mixed use is 283. The project will have two vertical land uses according to the applicant. The second use will be for an office integrated into the multi-family building that will front on Pauls Drive.
- 6. The project will also provide vehicular and pedestrian connectivity with the project to the south, as well as a future connection to the north in a possible redevelopment scenario.
- 7. Overall, the applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the vertical integration of two uses, as described above, for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Concept Plan and the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is competent substantial evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district for a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. The applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the

vertical integration of two uses for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to revised recommended conditions of approval as prepared by the staff of the Development Services Department.

James A. Scarola

Date

Land Use Hearing Officer

Buddy Harwell

13802 Sweat Loop Rd

Wimauma, FL 33598

Re: Rezoning 18-0798

Dear Chairman Miller and Honorable Members of the Board of County Commissioners:

I have known the former owner of the property located at 108 N US Hwy 41, Ted Pieta, since 2003 and would frequently stopped by his shop in Ruskin on Shell Point and U.S. 41. I would take my vehicles and would recommend friends and families to use his repair shop. He would occasionally let me know that he had a vehicle for sale. I did see vehicles out there for sale when I was in the area or stop by to talk to him. I also talked to him about taking me to a dealers auction because I was looking for a vehicle at that time.

We both have a mutual friend that I have known for least 30 years and Ted has known a lot longer, I recall him telling me several times of vehicle's he had bought from Ted. I do not personally know the gentleman who bought this property from Ted, but as someone who owns and rents commercial property this gentleman has put a lot of equity improving the property. I have also seen the future plans for what he is asking to put canopy along the road and believe it would be a significant improvement and in keeping with the future plan for Ruskin.

I have stopped in their from time to time looking at a car or pickup truck for myself or family member and always found the place to be clean and orderly and his staff friendly. As a commercial property landlord I would prefer a used car lot over an auto repair center any time.

I hope that you would consider a positive recommendation for this rezoning.

Sincerely,

Buddy Harwell

Mark

RJ SANTIAGO & ASSOCIATES, INC. 240 APOLLO BEACH BLVD. APOLLO BEACH, FL 33572 Tel: 813-641-0010

July 26, 2018

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re: RZ 18-0798

To Whom It May Concern:

Our company, RJ Santiago & Associates Inc., is the owner of property located at 302 N 41 Hwy., Ruskin, directly north of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Rolando J. Santiago

Roland@rjslawgroup.com

President

Sincerely

At Home Auto Care 2003 S U.S. Hwy 41 Ruskin, FL 33570

October 14, 2019

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re: RZ 18-0798

To Whom It May Concern:

We are the owners of property located at 2003 S 41 Hwy., Ruskin. Our company, At Home Auto Care, is located at this property which is southeast of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Sincerely, Lely Derig

Leroy Davis Owner

RZ 18-0798 (PD) CUCULICH CAR CREDIT PLANNED DEVELOPMENT REZONING PROJECT NARRATIVE/REPORT (Revised 7.31.18)

The subject 0.52+/- acre property is located at 108 North US Highway 41, in the Ruskin area of unincorporated Hillsborough County, Florida (Section 8, Township 32 South and Range 19 East, Folio No. 055805.0000). The property has frontage along North US Highway 41 and Shell Point Road.

Located within the Urban Service Area, the subject site is designated Office Commercial – 20 (OC-20) on the County's Future Land Use Map, as defined by the *Future of Hillsborough County Comprehensive Plan*. As one of the more intensive land use designations in the County. the OC-20 land use category is utilized to recognize existing commercial and office centers and provide future development opportunities. Development within the OC-20 future land use category is permitted residential densities up to twenty (20) dwelling units per acre and non-residential intensities at a floor area ratio (FAR) of 0.75 or 600,000 square feet of building area (maximum 0.35 FAR and 350,000 square feet for commercial uses). Typical uses permissible in the OC-20 land use district include community commercial type uses, office uses, mixed use developments and compatible residential uses. All of the properties surrounding the subject property are also designated OC-20 on the County's future land use map.

The subject property is currently zoned Ruskin Town Center -1 (RTC-1) and is developed with a small commercial building and occupied by a motor vehicle sales business. All properties surrounding the subject site are also zoned RTC-1. Located within a quadrant of one of the primary intersections in the Ruskin community, the area surrounding the subject property is developed with a mixture of highway commercial, retail and office uses and a County park. Established residential neighborhoods are located to the west of the subject property, outside of the commercialized US Highway 41 corridor.

The RTC-1 zoning district was incorporated into the County's Land Development Code in 2007. Several properties within the Ruskin area, including the subject property, were subsequently rezoned to RTC-1 in accordance with the regulations. Prior to the RTC-1 rezoning in 2007, the subject property was originally zoned Commercial General (CG) and has been occupied by motor vehicle repair and motor vehicle sales businesses since the early 1970s. Motor vehicle sales and motor vehicle repair are uses that are permitted by right in the subject property's original CG zoning district. The current RTC-1 zoning district, Section 3.17.09, prohibits motor vehicle sales and motor vehicle repairs (minor or major) as permitted uses. The County has confirmed however, in an official zoning determination by the Zoning Administrator, that "auto repair" is an existing lawful use at the property. This lawful use would be relinquished as part of this application.

This application requests to rezone the subject property from RTC-1 to Planned Development (PD) to recognize the existing motor vehicle sales use as a permitted use, as well as to permit

any of the uses otherwise permitted in the RTC-1 zoning district. A PD Site Plan is submitted with this application, which illustrates the location of the existing commercial structure and site access, as well as provides for improvements to the property including landscape buffering, parking lot striping and removal of the chain link fencing along the site's US Highway 41 and Shell Point Road frontages. The addition of landscape buffers and striping designated parking spaces will clean up the site and eliminate haphazard parking/display of motor vehicles, while reducing and limiting the motor vehicle inventory on site.

The Applicant's project, as proposed by the PD, is currently or will be in compliance with the majority of the regulations outlined in the RTC-1 zoning district standards, as applicable. The compliant regulations are identified below and highlighted in yellow, while the regulations which are not applicable to the subject PD are highlighted in light blue:

Sec. 3.17.01. - Purpose

The purpose of this Part is to provide for The Ruskin Town Center (RTC) zoning districts and design standards. The zoning district and design standards implement the vision, principles and strategies of the Hillsborough County Comprehensive Plan's Ruskin Community Plan.

The intent of the Ruskin Town Center Zoning District (RTCZD) is to revitalize Ruskin's business center along U.S. 41, enhance the appearance of Ruskin's historic business district, and establish a mixed-use, walkable and pedestrian friendly Town Center. All development shall be in accordance with the Standards for Non-Residential, Mixed Use and Multi-Family as described in this Part and as appropriate.

Sec. 3.17.02. - Applicability

A. Except as provided herein, these standards shall apply to all development within the area subject to the Ruskin Town Center Zoning District (RTCZD). However, these provisions shall not apply to public schools and previously approved planned developments, previously approved subdivisions, and projects with unexpired building permits, unexpired preliminary site development approval or unexpired construction plan approval at the time of rezoning to Ruskin Town Center Zoning District (RTCZD). Existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.

In addition to the standards provided herein, development within the Ruskin Town Center Zoning District (RTCZD) shall be required to meet all other applicable sections of the Land Development Code. Where any provision of the Ruskin Town Center Zoning District (RTCZD) regulations is in conflict with any other standards or regulations of the Land Development Code, the Ruskin Development Regulations shall prevail.

Sec. 3.17.03. - General Development Standards

A. Designation of Streets

All streets within the Ruskin Town Center Zoning District shall be classified as Main Streets or Ruskin Town Center Streets. Main Streets include Shell Point Road, and U.S. 41. All other streets shall be classified as Ruskin Town Center Streets - as shown on Figure 1—Ruskin Town Center.

B. Street Design

New streets and reconstruction of existing streets, excluding regulated roadways as defined in the Hillsborough County Comprehensive Plan, shall conform to the design standards established by this

section for the cross section of Ruskin Town Center Streets as shown in Figure 2. Traffic calming measures shall be permitted in accordance with Section 5.08.09.E of this Code.

C. Parking, Access and Site Design

Except as otherwise provided by this Section, parking requirements for all uses shall be in accordance with the Parking Standards of Article VI. Landscaping requirements for off-street vehicular use areas shall be in accordance with the landscaping and buffering requirements of this Code.

1. Required Off-Street Parking

- a. Required parking provided through surface parking lots shall be on the development site or within 500 feet of the development site that the parking is required to serve.
- b. The minimum parking requirements in Article VI of this Code for non-residential uses is the maximum allowed. Additionally, the non-residential parking requirements may be reduced by 50 percent.
- On-Street Parking Credit. On-street parking spaces shall be deducted from the required number of off-street parking spaces for the adjacent use. When an extended parcel line splits an on-street parking space, that space shall be deducted from the parking requirements of the parcel that fronts the majority of the on-street parking space.
- 2. Off-street parking (surface parking lots).
 - In projects located on Main Streets with off-street surface parking lots, parking shall be located behind the front façade of Main Street frontage buildings.
 - Except as provided below, in projects located only on Ruskin Town Center Streets with offstreet surface parking lots, parking shall be located behind the front façade of Ruskin Town Center Street frontage buildings.
 - c. Notwithstanding the above, surface parking lots may be located adjacent to Ruskin Town Center Streets in projects with frontage along Main Streets and Ruskin Town Center Streets.
 - d. Surface parking lots may be located adjacent to one Ruskin Town Center Street in projects with frontage along two Ruskin Town Center Streets. However, no surface parking lot shall front Ruskin Town Center Street containing property on the opposite side of the street zoned for residential and residential support uses only. Additionally, on corner lots, surface parking may be located adjacent to two Ruskin Town Center Streets.
- Parking Garages. Except for vehicle entrances, the ground floor shall be developed with enclosed commercial, office or civic floor space to a minimum building depth of 30 feet along the entire length of the structure on each adjacent street, unless separated from the street by another building, parking lot and/or landscaped open space with a minimum depth of 30 feet.
- Screening of trash and recycling receptacles, loading docks, service areas, and other similar areas.
 - 1. Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from Main Street or Ruskin Town Center Street frontages, and must be screened to minimize sound and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape buffer shall be a minimum of five feet in width and contain evergreen plants a minimum of three feet in height spaced not more than four feet apart.
 - 2. Mechanical equipment shall be placed on the parking lot side of the building away from view from adjacent Main Street and Ruskin Town Center Street frontage and shall be screened from view of any street by fencing, vegetations, or by being incorporated into a building.

- All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into roof structure.
- 4. Solid waste storage areas. A solid waste refuse facility shall be screened on three sides by a six-foot high masonry wall if it is located within the building setback area or located in areas visible to customers or from a public right-of-way.
- 5. Fences and Walls. Fences and walls shall be constructed of masonry, vinyl or cast iron/metal. The location of all fences and walls shall be in accordance with Article VI of this Code.
- E. Building Orientation. A building's primary orientation shall be toward the street rather than the parking areas. The primary building entrances shall be visible and directly accessible from a public street.
- F. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be a distinctive and prominent element of the architectural design and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to emphasize the entrance(s).
- G. Utilities All utility lines shall be located underground.

Sec. 3.17.04. - Standards for Non-Residential, Mixed Use and Multi-Family Development

- A. Building frontages shall occupy no less than 60 percent of a project's street frontage. Notwithstanding the above, projects with frontages along Main Streets and Ruskin Town Center Streets shall not have minimum building frontage requirements along Ruskin Town Center Streets.
- B. Front yard building setbacks along all street frontages shall be a minimum of ten feet to a maximum of 20 feet. Rear yard setbacks shall be a minimum of ten feet, and side yard setbacks shall be a minimum of five feet.
- C. Building height shall be a maximum of 50 feet.
- D. Building Design
 - 1. Building Façade. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. Building façade must be architecturally finished to grade. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination. Ground floor retail uses that are located in non-residential or mixed-use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum 80 percent of a storefront's linear frontage.
 - 2. Transparency. All street-facing non-residential and mixed-use structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement but must be transparent and shall not be painted or obscured by opaque panels.
 - 3. Shelter. Buildings shall incorporate arcades, alcoves, porticos or awnings.
 - 4. Garages. Street-facing ground floor parking, including individual unit garages, is not permitted on the first floor of a multi-family structure on a Main Street. Parking shall occur within parking garages or within surface lots that do not front on a Main Street, Individual unit garages attached to principal structures fronting Ruskin Town Center Streets shall be setback a

minimum of five feet from the street-facing façade and a minimum of 20 feet from the street right-of-way.

Sec. 3.17.05. - Sign Standards

A. Generally

Signs shall conform to the limitations and provisions of Article VII of this Code. Additionally, the following limitations and provisions shall apply to signage for all uses excluding emergency public services/uses.

B. General Requirements

- Signage within the Ruskin Town Center Zoning Districts (RTCZD) shall be constructed utilizing materials similar to those of the buildings served. Acceptable materials may include wood and painted metal. Plastic and similar synthetic materials are permitted if designed to replicate the appearance of wood and painted metal signs.
- 2. Pole signs shall be prohibited.

C. Ground signs

- 1. General Standards
 - a. Letter height shall be a minimum of nine inches and a maximum of 24 inches.
- Monument Signs
 - a. The maximum height shall be eight feet above the ground plane.
 - b. Signs shall be set back a minimum of ten feet from the public right-of-way, 30 feet from the intersection of right-of-way lines and shall meet any additional setback required in Article VII of this Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.

D. Awning Signs:

The width of the sign shall not exceed the width of the canopy, awning or marquee.

E. Miscellaneous signs

1. Window Signs: Permanent window sign displays shall be limited to no more than 20 percent of the window area.

2. Projecting Signs

- a. Signs shall be located above ground-floor level doors and windows but below the roofline or second-floor level to promote a pedestrian environment.
- b. Signs are limited to no more than one projecting sign per business.
- Signs shall project no more than four feet from the building face and must be located outside of the public right-of-way.
- Sign shall have a minimum six-inch clearance from the building face.

F. Sign Lighting

 Ground-mounted up-lights shall not exceed 150 watts per sign face and shall shield light from aiming toward motorists and neighboring properties. Fixtures shall be hidden from view by sign landscaping. Internally lighted tenant signs attached to buildings shall only illuminate lettering and not entire sign face.

Sec. 3.17.06. - Zoning Districts

New development in Ruskin Town Center Zoning District with a parcel's designation as shown on Map located in Figure 1 shall conform with the following use, density, intensity, and Standards for Non-Residential, Mixed Use and Multi-Family as described above and provisions of this Code. Additionally, all structures located along Shell Point Road and U.S. 41 shall be a minimum of two stories in height.

Sec. 3.17.07. - Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre-

Maximum Intensity: 0.75 FAR.

Sec. 3.17.08. - Ruskin Town Center (RTC-2)

Permitted Uses: BPO. CN and RMC-12 uses as defined in Section 2.02.02 of this Code; mixed use developments, business professional office and multi-family residential.

Maximum Density: 12 dwelling units per acre.

Maximum Intensity: 0.50 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.

In an effort to comply with the general intent of the above-referenced design regulations which the proposed PD is not compliant with, the applicant proposes the following alternative zoning conditions:

- Any redevelopment of the subject property, which includes demolition of the existing structure and development of a new structure(s), shall be required to comply with the applicable Ruskin Town Center Development Regulations, Section 3.17.00, Hillsborough County Land Development Code (LDC).
- 2. With regard to the existing motor vehicle sales use, the following conditions shall apply:
 - 2.a. Landscaping requirements for off-street vehicular use areas shall be as outlined on the approved PD Site Plan.
 - 2.b. Building Orientation. The primary building entrance(s) shall be visible and directly accessible from a public street.
 - 2.c. Building façade. Ground floor retail uses that are located in non-residential or mixed-use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and maximum of 60 percent of a storefront's linear frontage along the other street.
 - 2.d. Ground/Monument Sign Setback. Signs shall be set back a minimum of 20 feet from the intersection of right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.

The small existing motor vehicle sales businesses represents an appropriate use along the busy US Highway 41 corridor and an asset to the business environment of Ruskin. The customer base for the business draws primarily from the Ruskin community. The proposed site improvements will enhance the visibility of this highly visible commercial corner and prove to be an asset to the Ruskin Community.

An established business in the Ruskin community since early 1970's, the scale of the motor vehicle sales business is non-obtrusive and furthers the Ruskin Community Vision Statement (Ruskin Community Plan, Livable Communities Element, Future of Hillsborough County Comprehensive Plan) which promotes a downtown that is "made up of small businesses as opposed to 'big-box' stores" and "preserves its small-town character..." The enhanced landscape improvements proposed by the PD furthers the Vision Statement component that "envision[s] a community extravagantly lavished with trees and lush landscapes of native Florida plants, both existing and new." The proposed PD is consistent with and further the following additional elements of the Ruskin Community Vision Statement and the Ruskin Community Plan Goals and Strategies:

"Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small town community."

 "Encourage commercial development and redevelopment within downtown Ruskin and the Town Center..." "Goal 2: Economic Development – Provide opportunities for business growth..."

 "Promote commercial development at a scale and design that reflects the character of the community."

"Goal 4: Culture and History – Promote development that recognizes the historic character of the Ruskin community and enhances the quality of life."

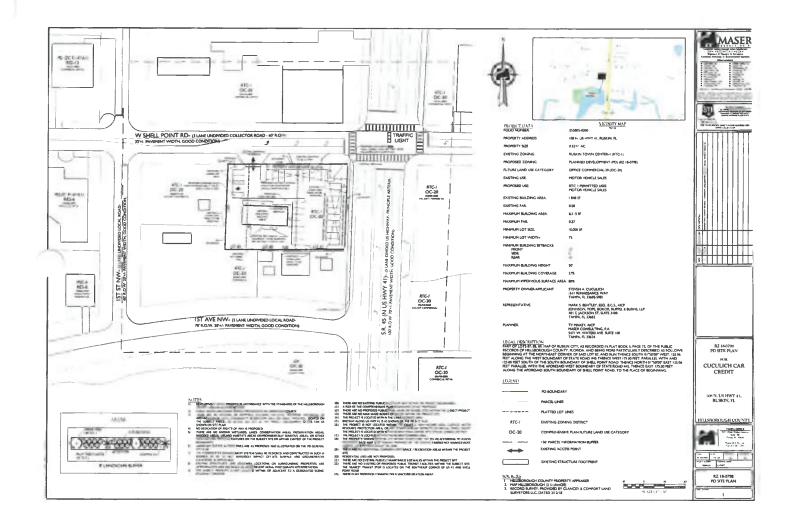
- "Promote beautification and landscaping along US 41, College Avenue and Shell Point Road."
- "Prohibit pole signs and limit ground signs to eight (8) feet in height."

"Goal 8: Transportation – Ensure a balanced transportation system that reflects the community's character and provides for options including walking, bicycling and transit."

- "Complete sidewalks along Shell Point Road West."
- "Expand and enhance opportunities for biking and walking."

The proposed PD rezoning request is compatible with the existing and proposed zoning and development pattern within the surrounding area, is generally compliant with the RTC Design Standards, and is consistent with the Hillsborough County Land Development Code and the Future of Hillsborough County Comprehensive Plan.





RZ 18-0798 ZHM Hearing – August 20, 2018

Good evening Mr/Ms. Hearing Master...my name is Ty Maxey, Planner with Maser Consulting, located at 5471 W Waters Avenue, Tampa, Florida.

The PD Site Plan submitted with this application illustrates the location of the existing commercial structure and site access, as well as provides for improvements to the property including enhanced landscape buffering, parking lot striping, removing the chain link fencing along the site's US Highway 41 and Shell Point Road frontages, removing any illegal signage and installing a new monument. The addition of landscape buffers and striping the designated parking spaces will clean up the site and eliminate haphazard parking/display of motor vehicles, while also reducing or limiting the motor vehicle inventory on the site. These site improvements not only help to bring the site into compliance with the Code and the RTC design standards, but they also further the intent of the Ruskin Community Plan, which promotes a pedestrian friendly and walkable streetscape.

This is a rendering of the subject property which incorporates the proposed improvements to the site including carport/awning structures. One of the standards in the RTC zoning district is to reduce the front setback by bringing structures close to the roadway frontage – obviously, that is difficult to do with an existing structure; therefore, we have proposed an alternative with carport or awning structures over the parking spaces along the Shell Point Road and US Highway 41 frontage. This not only provides some screening of the vehicle inventory but also furthers the Code's intent by providing a structural element along the property's frontage. (Aerial Photo – Existing Site Conditions)

The Applicant's project, as proposed by the PD, is currently or will be in compliance with the majority of the regulations outlined in the RTC zoning district standards. We have provided a copy of the RTC zoning district standards – and have highlighted the standards which the subject project is not compliant. The standards not highlighted are either not applicable to the project or can be complied with. Non-compliance is primarily a result of the existing site characteristics which cannot necessarily be changed – e.g. the existing building design, building

location, building orientation and the location of the parking area. It is important to point out that the intent of the RTC standards never was to require the demolition or redevelopment of existing site characteristics. In fact, the RTC development regulations specifically state existing lawful structures and characteristics of land shall not be required to be removed or otherwise modified as a result of the standards. Notwithstanding that caveat, the applicant is proposing enhanced landscaping and the carport structures to mitigate for the existing site features which would otherwise be considered noncompliant with the RTC standards. We have also proposed several zoning conditions which are alternatives to the standards the project is not compliant with and which further the intent of the Ruskin Town Center district.

The motor vehicle sales use is a business which serves the community of Ruskin and its residents, providing an affordable option to purchasing a car, as opposed to buying from the larger dealerships — which are inconveniently located outside of the Ruskin community. The scale of the motor vehicle sales business is non-obtrusive and furthers the Ruskin Community Vision Statement (Ruskin Community Plan, Livable Communities Element, Future of Hillsborough County Comprehensive Plan) which promotes a downtown that is "made up of small businesses as opposed to 'big-box' stores" and "preserves its small-town character..." The enhanced landscape improvements proposed by the PD furthers the Vision Statement component that "envision[s] a community extravagantly lavished with trees and lush landscapes of native Florida plants, both existing and new." This rezoning is consistent with and furthers the following additional elements of the Ruskin Community Vision Statement and the Ruskin Community Plan Goals and Strategies:

"Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small town community."

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"Goal 4: Culture and History – Promote development that recognizes the historic character of the Ruskin community and enhances the quality of life."

- "Promote beautification and landscaping along US 41, College Avenue and Shell Point Road."
- "Prohibit pole signs and limit ground signs to eight (8) feet in height."

"Goal 8: Transportation – Ensure a balanced transportation system that reflects the community's character and provides for options including walking, bicycling and transit."

- "Complete sidewalks along Shell Point Road West."
- "Expand and enhance opportunities for biking and walking."

The PD rezoning request is compatible with the existing and proposed zoning and development pattern within the surrounding area, is generally compliant with the RTC Design Standards, and is consistent with the Hillsborough County Land Development Code and the Future of Hillsborough County Comprehensive Plan.





Plans * Meetings & Agendas * Interests * Data, Tools & Links * Be Involved * News * About * Contact FAC

Ruskin Community Profile



The Ruskin Community Profile is based on current background data of issues, patterns, and trends. Includes text, tables, charts, maps, and graphics of the demographic, social, economic, land use and infrastructure.

Published August 2019. Includes Executive Summary, Background, SWOT Survey, Socioeconomic Summary, Economics/Employment, Unemployment/Areas of Concern, Environment, Zoning, Ruskin Community Infrastructure, Ruskin Community Facilities/Services, Ruskin Capital Improvement, Buildout Analysis, and Appendix.

For more information contact Jay Collins at collinsj@plancom.org or 813.273.3774 x335

Analysis of Ruskin Community Plan

The Ruskin Community Plan was prepared by Strategic Planning Group, Inc. and Wade Trim in August 2019. The below points provide examples of how the proposed rezoning meets characteristics of the Ruskin Community Plan.

1. Ruskin Community Plan (page 9)

Ruskin Community Profile

- The Ruskin Community Plan consists of ten (10) goals and strategies that address the development of a town center, revitalization of the existing commercial corridors, the establishment of design guidelines for residential and non-residential development, the preservation of the area's environmental resources, the enhancement of recreational opportunities and parks, and the protection of the community's character. The subject site is attempting to meet the intent of the Ruskin Town Center while keeping the existing building and established business.
- 2. Table 18 (Page 25)
 - Detailed breakdown of Ruskin Business and Employment by NAICS Codes Motor Vehicle:

	Business	ses	Employees		
by NAICS Codes	Number	Percent	Number	Percent	
Agriculture, Forestry, Fishing & Hunting	8	1.7%	40	0.4%	
Mining	0	0.0%	0	0.0%	
Utilities	0	0.0%	0	0.0%	
Construction	53	11.3%	349	3.5%	
Manufacturing	10	2.1%	204	2.1%	
Wholesale Trade	17	3.6%	2,629	26.7%	
Retail Trade	67	14.3%	715	7.3%	
Motor Vehicle & Parts Dealers	9	1.9%	43	0.4%	
Furniture & Home Furnishings Stores	5	1.1%	23	0.2%	
Electronics & Appliance Stores	3	0.6%	17	0.2%	
Bldg Material & Garden Equipment & Supplies Dealers	8	1.7%	64	0.6%	

Vehicle sales does account for business and employment opportunities within the Ruskin Community Plan.

- 3. Industrial (page 26)
 - Ruskin has a large industrial base for its population, the largest being the Amazon
 Distribution Center. The following graphic shows the location of Ruskin's industrial buildings.
 As with Amazon, most of the industrial uses are linked with warehousing and are spread
 throughout Ruskin. It is important to note that on a square footage basis, warehousing
 employs fewer workers than the other industrial uses. The Amazon deliveries are done, in
 part, by employee's and their personal vehicles. This vehicle sales use provides a service to
 people who live and work in this community to purchase vehicles to support their
 employment.
- 4. Ruskin Community Profile (page 34)

- The Hillsborough County City-County Planning Commission has delineated communities of
 concern reflecting employment and social issues. The next figure delineates those areas
 within Ruskin. A <u>Community of Concern</u> is a census block group that has a high proportion of
 two or more protected classes, such as racial minorities, <u>low-income groups</u>, persons with
 disabilities, and those with limited English proficiencies. *This business provides affordable*options for transportation as well as a place of business for employment opportunities.
- 5. Ruskin Zoning Map Ruskin Town Center (page 41)
 - The subject property is on the west side of U.S. 41 and the southwest corner of the Ruskin Town Center zoning. The existing building is proposing changes to the site to transition the vehicle sales use with the existing building to meet the intent of the LDC. The Ruskin Town Center ends, on the west side of U.S. 41, just south of the subject property.
- 6. What are Ruskin's biggest community redevelopment or economic development liabilities (Page 61)?
 - Transportation and no transit; the vehicle sales use provides for transportation opportunities.
 - Non-walkable community and lack of connecting sidewalks; the vehicle sales use provides sidewalks and cross access through the proposed PD (existing sidewalk on U.S. 41 and proposed 5' sidewalk on Shell Point Rd).
 - Chain businesses and lack of small businesses; the property owner with the vehicle sales use is a small business, not a large corporate chain.

RUSKIN COMMUNITY PROFILE







RUSKIN COMMUNITY PROFILE

Prepared For:





Prepared By:



and



August 2019

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EXECUTIVE SUMMARY

Strategic Planning Group, Inc. and Wade Trim were retained by Hillsborough County to prepare a Community Profile of Ruskin including three subareas: Downtown, College Avenue Corridor and SouthShore Corporate Park. Ruskin is an unincorporated Census Designated Place (CDP)¹ located in southern Hillsborough County bordering Tampa Bay and Little Manatee River to the west and south, Interstate I-75 to the east and 19th Avenue to the north. It is one of the fastest-growing communities in Hillsborough County and has recovered from the "Great Recession" of 2007/8. However, 91 percent of Ruskin residents work outside of Ruskin (while 80 percent of those working within Ruskin live outside the community). Ruskin has excellent transportation access with a major interchange on Interstate I-75. Amazon's location of a distribution center in South Shore Corporate Park (2005) has increased the area's visibility to the development community.

Ruskin's 2017 population (22,162) is growing at a faster rate than the County as a whole. Its racial composition is becoming increasingly mixed, which as of 2017, was estimated at approximately 68 percent white and 15 percent black. Its Hispanic population is also growing and now accounts for almost 40 percent of the community's population. Socioeconomically, the community's residents have a higher rate of poverty (19.8 percent) when compared to the County (15.7 percent). Parts of Ruskin are designated "Communities of Concern." A Community of Concern is an area that meets two or more of the following criteria: there is a high proportion of racial minorities, low-income groups, persons with disabilities, including persons with limited English proficiency.

The community's median household income (\$52,082) is slightly less than the County, as shown below. Ruskin has a higher percentage of owner-occupied housing than the County (but ownership costs are slightly higher). Conversely, Ruskin has a smaller percentage of rental units (single and multifamily) than the County but slightly lower rental rates.

Table ES 1: Ruskin Socio-Economic Summary

Economics	Ruskin	County		Ruskin	County
Median Household Income	\$52,081	\$53,742	Labor Force Participation	66.2%	65.1%
Median Home Value	\$166,500	\$179,500	Civilian Employed	61.9%	64.6%
Median Monthly Owner Costs	\$1,383	\$1,097	Unemployment Rate	3.4%	4.4%
Median Monthly Renter Costs	\$932	\$1,040	Average Commute Time	29.2%	27.3%
Housing Burden (30+%)			Educational Attainment (25-64 YF	RS)	
Owner Occupied	70.0%	58.0%	High School Diploma or higher	81.1%	84.5%
Renter Occupied	30.0%	42.0%	Bachelors Degree or higher	17.4%	11.6%
Racial Composition			Poverty Rate		
White	68.4%	73.5%	Population below Poverty	19.8%	15.7%
Black	14.9%	18.4%	Households below Poverty	15.8%	11.5%
Hispanic	39.7%	27.4%			

Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017, Strategic Planning Group, Inc. 2019

The Ruskin area, bordered by Tampa Bay and Little Manatee River, has significant environmental assets as well as issues. A large percentage of the area is within a flood plain, and the community experiences drainage issues. Approximately 29 percent of the area's existing land use is either used or zoned for

¹ A CDP is a concentration of population designated by the U.S. Census Bureau for statistical purposes and used by Hillsborough County City-County Planning Commission for planning purposes.

agriculture. The community's prior planning efforts (2003 and 2015) have recognized the need to protect the area's wetlands and wildlife habitats.

The survey of stakeholders identified the strengths of Ruskin as its location to I-75, access to Tampa and Little Manatee River, undeveloped acreage, and the Community College. Weaknesses identified were: transportation congestion, lack of transit, lack of community buildings/gathering places, limited shopping/retail or active recreation (both facilities and programs), drainage and need for more affordable housing.

BUSINESS ENVIRONMENT

The majority of businesses are currently located along US 41 and College Avenue and are impacted by traffic access and congestion as well as lack of regional visibility. Ruskin's office and retail markets are at the southern fringe of the Tampa/St. Petersburg region and, unlike Amazon's location whose regional market covers most of Southwest and Central Florida, is primarily oriented to the immediate community and therefore currently limited to its immediate southern market.

RUSKIN BUILDOUT ANALYSIS

Based on Ruskin's Future Land Use Plan, it could potentially accommodate a population of 141,981² and 119.7 million square feet of non-residential land uses (if demand existed). However, as discussed in the report, apart from warehouse/distribution and manufacturing, Ruskin's location at the southern fringe of the Tampa/St. Petersburg regional market is limited until more growth occurs within Manatee County north of Palmetto (thereby creating an expanded residential/office/retail regional market).

Table ES 2: Ruskin Future Land Use Buildout Analysis

Future Land Use Description	Parcel Count	Acres	Residential DU Max	Population (3.0 PPH)	Non-Residential Sq. Ft. Max
Agricultural/Rural 1/5 (25 FAR)	32	830	166	498	9,038,700
Community Mixed Use 12 (.50 FAR)	70	180	2,160	6,480	3,928,500
Light Industrial (.50 FAR)	22	54	N/A	N/A	1,176,120
Light Industrial Planned (.50 FAR)	7	43	N/A	N/A	936,540
Natural Preservation	98	1,264	N/A	N/A	N/A
Office Commercial (.75 FAR)	186	234	4,680	14,040	7,644,780
Public/Quasi-Public	18	80	N/A	N/A	*
Residential 1 (.25 FAR)	267	1,143	1,143	3,429	12,447,270
Residential 2 (.25 FAR)	163	278	556	1,668	3,027,420
Residential 4 (.25 FAR)	4,331	3,144	12,576	37,728	34,238,160
Residential 6 (.25 FAR)	3,057	1,042	6,252	18,756	11,347,380
Residential 12 (.35 FAR)	926	628	7,536	22,608	13,677,840
Suburban Mixed Use 6 (.35 FAR)	2,080	2,044	12,258	36,774	22,248,270
Total	11,257	10,966	47,327	141,981	119,710,980

Footnote: * Intensities of public facilities shall be guided by the FAR

SOUTHSHORE COMMERCIAL PARK BUILDOUT ANALYSIS

SouthShore Commercial Park is a large planned mixed-use Development of Regional Impact (DRI). As a DRI it has an established level of development entitlements which at buildout could accommodate 1,642

² Hillsborough County City-County Planning Commission estimates Ruskin 2045 population at 43,943.

residential units or 4,900 residents, 3.7 million square feet (sq. ft.) of industrial space, 556,000 sq. ft. of office space and 315,000 sq. ft. of commercial space.

Table ES 3: SouthShore DRI Entitlement Buildout Analysis

				Population	
Land Use	Total Amount Approved	Currently Developed	Remaining	Entitled (3.0 PPH)	Population Remaining
Industrial (GSF)	3,742,220	1,256,206	2,486,014	*	
Office (GSF)	556,000	0	556,000	*	
Commercial (GSF)	315,000	2,794	312,206	*	
Residential/MF (units)	892	120	772	2,676	360
Residential/SF (units)	749	510	239	2,247	1,530
Hotel (rooms)	150	0	150	*	*
College (students)	2,800	500	2,300	N/A	N/A
Footnote: * SouthShore Commerce Park i	s a Development of Regional Imp	pact and can change la	and uses using its dev	velopment equiv	alent matrix.

COLLEGE AVENUE DISTRICT BUILDOUT ANALYSIS

Since the completion of Interstate 75 (I-75), and Amazon's Distribution Center location in Ruskin, College Avenue, with its I-75 interchange, has become the main entrance into Ruskin. Based on its Future Land Uses, the College Avenue District has the potential to accommodate 5,228 residential units (15,684 population) and roughly 9.5 million square feet of non-residential uses (mostly mixed-use).

Table ES 4: College Avenue District Future Land Use Buildout Analysis

			Population	Non-
		Residential	Entitled	Residential
Land Use	Acres	DU Max	(3.0 PPH)	Sq. Ft. Max
Community Mixed Use 12 (.50 FAR)	46.02	552	1,656	1,001,880
Office Commercial 20 (.75 FAR)	1.75	20	60	32,670
Public/Quasi Public	15.28	N/A	N/A	*
Residential 12 (.35 FAR)	74.31	888	2,664	1,611,720
Residential 4 (.25 FAR)	0.49	0	0	0
Suburban Mixed Use (.35 FAR)	629.01	3,768	11,304	6,849,810
Total	766.86	5,228	15,684	9,496,080
Footnote: * Intensities of public facilities shall	be guided by the F	AR		

DOWNTOWN OVERLAY DISTRICT

Based on the Downtown Overlay District Future Land Use designations, the District has the potential to develop 1,148 residential units (3,444 population) and 1.9 million square feet of non-residential square feet (sq. ft.). The overall design guidelines in the District appear to limit this buildout scenario.

Table ES 5: College Avenue District Future Land Use Buildout Analysis

Land Use	Acres	Residential DU Max	Population Entitled (3.0 PPH)	Non- Residential Sq. Ft. Max
Office Commercial 20 (.75 FAR)	49.97	980	2,940	1,600,830
Residential 12 (.35 FAR)	14.80	168	504	304,920
Total	64.77	1,148	3,444	1,905,750

BACKGROUND

CONTRACT

Strategic Planning Group, Inc. and its Subconsultant, Wade Trim were retained by the Hillsborough County City-County Planning Commission (Planning Commission) to prepare a Community Profile of the Ruskin submarket through 2023. The profile includes the adopted Ruskin Community Plan and a buildout analysis for three subareas: Ruskin Town Center, College Avenue Corridor (between US 41 and Interstate I-75) and SouthShore Corporate Park.

The Ruskin Community Plan was part of the County's Community and Special Area studies. These studies were intended to be extensions and refinements of the County's Comprehensive Plan. The studies discuss the special and unique characteristics of the areas under study, examine the issues and problems facing the areas, and provide strategies for solutions. They are meant to portray a vision for the future and may have an impact on zoning. Community and Special Area Studies are to be developed through an extensive citizen participation program.

There are three components of a community or special area study:

- 1. Comprehensive plan amendments to incorporate the appropriate sections of the study(s) into the adopted comprehensive plan and to make any necessary adjustments;
- 2. Land development regulations (LDRs) to address the special and unique development issues identified; and
- 3. A capital improvements program to identify future infrastructure issues.

This report is meant to update the previous Ruskin Plan by providing current data concerning the community's overall profile.

RUSKIN STUDY AREA

Ruskin is a historic community located in southern Hillsborough County bordering Tampa Bay, the Little Manatee River, and Ruskin Inlet. It has been defined as an unincorporated Census Designated Place (CDP)³ in Hillsborough County, Florida by the U.S. Census Bureau.

Strategic Planning Group, Inc.; Wade Trim

³ A census designated place is concentrations of population identified by the U.S. Census Bureau for statistical purposes and has no legal status.

Figure 1: Ruskin, Florida Location

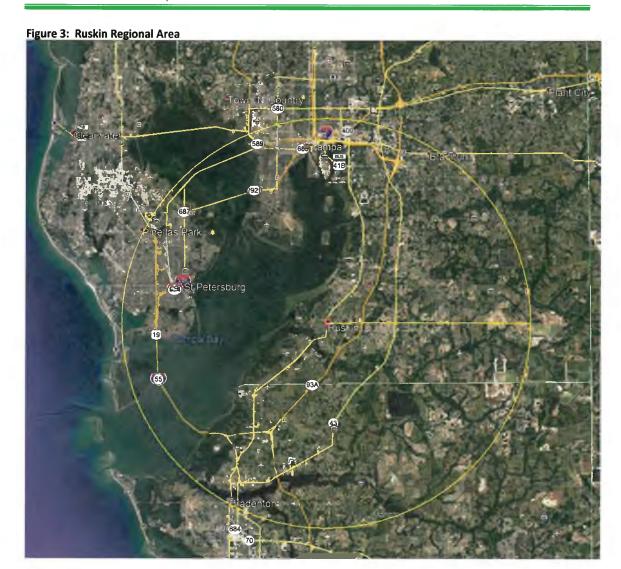


Source: CC BY-SA 3.0, https://commons.wikimedia.org/w/index.php?curid=2684731

REGIONAL CONTEXT

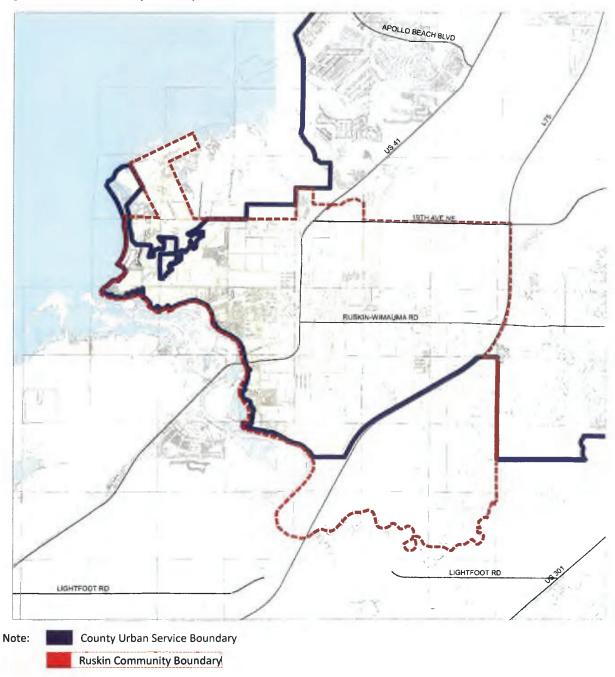
Ruskin is a historic community lying roughly equal distance between Tampa/Brandon, Bradenton, and St. Petersburg. The boundaries of the community are defined by Tampa Bay, Little Manatee River, and I-75. Hillsborough County has only three municipalities (Tampa, Temple Terrace, and Plant City). Most of the unincorporated communities are classified as Census Designated Places (CDPs) by the U.S. Census Bureau.

Figure 2: Hillsborough County Census Designated Places



The graphic on the following page shows the boundaries of the Ruskin community.

Figure 4: Ruskin Community Boundary



A copy of the Ruskin Community Plan (Preferred Elements Map) is shown on the following page, which shows the Downtown area and College Corridor. SouthShore Corporate Park is located at the intersection of College Avenue and Interstate 75 (I-75).

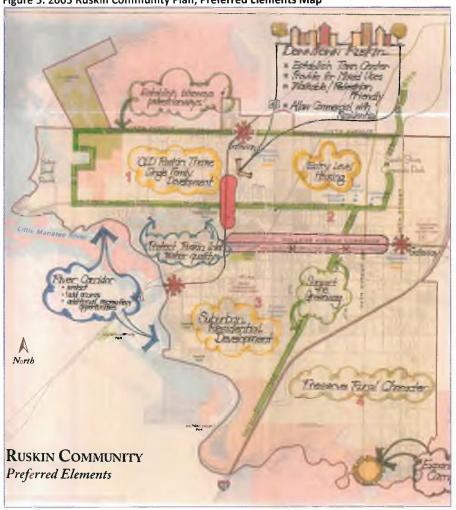


Figure 5: 2005 Ruskin Community Plan, Preferred Elements Map

HISTORY

Ruskin, until recently, was largely an agricultural community⁴ originally settled in 1907. Because of its historically remote location, access was provided by what became US 41 and a rail line. In 1925, it was reported⁵ that Ruskin had a population of 200 and contained six hotels, four groceries, one garage, two restaurants, and a dry goods dealer. In the late 1980s, the completion of the Hillsborough County portion of I-75 significantly increased the accessibility to Southern Hillsborough County and the Ruskin Community. Businesses located on US 41⁶ that had grown with the area's population were significantly impacted by the completion of I-75. College Avenue, because of its access to I-75, captured an increasing amount of businesses allowing Ruskin residents to shop the region as a whole. This has been a similar

⁴ Especially tomatoes. Most of the residents were truck farmers.

⁵ Wikipedia.org

⁶ Particularly Ruskin Town Center

occurrence to other small communities located adjacent to Interstates throughout Florida as well as nationally.

RUSKIN COMMUNITY PLAN

Ruskin lies within the adopted SouthShore Areawide Systems Plan (SSASP), originally adopted in September 2003, and updated on September 2015. SouthShore refers to the southern part of unincorporated Hillsborough County, generally south of the Alafia River. SouthShore is the fastest growing area in Hillsborough County, having experienced significant growth and development over the last ten years, and this high rate of growth and development is expected to continue. The SSASP was developed to establish a framework for discussing growth, development, and implementation by both public and private actions as resources become available. Four objectives are addressed in the SSASP: Transportation, Environmental, Cultural/Historical, and Economic Development.

Between 2003 and 2015 eight community plans were developed in the SouthShore area: Apollo Beach, Gibsonton, Ruskin, Riverview, Sun City Center, Wimauma Village, Balm, and Little Manatee South. Community and Special Area studies were adopted in the Future of Hillsborough Comprehensive Plan for Hillsborough County Florida. The Ruskin Community plan was adopted into the Livable Communities Element of the County's Comprehensive Plan in August 2005. The Comprehensive Plan discusses the special and unique characteristics of the areas, examines the issues and problems facing the areas, and provides strategies for solutions. The community plans in the Livable Communities Element are meant to portray a vision for the future and may have an impact on zoning. Each community plan is intended to provide specific recommendations on issues in a particular area of the county, e.g., they may specify certain locations for commercial development, and may define the form (or character) of commercial development, such as a Main Street, town center, strip or shopping center.

The Ruskin Community Plan consists of ten (10) goals and strategies that address the development of a town center, revitalization of the existing commercial corridors, the establishment of design guidelines for residential and non-residential development, the preservation of the area's environmental resources, the enhancement of recreational opportunities and parks, and the protection of the community's character. The Ruskin Town Center Plan was adopted in 2005, and Land Development Regulations⁷ (LDRs) for the Ruskin Town Center (RTC) were adopted in November 2006.

The Ruskin Community Plan, which is one of the communities defined in the Hillsborough County Livable Communities Element (part of the Comprehensive Plan for unincorporated Hillsborough County), was adopted in 2008.

The plan identifies four distinct neighborhoods within Ruskin, each having a defined character that provides home-styles serving all Ruskin residents. Figure 6 shows the boundaries of the Ruskin Community and its subareas/neighborhoods used in this study.

⁷ Part 3.17.00 Ruskin Town Center Development Regulations

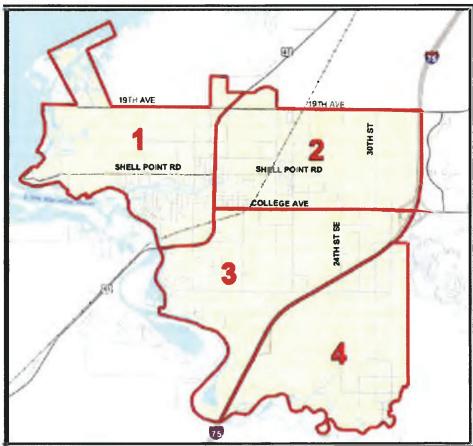


Figure 6: Ruskin Neighborhood Area Map

Note: The four subareas/neighborhoods were delineated for special consideration within the overall Ruskin Community Plan, dated October 2004.

The Town Center Plan and LDRs were adopted in 2005/06 prior to the "Great Recession" and prior to the location of the Amazon Distribution Center in SouthShore Corporate Park in 2015.

SURVEY: STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS (SWOT)⁸

As part of the process to develop this Profile, SPG interviewed and sent out a Strength, Weakness, Threat, and Opportunity (SWOT) Survey to stakeholders. A full listing of responses is contained in the Appendix. Strengths and Weaknesses define the condition of Ruskin today while opportunities and threats look ten years out, defining what the community could be and what threats could negate those opportunities.

⁸ SWOT analysis provides a method for assessing a community's resources and capabilities (strengths and weaknesses) and external market future impacts (opportunities and threats), and is one of the most used tools in community and economic development planning.

Stakeholders were asked, "what is the best word to describe Ruskin today?". As shown below, Transitional was the leading response⁹ (6 times) followed by Growth (3 times), No Identity (2), and Passion (2). The others were single responses, as shown in Figure 7.

Figure 7: "What is the Best Word to Describe Ruskin Today"

1. WHAT IS THE BEST WORD TO DESCRIBE RUSKIN TODAY?

RANKED

- 1. WHAT IS THE BEST WORD TO DESCRIBE RUSKIN TODAY?
- 6 Transitional
- 3 Growth
- 2 No identity
- 2 Passion
- Water
- Undervalued
- Exclusive
- Mixed Bag
- Unrealized

Caring

They were also asked which communities were Ruskin's prime competitors.

Figure 8: Which Communities Are Ruskin's Prime Competitors

- 9. WHICH COMMUNITIES ARE RUSKIN'S PRIME COMPETITORS AND WHY?
- 4 Apollo Beach
- 4 Riverview (almost build out)
- 4 Wimauma "metro" good market Crystal lagoon
- 3 Sun City
- 2 Bradenton
- Southshore Bay

Not Apollo Beach different price point

Brandon

Tampa

Fishhawk and Lakewood Ranch

Mt. Dora

STRENGTHS

Stakeholders listed 61 individual Ruskin strengths, as shown in Figure 9 on the following page. There were five strengths that were mentioned more than once: Locational considerations (7 times), access to water (7 times), undeveloped acreage (6 times), the Hillsborough Community College (3 times) and the area's affordable housing (2 times).

WEAKNESSES

Stakeholders listed 62 weaknesses of the Ruskin area. Transportation was perceived to be the greatest weakness (9 times) followed by lack of employment or good-paying jobs (6 times), the town's need for aesthetic improvements i.e. blight etc. (5 times), lack of public transit (4 times), lack of gathering

⁹ The numbers indicate the number of times similar responses were made.

places/community center (4 times), lack of shopping areas (3 times), drainage (2 times) and lack of affordable housing (2 times).

Figure 9: SWOT Summary

· STRENGTHS	WEAKNESSES
Location (coastal, adjacent to development, I-75,	Transportation (9)
near county line) (7)	Employment/Jobs (6)
Access to river and bay (7)	Town needs facelift (5)
Large parcels of undeveloped, affordable land (6)	No public transit (4)
College (3)	Lack of Community building/gathering places (4)
Availability of Affordable housing (2)	Limited shopping, restaurants, areas for families to go
Additional 36 individual responses	for recreation any time of the day (3)
	Drainage (2)
	Lack of Affordable housing (2)
	Additional 27 individual responses
Support of community arts and gathering/activity	Uncontrolled growth (6)
centers (5)	Lack of sufficient roads and other infrastructure (5)
Better transportation (4)	Education/schools (quality) (4)
Major growth opportunities (4)	Lack of vision/planning (2)
Purposeful planning (3)	Additional 26 individual responses
Better wireless and local internet services (2)	
Develop Eco tourism (2)	
Stepping up protection of environment (2)	
Workforce transition center at HCC with large	
community space (2)	
Additional 22 individual responses	
· OPPORTUNITIES	+ THREATS

OPPORTUNITIES

There were 46 opportunities listed by the stakeholders. Support of more community arts and the need for activity centers ranked the highest, followed by better transport (needed), major growth opportunities, ability for good planning, opportunity for wireless/internet improvements, possible development of ecotourism, opportunities for more environmental protection, and possible development of a workforce transition center/community space at HCCC.

THREATS

Forty-three individual responses identified longer-term threats to the development of Ruskin. Uncontrolled growth was the largest perceived threat followed by lack of sufficient roads and other infrastructure, education/school quality, and lack of vision/planning.

The SWOT shows, that while the environment is still critical, especially its water-based assets, community meeting space, education, jobs and retail, and housing are increasingly important.

SOCIOECONOMIC SUMMARY

Ruskin has undergone significant growth since the completion of I-75. The U.S. Census Bureau's American Community Survey (ACS) projects Ruskin's 2017 population at 22,162 (the latest Census data). To estimate Ruskin's 2018 socioeconomic characteristics, SPG utilized proprietary data from ESRI (a national proprietary data and mapping company), which estimated the 2018 population at 26,032.

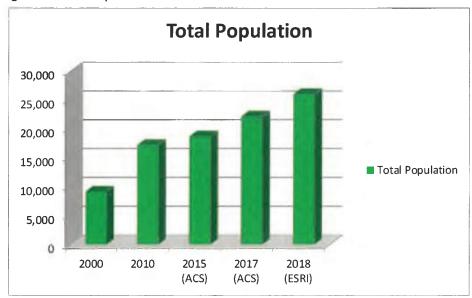


Figure 10: Ruskin Population Trends

Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017; ESRI Business Analyst, 2018

DEMOGRAPHICS

Ruskin residents have a median age of 33 years, younger than the County's median age of 36. The percentage of children under the age of five (5) is significantly higher than the County as a whole, while the percentage of those aged 65 and older is significantly lower than the County. The percentage of school-age children in Ruskin at 19.8 percent is also significantly higher than the County's 16 percent, while the percentage of working-age adults (16-64 years) is slightly less than the County.

Table 1. Population/Ethnicity

	Hillsborough				
People (2018)	Ruskin	County	Race	Ruskin %	%
Population	26,032	1,421,685	White	67.3%	68.9%
Median Age	33.1%	36.1	Black	10.3%	17.0%
Under 5 YRS	10.5%	6.1%	Asian	1.7%	4.1%
School Age (5-17 YRS)	19.8%	16.1%	Other Race	18.1%	6.3%
Adults (16-64 YRS)	60.6%	63.1%	2 or More	2.7%	3.7%
65 + YRS	10.8%	14.7%	Hispanic (Any Race)	47.5%	22.8%

Note: Hispanic (Ethnicity) is not considered a Race as Hispanic can be white or black; therefore, the columns cannot be totaled.

Source: ESRI Business Analyst, 2018

The racial and ethnic makeup of Ruskin is changing from a predominately white to a racially mixed community that is estimated to be between 40-47 percent Hispanic/Latino, significantly higher than the 22.8 percent for the County as a whole.

Table 2: Ruskin Ethnicity Trends

Description	2000	2010	2015 (ACS)	2017 (ACS)	2018 (ESRI)	County 2018 (ESRI)
White Alone	7,533	12,340	12,798	14,687	17,519	х
%	82.42%	71.70%	68.44%	66.27%	67.30%	68.90%
Black or African Alone	88	1,570	2,098	2,982	2,675	x
	0.96%	9.12%	11.22%	13.46%	10.28%	17.00%
Other	1,520	3,298	3,804	4,493	5,838	х
Hispanic or Latino	3,166	7,377	7,513	8,799	12,371	х
%	34.64%	42.90%	40.18%	39.7%	47.5%	28.8%

Note: Hispanic (Ethnicity) is not considered a Race as Hispanic can be white or black; therefore, the columns cannot be totaled.

Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017; ESRI Business Analyst, 2018

AGE TRENDS

Ruskin is experiencing a slowing in the growth of the 30 - 49 age cohort, reflecting a prime-aged working population. It also reflects the fact that Ruskin is a bedroom community with an increase in children aged less than 18 years of age (31 percent compared to the County's 23 percent using ESRI estimates).

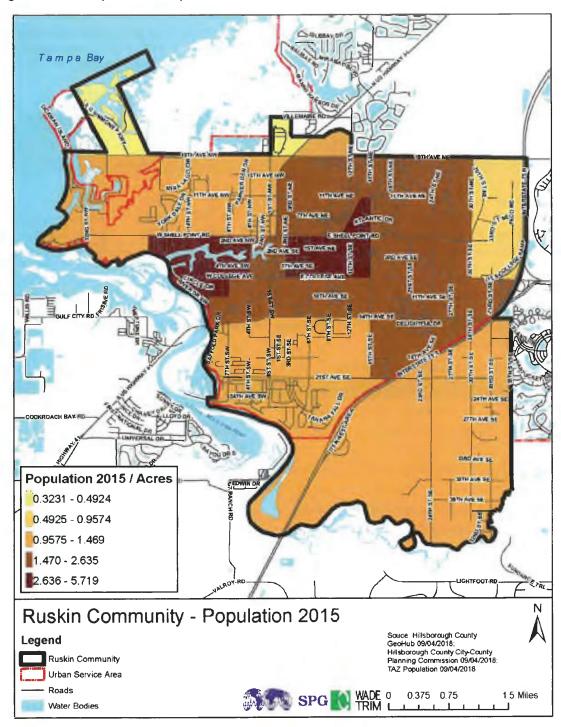
Table 3: Ruskin Age Trends

					County		County
			2015		2017	2018	2018
Description	2000	2010	(ACS)	2017 (ACS)	(ACS)	(ESRI)	(ESRI)
Under Age 5	8.73%	9.40%	10.72%	9.38%	6.40%	8.80%	6.10%
Ages 5-17	19.58%	20.70%	20.98%	19.80%	16.70%	21.99%	17.10%
Ages 18-21	5.12%	5.30%	4.52%	3.51%	5.30%	4.99%	5.40%
Ages 22-29	12.06%	12.00%	10.52%	10.54%	11.60%	11.55%	11.10%
Ages 30-39	13.05%	15.70%	16.19%	16.61%	14.30%	15.17%	13.90%
Ages 40-49	12.76%	12.40%	12.57%	13.67%	13.60%	13.07%	13.00%
Ages 50-64	15.23%	14.70%	14.82%	15.48%	12.50%	15.86%	18.70%
Ages 65 and over	13.47%	9.80%	9.67%	9.70%	13.50%	10.80%	14.70%
Median Age	42	31.6	34	32.2	36.8	33.1	37.1

Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017; ESRI Business Analyst, 2018

Ruskin's population density (population divided by acreage) is shown on the following page and is concentrated in new subdivisions.

Figure 10: Ruskin Population Density



GENERAL POPULATION AND HOUSING TRENDS

The U.S. Census Bureau's American Community Survey (ACS) estimated, as of 2017, Ruskin had 6,828 households with an average of 3.24 persons per household (PPH), higher than the 2.59 PPH for the County. Family households were slightly higher, at 3.74 PPH. ESRI estimated that in 2018, Ruskin had 8,368 households with an average of 3.11 PPH while families averaged 3.55 PPH in 2018 compared to 3.16 PPH for the County.

Table 4: Population and Housing Trends

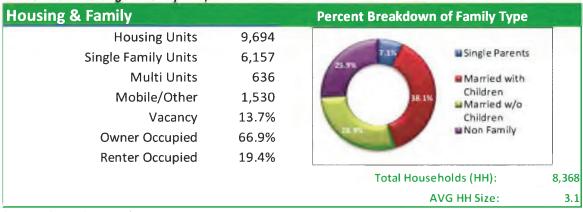
Description	2000	2010	2015 (ACS)	2017 (ACS)	2018 (ESRI)	County 2018 (ESRI)
Total Population	9,140	17,208	18,700	22,162	26,032	х
Total Households	3,174	5,656	5,706	6,828	8,368	х
Average Person per Household	2.60	3.00	2.78	3.24	3.11	2.59
Average Person per Family	3.11	3.44	3.34	3.74	3.55	3.16

Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017; ESRI Business Analyst, 2018

HOUSING

Ruskin, according to the 2017 ACS, had 8,323 housing units in 2017 while ESRI estimated that Ruskin had 9,694 units of which 13.7 percent were vacant. ESRI also estimates that approximately 67 percent are owner-occupied, and 14 percent are renter-occupied. It should be noted that most of the rentals are single-family homes.

Table 5: Ruskin Housing and Family Data, 2018



Source: ESRI Business Analyst, 2019

Housing Trends

Most of Ruskin's growth has occurred since 2000, as shown on the following page. Most of the growth has been in single-family and vacant units (some of the vacant units are considered seasonal), especially when compared to the County. Ruskin also has a higher percentage of single-family and a significantly smaller percentage of multifamily homes when compared to the County. The Census data also shows the affordability of homes in Ruskin as compared to the County.

Table 6: Housing Trends

Table of Housing Helius						County
		2010	2015		2017	2017
Description	2000	(ACS)	(ACS)	2017 (ACS)	(ACS %)	(ACS)
Total	3,765	6,167	6,944	8,323		
Single-Family	1,905	3,701	4,720	6,157	74.0%	69.5%
Multi-Family	348	755	661	636	7.6%	23.3%
Mobile Homes	1,499	1,658	1,563	1,493	17.9%	7.1%
Owner-Occupied	2,319	3,589	3,802	4,779	57.4%	52.0%
Renter-Occupied	855	1,599	1,903	2,050	24.6%	37.7%
Vacant Units	591	978	1,239	1,494	18.0%	10.3%
Median Housing Value	\$76,100	\$183,600	\$156,900	\$166,500	\$166,500	\$179,500

Note: the increase in mobile or manufactured housing value is believed to be the result of the development of newer mobile home parks with more locational amenities.

Source: U.S. Census Bureau, American Community Survey (ACS), 2013-2017, 2019

SPG analyzed local realtor data to gauge the overall Ruskin residential market. Realtor Multiple Listing data provides the most up-to-date residential data available.

Ruskin 2018 Multiple Listing Service (MLS) Residential Data

As shown in the following tables, recent sales activity is primarily single-family units (whether for owner-occupied or rental). Like the previous data has shown, current housing prices are still significantly lower in Ruskin than the County as a whole. During the first quarter of 2018, the median residential sales price in Ruskin was \$207,000 for single-family homes compared to \$239,900 for the County as a whole, \$182,450 for townhouse/condos compared to \$163,900 for the County, and \$58,500 for mobile homes compared to \$95,000. As of the 3rd quarter, 2018 sales prices for single-family homes were flat at \$207,495 compared to \$249,000 for the County, townhouse/condos had declined to \$169,000 compared to \$163,005, and manufactured homes had increased to \$77,000 compared to \$125,000 for the County.

Table 7: Ruskin 1st Quarter MLS Residential Data

Ruskin CDP MLS Data	Single Family	Townhouse Condo	Manufactured Homes
Closed Sales	123	6	4
Y/Y % Change	7.00%	-71.40%	-42.90%
Cash Sales	16	1	3
Median Price	\$207,000	\$182,450	\$58,500
Y/Y % Change	6.20%	9.90%	-80.00%
Average Price	\$216,427	\$202,483	\$69 <i>,</i> 750
Median Time to Contract	43 Days	78 Days	20 Days
New Listing	171	11	7
New Pending Sales	168	9	4
Months of Supply	2.8	2.7	3.6

Source: Florida Realtors, MLS service

Table 8: Ruskin 2nd Quarter MLS Residential Data

	Second Quarter 2018				
Ruskin CDP	Single	Townhouse	Manufactured		
MLS Data	Family	Condo	Homes		
Closed Sales	139	13	4		
Y/Y % Change	-11.50%	-56.70%	-20.00%		
Cash Sales	16	7	1		
Median Price	\$212,900	\$200,000	\$77,000		
Y/Y % Change	6.50%	23.90%	11.20%		
Average Price	\$223,411	\$199,915	\$100,250		
Median Time to Contract	48 Days	71 Days	48 Days		
New Listing	197	20	5		
New Pending Sales	170	18	3		
Months of Supply	2.9	4.2	4.4		

Source: Florida Realtors, MLS service

Table 9: Ruskin 3rd Quarter MLS Residential Data

	Third Quarter 2018				
Ruskin CDP	Single	Townhouse	Manufactured		
ML5 Data	Family	Condo	Homes		
Closed Sales	164	15	4		
Y/Y % Change	13.90%	66.70%	0.00%		
Cash Sales	33	5	3		
Median Price	\$207,495	\$169,000	\$162,000		
Y/Y % Change	1.20%	2.40%	116.00%		
Average Price	\$231,746	\$192,560	\$158,200		
Median Time to Contract	36 Days	22 Days	23 Days		
New Listing	179	17	10		
New Pending Sales	156	16	8		
Months of Supply	3.1	3.6	5.7		

Source: Florida Realtors, MLS service

Household Income

As of 2017, the median household income of Ruskin residents was \$52,218 based on ACS 2013-2017 data. It should be noted that the ACS is an average figure from its 2013-2017 survey, and based on SPG's experience in Florida, it tends to underestimate actual 2017 figures because of Florida's significant year by year rebound from the "Great Recession." Ruskin's median family income is significantly less (15 percent) than the County as a whole (\$57,128 vs. \$65,730), and the number of households below poverty is also significantly higher (72 percent) than the County (19.8 percent vs. 11.5 percent). The percentage of households with public assistance is lower than in the County.

Table 10: Household Income/Poverty Status

					County
		2010	2015		2017
Description	2000	(ACS)	(ACS)	2017 (ACS)	(ACS)
Median Household Income	\$29,844	\$47,571	\$52,577	\$52,218	\$53,742
Median Family Income	\$40,000	\$52,292	na	\$57,128	\$65,730
Population below Poverty	16.63%	14.36%		19.80%	15.70%
Households below Poverty	15.66%	12.91%	15.32%	15.80%	11.50%
Households with Public					
Assistance Income	4.95%	0.67%	1.31%	2.20%	2.70%

Source: U.S. Census Bureau, American Community Survey (ACS), 2013-2017, 2019

Educational Attainment

As Ruskin has grown, its residents have tended to be more educated. As of 2017, 81 percent of its residents have a high school or higher educational attainment, lower than the County as a whole. It is interesting to note that the percentage of Ruskin residents with a bachelor's degree or higher is significantly higher than the County (17.4 percent vs. 11.6 percent). The higher level of bachelor's degrees is probably due to the number of newer residential subdivisions and developments associated with the area's water-related amenities.

Table 11: Ruskin Education Attainment

	0.00	2010	2015		County 2017
Description	2000	2010 (ACS)	2015 (ACS)	2017 (ACS)	(ACS)
Less than High School	2,140	2,519	2,473	2,076	na
%	69.77%	29.93%	21.40%	17.98%	15.50%
High School or Higher	3,527	5,897	9,080	9,473	na
%	62.24%	70.07%	78.59%	81.10%	84.50%
Bachelor's Degree or Higher	423	1,372	1,920	2,010	na
%	7.46%	16.30%	16.62%	17.40%	11.60%

Source: U.S. Census Bureau, American Community Survey (ACS), 2013-2017, 2019

FUTURE POPULATION AND HOUSING TRENDS

Ruskin is projected to maintain its growth pattern, but with slight aging of its elderly population over the next five years.

Based on ESRI projections, Ruskin will gain 4,900 new residents and 1,485 new households by 2023, a growth of 983 residents and 297 new households per year. Ruskin's growth by the percentage of growth through 2023 is projected to be significantly higher than the County or State. Its population and household growth are twice that of the County. It is also projected to have faster growth in median household income compared to the County (3.87 percent vs. 2.23 percent).

Table 12: Ruskin Population Trends, 2010-2023

Summary	Census 2010	2018	2023
Population	17,208	26,032	30,946
Households	5,656	8,368	9,853
Families	4,145	6,087	7,160
Average Household Size	3.04	3.11	3.14
Owner Occupied Housing Units	3,951	6,489	7,845
Renter Occupied Housing Units	1,705	1,879	2,008
Median Age	32	33	33
	Ruskin	County	State
Trends: 2018-2023 Annual Rate			
Population	3.52%	1.72%	1.41%
Households	3.32%	1.63%	1.36%
Families	3.30%	1.56%	1.30%
Owner HHs	3.87%	2.23%	1.91%
Median Household Income	3.45%	2.53%	2.52%

Source: ESRI Business Analyst, 2018

The County's overall population projections estimated Ruskin's 2015 population at 20,509 which was higher than the Census (ACS) estimates of 18,700 for that year. The overall growth within Ruskin between 2015 and 2017 as measured by the Census suggests that the area is growing faster than the County's Traffic Analysis Zones (TAZ) projections.

Table 13: Ruskin Population Projections by Traffic Analysis Zones (TAZ)

TAZ	2015	2025	2030	2035	2040	2045
848	1,656	1,656	1,656	1,656	1,656	1,656
849	1,275	1,275	1,275	1,275	1,275	1,662
850	1,533	1,549	1,751	1,851	1,851	2,188
851	668	1,442	1,570	1,634	1,634	2,271
852	600	960	960	960	960	2,674
853	907	1,004	1,004	1,004	1,004	2,478
854	2,277	3,120	3,261	3,331	3,430	3,566
855	3,358	6,593	7,033	7,373	7,446	7,714
856	0	0	0	0	0	0
866	1,054	2,139	2,319	2,482	2,525	2,644
867	4,043	4,643	4,643	4,643	4,643	10,207
868	1,903	4,532	4,969	5,187	5,333	5,648
869	1,235	1,235	1,235	1,235	1,235	1,235
Total	20,509	30,148	31,674	32,631	32,991	43,943

Source: Hillsborough County City-County Planning Commission, 2019

ECONOMICS/EMPLOYMENT

SPG ran an analysis of the distribution of employment within Ruskin using a U.S. Census Bureau program called "OnTheMap." OnTheMap is an online mapping and reporting application located at onthemap.ces.census.gov that shows where people work and where workers live. OnTheMap was developed through a unique partnership between the U.S. Census Bureau and its Local Employment Dynamics (LED) partner States (which includes Florida). The 2015 database is the latest available.

As shown below, Ruskin is a bedroom community. Of Ruskin's 8,684 resident job holders only 770 live and work within Ruskin. As of 2015, 7,914 Ruskin residents left Ruskin to work elsewhere while 3,379 employees who work in Ruskin live outside the area.



Source: U.S. Census Bureau, OnTheMap, 2019

The 2015 data does not show the impact of the Amazon Distribution Center, which is now the largest single employer with 1,500 employees.

It is interesting to note that 60 percent of the workers that reside in Ruskin work elsewhere in Hillsborough County while almost 11 percent work in Pinellas County and eight percent work in Manatee County.

Table 14: Where Ruskin Resident Workers Are Employed

obs Counts by Counties Where Works		
	2015	5
	Count	Share
All Counties	8,684	100.0%
Hillsborough County, FL	5,253	60.5%
Pinellas County, FL	924	10.6%
Manatee County, FL	697	8.0%
Polk County, FL	293	3.4%
Orange County, FL	255	2.9%
Sarasota County, FL	161	1.9%
Pasco County, FL	146	1.7%
Broward County, FL	106	1 2%
Miami-Dade County. FL	98	1.1%
Palm Beach County, FL	81	0.9%
All Other Locations	670	7.7%

Source: U.S. Census Bureau, OnTheMap, 2019

In 2015, the agriculture/fishing sector was the largest economic sector with 1,730 employees, most of which come from outside of Ruskin. The following table describes the type of employees that are coming into Ruskin for employment. Note, agricultural workers represent the largest number of incoming employees.

Table 15: Ruskin Employment by NAICS Sector

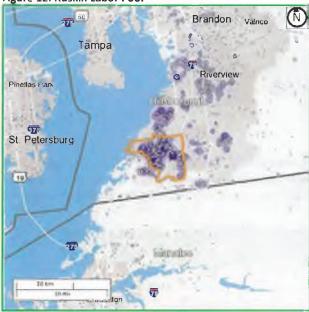
NAICS Industry Sector		
	201	5
	Count	Share
Agriculture, Forestry, Fishing and Hunting	1.730	41.7%
Mining, Quarrying, and Oil and Gas Extraction	0	0 0%
Utilities	40	1 0%
Construction	338	8 1%
Manufacturing	354	8.5%
Wholesale Trade	76	1 8%
Retail Trade	247	6 0%
Transportation and Warehousing	18	0.4%
Information	11	0.3%
Finance and Insurance	66	1 6%
Real Estate and Rental and Leasing	52	1.3%
Professional, Scientific, and Technical Services	159	3.8%
Management of Companies and Enterprises	0	0 0%
Administration & Support, Waste Management and Remediation	174	4 2%
Educational Services	1	0.0%
Health Care and Social Assistance	274	6 6%
Arts, Entertainment, and Recreation	7	0.2%
Accommodation and Food Services	447	10.8%
Other Services (excluding Public Administration)	155	3 7%
Public Administration	0	0.0%

Source: U.S. Census Bureau, OnTheMap, 2019

Ruskin Community Profile

The following graphics show where Ruskin draws its labor pool (dots and blue areas show major concentrations of where workers live). A majority of its workers come from the northeast, including Brandon and Riverview.

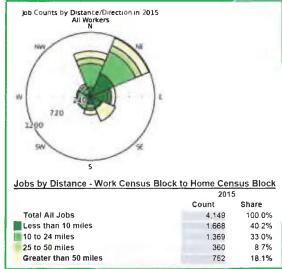
Figure 12: Ruskin Labor Pool



Source: U.S. Census Bureau, OnTheMap, 2019

Approximately 40 percent of the employees who work in Ruskin travel less than 10 miles while approximately 27 percent travel over 25 miles to work within Ruskin. Most outside workers are coming from the Northeast (Brandon to Polk County), as shown below.

Figure 13: Ruskin Employment Distance



Source: U.S. Census Bureau, OnTheMap, 2019

Comparing the travel patterns between 2010 and 2015, there has been a slight increase in those traveling less than 10 miles to Ruskin, while those traveling greater than 50 miles have stayed the same.

Table 16: Employee Comparative Travel Patterns

	201	5	201	0
A CONTRACTOR OF THE PARTY OF TH	Count	Share	Count	Share
Total All Jobs	4,149	100.0%	2,851	100.0%
Less than 10 miles	1,668	40.2%	1,097	38.5%
10 to 24 miles	1,369	33.0%	873	30.6%
25 to 50 miles	360	8.7%	366	12.8%
Greater than 50 miles	752	18.1%	515	18.1%

Source: U.S. Census Bureau, OnTheMap, 2019

EMPLOYMENT 2018

Ruskin had 468 businesses employing 9,850 employees in 2018, according to ESRI. Based on its estimated resident population of 26,032, it had an employee/residential ratio (per 100 residents) of 38. The top three businesses were: Other Services (except Public Administration), Retail Trade, and Construction.

Table 17: Employment by NAICS Code

	Busines	ses	Emple	yees
by NAICS Codes	Number	Percent	Number	Percent
Agriculture, Forestry, Fishing & Hunting	8	1.7%	40	0.4%
Mining	0	0.0%	0	0.0%
Utilities	О	0.0%	0	0.0%
Construction	53	11.3%	349	3.5%
Manufacturing	10	2.1%	204	2.1%
Wholesale Trade	17	3.6%	2,629	26.7%
Retail Trade	67	14.3%	715	7.3%
Transportation & Warehousing	13	2.8%	47	0.5%
Information	9	1.9%	52	0.5%
Finance & Insurance	16	3.4%	3,718	37.7%
Real Estate, Rental & Leasing	33	7.1%	130	1.3%
Professional, Scientific & Tech Services	30	6.4%	119	1.2%
Management of Companies & Enterprises	0	0.0%	0	0.0%
Administrative & Support & Waste Management	17	3.6%	214	2.2%
& Remediation				
Educational Services	6	1.3%	322	3.3%
Health Care & Social Assistance	26	5.6%	426	4.3%
Arts, Entertainment & Recreation	9	1.9%	46	0.5%
Accommodation & Food Services	39	8.3%	361	3.7%
Other Services (except Public Administration)	78	16.7%	352	3.6%
Public Administration	12	2.6%	127	1.3%
Unclassified Establishments	25	5.3%	0	0.0%
Total	468	100.0%	9,850	100.0%

Source: ESRI Business Analyst, 2018

The following table is a more detailed breakdown of Ruskin Business and Employment by NAICS Codes.

Table 18: Detailed Business and Employment Data, 2018

	Busines	ses	Employe	ees
by NAICS Codes	Number	Percent	Number	Percent
Agriculture, Forestry, Fishing & Hunting	8	1.7%	40	0.49
Mining	0	0.0%	0	0.09
Jtilities	0	0.0%	0	0.09
Construction	53	11.3%	349	3.59
Vanufacturing	10	2.1%	204	2.19
Wholesale Trade	17	3.6%	2,629	26.79
Retail Trade	67	14.3%	715	7.39
Motor Vehicle & Parts Dealers	9	1.9%	43	0.49
Furniture & Home Furnishings Stores	5	1.1%	23	0.29
Electronics & Appliance Stores	3	0.6%	17	0.29
Bldg Material & Garden Equipment & Supplies Dealers	8	1.7%	64	0.69
Food & Beverage Stores	13	2.8%	434	4.49
Health & Personal Care Stores	3	0.6%	14	0.1
Gasoline Stations	2	0.4%	6	0.19
Clothing & Clothing Accessories Stores	2	0.4%	12	0.1
Sport Goods, Hobby, Book, & Music Stores	4	0.9%	8	0.1
General Merchandise Stores	4	0.9%	44	0.4
Miscellaneous Store Retailers	13	2.8%	49	0.5
Nonstore Retailers	0	0.0%	0	0.0
Fransportation & Warehousing	13	2.8%	47	0.5
nformation	9	1.9%	52	0.5
Finance & Insurance	16	3.4%	3,718	37.7
Central Bank/Credit Intermediation & Related Activities	9	1.9%	63	0.6
Securities, Commodity Contracts & Other Financial	1	0.2%	3,632	36.9
Insurance Carriers & Related Activities; Funds, Trusts &	6	1.3%	23	0.2
Real Estate, Rental & Leasing	33	7.1%	130	1.3
Professional, Scientific & Tech Services	30	6.4%	119	1.2
Legal Services	4	0.9%	15	0.2
Management of Companies & Enterprises	0	0.0%	0	0.0
Administrative & Support & Waste Management & Remediation	17	3.6%	214	2.2
Educational Services	6	1.3%	322	3.3
Health Care & Social Assistance	26	5.6%	426	4.3
Arts, Entertainment & Recreation	9	1.9%	46	0.5
Accommodation & Food Services	39	8.3%	361	3.7
Accommodation	9	1.9%	96	1.0
Food Services & Drinking Places	31	6.6%	265	2.7
Other Services (except Public Administration)	78	16.7%	352	3.6
Automotive Repair & Maintenance	17	3.6%	67	0.7
Public Administration	12	2.6%	127	1.3
Unclassified Establishments	25	5.3%	0	0.0
Total	468	100.0%	9,850	100.0

Source: ESRI Business Analyst, 2018

INDUSTRIAL

Ruskin has a large industrial base for its population, the largest being the Amazon Distribution Center. The following graphic shows the location of Ruskin's industrial buildings. As with Amazon, most of the industrial uses are linked with warehousing and are spread throughout Ruskin. It is important to note that on a square footage basis, warehousing employs fewer workers than the other industrial uses.

As shown in the legend below, the black figures show the location of industrial buildings, while the color around them shows the type of use. Apart from Amazon, the industrial buildings are classified as B or C properties, meaning they are older and do not meet the latest features.

Industrial Buildings Land Use Classification* Light Manufacturing C Min Processing Warehouse A C Flex Service C Mini Warehouse A&C Open Storage Building Materials Storage - New and Used Equipment Storage Ruskin Community - Existing Industrial Buildings * Department of Revenue Code Legend Ruskin Community Urban Service Area SPG WADE O 1.5 Miles Water Rodges

Figure 14: Existing Industrial Buildings

Ruskin has 1.34 million square feet of industrial space, of which 1.32 million is occupied (98.3 percent), and 23,000 square feet is vacant space. Most of this space is devoted to Amazon. Ruskin added the Amazon Distribution Center (1.02 million sq. ft.) in 2014. Since 2014, when Amazon located its distribution center, Ruskin has not added any additional space but has absorbed 40,700 square feet since the 2nd Quarter of 2017. The SouthShore Commerce Park entitlements are sufficient to handle any growth within the Industrial sector, especially manufacturing facilities.

Table 19: Industrial Absorption Trends

Quarter	Inventory Bidgs	Inventory SF	Vacant SF Direct	Vacant % Direct	Total Available SF Direct	Occupancy SF	Occupancy %	Deliveries SF	All Service Type Rent Direct
QTD	20	1,339,355	23,000	1.7	53,250	1,316,355	98.3	0	\$4.68
2018 Q2	20	1,339,355	23,000	1.7	53,250	1,316,355	98.3	0	\$4.68
2018 Q1	20	1,339,355	38,000	2.8	68,250	1,301,355	97.2	0	\$4.58
2017 Q4	20	1,339,355	47,300	3.5	47,700	1,292,055	96.5	0	\$4.58
2017 Q3	20	1,339,355	48,130	3.6	43,930	1,291,225	96.4	0	\$4.57
2017 Q2	20	1,339,355	63,700	4.8	63,700	1,275,655	95.2	0	\$4.58
2017 Q1	20	1,339,355	50,000	3.7	61,400	1,289,355	96.3	0	\$5.77
2016 Q4	20	1,339,355	49,100	3.7	64,600	1,290,255	96.3	0	\$5.50
2016 Q3	20	1,339,355	42,900	3.2	9,800	1,296,455	96.8	0	\$5.48
2016 Q2	20	1,339,355	46,700	3.5	55,300	1,292,655	96.5	0	\$4.03
2016 Q1	20	1,339,355	49,100	3.7	55,600	1,290,255	96.3	0	\$5.49
2015 Q4	20	1,339,355	56,200	4.2	60,400	1,283,155	95.8	0	\$3.94
2015 Q3	20	1,339,355	61,800	4.6	66,000	1,277,555	95.4	0	\$4.23
2015 Q2	20	1,339,355	61,600	4.6	61,700	1,277,755	95.4	0	\$4.24
2015 Q1	20	1,339,355	62,400	4.7	62,600	1,276,955	95.3	0	\$4.23
2014 Q4	20	1,339,355	49,200	3.7	61,600	1,290,155	96.3	0	\$4.43
2014 Q3	20	1,339,355	43,600	3.3	56,000	1,295,755	96.7	1,017,693	\$3.50
2014 Q2	19	321,662	56,000	17.4	56,200	265,662	82.6	0	\$3.12
2014 Q1	19	321,662	56,700	17.6	57,000	264,962	82.4	0	\$3.12
2013 Q4	19	321,662	59,600	18.5	53,900	262,062	81.5	0	\$3.34

Source: CoreLogic, 2018

According to Planning Commission data, there are 1.93 million square feet of proposed industrial developments planned for SouthShore Commerce Park, but only 30,200 square feet are under construction.

Just south of Ruskin, in Manatee County, Benderson Development is constructing a 2.5 million square foot International Trade Port which should be considered a competitor to SouthShore Commerce Park.

OFFICE

According to CoreLogic, Ruskin has 24 office buildings with a total of 111,949 square feet of space. Most of Ruskin's existing offices are one-story Class C properties. 10

¹⁰ Buildings are classified as A thru C, with A properties being the newest buildings with full range of features. C properties are usually older buildings that do not have current features/amenities.

Since the 4th quarter of 2013, Ruskin has experienced negative absorption of 1,028 square feet of office space or no net new office space demand. Ruskin's existing population and the area's transportation network has not kept pace with the U.S. 301 corridor which has captured a significant share of this region's office and retail uses. From an office and retail perspective, Ruskin is located at the southern fringe of the Tampa/St. Petersburg region which impacts its ability to capture regional demand.

The following table shows the negative absorption in red (meaning that Ruskin lost occupied office space). Except for SouthShore Commerce Park, and to a certain extent College Avenue, Ruskin is not positioned to attract much additional office space. Office space needs visibility and good access.

The existing office space is roughly equally divided by B and C space. Ruskin currently has no Class A office space. It should be noted that SouthShore Commerce Park is entitled to add Class A office space when the market develops.

Table 20: Ruskin Office Absorption

	Inventory Bldgs		Vacant SF Direct	Vacant Available % Direct	Occupancy SF	Occupancy %	Net Absorption SF Total	Gross Absorption SF Direct	Under Construction SF	Office Gross Rent Direct
QTD	24	111,949	5,172	4.6	106,777	95.4	0 0	0	0	\$20.74
2018 Q2	24	111,949	5,172	4.6	106,777	95.4	1,400	1,400	0	\$20.74
2018 Q1	24	111,949	6,572	5.7	105,377	94.1	·100	100	0	\$20.74
2017 Q4	24	111,949	6,472	5.8	105,477	94.2	-500	1,200	0	\$17.67
2017 Q3	24	111,949	5,972	5.2	105,977	94.7	-3.772	0	0	\$19.73
2017 Q2	24	111,949	2,200	2	109,749	98	3,600	3,600	0	\$16.94
2017 Q1	24	111,949	5,800	5.2	106,149	94.8	-700	0	0	\$17.49
2016 Q4	24	111,949	5,100	4.6	106,849	95.4	3.000	0	0	\$12.22
2016 Q3	24	111,949	2,100	1.9	109,849	98.1	900	100	0	\$13.71
2016 Q2	24	111,949	1,200	1	110,749	98.9	1,400	1,400	0	\$13.33
2016 Q1	24	111,949	2,600	2.3	109,349	97.7	-1,100	0	0	\$14.36
2015 Q4	24	111,949	1,500	1.3	110,449	98.7	200	0	0	\$13.63
2015 Q3	24	111,949	1,300	1.2	110,649	98.8	500	500	0	\$13.36
2015 Q2	24	111,949	3,800	1.5	108,149	96.6	- 200	1,800	0	\$13.80
2015 Q1	24	111,949	3,600	2	108,349	96.8	-400	0	0	\$15.08
2014 Q4	24	111,949	3,200	2.6	108,749	97.1	0	0	0	\$15.34
2014 Q3	24	111,949	3,200	2.5	108,749	97.1	0	0	0	\$14.97
2014 Q2	24	111,949	4,352	2.4	107,597	96.1	1,648	2,800	0	\$15.58
2014 Q1	24	111,949	6,000	4.7	105,949	94.6	200	200	0	\$15.72
2013 Q4	24	111,949	6,200	4.7	105,749	94.5	1,200	1,200	0	\$15.26

Note: red indicates a loss or reduction in building space

Source: CoreLogic, 2018

The location of existing office space is shown in the following graphic. Most of the existing offices are located along U.S. 41 and College Avenue and cater to the immediate local demand. The graphic also highlights (in red) the location of older single-story office space (Class C as shown in the graphic's legend) indicating they are oriented toward local versus regional demand. Transportation improvements are needed to support future growth, especially in downtown Ruskin.

Office Buildings Land Use Classification* Office 1 Story Office 1 Story B Office 1 Story C Office 1 Story D Medical Office B Medical Office C Ruskin Community - Existing Office Buildings Legend *Department of Revenue Code Ruskin Community Urban Service Area Roads SPG WADE 0 01 02 Water Bodies

Figure 15: Ruskin Office Locations

RETAIL

Ruskin had 68 retail stores and 30 food and drink establishments in 2017 based on ESRI data. Its retail trade and food/drink demand equaled \$249.3 million of which \$117.6 million was spent locally. Based on its demand and supply numbers, Ruskin has a retail trade GAP¹¹ of \$131.8 million and food and drink GAP of \$11.6 million. A positive retail GAP means there is an opportunity for future growth in retail stores. Most of Ruskin's demand is met in Sun City Center, to the east, and Apollo Beach to the north.

¹¹ GAP refers to an analysis of the difference between retail supply and demand or its gap.

Table 21: Ruskin Retail Demand and Supply, 2017

2017 Industry Summary		Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink	44-45,722	\$249,353,019	\$117,564,722	\$131,788,297	35.9	98
Total Retail Trade	44-45	\$225,250,494	\$105,110,331	\$120,140,163	36.4	68
Total Food & Drink	722	\$24,102,525	\$12,454,390	\$11,648,135	31.9	30

Source: ESRI Business Analyst, 2019

Retail Trade is defined under the North American Industry Classification System (NAICS) as code 44-45. NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

The Retail Trade sector comprises establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

The retailing process is the final step in the distribution of merchandise; retailers are therefore organized to sell merchandise in small quantities to the general public. This sector comprises two main types of retailers: store and nonstore retailers.

Food & Drink Establishments are defined by NAICS code 722:

Industries in the Food Services and Drinking Places subsector prepare meals, snacks, and beverages to customer order for immediate on-premises and off-premises consumption. There is a wide range of establishments in these industries. Some provide food and drink only; while others provide various combinations of seating space, waiter/waitress services, and incidental amenities, such as limited entertainment. The industries in the subsector are grouped based on the type and level of services provided. The industry groups are full-service restaurants; limited-service eating places; special food services, such as food service contractors, caterers, and mobile food services; and drinking places.

The following table shows Ruskin's retail gap at the three-digit NAICS level. At the three-digit level, only food and beverage stores show a negative gap meaning that existing stores are selling (supply) more than Ruskin's demand. This implies that area stores are selling goods to employees that reside outside of Ruskin.

Ruskin Community Profile

Table 22: Retail GAP Analysis (3 Digit NAICS), 2017

2017 Industry Group	NAICS	Demand	Supply	Retail Gap	Leakage/Surplus	Number of
2017 Hidustry Gloup		(Retail Potential)	(Retail Sales)		Factor	Businesses
Motor Vehicle & Parts Dealers	441	\$49,069,200	\$7,560,302	\$41,508,898	73.3	8
Furniture & Home Furnishings Stores	442	\$8,261,831	\$6,405,335	\$1,856,496	12.7	6
Electronics & Appliance Stores	443	\$6,488,771	\$306,100	\$6,182,671	91.0	1
Food & Beverage Stores	445	\$39,136,829	\$55,911,883	-\$16,775,054	-17.6	11
Health & Personal Care Stores	446	\$14,429,911	\$2,219,406	\$12,210,505	73.3	2
Gasoline Stations	447	\$23,928,193	\$5,737,035	\$18,191,158	61.3	2
Clothing & Clothing Accessories Stores	448	\$11,243,465	\$2,626,728	\$8,616,737	62.1	4
Sporting Goods, Hobby, Book & Music	451	\$5,523,663	\$1,432,190	\$4,091,473	58.8	5
General Merchandise Stores	452	\$36,953,246	\$7,501,283	\$29,451,963	66.3	4
Miscellaneous Store Retailers	453	\$9,019,373	\$4,750,436	\$4,268,937	31.0	13
Nonstore Retailers	454	\$5,505,252	\$0	\$5,505,252	100.0	C
Food Services & Drinking Places	722	\$24,102,525	\$12,454,390	\$11,648,135	31.9	30

Data Note: Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector. For more information on the Retail MarketPlace data, please click the link below to view the Methodology Statement.

http://www.esri.com/library/whitepapers/pdfs/esri-data-retail-marketplace.pdf

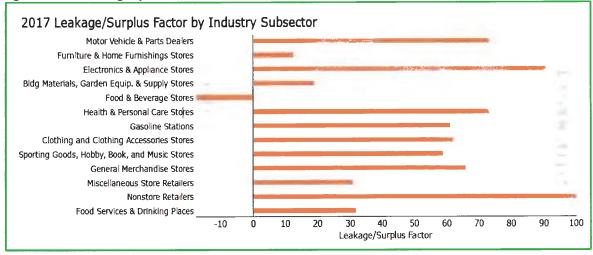
Source: Esri and Infogroup. Esri 2018 Updated Demographics. Esri 2017 Retail MarketPlace. Copyright 2018 Esri. Copyright 2017 Infogroup, Inc. All rights reserved

Industries in the Food and Beverage Stores subsector (NAICS 441-454) usually involve retail food and beverage merchandise from fixed point-of-sale locations. Establishments in this subsector have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing of food products to guarantee the proper storage and sanitary conditions required by a regulatory authority.

Ruskin had 30 food and drink stores (NAICS 722) and within NAICS 441-454 the community had 13 miscellaneous stores (florists, office supply, gift shops, and used merchandise), 11 food and beverage stores, 8 motor vehicle and repair shops, and a small number of other retail establishments shown in table 22 above.

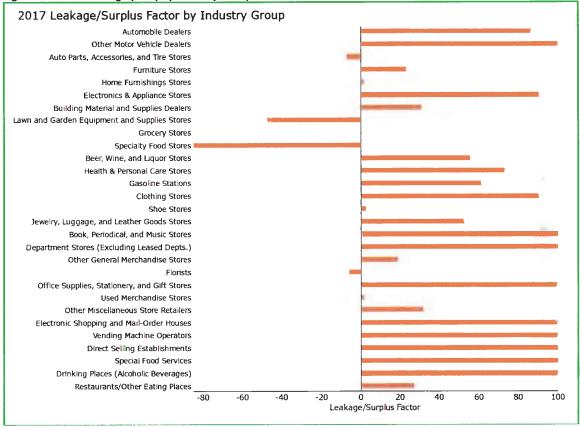
As shown on the following page, all but Food and Beverage Stores potentially show an opportunity for growth, however, that demand is currently being met within the retail sector in Sun City Center and Apollo Beach.

Figure 16: Retail Leakage by Subsector



Source: ESRI Business Analyst, 2018

Figure 17: Retail Leakage (GAP) by Industry Group

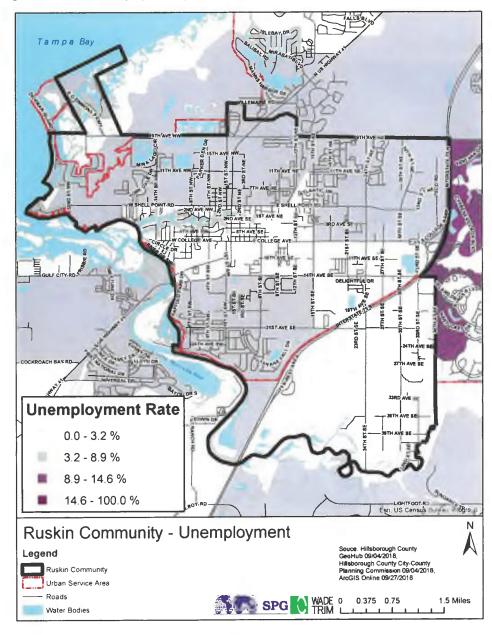


Source: ESRI Business Analyst, 2018

UNEMPLOYMENT/AREAS OF CONCERN

Unemployment data for Ruskin is dated and does not reflect the current employment trends for Florida or Hillsborough County. Historical data shows Ruskin is a bedroom community in which 91 percent¹² of its residents work outside of the Community.





¹² Based on U.S. Census Bureau's "OnTheMap" 2015 data previously presented

The Hillsborough County City-County Planning Commission has delineated communities of concern reflecting employment and social issues. The next figure delineates those areas within Ruskin. A Community of Concern is a census block group that has a high proportion of two or more protected classes, such as racial minorities, low-income groups, persons with disabilities, and those with limited English proficiencies.

The graphic shows that a large part of Ruskin is considered a Community of Concern.

Tampa Bay Ruskin Community - Communities of Concern Legend SPG WADE

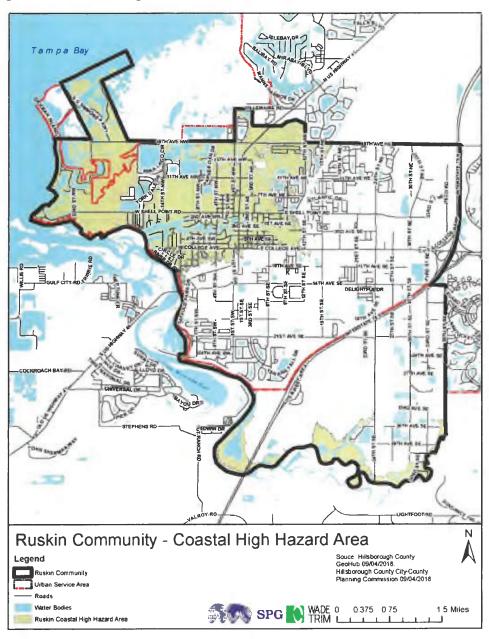
Figure 19: Communities of Concern

ENVIRONMENT

Ruskin has significant environmental assets, as commented in the SWOT analysis and the Ruskin Community Plan.

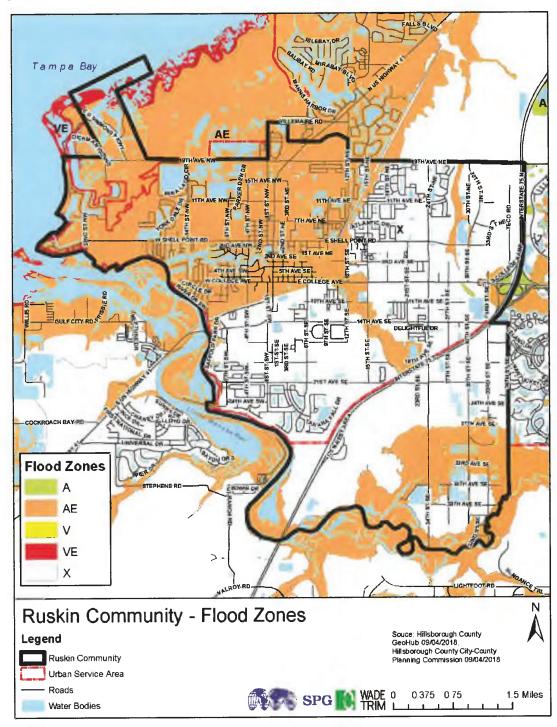
Because the Community is bordered by both Tampa Bay and the Little Manatee River, a large percentage of its land falls within the Coastal High Hazard Area and is subject to flooding.

Figure 20: Ruskin Coastal High Hazard Area



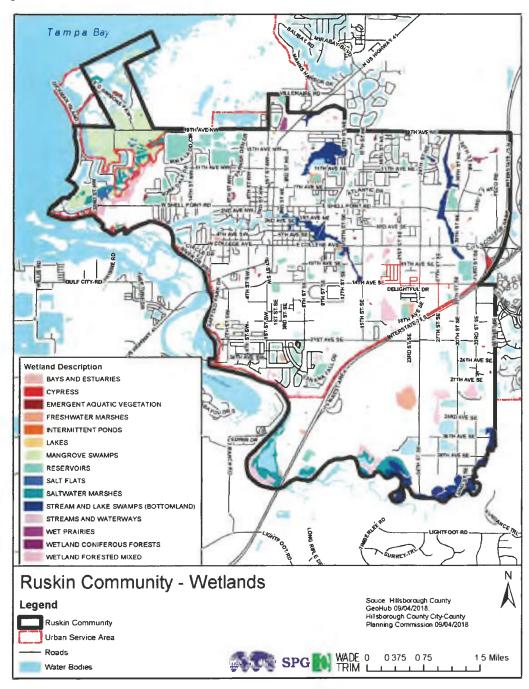
The Ruskin community is largely located within the Flood Zones shown below.

Figure 21: Ruskin Flood Zones



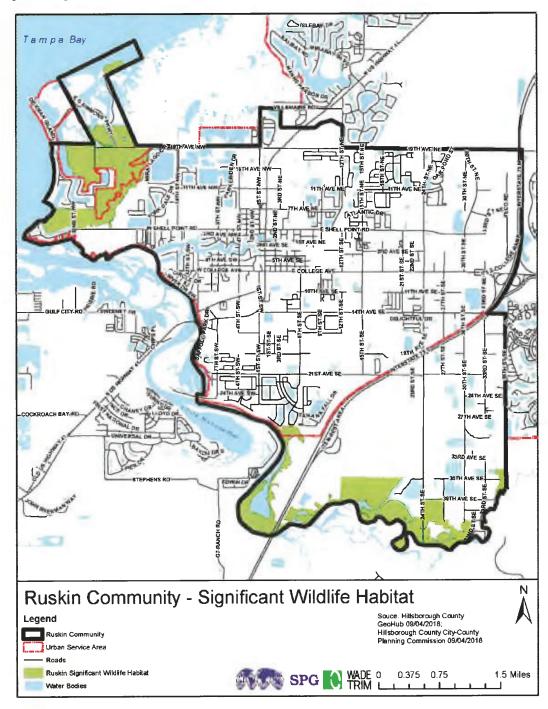
The following graphic shows the various wetlands found in Ruskin. It is interesting to note that a significant portion of the designated wetlands is catchment area for subdivisions.

Figure 22: Ruskin Wetlands



Ruskin has significant wildlife habitats that are mostly found along Tampa Bay and rivers and streams. As shown below, the largest habitats are located on the western and southern community borders.

Figure 23: Significant Wildlife Habitat

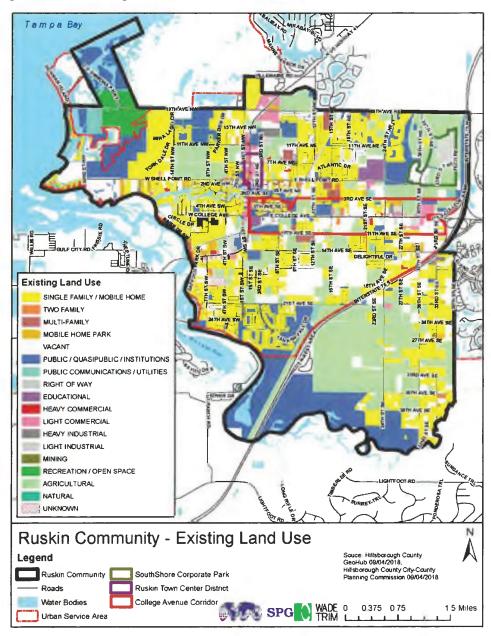


EXISTING LAND USE

The existing land uses in Ruskin largely follow the environmental conditions previously discussed.

The bright blues areas which are Public/Quasi Public/Institutional uses reflect Ruskin's significant wildlife habitats, while the lime green areas reflect agricultural areas, the prime area being southeast of I-75 which lies outside the Urban Service Area. Much of the agricultural lands on the west side of I-75 are being held for future development.

Figure 24: Ruskin Existing Land Use



The largest single land use is Agriculture (zoned and not zoned) which represents 28.6 percent of Ruskin's acreage followed by residential which at 23.5 percent (vacant non-residential accounts for another 6.09 percent) and public/semipublic uses which contain 17.4 percent. Industrial lands account for 191 acres (1.79 percent), office/retail uses account for 404 acres (3.1 percent) with vacant non-residential uses accounting for another 187 acres (1.43 percent). Total office/retail and industrial lands account for a total of 6.3 percent of Ruskin's acreage.

Table 18: Ruskin Land Use by Acreage

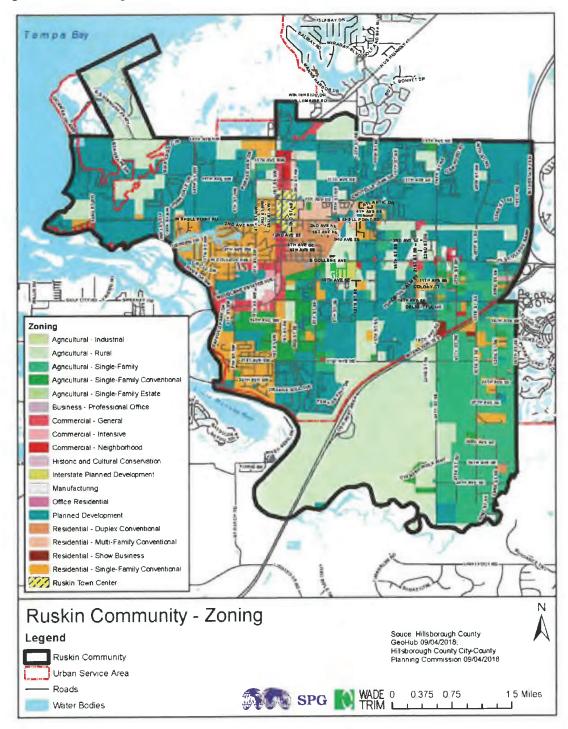
Land Use Type	Acres	%
Acreage Not Zoned For		
Agriculture	981	7.52%
Agricultural	2,749	21.06%
Centrally Assessed	0	0.00%
Industrial	191	1.46%
Institutional	234	1.79%
Mining	0	0.00%
Other	16	0.12%
Public/Semi Public	2,276	17.44%
Recreation	201	1.54%
Residential	3,069	23.52%
Retail/Office	404	3.10%
Row	20	0.15%
Vacant Residential	795	6.09%
Vacant Non-Residential	187	1.43%
Water	0	0.00%
Parcels with No Value	179	1.37%

Source: Hillsborough County City-County Planning Commission; Wade Trim; 2019

ZONING

As discussed above, the southeast part of Ruskin falls outside the Urban Service Boundary, which limits its ability to develop. Ruskin's zoning map reflects the recent growth in Ruskin, which has predominately occurred in planned developments.

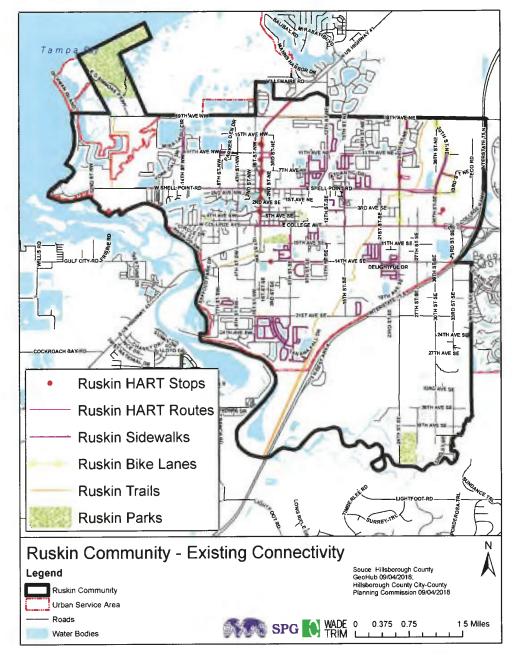
Figure 25: Ruskin Zoning



RUSKIN COMMUNITY INFRASTRUCTURE

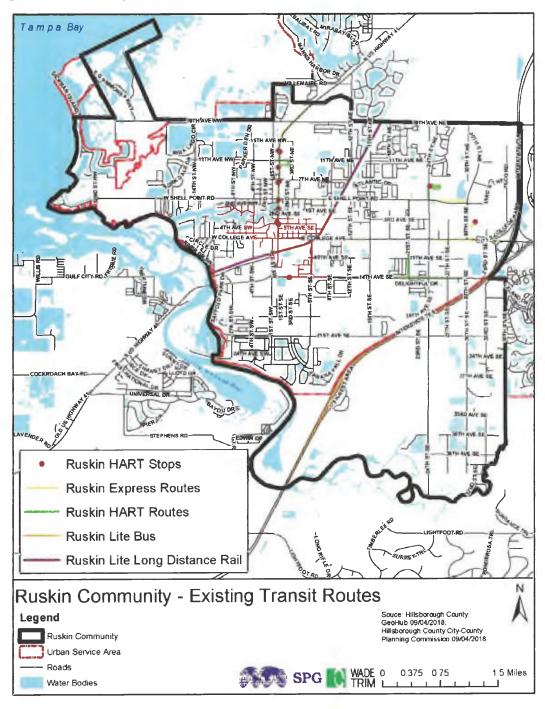
As discussed in the SWOT analysis, connectivity is an issue within Ruskin and reflects the recent growth of the Community. The large numbers of recent planned developments have not been connected nor have direct access to HART stops, as shown. Bike lanes are very limited, and only two trails exist with the eastern trail somewhat removed from the community.

Figure 26: Ruskin Existing Connectivity



Ruskin's existing transit routes are delineated on the following graphic. HART transit stops are limited, as are Express routes.

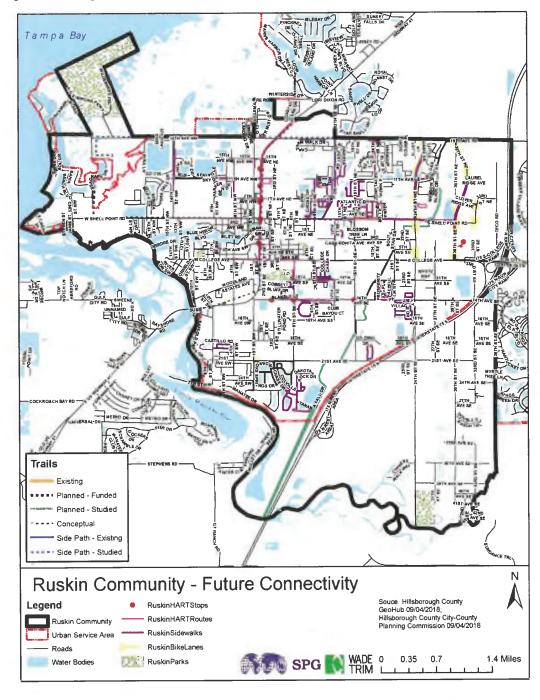
Figure 27: Ruskin Existing Transit Routes



FUTURE TRANSPORTATION AND CONNECTIVITY IMPROVEMENTS

The following graphic shows both existing and proposed connectivity improvements. As can be seen, trails and side paths are limited today, and too few are planned for in the future.

Figure 28: Existing and Future Connectivity

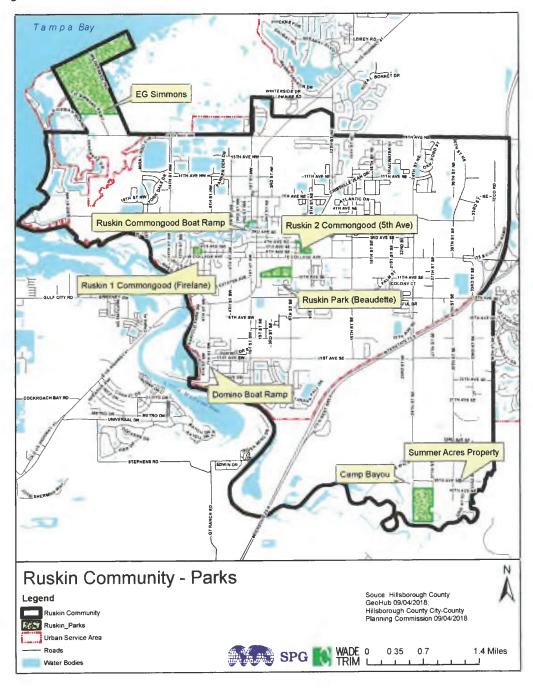


RUSKIN COMMUNITY FACILITIES/SERVICES

PARKS

Ruskin has several parks, the largest of which is the EG Simmons regional park, as shown below.

Figure 29: Ruskin Area Parks



RUSKIN SCHOOLS

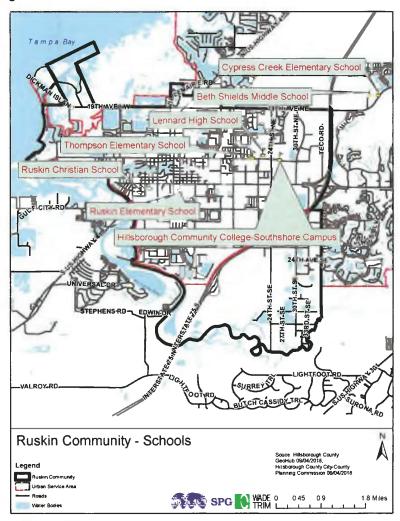
The following graphic shows the schools serving Ruskin. Three of the schools are new, including Thompson Elementary, Lennard High School, and Hillsborough Community College South Campus. School grades are an important factor in growing residential areas as well as overall economic development. As shown in the following table, Ruskin schools, while improving, are still at best average. As of 2018, the schools' grades were C's with one D.

Table 19: Ruskin School Grades, 2015-2018

		Gra	des	
School	2018	2017	2016	2015
Ruskin Elementary	С	D	С	F
Thompson Elementary	D	D	D	F
Beth Shields Middle	С	D	D	D
Lennard High School	С	С	С	С

Source: Florida Department of Education, 2019

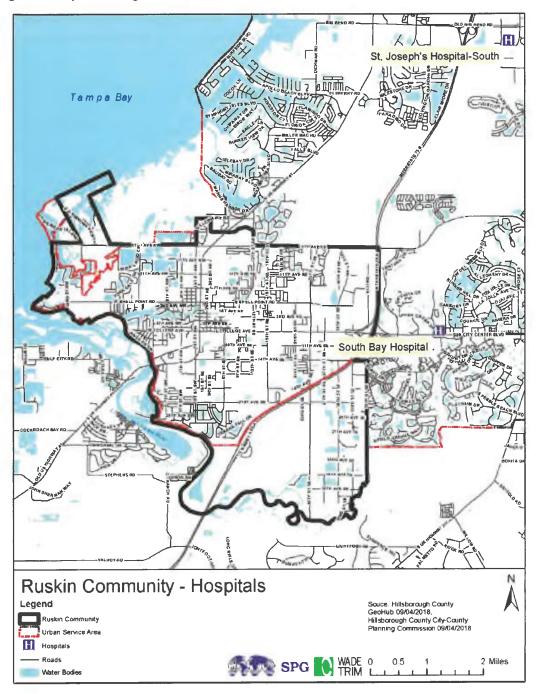
Figure 30: Ruskin School Locations



HOSPITALS

Ruskin is served by two local hospitals. The regional hospital is in Brandon.

Figure 31: Hospitals Serving Ruskin



RUSKIN CAPITAL IMPROVEMENTS

Ruskin has over \$115 million in capital improvements in construction or planning. The biggest expenditure is for expansion of the wastewater treatment plant. Other capital improvements are for potable water improvements, drainage improvements, and improvements to the Ruskin Commongoods boat ramp. The most recent data shows that the Ruskin area has 19 capital improvement projects (shown on the following map), of which 17 are identified within the Ruskin Community Planning Area, one as Countywide, and one within the Apollo Beach Community Planning Area.

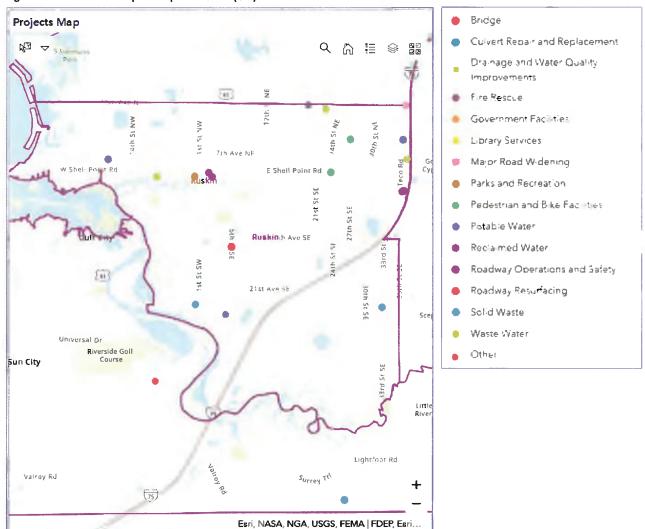


Figure 32: Ruskin Area Capital Improvements (CIP)

Source: Hillsborough County City-County Planning Commission, 2019

The following is a list of the CIP projects identified on the previous page:

```
Project: 105 24th Ave SW Culvert Replacement (CIP #: 46142120)
    Project Type: Culvert Repair and Replacement
    Project Fact Sheet (Printable): Link
    Community Area: Ruskin
    Current Project Phase: Construction
   Project: 19th Avenue NE Road Widening - US 41 to US 301 (PDandE Only) (CIP #: 69640000)
    Project Type: Major Road Widening
    Project Fact Sheet (Printable): Link
    Community Area: Ruskin
    Current Project Phase: Planning
   Project: 19th Avenue Wastewater Forcemain (CIP #: 10243000)
    Project Type: Waste Water
    Project Fact Sheet (Printable): Link
    Community Area: Ruskin
    Current Project Phase: Construction

    Project: 19th Avenue Water Transmission Main (I-75 to US 41) (CIP #: 31982000)

    Project Type: Potable Water
    Project Fact Sheet (Printable): Link
   Community Area: Ruskin
    Current Project Phase: Construction
   Project: 24th Ave SE and 33rd St SE Culvert Renewal and Replacement (CIP #: 46142159)
    Project Type: Culvert Repair and Replacement
   Project Fact Sheet (Printable): Link
    Community Area: Ruskin
    Current Project Phase: Closeout
6 Project: 2nd St. NE & Shell Pt. Rd. ACP & Valve Replacement (CIP #: 3197716003)
    Project Type: Potable Water
   Project Fact Sheet (Printable): Link
    Community Area: Ruskin
    Current Project Phase: Design
7. Project: 6th Street SE Resurfacing Project (CIP #: 69631056)
   Project Type: Roadway Resurfacing
   Project Fact Sheet (Printable): Link
    Community Area: Ruskin
   Current Project Phase: Construction
8. Project: Bridge #104329 Stephens Road Repair (CIP #: 62120170)
   Project Type: Bridge
   Project Fact Sheet (Printable): Link
   Community Area: Ruskin
   Current Project Phase: Planning
9. Project: Bridge No. 104317 - 2nd Street SE over Ruskin Inlet Replacement (CIP #: 69633000)
   Project Type: Bridge
   Project Fact Sheet (Printable): Link
   Community Area: Ruskin
   Current Project Phase: Construction
10. Project: Countywide Potable Water Quality Monitoring (CIP #: 31987000)
   Project Type: Potable Water
   Project Fact Sheet (Printable): Link
   Community Area: Countywide
   Current Project Phase: Construction
11. Project: EG Simmons/ECO Tourism (CIP #: 83247000)
   Project Type: Parks and Recreation
   Project Fact Sheet (Printable): Link
   Community Area: Apollo Beach
   Current Project Phase: Closeout
12. Project: Ruskin Commongoods Boat Ramp (CIP #: 83268000)
    Project Type: Parks and Recreation
   Project Fact Sheet (Printable): Link
```

Ruskin Community Profile

Community Area: Ruskin

Current Project Phase: Procurement

13. Project: SC Water Repump Station WTM to 19th Avenue (CIP #: 31969000)

Project Type: Potable Water Project Fact Sheet (Printable): Link

Community Area: Ruskin

Current Project Phase: Construction

14. Project: South Coast Greenways Trail Connection Phase 1A (Shell Point Rd. to 19th Ave.) (CIP

#: 69659001)

Project Type: Pedestrian and Bike Facilities Project Fact Sheet (Printable): Link Community Area: Ruskin Current Project Phase: Design

15. Project: South Coast Greenways Trail Phase 1B (Ruskin) (CIP #: 69659002)

Project Type: Pedestrian and Bike Facilities Project Fact Sheet (Printable): Link

Community Area: Ruskin Current Project Phase: Design

16. Project: South County Potable Water Repump Station Expansion (CIP #: 32001000)

Project Type: Potable Water Project Fact Sheet (Printable): Link Community Area: Ruskin Current Project Phase: Planning

17. Project: South County Repump Station Chemical Addition and Yard Piping (CIP #: 31999000)

Project Type: Potable Water Project Fact Sheet (Printable): Link Community Area: Ruskin Current Project Phase: Construction

18. Project: South County WWTP Expansion Project (CIP #: 10143000)

Project Type: Waste Water Project Fact Sheet (Printable): Link

Community Area: Ruskin

Current Project Phase: Construction

19. Project: White Heron Blvd SMI Drainage Improvements (CIP #: 46139091)

Project Type: Drainage and Water Quality Improvements

Project Fact Sheet (Printable): Link Community Area: Ruskin Current Project Phase: Design

More details on the CIP are provided on the following page:

Ruskin Community Profile

Table 20: Ruskin Capital Improvements

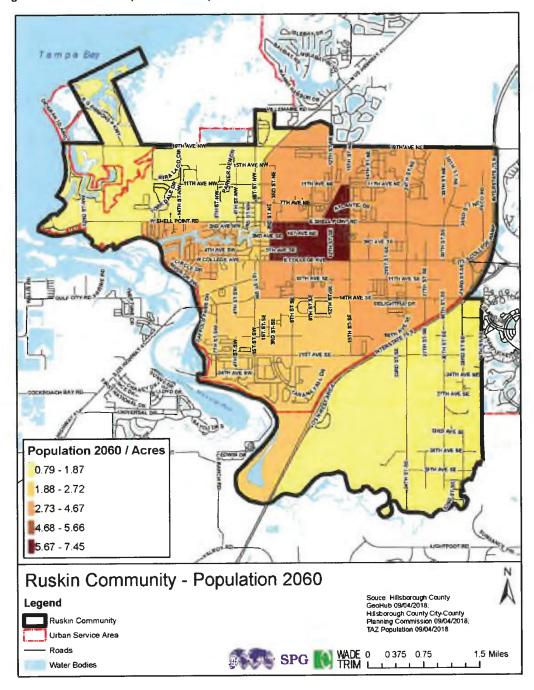
Project	Project Type	Project Description	Planning Stage	Date	Construction	Budget	Funding Source
South County WWTP Expansion Project	Waste Water	Expand the existing South County Regional Advanced Wastewater Treatment Plant from 4.5 million gallons per day (MGD) to 10 MGD. The design of the expansion should consider new technologies including membrane biological reactor (MBR) treatment processes	Procurement/ PreConst	10/2/2019	8/4/2014	\$102,181,670	PUD
South Hillsborough Aquifer Recharge Expansion (SHARE)	Reclaimed Water	This project is for the investigation, design, and construction of additional reclaimed water recharge wells, transmission mains, and interconnects in the South-Central service area. This is for expansion of the South Hillsborough Aquifer Recharge Proje	Design	4/15/2018	4/22/2019	\$8,490,959	PUD
Countywide Potable Water Quality Monitoring	Potable Water	Replace the old potable water monitoring equipment with new monitoring and communication equipment. The old equipment has reached the end of its useful life and is not reliable.	Construction	11/5/2018	4/3/2017	\$1,909,280	PUD
Countywide Potable Water Quality Monitoring	Potable Water	Replace the old potable water monitoring equipment with new monitoring and communication equipment. The old equipment has reached the end of its useful life and is not reliable.	Construction	11/5/2018	4/3/2017	\$1,909,280	PUD
South County Repump Station Chemical Addition and Yard Piping	Potable Water	This project consists of the addition of chemical feed systems and yard piping to the South County Potable Water Repump Station. This project is needed to increase chloramine residual in the southern portion of the service area.	Procurement/ PreConst	4/1 2/2019	10/15/2018	\$189,017	PUD
5th Ave NW W & 2nd St NW CRRP	Culvert Repair and Replacement	Replace CD with equal RCP/ERCP as scoped.	Construction	8/9/2018	2018	\$25,000	PWD
South Shore Service Center Chiller Replacement (R3M)	Government Facilities	Replacement of the HVAC system that have reached their useful life expectancy.	Closeout	6/20/2018	1/7/2018	\$300,000	REFS
Ruskin Commongoods Boat Ramp	Parks	Enhance and improve the existing boat ramp with associated amenities as necessary.	Procurement	12/31/2018	3/30/2018	\$550,000	REFS
24th Ave SE & 33rd St SE	Culvert Repair and Replacement	Replace CD with equal RCP/ERCP as scoped.	Planning	9/6/2018	2018	\$90,000	PWD

Source: Hillsborough County City-County Planning Commission, 2019

RUSKIN 2060 POPULATION DENSITY

The following graphic shows Ruskin's projected 2060 population density as calculated by the number of residents per acre.

Figure 33: Ruskin 2060 Population Density



BUILDOUT ANALYSIS

FUTURE LAND USE/BUILDOUT ANALYSIS

Based on the approved Future Land Use Map, Ruskin has a potential buildout of 142,000 residents based on 3.0 persons per household (PPH) and 120 million square feet of non-residential space (future buildout should be a mix of residential and non-residential maximum buildout calculations). It should be noted that these calculations are based on maximum allowable densities, which are not realistic for this area.

Table 21: Future Land Use Buildout Analysis

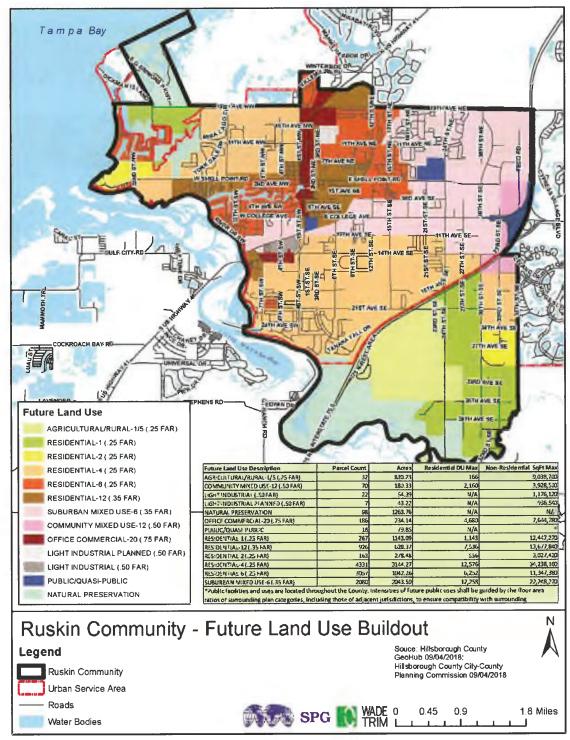
Future Land Use Description	Parcel Count	Acres	Residential DU Max	Population (3.0 PPH)	Non-Residential Sq. Ft. Max
Agricultural/Rural 1/5 (.25 FAR)	32	830	166	498	9,038,700
Community Mixed Use 12 (.50 FAR)	70	180	2,160	6,480	3,928,500
Light Industrial (.50 FAR)	22	54	N/A	N/A	1,176,120
Light Industrial Planned (.50 FAR)	7	43	N/A	N/A	936,540
Natural Preservation	98	1,264	N/A	N/A	N/A
Office Commercial (.75 FAR)	186	234	4,680	14,040	7,644,780
Public/Quasi-Public	18	80	N/A	N/A	*
Residential 1 (.25 FAR)	267	1,143	1,143	3,429	12,447,270
Residential 2 (.25 FAR)	163	278	556	1,668	3,027,420
Residential 4 (.25 FAR)	4,331	3,144	12,576	37,728	34,238,160
Residential 6 (.25 FAR)	3,057	1,042	6,252	18,756	11,347,380
Residential 12 (.35 FAR)	926	628	7,536	22,608	13,677,840
Suburban Mixed Use 6 (.35 FAR)	2,080	2,044	12,258	36,774	22,248,270
Total	11,257	10,966	47,327	141,981	119,710,980

Footnote: * Intensities of public facilities shall be guided by the FAR

Source: Hillsborough County City-County Planning Commission; Wade Trim; 2019

The following graphic shows Ruskin's Future Land Use Map.

Figure 34: Ruskin Future Land Use Map (Buildout)



SOUTHSHORE CORPORATE PARK BUILDOUT ANALYSIS

SouthShore Corporate Park is a Development of Regional Impact, and as part of its Development Agreement, it can switch land uses based on an equivalency matrix. This was most recently done on August 29, 2018. The following table is based on the entitlement changes made in August 2018.

Table 22: SouthShore Corporate Park

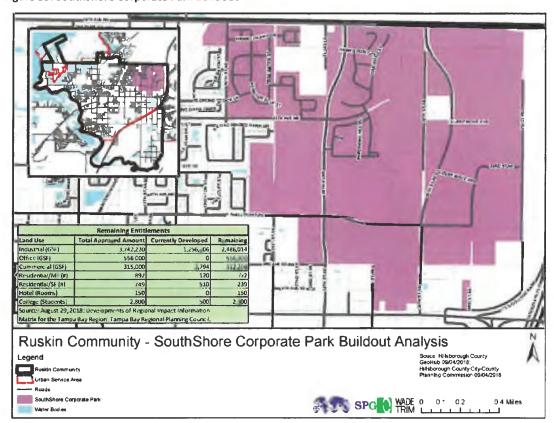
	Total Amount	Currently		Population Entitled	Population
Land Use	Approved	Developed	Remaining	(3.0 PPH)	Remaining
Industrial (GSF)	3,742,220	1,256,206	2,486,014		*
Office (GSF)	556,000	0	556,000	*	
Commercial (GSF)	315,000	2,794	312,206	*	*
Residential/MF (units)	892	120	772	2,676	360
Residential/SF (units)	749	510	239	2,247	1,530
Hotel (rooms)	150	0	150	*	*
College (students)	2,800	500	2,300	N/A	N/A

Footnote: * SouthShore Commerce Park is a Development of Regional Impact and can change land uses using its development equivalent matr

Source: Hillsborough County City-County Planning Commission; Wade Trim; 2019

The following figure shows the SouthShore Corporate Park Buildout Analysis.

Figure 35: SouthShore Corporate Park Buildout



COLLEGE AVENUE CORRIDOR BUILDOUT ANALYSIS

The College Avenue corridor contains approximately 767 acres. Based on its Future Land Uses, the corridor at maximum development (density) could accommodate 5,228 dwelling units (housing 15,684 residents and 9.5 million square feet of non-residential square feet of space. Given the large number of separate parcels, that level of development is not feasible, especially non-residential square feet.

Table 23: College Avenue Buildout Analysis

Land Use	Acres	Residential DU Max	Population Entitled (3.0 PPH)	Non- Residential Sq.Ft. Max		
Community Mixed Use 12 (.50 FAR)	46.02	552	1,656	1,001,880		
Office Commercial 20 (.75 FAR)	1.75	20	60	32,670		
Public/Quasi Public	15.28	N/A	N/A	*		
Residential 12 (.35 FAR)	74.31	888	2,664	1,611,720		
Residential 4 (.25 FAR)	0.49	0	0	0		
Suburban Mixed Use (.35 FAR)	629.01	3,768	11,304	6,849,810		
Total	766.86	5,228	15,684	9,496,080		
Footnote: * Intensities of public facilities shall be guided by the FAR						

Source: Hillsborough County City-County Planning Commission; Wade Trim; 2019

The following figure delineates the College Avenue Corridor and the buildout analysis.

Future Land Use Description COMMUNITY MIXED USE 12 (.50 FAR) OFFICE COMMERCIAL-20 (.75 FAR) PUBLIC/QUASI-PUBLIC RESIDENTIAL-12 (.35 FAR) 74.31 RESIDENTIAL-4 (.25 FAR) 0.49 SUBURBAN MIXED USE-6 (.35 FAR) 629.01 *Public facilities and uses are located throughout the County. Intensities of future public uses shall be guided by the floor area ratios of surrounding plan categories, including those of adjacent jurisdictions, to ensure compatibility with surrounding development Ruskin Community - College Avenue Corridor Buildout Analysis Legend Ruston Community College Avenue Corridor Urban Service Area SPG WADE 0 0 125 0 25 0.5 Miles Water Bodies

Figure 36: College Avenue Corridor Buildout Analysis

RUSKIN TOWN CENTER DISTRICT

The Town Center District contains approximately 67 acres but is divided into a large number of individual land parcels. The District's Future Land Uses (buildout) allow for a maximum of 1,148 dwelling units (potential housing of 3,444 residents and 1.9 million square feet of non-residential space) based on its Overlay District.

Table 24: Ruskin Town Center District Buildout

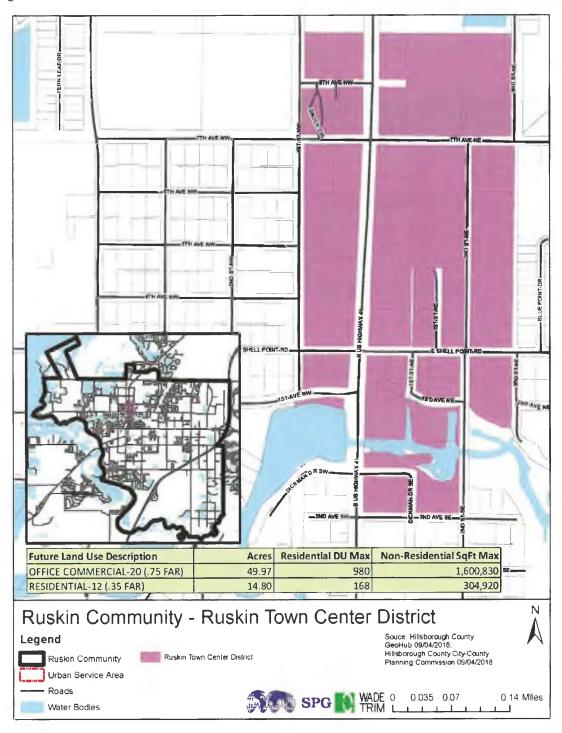
			Population	Non-
		Residential	Entitled	Residential
Land Use	Acres	DU Max	(3.0 PPH)	Sq. Ft. Max
Office Commercial 20 (.75 FAR)	49.97	980	2,940	1,600,830
Residential 12 (.35 FAR)	14.80	168	504	304,920
Total	64.77	1,148	3,444	1,905,750

Source: Hillsborough County City-County Planning Commission; Wade Trim; 2019

The District's parcels depths and overall sizes are not conducive to allow for the achievement of this density of development, assuming that level of demand could be achieved. As mentioned, transportation improvements are needed if the District is to achieve regional visibility and accessibility.

The graphic on the following page shows the Ruskin Town Center District buildout.

Figure 37: Ruskin Town Center District Buildout



APPENDIX

SWOT DETAILED DATA



RUSKIN COMMUNITY/ECONOMIC DEVELOPMENT PROFILE

2. WHAT ARE RUSKIN'S STRONGEST COMMUNITY REDEVELOPMENT OR ECONOMIC DEVELOPMENT ASSETS?

(THESE DO NOT NEED TO BE PRIORITIZED)

7 Location (coastal, adjacent to development, I-75, near county line)

7 Access to river and bay

6 Large parcels of undeveloped, affordable land

3 College

2 Affordable housing

Old Run Down/Private redevelopment on '41'

Bahia Resort

Tourism (Fishing)

History/culture

Form/layout

Areas still have an old Florida character and nature

Public Park on coast

Natural Environment

Unique (and largely unknown/recognized history

Arts initiatives

Diverse residents (expertise and interest in contributing

Increased growth in southern end of county

Amazon Distribution Center (now Ruskin recognized)

Labor force, available multi ethnic, hard working

Lennard High School

Low taxes

Emerging Health care system

Untapped eco-tourism opportunities

Ideal location for a new cruise ship terminal

South County Career Center

Cultural diversity in growing population

Possible ferry

Better representation on BOCC

Increased public awareness of environmental concerns

Firehouse Cultural Center

Unoccupied building that exist waiting refurbishing

Rapid population growth, influx of out-of-towners

Residents' sense of community

Nostalgic buildings in need of renovation

Still in Hillsborough County

Downtown rezoned for current trends in redevelopment

Viable and pedestrian friendly downtown center

Growing "critical mass" to support new businesses

Creek and Boat ramp in the heart of town

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3. WHAT ARE RUSKIN'S BIGGEST COMMUNITY REDEVELOPMENT OR ECONOMIC DEVELOPMENT LIABILITIES?

(THESE DO NOT NEED TO BE PRIORITIZED)

- 9 Transportation
- 6 Employment/Jobs
- 5 Town needs facelift
- 4 No transit
- 4 Lack of Community building/gathering places
- 3 Limited shopping, restaurants, areas for families to go for recreation any time of the day
- 2 Drainage
- 2 Affordable housing

Too many confederate flags (hostile environment)

Too many older residences: no change

Schools that operate with singular purposes (limited to children and time) and not available for expanded services to parents, arts etc. Resources are limited and building should have multiple uses.

Lots of mobile homes (scattered)

Nimbyism

Subdivisions are creating a major obstruction to quality of life. Development pattern is killing the beauty of the area and creating congestion in major and back roads.

Non walkable community

Chopping up of neighborhoods

Chain businesses rather than unique businesses

Poor protection of environment

Segregated communities

Need better urban planning

Lack of quality childcare

Lack of small business incubator

Bedroom community

Residents who are unemployable due to citizen status

Homeless population

Security: Substance abuse, lighting in in older neighborhoods

Ignoring community development plan

Sprawling, uncontrolled growth

Lack of big picture for development: just a lot of new homes

No small town feel

Lack of connecting sidewalks

The old Kmart Bld.

Need strong collaborative leadership

Loss of core of downtown by fire in early 90s

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4. WHAT ARE SOME OF THE OPPORTUNITIES (5-10 YEARS OUT) THAT COULD HELP RUSKIN WITH ITS REDEVELOPMENT POTENTIAL?

(THESE DO NOT NEED TO BE PRIORITIZED)

- 5 Support of community arts and gathering/activity centers
- 4 Better transportation
- 3 Major growth opportunities
- 3 Purposeful planning
- 2 Better wireless and local internet services
- 2 Develop Eco tourism
- 2 Stepping up protection of environment
- 2 Workforce transition cent at HCC with large community space

New families promoting positive advocacy

Ruskin Community Plan Meant to be guideline not law

Ferry Service

Low Impact development: water issue

Smart City technology,

Well/Leed WELL refers to health quality

Mixed use opportunities

Development of a well done, walkable downtown

Control of development,

Build and develop around unique assets of area

Coordinated development like Seaside

Better local bus and bicycle routes

Infrastructure

New businesses

Develop natural parks

Limit chain merchants

Encourage small businesses

River and bay access can be highly desirable but visitors and residents need more (where to

park, shop, entertainment??)

Create more walkable spaces for gathering

Vibrant Downtown

Enhancement of present assets

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5. WHAT ARE THE GREATEST THREATS (5-10 YEARS OUT) TO RUSKIN IN ACHIEVING ITS COMMUNITY DEVELOPMENT REDEVELOPMENT POTENTIAL?

(THESE DO NOT NEED TO BE PRIORITIZED)

6 Uncontrolled growth

5 Lack of sufficient roads and other infrastructure

4 Education/schools (quality)

2 Lack of vision/planning

No change

Overly district

Shopping Centers i.e. Target

General Economy

Continued privatization of community planning

Climate change given proximity to area water (flooding)

Disappearance of pristine environment

Exhaustion of local volunteers due to repetitive initiatives but no final action

Lack of equitable investment in community building in South County

Lack of development of central areas

Initiatives like Amazon impact infrastructure but have not invested in the community or created

opportunities for actual residents

Failure to work together

Failure to create economic opportunities/lifestyle amenities for youth

Failure to invest and emphasize education and workforce training

Poor technology and communication infrastructure

Little or no support to grow small business

Youth crime

Abandoned buildings/homes

Lack of attention to environment concerns

Too many chain restaurants

Cookie cutter development



6. WHAT TYPES OF COMMUNITY SERVICES/FACILITIES WOULD YOU LIKE TO SEE ADDED TO RUSKIN?

(THESE DO NOT NEED TO BE PRIORITIZED)

- 4 Community Center
- 4 Public transportation
- 3 Youth activities and non-school initiatives
- 2 Affordable Housing
- 2 Community and Workforce Training Center at HCC
- 2 Cultural centers (museum, theater etc.)
- 2 Limited services for elderly

Mixed Use (Hyde Park)

New Hospital

Publix

Business Incubator

Ferry

Recreation and entertainment

Retail and restaurants (locally owned)

Infrastructure support for downtown

Support for walkable/bike pathways

Environmental protection

Expanded health care of lower income residents

Strengthen Firehouse Cultural Center

Econ Fair type Festival

Urban Planning Office with zoning

Coordinated transportation/road improvement efforts

Urban Development Officer tasks with attracting business to Ruskin

Ruskin post office needs more people

More law enforcement after dark

Control of loiterers, vagrants in Commongood Park and HWY 41

Bike/walking path

Community gardens

Walkable community taking advantage of waterfront/inlet

Reliable transportation system

Greenways

Better support for Ruskin schools

Community divided by major roads without access

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7. WHAT TYPES OF BUSINESSES/ JOBS WOULD YOU LIKE TO SEE ADDED TO RUSKIN?

(THESE DO NOT NEED TO BE PRIORITIZED)

9 Retail Stores (Target/Grocery store on 674 or south 41

6 Art, antiques, craft shops

4 Dining and entertainment

2 Banks

2 Entertainment

2 Sports Complex

Anything on 641 could be in Ruskin

Travel to Little Harbor

Need office development

Technology and Business (need infrastructure to support)

Medium & high skilled labor jobs and careers (need career paths)

Non chain restaurants

Book store

Swimming pool

Recreation support; waters ports

Gym and wellness center that is affordable

Unique food shops; locally produced products

More retail shops

Large anchor stores/restaurants

Building a mall in Bib Bend Area???

Eco tourism (tiny hotels, cabins, nature/boat tours

Electric vehicle manufacturing

Cruise Port Ruskin

Solar, wind power storage battery manufacturing

Ruskin By the Sea Beach Community, Hotels and Board walk similar to Seaside

Physicians

Small businesses, restaurants

Farmers market

Technical college for all trades (like building small homes)

Organic farming

Resurrection of "The Coffee Cup"?

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8. WHAT ARE THE MOST IMPORTANT SERVICES, FACILITIES OR INFRASTRUCTURE THAT IS NEEDED TO IMPROVE THE QUALITY OF LIFE IN RUSKIN?

(THESE DO NOT NEED TO BE PRIORITIZED)

- 9 Transportation/Roads
- 4 Public transit
- 4 Town center
- 3 More recreation and entertainment facilities that take advantage of area's natural amenities i.e. bay, public parks, etc.
- 2 Drainage

Publix

Larger Fire Station

Check water/sewer

Pedestrian/bike corridors

Schools

Diverse transportation; rail, ferry etc.

Locally owned retail and restaurants

Schools and other types of public facilities becoming real centers for community

Industries committed to living wage

Diversity of industries offering skilled and unskilled workers

Sprawl control and development of infrastructure

Environmental protection

Pool/expanded recreation opportunities

Better internet and wireless service

Immigration efforts for undocumented

Workforce Transition Center and Community Center at HCC

Sports complex

New Building for Firehouse Cultural Center

Old/vacant commercial/home structures

Collecting and maintaining all-inclusive history of Ruskin

Pedestrian/bike trails

More attractive and mix of type of housing

Community gardens

Event Center

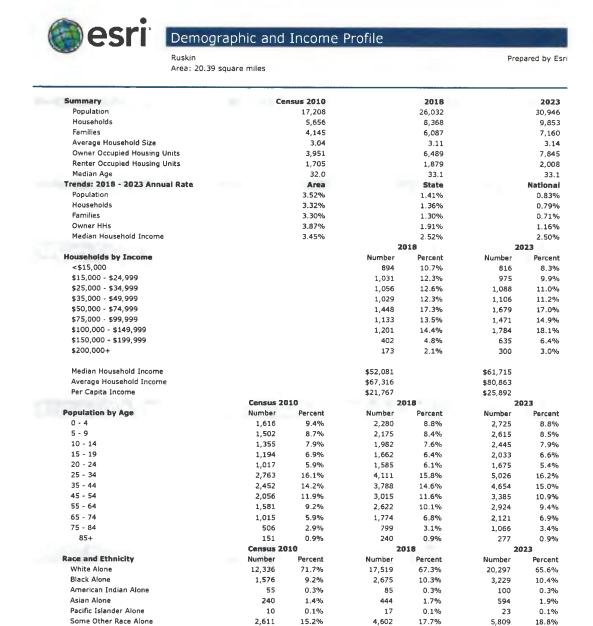
Physicians

Outdoor venue for Community fair and festivals

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380

7.129

2.2%

41.4%

690

12.371

2.7%

47.5%

September 13, 2018

2.9%

51.5%

894

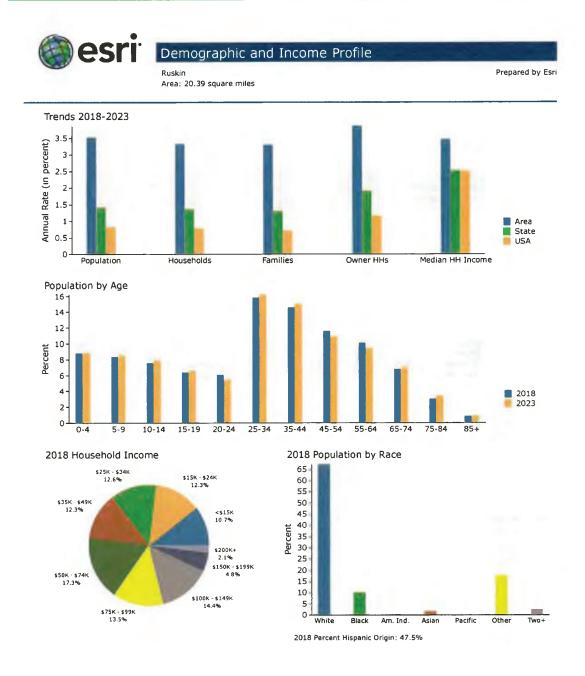
15.943

Two or More Races

Hispanic Origin (Any Race)

Data Note: Income is expressed in current dollars

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

2023 Average Household Size 2018-2023 Annual Rate

2010 Average Family Size

2018 Average Family Size

2023 Average Family Size 2018-2023 Annual Rate

Owner Occupied Housing Units Renter Occupied Housing Units Vacant Housing Units

Owner Occupied Housing Units

Renter Occupied Housing Units Vacant Housing Units

Renter Occupied Housing Units

2018 Housing Units Owner Occupied Housing Units

2023 Housing Units
Owner Occupied Housing Units

Renter Occupied Housing Units

Vacant Housing Units

Vacant Housing Units

Median Household Income

Median Home Value 2018 2023

Per Capita Income 2018

2018

2023

Median Age

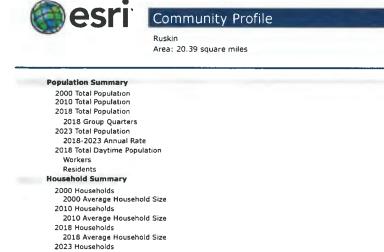
2010 Families

2018 Families

2023 Families

Housing Unit Summary 2000 Housing Units

2010 Housing Units



2010
2018
32.0
2023
2023
2023
33.1
32023
33.1

lote: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households.

Data Note: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households. Persons in families include the householder and persons related to the householder by birth, marriage, or adoption. Per Capita Income represents the income received by all persons aged 15 years and over divided by the total population.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography

September 13, 2018

Prepared by Esri

9,319

17,208

26,032

3.52% 27,415 13,365

14,050

3,286

2.82

5,656

8,368

3.11

9,853

3.14

4,145

6.087

7,160

3,960 60.9% 22.0%

17.0%

6,888

57.4% 24.8%

17.9%

9,694 66.9%

19.4%

13.7%

11,323 69.3%

17.7%

13.0%

\$52,081

\$61,715

\$179,308 \$220,949

\$21,767

\$25,892

3.48

3.55

3.58

13 30,946

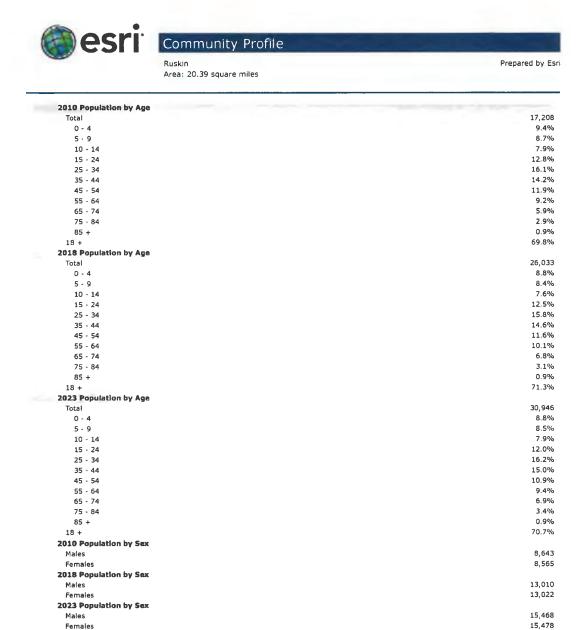


	Ruskin	Prepared by Esr
	Area: 20.39 square miles	
2010 Hausah	alda hu Tanama	

2018 Households by Income	
Household Income Base	8,368
<\$15,000	10.7%
\$15,000 - \$24,999	12.3%
\$25,000 - \$34,999	12.6%
\$35,000 - \$49,999	12.3%
\$50,000 - \$74,999	17.3%
\$75,000 - \$99,999	13.5%
\$100,000 - \$149,999	14.4%
\$150,000 - \$199,999	4.8%
\$200,000+	2.1%
Average Household Income	\$67,316
2023 Households by Income	
Household Income Base	9,853
<\$15,000	8.3%
\$15,000 - \$24,999	9.9%
\$25,000 - \$34,999	11.0%
\$35,000 - \$49,999	11.2%
\$50,000 - \$74,999	17.0%
\$75,000 - \$99,999	14.9%
\$100,000 - \$149,999	18.1%
\$150,000 - \$199,999	6.4%
\$200,000+	3.0%
Average Household Income	\$80,863
2018 Owner Occupied Housing Units by Value	
Total	6,489
<\$50,000	5.7%
\$50,000 - \$99,999	14.4%
\$100,000 - \$149,999	17.4%
\$150,000 - \$199,999	21.4%
\$200,000 - \$249,999	14.6%
\$250,000 - \$299,999	8.1%
\$300,000 - \$399,999	8.3%
\$400,000 - \$499,999	4.8%
\$500,000 - \$749,999	2.4%
\$750,000 - \$999,999	1.4%
\$1,000,000 - \$1,499,999	1.2%
\$1,500,000 - \$1,999,999	0.0%
\$2,000,000 +	0.4%
Average Home Value	\$228,006
2023 Owner Occupied Housing Units by Value	2.045
Total	7,845
<\$50,000 450,000	3.0%
\$50,000 - \$99,999	7.7%
\$100,000 - \$149,999	11.6%
\$150,000 - \$199,999	20.4%
\$200,000 - \$249,999	17.5%
\$250,000 - \$299,999	10.8%
\$300,000 - \$399,999 \$400,000 - \$400,000	12.6%
\$400,000 - \$499,999	6.9%
\$500,000 - \$749,999	3.8%
\$750,000 - \$999,999	2.5%
\$1,000,000 - \$1,499,999	2.2%
\$1,500,000 - \$1,999,999	0.0%
\$2,000,000 +	0.9%
Average Home Value	\$295,038

Data Note: Income represents the preceding year, expressed in current dollars. Household income includes wage and salary earnings, interest dividends, net rents, pensions, SS1 and welfare payments, child support, and allmony

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography



Community Profile

Ruskin Prepared by Esri Area: 20.39 square miles

2010 Population by Race/Ethnicity	
Total	17,208
White Alone	71.7%
Black Aione	9.2%
American Indian Alone	0.3%
Asian Alone	1.4%
Pacific Islander Alone	0.1%
Some Other Race Alone	15.2%
Two or More Races	2.2%
	41.4%
Hispanic Origin	73.1
Diversity Index	75.2
2018 Population by Race/Ethnicity	26,032
Total	67.3%
White Alone	10.3%
Black Alone	0.3%
American Indian Alone	1.7%
Asian Alone	0.1%
Pacific Islander Alone	17.7%
Some Other Race Alone	
Two or More Races	2.7%
Hispanic Origin	47.5%
Diversity Index	76.8
2023 Population by Race/Ethnicity	
Total	30,946
White Alone	65.6%
Black Alone	10.4%
American Indian Alone	0.3%
Asian Alone	1.9%
Pacific Islander Alone	0.1%
Some Other Race Alone	18.8%
Two or More Races	2.9%
Hispanic Origin	51.5%
Diversity Index	77.9
2010 Population by Relationship and Household Type	
Total	17,208
In Households	99.9%
In Family Households	88.0%
Householder	24.4%
Spouse	17.3%
Child	35.5%
Other relative	6.7%
Nonrelative	4.1%
In Nonfamily Households	11.9%
In Group Quarters	0.1%
Institutionalized Population	0.0%
Noninstitutionalized Population	0.1%

Data Note: Persons of Hispanic Origin may be of any race. The Diversity Index measures the probability that two people from the same area will be from different race/ ethnic groups.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.



Community Profile Ruskin Prepared by Esri Area: 20.39 square miles 2018 Population 25+ by Educational Attainment 16,349 Less than 9th Grade 10.2% 9th - 12th Grade, No Diploma 10.8% High School Graduate 23.6% GED/Alternative Credential 5.3% Some College, No Degree 22.8% Associate Degree 9.9% Bachelor's Degree 11.8% Graduate/Professional Degree 5.6% 2016 Population 15+ by Marital Status 19,596 Total Never Married 32.8% 50.4% Married 3.4% Widowed 13.4% Divorced 2018 Civilian Population 16+ in Labor Force 97.6% Civilian Employed Civilian Unemployed (Unemployment Rate) 2.4% 2018 Employed Population 16+ by Industry 12,109 Agriculture/Mining 6.9% Construction 12.2% Manufacturing 3.9% Wholesale Trade 3.9% Retail Trade 11.4% Transportation/Utilities 3.7% 1.9% Information 9.2% Finance/Insurance/Real Estate 43.4% Services 3.3% Public Administration 2018 Employed Population 16+ by Occupation 12,108 Total White Collar 56.1% 14.2% Management/Business/Financial Professional 18.2% Sales 9.4% Administrative Support 14.3% Services 15.0% Blue Collar 28.9% Farming/Forestry/Fishing 6.5% Construction/Extraction 8.5% Installation/Maintenance/Repair 5.9% Production 3.1% Transportation/Material Moving 4.8% 2010 Population By Urban/ Rural Status Total Population 17,208 Population Inside Urbanized Area 97.1% 0.0% Population Inside Urbanized Cluster Rural Population 2.9%

Source; U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography



Community Profile

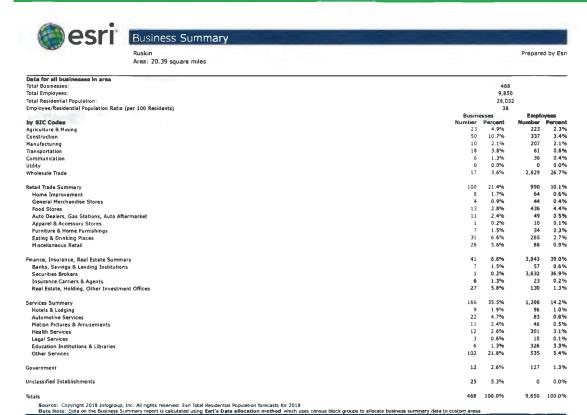
Ruskin Area: 20.39 square miles Prepared by Esri

Top 3 Tapestry Segments	
1.	Up and Coming Families
2.	Middleburg (4C)
3.	Down the Road (10D)
2018 Consumer Spending	
Apparel & Services: Total \$	\$15,199,778
Average Spent	\$1,816.42
Spending Potential Index	83
Education: Total \$	\$8,747,798
Average Spent	\$1,045.39
Spending Potential Index	72
Entertainment/Recreation: Total \$	\$21,785,675
Average Spent	\$2,603.45
Spending Potential Index	81
Food at Home: Total \$	\$34,351,235
Average Spent	\$4,105.07
Spending Potential Index	82
Food Away from Home: Total \$	\$24,648,585
Average Spent	\$2,945.58
Spending Potential Index	84
Health Care: Total \$	\$38,520,200
Average Spent	\$4,603.27
Spending Potential Index	80
HH Furnishings & Equipment: Total \$	\$14,625,237
Average Spent	\$1,747.76
Spending Potential Index	84
Personal Care Products & Services: Total \$	\$5,776,869
Average Spent	\$690.35
Spending Potential Index	83
Shelter: Total \$	\$112,099,311
Average Spent	\$13,396.19
Spending Potential Index	80
Support Payments/Cash Contributions/Gifts in Kind: Total \$	\$16,061,479
Average Spent	\$1,919.39
Spending Potential Index	77
Travel: Total \$	\$14,447,732
Average Spent	\$1,726.55
Spending Potential Index	80
Vehicle Maintenance & Repairs: Total \$	\$7,477,610
Average Spent	\$893.60
Spending Potential Index	83

Data Note: Consumer spending shows the amount spent on a variety of goods and services by households that reside in the area. Expenditures are shown by broad budget categories that are not mutually exclusive. Consumer spending does not equal business revenue. Total and Average Amount Spent Per Household represent annual figures. The Spending Potential Index represents the amount spent in the area relative to a national average of 100.

Source: Consumer Spending data are derived from the 2015 and 2016 Consumer Expenditure Surveys, Bureau of Labor Statistics. Esrl.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esrl forecasts for 2018 and 2023 Esrl converted Census 2000 data Into 2010 geography.





Business Summary

Ruskin Area: 20.39 square miles

Prepared by Esri

	Busin	02505	Empk	oyees
ry NAICS Codes	Number		Number	
Agriculture, Forestry, Fishing & Hunting	8	1.7%	40	0.
lining	0	0.0%	0	0.
tilities	0	0.0%	0	0.
Construction	1/3	11.3%	349	3.
fanufacturing	10	2.1%	204	2.
Vkolesale Trade	1.7	3.6%	2,629	26.
Retail Trade	7	14.3%	715	7.
Motor Vehicle & Parts Dealers	9	1.9%	43	0.
Furniture & Home Furnishings Stores	5	1.1%	23	0.
Electronics & Appliance Stores	3	0.6%	17	0.
Bidg Material & Garden Equipment & Supplies Dealers	8	1.7%	64	0.
Food & Beverage Stores	13	2.8%	434	4.
Health & Personal Care Stores	3	0.6%	14	0.
Gasoline Stations	2	0.4%	6	0.
Clothing & Clothing Accessories Stores	2	0.4%	12	0.
Sport Goods, Hobby, Book, & Music Stores	4	0.9%	8	0
General Merchandise Stores	4	0.9%	44	0.
Miscellaneous Store Retailers	13	2.8%	49	0
Nonstore Retailers	0	0.0%	0	0
ransportation & Warehousing	13	2.8%	47	0
nformation	9	1.9%	52	0
Inance & Insurance	16	3.4%	3,718	37
Central Bank/Credit Intermediation & Related Activities	9	1.9%	63	0
Securities, Commodity Contracts & Other Financial	1	0.2%	3,632	36
Insurance Carriers & Related Activities: Funds, Trusts &	6	1.3%	23	0
leal Estate, Rental & Leasing	13	7.1%	130	1.
rofessional, Scientific & Tech Services	10	6.4%	119	1
Legal Services	4	0.9%	15	0
anagement of Companies & Enterprises	0	0.0%	0	0
dministrative & Support & Waste Management & Remediation	17	3.6%	214	2
ducational Services	6	1.3%	322	3
ealth Care & Social Assistance	26	5.6%	426	4
rts. Entertainment & Recreation	9	1.9%	46	0
ccommodation & Food Services	39	8.3%	361	3
Accommodation	9	1.9%	96	1
Food Services & Drinking Places	31	6.6%	265	2
ther Services (except Public Administration)	78	16.7%	352	3
Automotive Repair & Maintenance	17	3.6%	67	0
ublic Administration	12	2.6%	127	1
nclassified Establishments	25	5.3%	0	0
otal	468	100.0%	9.850	100



Ruskin Prepared by Esri Area: 20.39 square miles

Population Summary	
2000 Total Population	9,319
2010 Total Population	17,208
2018 Total Population	26,032
2018 Group Quarters	13
2023 Total Population	30,946
2018-2023 Annual Rate	3.52%
2018 Total Daytime Population	27,415
Workers	13,365
Residents	14,050
Household Summary	3,286
2000 Households 2000 Average Household Size	2.82
2010 Households	5.656
2010 Average Household Size	3,04
2018 Households	8,368
2018 Average Household Size	3.11
2023 Households	9.853
2023 Average Household Size	3.14
2018-2023 Annual Rate	3.32%
2010 Families	4,145
2010 Average Family Size	3.48
2018 Families	6,087
2018 Average Family Size	3.55
2023 Families	7,160
2023 Average Family Size	3.58
2018-2023 Annual Rate	3.30%
Housing Unit Summary	
2000 Housing Units	3,960
Owner Occupied Housing Units	60.9%
Renter Occupied Housing Units	22.0%
Vacant Housing Units	17.0%
2010 Housing Units	6,888
Owner Occupied Housing Units	57.4%
Renter Occupied Housing Units	24.8%
Vacant Housing Units	17.9%
2018 Housing Units	9,694
Owner Occupied Housing Units Renter Occupied Housing Units	66.9% 19.4%
Vacant Housing Units	13.7%
	11,323
2023 Housing Units Owner Occupied Housing Units	69.3%
Renter Occupied Housing Units	17.7%
Vacant Housing Units	13.0%
Median Household Income	23.070
2018	\$52,081
2023	\$61,715
Median Home Value	
2018	\$179,308
2023	\$220,949
Per Capita Income	
2018	\$21,767
2023	\$25,892
Median Age	72.0
2010 2018	32.0
	33.1
2023	33.1

Data Note: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households. Persons in families include the householder and persons related to the householder by birth, marriage, or adoption. Per Capita Income represents the income received by all persons aged 15 years and over divided by the total population.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.



Area: 20.39 square miles

2018 Households by Income	
Household Income Base	8,368
<\$15,000	10.7%
\$15,000 - \$24,999	12.3%
\$25,000 - \$34,999	12.6%
\$35,000 - \$49,999	12.3%
\$50,000 - \$74,999	17.3%
\$75,000 - \$99,999	13.5%
\$100,000 - \$149,999	14.4%
\$150,000 - \$199,999	4.8%
\$200,000+	2.1%
Average Household Income	\$67,316
2023 Households by Income	
Household Income Base	9,853
<\$15,000	8.3%
415 000 434 000	0.004

\$15,000 - \$24,999	
\$25,000 - \$34,999	
\$35,000 - \$49,999	
\$50,000 - \$74,999	
\$75,000 - \$99,999	
\$100,000 - \$149,999	
\$150,000 - \$199,999	
\$200,000+	
Average Household Income	
118 Owner Occupied Housing Units by Value	
Total	

Total	6,489
<\$50,000	5.7%
\$50,000 - \$99,999	14.4%
\$100,000 - \$149,999	17.4%
\$150,000 - \$199,999	21.4%
\$200,000 - \$249,999	14.6%
\$250,000 - \$299,999	8.1%
\$300,000 - \$399,999	8.3%
\$400,000 - \$499,999	4.8%
\$500,000 - \$749,999	2.4%
\$750,000 - \$999,999	1.4%
\$1,000,000 - \$1,499,999	1.2%
\$1,500,000 - \$1,999,999	0.0%
\$2,000,000 +	0.4%
Average Home Value	\$228,006
2023 Owner Occupied Housing Units by Value	
Total	7,845
<\$50,000	3.0%
\$50,000 - \$99,999	7.7%

Average Home Value	\$228,006
2023 Owner Occupied Housing Units by Value	
Total	7,845
<\$50,000	3.0%
\$50,000 - \$99,999	7.7%
\$100,000 - \$149,999	11.6%
\$150,000 - \$199,999	20.4%
\$200,000 - \$249,999	17.5%
\$250,000 - \$299,999	10.8%
\$300,000 - \$399,999	12.6%
\$400,000 - \$499,999	6.9%
\$500,000 - \$749,999	3.8%
\$750,000 - \$999,999	2.5%
\$1,000,000 - \$1,499,999	2.2%
\$1,500,000 - \$1,999,999	0.0%
\$2,000,000 +	0.9%

Data Note: Income represents the preceding year, expressed in current dollars. Household income includes wage and salary earnings, interest dividends, net rents, pensions, SS1 and welfare payments, child support, and alimony

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.

September 13, 2018

\$295,038

Prepared by Esri

11.0% 11.2% 17.0% 14.9% 18.1% 6.4% 3.0% \$80,863

Average Home Value



Ruskin Area: 20.39 square miles Prepared by Esri

2010 Population by Age	
Total	17,208
0 - 4	9.4%
5 - 9	8.7%
10 - 14	7.9%
15 - 24	12.8%
25 - 34	16.1%
35 - 44	14.2%
45 - 54	11.9%
55 - 64	9.2%
65 - 74	5.9%
75 - 84	2.9%
85 +	0.9%
18 +	69.8%
2018 Population by Age	
Total	26,033
0 - 4	8.8%
5 - 9	8.4%
10 - 14	7.6%
15 - 24	12.5%
25 - 34	15.8%
35 - 44	14.6%
45 - 54	11.6%
55 - 64	10.1%
65 - 74	6.8%
75 - 84	3.1%
85 +	0.9%
18 +	71.3%
2023 Population by Age	20.046
Total	30,946 8.8%
0 - 4 5 - 9	8.5%
10 - 14	7.9%
15 - 24	12.0%
25 - 34	16.2%
35 - 44	15.0%
45 - 54	10.9%
55 - 64	9.4%
65 - 74	6.9%
75 - 84	3.4%
85 +	0.9%
18 +	70.7%
2010 Population by Sex	
Males	8,643
Females	8,565
2018 Population by Sex	
Males	13,010
Females	13,022
2023 Population by Sex	
Males	15,468
Females	15,478

Source; U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography



Ruskin Prepared by Esri Area: 20.39 square miles

2010 Population by Race/Ethnicity	
Total	17,208
White Alone	71.7%
Black Alone	9,2%
American Indian Alone	0.3%
Asian Alone	1.4%
Pacific Islander Alone	0.1%
Some Other Race Alone	15.2%
Two or More Races	2.2%
Hispanic Origin	41.4%
Diversity Index	73.1
2018 Population by Race/Ethnicity	
Total	26,032
White Alone	67.3%
Black Alone	10.3%
American Indian Alone	0.3%
Asian Alone	1.7%
Pacific Islander Alone	0.1%
Some Other Race Alone	17.7%
Two or More Races	2.7%
Hispanic Origin	47.5%
Diversity Index	76.8
2023 Population by Race/Ethnicity	
Total	30,946
White Alone	65.6%
Black Alone	10.4%
American Indian Alone	0.3%
Asian Alone	1.9%
Pacific Islander Alone	0.1%
Some Other Race Alone	18.8%
Two or More Races	2.9%
Hispanic Origin	51.5%
Diversity Index	77.9
2010 Population by Relationship and Household Type	
Total	17,208
In Households	99.9%
In Family Households	88.0%
Householder	24.4%
Spouse	17.3%
Child	35.5%
Other relative	6.7%
Nonrelative	4.1%
In Nonfamily Households	11.9%
In Group Quarters	0.1%
Institutionalized Population	0.0%
Noninstitutionalized Population	0.1%

Data Note: Persons of Hispanic Origin may be of any race. The Diversity Index measures the probability that two people from the same area will be from different race/ethnic groups.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.



Ruskin Prepared by Esri Area: 20.39 square miles

2018 Population 25+ by Educational Attainment	
Total	16,349
Less than 9th Grade	10.2%
9th - 12th Grade, No Diploma	10.8%
High School Graduate	23.6%
GED/Alternative Credential	5.3%
Some College, No Degree	22.8%
Associate Degree	9.9%
Bachelor's Degree	11.8%
Graduate/Professional Degree	5.6%
2018 Population 15+ by Marital Status	
Total	19,596
Never Married	32.8%
Married	50.4%
Widowed	3.4%
Divorced	13.4%
2018 Civilian Population 16+ in Labor Force	201110
Civilian Employed	97.6%
Civilian Unemployed (Unemployment Rate)	2.4%
2018 Employed Population 16+ by Industry	
Total	12,109
Agriculture/Mining	6.9%
Construction	12.2%
Manufacturing	3.9%
Wholesale Trade	3.9%
Retail Trade	11.4%
Transportation/Utilities	3.7%
Information	1.9%
Finance/Insurance/Real Estate	9.2%
Services	43.4%
Public Administration	3.3%
2018 Employed Population 16+ by Occupation	
Total	12,108
White Collar	56.1%
Management/Business/Financial	14.2%
Professional	18.2%
Sales	9.4%
Administrative Support	14.3%
Services	15.0%
Blue Collar	28.9%
Farming/Forestry/Fishing	6.5%
Construction/Extraction	8.5%
Installation/Maintenance/Repair	5.9%
Production	3.1%
Transportation/Material Moving	4.8%
2010 Population By Urban/ Rural Status	
Total Population	17,208
Population Inside Urbanized Area	97.1%
Population Inside Urbanized Cluster	0.0%
Rural Population	2.9%
•	

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography



Ruskin Prepared by Esri Area: 20.39 square miles

2010 Households by Type	
Total	5,656
Households with 1 Person	20.1%
Households with 2+ People	79.9%
Family Households	73.3%
Husband-wife Families	51.9%
With Related Children	27.1%
Other Family (No Spouse Present)	21.4%
Other Family with Male Householder	7.2%
With Related Children	4.9%
Other Family with Female Householder	14.2%
With Related Children	10.7%
Nonfamily Households	6.6%
All Households with Children	43.7%
Multigenerational Households	7.5%
Unmarried Partner Households	9.8%
Male-female	8.9%
Same-sex	1.0%
2010 Households by Size	
Total	5,656
1 Person Household	20.1%
2 Person Household	30.3%
3 Person Household	15.7%
4 Person Household	15.1%
5 Person Household	9.1%
6 Person Household	5.1%
7 + Person Household	4.5%
2010 Households by Tenure and Mortgage Status	
Total	5,656
Owner Occupied	69.9%
Owned with a Mortgage/Loan	51.1%
Owned Free and Clear	18.7%
Renter Occupied	30.1%
2010 Housing Units By Urban/ Rural Status	
Total Housing Units	6,888
Housing Units Inside Urbanized Area	97.1%
Housing Units Inside Urbanized Cluster	0.0%
Rural Housing Units	2.9%

Data Note: Households with children include any households with people under age 18, related or not. Multigenerational households are families with 3 or more parent-child relationships. Unmarried partner households are usually classified as nonfamily households unless there is another member of the household related to the householder. Multigenerational and unmarried partner households are reported only to the tract level. Esri estimated block group data, which is used to estimate polygons or non-standard geography.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.



Ruskin Area: 20.39 square miles Prepared by Esri

Top 3 Tapestry Segments 1.	Up and Coming Families
	Middleburg (4C)
3.	Down the Road (10D)
2018 Consumer Spending	,
Apparel & Services: Total \$	\$15,199,778
Average Spent	\$1,816.42
Spending Potential Index	83
Education: Total \$	\$8,747,798
Average Spent	\$1,045.39
Spending Potential Index	72
Entertainment/Recreation: Total \$	\$21,785,675
Average Spent	\$2,603.45
Spending Potential Index	81
Food at Home: Total \$	\$34,351,235
Average Spent	\$4,105.07
Spending Potential Index	82
Food Away from Home: Total \$	\$24,648,585
Average Spent	\$2,945.58
Spending Potential Index	84
Health Care: Total \$	\$38,520,200
Average Spent	\$4,603.27
Spending Potential Index	80
HH Furnishings & Equipment: Total \$	\$14,625,237
Average Spent	\$1,747.76
Spending Potential Index	84
Personal Care Products & Services: Total \$	\$5,776,869
Average Spent	\$690.35
Spending Potential Index	83
Shelter: Total \$	\$112,099,311
Average Spent	\$13,396.19
Spending Potential Index	80
Support Payments/Cash Contributions/Gifts in Kind: Total \$	\$16,061,479
Average Spent	\$1,919.39
Spending Potential Index	77
Travel: Total \$	\$14,447,732
Average Spent	\$1,726.55
Spending Potential Index	80
Vehicle Maintenance & Repairs: Total \$	\$7,477,610
Average Spent	\$893.60

Data Note: Consumer spending shows the amount spent on a variety of goods and services by households that reside in the area. Expenditures are shown by broad bidget categories that are not mutually exclusive. Consumer spending does not equal business revenue. Total and Average Amount Spent Per Household represent annual figures. The Spending Potential Index represents the amount spent in the area relative to a national average of 100.

Source: Consumer Spending data are derived from the 2015 and 2016 Consumer Expenditure, proveys, Bureau of Labor Statistics. Esri.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023 Esri converted Census 2000 data into 2010 geography.

September 13, 2018

Spending Potential Index



Ruskin Prepared by Esri Area: 20.39 square miles

Demographic Summary		2018	202
Population		26,032	30,94
Population 18+		18,573	21,89
Households		8,368	9,85
Median Household Income		\$52,081	\$61,71
	Expected Number of	Percent of	
Product/Consumer Behavior	Adults/HHs	Adults/HHs	ME
Apparel (Adults)			
Bought any men's clothing in last 12 months	9,033	48.6%	10
Bought any women's clothing in last 12 months	8,028	43.2%	10
Bought clothing for child <13 years in last 6 months	6,369	34.3%	12
Bought any shoes in last 12 months	9,846	53.0%	9
Bought costume jewelry in last 12 months	3,136	16.9%	9
Bought any fine jewelry in last 12 months	3,327	17.9%	10
Bought a watch in last 12 months	2,893	15.6%	9
Automobiles (Households)			
HH owns/leases any vehicle	7,523	89.9%	10
HH bought/leased new vehicle last 12 mo	902	10.8%	11
Automotive Aftermarket (Adults)			
Bought gasoline in last 6 months	16,636	89.6%	10
Bought/changed motor oil in last 12 months	9,811	52.8%	11
Had tune-up in last 12 months	4,951	26.7%	10
Beverages (Adults)			
Drank bottled water/seltzer in last 6 months	13,355	71.9%	10
Drank regular cola in last 6 months	8,835	47.6%	1
Drank beer/ale in last 6 months	7,366	39.7%	-
Cameras (Adults)			
Own digital point & shoot camera/camcorder	1.806	9.7%	
Own digital SLR camera/camcorder	1,306	7.0%	
Printed digital photos in last 12 months	4,508	24.3%	1
Cell Phones (Adults/Households)			
Bought cell phone in last 12 months	6,716	36.2%	1
Have a smartphone	15,589	83.9%	1
Have a smartphone: Android phone (any brand)	8,991	48.4%	1
Have a smartphone: Apple iPhone	6.168	33.2%	-
Number of cell phones in household: 1	1,934	23.1%	
Number of cell phones in household: 2	3,201	38.3%	
Number of cell phones in household: 3+	3,029	36.2%	1
HH has cell phone only (no landline telephone)	5,163	61.7%	1
Computers (Households)			
HH owns a computer	6,268	74.9%	1
HH owns desktop computer	3,250	38.8%	1
HH owns laptop/notebook	4,793	57.3%	1
HH owns any Apple/Mac brand computer	1,225	14.6%	-
HH owns any PC/non-Apple brand computer	5,473	65.4%	1
HH purchased most recent computer in a store	3,123	37.3%	1
HH purchased most recent computer online	969	11.6%	1
Spent <\$500 on most recent home computer	1,281	15.3%	1
	1,512	18.1%	1
Spent \$500-\$999 on most recent home computer Spent \$1,000-\$1,499 on most recent home computer		8.2%	1
Specifical GUU-ST 644 on most recent name computer	686	8.270	
Spent \$1,500-\$1,999 on most recent home computer	301	3.6%	

Data Note: An MPI (Market Potential Index) measures the relative likelihood of the adults or households in the specified trade area to exhibit certain consumer behavior or purchasing patterns compared to the U.S. An MPI of 100 represents the U.S. average. Source: These data are based upon national propensities to use various products and services, applied to local demographic composition. Usage data were collected by GfK MRI in a nationally representative survey of U.S. households. Earl forecasts for 2018 and 2023.



Ruskin Area: 20.39 square miles Prepared by Esri

	Expected Number of	Percent of	
Product/Consumer Behavior	Adults/HHs	Adults/HHs	M
Convenience Stores (Adults)			
Shopped at convenience store in last 6 mos	11,873	63.9%	10
Bought brewed coffee at convenience store in last 30 days	2,372	12.8%	
Bought cigarettes at convenience store in last 30 days	2,314	12.5%	1
Bought gas at convenience store in last 30 days	7,607	41.0%	1
Spent at convenience store in last 30 days: <\$20	1,068	5.8%	
Spent at convenience store in last 30 days: \$20-\$39	1,705	9.2%	
Spent at convenience store in last 30 days: \$40-\$50	1,447	7.8%	
Spent at convenience store in last 30 days: \$51-\$99	1,061	5.7%	1
Spent at convenience store in last 30 days: \$100+	4,766	25.7%	1
Entertainment (Adults)			
Attended a movie in last 6 months	11,415	61.5%	1
Went to live theater in last 12 months	1,582	8.5%	
Went to a bar/night club in last 12 months	2,670	14.4%	
Dined out in last 12 months	9,091	48.9%	
Gambled at a casino in last 12 months	2,316	12.5%	
Visited a theme park in last 12 months	3,787	20.4%	1
Viewed movie (video-on-demand) in last 30 days	3,061	16.5%	
Viewed TV show (video-on-demand) in last 30 days	2,124	11.4%	
Watched any pay-per-view TV in last 12 months	1,993	10.7%	
Downloaded a movie over the Internet in last 30 days	1,808	9.7%	1
Downloaded any individual song in last 6 months	3,910	21.1%	1
Watched a movie online in the last 30 days	4,553	24.5%	1
Watched a TV program online in last 30 days	3,399	18.3%	1
Played a video/electronic game (console) in last 12 months	1,676	9.0%	
Played a video/electronic game (portable) in last 12 months	925	5.0%	
Financial (Adults)			
Have home mortgage (1st)	6,390	34.4%	1
Used ATM/cash machine in last 12 months	10,119	54.5%	1
Own any stock	889	4.8%	
Own U.S. savings bond	646	3.5%	
Own shares in mutual fund (stock)	806	4.3%	
Own shares in mutual fund (bonds)	661	3.6%	
Have interest checking account	4,782	25.7%	
Have non-interest checking account	5,369	28.9%	
Have savings account	10,561	56.9%	
Have 401K retirement savings plan	2,947	15.9%	1
Own/used any credit/debit card in last 12 months	14,538	78.3%	
Avg monthly credit card expenditures: <\$111	2,475	13.3%	1
Avg monthly credit card expenditures: \$111-\$225	1,364	7.3%	1
Avg monthly credit card expenditures: \$226-\$450	1,094	5.9%	
Avg monthly credit card expenditures: \$451-\$700	967	5.2%	
Avg monthly credit card expenditures: \$701-\$1,000	904	4.9%	
Avg monthly credit card expenditures: \$1,001+	1,436	7.7%	
Did banking online in last 12 months	7,433	40.0%	10
Did banking on mobile device in last 12 months	4,842	26.1%	1
Paid bills online in last 12 months	9,616	51.8%	10

Data Note: An MPI (Market Potential Index) measures the relative likelihood of the adults or households in the specified trade area to exhibit certain consumer behavior or purchasing patterns compared to the U.S. An MPI of 100 represents the U.S. average.

Source: These data are based upon national propensities to use vanous products and services, applied to local demographic composition. Usage data were collected by GRK MRI in a nationally representative survey of U.S. households. Earl forecasts for 2018 and 2023.



Area: 20.39 square miles

Prepared by Esri

	Expected Number of	Percent of	
Product/Consumer Behavior	Adults/HHs	Adults/HHs	MPI
Grocery (Adults)			
Used beef (fresh/frozen) in last 6 months	6,106	73.0%	106
Used bread in last 6 months	7,894	94.3%	101
Used chicken (fresh or frozen) in last 6 months	5,952	71.1%	103
Used turkey (fresh or frozen) in last 6 months	1,215	14.5%	95
Used fish/seafood (fresh or frozen) in last 6 months	4,628	55.3%	101
Used fresh fruit/vegetables in last 6 months	7,328	87.6%	101
Used fresh milk in last 6 months Used organic food in last 6 months	7,384 1,814	88.2% 21.7%	103 92
·	-,		
Health (Adults)			
Exercise at home 2+ times per week	5,211	28.1%	100
Exercise at club 2+ times per week	2,398	12.9%	90
Visited a doctor in last 12 months	13,621	73.3%	95
Used vitamin/dietary supplement in last 6 months	9,447	50.9%	94
Home (Households)			
Any home improvement in last 12 months	2,576	30.8%	110
Used housekeeper/maid/professional HH cleaning service in last 12	1,047	12.5%	90
Purchased low ticket HH furnishings in last 12 months	1,433	17.1%	102
Purchased big ticket HH furnishings in last 12 months	1,896	22.7%	103
Bought any small kitchen appliance in last 12 months	1,892	22.6%	101
Bought any large kitchen appliance in last 12 months	1,273	15.2%	108
Insurance (Adults/Households)			
Currently carry life insurance	8,339	44.9%	101
Carry medical/hospital/accident insurance	13,210	71.1%	95
Carry homeowner insurance	8,658	46.6%	99
Carry renter's insurance	1,477	8.0%	92
Have auto insurance: 1 vehicle in household covered	2,375	28.4%	93
Have auto insurance: 2 vehicles in household covered	2,874	34.3%	119
Have auto insurance: 3+ vehicles in household covered	,	23.1%	101
have auto insurance: 3+ venicles in nousehold covered	1,930	23.176	101
Pets (Households)			
Household owns any pet	4,963	59.3%	109
Household owns any cat	1,792	21.4%	93
Household owns any dog	4,119	49.2%	118
Psychographics (Adults)			
Buying American is important to me	7,726	41.6%	103
Usually buy items on credit rather than wait	2,390	12.9%	98
Usually buy based on quality - not price	3,315	17.8%	92
Price is usually more important than brand name	5,496	29.6%	106
Usually use coupons for brands I buy often	3,178	17.1%	95
Am interested in how to help the environment	3,339	18.0%	99
Usually pay more for environ safe product	2,584	13.9%	98
Usually value green products over convenience	2,336	12.6%	111
Likely to buy a brand that supports a charity	6,569	35.4%	102
Boading (Adults)			
Reading (Adults)	2 150	11 60/	
Bought digital book in last 12 months	2,158	11.6%	87
Bought hardcover book in last 12 months	3,237	17.4%	88
Bought paperback book in last 12 month	4,991	26.9%	91
Read any daily newspaper (paper version)	2,501	13.5%	65
Read any digital newspaper in last 30 days	6,280	33.8%	90
Read any magazine (paper/electronic version) in last 6 months	16,619	89.5%	99

Data Note: An MPI (Market Potential Index) measures the relative likelihood of the adults or households in the specified trade area to exhibit certain consumer behavior or purchasing patterns compared to the U.S. An MPI of 100 represents the U.S. average.

Source: These data are based upon national propensities to use various products and services, applied to local demographic composition. Usage data were collected by GK MRI in a nationally representative survey of U.S. households. Earl forecasts for 2018 and 2023.



Area: 20.39 square miles

Prepared by Esri

	Expected Number of	Percent of	
Product/Consumer Behavior	Adults/HHs	Adults/HHs	MPI
Restaurants (Adults)			
Went to family restaurant/steak house in last 6 months	14,297	77.0%	102
Went to family restaurant/steak house: 4+ times a month	5,474	29.5%	110
Went to fast food/drive-in restaurant in last 6 months	17,068	91.9%	102
Went to fast food/drive-in restaurant 9+ times/mo	8,309	44.7%	113
Fast food/drive-in last 6 months: eat in	6,807	36.6%	100
Fast food/drive-in last 6 months: home delivery	1,773	9.5%	114
Fast food/drive-in last 6 months: take-out/drive-thru	10,041	54.1%	114
Fast food/drive-in last 6 months: take-out/walk-in	3,852	20.7%	98
Television & Electronics (Adults/Households)			
Own any tablet	8,748	47.1%	103
Own any e-reader	1,285	6.9%	93
Own e-reader/tablet: iPad	4,563	24.6%	92
HH has Internet connectable TV	2,458	29.4%	114
Own any portable MP3 player	3,913	21.1%	98
HH owns 1 TV	1,415	16.9%	81
HH owns 2 TVs	2,283	27.3%	101
HH owns 3 TVs	1,807	21.6%	103
HH owns 4+ TVs	1,801	21.5%	121
HH subscribes to cable TV	3,255	38.9%	87
HH subscribes to fiber optic	471	5.6%	71
HH owns portable GPS navigation device	1,927	23.0%	93
HH purchased video game system in last 12 mos	820	9.8%	115
HH owns any Internet video device for TV	1,914	22.9%	112
Travel (Adults)			
Domestic travel in last 12 months	8,992	48.4%	93
Took 3+ domestic non-business trips in last 12 months	1,795	9.7%	81
Spent on domestic vacations in last 12 months: <\$1,000	1,888	10.2%	94
Spent on domestic vacations in last 12 months: \$1,000-\$1,499	986	5.3%	89
Spent on domestic vacations in last 12 months: \$1,500-\$1,999	779	4.2%	106
Spent on domestic vacations in last 12 months: \$2,000-\$2,999	611	3.3%	86
Spent on domestic vacations in last 12 months: \$3,000+	970	5.2%	83
Domestic travel in the 12 months: used general travel website	1,018	5.5%	79
Foreign travel in last 3 years	4,192	22.6%	85
Took 3+ foreign trips by plane in last 3 years	608	3.3%	68
Spent on foreign vacations in last 12 months: <\$1,000	878	4.7%	101
Spent on foreign vacations in last 12 months: \$1,000-\$2,999	637	3.4%	91
Spent on foreign vacations in last 12 months: \$3,000+	687	3.7%	63
Foreign travel in last 3 years: used general travel website	888	4.8%	79
Nights spent in hotel/motel in last 12 months: any	7,707	41.5%	95
Took cruise of more than one day in last 3 years	1,402	7.5%	88
Member of any frequent flyer program	2,537	13.7%	78
Member of any hotel rewards program	2,558	13.8%	82
	_,,,,,		

Data Note: An MPI (Market Potential Index) measures the relative likelihood of the adults or households in the specified trade area to exhibit certain consumer behavior or purchasing patterns compared to the U.S. an MPI of 100 represents the U.S. average.

Source: These data are based upon national propensities to use various products and services, applied to local demographic composition. Usage data were collected by GRK MRI in a nationally representative survey of U.S. households. Esri forecasts for 2018 and 2023.

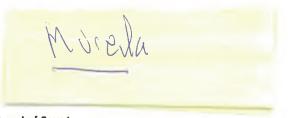
Prepared by:



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www.SPGinc.org



Board of County Commissioners Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller Jr. Sandra L. Murman Mark Sharpe



Development Services

ZONING INTERPRETATION NUMBER:

ZI 14-0767

County Administrator

County Administrator
Michael S. Merrill

Executive Team
Lucia Garsys
Carl S. Harness
Gregory S. Horwedel
Liana Lopez
Bonnie Wise

County Internal Auditor Michelle Leonhardt

County Attorney
Chip Fletcher

Development Services PO Box 1110 Tampa, FL 33601-1110

1.0 SUMMARY OF REQUEST FOR INTERPRETATION

On behalf of Steven A. Cuculich, a formal interpretation of the Hillsborough County Land Development Code ("LDC") is requested as it relates to a business selling used motor vehicles, known as "Car Credit, Inc." located at 108 North U.S. 41 Ruskin, FL 33570. The property's folio number is 055805.0000.

From 1986, to approximately December 2012, the subject property was owned by Mr. Ted R. Pieta. During this period, Mr. Pieta owned and operated a business known as "Ted's Auto Center" on the subject property. Page 1 of Applicant's statement in support of Request for Interpretation (Attachment 1).

On November 2, 2006, Ordinance No. 06-34 was enacted and codified as Part 3.17.00 of the LDC as the "Ruskin Town Center Development Regulations." Upon enactment of the Ordinance, the subject property was rezoned from Commercial General (CG) to Ruskin Town Center-1 (RTC-1). Section 3.17.07 includes as "Permitted Uses" CG and RMC-20 uses as defined in Section 2.02.02 of the LDC mixed use developments; multi-family residential and commercial uses. The permissible uses in the RTC-1 District are further restricted by Section 3.17.09, which establishes specific "Prohibited Uses" within RTC-1, including, but not limited to, "Motor Vehicle Repair (Minor and Major)" and "Motor Vehicle Sales, Rentals and Auctions – All Types." Neighborhood serving motor vehicle repair ("Motor Vehicle Repair, Neighborhood") is an allowed use in the RTC-1 Zoning District.

In December of 2012, the subject property was purchased by Steven A. Cuculich, the principal owner of "Car Credit, Inc.", a motor vehicle sales use, which commenced operations on the subject property immediately after the sale of the property. Page 1 of Applicant's statement.

The Applicant has described Mr. Pieta's business as "the repair of motor vehicles along with the sale of motor vehicles as an ancillary use." Page 1 of Applicant's statement.

Section 320.27(c), Florida Statutes, provides that "any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period" shall be presumed to be a "motor vehicle dealer" required to be licensed by the Florida Department of Highway Safety and Motor Vehicles. The Applicant states that "[b]ecause the sale of motor vehicles was not the significant component of Mr. Pieta's business, he was not during most of the existence of his business, required to be licensed by the Florida Department of Highway Safety and Motor Vehicles." Page 3 of Applicant's statement. The Applicant has provided a record indicating that Mr. Pieta held a Florida motor vehicle dealer license for one year, from 2002 to 2003. Exhibit 4 to Applicant's statement (Florida Department of Highway Safety and Motor Vehicles Dealer Type 1 License authorizing the buying, selling or dealing in used motor vehicles, effective May 1, 2002).

Additionally, the Applicant has provided Hillsborough County Tax Collector Records which relate to two (2) motor vehicle sales by Mr. Pieda, including a 2001 model year vehicle and a 2010 model year vehicle. Exhibit 5 to Applicant's statement.

2.0 ZONING ADMINISTRATOR'S INTERPRETATION:

The Applicant has not demonstrated that motor vehicle sales was the property's principal use at the time Ordinance No. 06-34 was adopted on November 2, 2006.

The applicant proposes to reconfigure the land use from the motor vehicle repair use which was established at the time the property was rezoned to the RTC-1 District by Ordinance No. 06-34.

To recognize motor vehicle sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned.

The Applicant has failed to establish that, at the time of the adoption of Ordinance No. 06-34, motor vehicle sales was an "existing lawful use" of the subject property in accordance with Section 3.17.02 of the LDC, or a use established legally in accordance with Section 11.03.06. Because the Applicant has not demonstrated that motor vehicle sales was the established lawful use of the subject property, this interpretation does not address the Applicant's assertion that Section 3.17.02 operates separate and apart from Part 11.03.00, Nonconformities.

This is to certify that this Zoning Interpretation has been approved and signed by the Zoning Administrator in

accordance with Section 10.05.01.B of the Land Development Code.

07/23/2014 DATE

JOSEPH MOREDA III, AICP, CODE ADMINISTRATOR

7/23/2014

ATTEST: DEPUTY CLERK PAT FRANK

CLERK OF THE CIRCUIT COURT

SOARD OF COUNTY COMMISSIONER

• In accordance with Section 11.01.03 of the Land Development Code, interpretation decisions may be appealed to the Land Use Hearing Officer. Questions related to this interpretation should be directed to Joe Moreda at 276-8379

RCDF Ruskin Community Development Foundation

P.O. Box 695 Ruskin, Florida 33575 813-641-4099

August 13, 2018

Charles Andrews Senior Planner Hillsborough County Development Services Department Dear Mr. Andrews,

The Board of Directors would like to express the following concerns regarding RZ 18-0798:

- RTC-1 Non Permitted Use
- Narrative incorrectly states the historical use as "used car sales"
- RTC-1 Primary Intersection
- Intersection in need of major safety improvement
- 'Strategic Plan' for redevelopment of downtown being launched

The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied. Community Plans adopted into the County's Comprehensive Plan by the B.O.C.C., took months of staff time and community participation to develop and come to a consensus. While it was clear from the beginning there was no funding attached to these plans for implementation, there was a realistic expectation the county would support the intent of the individual community plans as projects came forward that were inconsistent.

The Board's position has no reflection on the applicant other than it is the wrong use for this location. We encourage the applicant to participate in the 'Strategic Plan' when it launches in the next few weeks as we believe it would help them to fully understand why Ruskin is so passionate about the way our downtown is redeveloped.

Sandra R. Council

President

cc: Mark Bentley Ty Maxey ON THE SOUTHWEST CORNER.

COMMISSIONERS, THIS IS A REQUEST TO REZONE FROM THE RTC-1 WHICH IS THE RUSKIN TOWN CENTER DISTRICT WHICH WAS PART OF THE IMPLEMENTATION PLAN FOR THE RUSKIN COMMUNITY PLAN SO THE APPLICANT IS PROPOSING FOR A PLANNED DEVELOPMENT AWAY FROM THE RTC USING THE PLANNED DEVELOPMENT AS A TOOL TO COME UP WITH A CUSTOMIZED DISTRICT.

IN THAT PROPOSAL, I WILL GIVE YOU BACKGROUND ABOUT THE RTC-1.

THE RTC-1 DISTRICT ANTICIPATES THAT THIS WILL BE A TOWN CENTER.

IT CONSIDERS IN THE CURRENT ZONING IN THE RTC-1 ZONING IT

CONSIDERS SHELL POINT AND 41 AS MAIN STREETS IN THAT

IMPLEMENTATION ZONING THAT WAS ADOPTED BY THE BOARD SEVERAL

YEARS AGO.

IN THE PD PROPOSAL, THE APPLICANT FROM A DESIGN PERSPECTIVE DOESN'T SIGNIFICANTLY DEVIATE FROM THAT.

IN THE PROPOSAL AT LEAST IN OUR ESTIMATION, WHAT IT DOES IS IT ADDRESSES THE EXISTING CONDITION IN TERMS OF THE BUILDING PLACEMENT, THE CAPACITY, THE SETBACKS THAT ARE REQUIRED AND RECOGNIZES THAT IN AN EXISTING CONDITION AND THEN ALSO ESTABLISHES HOW TO DEAL WITH THAT IF THE USE HAS CHANGED IN THE FUTURE.

WE BELIEVE THAT IN THAT ELEMENT OF THE PROPOSAL THAT THE

APPLICANT HAS DONE A SUFFICIENT JOB OF ADDRESSING THAT BUT WHERE

WE DEVIATE IN OPINION FROM THE APPLICANT IS ON THE ISSUE OF USE.

WHAT THE APPLICANT IS PROPOSING IN THE PLANNED DEVELOPMENT IS

A CAR SALES LOT, AND IN THAT WE FEEL THAT SINCE THIS IS THE MAIN STREET AREA WHETHER IT IS THE RTS-1 WHICH DOES NOT PERMIT THE CAR SALES OR IN THE PD PROPOSAL WE FEEL THAT THAT LAND USE IS FUNDAMENTALLY INCONSISTENT WITH WHAT THE MAIN STREET AND TOWN CENTER CONCEPT IS PROPOSED TO DELIVER.

SO WE ARE RECOMMENDING DENIAL OF THE REQUEST ON THAT BASIS.

>> SANDRA MURMAN: OKAY.

THANK YOU VERY MUCH, AND WE WILL NOW START WITH THE APPLICANT.
YOU WILL HAVE TEN MINUTES.

>> OKAY.

BEFORE I GET STARTED I HAVE A HANDOUT, TOO, AND THESE ARE -- MARK BENTLEY ONCE AGAIN, 401 EAST JACKSON STREET.

>> SANDRA MURMAN: CAN YOU GIVE THEM TO OUR COUNTY ATTORNEY AND HAVE HER VERIFY FOR US AND DID YOU WANT TO USE THE ELMO WITH THOSE?

>> YES, MA'AM.

I GAVE YOUR -- THE COUNTY ATTORNEY A HEADS UP AS TO WHICH ONES I'M GOING TO USE.

- >> SANDRA MURMAN: I THINK SHE JUST BRIEFLY IF YOU WILL JUST --
- >> YOU CAN PROCEED AND I WILL DISTRIBUTE THESE.
- >> THANK YOU VERY MUCH.
- >> SANDRA MURMAN: DO YOU WANT TO GO TO THE ELMO THERE IS A MICROPHONE OVER THERE.
- >> THANK YOU VERY MUCH.
- I APPRECIATE IT.

OUR CLIENT IS SEEKING A REZONING AT THE SOUTHWEST CORNER OF SHELL POINT AND U.S. 41.

IT IS A.52 ACRE SITE AND THE EXISTING USE IS AUTO SALES AND IT HAS BEEN IN CODE ENFORCEMENT FOR A FEW YEARS NOW.

WHAT HAPPENED WITH THE THIS IS NOT AN OVERLAY AN ACTUAL ZONING DISTRICT AND WHEN THE BOARD OF COUNTY COMMISSIONERS ENACTED THE RTC IN NOVEMBER OF 2006 IT HAD A PORTION OF THE TEXT IT PROHIBITED CERTAIN USES, AND ONE OF THOSE WAS AUTO SALES AND ONE OF THOSE WAS AUTO REPAIR.

ULTIMATELY WE APPROACHED THE COUNTY BECAUSE THE PREEXISTING USE OF THE PROPERTY AND THE COUNTY CONFIRMED THAT YOU CAN HAVE AUTO REPAIR THERE THAT DOESN'T HAVE TO COMPLY WITH SOME OF THESE RTC DESIGN STANDARDS WHICH I WILL TALK TO YOU ABOUT IN A SECOND. BUT AUTO SALES BECAUSE IT WAS NEVER PRINCIPLE USE OF THE PROPERTY IT WAS NOT A PERMITTED USE.

SO WHAT WE DID WAS WE FILED FOR PLAN DEVELOPMENT AND ONCE YOU DO THAT YOU DON'T HAVE TO COMPLY WITH ANY OF THESE DESIGN STANDARDS KIND OF LIKE I'M NOT SUGGESTING OPTING OUT, OKAY, BUT YOU ARE KIND OF AN ISLAND TO YOURSELF SO WHEN WE APPROACHED THE COUNTY THEY SAID IF YOU ARE GOING TO FILE A PD WOULD YOU MIND TRYING TO COMPLY WITH THESE RTC DESIGN STANDARDS TO THE EXTENT YOU CAN AND WE SAID CERTAINLY SO WE'VE DONE EVERYTHING WE CAN SHORT OF DEMOLISHING THE BUILDING AND THE PARKING LOT.

JUST TO GIVE YOU A FEEL FOR SOME OF THE RTC DESIGN STANDARDS
THEY REQUIRE THAT A BUILDING BE FOR EXAMPLE NOT FURTHER THAN

20 FEET FROM THE RIGHT-OF-WAY OR PROPERTY LINE.

CERTAINLY LINEAL FRONTAGE OF THAT BUILDING HAS TO BE WITHIN THE 20 FEET.

A CERTAIN PERCENTAGE HAS TO BE GLASS AND THERE CAN BE NO PARKING IN FRONT OF A BUILDING.

YOU WILL SEE IT IS INTERESTING SINCE THE RTC WAS ENACTED IN 2006
THERE HAVE BEEN ABSOLUTELY NO PROJECTS THAT HAVE COME IN AND
COMPLIED WITH THE RTC ANY REDEVELOPMENT PROJECTS AND TO THE
EXTENT ANY PROJECT HAS COMPLIED WITH THE RTC THERE HAVE BEEN
TWO PROJECTS COME IN.

ONE WAS AN AUTO ZONE THIS YEAR AND A COUPLE OF YEARS AGO WAS A FAMILY DOLLAR AND SO THE BOTTOM LINE SINCE 2006 REALLY SO THE UNREFUTED TESTIMONY AT OUR HEARING WAS IN THE ENTIRE 12-YEAR HISTORY OF THE RTC THIS WOULD BE THE MOST COMPLIANT PROJECT WITH RESPECT TO THE RTC DESIGN STANDARDS NOTWITHSTANDING THAT IT IS A PD YOU ARE NOT OBLIGATED TO DO THAT.

NOW, WITH ALL DUE RESPECT IF YOU REVIEW THE STAFF REPORTS THE PLANNING COMMISSION OR DEVELOPMENT SERVICES NEITHER STAFF BASED ON THE USE THERE IS NO ANALYSIS DONE IN TERMS OF COMPATIBILITY OF SURROUNDING AREA WITH RESPECT TO THE AUTO SALES USE.

AS A MATTER OF FACT THERE IS A RESTAURANT NEXT DOOR, THERE IS A SHOWROOM ON THE OTHER SIDE OF SHELL POINT, THE FAMILY DOLLAR IS ACROSS THE STREET.

THEY DID MENTION THE REPORTS THAT PURSUANT TO THE RTC AUTO SALES IS NOT A PERMITTED USE.

OKAY?

BUT THERE WAS NO OBJECTION BASED ON IN COMPATIBILITY OF THE SPECIFIC AUTO SALES USE WITH THE SURROUNDING AREA.

WHAT I'VE GIVEN YOU IS A PORTION OF THE CODE AND I'M GOING TO PARAPHRASE BECAUSE I KNOW I DON'T HAVE MUCH TIME AND THIS IS 317.07 WHICH STATES THAT CERTAIN USES IF YOU HAD AN EXISTING LAWFUL USE ON THE EFFECTIVE DATE OF THE ORDINANCE OR A LOT OR STRUCTURE OR CHARACTERISTIC OF LAND SUCH AS LACK OF PARKING, BUILDING LOCATION, LANDSCAPING, ACCESS, SIGNAGE, ET CETERA, THAT THEY WERE NOW FOREVER LAWFUL, EXISTING LAWFUL USE.

THERE WAS ABSOLUTELY NO PROVISION THAT IF YOU CHANGED THE USE, OKAY, THAT YOU HAVE TO DEMOLISH THE BUILDING SO YOU CHANGE FROM AUTO SALES TO AN ATTORNEY'S OFFICE OR A PAWN SHOP TO REALTOR'S OFFICE, OKAY, IF YOUR BUILDING DIDN'T MEET THE RTC STANDARDS THAT'S OKAY IN PERPETUITY AND THAT IS WHAT THAT SAYS THERE SO THEY TOOK A SNAPSHOT IN TIME ON U.S. 41 WHEN THEY ENACTED THIS ORDINANCE AND IT MAKES A LOT OF SENSE.

BECAUSE THE COMMUNITY WOULD HAVE NEVER BOUGHT INTO THE RTC IF
THE SITUATION WAS THAT YOU HAD TO DEMOLISH A BUILDING TO COMPLY
WITH RTC IF YOU WANTED TO CONVERT THE USE IT WOULDN'T MAKE A
LOT OF SENSE BUT AS I MENTIONED BEFORE SOMETHING IS UP WITH
DOWNTOWN RUSKIN BECAUSE ABSOLUTELY NOTHING IS HAPPENING WITH
RESPECT TO COMPLIANCE FOR THE RTC IN A 12-YEAR PERIOD SO MY
CLIENT IS TRYING TO DO THAT BUT HE CAN'T DEMOLISH HIS BUILDING
AND ELIMINATE THE PARKING LOT AND ALSO IF IT IS AN AUTO DEALER

WE DON'T CONSIDER IT PARKING AND IT IS MORE LIKE DISPLAY AREA AND WE WILL GET TO THAT IN A COUPLE OF MINUTES.

I ALSO PROVIDED YOU WITH THE UNCONTESTED AFFIDAVIT OF THE PRIOR OWNER OF THE PROPERTY WHO INDICATED THAT HE RAN AN AUTO REPAIR FROM '86 TO 2012 WITH ACCESSORY AUTO SALES AND I'VE MADE THIS CLEAR FOR THE COUNTY WE ARE NOT SUGGESTING THIS IS A IF ACTUAL-BLOWN AUTO SALES FACILITY.

IT WAS LIKE A LOT OF AUTO REPAIRS YOU WILL SEE OCCASIONALLY WHERE THEY WILL SELL, YOU KNOW, A SPORADIC CAR HERE OR THERE.

IT MIGHT BE THREE OR FOUR AND THAT'S ALL WE WERE SUGGESTING TO THE COUNTY IS THAT AUTO SALES WAS THERE FROM '86 TO 2012 AND THAT'S WHEN HE CONFIRMS SO SOME OF THE CONFUSION HAPPENED WHEN THE CODE GOT AMENDED A LOT OF THE PROPERTY OWNERS BECAUSE OF THE MAGNITUDE OF THE AREA WIDE ZONING DID NOT RECEIVE DIRECT NOTICE FROM THE COUNTY IT WAS PUBLISHED IN THE TAMPA TRIBUNE SO UNLESS YOU GO THROUGH A FEW PAGES IN YOUR CODE INTO THE RTC YOU WOULDN'T KNOW THAT FOR EXAMPLE AUTO SALES OR AUTO REPAIR IS PROHIBITED.

NOW, IF WE GET THIS APPROVED TODAY HOPEFULLY IS THAT THE AUTO REPAIR WHICH IS SANCTIONED IN PERPETUITY AND THIS AUTO REPAIR CAN HAVE CYCLONE FENCE NOT MEET ANY OF THE RTC DESIGN STANDARDS, NO LANDSCAPING AND ACCESS ISSUES, ET CETERA, IN AND NOT LOOK AESTHETICALLY PLEASING BUT THAT CAN STAY.

IF WE DO GET THIS APPROVED YOU WILL SEE WHAT WE HAVE COME UP WITH, A VERY BEAUTIFUL DESIGN, THAT WE WOULD RELINQUISH THE

RIGHT TO AUTO REPAIR.

THAT WOULD BE OFF THE TABLE, OKAY, AND WOULD YOU NEVER SEE THAT AGAIN.

SO I JUST WANT TO SHOW YOU A COUPLE OF PHOTOS.

THIS IS THE HAND-OUT I GAVE YOU HERE IS THAT ALTHOUGH WE CAN'T COMPLY WITH THE RTC WHAT WE'VE AGREED TO DO IS PUT THESE CANOPIES OVER THE DISPLAY AREA HERE THAT MIMIC BUILDINGS AND THEN WE REDUCE THE SIGNAGE AND ENHANCE LANDSCAPING, THE BUILDING WE'VE COMPLETELY RETROFITTED, ET CETERA, SO IT CAME OUT TO BE A PRETTY NICE PROJECT AND THESE ARE EXHIBITS 14 AND 15 IN THE RECORD AND HERE'S WHAT I AM TELLING YOU ALL, COMMISSIONERS, IS HERE IS AN AUTO REPAIR ON U.S. 41 THAT IS SUBJECT TO THE RTC AND BECAUSE IT WAS THERE ON THE EFFECTIVE DATE THIS CAN STAY THERE FOREVER. IT IS PROHIBITED USE AND THIS IS WHAT IT IS GOING TO LOOK LIKE AND HERE'S ANOTHER ONE DOWN THE STREET.

THIS IS PROHIBITED USE A PAWN SHOP, OKAY, AND THIS IS WHAT IT LOOKED LIKE IN 2006 BASED ON OUR RESEARCH AND THIS IS WHAT IT LOOKS LIKE NOW, OKAY?

AND IT IS NOT GOING TO COMPLY WITH THE RTC.

IT NEVER HAS TO.

WHETHER OR NOT IT IS A PAWN SHOP OR AN ATTORNEY'S OFFICE.

SO THERE ARE TWO WAYS TO ALLOW AUTO SALES OR SOME USE THAT'S PROHIBITED UNDER THE RTC.

ONE WAY IS TO AMEND THE LAND DEVELOPMENT CODE AND IF YOU DO THAT AND ALLOW SOMEONE TO OPT OUT THEY DON'T HAVE TO COMPLY WITH THE

RTC DESIGN STANDARDS.

NOW, THIS IS COUNTY COMMISSION SINCE THE ENACTMENT OF THE CODE IN 2006 HAS ALLOWED FOUR DIFFERENT PROPERTY OWNERS TO OPT OUT. AND THAT IS SIMPLY BY IDENTIFYING THEIR PROPERTY AND PUTTING THAT IN LAND DEVELOPMENT CODE UNDER AN EXISTING LAWFUL USE. THE SECOND PROCESS IS WHAT WE ARE TALK BEING TODAY AND WHAT WE ARE TRYING TO ACCOMPLISH AND THAT'S THROUGH A PD.

NOTE HERE AGAIN WITH A PD YOU DON'T HAVE TO COMPLY WITH THE RTC BUT MY CLIENT BEING A GOOD CORPORATE CITIZEN HE WANTS TO STAY THERE FOR THE LONG HAUL.

HE IS DOING REALLY WELL DOWN THERE.

HE WANTS TO COMPLY WITH THE RTC SO HE HAS DONE EVERYTHING IN HIS POWER BUT FOR THE DEMOLITION OF THE BUILDING AND THE PARKING LOT AND I THINK JOE ACCURATELY DESCRIBED WHAT IS GOING ON OUT THERE.

I THINK THE STAFF RECOGNIZES THE GOOD FAITH EFFORT THE CLIENT HAS MADE TO COMPLY WITH THE RTC EVEN THOUGH THEY DON'T HAVE ANY OBLIGATION.

SO TO MAKE UP FOR OUR SHORTFALL BY NOT DEMOLISHING OUR BUILDING OR OUR PARKING LOT WE INCORPORATED FEATURES THAT MEET THE SPIRIT AND INTENT OF RTC IN THE RENDERING THAT YOU HAVE HERE.

ENHANCED LANDSCAPING, CANOPIES, SIGNAGE, ELIMINATING ACCESS, ET CETERA.

THERE IS ALSO A RUSKIN DOWNTOWN PLAN THAT WE COMPLETELY COMPLY WITH AND THAT STATES ENCOURAGE COMMERCIAL DEVELOPMENT,

REDEVELOPMENT WITHIN DOWNTOWN RUSKIN AND PROMOTE COMMERCIAL DEVELOPMENT AT A SCALE AND DESIGN THAT REFLECTS THE CHARACTER OF THE COMMUNITY, PROMOTE BEAUTIFICATION ON 41 AND SHELL POINT, PLACE SIDEWALKS AT 41 AND SHELL POINT, WHICH WE INTEND TO DO, LANDSCAPING AT 41 AND SHELL POINT.

WE OFFERED UP AND TALKED TO THE ASSOCIATION WELCOME TO RUSKIN BUT I GUESS BY THE TIME YOU GET TO OUR CLIENT'S PROPERTY YOU ARE SO FAR INTO RUSKIN IT REALLY DOESN'T MAKE SENSE, YOU KNOW, SO THAT WAS OUR -- OFFERED UP AS WELL.

WE ALSO HAVE A LETTER OF SUPPORT IN THE RECORD.

>> SANDRA MURMAN: ALL RIGHT.

YOUR TIME IS UP.

YOU HAD TEN MINUTES.

- >> CAN I FINISH UP ON REBUTTAL THEN?
- >> SANDRA MURMAN: IN REBUTTAL YOU CAN.
- >> THANK YOU VERY MUCH.
- >> SANDRA MURMAN: WELL, ACTUALLY THERE ARE NO PEOPLE IN THE PARTIES OF RECORD SIGNED UP TO SPEAK SO YOU CAN JUST MOVE AGAIN JUST PAUSE FOR A SECOND.
- I KNOW THAT YOU ALL ATTENDED THE ZONING HEARING MASTER BUT YOU HAD TO, ACCORDING TO THE WAY THE PROCESS WORKS UP BECAUSE WE ARE QUASI-JUDICIAL UP HERE, AND AT THE ZONING HEARING MASTER YOU HAVE TO SIGN UP AS A PARTY OF RECORD EVEN THOUGH THEY SPOKE AT THE ZONING HEARING MASTER BUT THEY DIDN'T SIGN.

SO DO YOU WANT TO COMMENT FURTHER?

- >> THERE WERE NO REQUESTS FOR ORAL ARGUMENT FILED BY ANY OPPONENTS ON THIS REZONING.
- I JUST DOUBLE-CHECKED THE ELECTRONIC FILES TO SEE IF THERE WERE ANY ORAL ARGUMENTS OR REQUESTS THAT WERE MISSED AND I COULD NOT FIND ANY SO UNFORTUNATELY THOSE WHO DIDN'T SUBMIT ORAL ARGUMENT CANNOT BE ALLOWED TO BE PERMITTED TO SPEAK.
- >> SANDRA MURMAN: OKAY.
- SO WE CANNOT ALLOW ANY FURTHER TESTIMONY BECAUSE YOU ARE NOT A PART OF THE RECORD TO SPEAK.
- SO I WILL ALLOW YOU A FEW MINUTES ADDITIONAL TIME BECAUSE YOU

 ARE NOT REALLY REBUTTING ANYTHING BUT YOU DO HAVE THE FIVE

 MINUTES AVAILABLE TO YOU --- COMMISSIONER WHITE?
- >> STACY WHITE: MY THOUGHTS HAVE TO DO WITH THE PROCESS.

 I CAN SAVE IT FOR THE END OF THE MEETING.
- >> SANDRA MURMAN: I UNDERSTAND THAT I THINK AT THE ZONING
 HEARING MASTER MEETING DO THEY MAKE IT CLEAR ENOUGH TO THE
 RESIDENTS THAT THEY HAVE -- THEY HAVE TO DO THIS, SIGN UP AS
 A PARTY OF RECORD IN ORDER TO SPEAK AT THE ACTUAL HEARING WHERE
 WE APPROVE OR DISAPPROVE OF THE ITEM.
- IS THAT CLEAR ENOUGH TO THEM?
- >> THAT ANNOUNCEMENT IS MADE AT THE BEGINNING OF THE ZONING HEARING MASTER MEETING.
- IT IS ALSO PRINTED ON THE AGENDA FOR THE ZONING HEARING MASTER MEETING.
- >> STACY WHITE: DO I STILL HAVE THE FLOOR, MADAM CHAIR?

- >> SANDRA MURMAN: YES.
- >> STACY WHITE: I'M TO THE POINT TO WHERE, YOU KNOW, I'M READY
 TO ASK STAFF AND I CAN BRING THIS AS AN ITEM TO THE NEXT LAND
 USE MEETING.

I'M AT THE POINT TO WHERE I THINK WE NEED TO HAVE A STAFF MEMBER AT A STATION AND HAVE AN ANNOUNCEMENT DIRECTING CITIZENS TO THAT STATION AT SOME POINT DURING THE MEETING SO THEY CAN STOP THERE AND STAFF CAN SAY, OKAY, YOU NEED TO DO X, Y, Z IF YOU WOULD LIKE TO CONTINUE TO SPEAK AT THE COUNTY COMMISSIONER'S MEETING.

>>

- >> SANDRA MURMAN: WE DO THIS AT THE COUNTY COMMISSION BOARD MEETINGS NOW THEY HAVE STAFF AT A TABLE WHERE THEY SIGN UP TO SPEAK AND THEY STAY IN THERE AND THEY ARE AVAILABLE TO ASK QUESTIONS BUT I DO AGREE THAT I THINK SOMETHING, SOMETHING NEEDS TO BE MADE CLEAR.
- I JUST THINK IT PROBABLY WASN'T CLEAR TO THEM.
- >> THAT'S A GREAT SUGGESTION.
- WE CAN HAVE A STAFF PERSON THERE DEDICATED FOR THAT PURPOSE AND --
- >> SANDRA MURMAN: I THINK YOU REALLY SHOULD DO THAT BECAUSE IF PEOPLE SPEAK, IF THEY SEE PEOPLE SPEAK ON ITEMS AT THE MEETING THEN THEY NOTICE IF THEY DON'T SIGN UP AS PARTIES OF RECORD THEY ARE PROBABLY GOING TO ASSUME THEY CAN SPEAK BECAUSE THEY DON'T KNOW OTHERWISE.
- SO COMMISSIONER KEMP, YOU ARE RECOGNIZED.

>> PAT KEMP: THANK YOU.

THE POLICY WE HAVE OF REQUIRING PEOPLE TO APPEAR AT THE ZONING HEARING MASTER, WAIT UNTIL ZONING HEARING MASTER DECISION IS OUT AND THEN NOTIFY THAT THEY ARE GOING TO COME TO THE MEETING TO SPEAK AFTERWARDS ONCE AGAIN DOES NOTHING ONLY DISSUADES PEOPLE FROM ENGAGEMENT, ONLY MAKES BARRIERS TO ENGAGEMENT. OTHER PLACES DO NOT HAVE THAT REQUIREMENT.

NOR SHOULD WE.

I WILL BE TOTALLY IF I COULD GET SUPPORT FOR THAT IN ELIMINATING THAT REQUIREMENT IF SOMEONE SPEAKS AT THE ZONING HEARING MASTER THERE IS NO REASON WHY THEY SHOULDN'T ADDRESS OUR MEETING WITH THE SAME INFORMATION AND WITHOUT A REQUIREMENT AND AN ADDITIONAL BARRIER THAT NOT ONLY DO THEY COME FROM RUSKIN OR WHEREVER ELSE TO COME TO THE ZONING HEARING MASTER TO MAKE THEIR POINTS BUT THEN THEY HAVE TO WAIT UNTIL THERE IS A ZONING HEARING MASTER AND THEN FIT WITHIN THE WINDOW OF NOTIFYING THAT THEY ARE GOING TO SPEAK AT THIS HEARING AFTER THE ZONING HEARING MASTER'S DECISION AND THEN BUT WITHIN DAYS BEFORE THIS MEETING.

I THINK IT IS AN ONEROUS REQUIREMENT.

A REQUIREMENT THAT DOES NOTHING BUT DISSUADE THE PUBLIC FROM ENGAGEMENT AND A REAL BARRIER AND ONE THAT I THINK WE NEED TO ELIMINATE HERE IN THE FUTURE.

>> SANDRA MURMAN: WE DO SEE IT VERY OFTEN, ABSOLUTELY.

YOU CAN CONTINUE.

>> THANK YOU.

THERE WAS ONE OPPONENT WHO SPOKE AT THE HEARING FOR WHAT IT IS WORTH.

AS I MENTIONED, SOMEONE RECENTLY PURCHASED THE NORTHWEST CORNER OF SHELL POINT AND 41 WHICH IS A PRIMARY LOCATION DOWNTOWN RUSKIN AND THEY ISSUED A LETTER OF SUPPORT.

THEY ARE CONVERTING THE FACILITIES FROM A SHOWROOM TO AN ATTORNEY'S OFFICE AND MEDICAL EXCUSE ME EMERGENCY MEDICAL FACILITY AND THEY INDICATED THAT THEY APPROACHED THE COUNTY AND THEY DID NOT HAVE TO APPLY WITH THE RTC BECAUSE IT WAS AN EXISTING SITUATION IN TERMS OF THE BUILDING AND THE LAYOUT.

IN SUMMARY AUTO SALES WAS PERMITTED USE UNTIL NOVEMBER OF 2006.

THE PD BEFORE YOU COMPLIES WITH THE MAJORITY OF RTC STANDARDS

ALTHOUGH IN THE REQUIRING FOR THE PD.

TWO NEW PROJECTS AUTO ZONE AND FAMILY DOLLAR AND EVEN THESE TWO NEW PROJECTS FROM THE GROUND UP COULD NOT COMPLY WITH THE RTC AND NEEDED MULTIPLE VARIANCES AND THE INTENT OF THE RTC IS NOT TO REQUIRE DEMOLITION BUT TO ENCOURAGE REDEVELOPMENT OF EXISTING STRUCTURES WHICH WE CANNOT COMPLY WITH THE LETTER OF THE LAW OF THE RTC BECAUSE OF THE SITUATION.

THIS IS THE MOST SIGNIFICANT REDEVELOPMENT PROJECT IN THE HISTORY OF THE RTC AND I WOULD LIKE TO TURN IT OVER AND THERE WAS NO SUBSTANTIAL COMPETENT EVIDENCE IN THE RECORD SUPPORTING THAT AUTO SALES IS IN COMPATIBLE WITH THE AREA OR INCONSISTENT WITH THE COMPREHENSIVE PLAN.

- I WOULD LIKE TO TURN IT OVER TO OUR PLANNER FOR A TWO OR THREE-MINUTE PRESENTATION TO FOCUS ON THE RTC DESIGN STANDARDS. THANK YOU.
- >> SANDRA MURMAN: YOU HAVE THREE AND A HALF MINUTES.
- >> FOR THE RECORD, TY MAXEY, I JUST WANTED TO REITERATE IN THE PROPOSED PROJECT PROVIDES IMPROVEMENTS TO THE SITE WHICH WE IMPLEMENT OR WILL IMPLEMENT TO TRY TO BRING THE PROPOSED INTO CONFORMANCE.
- >> SANDRA MURMAN: WAIT ONE SECOND.
- HE IS NOT SIGNED UP IN THE PARTY OF RECORD.
- >> BECAUSE HE IS ON THE APPLICANT'S TEAM AND HE DID SPEAK AT
 THE ZONING HEARING MASTER HE IS PERMITTED TO PROCEED.
- >> SANDRA MURMAN: I NOTICE OTHER APPLICANTS HAVE THEIR PEOPLE SIGNED UP AS PARTY OF RECORD.
- >> SOMETIMES --
- >> SANDRA MURMAN: THIS WHOLE PROCESS NEEDS TO BE LOOKED AT.
- >> OKAY.

THANK YOU.

SO I JUST WANTED TO AGAIN I WANTED TO REITERATE THAT WE, YOU KNOW, PROVIDED FOR THESE CANOPY STRUCTURES ONE OF THE CONDITIONS IN THE RTC STANDARDS IS THAT YOUR BUILDING MUST BE BROUGHT FORWARD WITH A MAXIMUM 20-FOOT SETBACK ALONG THE FRONTAGES WITH AN EXISTING SITUATION THE BUILDING IS ALREADY BEEN CONSTRUCTED. IT HAS BEEN THERE FOR MANY, MANY YEARS.

WE DECIDED TO PROVIDE THESE CANOPY STRUCTURES WHICH ESSENTIALLY PROVIDE AN ALTERNATIVE AND THEY NOT ONLY PROVIDE SCREENING OF THE VEHICLE STORAGE OR THE VEHICLE INVENTORY ON THE SITE BUT THEY ALSO PROVIDE A STRUCTURAL ELEMENT BRINGING THAT CLOSER TO THE FRONTAGE.

THE APPLICANT'S PROJECT IS AS MARK STATED COMPLIANT WITH THE MAJORITY OF THE STANDARDS ONLY A FEW IT IS NOT COMPLIANT WITH IT HAS TO DO WITH THE PLACEMENT OF THE BUILDING, THE PLACEMENT OF THE PARKING AREA, THE ORIENTATION OF THE BUILDING.

WE BELIEVE THIS IS A SMALL BUSINESS THAT SERVES THE COMMUNITY OF RUSKIN AND ITS RESIDENTS.

THE SCALE OF THE BUSINESS IS NOT OBTRUSIVE AND FURTHERS THE RUSKIN COMMUNITY VISION STATEMENT WHICH PROMOTES AND I QUOTA DOWNTOWN THAT IS MADE UP OF SMALL BUSINESSES AS OPPOSED TO BIG BOX BUSINESSES, END QUOTE, PRESERVES ITS SMALL TOWN CHARACTER. THE ENHANCED LANDSCAPING IMPROVEMENTS PROVIDES -- PROVIDED BY THE PD ALSO FURTHER THE RUSKIN VISION STATEMENT THAT, QUOTE, ENVISIONS A COMMUNITY EXTRAVAGANTLY LAVISHED WITH TREES AND LUSH LANDSCAPES OF NATIVE FLORIDA PLANTS EXISTING AND NEW. THERE ARE OTHER COMPONENTS OF THE RUSKIN COMMUNITY VISION STATEMENT AND THE RUSKIN PLAN GOALS AND STRATEGIES WHICH INCLUDE ENCOURAGING COMMERCIAL DEVELOPMENT AND REDEVELOPMENT WITHIN THE RUSKIN AND THE TOWN CENTER AREA, PROMOTING COMMERCIAL DEVELOPMENT AT A SCALE AND DESIGN THAT REFLECTS THE CHARACTER OF THE COMMUNITY, PROMOTING BEAUTIFICATION AND LANDSCAPING

ALONG U.S. 41 AND SHELL POINT ROAD, PROHIBITING POLE SIGNS.

WE ARE ELIMINATING THE EXISTING SIGN AND PROVIDING FOR A GROUND

SIGN AND COMPLETING SIDEWALKS ALONG SHELL POINT ROAD WHICH WILL

ALSO BE A PROPOSAL OF THIS PROJECT.

THE PD REZONING REQUEST IS COMPATIBLE WITH THE EXISTING AND PROPOSED ZONING AND THE DEVELOPMENT PATTERN WITHIN THE AREA AND WE WOULD RESPECTFULLY REQUEST YOUR APPROVAL.

THANK YOU.

>> SANDRA MURMAN: THANK YOU VERY MUCH.

OKAY.

THAT CONCLUDES OUR ORAL ARGUMENT PART OF THIS ITEM.

I WILL GO TO THE PLANNING COMMISSION FOR THEIR REPORT.

>> THANK YOU, MADAM CHAIR, TONY GARCIA, PLANNING COMMISSION STAFF.

THE SUBJECT SITE IS APPROXIMATELY.52 ACRES LOCATED AT THE SOUTHWEST CORNER OF SHELL POINT ROAD AND U.S. HIGHWAY 41.

THE SITE IS DEVELOPED WITH A MOTOR VEHICLE SALES BUSINESS CONSISTING OF A -- APPROXIMATELY 1800 SQUARE FOOT BUILDING AND INVENTORY DISPLAYED MAINLY ALONG THE FRONTAGE OF SHELL POINT ROAD AND U.S. HIGHWAY 41.

THE SITE IS DESIGNATED OFFICE COMMERCIAL 20 ON THE FUTURE LAND USE MAP WITH A MAXIMUM FLOOR AREA RATIO OF.75.

THE SURROUNDING USES IN THE AREA INCLUDE A FAST FOOD RESTAURANT
TO THE SOUTH, VACANT PARCELS TO THE WEST AND EAST AND A REAL
ESTATE OFFICE NORTH OF THE SITE

THE REZONING REQUEST IS TO CHANGE THE RUSKIN TOWN CENTER ONE ZONING DISTRICT TO A PLANNED DEVELOPMENT TO RECOGNIZE THE EXISTING MOTOR VEHICLE SALES BUSINESS AND ALLOW OTHER RTC-1 PERMITTED USES.

IT SHOULD BE NOTED THAT THE SITE UNDERWENT A ZONING VERIFICATION
IN 2014 AND IT WAS DETERMINED BY THE DEVELOPMENT SERVICES
DEPARTMENT THAT THE SITE FAILED TO ESTABLISH THAT MOTOR VEHICLE
SALES WAS AN EXISTING LAWFUL USE AT THE TIME OF THE ESTABLISHMENT
OF THE RUSKIN TOWN CENTER ONE ZONING DISTRICT.

POLICY 9.2 OF THE FUTURE LAND USE ELEMENT STATES THAT

DEVELOPMENTS MUST MEET OR EXCEED LAND DEVELOPMENT REGULATIONS.

PLANNING COMMISSION STAFF BELIEVES THERE ARE SEVERAL MAJOR

DEVIATIONS FROM THE LAND DEVELOPMENT CODE THAT THE PROPOSED PLAN

DEVELOPMENT IS FAILING TO ADHERE TO.

DEVELOPMENT UNDER THE RUSKIN TOWN CENTER ONE DISTRICT ALLOWS

FOR COMMERCIAL GENERAL AND RESIDENTIAL MULTI FAMILY

CONVENTIONAL USES WITH THE PROHIBITION OF CERTAIN USES, MOTOR

VEHICLE SALES BEING ONE OF THOSE THAT ARE PROHIBITED.

A MAJOR COMPONENT OF THE RUSKIN TOWN CENTER ONE IS THE DESIGN OF THE SITE.

SHELL POINT ROAD AND U.S. HIGHWAY 41 ARE CONSIDERED MAIN STREETS WITHIN THE RUSKIN TOWN CENTER.

PER THE DEVELOPMENT REGULATIONS DEVELOPMENT ALONG MAIN STREETS SHOULD HAVE PARKING LOCATED BEHIND THE FRONT FACADE OF A MAIN STREET BUILDING.

A BUILDING'S PRIMARY ORIENTATION SHOULD BE TOWARD THE STREET RATHER THAN PARKING AREAS AND THE ENTRANCE SHALL BE VISIBLE AND ACCESSIBLE FROM THE PUBLIC STREET.

WITH THE INVENTORY OF CARS PARKED ALONG THE FRONTAGE OF THE MAIN STREET AND THE BUILDING FRONTAGE SET OUTSIDE OF THE DESIGN PARAMETERS THAT REQUEST WOULD NOT MEET THESE STANDARDS.

BECAUSE OF PARKING FRONTS IS A DOMINANT PORTION OF SITE THIS CREATES THE LOOK OF STRIP DEVELOPMENT.

OBJECTIVE 23 OF THE FUTURE LAND USE ELEMENT AS WELL AS THE RUSKIN COMMUNITY PLAN DISCOURAGES STRIP DEVELOPMENT.

THE APPLICANT DID ATTEMPT TO MAKE CHANGES TO FURTHER THE INTENT OF THE RTC-1 REGULATIONS FENCES WITHIN THE RTC-1 AREA ARE TO BE MADE OF MASONRY OR VINYL OR CAST IRON SO THE APPLICANT HAS AGREED TO REMOVE THE CHAIN LINK FENCE CURRENTLY ON THE SITE. THE APPLICANT IS PROVIDING ADDITIONAL SCREENING AND AN AWNING ABOVE THE CARS AS SHOWN ALONG SHELL POINT ROAD AND U.S. HIGHWAY 41 TO REDUCE THE APPEARANCE OF THE DISPLAY OF CARS.

THOUGH THE APPLICANT IS PROVIDING INCREASED SCREENING ALONG THE FRONTAGE OF THIS SITE SCREENING THE WASTE STORAGE AND MECHANICAL EQUIPMENT THE PROPOSED DESIGN OF THE SITE IS TOO MUCH OF A DEVIATION FROM THE REQUIRED STANDARDS THAT IS NOT MEETING THE INTENT OF THE RUSKIN COMMUNITY PLAN.

BASED UPON THESE FINDINGS PLANNING COMMISSION STAFF FINDS THE PROPOSED REQUEST INCONSISTENT WITH THE COMPREHENSIVE PLAN.

THANK YOU.

>> SANDRA MURMAN: THANK YOU VERY MUCH.

ZONING HEARING MASTER WE WILL NOW HEAR YOUR REPORT.

>> ZONING HEARING MASTER CONSIDERED THE REQUEST TO REZONE.52

ACRES FROM RUSKIN TOWN CENTER 1 ZONING TO PLANNED DEVELOPMENT.

FOR THE PURPOSE OF RECOGNIZING THE EXISTING COMMERCIAL BUILDING

AS IT CONTINUED TO UTILIZE THE BUILDING FOR MOTOR VEHICLE SALES

AS WELL AS PERMITTING ALL USES ALLOWED UNDER THE RTC-1 ZONING

DISTRICT.

ACCORDING TO THE APPLICANT'S REPRESENTATIVE THE PROPERTY WAS UTILIZED AS A MOTOR VEHICLE REPAIR FACILITY WITH ANCILLARY VEHICLE SALES FROM 1986 TO 2012.

THE CURRENT PROPERTY OWNER PURCHASED THE PROPERTY IN DECEMBER OF 2012 AND 2014.

THE PROPERTY OWNER REQUESTED A ZONING INTERPRETATION FROM HILLSBOROUGH COUNTY REGARDING THE SALE OF MOTOR VEHICLES ON THE PROPERTY WHICH WAS SUBJECT TO THE RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS.

THE COUNTY DETERMINED AT THAT TIME THAT WHILE NEIGHBORHOODS SERVING MOTOR VEHICLE REPAIR WAS PERMITTED IN THE RTC-1 ZONING DISTRICT MOTOR VEHICLE SALES WAS PROHIBITED.

FURTHER, THE COUNTY DETERMINED THAT THE PROPERTY OWNER HAD NOT PROVIDED ADEQUATE EVIDENCE THAT THE MOTOR VEHICLE SALES USE WAS AN EXISTING LAWFUL USE AND THEREFORE NOT PERMITTED.

TESTIMONY WAS PROVIDED AT THE ZONING HEARING MASTER MEETING IN OPPOSITION PRIMARILY FOCUSED ON THE LACK OF ADHERENCE TO THE

RUSKIN COMMUNITY PLAN FOR BOTH THE USE OF THE PROPERTY AND THE PROPOSED DESIGN.

THE PLANNING COMMISSION STATED THAT REQUESTS -- SIGNIFICANTLY
DEVIATES FROM THE RUSKIN COMMUNITY PLAN AND THE DEVELOPMENT
SERVICES DEPARTMENT ALSO DOES NOT SUPPORT THE REQUEST AS MOTOR
VEHICLE SALES IS NOT A PERMITTED USE IN THE RUSKIN TOWN CENTER
AND THE PROPOSED DESIGN DOES NOT MEET KEY STANDARDS ESTABLISHED
FOR THE RUSKIN TOWN CENTER IN THE LAND DEVELOPMENT CODE.
BASED ON THE FOREGOING THE RECOMMENDATION IS FOR DENIAL OF THE
PLANNED DEVELOPMENT REZONING REQUEST AS INDICATED BY THE
FINDINGS OF FACT AND CONCLUSIONS OF LAW.

>> SANDRA MURMAN: OKAY.

THANK YOU VERY MUCH.

I THINK I WILL MAKE MY COMMENTS FIRST AND I WILL CALL ON YOU,
COMMISSIONER KEMP, IF THAT'S OKAY.

I DO WANT TO READ WHAT SHE SAID HER TESTIFYING AT THE ZONING HEARING MASTER.

SHE STATED THAT SHE WAS SPEAKING ON BEHALF OF THE RUSKIN COMMUNITY DEVELOPMENT FOUNDATION, THE REZONING REQUEST IS INCONSISTENT WITH THE RTC-1 ELEMENT AND SHOULD BE DENIED THE PROPOSED USE AS THE WRONG USE AND THE WRONG PLACE.

SHE ADDED SHE IS ALSO AN ADJOINING PROPERTY OWNER.

SO SINCE SHE CAN'T TESTIFY HERE TODAY BECAUSE OF OUR PROCESS I WANTED TO MAKE SURE HER REMARKS WERE READ INTO THE RECORD. THIS, YOU KNOW, WE GET PUT IN THESE POSITIONS UP HERE, BUT I

AM SO CLOSE TO THE RUSKIN COMMUNITY.

THEY KNOW I HAVE WORKED ALONGSIDE THEM ON THEIR COMMUNITY PLAN,
THEIR, YOU KNOW, THE FIRE HOUSE CENTER, YOU KNOW, WE'RE WORKING
ON A WHOLE NEW COMMUNITY CENTER TO GO IN DOWN THERE.

I JUST, YOU KNOW, THIS USE, I GUESS, IT DOESN'T PROMOTE OR IT JUST GOES AGAINST THE TOWN CENTER CONCEPT, AND I'M NOT SAYING YOUR PROPOSAL IS BAD BUT JUST THE A THE WRONG PLACE AND IT IS NOT THE RIGHT TIME.

I GUESS I SHOULD ASK YOU, DID YOU WORK WITH THE RESIDENTS AT ALL WHEN YOU WERE PLANNING THIS?

>> MARK BENTLEY, WHAT WE HAD DONE IS WE UNDERSTAND MISS COUNCIL
IS THE POINT PERSON PLUS THE ADJOINING PROPERTY OWNER SO WE SAT
DOWN WITH HER AND PROVIDED HER ALL OF THE INFORMATION AND THE
RENDERING AND TRIED TO GET FEEDBACK SO TO THAT EXTENT WE DID,
YES.

>> SANDRA MURMAN: THANK YOU.

I THINK THAT, YOU KNOW, THE FACT THAT EVERYBODY IS IN DENIAL FOR THIS PROJECT I THINK IT PUTS US IN A REALLY TOUGH PLACE TO GO AGAINST STAFF, PLANNING COMMISSION, ZONING HEARING MASTER TO REALLY MOVE THIS PROJECT FORWARD.

I KNOW WHAT MY VISION IS FOR THE RUSKIN COMMUNITY.

EVERYBODY AND THEIR BROTHER IS MOVING DOWN TO THAT AREA.

IT IS THE MOST SPRAWLED OUT COMMUNITY I HAVE EVER SEEN.

THAT HAS DEVELOPED BUT IT IS DEVELOPING IN A REALLY GREAT WAY

AND WE AS COMMISSIONERS HAVE TO KEEP OUR EYE ON THAT SO WE MAKE

SURE EVERY PIECE OF IT GOES ALONG WITH WHAT THE CITIZENS HAVE DONE IN BUILDING THEIR PLANS.

I RESPECT THE WORK THAT YOU ALL HAVE DONE BUT I'M ABSOLUTELY GOING TO HAVE TO PASS THE GAVEL.

CAN I PASS IT TO YOU?

TO DENY THIS PROPOSAL.

ITEM G.5.

I JUST, I THINK IT DOESN'T PROMOTE WALKABILITY, IT DOESN'T
PROMOTE THE TOWN CENTER CONCEPT THAT THEY ARE WORKING SO HARD
TOWARDS AND I JUST THAT'S IT.

>> STACY WHITE: WE HAVE A MOTION TO DENY.

SECONDED BY COMMISSIONER KEMP.

COMMISSIONER KEMP, YOU ARE RECOGNIZED.

>> PAT KEMP: THANK YOU FOR THE MOTION.

I DO RECOGNIZE THAT THE APPLICANT WENT TO SOME LENGTHS TO TRY
TO MAKE THE MOST PALATABLE OF THIS CORNER BUT THINK IT IS VERY,
VERY CLEAR IT WAS A DENIAL BY THE -- VERY RARE TO GET A LINEUP
LIKE THIS.

A DENIAL BY THE ZONING HEARING MASTER AND NOT SUPPORTED BY THE DEVELOPMENT SERVICES AND INCONSISTENT BY THE PLANNING COMMISSION, YOU KNOW, IN THE PAST FAILURE TO ESTABLISH THAT MOTOR VEHICLE SALES WERE PART OF, YOU KNOW, WHAT WAS DONE THERE. I REALIZE MAYBE IT WAS A SIDE THING.

MY MECHANIC DOES THE SAME, AND THIS I THINK WOULD BE -- I MEAN THE COMMUNITY PLANS WERE ABOUT VISION, ABOUT CHANGE.

THE FACT THAT THE TOWN CENTER HASN'T HAPPENED YET I THINK WITH ALL OF THE DEVELOPMENT HAPPENING AROUND IT IS GOING TO HAPPEN AND THIS IS A PRIME TIME TO HAVE IT HAPPEN AND THIS WOULD BE A REAL SET BACK.

>> SANDRA MURMAN: I SHOULD HAVE SAID THIS EARLIER THEY ARE WORKING WITH THE PLANNING COMMISSION AS WE SPEAK RIGHT NOW IN GETTING THAT WHOLE PROCESS MOVING FORWARD.

>> PAT KEMP: RIGHT.

WE NEED TO BE FACILITATORS OF THAT VISION AND THIS IS AN OPPORTUNITY TO DO THAT.

WE'VE BEEN IN A RECESSION WHERE THESE -- IT HASN'T BEEN REALIZED AND THIS IS THIS IS A CHANCE WE HAVE TO MOVE FORWARD.

I THINK IT IS VERY CLEAR FROM ALL OF THE REVIEWS THAT THIS HAS BEEN THROUGH THAT THIS ISN'T APPROPRIATE FOR US TO APPROVE THIS AND SO I'M SUPPORTING THE DENIAL.

>> OKAY.

THANK YOU, COMMISSIONER MILLER, YOU ARE RECOGNIZED.

>> LES MILLER, JR: YOU ARE GOING DOWN IN FLAMES, BUDDY.

IS THERE SOMETHING ELSE YOUR CLIENT COULD LOOK AT WITH THIS LAND AND DO SOMETHING TO IT?

>> WELL, HE CAN SELL IT FOR THE AUTO REPAIR WITH THE OLD CYCLONE FENCE AND KIND OF LOOK PRETTY TERRIBLE OUT THERE AND THAT'S WHAT HAS BEEN SANCTIONED BY THE COUNTY JUST ANOTHER AUTO REPAIR. HE COULD WALK AWAY AND LEAVE THAT.

>> SANDRA MURMAN: COMMISSIONER MILLER, I CAN TELL YOU THAT I

WOULD WITHDRAW MY MOTION TO DENY AND MAKE ANOTHER MOTION TO REMAND IF HE WERE TO WORK WITH RESIDENTS AND COME BACK WITH SOMETHING THAT EVERYBODY CAN LIVE WITH.

- >> I WOULD CERTAINLY DO THAT WITH THE UNDERSTANDING THAT, YOU KNOW, AT THE END OF THE DAY THE USE WOULD BE AUTO SALES BUT THEY WANT TO HELP US WITH THE DESIGN.
- >> SANDRA MURMAN: I'M WILLING TO GIVE YOU A SHOT TO WORK WITH
 THEM AND LIKE I DO SEE WHERE THIS IS HEADED AND BUT I THINK I'M
 HAPPY TO DO THAT BUT YOU'VE GOT TO WORK WITH THE CITIZENS AND
 YOU'VE GOT TO REALLY UNDERSTAND THEY DON'T WANT AUTO SALES ON
 THEIR CORNER.
- IF YOU CAN'T GET PAST THAT THEN WE ARE PROBABLY GOING TO HAVE TO PROCEED WITH THE MOTION TO DENY.
- >> WHAT WE ARE SEEKING IS AUTO SALES AND ANYTHING ELSE THAT IS ALLOWED UNDER THE RTC.
- >> WHAT ELSE IS ALLOWED UNDER THE RTC?
- >> 30 DIFFERENT THINGS.
- >> LES MILLER, JR: DO 30 DIFFERENT THINGS AND COME BACK.
- >> SANDRA MURMAN: AND WORK WITH THE CITIZENS.
- / I'LL REMOVE MY MOTION TO DENY AND I WILL MAKE MY MOTION --
 - >> STACY WHITE: COMMISSIONER MILLER STILL HAS THE FLOOR.
 - >> LES MILLER, JR: YOU ARE RAISING YOUR HAND.
- WHAT IS IT?
 - >> WHY DON'T WE DO THIS, OKAY?
 - HERE AGAIN MY CLIENT IS NOT HERE HE IS OUT OF THE COUNTRY AND

I HATE TO AT LEAST IF AUTO SALES WASN'T GOING TO BE SANCTIONED HE MIGHT HAVE THE ABILITY TO PUT IT TO ANOTHER USE.

- >> I THINK YOU NEED A REMAND EVEN THOUGH YOUR CLIENT IS OUT OF THE COUNTRY AND IF WE KILL THIS IT IS GOING TO BE PO'D.
- >> WAS I GOING DOWN IN FLAMES?
- >> SANDRA MURMAN: I WILL DO MY MOTION TO REMAND.
 - >> STACY WHITE: WE HAVE A MOTION ON THE FLOOR TO REMAND NOW THE PREVIOUS MOTION WAS WITHDRAWN.

SECONDED BY COMMISSIONER MILLER.

STAFF IS A MOTION TO REMAND THE PROMOTION IS THAT IN ORDER?

>> YES, THAT IS IN ORDER.

DATE IS NOVEMBER 19 AT 6:00 P.M.

>> STACY WHITE: THE DATE AND TIME IS NOTED FOR THE RECORD.

SEEING NO DISCUSSION ON THAT MOTION TO REMAND, PLEASE RECORD YOUR VOLT.

- >> MOTION CARRIED 6-0.
- >> SANDRA MURMAN: NOW I NEED A MOTION TO OPEN FOR ORAL ARGUMENT ON G.7.

MOTION BY COMMISSIONER MILLER AND SECONDED BY COMMISSIONER WHITE.

PLEASE RECORD YOUR VOTE.

- >> MOTION CARRIED 6-0.
- >> SANDRA MURMAN: OKAY.

AND WITH THAT WE WILL GOO TO STAFF.

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: RZ PD 18-0798 RU

DATE OF HEARING: August 20, 2018

APPLICANT: Johnson Pope Bokor Puppel & Burns,

LLP

PETITION REQUEST: A request to rezone property from RTC-

1 to PD to recognize an existing commercial building and permit motor

vehicle sales, rentals and auctions as well as other uses permitted by RTC-1

LOCATION: 108 North Hwy. 41

SIZE OF PROPERTY: 0.52 acres, m.o.l.

EXISTING ZONING DISTRICT: RTC-1

FUTURE LAND USE CATEGORY: OC-20

SERVICE AREA: Urban

COMMUNITY PLAN: Ruskin

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone from RTC-1 (Ruskin Town Center) to the PD (Planned Development) zoning district to acknowledge an existing small commercial building and lot, *Car Credit*, to continue to be utilized for motor vehicle sales, rentals, and auctions-all types and to permit any other uses permitted under the RTC-1 zoning district found in Land Development Code (LDC) Section 3.17.00, Ruskin Town Center Development Regulations.

1.2 Analysis of Non-Compliance and Proposed Alternatives

Per the application, the applicant is not proposing any variations to the Land Development Code.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located within the Urban Service Area (USA). Per the submitted site plan, the site is providing access onto West Shell Point Road with no cross-access being provided.

1.4 Comprehensive Plan Consistency

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

1.5 Compatibility

Development Services staff finds the proposed rezoning is inconsistent with the development pattern in the area. Per Land Development Code (LDC) Section 3.17.09.h., *Prohibited Uses*, of the Ruskin Town Center, Motor Vehicle Sales, Residential and Auctions-All Types is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center.

Per LDC Section 3.17.03.A., Designation of Streets, West Shell Point Road and North US Highway 41 are established as main streets, both of these streets which the subject property fronts and serve as its north and easitern property boundaries (see graphic to the left). Per the request, while the applicant has shown they can comply with some of the design standards of the established zoning district, they cannot meet some of the key standards found under LDC Section 3.17.03, General Development Standards and LDC Section 3.17.04, Standards for Non-Residential, Mixed-Use and Multi-Family Development.

Specifically, under these sections, the request cannot meet the design standards pertaining to off-street parking (surface parking lots) for projects located on Main Streets, minimum building frontages and building design.

Per Zoning Interpretation (ZI) 14-0767, the applicant requested a formal interpretation of the Land Development Code as it related to a business selling used motor vehicles on the subject property. The applicant stated that uses on the subject property related to Motor Vehicle Sales, Rentals and Auctions-All Types were actively occurring on the site prior to the establishment of Ordinance 06-34 which established Land Development Code Section 3.17.00 Ruskin Town Center Development Regulations and the RTC-1 (Ruskin Town Center) zoning district which prohibited the aforementioned use. Per the Zoning Administrators interpretation, the applicant has not demonstrated that motor vehicle sales was the subject property's principal use at the time that Ordinance 06-34 was adopted on November 2, 2006, to recognize motor vehicles sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned and that the applicant had failed to establish that motor vehicle sales was an "existing lawful use" on the subject property at the time of the adoption of Ordinance 06-34.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. *The Dog House*, a commercial restaurant, resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a *Family Dollar*, reside across the road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned *Family Dollar* is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1. The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district (see site photo below).

Given the adopted regulations and design standards of the Ruskin Town Center and the established development pattern of the area, staff does not find the request compatible.

1.6 Agency Comments

Staff received objections from a reviewing agency (as noted above in Section 1.4).

Conservation and Environmental Lands Management (ELAPP), The Environmental Protection Commission (EPC) and Hillsborough Area Regional Transit Authority (HART) and Water Resource Services have provided informational comments per their review sheet. Transportation has conditionally approved the request provided they meet the conditions as identified in the final conditions of approval provided below. No comments were provided by Natural Resources.

1.7 Exhibits

Exhibit 2: Zoning Map

Exhibit 3: Proposed Site Plan

2.0 Recommendation

Based on the above considerations, staff finds the request to be not supportable.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on August 20, 2018. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Mark Bentley, 501 East Jackson Street, testified on behalf of the applicant. Mr. Bentley stated that his client was seeking a rezoning to allow the retail sales of motor vehicles as well as all uses permitted under the RTC zoning district which was enacted in 2006. He added that the staff reports misstates that the applicant is requesting auto rental and auction uses as well. He added that auto sales became prohibited in 2006 when the County unilaterally imposed the RTC zoning regulations via general publication and not direct notice. Mr. Bentley testified that his client was operating an auto repair facility with ancillary auto sales. The auto repair with the occasional ancillary sale of vehicles occurred until 2012. Mr. Bentley's client purchased the property in 2013. The County issued an interpretation that the auto repair facility is a lawful use on the property and may continue. The Land Development Code Section 10.04.04 specifically provides a process for certain folio numbers to be exempted from compliance with the Ruskin Town Center zoning. Mr. Bentley stated that his client does not want to pursue this process as he feels an obligation to the Ruskin community. His client is seeking to rezone his property to PD with conditions that attempt to comply with the Ruskin Town Center design standards. He referenced a document that he submitted into the record which has draft zoning conditions included for consideration. He read a portion of the Land Development Code into the record regarding existing uses in the Ruskin Town Center and noncompliance with the regulations. Mr. Bentley discussed two new construction projects that obtained variances to the Ruskin regulations.

Hearing Master Finch asked Mr. Bentley about the County's 2014 zoning interpretation which cites the use from 1986 to December of 2012 and that the County opined that vehicle repair is permitted but motor vehicle sales was an ancillary use. Hearing Master Finch asked why this was still being sought four years after the interpretation. Mr. Bentley replied that his client purchased the property in 2013 and was under the impression the zoning was CG. The vesting provision does not mention principal use but lawful use.

Hearing Master Finch asked Mr. Bentley if he appealed the Zoning

Administrator's decision. Mr. Bentley replied yes; that he appealed it to the Land Use Hearing Officer who upheld the Zoning Administrator's decision.

Hearing Master Finch asked Mr. Bentley if there was a pending Code Enforcement citation on the property and Mr. Bentley replied yes.

Mr. Bentley testified that there are concerns cited in the staff report regarding the lack of compliance with the Ruskin Town Center requirements and parking in the front of the property. The reports do not state that the County objects to auto sales as a use in terms of compatibility. The reports list auto sales as a prohibited use. Mr. Bentley concluded his presentation by stating that the Code states that lawful structures and non-conforming characteristics can remain, yet the County will not support his client's application.

Mr. Ty Maxey, 5471 West Waters Avenue, testified on behalf of the applicant regarding land use planning issues. Mr. Maxey stated that the proposed Planned Development site plan identifies several improvements to the existing property including enhanced landscaped buffers, parking lot striping, the removal of a chain link fence and a new monument sign. Mr. Maxey referenced an aerial photo submitted into the record which compares the existing condition to the proposed redevelopment. The non-compliance issue is the result of the existing site characteristics. He added that the RTC regulations specifically stated that lawful structures and characteristics of land shall not be required to be removed or modified. The motor vehicle sales use serves the community and provides an affordable option to purchase a car. Mr. Maxey testified that the vehicle sales use is unobtrusive and furthers the Ruskin Community Vision. He read Goals from the Ruskin Community Vision statement into the record regarding the revitalization of downtown and economic development. He completed his testimony by stating that the PD rezoning request is compatible with the surrounding area and consistent with the Land Development Code and Comprehensive Plan.

Mr. Charles Andrews, Development Services Department testified regarding the County's staff report. Mr. Andrews stated that the request is to rezone the property from RTC-1 to Planned Development. The uses currently prohibited under the RTC-1 zoning district include motor vehicle sales, rentals and auctions. Mr. Andrews testified that he conducted a site visit on June 14th and referenced several pictures that show compliance of other projects including the Family Dollar with the RTC regulations. He stated that the Planning Commission found the request inconsistent with the Comprehensive Plan and that the Development Services staff recommends denial.

Ms. Melissa Lienhard of the Planning Commission staff testified that the property is within the Office Commercial-20 Future Land Use category and located in the Urban Service Area and the Ruskin Community Planning Area as well as the Southshore Areawide Systems Plan. She testified that a major component of the Ruskin Town Center 1 zoning district is the design of the site. Development

regulations require parking to be located behind the front façade and that the orientation of the building shall be toward the street. The applicant proposes increased screening along the property frontage however the proposal is too much of a deviation from the Ruskin Community Plan. She concluded her remarks by stating that the rezoning request is inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application.

Ms. Sandy Council, P.O. Box 1115, Ruskin, testified in opposition. Ms. Council stated that she was speaking on behalf of the Ruskin Community Development Foundation. The rezoning request is inconsistent with the RTC-1 element and should be denied. The proposed use is the wrong use in the wrong place. She added that she is also an adjoining property owner.

Mr. Bentley testified during the rebuttal period that he received a copy of Ms. Council's letter. He added that he realizes that RTC does not permit the use which is why the LDC provides a process to amend the zoning. He stated that the Family Dollar store needed two variances to develop the property. Staff did not object to the use but rather described auto sales as a use that is prohibited. Mr. Maxey's report shows that the proposal meets the intent of the Ruskin regulations. He summed up his remarks by stating that no one was concerned about the use but rather concerned with the building and location of the parking in front.

The hearing was then concluded.

EVIDENCE SUBMITTED

Mr. Bentley submitted a booklet of documents into the record. The documents included portions of the Land Development Code, variance approvals for new construction in the Ruskin area, a letter in support, a copy of the Zoning Interpretation, site photos, aerial photo, written presentation by Ty Maxey and proposed conditions of approval.

PREFACE

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

FINDINGS OF FACT

- The subject site is 0.52 acres in size and is zoned Ruskin Town Center-1
 (RTC-1). The property is designated OC-20 by the Comprehensive Plan and
 located in the Urban Service Area and the Ruskin Community Planning Area.
- The request to rezone from RTC-1 to Planned Development (PD) is for the purpose of recognizing the existing commercial building, to continue to utilize the building for motor vehicle sales and permit all uses allowed under the RTC-1 zoning district.
 - It should be noted that the County's staff report states that the applicant is requesting to also permit car rentals and auctions however, the applicant's representative testified that those uses are not a part of the rezoning request.
- The property is located within the Ruskin Community Plan and subject to Land Development Code Section 3.17.00 which details the Ruskin Town Center Development Regulations.
- 4. According to the applicant's representative, the property was utilized as a motor vehicle repair facility with ancillary vehicle sales from 1986 to 2012. The current property owner purchased the property in December of 2012. In 2014, the property owner requested a Zoning Interpretation from Hillsborough County regarding the sale of motor vehicles on the property which was subject to the Ruskin Town Center Development Regulations. The County determined that while Neighborhood Serving Motor Vehicle Repair was permitted in the RTC-1 zoning district, Motor Vehicles Sales was prohibited. Further, the County determined that the property owner had not provided adequate evidence that the motor vehicle sales use was an existing "lawful use" and therefore not permitted. The applicant's representative stated that he appealed the Zoning Interpretation determination to the County's Land Use Hearing Officer but that the County's decision was upheld.
- 5. The applicant's representative testified that the property is under a pending Code Enforcement violation.
- The Planning Commission stated that request significantly deviates from the Ruskin Community Plan. The Planning Commission determined that the request is inconsistent with the Comprehensive Plan and does not support the rezoning request.
- 7. The Development Services Department does not support the request as Land Development Code Section 3.17.09.h which lists prohibited uses in the Ruskin Town Center prohibits Motor Vehicle Sales and the fact that the proposed development does not meet key design standards of Land

Development Code Section 3.17.03 regarding General Development Standards.

- 8. Testimony in opposition was provided at the Zoning Hearing Master hearing. Opposition testimony primarily focused on the lack of adherence to the Ruskin Community Plan for both the use of the property and the proposed design.
- The applicant's representative asserted that the Land Development Code provides an amendment provision by means of rezoning the property to a Planned Development zoning district.

The Planned Development zoning district is intended to provide flexibility for design and other characteristics but not to permit uses that are prohibited by Special Zoning Districts such as the Ruskin Town Center.

10. The proposed Planned Development zoning is inconsistent with both the Land Development Code and the Comprehensive Plan.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The request is to rezone 0.52 acres from Ruskin Town Center-1 (RTC-1) to Planned Development (PD) for the purpose of recognizing the existing commercial building and to continue to utilize the building for motor vehicle sales as well as permitting all uses allowed under the RTC-1 zoning district.

According to the applicant's representative, the property was utilized as a motor vehicle repair facility with ancillary vehicle sales from 1986 to 2012. The current property owner purchased the property in December of 2012. In 2014, the property owner requested a Zoning Interpretation from Hillsborough County regarding the sale of motor vehicles on the property which was subject to the Ruskin Town Center Development Regulations. The County determined that

while Neighborhood Serving Motor Vehicle Repair was permitted in the RTC-1 zoning district, Motor Vehicles Sales was prohibited. Further, the County determined that the property owner had not provided adequate evidence that the motor vehicle sales use was an existing "lawful use" and therefore not permitted. The applicant's representative stated that he appealed the Zoning Interpretation determination to the County's Land Use Hearing Officer but that the decision was upheld.

Testimony in opposition was provided at the hearing and submitted into the record. The testimony primarily focused on the lack of adherence to the Ruskin Community Plan for both the use of the property and the proposed design.

The Planning Commission stated that request significantly deviates from the Ruskin Community Plan. The Planning Commission determined that the request is inconsistent with the Comprehensive Plan and does not support the rezoning request. The Development Services Department does not support the request as Motor Vehicle Sales is not a permitted use in the Ruskin Town Center and that the design does not meet key standards established for the Ruskin Town Center in the Land Development Code.

RECOMMENDATION

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

D

Sum M. Fine

September 11, 2018

Susan M. Finch, AICP Land Use Hearing Officer Date

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	X
IN RE:)
ZONE HEARING MASTER HEARINGS)
	X

ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, August 20, 2018

TIME:

Commencing at 6:00 p.m. Concluding at 11:52 p.m.

PLACE:

Hillsborough County Center 601 East Kennedy Boulevard

2nd Floor Boardroom Tampa, Florida 33601

Stenographically Reported By:
KELLY A. HICKSON, RPR, FPR
Executive Reporting Service
SunTrust Building
300 1st Avenue South, Suite 402
St. Petersburg, FL 33701
(800) 337-7740

Executive Reporting Service

2	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
3	ZONING HEARING MASTER HEARINGS
	August 20, 2018 ZONING HEARING MASTER: SUSAN FINCH
4	
5	E.5.: Application Number: RZ-PD 18-0798 RU
6	Applicant: Johnson Pope Bokor Ruppel & Burns, LLP
7	Location: 108 N. Highway 41 Folio Number(s): 55805.0000
8	Sec/Twn/Rng: 08/32/19
9	Acreage: .52 acres, more or less Comprehensive Plan: OC-20
10	Community Plan Area: Ruskin Service Area: Urban
11	Existing Zoning: RTC-1 (07-0517) Request: Rezone to Planned Development
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offense to the other cases -- kind of your typical case

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here. There is a lot of intertwining code sections and things like that.

The client is seeking a rezoning to allow retail sales of motor vehicles at the site and other uses permitted under the RTC, which was enacted in 2006 in Ruskin. Staff report misstates that we are also seeking auto rental and auction as uses.

Auto sales became prohibited in 2006 when the County unilaterally imposed the RTC via general publication and not direct notice. So for example, under Florida statutes, if it's 10 acres or more, you can just do notice by publication. And that's what occurred with respect to this property in interviewing the property owner. He wasn't aware actually he had come on the list of prohibited uses. His use was actually auto repair and ancillary auto sales.

So the zoning allowed car sales and auto repair until 2006. Then auto repair and occasional ancillary sales of vehicles occurred until 2012. The prior owner and the client purchased the property in 2013.

The County has rendered a formal interpretation that auto repair is an existing lawful use and may continue forever. It does not have to comply with the RTC. And I'll elaborate on that more in a few minutes.

The process -- the County has established two

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processes to allow a different use than authorized under the RTC to be located in Ruskin RTC-1. First, under Section 10.04.04, which is at Tab 11, I believe, of the LDC, one can seek to amend the LDC by actually exempting specific folios.

So if you have your own property and you want to be exempt, you can approach the Staff and then ultimately the Board of County Commissioners. And they'll actually amend the LDC, saying that all these use are prohibited but for Susan Finch's property, Folio No. So-and-so.

So that occurred three times, actually, where property owners apparently complained to the County Commission that they were — their uses were prohibited, and the County exempted them. And those ordinances are at Tab 2. And they're, for example, uses such as vendor shelters, major repair, motorcycles, scooters, lawn mowers, and other things that are presently prohibited under the RTC.

Our client did not pursue the LDC amendment process as he feels and obligation to the community that has greatly supported him over the past five years. And so he chose a path that would allow him the ability to comply with the RTC design standards, to the extent he could, short of demolition of the building at the property.

So he's exercising Option 2, I'll call it, rezoning

1	to PD and self-imposing conditions on his development,
2	attempting to comply with RTC design standards.

You're going to hear Ty Maxey's presentation. He'll identify and actually opine to you that the client-proposed project -- which is on the ELMO. There you go -- complies with the majority of the RTC guidelines.

Conditions have been provided to Staff and are found at Tab 15, in the event you're inclined to recommend approval to the Board of County Commissioners.

The client is working within the most -- like most structures in the RTC, a building that has site characteristics that don't meet the RTC standards.

There is a very important LDC provision relating to RTC that you should be aware of. It's located at Tab 2. It sanctions properties that are not compliant with RTC standards, which is basically most properties with the RTC on 41.

This is Section 317.02 at Tab 6 -- I'm sorry -- Tab 2, which states that, quote: Existing characteristics of lands and density shall not be required to be removed or otherwise modified as a result of the requirements set forth in this part.

Note that: it says an existing lawful use never has to comply with the RTC design standards, nor does a structure

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have to be removed or modified. They don't make them nonconforming uses, they're existing lawful uses. So for example, converting a pawnshop, a Realtor's office to personal services or emergency clinic doesn't trigger demolition or removal or force a change of characteristics.

Note: There's a property across the street in the northwest corner of Shell Point Road and U.S. 41 that is being redeveloped from office showroom for Little Harbor to an attorney's office and emergency care clinic, and the owner has confirmed that the County is not requiring compliance with the RTC. That's at Tab 11. So the RTC does not apply even in the change-of-use situation.

Our analysis is further confirmed by the County's actions since the RTC was enacted in 2006. The County's only applied the RTC standards for projects that consisted of new construction, and that was in two situations:

Number 1, the Family Dollar Store, located directly across 41 from our project, approved in 2013. Tab 7 and 8.

What's interesting, Miss Finch, about this project, even this new construction project couldn't comply with the RTC standards and had to get two variances from Hillsborough County to comply.

The second project that's been subject to the RTC is the AutoZone auto parts, and that received a variance this

- 1 year. So they couldn't comply with RTC standards.
- Ironically, one of the standards it couldn't comply with,
- 3 there's a maximum setback of 20 feet from a right of way,
- 4 and that was one of the problems with that project. And
- 5 it got a variance to extend out to 56 feet.
- 6 So I told you that redevelopment projects aren't held
- 7 to RTC standards, and existing structures and
- 8 characteristics do not have to be removed. So when does
- 9 the RTC apply? Apparently, it applies only when there's
- 10 new construction or someone like my client, through this
- 11 process, voluntarily seeks imposition of these RTC design
- 12 standards on his project.
- Before we filed, we were advised by Staff to comply
- 14 to the extent possible with the RTC. We had numerous
- 15 exchanges, and Staff requested an elevation -- which is on
- 16 the ELMO -- and we did all that. We did everything short
- of demolishing the building, which that code, I'll call it
- the savings provision, says, you know, in terms of
- 19 redevelopment, you don't have to demolish buildings.
- That makes sense. I've talked to some of the people
- 21 involved in the design guidelines in the community down
- 22 there. It was never the intent to convert from a pawnshop
- 23 to an attorney's office and have them demolish the
- 24 building. They were trying to facilitate and encourage
- 25 redevelopment and compliance with the RTC, to the extent

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1 that they could.

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But it's been kind of an amazing flop. Since 2006, there have been two new projects on U.S. 41, and this project would be the most RTC-design-compliant in the County's history, in the twelve years of the existence of the RTC if this project's approved.

We fall short, I think, by three -- on three issues,
and Ty will talk about that.

I've given you copies of all these hearings to look.

I just want to move it along.

There's a zoning interpretation referenced in both Staff reports, Tab 14. I'll just let you review that, but basically, we requested a zoning interpretation to see if auto sales was sanctioned at the location, and the County came back in this letter said, Well, not -- auto sales was never a principal use, and we never alleged that. And you'll see that in the documentation. We've always alleged it was an accessory subordinate use to the vehicle repair that used to be there, where someone would occasionally sell a car or two, but for that --

21 HEARING MASTER FINCH: I'm going to interrupt you.

MR. BENTLEY: I'm sorry.

HEARING MASTER FINCH: Because you are at that point,

I think it's appropriate to ask my question. So I have

25 read the zoning interpretation, and my question is: I

1 understand that this was previously used -- it says: The zoning interpretation cites from 1986 to December 2012, 3 but then the property clearly was sold to perhaps your client. And in 2014, the zoning interpretation was 5 requested where the County said, Yes, vehicle repair is 6 permitted, but motor vehicle sales was never the principal use, it was always an ancillary use. So my question is: 8 Why, four years later, are we talking about this? 9 MR. BENTLEY: Well, what happened -- did you stop the 10 clock because I'm answering questions? You get it. You can give me some additional time. 11 12 So what happened is when our client purchased the 13 property in 2013, the prior owner, Ted Piata -- and his

property in 2013, the prior owner, Ted Piata -- and his affidavit, sworn affidavit is in the file -- he was under the impression that he was still zoned CG and wasn't aware of this list of prohibited uses.

So my client purchases the property, okay? And we requested an interpretation. And Ted, this guy Piata, the prior owner, he sold an occasional car.

Now, if I take you back to the vesting provision, it never says anything about being the principal under the RTC, it never says anything about being the principal use. It says if you were an existing lawful use on the effective date of this ordinance, which is 2006, then you continue to be a lawful use, okay?

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So what happened is we submitted a letter and gave evidence in support of, in our view, accessory sales of automobiles. And the letter — the response we got back was, Dear Mr. Bentley, sales of auto — automobiles was never the principal use of the property. And that's not in the code, Miss Finch. It never says principal or subordinate.

So we alleged it was subordinate or accessory. The County turns around, without us giving them evidence on repair, and says, Oh, by the way, repair is existing lawful use, and implication is you can go do repair today out there, okay? We got the letter in 2014, and repair had stopped in 2012.

So the repair runs with the property in perpetuity. And when that happens, guess what? You don't have to comply with the RTC. You can just have your cyclone fence, no landscaping, etc., and that's the way it came down.

21 MR. BENTLEY: Yeah, I did, to the LUHO.

22 HEARING MASTER FINCH: And what was the result of

23 that?

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MR. BENTLEY: They affirmed the zoning administrator.

25 HEARING MASTER FINCH: And so now is this back three

or four years later because it's a code enforcement issue?

Is that how we got here?

MR. BENTLEY: It's a pending code enforcement issue.

HEARING MASTER FINCH: I see. That makes sense.

MR. BENTLEY: So we're not here to reargue the erroneous decision rendered by the County in its letter. We're here to demonstrate our project meets the spirit and intent of the RTC in its compatible to surrounding area and that almost a hundred percent of this area is not compliant. And, notably, the owner of the northwest corner, as I mentioned, he sent in a letter in support.

Miss Finch, I need to make this real clear to you, is that even though there's a prohibited-use list, okay, there's a process that I'm going through tonight, and also I fit it onto the other process amending the LDC provision, okay, the prohibited-list provision, say everything is prohibited but for Mark Bentley's property here, and it consists of motorcycle sales or repair.

So the County has established two processes. If I -if we weren't allowed to go through this process to
re-establish auto sales, they wouldn't have taken my
application or my fee.

So, so much for the letter. When you get a chance, just read through that. It sounds like you're kind of familiar with that.

MR. BENTLEY: Okay. So what happened is the County
sanctioned auto repair. And like I said, the implication
is now you can have auto repair there, and I don't -- I
can't imagine that's what the planners of this community

HEARING MASTER FINCH: I've read the whole file.

6 want, an ugly auto repair location instead of our project.

And we've drafted condition. In the event we're approved,
we'll eliminate that as a sanctioned use of the property.

So couple points before I turn it over to Ty, is -really don't have much time here, but I just want to point
out the two Staff reports, okay, they are concerned about
lack of compliance with the RTC design standards,
primarily the parking in front. And here, again, it's not
parking, it's display area. And also, 60 percent of our
building isn't adjacent to the street, okay?

In neither one of those reports do they object to auto sales as a use. Each report says auto sales is on the prohibited-use list, but there's never a compatibility analysis concerning auto sales, okay? They don't say it's a bad use here or anything. They just do their analysis and say, Oh, by the way, it's a prohibited use. Yeah, we all know that.

And that was the extent of their analysis on auto sales. So I would take auto sales off the table. So what do we have? Neither Staff performed a compatibility

analysis concerning auto sales as it relates to the surrounding area. Presumably, auto sales is not an issue, and that can get off the table.

The Staff's objections to a redevelopment project because it doesn't meet three of the several design standards. So although the LDC and Comp Plan encourage redevelopment in Ruskin, the code says lawful structures and nonconforming characteristics can remain -- they won't support the most compliant project that's been presented at the County to date.

So, Ms. Hearing Officer, this speaks volumes and shows you why the RTC has failed to do new development and redevelopment twelve years.

I'm going to turn it over to Ty.

15 Thank you.

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16 HEARING MASTER FINCH: Thank you.

17 Good evening.

MR. MAXEY: Good evening. For the record, Ty Maxey with Maser Consulting, 5471 West Waters, Tampa.

I just wanted to point on the PD site plan that we submitted, we identified several improvements to the landscape buffers as well as parking lot striping, removing chain link fencing along U.S. Highway 41 and Shell -- Shell Point Road frontage. We removed -- we're proposing to remove any illegal signage and installing a

Executive Reporting Service

new monument sign.

The addition of the landscape buffers and the striping in the designated parking areas will clean up the site and eliminate haphazard parking or display of inventory, and it will also limit or reduce the amount of vehicle inventory on the site. These site improvements not only help to bring the site in compliance with the RTC standards, but they also further the intent of the Ruskin Community Plan.

You've seen the rendering. We also have, in Tab 16, an aerial photograph which is of the existing site. So you can see the comparison between what's existing versus what would be proposed with our rendering.

We also provided a copy of the RTC zoning district standards, and we highlighted those standards which this project cannot comply with. And the standards are not — that are not highlighted are either they're not applicable or the project does comply with.

Noncompliance is primarily, as Mr. Bentley indicated, the result of the existing site characteristics; and as Mr. Bentley indicated, the RTC development regulations specifically state that existing lawful structures and characteristics of land shall not be required to be removed or otherwise modified as a result of these standards.

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The motor vehicle sales use is a business which serves the community of the Ruskin area and its residents. It provides an affordable option to purchasing a car as opposed to buying from a larger dealership which -- outside of this community.

The scale of the motor vehicle sales business is nonobtrusive, we feel, and furthers the Ruskin Community Vision which promotes a downtown that is, and I quote:

Made up of small businesses as opposed to big box stores and preserves its small-town character.

There are also several goals and elements of the Ruskin Community Vision Statement and the Ruskin Community Plan strategies that we feel we comply with. Goal No. 1 refers to downtown Ruskin, and revital -- it's intended to revitalize Ruskin's business center along U.S. 41, enhance the appearance of the district, and promote business growth that is compatibility with our small-town community. There's a bullet point to that goal which encourages commercial development and redevelopment within downtown Ruskin in the town center.

Goal No. 2 refers to economic development, provides opportunities for business growth. Their bullet point is promote commercial development at a scale and design that reflects the character of the community. Again, we feel like this small auto sales business is reflective of the

Page 255 small scale of Ruskin, and it certainly promotes business 1 within the Ruskin area. There are also components of the goals and objectives 3 which prohibit pole signs and limit ground signs to 8 feet. That's why we're proposing the monument sign. The PD rezoning request is compatible with the 6 existing and the proposed zoning development at or within 7 the surrounding area. It's generally compliant with the 8 9 RTC design standards and we feel it's consistent with the 10 Hillsborough County Land Development codes and the 11 Comprehensive Plan. 12 HEARING MASTER FINCH: Thank you so much. I 13 appreciate it. Does that conclude your presentation? 14 MR. BENTLEY: Well, I guess I'm kind of done for 15 time. 16 HEARING MASTER FINCH: We are done for time. 17 18 MR. BENTLEY: I know you asked me a couple questions, 19 but I quess I can handle it in rebuttal, then. HEARING MASTER FINCH: I think that would be 20 appropriate. Thank you. 21 22 Development Services. 23 MR. ANDREWS: Good evening, Ms. Finch. Charles 24 Andrews. 25 I'll make it brief. The request the Applicant stated

1	was to rezone the property from RTC-1 to PD zoning
2	district. Uses currently prohibited under the RTC-1
3	zoning district: motor vehicle sales, rentals and
4	auctions, all types, for LDC Section 3.17.09(H).

The property is located one north of U.S. 41 within the Ruskin Planning Area and the Ruskin Town Center Special Zoning District.

In the interest of time, the details of Staff's positions of denials is listed in my Staff report, which addresses the aforementioned zoning interpretation. I will say that there was a site visit that I did back on June 14 there, earlier this year, and has several pictures there from the north and east including -- I think it's also in the Staff report -- on the east side there, with Family Dollar showing that they met those conditions, separate projects that met the RTC development standards.

Objections were received from the Planning

Commission, which found it -- the request inconsistent with the Comprehensive Plan. Staff recommends denial.

Happy to answer any questions.

HEARING MASTER FINCH: Just to emphasize that the use they're asking for is not permitted under the Ruskin zoning?

MR. ANDREWS: That's correct, 317.09(H).

25 HEARING MASTER FINCH: Thank you.

Mr. Grady, do you want to add anything?
 MS. LIENHARD: Thank you. Melissa Lienhard, Planning

3 Commission Staff.

The subject property is located in the Office

Commercial 20 Future Land Use category. It is within the

limits of the Ruskin Community Plan as well as the

SouthShore Areawide Systems Plan, and it is an Urban

Service Area.

A major component of the Ruskin Town Center 1 zoning district is the design of the site. Shell Point Road and U.S. Highway 41 are considered main streets within the Ruskin Town Center. For the development regulations, developments along Main Street should have parking located behind the front facade of the Main Street building, and the building's primary orientation shall also be toward the street rather the parking — rather than the parking area. The entrance shall also be visible and accessible from the public street.

With the inventory of cars parked along the frontage of the Main Street and the building frontage set outside of the design parameters, the request would not meet these standards.

Because parking fronts the site is a dominant portion of the site, this creates the look of a strip development.

Objective 23 of the Future Land Use Element as well as the

1	Ruskin Community Plans discourage strip development.
2	So the Applicant is providing increased screening
3	along the frontage of the site, screening the storage and
4	medical equipment I'm sorry mechanical equipment,
5	the proposed design of the site is still too much of a
6	deviation from the required standards and is not meeting
7	the intent of the Ruskin Community Plan.
8	Based upon those considerations, Planning Commission
9	Staff finds the proposed planned development inconsistent
10	with the Future of Hillsborough Comprehensive Plan for
11	Unincorporated Hillsborough County.
12	HEARING MASTER FINCH: All right. Thank you so much.
13	Is there anyone that would like to speak in favor of
14	the application?
15	Seeing no one, anyone in opposition?
16	Yes, ma'am.
17	While she's coming up, is there anyone else that
18	wants to speak in opposition?
19	Okay. Good evening.
20	MS. COUNCIL: Good evening.
21	HEARING MASTER FINCH: Let's start with giving us

Executive Reporting Service

to be denied with concerns regarding 18-0798 for the

MS. COUNCIL: Sandy Council, P.O. Box 1115, Ruskin.

And I'm here this evening to speak to this rezoning

your name and address.

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community -- Ruskin Community Development Foundation. The board of directors would like to express the following concerns regarding this rezoning: RTC-1 non-permitted use specifically listed car sales as not permitted in the RTC-1. The narrative incorrectly states the historical use as a used car sales.

The RTC-1 primary intersection for our Main Street.

The intersection that we're talking about is in need of major safety improvements. The Strategic Plan for Redevelopment of Downtown is being launched by the Planning Commission. They just hired a new consultant.

The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied. Community plans adopted into the County Comprehensive Plan by the Board of County Commissioners took months of Staff time and community participation to develop and come to a consensus. While it was made clear from the beginning there was no funding attached to these plans for implementation, there was a realistic expectation the County would support the intent of individual community plans as projects came forward and went through -- that were inconsistent.

The Board's position has no reflection on the Applicant, other than it's the wrong use in the wrong place. We encourage the Applicant to participate in the

	Page 260
1	strategic plan when it launches in the next few weeks as
2	we believe it would help him fully understand why Ruskin
3	is so passionate about the way our downtown is
4	redeveloped.
5	I also am an adjoining property owner, and I echo
6	those same sentiments.
7	HEARING MASTER FINCH: Thank you for coming down. I
8	appreciate it. If you could please sign in.
9	All right. We will close opposition testimony and go
10	back to County Staff. Do you have anything further?
11	All right. Mr. Bentley, you have five minutes.
12	MR. BENTLEY: Okay. Ms. Council's comments, I
13	received a copy of the letter.
14	Four points: RTC is not permitted; we realize that.
15	The County has created a process to for us to allow that
16	introduction of the use to the LDC process, for the
17	amendment process.
18	The narrative, she says, incorrectly states
19	historical use as a used car dealer. I said in all this
20	backup that it was accessory ancillary use.
21	Ms. Council has only owned the property next door
22	since '95, and the prior owner sold an occasional car. So
23	I don't think she's in a position to make that call,
24	whether or not they ever sold a used car.
25	Then she talks about the intersection, which is kind

of interesting and irrelevant to this application and a couple other points.

Just what Charles indicated, and he said this in the Staff report, he said Family Dollar is an example of a project that's met the RTC guidelines. And I gave you two variances they received, which are very significant, in your backup. So contrary to the assertion in the Staff report, Family Dollar did not meet the RTC design guidelines but for receiving two variances.

As I mentioned before, and looked at the reports again, neither Staff objected to the use they just mentioned, that it was on the list of prohibited uses.

Also, Development Services, in their analysis, they never objected to this project not being the intent of the Ruskin Town Center, which is at 317.01, which is revitalize business along 41, enhance appearance, and establish mixed-use walkable and friendly town center.

Certainly, based on Ty's opinion in his report, obviously, we do all that. We do meet the intent. The only hiccup here is the auto use. And speaking with some of the people down in Ruskin, how in the heck did motor vehicle sales end up on this hit list, I'll call it? Is that because there were a lot of mom-and-pops who would throw an occasional car out there?

I've given you a couple examples in terms of

Page 262 photographs of auto repairs and places like pawnshops that 1 are operating, and looks like illegally, and I think that was the wrong that they were trying to cure. What we have 3 here is not that situation. We have a legitimate auto sales dealership, who owns other dealerships around Tampa. And what you've seen in 6 that rendering is we've taken off most of the cars. We 7 put a canopy which functions, in essence, as a building 8 9 along the roadway. The only thing we couldn't do, okay, 10 is knock down that building. And the building, in its 11 location, essentially has caught three waivers to the RTC 12 design standards. The long and the short of it, no one was concerned 13 about the use. They were concerned about the building and 14 its location and the parking in front, which, in our view, 15 is really not parking, it's display area. 16 So that's all I have to say. And I appreciate your 17 18 time. HEARING MASTER FINCH: Thank you so much. 19 With that, we'll close Rezoning 18-0798. 20 21 22 23 24 25



STAFF REPORT

SUBJECT:	RZ 18-0798 RU/S	PLANNING AREA:	Ruskin
REQUEST:	Planned Development (PD)	SECTOR	South
APPLICANT: Johnson Pope Bokor Ruppel & Burns, LLP			
Existing Zoning: RTC-1 (Ruskin Town Center)			Plan Category: Commercial - 20)



Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone from RTC-1 (Ruskin Town Center) to the PD (Planned Development) zoning district to acknowledge an existing small commercial building and lot, *Car Credit*, to continue to be utilized for motor vehicle sales, rentals, and auctions—all types and to permit any other uses permitted under the RTC-1 zoning district found in Land Development Code (LDC) Section 3.17.00, *Ruskin Town Center Development Regulations*.

1.2 Analysis of Non-Compliance and Proposed Alternatives

Per the application, the applicant is not proposing any variations to the Land Development Code.

1.3 Evaluation of Existing and Planned Public Facilities

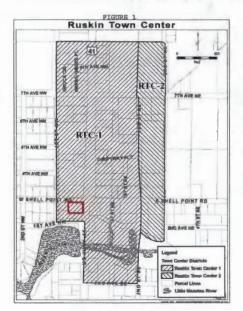
The site is located within the Urban Service Area (USA). Per the submitted site plan, the site is providing access onto West Shell Point Road with no cross-access being provided.

1.4 Comprehensive Plan Consistency

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning INCONSISTENT with the <u>Future of Hillsborough</u> Comprehensive Plan.

1.5 Compatibility

Development Services staff finds the proposed rezoning is inconsistent with the development pattern in the area. Per Land Development Code (LDC) Section 3.17.09.h., *Prohibited Uses*, of the Ruskin Town Center, *Motor Vehicle Sales, Rentals, and Auctions—All Types* is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center.



Per LDC Section 3.17.03.A., Designation of Streets, West Shell Point Road and North US Highway 41 are established as main streets, both of these streets which the subject property fronts and serve as its north and eastern property boundaries (see graphic to the left). Per the request, while the applicant has shown they can comply with some of the design standards of the established zoning district, they cannot meet some of the key standards found under LDC Section 3.17.03, General Development Standards and LDC Section 3.17.04, Standards for

Page 2 of 4

APPLICATION: RZ 18-0798 RU/S ZHM HEARING DATE: August 20, 2018 BOCC MEETING DATE: October 9, 2018

Non-Residential, Mixed Use and Multi-Family Development. Specifically, under these sections, the request cannot meet the design standards pertaining to off-street parking (surface parking lots) for projects located on Main Streets, minimum building frontages and building design.

Per Zoning Interpretation (ZI) 14-0767, the applicant requested a formal interpretation of the Land Development Code as it related to a business selling used motor vehicles on the subject property. The applicant stated that uses on the subject property related to *Motor Vehicle Sales, Rentals, and Auctions—All Types* were actively occurring on the site prior to the establishment of Ordinance 06-34 which established Land Development Code Section 3.17.00 *Ruskin Town Center Development Regulations* and the RTC-1 (Ruskin Town Center) zoning district which prohibited the aforementioned use. Per the Zoning Administrator's interpretation, the applicant had not demonstrated that motor vehicle sales was the subject property's principal use at the time that Ordinance 06-34 was adopted on November 2, 2006., to recognize motor vehicle sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned and that the applicant had failed to establish that motor vehicle sales was an "existing lawful use" on the subject property at the time of the adoption of Ordinance 06-34.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. The Dog House, a commercial restaurant, resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a Family Dollar, reside across the road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned Family Dollar is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1. The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district (see site photo below).



Given the adopted regulations and design standards of the Ruskin Town Center and the established development pattern of the area, staff does not find the request compatible.

APPLICATION: RZ 18-0798 RU/S ZHM HEARING DATE: August 20, 2018 BOCC MEETING DATE: October 9, 2018

CASE REVIEWER: Charles Andrews, AICP

1.6 Agency Comments

Staff received objections from a reviewing agency (as noted above in Section 1.4).

Conservation and Environmental Lands Management (ELAPP), The Environmental Protection Commission (EPC) and Hillsborough Area Regional Transit Authority (HART) and Water Resource Services have provided informational comments per their review sheet. Transportation has conditionally approved the request provided they meet the conditions as identified in the final conditions of approval provided below. No comments were provided by Natural Resources.

1.7 Exhibits

Exhibit 2: Zoning Map

Exhibit 3: Proposed Site Plan

2.0 Recommendation

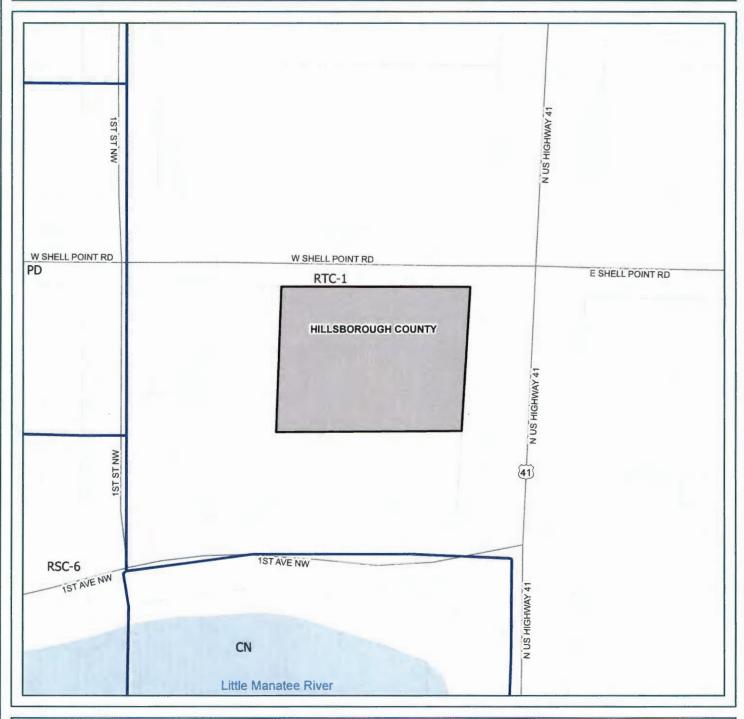
Based on the above considerations, staff finds the request to be not supportable.

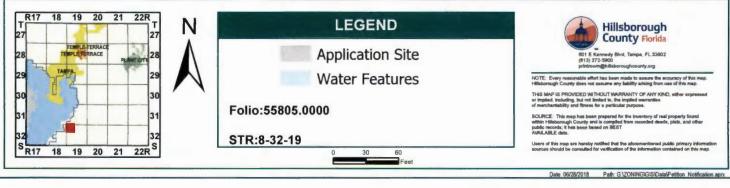
Staff's Recommendation: Not Supported

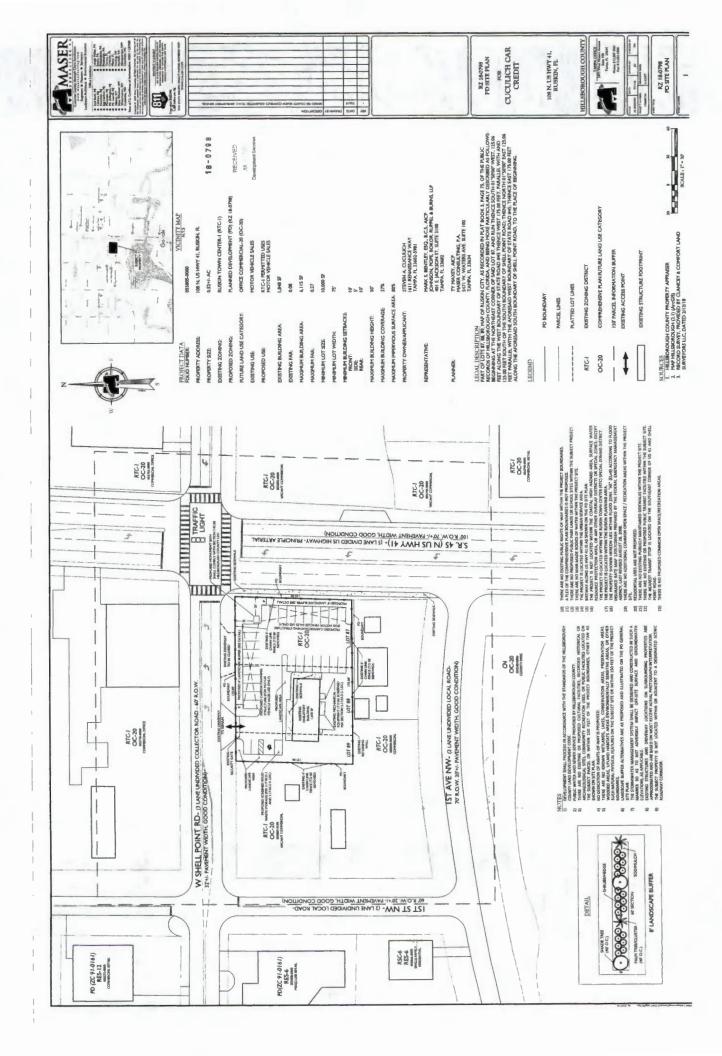
Zoning Administrator Sign-off:

Brian Grady Fri Aug 10 2018 10:32:53

RZ-PD 18-0798









Unincorporated Hillsborough County Rezoning		
Hearing Date: August 20, 2018 Report Prepared: August 9, 2018	Petition: PD 18-0798 108 North US Highway 41 Southwest Quadrant of Shell Point Road and US Highway 41	
Summary Data:		
Comprehensive Plan Finding:	INCONSISTENT	
Adopted Future Land Use:	Office Commercial-20 (20 du/ac; 0.75 FAR)	
Service Area	Urban	
Community Plan:	Ruskin, SouthShore Areawide Systems	
Requested Rezoning:	Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow the existing vehicle sales business and other permitted RTC-1 uses	
Parcel Size (Approx.):	.52± acres	
Street Functional Classification:	Shellpoint Road – Collector US Highway 41 –Arterial	
Locational Criteria	N/A	
Evacuation Area	The subject property is located within Evacuation Zone A	



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

Context

- The applicant is requesting a rezoning from Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow an existing vehicle sales business and other permitted RTC-1 uses.
- The .52± acre site is located at the southwest corner of US highway 41 and Shell Point Road within the Urban Service Area, the Coastal High Hazard area and is within the limits of both the Ruskin Community Plan and the SouthShore Areawide Systems Plan. Per the Ruskin Community Plan, the site is located within Ruskin Town Center –1.
- The subject property and surrounding properties have a Future Land Use designation of Office Commercial (OC-20), which includes typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses. The Ruskin Town Center-1 (RTC-1) zoning district surrounds the site, further west the zoning designations are Planned Developments (PD), Residential-Duplex Conventional-12 and Residential Single Family Conventional-6.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Urban Service Area (USA)

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

Policy 9.2:

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

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

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

PD 18 - 0798

Discouraging Strip Commercial Development

Objective 23: To maintain the vehicular capacity of public roads, the County discourages linear ("strip") non-residential development patterns and the multiple access points which accompany such linear neighborhood serving commercial development.

Objective 25: The County shall implement commercial redevelopment strategies to concentrate commercial uses, revitalize older commercial areas, and encourage mixed use projects that include commercial development.

Community Design Component 5.0 NEIGHBORHOOD LEVEL DESIGN 5.1 COMPATIBILITY

GOAL 12: Design neighborhoods which are related to the predominant character of the surroundings.

OBJECTIVE 12-1: New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

LIVABLE COMMUNITIES ELEMENT – RUSKIN COMMUNITY PLAN

Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small-town community.

Strategies:

- Establish a mixed-use, walkable and pedestrian friendly Town Center.
- Develop and implement the Master Plan for the Ruskin Town Center.
- Develop common design and landscape standards for commercial development along US 41 outside the Town Center.
- Upgrade the current sewer system to facilitate redevelopment of the business center and Town Center.
- Erisure that improvements to US 41 are compatible with the revitalization of Ruskin's historic business center. Seek alternatives to expansion of US 41.
 - Limit US 41 to two through lanes in each direction.
 - Develop 2nd and 3rd Streets as a local alternative to US 41 with direct connection to US 41.
- Encourage commercial development and redevelopment within downtown Ruskin and the Town Center and direct commercial development away from Shell Point Road West and 19th Avenue N.W.
- Encourage locally owned businesses to locate within Ruskin's historic business corrictor and Town Center.
- Establish gateways, located to provide a sense of arrival.

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

PD 18 - 0798

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

Staff Analysis of Goals, Objectives, and Policies:

The subject site is approximately .52 acres and is located at the southwest corner of Shell Point Road and US Highway 41. The site is developed with a motor vehicle sales business consisting of a 1,848 square foot building and inventory displayed mainly along the frontage of Shell Point Road and US Highway 41. The site is designated Office Commercial-20 on the Future Land use map with a maximum floor area ratio of .75. The surrounding uses in the area include a fast food restaurant to the south, vacant parcels to the west and east, and a real estate office north of the site. The rezoning request is to change the Ruskin Town Center-1 zoning district to a Planned Development to recognize the existing motor vehicle sales business and allow other RTC-1 permitted uses. It should be noted that, the site underwent a zoning verification in 2014, and it was determined by the Development Services Department that the site failed to establish that motor vehicle sales was an "existing lawful use" at the time of the establishment of the Ruskin Town Center-1 zoning district.

Policy 9.2 of the Future Land Use Element states that developments must meet or exceed land development regulations. Planning Commission staff believes that there are several major deviations from the Land Development Code that the proposed Planned Development is failing to adhere to.

Development under the Ruskin Town Center-1 district allows for Commercial General and Residential Multi-Family Conventional uses with the prohibition of certain uses, motor vehicle sales being one of those that are prohibited.

A major component of the Ruskin Town Center-1 is the design of the site. Shell Point Road and US Highway 41 are considered main streets within the Ruskin Town Center. Per the development regulations, developments along main streets should have parking located behind the front façade of a main street buildings. A building's primary orientation shall be toward the street rather than parking areas, and the entrance shall be visible and accessible from the public street. With the inventory of cars parked along the frontage of the main street, and the building frontage set outside of the design parameters, the request would not meet these standards.

Because parking fronts the site and is a dominate portion of the site, this creates the look of strip development. *Objective 23* of the Future Land Use element as well as the Ruskin Community Plan discourages strip development.

The applicant did attempt to make changes to address the design of the site to further the intent of the RTC-1 regulations. Fences within the RTC-1 area are to be made of masonry or vinyl or cast iron, so the applicant has agreed to remove the chain link fence that is currently on the site. The applicant is also providing additional screening and an awning above the cars along Shell Point Road and US Highway 41 to reduce the appearance of the display of cars.

Though the applicant is providing increased screening along the frontage of the site, screening the waste storage and mechanical equipment, the proposed design of the site

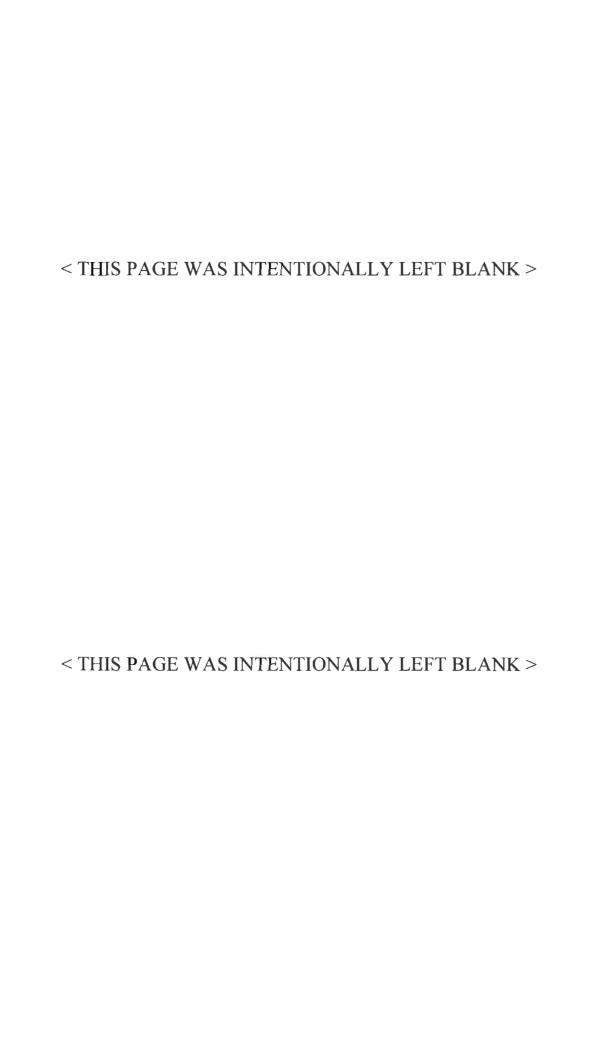
PD 18 - 0798 4

is still too much of a deviation from the required standards and is not meeting the intent of the Ruskin Community Plan.

Recommendation

Based upon the above considerations, Planning Commission staff finds the proposed Planned Development INCONSISTENT with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County.

PD 18 - 0798



RICULTURAL/MINING-1/20 (25 FAR)

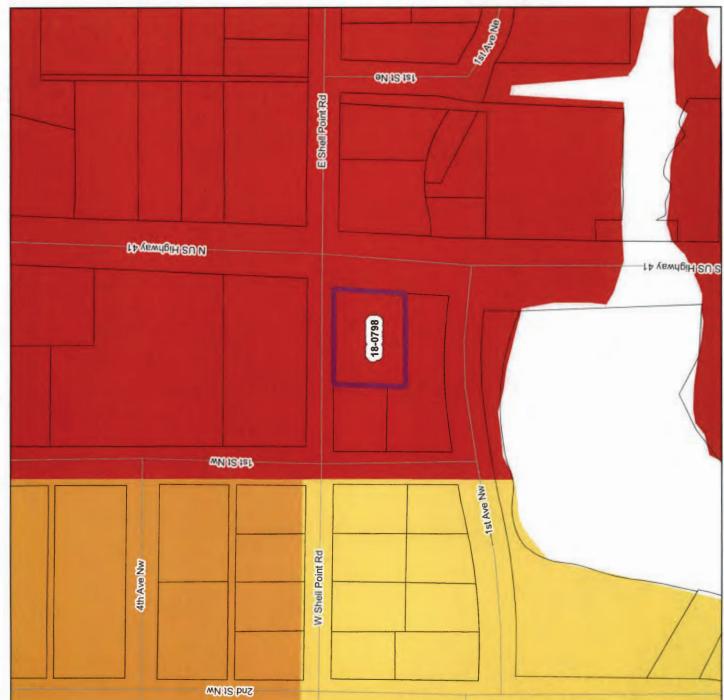
ESIDENTIAL-1 (25 FAR)

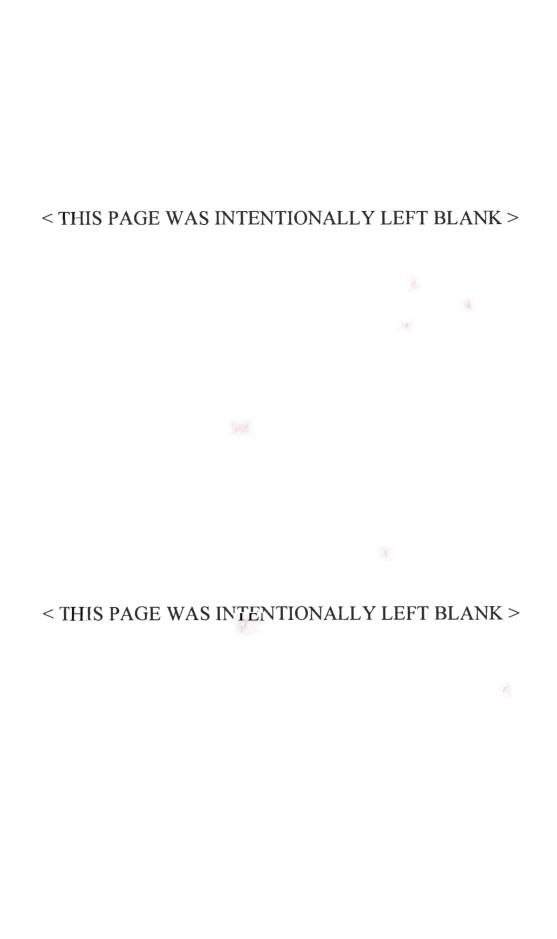
ESIDENTIAL-2 (25 FAR)

SIDENTIAL-8 (35 FAR)

MATURAL PRESERVATION MMAUMA VILLAGE RESIDENTIAL-2 (25 FAR)







GENERAL SITE PLAN FOR CERTIFICATION

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DEVELOPMENT SERVICES

PO Box 1110 Tampa, FL 33601-1110

HILLSBOROUGH COUNTY DEVELOPMENT SERVICES DEPARTMENT

GENERAL SITE PLAN REVIEW/CERTIFICATION

BOARD OF COUNTY COMMISSIONERS

Victor D. Crist Ken Hagan Al Higginbotham Pat Kemp Lesley "Les" Miller, Jr. Sandra L. Murman Stacy R. White

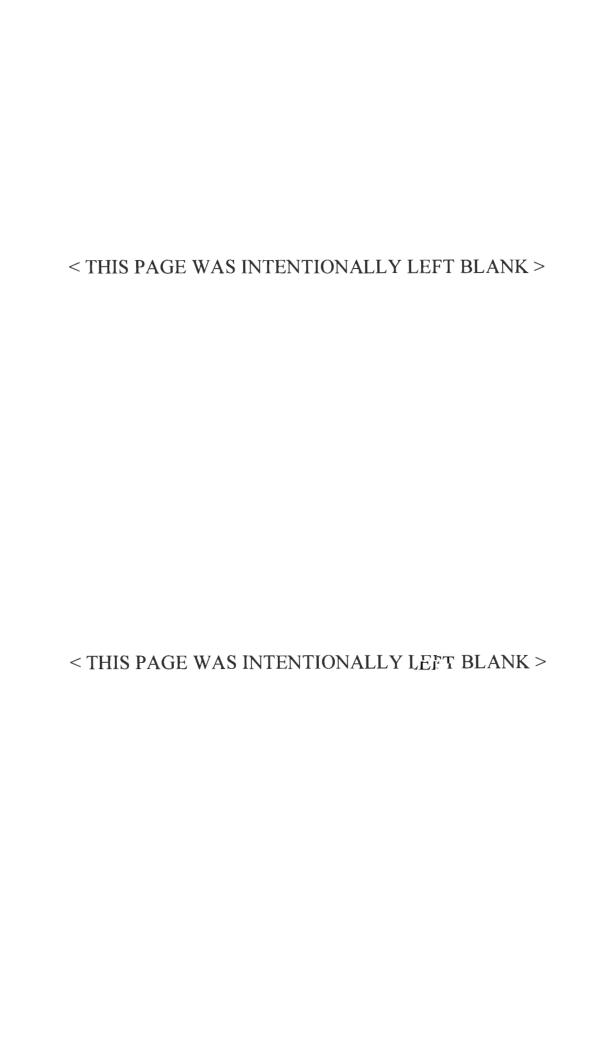
COUNTY ADMINISTRATOR

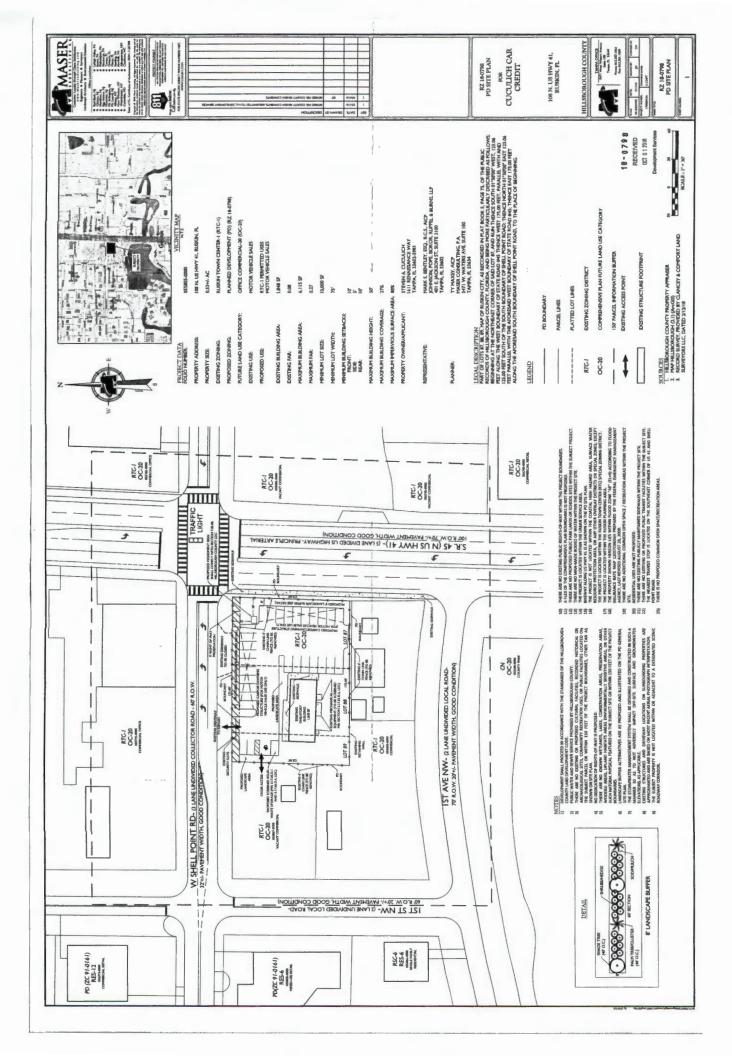
Michael S. Merrill
COUNTY ATTORNEY
Christine M. Beck
INTERNAL AUDITOR

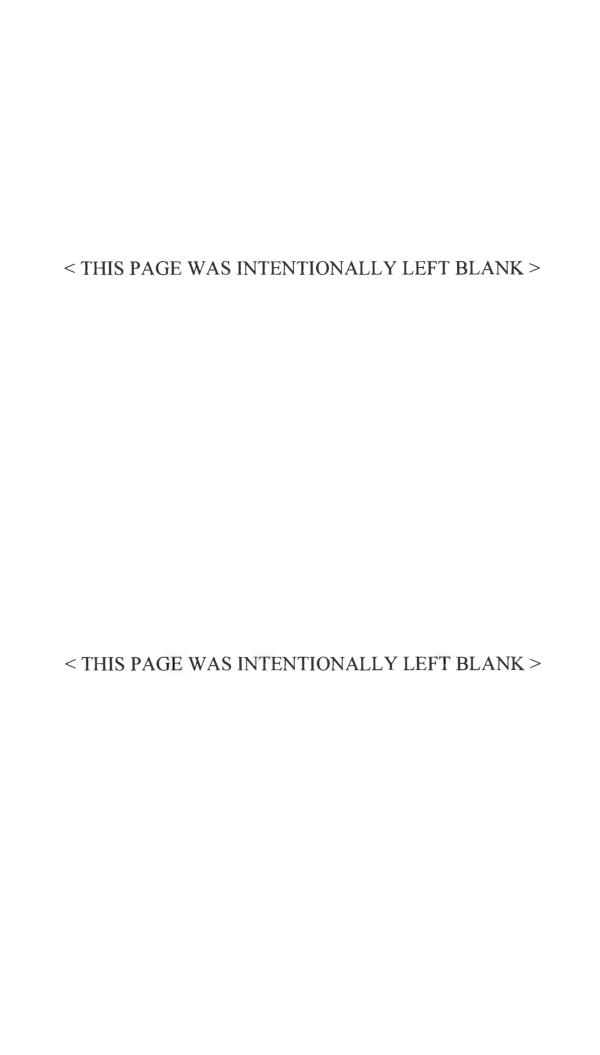
Peggy Caskey
CHIEF DEVELOPMENT &
INFRASTRUCTURE SERVICES
ADMINISTRATOR

Lucia E. Garsys

Project Name: Cucu	lich Car Credit			
Zoning File: RZ-PD 18-0798 RU	Modification: None			
Atlas Page:	Submitted: 10/1/18			
To Planner for Review: 10/1/18	Date Due: ASAP			
Contact Person: Mark Bentley, Esq.	Phone: 813-225-2500			
Right-Of-Way or Land Required for Dedication: () YES (X) NO				
() The Development Services Depart	ment <u>HAS NO OBJECTION</u> to this General Site Plan.			
The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons: Recovering is not supported by staff. The Site plan is approvable if the zoning rejuest 15 Apposed				
Reviewed by:	Date: 10/1/2018			
Date Agent/Owner notified of Disapprova				







RCDF Ruskin Community Development Foundation

P.O. Box 695 Ruskin, Florida 33575 813-641-4099

August 13, 2018

Charles Andrews
Senior Planner
Hillsborough County
Development Services Department

Dear Mr. Andrews,

The Board of Directors would like to express the following concerns regarding RZ 18-0798:

- RTC-1 Non Permitted Use
- Narrative incorrectly states the historical use as "used car sales"
- RTC-1 Primary Intersection
- Intersection in need of major safety improvement
- 'Strategic Plan' for redevelopment of downtown being launched

The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied. Community Plans adopted into the County's Comprehensive Plan by the B.O.C.C., took months of staff time and community participation to develop and come to a consensus. While it was clear from the beginning there was no funding attached to these plans for implementation, there was a realistic expectation the county would support the intent of the individual community plans as projects came forward that were inconsistent.

The Board's position has no reflection on the applicant other than it is the wrong use for this location. We encourage the applicant to participate in the 'Strategic Plan' when it launches in the next few weeks as we believe it would help them to fully understand why Ruskin is so passionate about the way our downtown is redeveloped.

Sincerery

Sandra R. Counci

President

cc: Mark Bentley
Ty Maxey

Application No. RZ18-0798
Name: William Breabenner
Entered at Public Hearing: ZHW

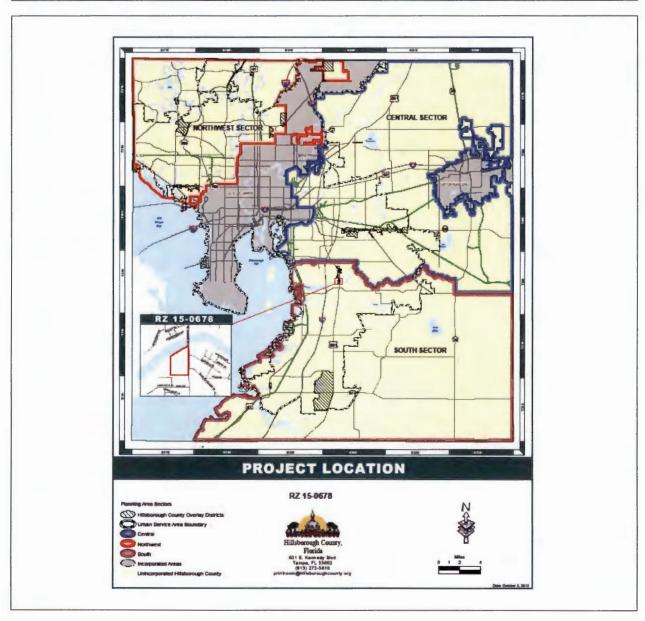
Exhibit # 4 Date: 10/14





STAFF REPORT

SUBJECT:	Planned Development (PD) 15-0678 RV	PLANNING AREA:	Riverview		
REQUEST:	Rezoning to a Planned Development	SECTOR	South		
APPLICANT:	GBS Riverview, LLC				
Existing Zoning: RDD-RW1		Comp Plan Category: RES-12			



ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

CASE REVIEWER: Isabelle Albert

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone a 15.44 acre parcel, located on the west side of U.S. Highway 301, just south of the Alafia River, from Riverview Downtown District – Riverwalk One (RDD-RW1) to a Planned Development. The site is currently zoned Riverview Downtown District – Riverwalk One (RDD-RW1) with an approve Special Use to allow for a Community Residential Home Type C for 300 placed residents.

The PD is to allow RDD-RW1 zoning district uses (Commercial General (CG) and Residential Multi-family Conventional (RMC-12) uses), including the approved Community Residential Home (reducing the number of beds from 300 to 233), and to add Nursing, Convalescent and Extended Care Facility use, all developed with RDD-RW1 zoning district development standards found in the Land Development Code Section 3.19.00.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located in the Urban Service Area. An 8 inch water main is located adjacent to the site within the western right-of-way of U.S. Highway 301 and a 20 inch wastewater force main is located approximately 100 feet from the site within the eastern right-of-way of U.S. Highway 301.

The site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Originally, the Community Residential Home was planned for Phases I and II, while Phase III was planned to be developed with the Riverview Downtown District – Riverwalk One development regulations.

The site has been improved with a Community Residential Home for 92 placed residents within Phase I (1 structure). Part of the approval for the construction plans had road improvements which included the lighted three lane main entry road.

Transportation staff reviewed the request and have no objections. Staff commented that the request will not anticipate increase in traffic compared to the current approval on site. A detailed transportation analysis will be required at time of construction plan review.

1.4 Comprehensive Plan Consistency

The Planning Commission finds the request consistent with the <u>Future of Hillsborough</u> Comprehensive Plan.

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

CASE REVIEWER: Isabelle Albert

1.5 Compatibility

As stated, the site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Per SU 12-0491, the Community Residential Home is planned for Phases I and II, while Phase III is planned to be developed with the Riverview Downtown District – Riverwalk One development regulations. Per Section 3.19.18, permitted uses under the RDD-RW1 zoning district are CG and RMC-I2 zoning district uses. The site is currently developed with a Community Residential Home for 92 placed residents within Phase I. The applicant wishes to reduce the number of allowable beds from 300 to 233.

The request is to expand with the theme of health and wellness through the site by requesting an additional use, a Nursing, Convalescent and Extended Care Facility use, which is not permitted under the RDD-RW-1 zoning district. A Nursing, Convalescent and Extended Care Facility has similar characteristics to a Community Residential Home and a Multi-family development, such as being permitted in a multi-family zoning district (RMC-16 and RMC-20) and having independent and/or congregate kitchens.

The request also includes the allowance to develop the Nursing, Convalescent and Extended Care Facility with RDD-RW1 development standards. The Land Development Code Section 6.11.68 contains additional requirements for Nursing, Convalescent and Extended Care Facility. If developed as a nursing home, a minimum front, side and rear yards setback of 50 feet and a maximum Floor Area Ratio (FAR) of 0.25. Sections 3.19.03, 3.19.04, and 3.19.08 contains development standards for the overall Riverview Downtown Development zoning district as well as specifically for RDD-RW1 zoning district. Setback requirements ranges from 5 to 30 feet, depending on the street classification the site is located on, and the maximum intensity is 0.5 FAR, with exception within 75 feet adjacent to a single-family development not zoned RDD-RW1.

With a request for 233 placed residents, 4.29 acres is dedicated to the CRH use while 11.15 acres are dedicated to the RDD-RW1 uses, allowing a maximum of 239,347 square feet of development. Being that the site is a unified site plan and a maximum 0.5 FAR is currently permitted under the RDD-RW1 zoning district development standards, staff has no objections to allowing a nursing home facility to be developed with similar standards.

1.6 Agency Comments

There was no objection form reviewing agencies. These include Fire Rescue, Natural Resource Department, Water and Wastewater Department, Transportation Department, Environmental Protection Commission, Parks, Recreation, and Conservation Department, the Planning Commission, and HART.

1.7 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed General Site Plan RZ 15-0678

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

2.0 Recommendation

CHANGES TO CONDITIONS

Approvable, subject to the following conditions:

The following revision(s) to the site plan shall be required prior to certification:

1) Prior to General Site Plan Certification, the applicant shall add an access arrow showing the potential (but not necessarily final) location of the access location required in Condition 6.

CASE REVIEWER: Isabelle Albert

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted June 26, 2015

- The project shall be permitted Riverview Downtown District-Riverwalk 1 (RDD-RW1) zoning district uses, a
 Nursing, Convalescent and Extended Care Facility use, and a Community Residential Home with a maximum
 233 beds (4.28 acres). The maximum square footage shall be 23928,347 as shown on the table depicted on the
 General Development Site Plan.
- 2. Development standards shall be per the Riverview Downtown District, Section 3.19.00.
- 3. One (1) access shall be permitted onto U.S. 301, which shall be located at the signalized intersection of Balm Riverview Road and U.S. 301. All existing access points shall be closed.
- 4. Pedestrian connectivity shall be provided between uses via an improved surface such as sidewalks, multi-use paths, pervious concrete and/or right-of-way markings to provide safe, efficient and functional pedestrian access. Additionally, a minimum 5-foot wide connection shall be constructed between the internal sidewalk and the riverfront amenities (e.g. parks, boardwalks, linear parks or plazas) to be constructed within Parcel E.
- 5. Notwithstanding the number/location of external pedestrian access points shown on the PD site plan, sidewalk/bikeway/multi-purpose pathway connections from the internal sidewalk network and/or individual outparcels shall be permitted along the entirety of the project's frontage on US 301.
- 6. The developer shall construct a minimum of one (1) vehicular and pedestrian cross access (stub out) from an internal access roadway to the southern boundary along Parcels B or C. The location as shown on the general site plan may be shifted to accommodate site design or facilitate future connection to adjacent properties.
- 7. The developer shall submit a detailed transportation analysis for the entire site, or each increment of development, prior to plat/site/construction plan submittal for any portion of the PD. The analysis shall include an examination of the potential impact of on-street parking within the site on overall site circulation and queing at the project's entrance. This analysis shall also be used to determine what proportionate share or other mitigation measures may be necessary.
- 8. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
- 9. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

CASE REVIEWER: Isabelle Albert

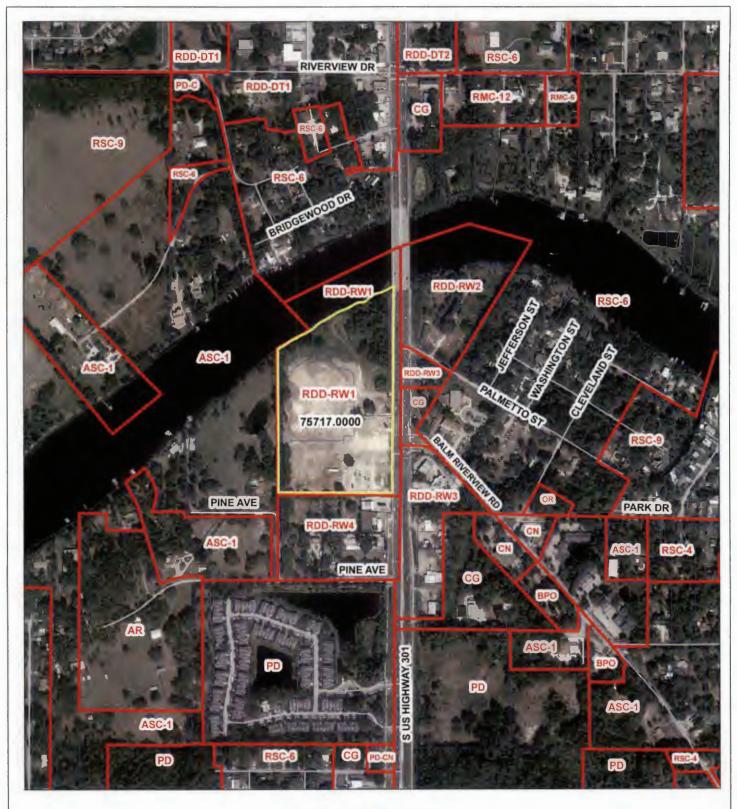
10. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

11. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or the recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to petition approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Meeting, said plan will be deemed invalid and a revised General Development Plan shall be submitted for certification. Certification of the revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Development Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

Staff's Recommendation: Approvable, Subject to Conditions

Zoning Administrator Sign-off:

J. Brian Grady Wed Aug 12 2015 09:35:11



30-20-17



Project Area



Zoning Boundary

RZ 15-0678 RV/SOUTH



Development Services Department

EXHIBIT 1: Aerial Map



0 55110 220 330 440

EXHIBIT 3: Proposed General Site Plan

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ PD 15-0678 RV

DATE OF HEARING:

August 10, 2015

APPLICANT:

GBS Riverview, LLC

PETITION REQUEST:

A request to rezone property from RDD-RW1 to PD to permit a Community Residential Home and Nursing, Convalescent and Extended Care Facility project on the subject property.

LOCATION:

West side of US Hwy 301, 50 feet north

of Palmetto Street

SIZE OF PROPERTY:

15.44 acres, m.o.l.

EXISTING ZONING DISTRICT:

RDD-RW1 (09-0892)

FUTURE LAND USE CATEGORY:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Riverview

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary 1.1 Project Narrative

The request is to rezone a 15.44 acre parcel, located on the west side of U.S. Highway 301, just south of the Alafia River, from Riverview Downtown District — Riverwalk One (RDD-RW1) to a Planned Development. The site is currently zoned Riverview Downtown District — Riverwalk One (RDD-RW1) with an approve Special Use to allow for a Community Residential Home Type C for 300 placed residents.

The PD is to allow RDD-RW1 zoning district uses (Commercial General (CG) and Residential Multi-family Conventional (RMC-12) uses), including the approved Community Residential Home (reducing the number of beds from 300 to 233), and to add Nursing, Convalescent and Extended Care Facility use, all developed with RDD-RW1 Zoning district development standards found in the Land Development Code Section 3.19.00.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located in the Urban Service Area. An 8 inch water main is located adjacent to the site within the western right-of-way of U.S. Highway 301 and a 20 inch wastewater force main is located approximately 100 feet from the site within the eastern right-of-way of U.S. Highway 301.

The site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Originally, the Community Residential Home was planned for Phases I and II, while Phase III was planned to be developed with the Riverview Downtown District – Riverwalk One development regulations.

The site has been improved with a Community Residential Home for 92 placed residents within Phase I (1 structure). Part of the approval for the construction

plans had road improvements which included the lighted three lane main entry road.

Transportation staff reviewed the request and have no objections. Staff commented that the request will not anticipate increase in traffic compared to the current approval on site. A detailed transportation analysis will be required at time of construction plan review.

1.4 Comprehensive Plan Consistency

The Planning Commission finds the request consistent with the *Future of Hillsborough Comprehensive Plan*.

1.5 Compatibility

-

As stated, the site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Per SU 12-0491, the Community Residential Home is planned for Phases I and II, while Phase III is planned to be developed with the Riverview Downtown District – Riverwalk One development regulations. Per Section 3.19.18, permitted uses under the RDD- RW1 zoning district are CG and RMC-12 zoning district uses. The site is currently developed with a Community Residential Home for 92 placed residents within Phase I. The applicant wishes to reduce the number of allowable beds from 300 to 233.

The request is to expand with the theme of health and wellness through the site by requesting an additional use, a Nursing, Convalescent and Extended Care Facility use, which is not permitted under the RDD-RW-1 zoning district. A Nursing, Convalescent and Extended Care Facility has similar characteristics to a Community Residential Home and a Multi-family development, such as being permitted in a multi-family zoning district (RMC-16 and RMC-20) and having independent and/or congregate kitchens.

The request also includes the allowance to develop the Nursing, Convalescent and Extended Care Facility with RDD-RW1 development standards. The Land Development Code Section 6.11.68 contains additional requirements for Nursing, Convalescent and Extended Care Facility. If developed as a nursing home, a minimum front, side and rear yards setback of 50 feet and a maximum Floor Area Ratio (FAR) of 0.25. Sections 3.19.03, 3.19.04, and 3.19.08 contains development standards for the overall Riverview Downtown Development zoning district as well as specifically for RDD-RW1 zoning district. Setback requirements ranges from 5 to 30 feet, depending on the street classification the site is located on, and the maximum intensity is 0.5 FAR, with exception within 75 feet adjacent to a single-family development not zoned RDD- RW1.

With a request for 233 placed residents, 4.29 acres is dedicated to the CRH use while 11.15 acres are dedicated to the RDD-RW1 uses, allowing a maximum of 239,347 square feet of development. Being that the site is a unified site plan and a maximum 0.5 FAR is currently permitted under the RDD-RW1 zoning district development standards, staff has no objections to allowing a nursing home facility to be developed with similar standards.

1.6 AgencyComments

There was no objection form reviewing agencies. These include Fire Rescue, Natural Resource Department, Water and Wastewater Department, Transportation Department, Environmental Protection Commission, Parks, Recreation, and Conservation Department, the Planning Commission, and HART.

1.7 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed General Site Plan RZ 15-0678

2.0 Recommendation

Approvable, subject to the conditions submitted by the Development Services Department into the record.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on August 10, 2015. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Kevin Mineer testified on behalf of the Riverview Landings regarding the rezoning application. Mr. Mineer stated that the rezoning request to Planned Development was for the purpose of adding a new use, which will be a nursing convalescent and extended care facility to the list of already approved uses for the property. Mr. Mineer testified that the property is 15 acres in size and located on the west side of US 301 at the intersection with Balm-Riverview and US 301 on the southern shore of the Alafia River. It was previously approved for the state of the art assisted living and memory care community home known as The Crossings at Riverview. The property is currently zoned RDD-RW1 which permits a full mix of commercial and residential land uses. The application includes a request to reduce the size of the previously approved Community Residential Home from 300 beds to 233 beds to meet the density requirements of the RDD-RW1 zoning district. Mr. Mineer described Section 3.19.2 of the

Riverview Downtown District development regulations to emphasize that if there is a conflict between the RDD standards and the LDC standards, the RDD standards prevail. A waiver of the required setback and floor area ratio is requested as a part of the rezoning application.

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Hearing Officer Finch asked about the proposed CG uses listed on the site plan. Mr. Mineer replied that while there are no current plans for CG uses, he would like the right to develop CG land uses per the RDD-RW1 zoning district in the future.

Hearing Officer Finch asked Mr. Mineer about the A through E lettering on the site and its meaning. Mr. Mineer replied that the previously approved site plan included the lettering system.

Finally, Hearing Officer Finch asked about access from the project to the Alafia River. Mr. Mineer replied that the reference to the river access stemmed from the prior zoning approval.

Mr. Brian Grady, Development Services Department testified regarding the County's staff report. Mr. Grady stated that the applicant is requesting a rezoning of 15.44 acres for property located on the west side of US 301, just south of the Alafia River from the Riverview Downtown District Riverwalk to a Planned Development. Mr. Grady stated that a prior Special Use on the property approved a Community Residential Home for 300 beds. The PD would reduce the number of beds to 233 and add a nursing convalescent extended care facility on the subject property. Mr. Grady distributed revised zoning conditions, which pertain to transportation. Staff supports the rezoning application request.

Mr. Randy Kranjec of the Planning Commission staff testified that the property is located in the Community Mixed Use-12 Comprehensive Plan category. The site is an extension of the already approved development on the property and that the Planning Commission finds the request consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents or opponents of the application. None replied.

Mr. Grady of the Development Services Department clarified that there was a typographical error in Condition #1. The correct square footage amount should be 239,347 square feet.

Mr. Mineer did not have additional comments.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

Mr. Grady submitted revised zoning conditions into the record.

PREFACE

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

FINDINGS OF FACT

- The subject site is 15.44 acres in size and is zoned RDD-RW1. The property is designated CMU-12 by the Comprehensive Plan and located in the Urban Service Area and the Riverview Community Plan.
- 2. The request to rezone to Planned Development (PD) is for the purpose of adding a Nursing Convalescent-Extended Care Facility to the already approved Community Residential Home project. The Community Residential Home will be reduced in size from the approved 300-bed facility to a maximum of 233 beds. Other permitted land uses will include all uses permitted in the RDD-RW1 zoning district including all CG and RMC-12 land uses. Development standards will be consistent with the Riverview Downtown District, Section 3.19.00.
- The surrounding area is a combination of residential and commercial land uses. The subject property is currently developed with Phase I of the Community Residential Home.
- 4. The County's Transportation staff did not have any objections to the rezoning request.
- 5. The Planning Commission finds the rezoning consistent and compatible with the Comprehensive Plan.
- 6. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to establish a compatible land use with the surrounding area.

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

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The request is to rezone 15.44 acres from RDD-RW1 to PD for the purpose of adding a Nursing Convalescent Extended Care Facility on the subject property. The property is located in the Urban Service area and the Riverview Community Plan. The property is currently developed with Phase I of a Community Residential Home. Proposed zoning conditions serve to reduce the number of beds for the already approved Community Residential Home, limit the maximum square footage of the Nursing Convalescent Extended Care Facility and establish vehicular and pedestrian access thereby ensuring compatibility with the surrounding area.

RECOMMENDATION

Based on the foregoing, this recommendation is for APPROVAL of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the revised zoning conditions prepared by the Development Services Department.

Susan M. Finch, AICP

Land Use Hearing Officer

Date

RECEIVED

9.31.15



Rezoning Pre-Submittal Meeting

Development Services Department

Applicant Informa	ition
Property Owner: Craw Cuculich	Phone:
Applicant/Representative: Mark Bentley	Phone:
Project address or intersection: 108 N. US HWY 41	
Folio number (s):	
Current Zoning: <u>PTC-1</u> Future Land Use: <u>0C-20</u>	Service Area: USA
Staff Recommendations	/Findings
Meeting Date: 11/01/17 & 11:00 am	
Staff in attendance: Michelle Heinrich, Yunka Mills,	James Ratlith Landy Kranjec,
_ Application Discussed Matt LCV13 + Louis Whitchead	HCAA Review Necessary
Schedule Discussed Noticing Requirement (if	applicable) 300 '
Counseling Meeting Notes	
Applicant seeks auto salu usc Prohibitled in R	TC-1 per LDC Section 3. 17.09. h
ncu 14.0747 + APR 14-0987	•
PD proposed to car solus my w unhanud 1	' '
DSD Staff recommends adhering to the design is	standards. Applicant to su
ROW preservation will be segured along shell !	Punt. (l' to subject site)
	Cross access to somet west.
Shell Point + 41 are Main Streets	only me accus allowed.
- Add RTC-1 was as well, pur DSD staff	
Prepared by: Miduu flum	Applicant's Signature:

Note: Counseling offered during a Rezoning Pre-Submittal Meeting is based upon the information provided at the meeting. A Rezoning Pre-Submittal Meeting recommendation does not constitute a waiver of any requirements in the Land Development Code or Development Review Procedures Manual.

Buddy Harwell

13802 Sweat Loop Rd

Wimauma, FL 33598

Re: Rezoning 18-0798

Dear Chairman Miller and Honorable Members of the Board of County Commissioners:

I have known the former owner of the property located at 108 N US Hwy 41, Ted Pieta, since 2003 and would frequently stopped by his shop in Ruskin on Shell Point and U.S. 41. I would take my vehicles and would recommend friends and families to use his repair shop. He would occasionally let me know that he had a vehicle for sale. I did see vehicles out there for sale when I was in the area or stop by to talk to him. I also talked to him about taking me to a dealers auction because I was looking for a vehicle at that time.

We both have a mutual friend that I have known for least 30 years and Ted has known a lot longer, I recall him telling me several times of vehicle's he had bought from Ted. I do not personally know the gentleman who bought this property from Ted, but as someone who owns and rents commercial property this gentleman has put a lot of equity improving the property. I have also seen the future plans for what he is asking to put canopy along the road and believe it would be a significant improvement and in keeping with the future plan for Ruskin.

I have stopped in their from time to time looking at a car or pickup truck for myself or family member and always found the place to be clean and orderly and his staff friendly. As a commercial property landlord I would prefer a used car lot over an auto repair center any time.

I hope that you would consider a positive recommendation for this rezoning.

Sincerely,

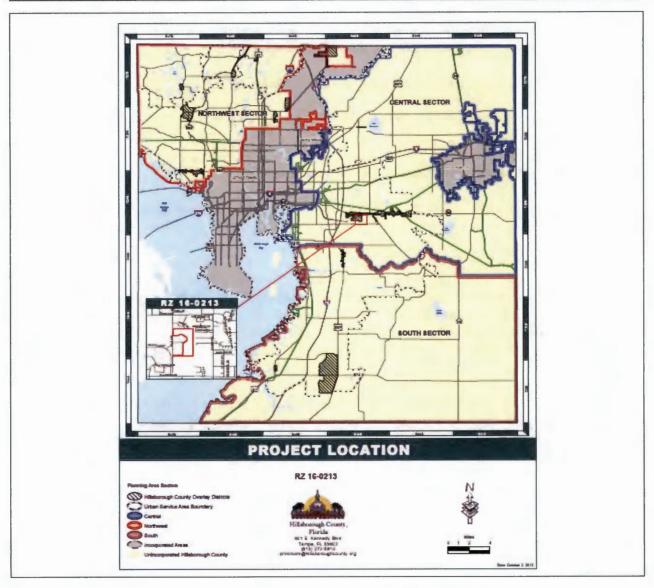
Buddy Harwell

edil/frek



STAFF REPORT

SUBJECT:	RZ PD 16-0213 (REMAND)	PLANNING AREA:	Brandon
REQUEST:	Rezone from BMS to a Planned Development	SECTOR	Central
APPLICANT:	Vincent Marchetti		
Existing Zoning	: Brandon Main Street (BMS-TC2)	Comp Plan Category:	CMU-12



BOCC MEETING DATE: September 13, 2016 CASE REVIEWER: Catherine Hartley, AICP

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed use project with 350 dwelling units and a minimum of 1,000 square feet of office space. Approval of this request is dependent on meeting the requirements of the CMU-12 Future Land Use category, policy 19.1 of the Comprehensive Plan, which requires a minimum of two land uses (retail, residential, or office uses) vertically integrated in one building, or 3 land uses if not vertically integrated; and the granting of a mixed use density bonus pursuant to Policy 19.3.

1.2 Compliance Overview with Codes and Technical Manuals

The applicant has not requested any variations to the Land Development Code Sections 6.05.00, 6.06.00, or 6.07.00.

1.3 Evaluation of Existing and Planned Public Facilities

The site is within the Urban Service Area and will utilize public water and sewer facilities. The water lines will have to be extended to the subject property and the cost should be born by the applicant.

Pauls Drive is a two-lane undivided roadway with a heavy tree canopy. There are currently no sidewalks or bicycle facilities on this segment. The impacted portion of Pauls Drive is operating at a level of service B with an adopted level of service D. The proposed use will generate less vehicle trips than the most intense permitted use in the current zoning district. The location, type and design of access point will be reviewed during the subdivision plan approval stage of the development.

Hillsborough Area Regional Transit (HART) provides local service to this area on Route 37 (Brandon to Netpark Transfer Center via Grand Regency Plaza). The closest transit stop for Route 37 is located approximately ¼ mile away on Oakfield Drive. Wherever possible, HART recommends the construction of an ADA accessible route to transit stops.

1.4 Comprehensive Plan Consistency

The Planning Commission staff has reviewed this petition and finds it consistent with the *Future of Hillsborough* Comprehensive Plan.

1.5 Compatibility

The Brandon Main Street district encourages a mix of uses which include residential and office uses. Of particular importance to the Brandon Main Street Community Plan area is the form and orientation of structures as they relate to public streets. Structures must face public streets and sites must provide as much connectivity and accessibility to complementary uses in order to

CASE REVIEWER: Catherine Hartley, AICP

support the vision of an urban, pedestrian and transit oriented area. Compatibility of uses is not at issue in this case. Of greater importance is maintaining the form and street pattern envisioned for the Brandon Main Street District. A potential impact of re-zoning a parcel in the middle of the BMS district has the potential of disrupting the street connectivity and block pattern planned in the district. The BMS district requires a certain level of street connectivity expressed in an index ratio of connections to intersections. However, the ratio is difficult to meet in places where a grid has not already been established and when site constraints such as environmentally sensitive areas prohibit connections at certain points. The applicant has worked with staff to develop a site design to meet the intended block length requirements of the BMS district. Also, the BMS district sets minimum and maximum setbacks as opposed to standard zoning districts that set minimum setbacks. The maximum setback in the BMS TC-2 district is 15'; however, in order to keep maintain the tree canopy along the front of the property, it is appropriate to consider a more lenient front setback for the building fronting Pauls Drive. Staff has recommended a maximum of 30'.

The 5 acre MOL site to the south was permitted to rezone to a PD (14-0901) due to its site constraints. However, the applicant was amenable to incorporating certain design elements, such as a terminated vista illustrated in the TND zoning district and TND street features, so that the design remained true to the BMS community plan. It is imperative that this application also incorporate certain design features to be consistent with the BMS Community Plan and properly connect to the site to the south.

1.6 Environmental Impacts

The Environmental Protection Commission of Hillsborough County (EPC) staff has identified a wetlands on site. EPC staff has stated that the site design may have to be modified at site development to mitigate the impacts on the wetlands.

Natural Resources staff evaluated the site and identified the following:

- A number of mature trees. The stature of these trees warrants every effort to minimize their removal.
- This site contains trees that qualify as Grand Oaks as defined by the Land Development Code (LDC).

1.7 Agency Comments

The following agencies have reviewed the request and offered no objections. Recommendations are reflected in the list of conditions of approval.

Transportation (with conditions)
Natural Resources (with conditions)
Water/Wastewater
Parks
Environmental Protection Commission
HART (with condition)

APPLICATION: R7 PD 16-0213 (Remand)

APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016 BOCC MEETING DATE: September 13, 2016

CASE REVIEWER: Catherine Hartley, AICP

1.8 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed general site plan (PD 16-0123)

2.0 Recommendation

2.1 Recommended Conditions of Approval

PD 16-0213 is approvable based on the conditions below and the site plan submitted on March 10, 2016.

- 1. The project is approved for a residential mixed use project. The primary use will be residential and is permitted a maximum of 350 375 units. A minimum of 1,000 square feet of office or retail uses shall be provided on the ground floor of the building in "Building Pod A" of the general site plan. If more than 1,000 square feet of non-residential uses is provided, the dwelling units will be reduced pursuant to the density and intensity calculations in the comprehensive plan.
- 2. The primary entrance to the office or retail space shall face Pauls Drive, shall be a distinctive and prominent element of the architectural design, and will have a direct pedestrian connection to the sidewalk along Pauls Drive. A Certificate of Occupancy for the office or retail use can either be issued prior to or concurrent with the Certificate of Occupancy for the residential portions of the project. This non-residential space shall not be used as the leasing office for the development.
- 3. The project will be developed in accordance with Parts 3.12.00 3.12.10, 3.12.11, and 3.12.12 (Parking, adequate public facilities, and sign standards, respectively) of the LDC, Brandon Main Street Development Standards, unless otherwise specified herein.
- 4. "Building Pod A" shall have architecturally distinct entrances which shall face and be perpendicular to Pauls Drive. The building's or buildings' main entrance(s) will be architecturally distinct and will face and be perpendicular to Pauls Drive. The developer can alternatively have multiple main entrances from each ground floor unit and non-residential space, but each unit shall have a sidewalk from each unit's door connecting to the sidewalk along Pauls Drive. The sidewalk will be perpendicular to the sidewalk along Pauls Drive.
- 5. The developer shall construct a <u>minimum</u> 5' <u>wide</u> public sidewalk along the property's Pauls Drive frontage. The developer is encouraged to construct the sidewalk consistent with design in the Pauls Drive PD&E (Brandon Main Street) study. <u>Sidewalks will be provided internally to the project that connect each building to one another.</u>
- 6. The building fronting Pauls Drive will have a maximum front setback of 30 feet in order to save the oak trees and preserve the canopy road along the front of the property. Parking shall not be permitted between the front of building and Pauls Drive. The building's frontage shall occupy a minimum of 60% 70% of the Pauls Drive frontage.

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7. In order to allow for the block structure envisioned by the BMS district, a vehicular and pedestrian cross-access to the southern property boundary will be provided as shown on the general site plan. The cross access shall be a minimum of 20 feet in width or shall match the width of the cross access provided by PD 14-0901 to the south, whichever is greater. This access is permitted to be gated, provided the gate permits two-way vehicular traffic through the gate (access can be controlled by developer). The parking lot drive-aisle on the northern side of the property should be designed to connect to and align with the cross access provided to the southern property boundary in order to allow for the continuation of a block pattern. No building footprints or structures of any kind, including mechanical equipment, shall impede this drive aisle. In order to accommodate this design, the developer may take advantage of the "chicane" design in Section 3.12.09 of the LDC.

- 8. Adherence to Condition 3 will be sufficient to meet the block standard requirement in Section 3.12.04 of the LDC. The following from Section 2, 3, 4, 5, and 6, 7, and 11 are considered "critical design features" and can only be modified pursuant to 5.03.07 of the Land Development Code: Vertical mix of uses with a minimum of two uses in Pod A, building façade designs and orientations, entrance location and design, any architectural requirements, all pedestrian connections, and cross access.
- 8. The developer shall submit a detailed traffic analysis at the time of site plan review. The applicant may be required to construct improvements in accordance with the Adquate Public Facilities Ordinance or enter into a proportionate share agreement per Florida Statue 163.3180. During Concurrency review, trip generation and the impacts on regulated roads will be based on the actual number of units proposed for construction. Off-street surface parking shall be set back a minimum of 100 feet from Pauls Drive.
- 9. All trees confirmed as a Grand Oak must be accurately located and labeled as such on the submitted preliminary plan/plat through the Site Development/Subdivision Review process. Design efforts are to be displayed on the submitted preliminary plan to avoid adverse impacts to these trees. A maximum of 1 vehicular access/curb cut along Pauls Drive which shall align to Chamber Drive and is subject to Access Management regulations.
- 10. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals. Screening of trash, recycling receptacles, loading docks, service areas, and mechanical equipment in Pod A and Pod B:
 - a) Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from Pauls Drive and must be screened to minimize sound to and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six (6) feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape

CASE REVIEWER: Catherine Hartley, AICP

- buffer shall be a minimum of five (5) feet in width and contain evergreen plants a minimum of three feet in height spaced not more than 4 feet apart.
- b. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from view from Pauls Drive shall be screened from view of any street by fencing, vegetation, or by being incorporated into a building.
- c. All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into roof structure.
- d. Solid waste storage areas. A solid waste refuse facility shall be screened on three (3) sides by a six-foot high masonry wall if it is located within the building setback area or located in areas visible to customers or from a public right-of-way.
- e. Pod A Fences and walls shall be constructed of masonry, wood, vinyl or cast iron/metal. Fences and walls located in required front yards shall be a maximum of 4 feet in height and fences located in required rear yards and side yards shall be a maximum of 6 feet in height. The location of all fences and walls shall be regulated by Article VI of LDC. Chain link fencing may be permitted in Pod B along the rear property line and around the stormwater retention areas.
- f. Building Façades in Pod A and Pod B. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination.
- g. All utility lines shall be located underground.
- 12. If the notes and/or graphic on the site plan are in conflict with the specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval. The developer shall submit a detailed traffic analysis at the time of site plan review. The applicant may be required to construct improvements in accordance with the Adequate Public Facilities Ordinance or enter into a proportionate share agreement per Florida Statute 163.3180. During Concurrency review, trip generation and the impacts on regulated roads will be based on the actual number of units proposed for construction.
- 13. All trees confirmed as a Grand Oak must be accurately located and labeled as such on the submitted preliminary plan/plat through the Site Development/Subdivision Review process. Design efforts are to be displayed on the submitted preliminary plan

6

CASE REVIEWER: Catherine Hartley, AICP

to avoid adverse impacts to these trees.

- Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
- The development shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 16. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 1417. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.
- Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or the recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to petition approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Meeting, said plan will be deemed invalid and a revised General Development Plan shall be submitted for certification. Certification of the revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Development Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

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Staff's Recommendation: Approvable, subject to conditions.

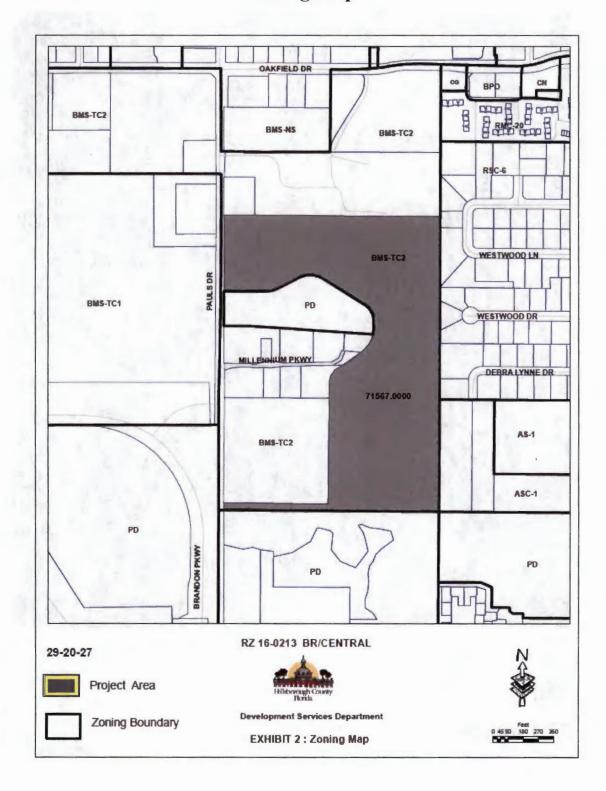
Zoning Administrator Sign-off:

inistrator J. Brian Grady off: Fri Mar 11 2016 15:35:21

Aerial Map

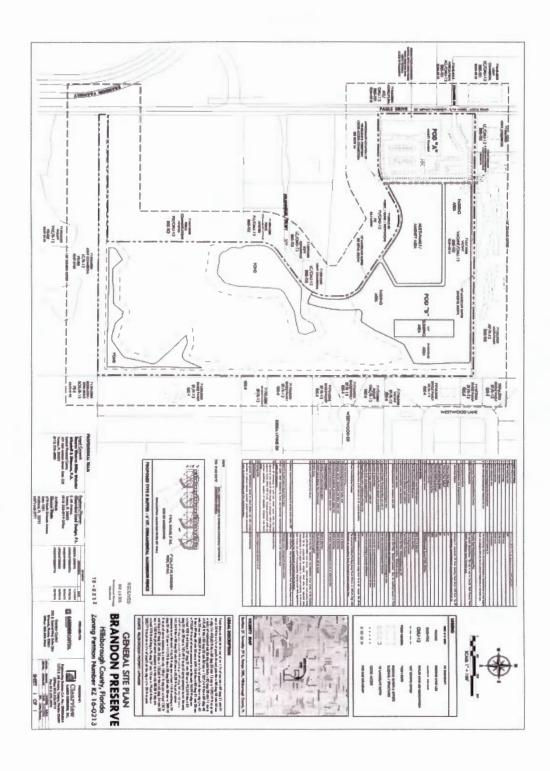


Zoning Map



CASE REVIEWER: Catherine Hartley, AICP

Site Plan



COUNTY OF HILLSBOROUGH RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ-PD 16-0213 (Remand) BR/C

DATE OF HEARING:

March 7, 2016; July 18, 2016

APPLICANT:

Vincent A. Marchetti

PETITION REQUEST:

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and

a minimum of 1,000 square feet of office space.

LOCATION:

E/S of Pauls Dr., 1000' S/O Oakfield Dr.

SIZE OF PROPERTY:

30.81 Acre±

EXISTING ZONING:

BMS-TC2

FUTURE LAND USE:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Brandon Main Street

APPLICATION REVIEW SUMMARY AND RECOMMENDATION

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. Approval of this request is dependent on meeting the requirements of the CMU-12 Future Land Use category, policy 19.1 of the Comprehensive Plan, which requires a minimum of two land uses (retail, residential, or office uses) vertically integrated in one building, or 3 land uses if not vertically integrated; and the granting of a mixed use density bonus pursuant to Policy 19.3.

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The site is within the Urban Service Area and will utilize public water and sewer facilities. The water lines will have to be extended to the subject property and the cost should be born by the applicant.

Pauls Drive is a two-lane undivided roadway with a heavy tree canopy. There are currently no sidewalks or bicycle facilities on this segment. The impacted portion of Pauls Drive is operating at a level of service B with an adopted level of service D. The proposed use will generate less vehicle trips than the most intense permitted use in the current zoning district. The location, type and design of access point will be reviewed during the subdivision plan approval stage of the development.

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Brandon Main Street District. A potential impact of re-zoning a parcel in the middle of the BMS district has the potential of disrupting the street connectivity and block pattern planned in the district. The BMS district requires a certain level of street connectivity expressed in an index ratio of connections to intersections. However, the ratio is difficult to meet in places where a grid has not already been established and when site constraints such as environmentally sensitive areas prohibit connections at certain points. The applicant has worked with staff to develop a site design to meet the intended block length requirements of the BMS district. Also, the BMS district sets minimum and maximum setbacks as opposed to standard zoning districts that set minimum setbacks. The maximum setback in the BMS TC-2 district is 15'; however, in order to keep maintain the tree canopy along the front of the property, it is appropriate to consider a more lenient front setback for the building fronting Pauls Drive. Staff has recommended a maximum of 30'.

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Natural Resources staff evaluated the site and identified the following:

- A number of mature trees. The stature of these trees warrants every effort to minimize their removal.
- This site contains trees that qualify as Grand Oaks as defined by the Land Development Code (LDC).

1.7 Agency Comments

The following agencies have reviewed the request and offered no objections. Recommendations are reflected in the list of conditions of approval.

Transportation (with conditions)
Natural Resources (with conditions)
Water/Wastewater
Parks
Environmental Protection Commission
HART (with condition).

1.8 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map Exhibit 3: Proposed general site plan (PD 16-0123).

2.0 Recommendation

- 1. Prior to Site Plan Certification, the developer shall revise the General Site Plan to:
- A. Show the driveway and cross access connection within PD 14-0901;
- B. Add a cross access arrow in a location which vertically aligns with the access described in the conditions below, and labeled "Vehicular and pedestrian cross access connection";
- C. Add a cross access arrow in a location along its northern property boundary that vertically aligns with the access described in the conditions below, and labeled "Future vehicular and pedestrian connection (to be constructed by others)";
- D. Revise notes 22, 23, and 28 for consistency, and to reflect the site plan revisions and conditions below.

2.1 Recommended Conditions of Approval

Approvable, subject to the conditions based on and predicated on changes being made to the site plan submitted on February 16, 2016, pursuant to the notes above and conditions below prior to the BOCC Land Use Hearing.

SUMMARY OF HEARING (March 7, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 7, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Vincent Marchetti, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, represented Gardner Capital, the applicant. Mr. Marchetti testified that the applicant is under contract for an approximate 30-acre parcel located on the east side of Pauls Drive, just south of Oakfield Drive in Brandon, which is the in Brandon Main Street Overlay Plan. The applicant is seeking this PD to develop approximately 350 dwelling units and 1,000 square feet of office on the site. The site does have significant wetlands; approximately 12 acres of wetland area is along its eastern-southern portions, which effectively negates the possibility of applying the current BMS-TC2 standards to the entire property. The applicant has worked extensively with all Development Services staff and the Planning Commission to provide a very creative site plan to accommodate BMS standards on the frontage along Pauls Drive and to still have the ability to develop the site in its entirety beyond the wetland.

The applicant's Planner, David Smith, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, also provided testimony. Mr. Smith handed out an information package containing several maps. He displayed the site plan and explained that it reflects the conditions agreed upon. He then pointed out the extensive wetlands on the site and that Pauls Drive is essentially the eastern road boundary of the Brandon Main Street Overlay. He then indicated the wetlands and ditch

connections all the way down and out and underneath Pauls Drive and also Brandon Parkway. He pointed out the large wetland at the center of the site that limits the development area to the northern portion. Mr. Smith stated that the Brandon Main Street Overlay has various zoning districts. Within those zoning districts BMS-TC2 would allow 20 units per acre and would not require a mixed-use project in order to accomplish that. However, in order to do that, one has to accomplish all the goals and standards within the Brandon Main Street Plan that has block and grid type development of a very structured type layout. With the subject project, the applicant's issue is a church property to the subject property's south that has approval. It has a cross-access but there is also an existing small office park. The church property is just north of Millennium Parkway. Part of the Brandon Main Street is a block type development, but if one were to try to put a block type development in the rectangle site, no connections can be made to the north or south. Additionally, no connections can be made to the east because of an existing subdivision.

Mr. Smith stated that in looking at the property and discussing it with staff, the applicant had options to either come into Site Development and apply for several variances, or to go into a PD plan to identify specifically what standards of the Brandon Main Street Plan can be accomplished and justify, as part of a PD, why he needing to go to that type of development program. Additionally, with the CMU-12 Comprehensive Plan category, if one is not zoning for 20 units per acre then they have to look for a density bump-up to achieve a higher density than the 12 units per acre. The applicant is proposing this by vertically integrating a 1,000 square foot office. The building fronting Pauls Drive will provide that vertical integration and allow the applicant to bump up to 16 units per acre.

Mr. Smith then displayed a map depicting the subject property and its surrounding area and pointed out the CMU-12 as well as the Brandon Main Street Overlay areas. He stated that the subject site is on the extreme boundary of the overlay and not many properties have developed under the The church had issues similar to the applicant's. The BMS-TC2 or BMS standards to date. proposed PD will meet the standards identified in the applicant's conditions with a building that fronts Pauls Drive and has a vertically integrated portion of mixed-use within. Each one of the units at the bottom will either have direct pedestrian connection, the ones that are facing Pauls Drive, or there will be a central entrance that will be a prominent feature connecting Pauls Drive to provide for the town center. The parking will be to the rear and will be a minimum of 100 feet back, meeting the BMS-TC2 standards. The applicant will provide direct cross-access to the church and future cross-access is identified to the north to be provided if any redevelopment does occur. In the back is a traditional park development except for the fact that the applicant will meet the BMS-TC2 architectural standards and the fence standards and buffering. Those were all identified in the conditions so that the applicant has a true BMS-TC2 type project. While he cannot meet all the standards he is meeting the intent and is specifically meeting it on the frontage along Pauls Drive. The applicant has worked hard with staff to craft the conditions and is in agreement with the conditions as those have been provided at the hearing. The units facing Pauls Drive will have the direct pedestrian connection even though the conditions do not say that.

Catherine Hartley of Development Services pointed out a minor correction in the header of the staff report. Also, the applicant has 31 acres, not 39 (originally indicated in report) which impacted the calculation for the density that they wanted; it was 350 units, where she had previously listed 375. The conditions are correct; it was just the narrative of the staff report that had the errors. Ms. Hartley pointed out that what the Hearing Officer had taken into evidence at the beginning of the hearing were a combinations of staff's revised conditions and those from the applicant. They had spent several weeks trying to work those out. The most important thing to County staff is that the building or buildings in the front. In order to get the density bonus, the applicant has requested to get up to 16 units an acre. The applicant has to have a vertically integrated use in the front facing Pauls Drive and it has to be a minimum of thousand square feet. How the building or buildings fronts Pauls drive is important. Pauls Drive is one of the streets called out in the code and so the way it fronts that street is most important. Secondly, last year, when the church came in for their PD, their biggest issues were the connectivity. The subject site is such a "weird" shaped parcel along with a significant amount of wetlands in the back. Therefore, staff had to come up with a creative design solution instead of getting numerous variances; however it is the cross-connection for the future possibilities redevelopment to the north and the south that was of most concern. One has to guess what might happen in the future and try to meet them within the block requirements of Brandon Main Street. The church was willing to do that. Now this applicant has come in and so that cross-access with the church is most important next to the building that faces Pauls.

Melissa Lienhard with the Planning Commission testified that the subject property is located within the Community Mixed Use-12 Future Land Use Category, within the Brandon and Brandon Main Street Community Planning Areas, and is also in the Urban Service Area. Ms. Lienhard stated that Planning Commission staff does support the rezoning to a Planned Development as conditioned by the Development Services Department. The CMU-12 Future Land Use Classification requires a mix of uses for parcels over 20 acres. The project will include office space that will be for lease and integrated into the building that fronts Pauls Drive. The applicant is also seeking a density bonus to 350 multifamily units. Staff supports the request for that density increase due to the vertical integration of the proposed use. Both Development Services and the Planning Commission staff have worked very hard with the applicant's representative who has agreed to front the vertically integrated building along Pauls Drive. Ms. Lienhard provided an exhibit for the record, depicting the front of a building because the front is so important to have on Pauls Drive. She stated that the applicant's representative has seen the exhibit and has agreed that this photo represents the front of the building. For the reasons noted, Planning Commission staff found the request consistent with the Future of Hillsborough Comprehensive Plan, subject to the conditions requested by the Development Services Department.

The Zoning Hearing Master then asked for any audience members in support of the request. There were none.

The Zoning Hearing Master then asked for any audience members in opposition to the request. The Hearing Officer noted that two people had raised their hands in opposition. No specific opposition testimony was received.

Vincent Marchetti provided rebuttal testimony for the applicant. Mr. Marchetti stated that a neighborhood meeting had been held early on in the process of the application with probably 10 to 15 people attending. No one after the meeting expressed any opposition to the project. He was surprised someone showed up at the hearing opposing it.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

ina DeMay (DS Staff)

Conditions

David Smith

Site Plans

Melissa Lienhard (PC)

Photograph

SUMMARY OF HEARING (July 18, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 18, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.¹

The hearing officer asked if any representative of the Homeowner's Association, which had been previously excluded from the original public notice but noticed properly for the Remand Hearing, or any resident living within that community was available to speak. Hearing no response, the second public hearing was concluded.

PREFACE

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

FINDINGS OF FACT

 The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area.

¹ Due to no fault of the applicant, a neighborhood organization was inadvertently excluded from the notice list of the original hearing due to an error in the database that was utilized by Hillsborough County to generate the list of the registered Neighborhood Organizations and Civic Associations that were required to be notified. As a result of that error, the petition was remanded back to the Land Use Hearing Officer to conduct an additional public hearing after appropriate notice was provided.

- 2. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district.
- 3. Although "zoning out" of the BMS-TC2 zoning district, the parcel does fall under the Brandon Main Street plan and must meet the intent of that plan. Additionally, by requesting to "zone out" of the BMS-TC2, the applicant is also subject to the requirements of the Community Mixed Use-12 Future Land Use Classification.
- 4. The parcel to the south is a Planned Development for a church and ancillary buildings. Across Pauls Drive is a 54 acre farm, the largest piece of property in the Brandon Main Street Planning area. The subject parcel is the second largest parcel in the Brandon Main Street Planning area. North of this site is an older apartment complex developed prior to Brandon Main Street regulations. On the west side of Pauls Drive, north of the farm, is the Brandon Chamber of Commerce building.
- 5. The applicant has requested a density/intensity bonus per Policy 19.3 of the Future Land Use Element. The request is for 350 multi-family units. Under the CMU-12 Future Land Use category the maximum number of units without the vertical mixed use is 283. The project will have two vertical land uses according to the applicant. The second use will be for an office integrated into the multi-family building that will front on Pauls Drive.
- 6. The project will also provide vehicular and pedestrian connectivity with the project to the south, as well as a future connection to the north in a possible redevelopment scenario.
- 7. Overall, the applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the vertical integration of two uses, as described above, for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Concept Plan and the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is competent substantial evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district for a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. The applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the

vertical integration of two uses for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to revised recommended conditions of approval as prepared by the staff of the Development Services Department.

James A. Scarola

Date

Land Use Hearing Officer

PETITION NUMBER: MEETING DATE:

RZ 18-0798 October 9, 2018

Approval, subject to the conditions listed below, is based on the general site plan submitted July 31, 2018.

1. The project shall be limited to a maximum of 5,000 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).

- 2. Notwithstanding that auto repair has been determined to be an existing lawful use under LDC Section 3.17.02(A), auto repair shall be a prohibited use.
- 3. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required, as applicable, and the following additional conditions shall apply:
 - 3.1 Unless otherwise approved through the LDC 6.04.02.B. Administrative Variance process, a cross access to the western parcel (Folio 055807.0100) shall be required.
 - 3.2 As Shellpoint Road is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Road frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way line centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the proposed right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- 4. The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 5. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 5.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 5.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 5.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 5.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 5.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 5.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 6. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 7. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 8. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

Affidavit of Edwin H Harwell Jr

STAT	E OF FLORIDA)
)
COUN	NTY OF HILLSBOROUGH)
BEFO	RE ME, the undersigned authority,
persor	nally appeared EDWIN H HARWELL JR("Affiant"), who being first duly sworn, deposes and
says:	
1.	My name is Edwin H Harwell Jr. I am over the age of 18. I have personal knowledge of the facts in this Affidavit, and I am competent to testify about those facts.
2.	I have known Ted Pieta, previous owner of the property located at 108 N. US Hwy 41, Ruskin, Florida, since 2003.
3.	Since 2003, I frequently visited Mr. Pieta's business known as Ted's Auto Center ("Ted's") located at 108 N. US Hwy 41, Ruskin, Florida. Ted's was at all times in the business of auto repair and vehicle sales.
4.	On several occasions, Mr. Pieta informed me that he had vehicles available for sale at Ted's.
FURT	HER AFFIANT SAITH NOT.
	Edwin H HARWELL Jr
	SWORN TO AND SUBSCRIBED before me by Edwin H Harwell Jr, who is personally known to
me, or	who produced as identification, this day of day of,
2019.	
	Notary Public

Print name: My Commission Expires:

ZHM Hearing – RZ 18-0798 August 20, 2018

Application No. 18-0798
Name: Work Denthey
Entered at Public Hearing: 247
Exhibit # Date: 800 b

EXHIBIT LIST

- 1. LDC Section 10.04.00
- 2. LDC Section 3.17.07
- 3. Ordinance No. 07-25 (LDC 07-1450; amending RTC)
- 4. Ordinance No. 09-53 (LDC 09-0421; amending RTC)
- 5. Ordinance No. 11-24 (LDC 12-0011; amending RTC)
- 6. LDC Section 3.17.02
- 7. VAR 13-0268 (Family Dollar)
- 8. VAR 14-0580 (Family Dollar)
- 9. VAR 18-0539 (AutoZone)
- 10. Support Letter from RJ Santiago & Associates (302 N US Hwy 41, Ruskin, FL)
- 11. E-mail from Roland Santiago, president of RJ Santiago & Associates
- 12. ZI 14-0767 Decision Letter & Petition
- 13. Affidavit of Ted R. Pieta confirming auto sales (prior owner of subject Property)
- 14. Photo Marwan Auto Services
- 15. Photo Pawn Pros
- 16. Aerial of Existing Site
- 17. Rendering of Proposed Improvements
- 18. LDC Section 3.17.00 RTC Development Regulations (non-compliant sections highlighted)

1-3000

- 19. Presentation by Ty Maxey, AICP
- 20. Proposed Conditions of Approval

ZHM Hearing – RZ 18-0798 August 20, 2018

EXHIBIT LIST

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- 20. Proposed Conditions of Approval

PART 10.04.00 - PROCEDURE FOR APPLICATIONS FOR AMENDMENTS TO THE SCHEDULE OF DISTRICT REGULATIONS AND TEXT OF CODE

Sec. 10.04.01. - Applicability

Applications for amendments to the tables, schedules or text of this Code shall be subject to the following procedures and the requirements of Section 8.0 of the Development Review Procedures Manual.

(Ord. No. 01-26, § 2, 9-12-01; Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.02. - Application

An application shall be filed with the Administrator. The application shall contain such information as set forth in the Development Review [Procedures] Manual.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.03. - Referral to Staff

The Administrator shall forthwith provide a copy of the application to the staff of the Planning Commission requesting a review of its contents.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.04. - Schedule Before Board

- A. County/Government Agency Initiated
 - The Land Development Code shall be revised pursuant to the schedule provided by the Administrator.
- B. Privately Initiated
 - The Administrator shall schedule a Personal Appearance for the applicant before the Board pursuant to the schedule provided by the Administrator.
 - The Administrator shall prepare a report for the Board that shall include, at a minimum, the following information:
 - Recommendation on whether or not the amendment serves a public purpose
 - A determination of resources needed for adequate review
 - c. Recommendation on timeframe to review the amendment
 - d. Recommendation on public outreach
 - The Board shall take one of the following actions at the scheduled Personal Appearance date after review of the report by the Administrator and testimony provided by the applicant:
 - a. Motion to take no further action on the application.
 - b. Motion to allow the application to proceed to a public hearing in accordance with the procedures outlined herein. Said motion shall address the Administrator's recommendations on the review timeframes, public outreach and provision of additional resources (if applicable).

(Ord. No. 00-21, § 2, 5-18-00; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 14-3, § 2(Exh. A), (Item IV-C), (13-0721), 1-30-14, eff. 2-6-14)

Sec. 10.04.05. - Hearing Before Board

At the Board meeting, the applicant shall have the opportunity to present justification for the proposed amendment. The Administrator and the staff of the Planning Commission shall also report the results of a preliminary review of the proposed amendment and recommendations thereon, if any.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.06. - Decision by Board

- A. The Board may take any one of the following actions:
 - 1. Approval of the amending ordinance and establishment of the effective date.
 - 2. Disapproval of the amending ordinance.
 - 3. Remand for additional study.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 3.17.07. - Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.

(Ord. No. 06-34, § 2, 11-2-06; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 09-53, Item Y, 6-11-09, eff. 10-1-09; Ord. No. 11-24, § 2(Item A)(12-0011), 12-5-11, eff. 2-1-12)

ORDINANCE

07 - 25



November 14, 2007

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re: Ordinance #07-25

Amending Ordinance 92-5, As Amended, Hillsborough County Land Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #07-25 which was adopted by the Board of County Commissioners on November 1, 2007. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of February 1, 2008.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

md

Attachments

Certified Mail 7003 3110 0004 4684 6364

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Ellen Leonard, Legal Advisor, Sheriff's Office

Librarian, State Attorney's Office

Adam Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Dale Bohner, Legal Counsel, Clerk of Circuit Court

Sandra Davidson, County Attorney's Office

Ronnie Blackshear, Planning & Growth Management

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BOARD OF COUNTY COMMISSIONERS

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Ken Hagen
Al Hagenbotham
Jem Norman
Mark Shurpe
Kevin White

Office of the County Administrator Patricia G. Bean Deputy County Administrator Wally Hill

Assistant County Administrators Kenneth C. Griffin Carl S. Harness Manus). O' Donnell

AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2007 ROUND 2

THURSDAY, NOVEMBER 1, 2007 6:00 PM

	I.	Call to Order	Jim Norman, Chairman
	II.	Introduction .	
	m.	Presentation of	of Amendments Joe Moreda, AICP, Manager
		Commissione Planning Con	evelopment Code (LDC) text amendment packet contains the Board of County ers Recap of the September 26 workshop and October 18 first public hearing, mmission letter and resolution regarding consistency of text amendments with the ive Plan, and backup material and draft LDC text for each proposal.
5/w.C	A.	LDC 07-0690	Expand the regulation of temporary labor pool businesses to reduce nuisances as requested by the Hillsborough County Sheriff's staff
5/F1	B.	LDC 06-1822	Revise the Conservation Subdivision regulations
5/F 7-0	C,	LDC 07-1453	Provide incentives to encourage the development of green roofs
F/57.	D.	LDC 07-1454	Reduce the amount of required parking spaces in order to increase the amount of pervious area on sites proposed for development
W/B2	E.	LDC 07-0691	Consider revisions to the fence regulations
5/F	F.	LDC 07-1450	Revise the Ruskin Town Center (RTC-1) regulations, as directed by the BOCC, to allow additional permitted uses on a specific folio number

F/Ha 7.0 a.	LDC 07-1452	Revise the Thonotosassa Main Street sign regulations that conflict with the sign code
5/1= 7-0 H.	LDC 06-0886	Reservation of vested vehicle trips on appropriate road segments pursuant to the issuance of a certificate of occupancy
Dany F-51.	LDC 07-1090	Requested revision to the sign code regulations
F/5 7-0 J.	LDC 07-1432	Requested revision to the traditional neighborhood development regulations (TND)
F/S 7-0 K.	LDC 07-1961	Bring the exterior lighting code regulations into conformance and make consistent with the technical standards of the Illuminating Engineering Society of North America (IESNA)
F/5 7-0L.	LDC 07-1963	Provide clarity as to the proper procedural requirements for the Code Enforcement Board process
5/F 7-0 M.	LDC 07-2029	Clarify post hearing notice requirements for the LUHO process
,		dinance and announcement of effective date Adam Gormly, County Attorney's Office
(v.	Adjourn	Jim Norman, Chairman
TV 5	12	Cherrore K& L with an advance.
ORD # 07-24	7-0	affective date upon bung filed with DCA
ORD#	5/F 7-0	appearer remaining items with the exception of Stens I, with an affective date of 2/1/08.



Brisn Blair Rose V. Ferlita Ken Hagan Al Higginbotham Jim Norman

BOARD OF COUNTY COMMISSIONERS

Mark Sharpe Kevin White Office of the County Administrator Patricia G. Bean

Deputy County Administrator
Wally Hill

Assistant County Administrators Kenneth C. Griffin Carl S. Harness Manus J. O' Donnell

AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENT FOR SCHOOL CONCURRENCY

110 action

FIRST PUBLIC HEARING

NOVEMBER 1, 2007

6:00 PM

I.	Call to Order	Jim Norman, Chairman
II.	Introduction	Patricia G. Bean, County Administrator
III.	Presentation of A	mendment Joe Incorvia, Manager
A .	LDC 08-0089	Amendment to Sec. 4.02.00 Adequate Public Facilities to provide the standards and regulations of adequate public facilities for schools
rv.	Adjourn	Jim Norman, Chairman

ORDINANCE NO. 07-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER ZONING DISTRICT; SIGNS WITHIN THONOTOSASSA MAIN STREET OVERLAY DISTRICT; AMENDING ARTICLE 4, NATURAL RESOURCES AND ADEQUATE PUBLIC FACILITIES, RELATING TO SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURES; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO CONSERVATION SUBDIVISIONS: TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE ("TND CODE"); AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO TEMPORARY LABOR POOLS; PARKING AND LOADING STANDARDS; REGULATIONS FOR FENCES; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO HEARINGS BEFORE THE LAND USE HEARING OFFICER; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO GREEN ROOF; OPEN SPACE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on October 8, 2007 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on October 18, 2007 and on November 1, 2007, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 1st DAY OF NOVEMBER, 2007:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215 Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.
- Section 4. This Ordinance shall take effect on February 1, 2008.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on November 1, 2007, as the same appears of record in Minute Book 378 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of November 2007.

)

PAT FRANK, CLERK OF CIRCUIT COURT

By:

Traidul K. Byn-

Deputy Clerk

APPROYED BY COUNTY ATTORNEY

Approved as to Form and

Approved as to Form and Legal Sufficiency.

EXHIBIT "A"

2007 ROUND 2

LAND DEVELOPMENT CODE TEXT AMENDMENTS

ADOPTED: NOVEMBER 1, 2007

EFFECTIVE: FEBRUARY 1, 2008

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.



CHARLIE CRIST Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING Secretary of State

November 8, 2007

Gail M. Letzring, Manager, BOCC Records Clerk of the Circuit Court Hillsborough County P.O. Box 1110 Tampa, Florida 33601

Dear Ms. Letzring:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 6, 2007 and certified copies of Hillsborough County Ordinance Nos. 07-24 and 07-25, which were filed in this office on November 7, 2007.

Sincerely,

Program Administrator

LC/lbh

DIRECTOR'S OFFICE R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

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The Tampa Tribune

SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE County, Florida

sioners of Hillsborough County, Florida, proposes to edupt the following by ordin

The Board of County Consistences of Hillsborruph County, Portial, propiese to adopt the following by ordinance:

JADBIANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBORRUPH COUNTY, FLORIDA, AMENDRIA ORDINACE AS, AS AMERICE, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT CODE, FREE AS, AS AMERICE, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT CODE, FREE AS, AS AMERICE, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT CODE, FREE AS, AS AMERICAN AS AMERICAN AS AMERICAN CODE, FREE AS AMERICAN AS AMERICAN

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons with religit wish to appeal any declation made by the Board of County Contentiationer's regarding any matter considered at the furth-covering public hearing are hearby advised that they will need a record of the proceedings, and for such purpose they may need to sharely that a vertestin record of the proceedings to made, including the testimony and evidence upon which the appeal to the follower.

For copies of the proposed anneathness and Author Information content. The Hillsborough County Revening and Growth Management Department of (\$13) 278-5054.

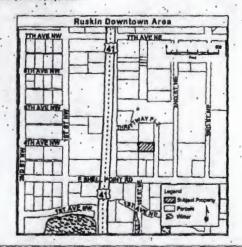


Ana Maria Hodel Commission #D0551367 Expires: MAY 11, 2010

RECEIVED BY

OCT 26 2007

COUNTY ATTORNEYS OFFICE ACCOUNTANT



THONOTOSASSA MAIN STREET OVERLAY DISTRICT Thonotosassa Main Street Focus Piercel Lines

Streets & Roads

TO

6696

The Tampa Tribune

Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Metro IN THE Tampa Tribune

In the matter of

Legal Notices

was published in said newspaper in the issues of

10/24/2007

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 24 day of October, A.D. 2007

Personally Known or Produced Identification Commission #DD551367

Type of Identification Produced MAY 11, 2010 WWW.AARONNOTARY.com

RECEIVED BY

OCT 26 2007

COUNTY ATTORNEYS OFFICE ACCOUNTANT

Charles Hooley



November 6, 2007

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #07-25

Amending Ordinance 92-5, As Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #07-25, adopted by the Board of County Commissioners on November 1, 2007. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

Manager, BOCC Records

Gail M. Letzring,

Attachment

md

Federal Express AB# 8610 5960 0686

BOCC RECORDS PROCESSING	010 074 0100	of specials will be distance or an Administration Delivery MDF anotherise. Suppose SATART Section 19 is a Marchael Delivery MDF anotherise. Suppose SATART Section 20 in a second section 20 in a section 20 in a second section 20 in a second section 20 in a secti
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TAMPA Date	FL a 33602-3503	S, Packingling S FordEx FrodEx FrodEx Dear Inches
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FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

The state of the s				
COUNTY: (_ Hillsborough) COUNTY ORDINANCE # (0725) PRIMARY KEYFIELD DESCRIPTOR: (Land Development Code Amendments)				
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)				
OTHER KEYFIELD DESCRIPTOR: (
ORDINANCE DESCRIPTION: (_L.D.C. Amendments) (25 characters maximum including spaces)				
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)				
AMENDMENT # 1: (_Ord. 92.5, as amended _)				
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)				
REPEAL # 1: () REPEAL # 3: ()				
REPEAL # 2: () REPEAL # 4: ()				
(Others repealed: List all that apply):				
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()				
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()				
KEYFIELD 3 CODE: () Rev. 4/10/01				

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS
Brian Blair
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Renée Francis Lee, County Attorney Donald R. Odom, Deputy County Attorney

Managing Attomers

Christine M. Beck Robert E. Brizel Hank Ennis Mirry Helen Farris Susan J. Fernandez Sheree C. Frish Adam J. Gormly Jennie Granahan Tarr

MEMORANDUM

To:

Beverly Miller, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney

Date:

November 6, 2007

Re:

November 1, 2007 Land Development Code Amendment Public Hearing

Attached are two ordinances adopted by the Board of County Commissioners on November 1, 2007, adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. Also attached are four discs containing electronic copies of these amendments. The first ordinance will become upon filing with the Secretary of State; the effective date of the second ordinance is February 1, 2008. Certified copies of the respective ordinances must be transmitted to the Department of State within ten days of November 1, 2007.

Additional hard copies of the amendments and discs containing the amendments for transmittal to Municipal Code Corp. are also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney

Ronnie Blackshear, Planning & Growth Management Department

(8) ORAOB 3HT

42 :6 HA 9- ON 1003

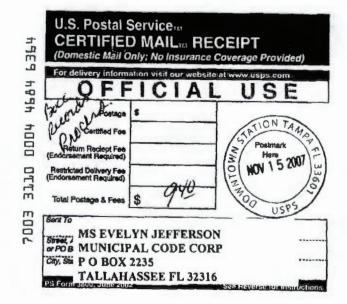
HEOEINED ..

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 · Tampa, Florida 33601
(813) 272-5670
Fax: (813) 272-5231
An Affirmative Action/Equal Opportunity Employer



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
Complete items 1, 2, and 3. Also complete item 4 if Rostricted Delivery is desired. Print your name and address on the reverse	A Signature X □ Agent X □ Addressee		
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name)		
1. Article Addressed to:	D. Is delivery address different from item 1?		
MS EVELYN JEFFERSON			
MUNICIPAL CODE CORP P O BOX 2235			
TALLAHASSEE FL 32316	3. Senica Typa		
	Cortified Mail Expre	sa Mail	
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2. Article Numbs 7003 3110 0004	4684 6364		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mallpiece, or on the front if space permits. Article Addressed to: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 	A Signature A Company Addressed C Date of Delivery A Company Addressed In Signature D. Is delivery address different from Item 1? Yes If YES, enter delivery address below:
* Please Return Receipt *	3. Service Type Certified Mall
2. Article Numbe 7003 3110 0004	4684 6364
PS Form 3811 February 2004 Domestic D	ehum Danailmi 400000 on M 4040



ORDINANCE

09 - 53



June 22, 2009

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re: Ordinance #09-53

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #09-53 which was adopted by the Board of County Commissioners on June 11, 2009. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of October 1, 2009.

If I can provide additional information or be of further assistance, please do not he sitate to contact me.

Sincerely,

bam

Attachments

Manager, BOCC Records

Certified Mail # 7003 3110 0004 4683 0219

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Debra A. Cole, Hillsborough County Sheriff's Office

Adam J. Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Ronnie Blackshear, Planning and Growth Management

Sandra Davidson, County Attorney's Office

Nancy Milam, County Attorney's Office



BOARD OF COUNTY COMMISSIONERS
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Al Higginbotham
Jim Norman
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Kevin White

I.

Office of the County Administrator Patricia G. Bean ADMINISTRATORS
Lucia E. Garsys
Carl S. Harness
Eric R. Johnson
Michael S. Merrill
Manus J. O Donnell
Edith M. Stewart

AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2009 ROUND 1

JUNE 11, 2009

Call to Order Ken Hagan, Chairman

	II.	Introduction .	
	m.	Presentation of	of Amendments Joe Moreda, AICP, Manager
,	*	Commissioners re-	oment Code (LDC) text amendment packet contains the Board of County cap of the May 21 first public hearing and March 19 workshop, Planning and resolution regarding consistency of text amendments with the Comprehensive ort, draft LDC text, and backup material for each proposal.
h/N	A. 5-1	LDC 09-0278	and resolution regarding consistency of text amendments with the Comprehensive ort, draft LDC text, and backup material for each proposal. Allow for educational activities at bed and breakfast inns, only to overnight guests, which are now prohibited as a form of personal care services. (Privately initiated amendment) Provide assurance for public participation in deciding whether to site Wireless Communication Support Structures (WCSS) on school property Modify the use matrix and clarify that certain uses more closely
N/B	→B.	LDC 09-0458 PD# 69-52	Provide assurance for public participation in deciding whether to site Wireless Communication Support Structures (WCSS) on school property
w-00	C.	LDC 09-0321	Modify the use matrix and clarify that certain uses more closely align with review requirements and use permissibility
	D.	LDC 09-0316	Prohibit the use of house siding for fences in residential districts, forbid variances to allow the use of prohibited materials, and clarify the definition of masonry

E.	LDC 09-0315	Provide alphabetic references into the Table of Contents for Special and Conditional Uses to assist location of those uses which are not in alphabetical order
F.	LDC 09-0311	Codify past determinations by the Zoning Administrator that variances may be requested to the proximity requirements for community residential homes
G.	LDC 09-0312	Permit a three-foot setback for all screen patio enclosures with screen roofs, regardless of whether a pool is present
H.	LDC 09-0314	Clarify existing allowance for 8-foot-high fences in agricultural districts to specify such parcels must have a stable or be engaged in bona fide agricultural operations. Also, clarify fence opacity requirement
I.	LDC 09-0313	Codify past zoning interpretations by revising the definition of kennel to expressly include the commercial breeding of dogs and/or cats
J.	LDC 09-0322	Recognize vested rights to complete development a property owner acquires as a result of constructing transportation improvements and that extensions apply to the entire subject area
K.	LDC 09-0318	Permit small and medium scale Wind Energy Conversion Systems (WECS) in certain zoning districts through either an administrative or Special Use Permit process
L.	LDC 09-0317	Permit 4,000 sq. ft. lots and provides standards without requiring PD district approval
M.	LDC 09-0309	Provide for certain types of restricted home-based business uses within agricultural and/or residential districts and establish performance standards
N.	LDC 09-0310	Create Conditional Use standards for dormitories to regulate density and other development requirements and revise the definition of the use to clarify its applicability and reflect recent zoning interpretations
Ο.	LDC 09-0320	Create an overlay zoning district that will permit the use of single-family, two-family, or multi-family dwelling units to be rented on a daily or longer bases as resort dwellings
P.	LDC 09-0319	Revise the definition of recreational uses and modify where said uses are permitted Confidence of the round

Q.	LDC 08-1028	Streamline notice requirements for continuances of public hearing on applications and to impose a maximum time limit in which a hearing must be held on an application. (Continued from Round 2-08)
R.	LDC 09-0307	Allow canopy signs attached to canopies that are detached from a building structure. Allow street banners to be placed on private property in platted subdivisions and commercial development
S.	LDC 09-0308	Clarify that existing illegal nonconforming on-site ground signs shall be subject to applicable provisions of the code
T.	LDC 09-0306	Provide for the Riverview Downtown District and design standard which implement the vision, principles, and strategies of the Riverview Community Plan
U.	LDC 08-1038	Establish that no building permit applications will be accepted until on-site and off-site improvement facilities are constructed, substantially completed or have an approved financial guarantee. (Continued from Round 2-08)
V.	LDC 09-0324	Clarify the term "Regulated Substances" is not intended to regulate naturally occurring regulated substances at naturally occurring detection levels
W.	LDC 09-0343	Update an outdated reference of the Florida Statutes (F.S.) pertaining to hazardous walking conditions for elementary school students
X.	LDC 09-0344	Provide definitions of technical terms, clarification, and bring the exterior lighting standards into conformance with the Illuminating Engineering Society of North America (IESNA)
	LDC 09-0421	Amend the Ruskin community plan regulations to accommodate a community market within the Ruskin Town Center

G:\Plans\RONNIEB\LDC 2009 - Round 1\BoCC 2nd public hearing AGENDA_2009-Round 1.doc

ORDINANCE NO. 09-53

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, ALLOWABLE USES IN ZONING DISTRICTS: RELATING TO ESTABLISHMENT OF ZONING DISTRICTS; HOUSING TYPES; ACCESSORY USES; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS; RESORT DWELLING OVERLAY DISTRICT; TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS; SIGNS IN STATE ROAD 60 (BRANDON BOULEVARD) OVERLAY DISTRICT; SIGNS IN HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS; RIVERVIEW DOWNTOWN-UPTOWN OVERLAY DISTRICT; RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO DENSITY OF CONSERVATION SUBDIVISIONS; AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS; TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL USES; COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED; SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS: RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION; HOME-BASED BUSINESSES; RURAL HOME INDUSTRY; PARKING AND LOADING STANDARDS; DORMITORIES; RECREATIONAL USES, REGIONAL; CIRCUSES / CARNIVALS; AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES NEIGHBORHOOD LEVEL; SWIMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS; PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE

BOARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); SUBDIVISION REVIEW PROCEDURES AND SITE DEVELOPMENT PLAN REVIEW PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING ARTICLE 11, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPLIANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS ORDERS; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO LUMBER AND OTHER BUILDING MATERIALS SALES; MASONRY; KENNEL; WIND ENERGY CONVERSION SYSTEMS (WECS); RESIDENTIAL DISTRICT; HOME-BASED BUSINESS; AGRICULTURAL HOME-BASED BUSINESS; RESIDENTIAL HOME-BASED BUSINESS; NON-RESIDENT EMPLOYEE; RESIDENTIAL SUPPORT USES; RURAL HOME INDUSTRY; DORMITORY; RESORT DWELLING; RECREATION SERVICE; PARK; COMMUNITY RECREATIONAL USES, RECREATIONAL USE: GENERAL INDOOR/OUTDOOR; RECREATIONAL USE, PASSIVE; RECREATIONAL USE, REGIONAL; PUBLIC RECREATION AREA; PUBLIC PARKS AND RECREATION FACILITIES; COMMUNITY CENTER; RECREATIONAL USE PRIVATE, COMMUNITY; CIRCUS / CARNIVAL; GOLF CLUB / COUNTRY CLUB; NEIGHBORHOOD FAIR; CANOPY; CANOPY SIGN; STREET BANNER; BED AND BREAKFAST ESTABLISHMENT; IMPROVEMENT FACILITIES; REGULATED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on April 13, 2009 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on May 21, 2009 and on June 11, 2009, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 11th DAY OF JUNE, 2009:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215, Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.
- Section 4. This Ordinance shall take effect on October 1, 2009.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on June 11, 2009, as the same appears of record in Minute Book 397 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 16th day of June, 2009.

PAT FRANK, CLERK OF CIRCUIT COURT

Deputy Clerk

APPROVED BY COUNTY ATTORNEY

Approved as to Form and Legal Sufficiency.

EXHIBIT "A"

ADOPTED 2009 ROUND 1

LAND DEVELOPMENT CODE TEXT AMENDMENTS

ADOPTED: JUNE 11, 2009

EFFECTIVE: October 1, 2009

ITEM Y LDC 09-0421

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.



CHARLIE CRIST Governor STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING Secretary of State

June 18, 2009

Honorable Pat Frank Clerk of the Circuit Court Hillsborough County P. O. Box 1110 Tampa, Florida 33601-1110

Attention: Gail M. Letzring, Manager BOCC Records

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 17, 2009 and certified copies of Hillsborough County Ordinance Nos. 09-52 and 09-53, which were filed in this office on June 18, 2009.

Sincerely,

Liz Cloud

Program Administrator

LC/srd

CLERK TO ARD (A)

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.doa.state.fl.us

COMMUNITY DEVELOPMENT 850.245.6600 • FAX: 850.245.6643 STATE LIBRARY OF FLORIDA 850.245.6600 • FAX: 850.245.6744 STATE ARCHIVES OF FLORIDA 850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE 850.488.2812 • FAX: 850.488.9879 RECORDS MANAGEMENT SERVICES 850.245.6750 • FAX: 850.245.6795 ADMINISTRATIVE CODE AND WEEKLY 850.245.6270 • FAX: 850.245.6282

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida County of Hillsborough \ SS.

Before the undersigned authority personally appeared J. Elghali , who on oath says that she is the Advertiser Accounting Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

IN THE Tampa Tribune

In the matter of

Legal Notices

was published in said newspaper in the issues of

05/12/2009

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 12 day

of May, A.D. 2009

Personally Known or Produced Identification Type of Identification Produced

Ana Maria Hodel Commission #DD551367 Expires: MAY 11, 2010 WWW.AARONNOTARY.com

RECEIVED BY

MAY 15 2009

COUNTY ATTORNEYS OFFICE **ACCOUNTANT**

NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida proposes to lopt the following by ordinance:

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9.1-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; ESTABLISHMENT OF ZONING DISTRICTS; HOUSING TYPES; ACCESSORY USES; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS; RESORT DWELLING OVERLAY DISTRICT; TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS; SIGNS IN STATE ROAD 60 (BRANDON BOULEVARD) OVERLAY DISTRICT; SIGNS IN HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS; RIVERVIEW DOWNTOWN-UPTOWN OVERLAY DISTRICT: RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS: AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO DENSITY OF CONSERVATION SUBDIVISIONS; AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS; TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL USES; COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED; SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS; RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION; HOME-BASED BUSINESSES; RURAL HOME INDUSTRY, PARKING AND LOADING STANDARDS; DORMITORIES; RECREATIONAL USES, REGIONAL; CIRCUSES / CARNIVALS; AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES NEIGHBORHOOD LEVEL; SWIMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; WIRELESS COMMUNICATION FACILITIES; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS; PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE OARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); JBDIVISION REVIEW PROCEDURES AND SITE DEVELOPMENT PLAN REVIEW PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING ARTICLE II, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPLIANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS ORDERS; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO LUMBER AND OTHER BUILDING MATERIALS SALES; MASONRY; KENNEL; WIND ENERGY CONVERSION SYSTEMS (WECS); RESIDENTIAL DISTRICT, HOME-BASED BUSINESS: AGRICULTURAL HOME-BASED BUSINESS; RESIDENTIAL HOME-BASED BUSINESS; NON-RESIDENT EMPLOYEE: RESIDENTIAL SUPPORT USES; RURAL HOME INDUSTRY; DORMITORY; RESORT DWELLING; RECREATION SERVICE, PARK; COMMUNITY RECREATIONAL USE; RECREATIONAL USES, GENERAL INDOOLVOUTDOOR; RECREATIONAL USE, PASSIVE; RECREATIONAL USE, REGIONAL; PUBLIC RECREATION AREA; PUBLIC PARKS AND RECREATION FACILITIES; COMMUNITY CENTER; RECREATIONAL USE PRIVATE, COMMUNITY; CIRCUS / CARNIVAL; GOLF CLUB / COUNTRY CLUB, NEIGHBORHOOD FAIR; CANOPY, CANOPY SIGN, STREET BANNER; BED AND BREAKFAST ESTABLISHMENT, IMPROVEMENT FACILITIES; REGULATED SUBSTANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE HATE

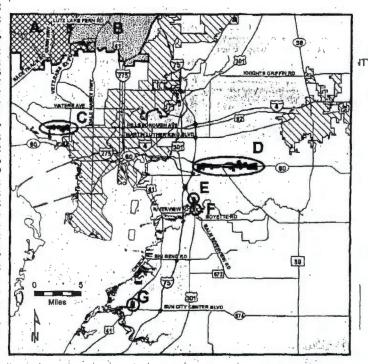
The first public hearing will be held on Thursday, May 21, 2009, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tumpa, Florida 33602.



ampa Tribune

ublished Daily

borough County, Florida



The accompanying map of Hillsborough County includes seven highlighted or circled areas marked "A" through "G" that represent those respective, unincorporated areas of the county in which proposed amendments will be effective, if adopted. The proposed amendment that would affect each highlighted or circled area is listed below:

Area "A" - Keystone-Odessa (amendment LDC 09-0843)

Area "B" - Lutz (amendment LDC 09-0343)

Area "C" - Hillsborough Avenue Overlay District (amendment LDC 09-0308)

Area "D" - SR 60 [Brandon Blvd.] Overlay District (amendment LDC 09-0308)

Area "E" - Riverview Downtown-Uptown Overlay District (amendment LDC 09-0306)

Area "F" - Riverview Downtown District (amendment LDC 09-0306)

Area "G" - Ruskin Town Center (amendment LDC 09-0421)

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

For copies of the proposed amendments and further information contact. The Hillsborough County Planning and Growth Management Department at (813) 276-2058.

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SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida proposes to adopt the following by ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1986 AND CHAPTER 91-5, FLORIDA ADMINISTRATIVE CODE, AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; ESTABLISHMENT OF ZONING DISTRICTS: HOUSING TYPES: ACCESSORY USES: AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS RESORT DWELLING OVERLAY DISTRICT; TRANSPORTATION IN KEYSTONE-ODESSA BURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS; SIGNS IN STATE ROAD 80 (BRANDON BOULEVARD) OVERLAY DISTRICT; SIGNS IN HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS, RIVERVIEW DOWNTOWN UPTOWN OVERLAY DISTRICT, RUSKIN, TOWN CENTER DEVELOPMENT REGULATIONS AMERICIES, DEVELOPMENT OPTIONS, DESCRIPTIONS OF AMERICAN STRUCKES, DEVELOPMENT OPTIONS, DESCRIPTION SUBJUTIONS ONS, AMERICAN SUBJUTIONS ONS, AMERICAN SUBJUTIONS ON AMERICAN SUBJECT OF REGULATIONS FOR AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS; TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL USES: COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED; SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS; RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION; HOME-BASED BUSINESSES, RURAL HOME INDUSTRY; PARKING AND LOADING STANDARDS; DORMITORIES; RECREATIONAL USES, REGIONAL, CIRCUSES / CARNIVALS; AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES REGIDENTHOOD LEVEL; SYMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; WIRELESS COMMUNICATION FACILITIES; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDING ARTICLE 10, ADMINISTRATION RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS, PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); SUBDIVISION REVIEW PROCEDURES AND SITE DEVELOPMENT PLAN REVIEW SUBDIVISION RELIEW PROCEDURES AND STIE DEVELOPMENT PLAN REVIEW PROCEDURES FOR SSULANCE OF DEVELOPMENT PERMITS, AMENDING ARTICLE 11, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPLIANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS OFBRIE AMERIDING ARTICLE 12, DEFINITIONS, RELATING TO LYMINE AND OTHER SOURCE MATERIALS. 12, DETIMINOR, RELATING TO LIMIT AND AND THE POLICY TO THE RESEARCH AND AND THE RESEARCH AND AND THE RESEARCH AND AND THE RESEARCH AND THE RES DWELLING: RECREATION SERVICE: PARK: COMMUNITY RECREATIONAL USE: DWELLING, RECREATION SERVICE, PARK; COMMUNITY RECREATIONAL USE, RECREATIONAL USE, RECREATIONAL USE, PASSIVE; RECREATIONAL USE, REGIONAL, PUBLIC RECREATION AREA; PUBLIC PARKS AND RECREATION FACILITIES; COMMUNITY CENTER, RECREATIONAL USE PRIVATE, COMMUNITY; CIRCUS / CARNIVAL; GOLF CLUB / COUNTRY CLUB; NEIGHBORHOOD FAIR; CANOPY, CANOPY SIGN; STREET BANNER, BED AND BREAKFAST ESTABLISHMENT; IMPROVEMENT FACILITIES; REGULATED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.

D E 100

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Area "C" - Hilbertough Avenue Overlay District (amendment LDC 09-0306)

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Area "G" - Rusida Town Center (amendment LDC 09-0421)

All interested parties are invited to appear at the meeting and be heard with respeto the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the

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JUN - 6 2019

COUNTY ATTORNEYS OFFICE ACCOUNTANT

eared C. Pugh, who on oath says that Tampa Tribune, a daily newspap orida, that the attached copy of the

Tempa Tribune

04/2009

ine is a newspaper published at Tampa in said newspaper has heretofore been inty, Florida, each day and has been entered Tampa, in said Hillsborough County, Flonda publication of the attached copy of has neither paid nor promised any person. Mapaper

wanowski

TRICIA D. EWA PIRES: February 18, 2011

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A REGULAR OR SALE PRICED FURCHASE OF \$25 OR MORE

EXCLUDES EVERYDAY VALUES, CLEARANCE A SPECIALS

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Excludes Wearen

The Tampa Tribune RECEIVED BY

Published Daily

Tampa, Hillsborough County, Florida

JUN - 8 2039

State of Florida }
County of Hillsborough } SS

COUNTY ATTORNEYS OFFICE ACCOUNTANT

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Metro

IN THE

Tampa Tribune

In the matter of

Legal Notices

was published in said newspaper in the issues of

06/04/2009

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

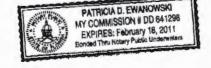
CRA)

Sworn to and subscribed by me, this 4 day of June, A.D. 2009

Personally Known or Produced Identification _____
Type of Identification Produced

Patricia Zwanowski







June 17, 2009

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #09-53

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #09-53, adopted by the Board of County Commissioners on June 11, 2009. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

bam

Attachment

Federal Express AB# 8610 5559 0138

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY			
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse	A. Signature X. Agent Addresses			
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery			
1. Article Addressed to: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235	D. Is delivery address different from item 1?			
* Please Return Receipt *	3. Service Type Certified Mail			
2. Article Number 7003 3				
PS Form 3811, February 2004 Domestic Re	sturn Receipt 102595-02-M-1540			



SENDER COMPLETE THIS SECTION	COMPLETE THE STATE OF THE STATE		
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MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 TALLAHASSEE FL 32316			
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PS Form 3811, February 2004 Domestic R	leturn Receipt 102595-02-M-1540.		



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (_ Hillsborough)					
PRIMARY KEYFIELD DESCRIPTOR: (Land Development Code Amendments)					
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)					
OTHER KEYFIELD DESCRIPTOR: (
ORDINANCE DESCRIPTION: (_L.D.C. Amendments) (25 characters maximum including spaces)					
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)					
AMENDMENT # 1: (Ord. 92-5, as amended) AMENDMENT # 2: ()					
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)					
REPEAL # 1: () REPEAL # 3: ()					
REPEAL # 4: ()					
(Others repealed: List all that apply):					
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()					
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()					
KEYFIELD 3 CODE; () Rev. 4/10/01					

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS
Kevin Beckner
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Renée Francis Lee, County Attorney Donald R. Odom, Deputy County Attorney

Managing Attomeys

Christine M. Beck Robert E. Brazel Hank Ennis Mary Helen Farris Susan J. Fernandez Sheree C. Fish Adam J. Gormly Jennie Granahan Tarr

MEMORANDUM

To:

Midge Dixon, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney

Date:

June 16, 2009

Re:

June 11, 2009 Land Development Code Amendment Public Hearing

Attached are two ordinances adopted by the Board of County Commissioners on June 11, 2009, adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. Also attached are four discs containing electronic copies of these amendments. One of these ordinances will become effective upon filing with the Department of State; the effective date of the other ordinance is October 1, 2009. Certified copies of the ordinance must be transmitted to the Department of State within ten days of June 11, 2009.

Additional hard copies of the amendment and discs containing the amendment for transmittal to Municipal Code Corp. are also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney

Ronnie Blackshear, Planning & Growth Management Department

CLERK TO

ECEIVED

ORDINANCE

11-24



January 5, 2012

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re: Ordinance #11-24

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #11-24 which was adopted by the Board of County Commissioners on December 15, 2011. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of February 1, 2012.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Julia Poupart, Director BOCC Records/VAB

bam

Attachments

Certified Mail # 7003 3110 0004 4684 5114

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Debra A. Cole, Hillsborough County Sheriff's Office

Aracelis Maldonado, Library Services

Adam J. Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Joe Moreda, Development Services

Nancy Milam, County Attorney's Office

Sharon Sweet, BOCC Records



BOARD OF COUNTY COMMISSIONERS Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller, Jr. Sandra L. Murman Mark Sharpe

Office of the County Administrator Michael S. Merrill CHIEF ADMINISTRATIVE OFFICER
Helene Marks

CHIEF FINANCIAL ADMINISTRATOR Bonnie M. Wise

DEPUTY COUNTY ADMINISTRATORS Lucia E. Garsys Sharon D. Subadan

AGENDA - RESULTS

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2011 ROUND 2

DECEMBER 15, 2011 6.00 PM

	I.	Call	to Order	Ken Hagan, Chairman				
	II.	Intro	oduction	Joe Moreda, AICP, Zoning Administrator				
	III.	Pres	entation of	Amendments				
	Prop	roposed Amendments						
		A.	12-0011	Revise LDC 3.17.07, Ruskin Town Center Development Regulations to allow Indoor/outdoor community market.				
		В	11-0607	(Private Applicant) Revise Part 5.08.00, Traditional Neighborhood Development Code.				
ORD# 11-24 Beckner/	IV.	Ado Moved of	option of ord te add	dinance and announcement of effective date				
11-24	V.	Adj	journ					
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ORDINANCE NO. 11- 24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) CODE; GREENFIELD TND; MIXED USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on December 12, 2011 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on September 15, 2011; November 3, 2011; and December 15, 2011, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 15th DAY OF DECEMBER, 2011:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215, Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

Section 4. This Ordinance shall take effect on February 1, 2012.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on December 15, 2011, as the same appears of record in Minute Book 427 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of December , 2011

PAT FRANK, CLERK OF CIRCUIT COURT

By: Trans OK. DyDeputy Clerk

APPROYED BY COUNTY ATTORNEY

Approved as to Form and

Legal Sufficiency.

EXHIBIT "A"

ADOPTED 2011 ROUND 2

LAND DEVELOPMNET CODE TEXT AMENDMENTS

ADOPTED: DECEMBER 15, 2011

EFFECTIVE: FEBRUARY 1, 2012

Item A 12-0011

PART 3.17.00 RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS*

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.



Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING Secretary of State

December 28, 2011

Honorable Pat Frank Clerk of the Circuit Court Hillsborough County Post Office Box 1110 Tampa, Florida 33601-1110

Attention: Ms. Julia Poupart, Manager, BOCC Records/VAB

Dear Ms. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 21, 2011 and certified copy of Hillsborough County Ordinance No. 11-24, which was filed in this office on December 22, 2011.

Sincerely,

Liz Cloud

Program Administrator

LC/srd

THE BOARD IAL





PHONE PHILIPPINENT

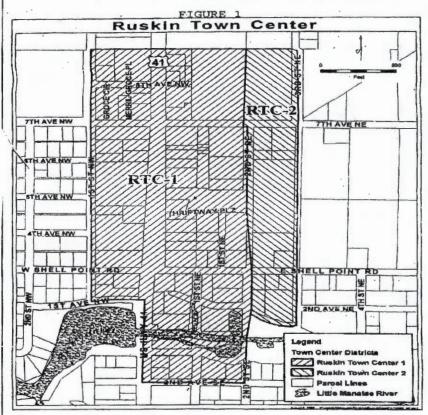
SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida, proposes to adopt the following by ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) CODE; GREENFIELD TND; MIXED USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The second public hearing will be held on Thursday, December 15, 2011, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.

The accompanying map represents the area of unincorporated Hillsborough County (Ruskin Town Center) in which one of the above proposed amendments will be effective, if adopted.



All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

For copies of the proposed amendment and further information contact: The Hillsborough County Development Services Department at (813) 307-4504.

December 5, 20

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Notices ROP IN THE Tampa Tribune

In the matter of

Legal Notices

was published in said newspaper in the issues of

12/05/2011

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this ____ day of _____, A.D. ______(

Personally Known _____ or Produced Identification ____ Type of Identification Produced

Notary Public State of Florida

Charlotte A Offner My Commission DD895783 Expires 06/03/2013



December 21, 2011

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #11-24

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #11-24, adopted by the Board of County Commissioners on December 15, 2011. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

bam

Attachment

BOCC Records/VAB

Federal Express AB# 8744 5634 4163

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FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850) 245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough)					
PRIMARY KEYFIELD DESCRIPTOR: (Land Development Code Amendments)					
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)					
OTHER KEYFIELD DESCRIPTOR: (
ORDINANCE DESCRIPTION: (_L.D.C. Amendments) (25 characters maximum including spaces)					
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)					
AMENDMENT # 1: (_Ord. 92-5, as amended _)					
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)					
REPEAL # 1: () REPEAL # 3: ()					
REPEAL # 2: () REPEAL # 4: ()					
(Others repealed: List all that apply):					
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()					
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()					
KEYFIELD 3 CODE: () Rev. 4/10/01					

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller, Jr. Sandra L. Murman Mark Sharpe



Donald R. Odom, Interim County Attorr

Managing Attorneys
Christine M. Beck
Robert E. Brazel
Hank Finnis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To:

Midge Dixon, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney CSC.

Date:

December 21, 2011

Re:

December 15 Land Development Code Amendment Public Hearing

Attached, please find an ordinance adopted by the Board of County Commissioners on December 15, 2011 adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. I have also attached two discs containing electronic copies of these amendments. This ordinance will become effective on February 1, 2012. Certified copies of the ordinance must be transmitted to the Department of State within ten days of December 15, 2011.

Additional hard copies of the amendment and discs containing the amendment for transmittal to Municipal Code Corp. arc also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney: Land Use Joe Moreda, Development Services Department

CLERK TO THE BOARD (A)

SOIL DEC 21 AM II: 29

BECEINED

601 E. Kennedy Boulevard, 27th Floor Post Office Box 1110 • Tampa, Florida 33601 (813) 272-5670 • Fax: (813) 272-5231

COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. A. Signature ☐ Agent ☐ Addressee Print your name and address on the reverse so that we can return the card to you. C. Date of Delivery B. Received by (Printed Name) Attach this card to the back of the malipiece, or on the front if space permits. 1. Article Addressed to: If YES, enter delivery address below: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 TALLAHASSEE FL 32316 Service Type Certified Mail ☐ Express Mail ☐ Registered Return Receipt for Merchandise * Please Return Receipt * ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 2. Article Number 7003 3110 0004 4684 5114 (Transfer from service label)

Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004



COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, and 3. Also complete Agent item 4 If Restricted Delivery is desired. Print your name and address on the reverse Addressee so that we can return the card to you. C. Date of Delivery Attach this card to the back of the mailpiece, or on the front if space permits. ☐ Yes D. Is delivery address different from item 1? 1. Article Addressed to: If YES, enter delivery address below: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 **TALLAHASSEE FL 32316** 3. Service Type Certified Mall ☐ Express Mall ☐ Registered ☐ Return Receipt for Merchandise * Please Return Receipt * ☐ Insured Mail 4. Restricted Delivery? (Extra Fee) ☐ Yes 2. Article Number 7003 3110 0004 4684 5114 (Transfer from service label) PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service. CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 4684 4000 3110 Restricted Delivery Fee (Endorsement Require) Total Postage & Fees E007 MS EVELYN JEFFERSON MUNICIPAL CODE CORP Street, Apt. No.; or PO Box No. P O BOX 2235 City, State, ZIF. TALLAHASSEE FL 32316 PS Form 3800 20mm 2002

Sec. 3.17.02. - Applicability

A. Except as provided herein, these standards shall apply to all development within the area subject to the Ruskin Town Center Zoning District (RTCZD). However, these provisions shall not apply to public schools and previously approved planned developments, previously approved subdivisions, and projects with unexpired building permits, unexpired preliminary site development approval or unexpired construction plan approval at the time of rezoning to Ruskin Town Center Zoning District (RTCZD). Existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.

In addition to the standards provided herein, development within the Ruskin Town Center Zoning District (RTCZD) shall be required to meet all other applicable sections of the Land Development Code. Where any provision of the Ruskin Town Center Zoning District (RTCZD) regulations is in conflict with any other standards or regulations of the Land Development Code, the Ruskin Development Regulations shall prevail.

(Ord. No. 06-34, § 2, 11-2-06)

COUNTY OF HILLSBOROUGH DECISION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

VAR 13-0268 RU/S

DATE OF HEARING:

March 18, 2013

APPLICANT:

Dickman Investments, LLC

PETITION REQUEST:

The applicant is requesting a variance to the "number of stories" for a

proposed Family Dollar retail store in Ruskin.

LOCATION:

55 N. US Hwy. 41

SIZE OF PROPERTY:

1.45 acres ±

EXISTING ZONING:

RTC-1 (07-0517, RL 07-0517)

FUTURE LAND USE:

OC-20

SERVICE AREA:

Urban

DETAILS OF REQUEST

SUMMARY OF VARIANCES	REQUIREMENTS	VARIANCE	RESULTS	APPLICABLE LDC SECTION
Variance to the number of required stories in the building.	Minimum building height of 2 stories.	Reduction of 1 story to the building.	1 story building	Section 3.17.06

STAFF PROVIDED BACKGROUND

The applicant is requesting a variance to the number of stories for a proposed Family Dollar retail store in Ruskin. The property is zoned RTC-1 (Ruskin Town Center-1). During preliminary site plan review, staff informed the applicant of the interpretation of Section 3.17.06, which is to have two "functional" stories in height. The applicant stated that the intent of the code is met with the proposal of a building height of twenty-seven (27) feet, four (4) inches and architecturally designed. All other requirements of the code will be met.

The variances as listed above are the result of 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 awner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permits.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 18, 2013. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the Petition.

Isabelle Albert with the Development Services Department stated the applicant is requesting a variance to the number of stories for a proposed Family Dollar Retail Store in Ruskin on property zoned RTC-1. During the site plan review, the applicant was stopped and informed of the interpretation of Section 3.17.06, which is to have two functional stories in height. The applicant stated that the intent of the Code is met with the proposed building height of 27 feet and 4 inches and architecturally designed. All other requirements of the code will be met. Therefore the applicant is requesting a variance to reduce the number of stories to one. The code states "two stories in height." When staff discussed this with the applicant, the director at that time made a determination that it is supposed to be two functional stories. The word "functional" is not in the Code's definition, but that was what the director interpreted. He said "two stories in height" means two functional stories according to Ms. Albert. The applicant has a building that is 27 feet and 4 inches. However, it has been determined that those are not two stories that are functional. It is all one on the inside of the building. There is not a second story or second floor that would be used for another business.

Matthew Campo, whose business address is 1725 E. Sth Avenue, Tampa, 33605, testified that he is the authorized agent for the applicant. The request is for a variance under the RTC Zoning Section 3.17.06 that states in the last sentence: "Additionally, all structures located along Shell Point Road and US-41 shall be a minimum of two stories in height." It has been the applicant's assertion that the intent is being met because the proposed building is two stories in height. The code does not speak to "functional" or "operational" or "occupying the space". With the determination from the director, the applicant was directed to pursue a variance because the belief was it should be an occupied space. Mr. Campo stated that he was using terms like "functional" or "occupy" to mean that it is a space that you could have a second floor with occupants and they would be "walking around". There is no place in the code that speaks of that. In his opinion, the code means "two stories high". The applicant already meets the code. He further stated that from the original submittal to the hearing, the applicant has agreed to give the building a two-story appearance. It appears as two-stories, but inside it is one ground floor.

Mr. Campo then indicated that the project started in June 2010. At that time the applicant had considered the southwest corner; opposite of the current location. Back at that time, it went through some pre-application informal building elevation reviews with the staff. At that time the discussion of a two-story building was never identified. It was identified once the applicant switched to the southeast corner. The applicant had pre-application meetings but there was no discussion of a 2-story requirement. It was not until the preliminary site review process that the referenced requirement came out. The applicant has invested about \$80,000 in the property with all the due diligence made up front according to Mr. Campo. They tried to make sure it was sized correctly and the site plan was acceptable. It is also the first retail project along Highway 41 reviewed under the new Ruskin Town Center code. The last project was a bank, which was submitted before the code changed.

This project in itself is unique according to Mr. Campo because it is the first retail project faced with the overlaid-type district criteria. Being the first to have to comply is actually one of the hardships he would define for the project since some of the code interpretations are not clear and are being flushed out with the project. The project itself is under the RTC zoning, but within 500 feet on the east, west, and south direction is commercial zoning. The south and east side the project is bordered by tidal wetland boundaries that require a 50-foot setback instead of the usual 30 feet. The parcel is encumbered by increased setbacks that other properties do not have. If they were to be required to do the second floor, it creates an issue of increased parking and logistics of physically having a functional flight without increased square footage. The property itself does not lend itself to that type of use according to Mr. Campo. There is a hardship of what can fit while putting a second story on an 8,320-square-foot building.

It is unique to describe that the code came into effect in 2006. Prior to that, the property had a different zoning. It is a recent change for the particular parcel.

The applicant feels that the particular project already meets the literal intent of the code and should not need a variance. However, the applicant is proceeding with the variance process given the commitment that the development company and Family Dollar have had to the location. Mr. Campo reiterated that, under the literal interpretation of the code, the second floor could be functional as far as occupied, but the site would not be functional because with the second floor comes extra parking, extra trash; it would be too much for the parcel.

With respect to significantly interfereing with the rights of others, Mr. Campo indicated that the property is bordered by wetlands to the south and east; to the west is US-41 and to the north is Shell Point Road. There is no direct neighbor adjacent to the property. It can be considered somewhat isolated. This project is to replace a vacant old house that is converted to a fish bait store. It is giving to

the nature of what the Ruskin Town Center District is looking for, namely redevelopment to try to perpetuate the growth along the corridor. The project would be the first, new true redevelopment-type case. It would be in harmony with the area that it serves. He indicated that looking at the project, without the second floor, its architectural aesthetics, its function as far as being a redevelopment project, play right into what the applicant believes the residential town center overlay's intent was; to promote redevelopment. The building has been designed in accordance with the RTC. It is somewhat of a zero lot line with construction 10 feet off the property line; parking is in the rear and side. Those are being complied with. It is only the second floor. The owner did not impose the hardship. There are no illegal actions that the applicant is aware of; there are no outstanding code issues. The hardship of the overlay district, applied in 2006, came into the property under the current ownership. They did not purchase it that was.

Mr. Camp then addressed the last component, the appearance, of substantial justice. He stated that the project started in 2010. Discussions with staff never really presented that there was a two-story requirement. To the applicant it would be substantial justice to have it approved without the second floor. The intent is a two-story building, two-story height, two-story appearance, not functional, not a word of the code. The project itself brings the intent of what the Ruskin Town Center is looking for, which is redevelopment and new retail, almost at the corner of Shell Point and US-41. Therefore, it is giving the community the component it is looking for.

The LUHO asked for any audience members in support of the request. There were none.

The LUHO then asked for any audience members in opposition to the request. There were none.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

None

PREFACE

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

GENERAL FINDINGS OF FACT

- The Land Development Code (LDC) defines "Story" as, "The portion of a building including between the upper surface of a floor and the upper surface of the floor or roof next above."
- The Land Development Code (LDC) defines "Height" as, "The vertical distance measured from the lowest proposed finished grade of the structure vertically beneath the highest point of the structure....."
- The combination of the terms in the phrase "two stores in height" as indicated in LDC Section 3.17.06 is NOT defined.

- 4. The term "FUNCTIONAL 2nd Floor" is not contained within LDC Section 3.17.06. Evidence and testimony indicates that the Development Services Department made such interpretation. There was not code analysis or documentation submitted as a basis for such interpretation.
- 5. There is substantial case law with respect to:
 - a. Zoning codes being liberally construed in favor of the property owner; and
 - b. that zoning ordinances must be given their plain, ordinary meaning.

SPECIFIC FINDINGS OF FACT

1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?

The alleged hardship is unique and singular as regards the property of the person requesting the variance as follows:

- A. Section 3.17.06 of the LDC requires that "....all structures located along Shell Point Road and US 41 shall be a minimum of two stores in height."
- B. Staff and the applicant have indicated that the county has interpreted this requirement to mean a "FUNCTIONAL 2ND FLOOR." There is not evidence to indicate that this interpretation has been applied to other properties.
- C. The Rinker case indicates that, in statutory construction, statutes must be given their plain and obvious meaning and it must be assumed that the legislative body knew the plain and ordinary meaning of the words.
- D. The insertion of the word "FUNCTIONAL" into the code phrase "two stories in height" has imposed a hardship and practical difficulty as regards the property of the person requesting the variance not suffered in common with other property similarly located.
- 2. Would the literal interpretation of the provisions of the Land Development Code (LDC) deprive the applicant of rights commonly enjoyed by other properties in the same district and areas under the terms of the LDC?
 - The literal interpretation² of the provisions of the LDC would deprive the applicant of rights commonly enjoyed by others in the same district as demonstrated by confirmed testimony and evidence that the application of the indicated interpretation of LDC Section 3.17.06 has not been imposed on others.
- 3. Would the variance, if allowed, not substantially interfere with or injure the rights of others whose property would be affected by allowances of the variance?

¹ Rinker Materials Corp v. North Miami; Mandelstam v. City Com. Of South Miami; Town of Longboat Key v. Islandside Prop. Owners Coalition, LLC; Colonial Apartments, L.P. v. Deland; Hallandale v. Prospect Hall College

In this test, it is assumed that the "literal interpretation" is that interpretation made by the Development Services

Department. It can be argued that the "literal interpretation" is the plain, ordinary meaning of the code requirement.

The variance if approved would not likely interfere with or injure the rights of others. The resulting structure will comply with the plain and obvious meaning of the statutory construction of LDC Section 3.17.06. The structure height will be 27'-4" and has been architecturally designed to provide the elevation of a two story structure.

4. Is the variance in harmony and does it serve the general intent and purpose of the LDC and Comprehensive Plan?

The variance is in harmony and serves the general intent of the LDC and Comprehensive Plan. The intent of the Ruskin Town Center Zoning District (RTCZD) is to revitalize Ruskin's business center along U.S. 41, enhance the appearance of Ruskin's historic business district, and establish a mixed-use, walkable and pedestrian friendly Town Center. The furtherance of the subject application will promote that intent.

5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?

No, the applicant has presented credible evidence that the situation sought to be relieved has resulted from code interpretation while the applicant has made all reasonable efforts to comply.

6. Will allowing the variance 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?

The benefits afforded by the LDC are not jeopardized when weighed against the hardship that would be accommodated by the granting of the variance. Allowing the variance will result in a furtherance of the intent of the Ruskin Town Center Zoning District and implementation of the vision, principles and strategies of the Hillsborough County Comprehensive Plan's Ruskin Community Plan.

CONCLUSION OF LAW

The findings do satisfy all six requirements of Section 11.04.02(B) of the LDC as outlined in the "Findings of Fact" section above.

DECISION

Based on the foregoing, the applicant has satisfied the criteria for approval of the requested variance. The variance is hereby APPROVED.

James A. Scarola

Land Use Hearing Officer

Date

Hillsborough County, Florida Decision of the Land Use Hearing Officer

Hearing Date: June 2, 2014

Petition Number: VAR 14-0580 RU

Applicant: Adam Levitt, Hutton Growth One, LLC

Location: 55 N. US 41 Folio Number: 56740.0000

Existing Zoning: RTC-1 (07-0517)

Request: Variance to the side yard setback

Summary of Evidence Presented

Development Services Department Staff:

Development Services Department staff stated that the applicant is requesting the following variance:

1) Reduce the side yard setback (for an under construction retail building) from 5 feet to 0 feet.

The property is zoned Ruskin Town Center (RTC-1) and per Sec. 3.17.04.B of the LDC the district has a 5 foot side yard setback requirement.

The lot is approximately 1.45 acres in size. The subject parcel is located within a larger area along the east side of US 41 in Ruskin zoned Ruskin Town Center.

The proposed 5 foot side yard reduction is for a relatively small 10 foot by 10 foot area located at the northwest corner of the approximate 8,300 sq. ft. building to be developed on the subject site. The side yard setback intrusion represents an architectural bump out to create a faux front building presence along US 41 in order to comply with a Ruskin Town Center requirement that 60% of the lot frontage be occupied by the front building façade.

Applicant Testimony:

Matthew Campo, representing the applicant, provided testimony that the need for the side yard setback reduction variance was discovered during the later stages of the site plan approval process. It was stated that the architectural bump-out is non-occupied space.

It was stated that site development activity was underway. The adjacent property owner to the north has no objection to the proposed side yard setback variance. It was noted that

June 2, 2014 VAR 14-0580 RU

the subject retail project was the first project being designed, permitted and constructed under the Ruskin Town Center LDC requirements.

A written variance statement was submitted and is a part of the file.

Proponent Testimony:

No one spoke in support.

Opponent Testimony:

No one spoke in opposition.

Exhibits:

None.

Findings of Fact

A variance may only be allowed by the Land Use Hearing Officer in cases involving practical difficulties or unnecessary hardship, when substantial evidence in the official record of the hearing supports specific findings.

The variance request is subject to the six criteria of the LDC Section 11.04.02.B. These criteria and the evidence/findings regarding each criteria are as follows:

1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?

The subject RTC-1 zoning site is located in an area similarly zoned. The retail building being constructed on the subject site is required per the Ruskin Town Center regulations to be brought forward on the lot so that a minimum of 60% of the lot frontage at the build-to line is comprised of building façade.

The retail building to be located on the lot is approximately 8,300 sq. ft. in size and with a proposed 10 foot wide (and 10 foot deep) architectural bump-out at the northwest corner of the building the project will comply with the Ruskin Town Center architectural/appearance front façade standard.

June 2, 2014 VAR 14-0580 RU

The architectural bump-out results in a need for a variance to reduce the side yard setback at the location of the bump-out from 5 feet to zero at the northwest corner of the lot.

The applicant's representative provided testimony at the hearing that numerous site layouts were originally considered prior to the approach settled on and submitted to the County. It was stated that County staff had no objections with the site layout and the minor side yard setback intrusion was inadvertently overlooked.

It is found that on balance it would be unreasonable and unnecessary to require the project to be redesigned, reprocessed and re-permitted for a minor setback intrusion at the northwest corner of the project site.

It is found that a unique hardship, as described above, is present at the subject location.

2. Would the literal interpretation of the provisions of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district and area under the terms of this Code?

The literal interpretation of the provisions of the LDC would deprive the property owner of rights commonly enjoyed by other property owners/properties in the area.

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

There was no evidence submitted to demonstrate that the variance, if allowed, would substantially interfere with or injure the rights of others.

4. Is the variance in harmony with and does it serve the general intent and purpose of this Code and the Comprehensive Plan?

Yes, the variance is in harmony and does serve the general intent and purpose of the LDC and Comprehensive Plan in that the variance will allow for a retail use to be developed in a retail/mixed zoning district within an office/commercial plan category.

5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?

The situation sought to be relieved is not the result of a self-imposed hardship or illegal act.

6. Will allowing the variance 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? June 2, 2014 VAR 14-0580 RU

Yes, the benefits provided by the LDC are not seriously jeopardized when weighed against the hardship which would be accommodated by the granting of the variance.

Conclusions of Law

Based upon a review of the Development Services Department case file and Report and the evidence presented at the hearing, it is found that substantial evidence exists to support a positive finding for each of the six variance criteria of Section 11.04.02.B of the LDC as outlined in the Findings of Fact above.

Decision

APPROVED

Date: June 17, 2014

Steven K. Luce, AICP Land Use Hearing Officer

ZOIL 123 AM II: 0

COUNTY OF HILLSBOROUGH DECISION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

VAR 18-0539 RU/S

DATE OF HEARING:

April 16, 2018

APPLICANT:

AutoZone Stores LLC

PETITION REQUEST:

The applicant is requesting a variance from the Land Development Code Section 3.17.00, The Ruskin Town Center (RTC) zoning districts and

design standards.

LOCATION:

717 N. US Hwy. 41

SIZE OF PROPERTY:

0.73 acres ±

EXISTING ZONING:

RTC-1

FUTURE LAND USE:

OC-20

SERVICE AREA:

Urban

STAFF'S LAND USE HEARING OFFICER VARIANCE REPORT

REQUEST:

The applicant is requesting a variance from the Land Development Code Section 3.17.00, The Ruskin Town Center (RTC) zoning districts and design standards. The site is vacant and is identified by folio# 55651.0000. The applicant intends to develop the parcel with a retail use (auto parts). The property is a corner lot located on the SE corner of 8th Ave. NW and US Hwy 41 in Ruskin. The physical address is 717 N Hwy 41. The parcel is within the Ruskin Town Center - 1 (RTC-1) district. Commercial General uses are permitted in the RTC-1 District. The variance requested is as follows:

SUMMARY OF VARIANCES	REQUIREMENTS	VARIANCE	RESULTS	APPLICABLE LDC SECTION
Variance to increase		To increase the	Maximum front	3.17.04.B Standards
the maximum front	setbacks along all	maximum	yard setback from	for Non-Residential,
yard building	street frontages shall	permitted front	8 th Ave. NW would	Mixed Use and
setback along 8 th	be a minimum of ten	yard by 36 feet.	be 56 feet	Multi- Family
Ave. NW. (North	feet to a maximum of			Development
property line).	20 feet.			

DISCLAIMER:

The varionces as listed above are the result of 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 permits.

SUMMARY OF HEARING1

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on April 16, 2018. Mr. Tom Hiznay of the Hillsborough County Development Services Department introduced the Petition.

Israel Monsanto of Development Services testified that the applicant is requesting a variance from the Land Development Code Section 3.17.00, the Ruskin Town Center zoning district and design standard. The applicant intends to develop the parcel with a retail shop for auto parts. The property is a corner lot located on the southeast corner of 8th Avenue Northwest and U.S. 41 in Ruskin and lies within the Ruskin Town Center, RTC-1 district. Commercial General uses are permitted in the RTC-1. The variance requested is to increase the maximum front yard building setback along 8th Avenue Northwest, which is the north property line on the site plan. The requirement is the front yard building setbacks shall be a minimum of 10 feet to a maximum of 20 feet. The variance being requested is to increase the maximum permitted front yard by 36 feet, resulting in a maximum front yard from 8th Avenue Northwest of 56 feet. The applicable section is 3.17.04.8, standard for nonresidential mixed-use and multifamily

¹ The summary of testimony is intended only to summarize pertinent points of testimony received. For a thorough understanding of testimony the reader is referred to the verbatim transcript made part of the hearing record.

development.

The Hearing Officer inquired as to what the result would be if the building were moved northward so that it was up against 8th Avenue within the required setback parameter and staying up against U.S. 41, so the south end of the building would be open; whether there would there be any variance required. Mr. Monsanto replied that in that case it would not. The Hearing Officer then asked if that meets the intent of the Ruskin Town Center standard. Mr. Monsanto answered that the intent is to be a walkable development along U.S. 41 specifically and be as pedestrian friendly as possible. In this case he believed the applicant has provided some justifications as to why moving the building northward will have some detriment to the actual site design. But in general, the main purpose is for U.S. 41 to be as pedestrian friendly as possible.

The Hearing Officer then asked if there was any discussion with the applicant about enhanced landscaping along U.S. 41 adjacent to the parking area. Mr. Monsanto replied that they had not discussed any enhanced landscaping. The standards for landscaping would be those of 6.06.

Jason Kinney with Kinney Engineering, 2573 34th Avenue North, St. Petersburg, Florida, provided presentation for the applicant. He testified that the applicant is requesting a variance to the north building setback, which by the Ruskin Town Center is a 10- to 20-foot building setback. Mr. Kinney explained that when they first started with a site plan it was with the intent to meet the Code. That had the building moved up and provided for a driveway onto U.S. 41. The DOT identified it as an access Class 5, which requires 245 feet. It does not meet that standard and DOT would deny the driveway at that location. Mr. Kinney then displayed another site plan and pointed out that it would also meet the intent. It does not have a driveway, however, there is a significant operational problem in that any vehicle that comes in through the drive has a dead-end condition would not be able to get out without making a turn. That would be fine for small passenger vehicles, however, anybody that might be towing a trailer or the AutoZone delivery vehicle would get stuck there, forcing it to back out onto 8th Avenue, which is prohibited and not safe. Mr. Kinney indicated that the plans had been submitted as part of the evidence though he provided additional copies. He then displayed the current site plan with the building set 56 feet off the north property line instead of 20 feet. The layout allows for a vehicle to come in and use the parking area for a three-point type maneuver and then exit out along 8th Avenue. They believe that the plan does meet the intent of the Ruskin Town Center where U.S. 41 is the primary roadway. It is the applicant's intent to meet all the other zoning conditions of the RTC-1.

Mr. Kinney noted that 8th Avenue at this location is not a through street but an underdeveloped right-of-way that is semi-paved and being used as an access drive for the church to the north. However, the 8th Avenue platted right-of-way, only goes for the length of the roadway, and then it terminates at a large, vacant field. He did not know if the neighbors to the east have any intention to develop. He would imagine they would want to connect there and maybe that would enhance the livability, the walkability; but the site plan that the applicant is proposing does not detract from the urban core in the Ruskin Town Center that Hillsborough County is trying to achieve.

The Hearing Officer indicated that he thought that the greatest concern would be that it was not the intention to have cars along the U.S. 41 side. He asked if the applicant had thought about enhanced landscaping. Mr. Kinney replied that they would definitely be open to it and had no problem with it. It was never discussed or presented to AutoZone, but he could speak for them in that case that they would not have any problems with that, provided that the visibility of the building remains. He did not believe that parking against the road was a concern. The way the Code is that it is 10 to 20 feet. For example, the site plan has pretty much the same parking along U.S. 41 at far as the end, and that would meet the Code. Basically, they are just flipping that configuration. The Hearing Officer asked what enhanced

landscaping, just along that section, would help to screen the parking area. Mr. Kinney replied that it probably is just a combination of some hedges as there are likely overhead utilities along that area. They could not utilize large canopy trees, but some small ornamentals, just Crepe myrtles or Dayton (phonetic) hollies, that type of planting. It would be 10 feet or so for landscaping against the building facade, which could make it aesthetically pleasing as well. At this time they did not prepare any type of architectural elevations because as that is not part of the request. However, the building has its own features to meet the RTC zoning, such as a glazing requirement, parapets, off-sets, and those types of things as well. In addition, the entry feature is up against U.S. 41. It would have two entries; a sidewalk that will be coming in off U.S. 41 to an entryway as well as the entryway back to service the parking area.

The LUHO asked for any audience members in support of the request. There were none.

The LUHO then asked for any audience members in opposition to the request. There were none.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

Jason Kinney

1. Applicant Site Plans

PREFACE

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

FINDINGS OF FACT

- 1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?
 - The hardship of the building to be placed within 20' feet of both roadway frontages are particular to this site as Florida Department of Transportation has denied a new driveway access to US 41 at this location. The denial of a driveway limits the access to a single connection along NW 8th Avenue. With only one driveway, vehicles must enter and exit via the same driveway. This is limiting to larger vehicles, which will require a backing/turning maneuver to change direction.
- 2. Would the literal interpretation of the provisions of the Land Development Code (LDC) deprive the applicant of rights commonly enjoyed by other properties in the same district and areas under the terms of the LDC?
 - The requirement of a building setback between 10' and 20' from 8th Avenue would prohibit larger vehicles from entering the site as they would become blocked in a dead-end condition with no room to complete a backing/turning maneuver and would have to back the full distance to NW 8th Avenue. Backing into the 8th Avenue ROW is not allowed during operations due to safety concerns as would be addressed by any other property in the same district and areas under the terms of the LDC.

- 3. Would the variance, if allowed, not substantially interfere with or injure the rights of others whose property would be affected by allowances of the variance?
 - The applicant proposes to construct a streetscape retail building within their parcel that is currently vacant and undeveloped. The new building and facade will enhance the appeal of the Ruskin Town Center area and provide development upon a currently vacant parcel. Other properties will not be impacted by this variance.
- 4. Is the variance in harmony and does it serve the general intent and purpose of the LDC and Comprehensive Plan?
 - The intent of the Ruskin Town Center district is to provide pedestrian friendly blocks. The proposed site plan includes a building fronting US 41 with a building entrance to a sidewalk directly connected to US 41. The intent is not lost in having the building placed offset to NW 8th Avenue and would not discourage additional pedestrian access or a streetscape orientation since NW 8th Avenue is a dead-end ROW with no other commercial uses along this segment.
- 5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?
 - The relief sought is from a code requirement particular to this zoning district and this parcel. This variance is requested as a result of denial by FOOT for a new driveway that creates the need for a drive aisle that larger vehicles can use to make a safe backing/turning maneuver.
- 6. Will allowing the variance 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?
 - The benefits afforded by the LDC are not jeopardized when weighed against the hardship which would be accommodated by the granting of the variance. Allowing the variance will result in substantial justice being done considering that this request is driven by transportation safety issues. If the variance is not granted, the applicant will be unable to construct the proposed retail building. It would be unlikely that any building requiring large vehicles such a deliveries or trash collection would be able to develop on this parcel with only one driveway and no feasible way to reverse direction of those vehicles.

CONCLUSION OF LAW

The findings do satisfy all six requirements of Section 11.04.02(B) of the LDC as outlined in the "Findings of Fact" section above.

DECISION

Based on the foregoing, the applicant has satisfied the criteria for approval of the requested variance. The variance is hereby APPROVED as requested.

James A. Scarola

Date

Land Use Hearing Officer

RJ SANTIAGO & ASSOCIATES, INC. 240 APOLLO BEACH BLVD. APOLLO BEACH, FL 33572 Tel: 813-641-0010

July 26, 2018

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re: RZ 18-0798

To Whom It May Concern:

Our company, RJ Santiago & Associates Inc., is the owner of property located at 302 N 41 Hwy., Ruskin, directly north of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Rolando J. Santiago

Roland@rjslawgroup.com

President

Sincerely

Ashley Phillips

From:

Rolando Santiago <roland@rjslawgroup.com>

Sent:

Sunday, August 19, 2018 4:30 PM

To: Cc: Mark Bentley

CC:

Ashley Phillips

Subject:

Re: cuculich car credit rezoning

It was a real estate office with showroom for the Little Harbor community. It is 6k sq ft. I am remodeling it to have an urgent care, title company and law office.

Rolando J Santiago RJS Law Group 240 Apollo Beach Blvd Apollo Beach, FL 33572 Roland@rjslawgroup.com 813.641.0010 office 813.641.0022 fax

On Aug 19, 2018, at 3:12 PM, Mark Bentley <markb@jpfirm.com> wrote:

What kind of office and for what product (the showroom)?

<image001.jpg>
Mark S. Bentley, Esq., B.C.S., AICP
Johnson Pope Bokor Ruppel & Burns, LLP
401 East Jackson Street, Suite 3100

Tampa, FL 33602 Phone: 813-225-2500 Fax: 813-223-7118

Email: markb@jpfirm.com

www.jpfirm.com

From: Rolando Santiago [mailto:roland@rjslawgroup.com]

Sent: Sunday, August 19, 2018 2:18 PM
To: Mark Bentley < markb@jpfirm.com >
Cc: Ashley Phillips < ashieyp@jpfirm.com >
Subject: Re: cuculicn car credit rezoning

Present use is office/showroom. I am only remodeling interior and county has not given me any problems.

Rolando J Santiago RJS Law Group 240 Apollo Beach Blvd Apollo Beach, FL 33572 Roland@rjslawgroup.com 813.641.0010 office 813.641.0022 fax

On Aug 19, 2018, at 1:09 PM, Mark Bentley < markb@jpfirm.com > wrote:

Rolando – what is the present use of your building, and is the county making you coming with the ruskin design standards for the change of use? Just curious on this as they are very inconsistent in how they are applying this. Your prompt response would be helpful.

Thanks, Mark

<image001.jpg>
Mark S. Bentley, Esq., B.C.S., AICP
Johnson Pope Bokor Ruppel & Burns, LLP
401 East Jackson Street, Suite 3100
Tampa, FL 33602

Phone: 813-225-2500 Fax: 813-223-7118

Email: markb@jpfirm.com

www.pfirm.com

From: Rolando Santiago [mailto:roland@rjslawgroup.com]

Sent: Thursday, July 26, 2018 4:21 PM

To: Ashley Phillips <ashleyp@jpfirm.com>; Mark Bentley <markb@jpfirm.com>

Subject: RE: cuculich car credit rezoning

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Ashley,

See attached. I have transmitted the original to the county by US Mail and email.

Semper Fi...

R

<image002.png>
Rolando J. Santiago Esq.
240 Apollo Beach Blvd
Apollo Beach, FL 33572

Tel: 813-641-0010

Email: Roland@rislawgroup.com



Development Services

ZONING INTERPRETATION NUMBER:

ZI 14-0767

1.0 SUMMARY OF REQUEST FOR INTERPRETATION

On behalf of Steven A. Cuculich, a formal interpretation of the Hillsborough County Land Development Code ("LDC") is requested as it relates to a business selling used motor vehicles, known as "Car Credit, Inc." located at 108 North U.S. 41 Ruskin, FL 33570. The property's folio number is 055805.0000.

From 1986, to approximately December 2012, the subject property was owned by Mr. Ted R. Pieta. During this period, Mr. Pieta owned and operated a business known as "Ted's Auto Center" on the subject property. Page 1 of Applicant's statement in support of Request for Interpretation (Attachment 1).

On November 2, 2006, Ordinance No. 06-34 was enacted and codified as Part 3.17.00 of the LDC as the "Ruskin Town Center Development Regulations." Upon enactment of the Ordinance, the subject property was rezoned from Commercial General (CG) to Ruskin Town Center-1 (RTC-1). Section 3.17.07 includes as "Permitted Uses" CG and RMC-20 uses as defined in Section 2.02.02 of the LDC mixed use developments; multi-family residential and commercial uses. The permissible uses in the RTC-1 District are further restricted by Section 3.17.09, which establishes specific "Prohibited Uses" within RTC-1, including, but not limited to, "Motor Vehicle Repair (Minor and Major)" and "Motor Vehicle Sales, Rentals and Auctions – All Types." Neighborhood serving motor vehicle repair ("Motor Vehicle Repair, Neighborhood") is an allowed use in the RTC-1 Zoning District.

In December of 2012, the subject property was purchased by Steven A. Cuculich, the principal owner of "Car Credit, Inc.", a motor vehicle sales use, which commenced operations on the subject property immediately after the sale of the property. Page 1 of Applicant's statement.

The Applicant has described Mr. Pieta's business as "the repair of motor vehicles along with the sale of motor vehicles as an ancillary use." Page 1 of Applicant's statement.

Board of County Commissioners Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller Jr. Sandra L. Murman Mark Sharpe

County Administrator Michael S. Merrill

County Administrator
Executive Team
Lucia Garsys
Carl S. Harness
Gregory S. Horwedel
Llana Lopez
Bonnle Wise

County Internal Auditor
Michelle Leonhardt

County Attorney
Chip Fletcher

PO Box 1110 Tampa, FL 33601-1110 Section 320.27(c), Florida Statutes, provides that "any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period" shall be presumed to be a "motor vehicle dealer" required to be licensed by the Florida Department of Highway Safety and Motor Vehicles. The Applicant states that "[b]ecause the sale of motor vehicles was not the significant component of Mr. Pieta's business, he was not during most of the existence of his business, required to be licensed by the Florida Department of Highway Safety and Motor Vehicles." Page 3 of Applicant's statement. The Applicant has provided a record indicating that Mr. Pieta held a Florida motor vehicle dealer license for one year, from 2002 to 2003. Exhibit 4 to Applicant's statement (Florida Department of Highway Safety and Motor Vehicles Dealer Type 1 License authorizing the buying, selling or dealing in used motor vehicles, effective May 1, 2002).

Additionally, the Applicant has provided Hillsborough County Tax Collector Records which relate to two (2) motor vehicle sales by Mr. Pieda, including a 2001 model year vehicle and a 2010 model year vehicle Exhibit 5 to Applicant's statement.

2.0 ZONING ADMINISTRATOR'S INTERPRETATION:

The Applicant has not demonstrated that motor vehicle sales was the property's principal use at the time Ordinance No. 06-34 was adopted on November 2, 2006.

The applicant proposes to reconfigure the land use from the motor vehicle repair use which was established at the time the property was rezoned to the RTC-1 District by Ordinance No. 06-34.

To recognize motor vehicle sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned.

The Applicant has failed to establish that, at the time of the adoption of Ordinance No. 06-34, motor vehicle sales was an "existing lawful use" of the subject property in accordance with Section 3.17.02 of the LDC, or a use established legally in accordance with Section 11.03.06. Because the Applicant has not demonstrated that motor vehicle sales was the established lawful use of the subject property, this interpretation does not address the Applicant's assertion that Section 3.17.02 operates separate and apart from Part 11.03.00, Nonconformities.

This is to certify that this Zoning Interpretation has been approved and signed by the Zoning Administrator in accordance with Section 10.05.01.B of the Land Development Code.

00/a1

DATE

7/23/2014

JOSEPH MOREDA III, AICP, CODE ADMINISTRATOR

ATTEST: DEPUTY CLERK

PAT FRANK
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS HILLSBORGUGH COUNTY FLORIDA DOCUMENT NO. 14-0633

 In accordance with Section 11.01.03 of the Land Development Code, interpretation decisions may be appealed to the Land Use Hearing Officer. Questions related to this interpretation should be directed to Joe Moreda at 276-8379

F.0 FINDINGS

- 1. Part 12:01.00 of the LDC defines Motor Vehicle Repair as "
 - 1. Neighborhood Serving
 - 1. Replacement of fan belts, brake fluids, light bulbs, fuses, floor mats, windshield wipers and blades, and mirrors.
 - 2. Fluid replacement.
 - 3. Greasing and lubrication.
 - 4. Emergency repair of wiring.
 - Minor adjustment not involving removal of the head of crankcase and grinding valves.
 - Battery recharging.
 - 7. Safety inspections.
 - 8. Sale and service of sparkplugs and batteries
 - 2. Minor: Minor vehicle repair shall include all neighborhood serving repair and the following
 - 1. Sale and service of distributor and ignition system parts.
 - 2. Sales, service and repair or tires, but not recapping or regrooving.
 - 3. Replacement of mufflers, tail pipes, water hoses, seat covers, grease retainers, wheel bearings, and the like.
 - Radiator cleaning and flushing.
 - 5. Providing and repairing fuel pumps, oil pumps, and the like.
 - Minor adjustment and repair of carburetors.
 - 7. Adjusting brakes and installing exchange brake shoes.
 - 8. Wheel balancing.
 - 9. Warranty maintenance.
 - 10. Other minor servicing of a similar intensity to those listed above.

- Major: Any automotive repairs or servicing not listed under Minor, above, excluding body work and/or painting."
- 2. Part 12,01.00 of the LDC defines Retail as "The use of land, buildings or structures for the sale of merchandise to the consumer of the merchandise which may include but not be limited to convenience goods, shopper's goods, bicycle sales, gas stations, liquor stores, lumber and other building material sales, mail order pickup facilities, mobile home sales, motor vehicle sales, service stations, and sales of used merchandise..."
- 3. Part 12,01.00 of the LDC defines Use as "The specific purpose, activity, or function for which land, a building, a lot, a sign, or a structure is intended, designated, arranged, occupied, or maintained."
- 4. Part 12,01,00 of the LDC defines Principal Use as "The primary use and chief purpose of a lot or structure."
- Part 12.01.00 of the LDC defines Accessory Use as "A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure."
- 6. Motor vehicle repair was the existing primary lawful use of the property at the time Ordinance No. 06-34 was adopted, November 2, 2006.
- 7. The Applicant has acknowledged that motor vehicle sales was not a significant component of the business operated on the subject property at the time that Ordinance No. 06-34 was adopted, and this component of the business was not recognized by Department of Highway Safety and Motor Vehicles at the time of rezoning. No information has been provided which supports the Applicant's assertion that motor vehicle sales was a legally recognized and permitted use of the property.
- 8. To recognize the motor vehicle sales use would be a fundamental change in the principal use of the property from the primary use of motor vehicle repair, which was established at the time Ordinance No. 06-34 was adopted on November 2, 2006.
- 9. Motor vehicle sales was not an "existing lawful use" of the subject property on November 2, 2006, as required by Section 3.17.02 of the LDC.

ATTACHMENTS:

- 1. Applicant's Written Statement
- 2. Land Development Code Part 3.17.00, Ruskin Town Center Development Regulations
- Land Development Code Part 12.01.00, Definitions of "Use", "Motor Vehicle Repair", "Principal Use", "Retail" and "Accessory Use."
- 4. Land Development Code Part 11.03.00, Nonconformities.

ATTACHMENT 1

Legal Use Justification Statement

Hillsborough County Tax Folio No. 055805.0000 108 N. US Highway 41, Ruskin, FL (the "Property")

The following shall demonstrate the existence of the lawful use of the subject Property for motor vehicle repair and vehicle sales on the effective date of Hillsborough County Ordinance No. 06-34, enacted on November 2, 2006 (the "Ordinance"). This Ordinance was subsequently codified at Part 3.17.00 of the County's Land Development Code (the "LDC") as the "Ruskin Town Center Development Regulations" (hereinafter "RTC").

I. Background

From 1986 to approximately December 2012, the subject Property was owned by Mr. Ted R. Pieta. During this period, Mr. Pieta also owned and operated a business at the Property known as "Ted's Auto Center." This business included the repair of motor vehicles, along with the sale of motor vehicles as an ancillary use. Notably, neither one of these uses was abandoned during the existence of Ted's Auto Center.

In December 2012, in good faith reliance on representations of Mr. Pieta, the fact that the County had never questioned uses that were now prohibited at the Property as a result of the enactment of the RTC, along with the existence of motor vehicle sales at the Property, the Property was purchased by Steven A. Cuculich. Mr. Cuculich is also the principal owner of the business that commenced operations at the Property immediately after its sale. The business involves the sale of previously owned motor vehicles and is known as "Car Credit, Inc." Accordingly, Car Credit, Inc. has continued sales of motor vehicles at the Property without interruption.

Upon the enactment of the County's Ordinance, the Property was rezoned from CG to Ruskin Town Center 1 (RTC-1). Consequently, Section 3.17.09 of the County's LDC set forth a list of prohibited uses, which included both uses being conducted on the Property – motor vehicle repairs, and motor vehicle sales.

Section 3.17.02 of the LDC, however, set forth the County's intent that no then existing legal business or uses would become illegal as a result of the enactment of the Ordinance. Specifically, this section states in pertinent part that "[e]xisting lawful uses, lots, structures, characteristics of land and densities shall not

be required to be removed or otherwise modified as a result of the standards or requirements set forth in this part."

Accordingly, notwithstanding Section 3.17.09's new prohibitions, the uses at the Property were intended to be sanctioned and not immediately revoked. Obviously if they were not, the County would have cited Mr. Pieta for illegally operating prohibited uses for seven (7) years. Accordingly, there is a legal presumption that the uses were permitted and the burden is on the County, and not the Property owner, to demonstrate otherwise.

II. Legal Framework

The issue to be resolved in this matter is whether there is reasonable information to suggest that the sales of motor vehicles was a use at the Property on or before the effective date of the Ordinance, November 2, 2006. Under Florida law, zoning regulations are considered to be in derogation of common law and are subject to strict construction and are liberally construed in favor of the right of a property owner to the unrestricted use of his property. See Mandelstam v. City Com. of S. Miami, 539 So. 2d 1139 (Fla. 3d DCA 1988).

Furthermore, "The application of zoning regulations to restrict an existing use of the property, resulting in substantial diminishing of its value, may constitute a taking by the governmental agency which requires the payment of compensation under well-established principles of constitutional law. To avoid these consequences, zoning regulations generally grandfather the continuation of existing nonconforming uses on property subject to the zoning classification. By the same token, therefore, it is reasonable to conclude that the termination of such grandfathered nonconforming uses may result in a taking for constitutional purposes unless the basis of such termination accords with applicable legal principles." See Lewis v. Atlantic Beach, 467 So. 2d 751 (Fla. 1st DCA 1985).

It is also important to note that Section 3.17.02 operates separate and apart from the Nonconformities Section set forth in the County's LDC, at Section 11.03.01. Accordingly, for example, there is no prohibition on intensification, enlargement or expansion of an "existing legal use" in the RTC-1. Nor are there any provisions divesting an "existing legal use" based on cessation of use for a certain specified period.

Notably, Section 3.17.07 that established now prohibited uses, specifically identified discrete properties by tax folio numbers whose uses would have been prohibited, but were allowed to remain as legal uses. However, the County apparently failed to include the subject Property in this Section, which caused the uses to be "illegal". Obviously, had Mr. Pieta been aware of the County's error and that his business on November 2, 2006 became "illegal", he would have objected to the imposition of a harsh sanction and literal taking of his business, and the County would undoubtedly have included the Property in its list of legal uses. The County could not legally make the business illegal, which it effectively did, without payment of just compensation to Mr. Pieta, or at a minimum, utilizing an amortization process to allow reasonable use of the Property, and a return of Mr. Pieta's investment backed expectations. (See also Section 11.03.08 of the LDC.)

To demonstrate the County's intent, it actually singled out a property used for motor vehicle repairs at Tax Folio No. 055675.0000, which the County should have obviously done for the subject Property in order to ensure equal protection of the laws, and importantly, to avoid an unconstitutional taking of Mr. Pieta's business.

III. Information

Upon winding down his business, Mr. Pieta unfortunately purged many of his records, never anticipating that they may be of assistance in establishing the legality of the business as it existed in November 2006. Also, some records he actually intended to maintain were inadvertently disposed of in connection with a garage sale. Accordingly, these events, coupled with the state's general policy to purge records, renders it difficult to confirm specific dates and activities.

Because the sale of motor vehicles was not the significant component of Mr. Pieta's business, he was not during most of the existence of his business, required to be licensed by the Department of Highway Safety and Motor Vehicles (See Section 320.27(c), Florida Statutes, which states that the sale of three (3) or more motor vehicles in a twelve (12) month period is presumed to be engaged in such business).

Specific evidence and information demonstrating the lawful sales of motor vehicles is as follows:

1. Affidavit of Ted R. Pieta attesting to sale of motor vehicles from 1986 through December 2012.

- Department of Labor and Employment Security Bureau of Tax Audit memorandum dated May 14, 1991, indicating that Ted's Auto Center included "car repairs and sales."
- Business card for Ted's Auto Center used up to the date of closure of his business, December 2012, indicating uses at the Property as "Auto Repair and Sales."
- State of Florida Department of Highway Safety and Motor Vehicles Dealer Type I license for Ted's Auto Center dated March 7, 2003 authorizing the buying, selling or dealing in used motor vehicles as an independent dealer.
- 5. 2002 Hillsborough County Property Appraiser Card identifying use at the Property as "Auto Sales." Note that under 'Building Notes', the Property Appraiser incorrectly identifies the use as "Ted's Auto Repair," which business never operated under that name. (See attached Division of Corporations documents confirming that at all times the business was known as "Ted's Auto Center.")
- E-mail from Hillsborough County Tax Collector confirming sale of motor vehicles relating to Ted Pieta.

The aforementioned documents have been attached hereto as Exhibits 1 through 6.

IV. Summary

In enacting its Ordinance, the County failed to acknowledge the existing uses at the Property and thus prohibited them upon its enactment. Obviously, the County did not intend to impose such a harsh penalty. Notably, all other business that would have likewise been prohibited received special consideration, as the County "carved out" exemptions for them under Section 3.17.07 to ensure their viability and avoid liability on the County's part.

The burden is on the County to demonstrate that either auto repairs or auto sales were not being conducted on the effective date of the Ordinance. Based on the County's intent to ensure that businesses were not automatically wiped out, along

with the information provided herein, it is reasonable to assume that auto repairs and auto sales were being conducted on the effective date of the Ordinance in 2006. Here again, under applicable Florida law, any uncertainty must be resolved in favor of the property owner.

Therefore, the County apparently has three (3) options to resolve this matter:

- 1. It may confirm that the uses under consideration existed on the effective date of the Ordinance; or
- Seek to amend Section 3.17.07 to include the Property and it uses as "permitted uses"; or
- 3. Seek to amend Section 3.17.09 to eliminate motor vehicle repairs and motor vehicle sales from the list of "prohibited uses."

In the event the County should fail to elect one of the foregoing, the present owner of the Property and the business will be eliminated, causing them to have a claim against the County for unlawful taking of their property rights requiring payment of just compensation to the owner. The County would also be subject to an equal protection claim as the owner would be denied this fundamental protection under the laws as they were not provided the same treatment as several properties that were exempted from the application of the new Ordinance.

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AFFIDAVIT OF TED R. PIETA

I, Ted R. Pieta, swear or affirm that:

- 1. I am Ted R. Pieta and I reside at 9101 Woodcreek Circle, Riverview, Florida 33569.
- 2. In 1986, I purchased property located at 108 N. US Highway, 41, Ruskin, Florida 33570 ("The Property").
- 3. From 1986 through December 2012, I owned a business at the Property known as "Ted's Auto Center."
- 4. Ted's Auto Center consisted of the maintenance and repair of motor vehicles and the sale of used motor vehicles as an accessory part of the business.
- 5. Up to the time the Property was sold in December 2012, Ted's Auto Center was engaged in the maintenance and repair of motor vehicles and the sale of motor vehicles as an accessory part of the business.

Further affiant sayeth not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date

Ted R. Pieta

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Sworn to before me this known to me or who has provided

day of June, 2014 by Ted R. Pieta, who is personally

as identification and did take an

oath.

P. ANNETTE PERSAUD
Notary Public - State of Florida
My Comm. Expires Sep 20, 2014
Commission # EE 12857
Banded Through National Notary Assn.

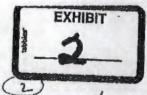
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My Commission Expires:

Notary Public

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DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY BUREAU OF TAX TAX EMFORCEMENT



AUDIT HEMO

Date: 5/14/91	F1. Acet. No. 0449915
To: Deputy Chief of Tax Enforcement JOE VINSKI	FEIN No. \$91849008/
From: FIELD AUDITOR 5.	
Subject: Ted R. Piebe	
Ted's Quito Census	
PRE-AUDIT AND EMPLOYER'S IDENTIFYING DATA: Discuss with	th employer or person responsible for accounting operations.
A. Purpose of this audit discussed with employer or re	apresentative: Yes No No
B. Nature of business: Cor Resours	and "Sales
C. Location of business: 168 N. To	
D. Type of entity: India Dans Carporation (Individual, partnership, corporation)	on, etc.)
E. Verification of ownership: 23153.000c	o(a) Hillsborough County
(Occupational license num	mber, etc.)
F. Verification of business existence:	
6. Date business started (if within the statute of lin	sitation): 10/1/78.
H. Date liability started (if within the statute of li	imitation): 12/31/78
1. List full name of owner, partners or corporate offi	cers. Social Security Humbers and Home Addresses:
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A, Audit prepared for the following yr(s)/qtr(s):	Q11 1930
B. If more or less than 4 Quarters, EXPLAIM:	
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C. Reason for conducting audit (if not a randomly sele	ected assigned audit): Qssigher
D. Discrepancies were found and:	1
1. Tax reports attached for the following quarter	(s):
2. Form UCT-8A(s) attached for the following quart	114:
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. Results of reconciliation backsen och a sand south invaling	
THE FOLLOWING RECORDS WERE EXAMINED:	
(V) Time Cards or Time Sheets (V) Federal 940's	(V) Payroll Ledger (V) N-2 Forms
	(V) Payroll Summaries (Seneral Journal) () Petty Cash (Min) General Ledger
Business Income Tax (Sched C) DON'T Federal Form 1099 Other	(V) EDP Records (V) UCT-6's
POST-AUDIT:	
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Date 5/16/91

To Ted R. Piets - Ted's Auto Center

From Joe Vinski Field Auditor.

Subject Audit results and corrections

Enclosed please find a copy of the results of the audit that was recently completed. A copy of the corrections that were made (if any) are included for your information.

If you have any questions regarding the above please do not besitate to contact our office.

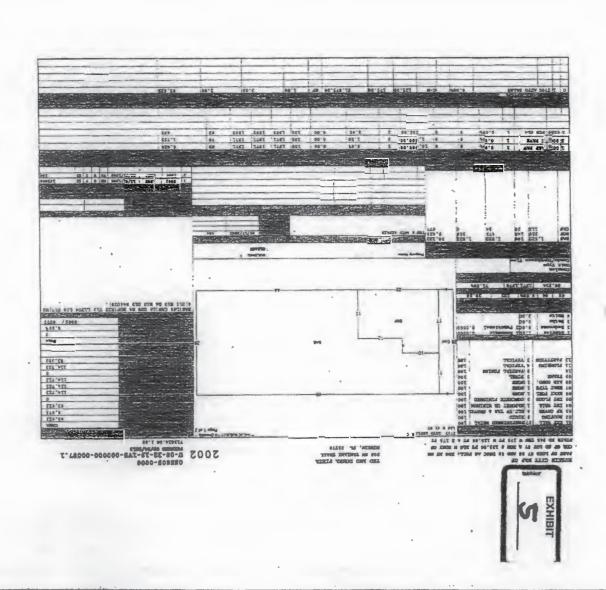
EXHIBIT 3

TED R. PIETA OWNER COMPLETE AUTO REPAIR AUTOMOTIVE AIR CONDITIONING

TED'S AUTO CENTER AUTO REPAIR & SALES SINCE 1975

108 N. US WHY 41 RUSKIN, FL. 33570

PHONE: 813-645-9541



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Filing Information			•	
Registration Number				
Status	ACTIVE			
Filed Date	12/04/1991		•	
Expiration Date	12/31/2018			
Current Owners	2			
County	HILLSBOROUGH		•	
Total Pages	4			
Events Filed	4			
FEI/EIN Number	59-1849008			
Mailing Address				
108 TAMIAMI TR NW RUSKIN, FL 33570		•	• 1	
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FILE TO RENEW NOW: PICTITIOUS NAME WILL EXPIRE ON 12/31/96

SANDRA B. MORITHAM
SECRETARY OF STATE

APPLICATION FOR RENEWAL OF FICTITIOUS NAME
REGISTRATION # G91338000014 (8)

1. Name and Making Address
COHSES FP 7 \$ 0005 \$0570

TED'S AUTO CENTER
108 TANIAMI TA NW
RUSKIN FL 83570

If above maling address is incorrect in any way, the Brough Incorrect Information and artin genecion in Utock \$

2. Likeling Address change if applicable:

Suite, Apl. 8, etc.

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City

Daytime Phone Number:

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3 FEI Number . 59-1849008	4. Date Flagistered 12/04/1991
Cl Applied for	5. County of Principal Place of Business HILLSBOROUGH
6. Certificate of Status Desired	7. Carlifled Capy Dosired

(1) \$30 Additional Fee Reguland

(1) \$10 Additional Fee required

AN OWNER THAT IS A CORPORATION, LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY MUST BE REGISTERED AND ACTIVE WITH THIS OFFICE.

Zip Code

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FILE TO RENEW NOW: FICTITIOUS NAME WILL EXPIRE ON 12/31/01

KATHERINE HARRIS SECRETARY OF STATE



FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

APPLICATION FOR RENEWAL OF FICTITIOUS NAME

REGISTRATION # 1. Name and Melling Address

G91338000014

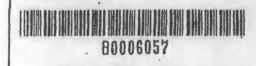
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TED'S AUTO CENTER 108 TAMIANI TR NW RUSKIN FL 33570

2 Nalling Address	is change if applicable:		
Suite, Apt. II, etc.			*
City	٧	State	Zip Code

FILED Jan 18, 2001 8:00 am Secretary of State 01-18-2001 90266 044 **** 50.00 G01999067572



G91338000014

3, FEI Number 59-1849008	8, County of Principal Place of Business HILLSBOROUGH
4, 'Date Registered' 12/04/1991	6. Certificate of Status Desired O \$10 Additional Fee Roculard

AN OWNER THAT IS A CORPORATION, LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY MUST BE REGISTERED AND ACTIVE WITH THIS OFFICE.

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individuals listed on this formado no		ion 119.07(3)(i), F.S. (Al least one signature required)	
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FILE TO RENEW NOW: -FICTITIOUS NAME WILL EXPIRE ON 12/31/06

FLORIDA DEFARTMENT OF STATE SECRETARY OF STATE DIVISION OF CORPORATIONS APPLICATION FOR RENEWAL OF FICTITIOUS NAME REGISTRATION # G91338000014 rne and Mailing Address 0083129 Qt FP 0.352 "PRSRT TS 0 0608 33570 TED'S AUTO CENTER WA RT RADIANT BOI RUSKIN FL 33570.

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FILED	
Jan 17, 2006 8:00 an	n
Secretary of State	

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CHECK HERE IF MAKING CHANGES

9. County of Principal Place of Business HILLSBOROUGH	4. Osto Registered 12/04/1991
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AN OWNER THAT IS A CORPORATION, LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY MUST BE REGISTERED AND ACTIVE WITH THIS OFFICE.

Zip Code

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6. I (we) the undersigned, being the sole (all the) party(les) owning interes			
true and accurate. I (vre) understand that the signature(s) below shall he	ive the same logal effect as if made	under oath. I further certify that the n	ames of
individuals listed on this form do not qualify for an examption contained	in section 119, Florida Statutes. (At	least one algoriture required)	
K. Al.	^	01	

14-0767

APPLICATION FOR RENEWAL OF FICTITIOUS NAME

Secretary of State G11000108538

REGISTRATION# G91338000014 Fictitious Name: TED'S AUTO CENTER

Current	Malllan	Address:

New Malling Address:

108 TAMIAMI TR NW RUSKIN, FL 33570

Current County of Principal Place of Business:

New County of Principal Place of Business:

HILLSBOROUGH

Current FEI Number:

New FEI Number:

59-1849008

Current Owner(s):

Additions/Changes to Owner(s):

Document #:

1) Change 1) Addition

() Change () Addition

Document #: FEI #: Name:

() Dolete PIETA, DONNA M

FEI#: Name: Address:

9101 WOODCREEK CIR City-St-Zip: RIVERVIEW, FL 33560 US City-St-Zip:

Document #: FEI #:

() Delete

Dogument #: FEI #:

PIETA, TED R Name: 9101 WOODCREEK CIR Address: City-St-Zip: RIVERVIEW, FL 33569 US

Name: Address: City-St-Zip:

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I understand that the electronic signature below shall have the same legal effect as if made under oath. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

DONNA M PIETA TED R PIETA

11/07/2011

Electronio Signature(s)

Date

Oerlificate of Status Requested ()

Certified Copy Requested [)

Ashley Phillips

From:

Farris, Mary Helen <FarrisM@hillsboroughcounty.org>

Sent:

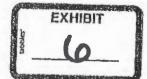
Tuesday, January 14, 2014 10:11 AM

To:

Mark Bentley Ashley Phillips

Cc: Subject:

RE: HSMV: Open Government/Public Records



Hello Mark,

Here is the information I received, with redactions made pursuant to 18 U.S.C. 2725:

- 2010 Dodge PK, Vehicle Identification Number (VIN) 1D7RB1CTXAS195680; title number 110705249; issued 05/02/2013. License plate number Z5DZR registration expires 05/26/2014; title and registration is issued to: 33569
- 2001 Chrysler SW, VtN 3C4FY4BB21T300202; title number 81394361 issued 07/20/2000. License plate number TED0NNA - registration expires 10/25/2014; title and registration is issued to: 33569

Mary Helen Farris, General Counsel Florida Bar Board Certifled City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Monday, January 13, 2014 10:44 AM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen - sorry for the delayed response. Yes please send me the information. Thanks, Mark

Mark Bentley, Esquire, B.C.S., AICP
Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM

One Tampa City Center, Suite 1650 201 North Franklin Street Tampa, Florida 33602 Ph: 813.223.5050

----Original Message-----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

Sent: Tuesday, December 17, 2013 10:03 AM

To: Mark Bentley

Fax: 813,223,3555

Subject: FW: HSMV: Open Government/Public Records

Hello Mark - I am following up on the email below. Do you still want the information? Thanks and have a great Holiday!

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

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----Original Message-----From: Farris, Mary Helen

Sent: Friday, November 22, 2013 2:56 PM

To: 'Mark Bentley'

Subject: RE: HSMV: Open Government/Public Records

Hello Mark - I am reviewing Section 119.0712(2)(b) to determine what needs to be redacted. The information I received relates to Ted Pieta and another individual. Did you only want information on Mr. Pieta individually?

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602 Office: 813-272-5670

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Tuesday, November 19, 2013 4:53 PM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen,

I reviewed the website your provided however, I previously made a public records request to the DMV in connection with this matter and was advised that they do not keep records over 5 years old and that they have none of the requested records. I have attached the subsequent request made to the Tax Collector's office for your review. You will notice that it specifically requests records held by the Tax Collector in connection with the specified motor vehicle sales.

If the Tax Collector's office does not possess any of the requested records, please advise me accordingly in writing and as indicated in the attached correspondence.

Once again, I appreciate your assistance with this matter.

Thank you,

Mark Bentley, Esquire, B.C.S., AICP
Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050
Fax: 813.223.3555

Thank you very much Mary Helen - I appreciate your getting this resolved. Mark

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050

Fax: 813.223.3555

----Original Message----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

EXHIBIT

AFFIDAVIT OF TED R. PIETA

I, Ted R. Pieta, swear or affirm that:

- 1. I am Ted R. Pieta and I reside at 9101 Woodcreek Circle, Riverview, Florida 33569.
- 2. In 1986, I purchased property located at 108 N. US Highway, 41, Ruskin, Florida 33570 ("The Property").
- 3. From 1986 through December 2012, I owned a business at the Property known as "Ted's Auto Center."
- 4. Ted's Auto Center consisted of the maintenance and repair of motor vehicles and the sale of used motor vehicles as an accessory part of the business.
- 5. Up to the time the Property was sold in December 2012, Ted's Auto Center was engaged in the maintenance and repair of motor vehicles and the sale of motor vehicles as an accessory part of the business.

Further affiant sayeth not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date

Ted R. Pieta

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Sworn to before me this known to me of who has provided

day of June, 2014 by Ted R. Pieta, who is personally

Notary Public

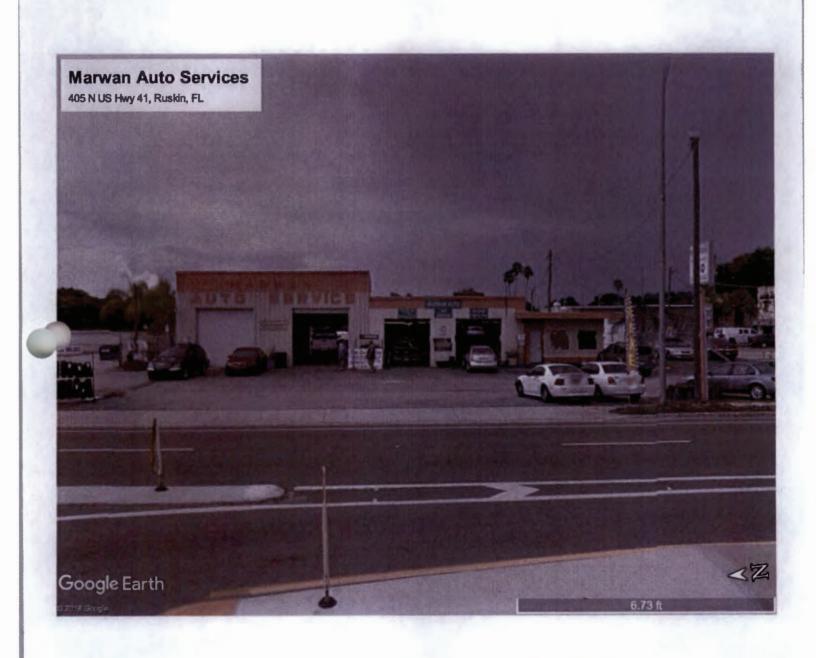
as identification and did take an

oath.

P. ANNETTE PERSAUD Notary Public . State of Florida dy Comm. Expires Sep 20, 2014 Commission # EE 12857 Bonded Through Hational Holary Assn

(Print, Type or Stamp Name)

My Commission Expires:





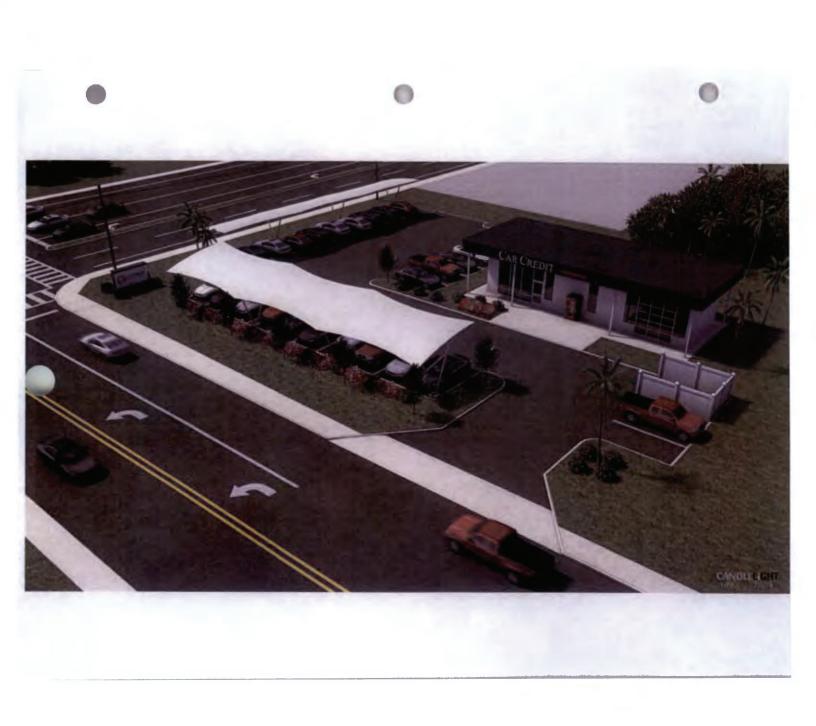
8/17/201

Car Julit Rusidn - Google Maps

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PART 3.17.00 - RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS[2]

Footnotes:

- (2) -

Editor's note— It should be noted that § 4 of Ord. No. 06-34, adopted November 2, 2006, provides for an effective date of February 1, 2007.

Sec. 3.17.01. - Purpose

The purpose of this Part is to provide for The Ruskin Town Center (RTC) zoning districts and design standards. The zoning district and design standards implement the vision, principles and strategies of the Hillsborough County Comprehensive Plan's Ruskin Community Plan.

The Intent of the Ruskin Town Center Zoning District (RTCZD) is to revitalize Ruskin's business center along U.S. 41, enhance the appearance of Ruskin's historic business district, and establish a mixed-use, walkable and pedestrian friendly Town Center. All development shall be in accordance with the Standards for Non-Residential, Mixed Use and Multi-Family as described in this Part and as appropriate.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.02. - Applicability

A. Except as provided herein, these standards shall apply to all development within the area subject to the Ruskin Town Center Zoning District (RTCZD). However, these provisions shall not apply to public schools and previously approved planned developments, previously approved subdivisions, and projects with unexpired building permits, unexpired preliminary site development approval or unexpired construction plan approval at the time of rezoning to Ruskin Town Center Zoning District (RTCZD). Existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.

In addition to the standards provided herein, development within the Ruskin Town Center Zoning District (RTCZD) shall be required to meet all other applicable sections of the Land Development Code. Where any provision of the Ruskin Town Center Zoning District (RTCZD) regulations is in conflict with any other standards or regulations of the Land Development Code, the Ruskin Development Regulations shall prevail.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.03. - General Development Standards

A. Designation of Streets

All streets within the Ruskin Town Center Zoning District shall be classified as Main Streets or Ruskin Town Center Streets. Main Streets include Shell Point Road, and U.S. 41. All other streets shall be classified as Ruskin Town Center Streets - as shown on Figure 1—Ruskin Town Center.

B. Street Design

New streets and reconstruction of existing streets, excluding regulated roadways as defined in the Hillsborough County Comprehensive Plan, shall conform to the design standards established by this section for the cross section of Ruskin Town Center Streets as shown in Figure 2. Traffic calming measures shall be permitted in accordance with Section 5.08.09.E of this Code.

C. Parking, Access and Site Design

Except as otherwise provided by this Section, parking requirements for all uses shall be in accordance with the Parking Standards of Article VI. Landscaping requirements for off-street vehicular use areas shall be in accordance with the landscaping and buffering requirements of this Code.

1. Required Off-Street Parking

- a. Required parking provided through surface parking lots shall be on the development site or within 500 feet of the development site that the parking is required to serve.
- b. The minimum parking requirements in Article VI of this Code for non-residential uses is the maximum allowed. Additionally, the non-residential parking requirements may be reduced by 50 percent.
- c. On-Street Parking Credit. On-street parking spaces shall be deducted from the required number of off-street parking spaces for the adjacent use. When an extended parcel line splits an on-street parking space, that space shall be deducted from the parking requirements of the parcel that fronts the majority of the on-street parking space.

Off-street parking (surface parking lots).

- In projects located on Main Streets with off-street surface parking lots, parking shall be located behind the front façade of Main Street frontage buildings.
- Except as provided below, in projects located only on Ruskin Town Center Streets with offstreet surface parking lots, parking shall be located behind the front façade of Ruskin Town Center Street frontage buildings.
- c. Notwithstanding the above, surface parking lots may be located adjacent to Ruskin Town Center Streets in projects with frontage along Main Streets and Ruskin Town Center Streets.
- d. Surface parking lots may be located adjacent to one Ruskin Town Center Street in projects with frontage along two Ruskin Town Center Streets. However, no surface parking lot shall front Ruskin Town Center Street containing property on the opposite side of the street zoned for residential and residential support uses only. Additionally, on corner lots, surface parking may be located adjacent to two Ruskin Town Center Streets.
- 3. Parking Garages. Except for vehicle entrances, the ground floor shall be developed with enclosed commercial, office or civic floor space to a minimum building depth of 30 feet along the entire length of the structure on each adjacent street, unless separated from the street by another building, parking lot and/or landscaped open space with a minimum depth of 30 feet.

D. Screening of trash and recycling receptacles, loading docks, service areas, and other similar areas.

- 1. Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from Main Street or Ruskin Town Center Street frontages, and must be screened to minimize sound and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six feet In height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape buffer shall be a minimum of five feet in width and contain evergreen plants a minimum of three feet in height spaced not more than four feet apart.
- Mechanical equipment shall be placed on the parking lot side of the building away from view from adjacent Main Street and Ruskin Town Center Street frontage and shall be screened from view of any street by fencing, vegetations, or by being incorporated into a building.
- All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into roof structure.

- 4. Solid waste storage areas. A solid waste refuse facility shall be screened on three sides by a six-foot high masonry wall if it is located within the building setback area or located in areas visible to customers or from a public right-of-way.
- Fences and Walls. Fences and walls shall be constructed of masonry, vinyl or cast iron/metal.
 The location of all fences and walls shall be in accordance with Article VI of this Code.
- E. Building Orientation. A building's primary orientation shall be toward the street rather than the parking areas. The primary building entrances shall be visible and directly accessible from a public street.
- F. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to emphasize the entrance(s).
- G. Utilities. All utility lines shall be located underground.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.04. - Standards for Non-Residential, Mixed Use and Multi-Family Development

- A. Building frontages shall occupy no less than 60 percent of a project's street frontage.

 Notwithstanding the above, projects with frontages along Main Streets and Ruskin Town Center Streets shall not have minimum building frontage requirements along Ruskin Town Center Streets.
- B. Front yard building setbacks along all street frontages shall be a minimum of ten feet to a maximum of 20 feet. Rear yard setbacks shall be a minimum of ten feet, and side yard setbacks shall be a minimum of five feet.
- C. Building height shall be a maximum of 50 feet.
- D. Building Design
 - 1. Building Façade. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being Interrupted by a window or entry. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. Building façade must be architecturally finished to grade. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum 80 percent of a storefront's linear frontage.
 - 2. Transparency. All street-facing non-residential and mixed-use structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement, but must be transparent and shall not be painted or obscured by opaque panels.
 - Shelter. Buildings shall incorporate arcades, alcoves, porticos or awnings.
 - 4. Garages. Street-facing ground floor parking, including individual unit garages, is not permitted on the first floor of a multi-family structure on a Main Street. Parking shall occur within parking garages or within surface lots that do not front on a Main Street. Individual unit garages attached to principal structures fronting Ruskin Town Center Streets shall be setback a

minimum of five feet from the street-facing façade and a minimum of 20 feet from the street right-of-way.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.05. - Sign Standards

A. Generally

Signs shall conform to the limitations and provisions of Article VII of this Code. Additionally, the following limitations and provisions shall apply to signage for all uses excluding emergency public services/uses.

B. General Requirements

- Signage within the Ruskin Town Center Zoning Districts (RTCZD) shall be constructed utilizing
 materials similar to those of the buildings served. Acceptable materials may include wood and
 painted metal. Plastic and similar synthetic materials are permitted if designed to replicate the
 appearance of wood and painted metal signs.
- 2. Pole signs shall be prohibited.

C. Ground signs

- 1. General Standards
 - a. Letter height shall be a minimum of nine inches and a maximum of 24 inches.
- 2. Monument Signs
 - a. The maximum height shall be eight feet above the ground plane.
 - b. Signs shall be set back a minimum of ten feet from the public right-of-way, 30 feet from the intersection of right-of-way lines and shall meet any additional setback required in Article VII of this Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.

D. Awning Signs:

The width of the sign shall not exceed the width of the canopy, awning or marquee.

E. Miscellaneous signs

 Window Signs: Permanent window sign displays shall be limited to no more than 20 percent of the window area.

2. Projecting Signs

- Signs shall be located above ground-floor level doors and windows but below the roofline or second-floor level to promote a pedestrian environment.
- b. Signs are limited to no more than one projecting sign per business.
- Signs shall project no more than four feet from the building face and must be located outside of the public right-of-way.
- d. Sign shall have a minimum six-inch clearance from the building face.

F. Sign Lighting

 Ground-mounted up-lights shall not exceed 150 watts per sign face and shall shield light from aiming toward motorists and neighboring properties. Fixtures shall be hidden from view by sign landscaping. Internally lighted tenant signs attached to buildings shall only illuminate lettering and not entire sign face.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.06. - Zoning Districts

New development in Ruskin Town Center Zoning District with a parcel's designation as shown on Map located in Figure 1 shall conform with the following use, density, intensity, and Standards for Non Residential, Mixed Use and Multi-Family as described above and provisions of this Code. Additionally, all structures located along Shell Point Road and U.S. 41 shall be a minimum of two stories in height.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.07. - Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other Items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.

(Ord. No. 06-34, § 2, 11-2-06; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 09-53, Item Y, 6-11-09, eff. 10-1-09; Ord. No. 11-24, § 2(Item A)(12-0011), 12-5-11, eff. 2-1-12)

Sec. 3.17.08. - Ruskin Town Center (RTC-2)

Permitted Uses: BPO, CN and RMC-12 uses as defined in Section 2.02.02 of this Code; mixed use developments, business professional office and multi-family residential.

Maximum Density: 12 dwelling units per acre.

Maximum Intensity: 0.50 FAR.

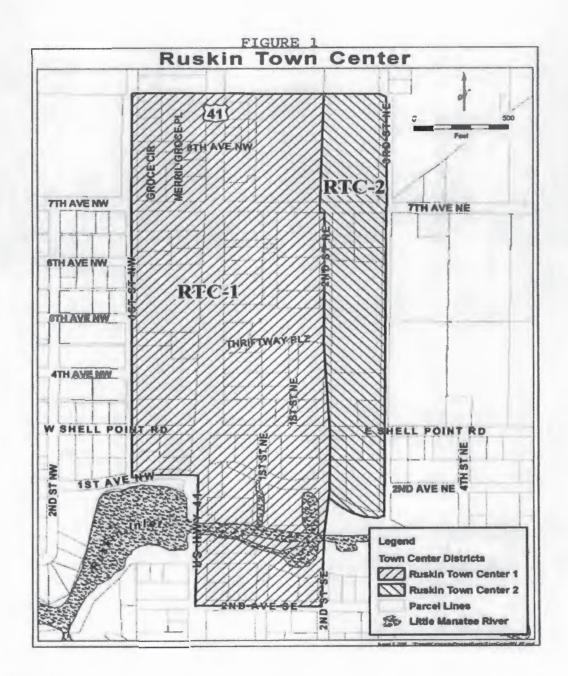
(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.09. - Prohibited Uses

Notwithstanding the above, the following uses shall be prohibited in both, RTC-1 and RTC-2, districts:

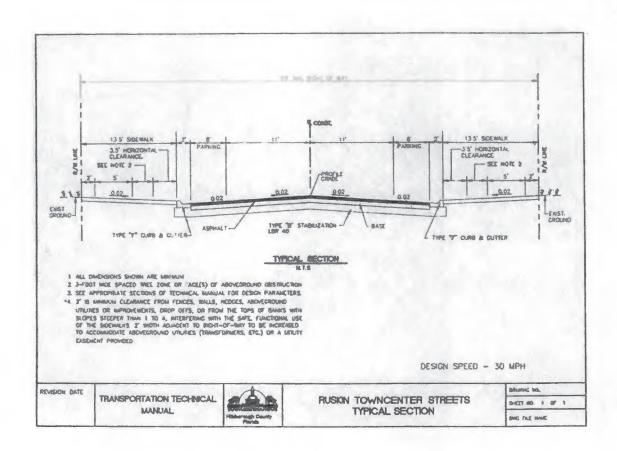
- a. Single Family Detached Housing Type
- b. Duplex Housing Type
- c. Wireless Communication Facilities
- d. Radio and Television Transmitting Facilities
- e. Lawn Care/Landscaping
- f. Lumber/Other Building Materials
- g. Motor Vehicle Repairs (Minor or Major)
- h. Motor Vehicle Sales, Rentals, and Auctions-All Types
- I. Recreational Vehicle Sales and Rentals
- j. Private Pleasure Craft Sales and Rentals
- k. Rental leasing, Light Equipment and Farm Equipment
- Wholesale Distribution
- m. Labor Pools-All Types
- n. Mini-Warehouses
- o. Tattoo Parlors/Shops
- p. Pawnshop
- q. Convenience Stores with Fuel Pumps
- r. Motor Vehicle Fuel Sales and Services

(Ord. No. 06-34, § 2, 11-2-06)



Ruskin Town Center

(Ord. No. 06-34, § 2(Exh. A), 11-2-06)



Ruskin Town Center Streets Typical Section

(Ord. No. 06-34, § 2(Exh. A), 11-2-06)

RZ 18-0798 ZHM Hearing – August 20, 2018

Good evening Mr/Ms. Hearing Master...my name is Ty Maxey, Planner with Maser Consulting, located at 5471 W Waters Avenue, Tampa, Florida.

The PD Site Plan submitted with this application illustrates the location of the existing commercial structure and site access, as well as provides for improvements to the property including enhanced landscape buffering, parking lot striping, removing the chain link fencing along the site's US Highway 41 and Shell Point Road frontages, removing any illegal signage and installing a new monument. The addition of landscape buffers and striping the designated parking spaces will clean up the site and eliminate haphazard parking/display of motor vehicles, while also reducing or limiting the motor vehicle inventory on the site. These site improvements not only help to bring the site into compliance with the Code and the RTC design standards, but they also further the intent of the Ruskin Community Plan, which promotes a pedestrian friendly and walkable streetscape.

This is a rendering of the subject property which incorporates the proposed improvements to the site including carport/awning structures. One of the standards in the RTC zoning district is to reduce the front setback by bringing structures close to the roadway frontage – obviously, that is difficult to do with an existing structure; therefore, we have proposed an alternative with carport or awning structures over the parking spaces along the Shell Point Road and US Highway 41 frontage. This not only provides some screening of the vehicle inventory but also furthers the Code's intent by providing a structural element along the property's frontage. (Aerial Photo – Existing Site Conditions)

The Applicant's project, as proposed by the PD, is currently or will be in compliance with the majority of the regulations outlined in the RTC zoning district standards. We have provided a copy of the RTC zoning district standards – and have highlighted the standards which the subject project is not compliant. The standards not highlighted are either not applicable to the project or can be complied with. Non-compliance is primarily a result of the existing site characteristics which cannot necessarily be changed – e.g. the existing building design, building

location, building orientation and the location of the parking area. It is important to point out that the intent of the RTC standards never was to require the demolition or redevelopment of existing site characteristics. In fact, the RTC development regulations specifically state existing lawful structures and characteristics of land shall not be required to be removed or otherwise modified as a result of the standards. Notwithstanding that caveat, the applicant is proposing enhanced landscaping and the carport structures to mitigate for the existing site features which would otherwise be considered noncompliant with the RTC standards. We have also proposed several zoning conditions which are alternatives to the standards the project is not compliant with and which further the intent of the Ruskin Town Center district.

The motor vehicle sales use is a business which serves the community of Ruskin and its residents, providing an affordable option to purchasing a car, as opposed to buying from the larger dealerships – which are inconveniently located outside of the Ruskin community. The scale of the motor vehicle sales business is non-obtrusive and furthers the Ruskin Community Vision Statement (Ruskin Community Plan, Livable Communities Element, Future of Hillsborough County Comprehensive Plan) which promotes a downtown that is "made up of small businesses as opposed to 'big-box' stores" and "preserves its small-town character..." The enhanced landscape improvements proposed by the PD furthers the Vision Statement component that "envision[s] a community extravagantly lavished with trees and lush landscapes of native Florida plants, both existing and new." This rezoning is consistent with and furthers the following additional elements of the Ruskin Community Vision Statement and the Ruskin Community Plan Goals and Strategies:

"Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small town community."

 "Encourage commercial development and redevelopment within downtown Ruskin and the Town Center..."

"Goal 2: Economic Development – Provide opportunities for business growth..."

Page 1 of 4

 "Promote commercial development at a scale and design that reflects the character of the community."

"Goal 4: Culture and History – Promote development that recognizes the historic character of the Ruskin community and enhances the quality of life."

- "Promote beautification and landscaping along US 41, College Avenue and Shell Point Road."
- "Prohibit pole signs and limit ground signs to eight (8) feet in height."

"Goal 8: Transportation – Ensure a balanced transportation system that reflects the community's character and provides for options including walking, bicycling and transit."

- "Complete sidewalks along Shell Point Road West."
- "Expand and enhance opportunities for biking and walking."

The PD rezoning request is compatible with the existing and proposed zoning and development pattern within the surrounding area, is generally compliant with the RTC Design Standards, and is consistent with the Hillsborough County Land Development Code and the Future of Hillsborough County Comprehensive Plan.

PETITION NUMBER: MEETING DATE:

RZ 18-0798 October 9, 2018

Approval, subject to the conditions listed below, is based on the general site plan submitted July 31, 2018.

1. The project shall be limited to a maximum of 5,000 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).

- 2. Notwithstanding that auto repair has been determined to be an existing lawful use under LDC Section 3.17.02(A), auto repair shall be a prohibited use.
- 3. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required, as applicable, and the following additional conditions shall apply:
 - 3.1 Unless otherwise approved through the LDC 6.04.02.B. Administrative Variance process, a cross access to the western parcel (Folio 055807.0100) shall be required.
 - 3.2 As Shellpoint Road is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Road frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way line centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the proposed right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 5. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 5.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 5.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 5.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 5.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 5.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 5.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 6. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 7. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 8. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.



Rezoning Pre-Submittal Meeting

Development Services Department

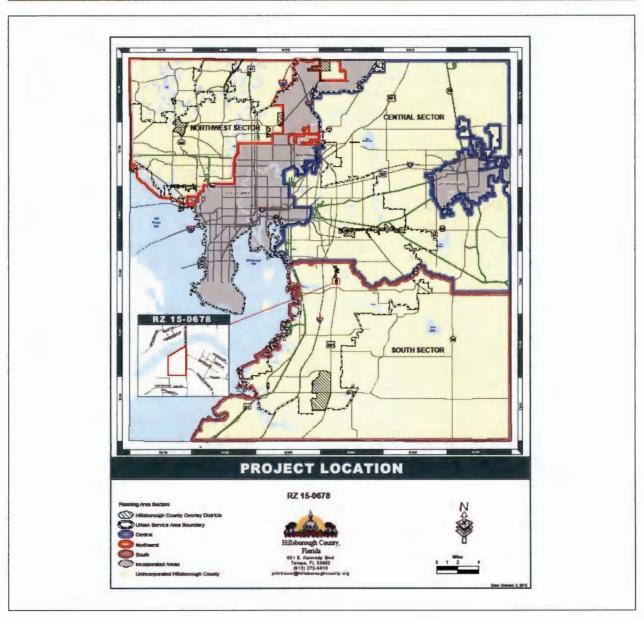
Applicant Information		Name: Mank Bentler	
Property Owner: Stavan Cuculich	Phone:	Entered at Public Hearing: 2/10	
Applicant/Representative: Mark Bentley			
Project address or intersection: 108 h. US HWY 41			
Folio number (s): 55105. 0000			
Current Zoning: <u>LTC-1</u> Future Land Use: <u>0C-20</u>	Se	ervice Area: VSA	
Staff Recommendations	/Findings		
Meeting Date: 11/01/17 @ 11:00 am			
_ Application Discussed Matt LCV13 + Louis Whitchead _ Fee Schedule		Hill Landy Kranice. _ HCAA Review Necessary	
Schedule Discussed Noticing Requirement (if a	applicable) 3	00'	
Counseling Meeting Notes			
Applicant seeks auto salu usc Prohibited in K	TC-1 per L	oc Section 3, 17.09. h	
ncu 14.0747 + All 14-0987			
PD popul to car solu my of invanual 1	andscapina	7	
DSD Staff recommends adhering to the duign so it that can be be met	tandards.	Applicant to su	
ROW presuration will be segured along shell t	aint. (8' for subject site)	
Shall Point + 41 are "Main Streets"	Cross ac	cas to someth west.	
SWALL LOURS A STATE OF THE PROPERTY OF THE PRO	only on	e accus allowed-	
- Add RTC-1 was as well, per DSD staff			
Prepared by: Mi dun Han	Applicant	A Signature:	

Note: Counseling offered during a Rezoning Pre-Submittal Meeting is based upon the information provided at the meeting. A Rezoning Pre-Submittal Meeting recommendation does not constitute a waiver of any requirements in the Land Development Code or Development Review Procedures Manual.



STAFF REPORT

SUBJECT:	Planned Development (PD) 15-0678 RV	PLANNING AREA:	Riverview
REQUEST:	Rezoning to a Planned Development	SECTOR	South
APPLICANT:	GBS Riverview, LLC		
Existing Zoning: RDD-RW1		Comp Plan Category: RES-12	



-- Prepared: 08/12/2015

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

CASE REVIEWER: Isabelle Albert

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone a 15.44 acre parcel, located on the west side of U.S. Highway 301, just south of the Alafia River, from Riverview Downtown District – Riverwalk One (RDD-RW1) to a Planned Development. The site is currently zoned Riverview Downtown District – Riverwalk One (RDD-RW1) with an approve Special Use to allow for a Community Residential Home Type C for 300 placed residents.

The PD is to allow RDD-RW1 zoning district uses (Commercial General (CG) and Residential Multi-family Conventional (RMC-12) uses), including the approved Community Residential Home (reducing the number of beds from 300 to 233), and to add Nursing, Convalescent and Extended Care Facility use, all developed with RDD-RW1 zoning district development standards found in the Land Development Code Section 3.19.00.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located in the Urban Service Area. An 8 inch water main is located adjacent to the site within the western right-of-way of U.S. Highway 301 and a 20 inch wastewater force main is located approximately 100 feet from the site within the eastern right-of-way of U.S. Highway 301.

The site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Originally, the Community Residential Home was planned for Phases 1 and II, while Phase III was planned to be developed with the Riverview Downtown District – Riverwalk One development regulations.

The site has been improved with a Community Residential Home for 92 placed residents within Phase I (1 structure). Part of the approval for the construction plans had road improvements which included the lighted three lane main entry road.

Transportation staff reviewed the request and have no objections. Staff commented that the request will not anticipate increase in traffic compared to the current approval on site. A detailed transportation analysis will be required at time of construction plan review.

1.4 Comprehensive Plan Consistency

The Planning Commission finds the request consistent with the <u>Future of Hillsbor ough</u> Comprehensive Plan.

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

1.5 Compatibility

As stated, the site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Per SU 12-0491, the Community Residential Home is planned for Phases I and II, while Phase III is planned to be developed with the Riverview Downtown District – Riverwalk One development regulations. Per Section 3.19.18, permitted uses under the RDD-RW1 zoning district are CG and RMC-12 zoning district uses. The site is currently developed with a Community Residential Home for 92 placed residents within Phase I. The applicant wishes to reduce the number of allowable beds from 300 to 233.

CASE REVIEWER: Isabelle Albert

The request is to expand with the theme of health and wellness through the site by requesting an additional use, a Nursing, Convalescent and Extended Care Facility use, which is not permitted under the RDD-RW-1 zoning district. A Nursing, Convalescent and Extended Care Facility has similar characteristics to a Community Residential Home and a Multi-family development, such as being permitted in a multi-family zoning district (RMC-16 and RMC-20) and having independent and/or congregate kitchens.

The request also includes the allowance to develop the Nursing, Convalescent and Extended Care Facility with RDD-RW1 development standards. The Land Development Code Section 6.11.68 contains additional requirements for Nursing, Convalescent and Extended Care Facility. If developed as a nursing home, a minimum front, side and rear yards setback of 50 feet and a maximum Floor Area Ratio (FAR) of 0.25. Sections 3.19.03, 3.19.04, and 3.19.08 contains development standards for the overall Riverview Downtown Development zoning district as well as specifically for RDD-RW1 zoning district. Setback requirements ranges from 5 to 30 feet, depending on the street classification the site is located on, and the maximum intensity is 0.5 FAR, with exception within 75 feet adjacent to a single-family development not zoned RDD-RW1.

With a request for 233 placed residents, 4.29 acres is dedicated to the CRH use while 11.15 acres are dedicated to the RDD-RW1 uses, allowing a maximum of 239,347 square feet of development. Being that the site is a unified site plan and a maximum 0.5 FAR is currently permitted under the RDD-RWI zoning district development standards, staff has no objections to allowing a nursing home facility to be developed with similar standards.

1.6 Agency Comments

There was no objection form reviewing agencies. These include Fire Rescue, Natural Resource Department, Water and Wastewater Department, Transportation Department, Environmental Protection Commission, Parks, Recreation, and Conservation Department, the Planning Commission, and HART.

1.7 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed General Site Plan RZ 15-0678

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

2.0 Recommendation

CHANGES TO CONDITIONS

Approvable, subject to the following conditions:

The following revision(s) to the site plan shall be required prior to certification:

1) Prior to General Site Plan Certification, the applicant shall add an access arrow showing the potential (but not necessarily final) location of the access location required in Condition 6.

CASE REVIEWER: Isabelle Albert

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted June 26, 2015

- The project shall be permitted Riverview Downtown District-Riverwalk 1 (RDD-RW1) zoning district uses, a
 Nursing, Convalescent and Extended Care Facility use, and a Community Residential Home with a maximum
 233 beds (4.28 acres). The maximum square footage shall be 23928,347 as shown on the table depicted on the
 General Development Site Plan.
- 2. Development standards shall be per the Riverview Downtown District, Section 3.19.00.
- 3. One (1) access shall be permitted onto U.S. 301, which shall be located at the signalized intersection of Balm Riverview Road and U.S. 301. All existing access points shall be closed.
- 4. Pedestrian connectivity shall be provided between uses via an improved surface such as sidewalks, multi-use paths, pervious concrete and/or right-of-way markings to provide safe, efficient and functional pedestrian access. Additionally, a minimum 5-foot wide connection shall be constructed between the internal sidewalk and the riverfront amenities (e.g. parks, boardwalks, linear parks or plazas) to be constructed within Parcel E.
- 5. Notwithstanding the number/location of external pedestrian access points shown on the PD site plan, sidewalk/bikeway/multi-purpose pathway connections from the internal sidewalk network and/or individual outparcels shall be permitted along the entirety of the project's frontage on US 301.
- 6. The developer shall construct a minimum of one (1) vehicular and pedestrian cross access (stub out) from an internal access roadway to the southern boundary along Parcels B or C. The location as shown on the general site plan may be shifted to accommodate site design or facilitate future connection to adjacent properties.
- 7. The developer shall submit a detailed transportation analysis for the entire site, or each increment of development, prior to plat/site/construction plan submittal for any portion of the PD. The analysis shall include an examination of the potential impact of on-street parking within the site on overall site circulation and queing at the project's entrance. This analysis shall also be used to determine what proportionate share or other mitigation measures may be necessary.
- 8. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
- 9. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

ZHM HEARING DATE: August 10, 2015 BOCC MEETING DATE: October 13, 2015

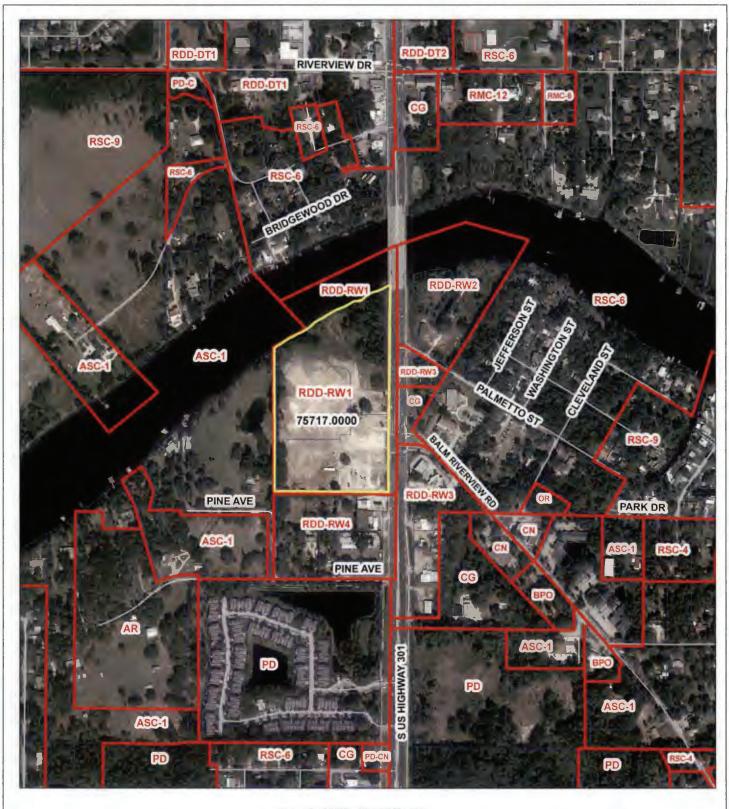
CASE REVIEWER: Isabelle Albert

- 10. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 11. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or the recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to petition approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Meeting, said plan will be deemed invalid and a revised General Development Plan shall be submitted for certification. Certification of the revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Development Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

Staff's Recommendation: Approvable, Subject to Conditions

Zoning Administrator Sign-off:

J. Brian Grady Wed Jug 12 2015 09:35:11



30-20-17



Project Area



Zoning Boundary

RZ 15-0678 RV/SOUTH



Development Services Department

EXHIBIT 1: Aerial Map



Feet 0 55110 220 330 440

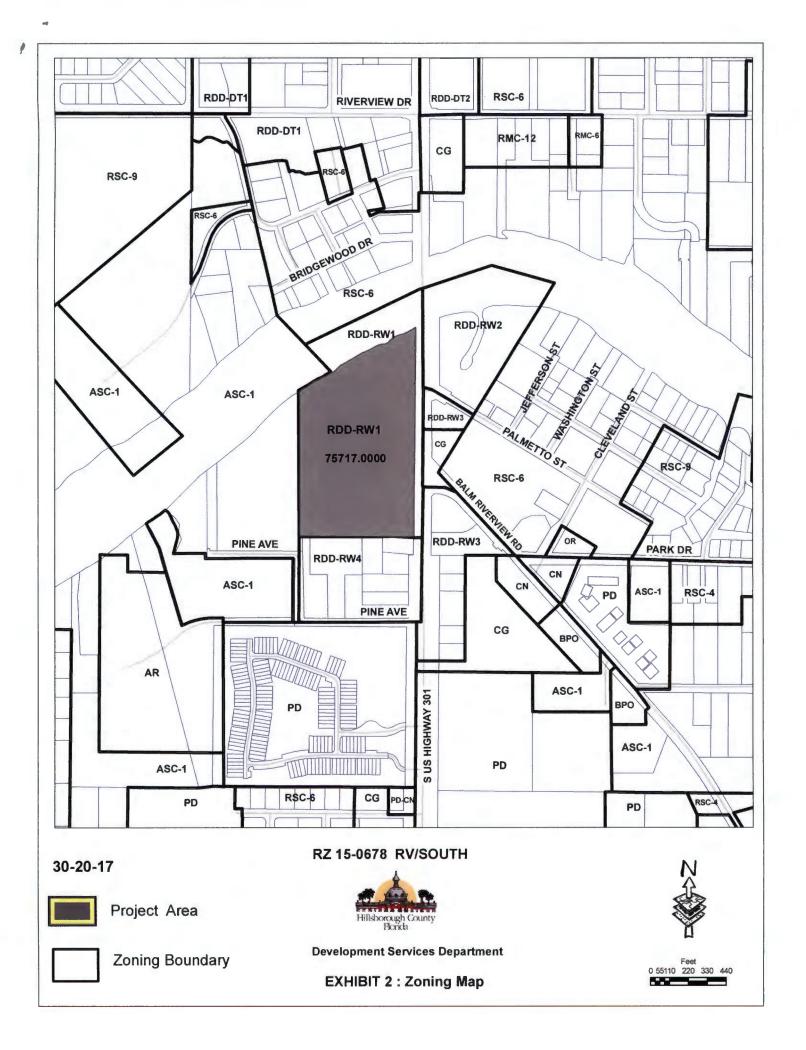


EXHIBIT 3: Proposed General Site Plan

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ PD 15-0678 RV

DATE OF HEARING:

August 10, 2015

APPLICANT:

GBS Riverview, LLC

PETITION REQUEST:

A request to rezone property from RDD-RW1 to PD to permit a Community Residential Home and Nursing, Convalescent and Extended Care Facility project on the subject property.

LOCATION:

West side of US Hwy 301, 50 feet north

of Palmetto Street

SIZE OF PROPERTY:

15.44 acres, m.o.l.

EXISTING ZONING DISTRICT:

RDD-RW1 (09-0892)

FUTURE LAND USE CATEGORY:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Riverview

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary 1.1 Project Narrative

The request is to rezone a 15.44 acre parcel, located on the west side of U,S. Highway 301, just south of the Alafia River, from Riverview Downtown District — Riverwalk One (RDD-RW1) to a Planned Development. The site is currently zoned Riverview Downtown District — Riverwalk One (RDD-RW1) with an approve Special Use to allow for a Community Residential Home Type C for 300 placed residents.

The PD is to allow RDD-RW1 zoning district uses (Commercial General (CG) and Residential Multi-family Conventional (RMC-12) uses), including the approved Community Residential Home (reducing the number of beds from 300 to 233), and to add Nursing, Convalescent and Extended Care Facility use, all developed with RDD-RW1 Zoning district development standards found in the Land Development Code Section 3.19.00.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located in the Urban Service Area. An 8 inch water main is located adjacent to the site within the western right-of-way of U.S. Highway 301 and a 20 inch wastewater force main is located approximately 100 feet from the site within the eastern right-of-way of U.S. Highway 301.

The site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Originally, the Community Residential Home was planned for Phases I and II, while Phase III was planned to be developed with the Riverview Downtown District — Riverwalk One development regulations.

The site has been improved with a Community Residential Home for 92 placed residents within Phase I (1 structure). Part of the approval for the construction

plans had road improvements which included the lighted three lane main entry road.

Transportation staff reviewed the request and have no objections. Staff commented that the request will not anticipate increase in traffic compared to the current approval on site. A detailed transportation analysis will be required at time of construction plan review.

1.4 Comprehensive Plan Consistency

The Planning Commission finds the request consistent with the *Future of Hillsborough Comprehensive Plan*.

1.5 Compatibility

As stated, the site is currently approved for a Special Use (12-0491) to allow for a Community Residential Home Type C for 300 placed residents on a parcel planned to be developed in multiple phases. Per SU 12-0491, the Community Residential Home is planned for Phases I and II, while Phase III is planned to be developed with the Riverview Downtown District — Riverwalk One development regulations. Per Section 3.19.18, permitted uses under the RDD- RW1 zoning district are CG and RMC-12 zoning district uses. The site is currently developed with a Community Residential Home for 92 placed residents within Phase I. The applicant wishes to reduce the number of allowable beds from 300 to 233.

The request is to expand with the theme of health and wellness through the site by requesting an additional use, a Nursing, Convalescent and Extended Care Facility use, which is not permitted under the RDD-RW-1 zoning district. A Nursing, Convalescent and Extended Care Facility has similar characteristics to a Community Residential Home and a Multi-family development, such as being permitted in a multi-family zoning district (RMC-16 and RMC-20) and having independent and/or congregate kitchens.

The request also includes the allowance to develop the Nursing, Convalescent and Extended Care Facility with RDD-RW1 development standards. The Land Development Code Section 6.11.68 contains additional requirements for Nursing, Convalescent and Extended Care Facility. If developed as a nursing home, a minimum front, side and rear yards setback of 50 feet and a maximum Floor Area Ratio (FAR) of 0.25. Sections 3.19.03, 3.19.04, and 3.19.08 contains development standards for the overall Riverview Downtown Development zoning district as well as specifically for RDD-RW1 zoning district. Setback requirements ranges from 5 to 30 feet, depending on the street classification the site is located on, and the maximum intensity is 0.5 FAR, with exception within 75 feet adjacent to a single-family development not zoned RDD- RW1.

With a request for 233 placed residents, 4.29 acres is dedicated to the CRH use while 11.15 acres are dedicated to the RDD-RW1 uses, allowing a maximum of 239,347 square feet of development. Being that the site is a unified site plan and a maximum 0.5 FAR is currently permitted under the RDD-RW1 zoning district development standards, staff has no objections to allowing a nursing home facility to be developed with similar standards.

1.6 AgencyComments

There was no objection form reviewing agencies. These include Fire Rescue, Natural Resource Department, Water and Wastewater Department, Transportation Department, Environmental Protection Commission, Parks, Recreation, and Conservation Department, the Planning Commission, and HART.

1.7 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed General Site Plan RZ 15-0678

2.0 Recommendation

Approvable, subject to the conditions submitted by the Development Services Department into the record.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on August 10, 2015. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Kevin Mineer testified on behalf of the Riverview Landings regarding the rezioning application. Mr. Mineer stated that the rezioning request to Planned Development was for the purpose of adding a new use, which will be a nursing convalescent and extended care facility to the list of already approved uses for the property. Mr. Mineer testified that the property is 15 acres in size and located on the west side of US 301 at the intersection with Balm-Riverview and US 301 on the southern shore of the Alafia River. It was previously approved for the state of the art assisted living and memory care community home known as The Crossings at Riverview. The property is currently zoned RDD-RW1 which permits a full mix of commercial and residential land uses. The application includes a request to reduce the size of the previously approved Community Residential Home from 300 beds to 233 beds to meet the density requirements of the RDD-RW1 zoning district. Mr. Mineer described Section 3.19.2 of the

Riverview Downtown District development regulations to emphasize that if there is a conflict between the RDD standards and the LDC standards, the RDD standards prevail. A waiver of the required setback and floor area ratio is requested as a part of the rezoning application.

Hearing Officer Finch asked about the proposed CG uses listed on the site plan. Mr. Mineer replied that while there are no current plans for CG uses, he would like the right to develop CG land uses per the RDD-RW1 zoning district in the future.

Hearing Officer Finch asked Mr. Mineer about the A through E lettering on the site and its meaning. Mr. Mineer replied that the previously approved site plan included the lettering system.

Finally, Hearing Officer Finch asked about access from the project to the Alafia River. Mr. Mineer replied that the reference to the river access stemmed from the prior zoning approval.

Mr. Brian Grady, Development Services Department testified regarding the County's staff report. Mr. Grady stated that the applicant is requesting a rezoning of 15.44 acres for property located on the west side of US 301, just south of the Alafia River from the Riverview Downtown District Riverwalk to a Planned Development. Mr. Grady stated that a prior Special Use on the property approved a Community Residential Home for 300 beds. The PD would reduce the number of beds to 233 and add a nursing convalescent extended care facility on the subject property. Mr. Grady distributed revised zoning conditions, which pertain to transportation. Staff supports the rezoning application request.

Mr. Randy Kranjec of the Planning Commission staff testified that the property is located in the Community Mixed Use-12 Comprehensive Plan category. The site is an extension of the already approved development on the property and that the Planning Commission finds the request consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents or opponents of the application. None replied.

Mr. Grady of the Development Services Department clarified that there was a typographical error in Condition #1. The correct square footage amount should be 239,347 square feet.

Mr. Mineer did not have additional comments.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

Mr. Grady submitted revised zoning conditions into the record.

PREFACE

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

FINDINGS OF FACT

- The subject site is 15.44 acres in size and is zoned RDD-RW1. The property is designated CMU-12 by the Comprehensive Plan and located in the Urban Service Area and the Riverview Community Plan.
- 2. The request to rezone to Planned Development (PD) is for the purpose of adding a Nursing Convalescent-Extended Care Facility to the already approved Community Residential Home project. The Community Residential Home will be reduced in size from the approved 300-bed facility to a maximum of 233 beds. Other permitted land uses will include all uses permitted in the RDD-RW1 zoning district including all CG and RMC-12 land uses. Development standards will be consistent with the Riverview Downtown District, Section 3.19.00.
- The surrounding area is a combination of residential and commercial land uses. The subject property is currently developed with Phase I of the Community Residential Home.
- 4. The County's Transportation staff did not have any objections to the rezoning request.
- 5. The Planning Commission finds the rezoning consistent and compatible with the Comprehensive Plan.
- Approval of the Planned Development zoning with the conditions
 proposed by the Development Services Department serves to establish a
 compatible land use with the surrounding area.

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

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The request is to rezone 15.44 acres from RDD-RW1 to PD for the purpose of adding a Nursing Convalescent Extended Care Facility on the subject property. The property is located in the Urban Service area and the Riverview Community Plan. The property is currently developed with Phase I of a Community Residential Home. Proposed zoning conditions serve to reduce the number of beds for the already approved Community Residential Home, limit the maximum square footage of the Nursing Convalescent Extended Care Facility and establish vehicular and pedestrian access thereby ensuring compatibility with the surrounding area.

RECOMMENDATION

Based on the foregoing, this recommendation is for APPROVAL of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the revised zoning conditions prepared by the Development Services Department.

Susan M. Finch, AICP

Land Use Hearing Officer

Date

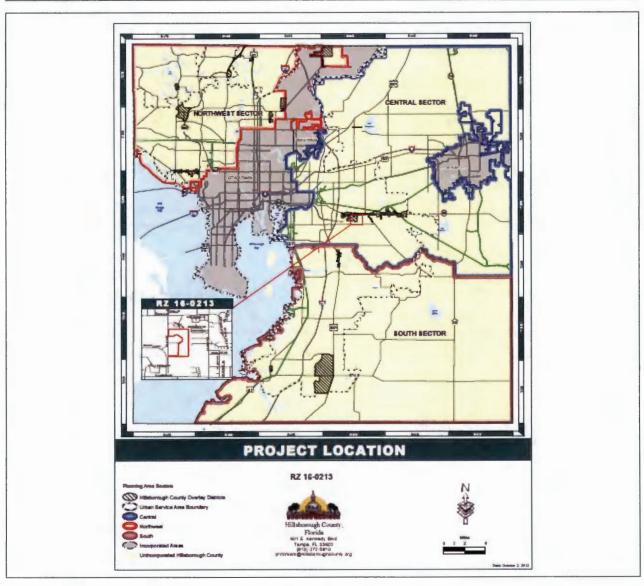
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STAFF REPORT

SUBJECT:		PLANNING AREA:	Brandon			
REQUEST:	Rezone from BMS to a Planned Development	SECTOR	Central			
APPLICANT:	ICANT: Vincent Marchetti					
Existing Zoning	: Brandon Main Street (BMS-TC2)	Comp Plan Category	: CMU-12			



APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016

BOCC MEETING DATE: September 13, 2016 CASE REVIEWER: Catherine Hartley, AICP

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed use project with 350 dwelling units and a minimum of 1,000 square feet of office space. Approval of this request is dependent on meeting the requirements of the CMU-12 Future Land Use category, policy 19.1 of the Comprehensive Plan, which requires a minimum of two land uses (retail, residential, or office uses) vertically integrated in one building, or 3 land uses if not vertically integrated; and the granting of a mixed use density bonus pursuant to Policy 19.3.

1.2 Compliance Overview with Codes and Technical Manuals

The applicant has not requested any variations to the Land Development Code Sections 6.05.00, 6.06.00, or 6.07.00.

1.3 Evaluation of Existing and Planned Public Facilities

The site is within the Urban Service Area and will utilize public water and sewer facilities. The water lines will have to be extended to the subject property and the cost should be born by the applicant.

Pauls Drive is a two-lane undivided roadway with a heavy tree canopy. There are currently no sidewalks or bicycle facilities on this segment. The impacted portion of Pauls Drive is operating at a level of service B with an adopted level of service D. The proposed use will generate less vehicle trips than the most intense permitted use in the current zoning district. The location, type and design of access point will be reviewed during the subdivision plan approval stage of the development.

Hillsborough Area Regional Transit (HART) provides local service to this area on Route 37 (Brandon to Netpark Transfer Center via Grand Regency Plaza). The closest transit stop for Route 37 is located approximately ¼ mile away on Oakfield Drive. Wherever possible, HART recommends the construction of an ADA accessible route to transit stops.

1.4 Comprehensive Plan Consistency

The Planning Commission staff has reviewed this petition and finds it consistent with the *Future of Hillsborough* Comprehensive Plan.

1.5 Compatibility

The Brandon Main Street district encourages a mix of uses which include residential and office uses. Of particular importance to the Brandon Main Street Community Plan area is the form and orientation of structures as they relate to public streets. Structures must face public streets and sites must provide as much connectivity and accessibility to complementary uses n order to

APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016 BOCC MEETING DATE: September 13, 2016

CASE REVIEWER: Catherine Hartley, AICP

support the vision of an urban, pedestrian and transit oriented area. Compatibility of uses is not at issue in this case. Of greater importance is maintaining the form and street pattern envisioned for the Brandon Main Street District. A potential impact of re-zoning a parcel in the middle of the BMS district has the potential of disrupting the street connectivity and block pattern planned in the district. The BMS district requires a certain level of street connectivity expressed in an index ratio of connections to intersections. However, the ratio is difficult to meet in places where a grid has not already been established and when site constraints such as environmentally sensitive areas prohibit connections at certain points. The applicant has worked with staff to develop a site design to meet the intended block length requirements of the BMS district. Also, the BMS district sets minimum and maximum setbacks as opposed to standard zoning districts that set minimum setbacks. The maximum setback in the BMS TC-2 district is 15'; however, in order to keep maintain the tree canopy along the front of the property, it is appropriate to consider a more lenient front setback for the building fronting Pauls Drive. Staff has recommended a maximum of 30'.

The 5 acre MOL site to the south was permitted to rezone to a PD (14-0901) due to its site constraints. However, the applicant was amenable to incorporating certain design elements, such as a terminated vista illustrated in the TND zoning district and TND street features, so that the design remained true to the BMS community plan. It is imperative that this application also incorporate certain design features to be consistent with the BMS Community Plan and properly connect to the site to the south.

1.6 Environmental Impacts

The Environmental Protection Commission of Hillsborough County (EPC) staff has identified a wetlands on site. EPC staff has stated that the site design may have to be modified at site development to mitigate the impacts on the wetlands.

Natural Resources staff evaluated the site and identified the following:

- A number of mature trees. The stature of these trees warrants every effort to minimize their removal.
- This site contains trees that qualify as Grand Oaks as defined by the Land Development Code (LDC).

1.7 Agency Comments

The following agencies have reviewed the request and offered no objections. Recommendations are reflected in the list of conditions of approval.

Transportation (with conditions)
Natural Resources (with conditions)
Water/Wastewater
Parks
Environmental Protection Commission
HART (with condition)

APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016

BOCC MEETING DATE: September 13, 2016 CASE REVIEWER: Catherine Hartley, AICP

1.8 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed general site plan (PD 16-0123)

2.0 Recommendation

2.1 Recommended Conditions of Approval

PD 16-0213 is approvable based on the conditions below and the site plan submitted on March 10, 2016.

- 1. The project is approved for a residential mixed use project. The primary use will be residential and is permitted a maximum of 350 375 units. A minimum of 1,000 square feet of office or retail uses shall be provided on the ground floor of the building in "Building Pod A" of the general site plan. If more than 1,000 square feet of non-residential uses is provided, the dwelling units will be reduced pursuant to the density and intensity calculations in the comprehensive plan.
- 2. The primary entrance to the office or retail space shall face Pauls Drive, shall be a distinctive and prominent element of the architectural design, and will have a direct pedestrian connection to the sidewalk along Pauls Drive. A Certificate of Occupancy for the office or retail use can either be issued prior to or concurrent with the Certificate of Occupancy for the residential portions of the project. This non-residential space shall not be used as the leasing office for the development.
- 3. The project will be developed in accordance with Parts 3.12.00 3.12.10, 3.12.11, and 3.12.12 (Parking, adequate public facilities, and sign standards, respectively) of the LDC, Brandon Main Street Development Standards, unless otherwise specified herein.
- 4. "Building Pod A" shall have architecturally distinct entrances which shall face and be perpendicular to Pauls Drive. The building's or buildings' main entrance(s) will be architecturally distinct and will face and be perpendicular to Pauls Drive. The developer can alternatively have multiple main entrances from each ground floor unit and non-residential space, but each unit shall have a sidewalk from each unit's door connecting to the sidewalk along Pauls Drive. The sidewalk will be perpendicular to the sidewalk along Pauls Drive.
- 5. The developer shall construct a minimum 5' wide public sidewalk along the property's Pauls Drive frontage. The developer is encouraged to construct the sidewalk consistent with design in the Pauls Drive PD&E (Brandon Main Street) study. Sidewalks will be provided internally to the project that connect each building to one another.
- 6. The building fronting Pauls Drive will have a maximum front setback of 30 feet in order to save the oak trees and preserve the canopy road along the front of the property. Parking shall not be permitted between the front of building and Pauls Drive. The building's frontage shall occupy a minimum of 60% 70% of the Pauls Drive frontage.

APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016 BOCC MEETING DATE: September 13, 2016

CASE REVIEWER: Catherine Hartley, AICP

7. In order to allow for the block structure envisioned by the BMS district, a vehicular and pedestrian cross-access to the southern property boundary will be provided as shown on the general site plan. The cross access shall be a minimum of 20 feet in width or shall match the width of the cross access provided by PD 14-0901 to the south, whichever is greater. This access is permitted to be gated, provided the gate permits two-way vehicular traffic through the gate (access can be controlled by developer). The parking lot drive-aisle on the northern side of the property should be designed to connect to and align with the cross access provided to the southern property boundary in order to allow for the continuation of a block pattern. No building footprints or structures of any kind, including mechanical equipment, shall impede this drive aisle. In order to accommodate this design, the developer may take advantage of the "chicane" design in Section 3.12.09 of the LDC.

- 8. Adherence to Condition 3 will be sufficient to meet the block standard requirement in Section 3.12.04 of the LDC. The following from Conditions 2, 2, 4, 5, and 6, 7, and 11 are considered "critical design features" and can only be modified pursuant to 5.03.07 of the Land Development Code: Vertical mix of uses with a minimum of two uses in Pod A, building façade designs and orientations, entrance location and design, any architectural requirements, all pedestrian connections, and cross access.
- 8. The developer shall submit a detailed traffic analysis at the time of site plan review. The applicant may be required to construct improvements in accordance with the Adquate Public Facilities Ordinance or enter into a proportionate share agreement per Florida Statue 163.3180. During Concurrency review, trip generation and the impacts on regulated roads will be based on the actual number of units proposed for construction. Off-street surface parking shall be set back a minimum of 100 feet from Pauls Drive.
- 9. All trees confirmed as a Grand Oak must be accurately located and labeled as such on the submitted preliminary plan/plat through the Site Development/Subdivision Review process. Design efforts are to be displayed on the submitted preliminary plan to avoid adverse impacts to these trees. A maximum of 1 vehicular access/curb cut along Pauls Drive which shall align to Chamber Drive and is subject to Access Management regulations.
- 10. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals. Screening of trash, recycling receptacles, loading docks, service areas, and mechanical equipment in Pod A and Pod B:
 - a) Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from Pauls Drive and must be screened to minimize sound to and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six (6) feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape

APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016 BOCC MEETING DATE: September 13, 2016

CASE REVIEWER: Catherine Hartley, AICP

- buffer shall be a minimum of five (5) feet in width and contain evergreen plants a minimum of three feet in height spaced not more than 4 feet apart.
- b. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from view from Pauls Drive shall be screened from view of any street by fencing, vegetation, or by being incorporated into a building.
- c. All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into roof structure.
- d. Solid waste storage areas. A solid waste refuse facility shall be screened on three (3) sides by a six-foot high masonry wall if it is located within the building setback area or located in areas visible to customers or from a public right-of-way.
- e. Pod A Fences and walls shall be constructed of masonry, wood, vinyl or cast iron/metal. Fences and walls located in required front yards shall be a maximum of 4 feet in height and fences located in required rear yards and side yards shall be a maximum of 6 feet in height. The location of all fences and walls shall be regulated by Article VI of LDC. Chain link fencing may be permitted in Pod B along the rear property line and around the stormwater retention areas.
- f. Building Façades in Pod A and Pod B. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination.
- g. All utility lines shall be located underground.
- 12. If the notes and/or graphic on the site plan are in conflict with the specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval. The developer shall submit a detailed traffic analysis at the time of site plan review. The applicant may be required to construct improvements in accordance with the Adequate Public Facilities Ordinance or enter into a proportionate share agreement per Florida Statute 163.3180. During Concurrency review, trip generation and the impacts on regulated roads will be based on the actual number of units proposed for construction.
- 13. All trees confirmed as a Grand Oak must be accurately located and labeled as such on the submitted preliminary plan/plat through the Site Development/Subdivision Review process. Design efforts are to be displayed on the submitted preliminary plan

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APPLICATION: RZ PD 16-0213 (Remand) ZHM HEARING DATE: July 18, 2016 BOCC MEETING DATE: September 13, 2016

CASE REVIEWER: Catherine Hartley, AICP

to avoid adverse impacts to these trees.

- Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
- 1315. The development shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsberough County. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 16. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 1417. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.
- 4518. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or the recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to petition approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Meeting, said plan will be deemed invalid and a revised General Development Plan shall be submitted for certification. Certification of the revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Development Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

Staff's Recommendation: Approvable, subject to conditions.

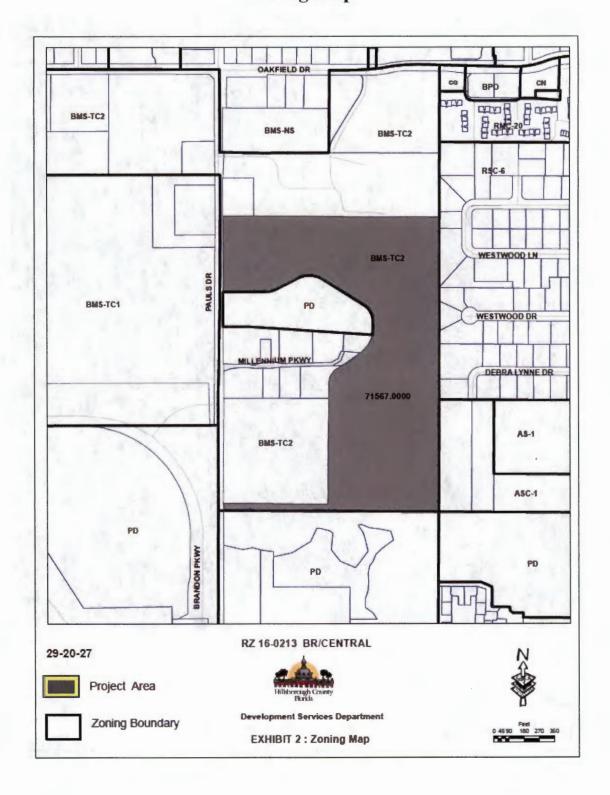
Zoning Administrator Sign-off:

off:
J. Brian Grady
Fri Mar 1 2016 15:35:21

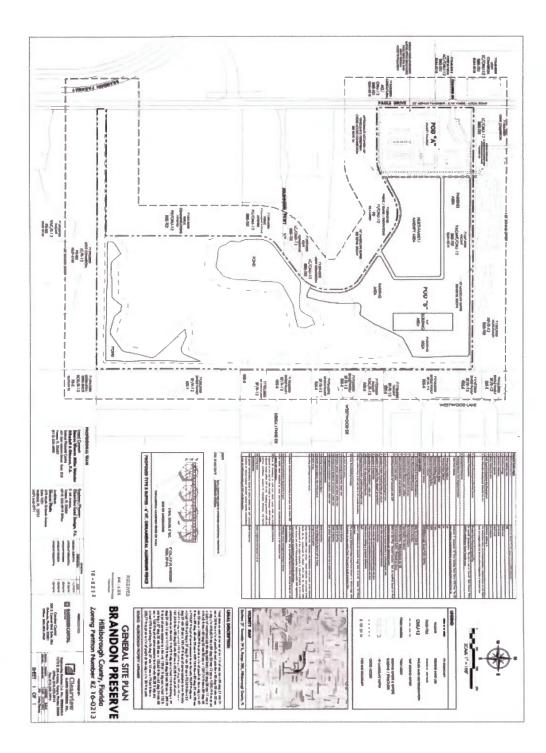
Aerial Map



Zoning Map



Site Plan



COUNTY OF HILLSBOROUGH RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

RZ-PD 16-0213 (Remand) BR/C

DATE OF HEARING:

March 7, 2016; July 18, 2016

APPLICANT:

Vincent A. Marchetti

PETITION REQUEST:

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and

a minimum of 1,000 square feet of office space.

LOCATION:

E/S of Pauls Dr., 1000' S/O Oakfield Dr.

SIZE OF PROPERTY:

30.81 Acre±

EXISTING ZONING:

BMS-TC2

FUTURE LAND USE:

CMU-12

SERVICE AREA:

Urban

COMMUNITY PLAN:

Brandon Main Street

APPLICATION REVIEW SUMMARY AND RECOMMENDATION

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The request is to rezone one parcel totaling 31 acres more or less from Brandon Main Street (BMS-TC2) to a Planned Development. The applicant has requested a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. Approval of this request is dependent on meeting the requirements of the CMU-12 Future Land Use category, policy 19.1 of the Comprehensive Plan, which requires a minimum of two land uses (retail, residential, or office uses) vertically integrated in one building, or 3 land uses if not vertically integrated; and the granting of a mixed use density bonus pursuant to Policy 19.3.

1.2 Compliance Overview with Codes and Technical Manuals

The applicant has not requested any variations to the Land Development Code Sections 6.05.00, 6.06.00, or 6.07.00.

1.3 Evaluation of Existing and Planned Public Facilities

The site is within the Urban Service Area and will utilize public water and sewer facilities. The water lines will have to be extended to the subject property and the cost should be born by the applicant.

Pauls Drive is a two-lane undivided roadway with a heavy tree canopy. There are currently no sidewalks or bicycle facilities on this segment. The impacted portion of Pauls Drive is operating at a level of service B with an adopted level of service D. The proposed use will generate less vehicle trips than the most intense permitted use in the current zoning district. The location, type and design of access point will be reviewed during the subdivision plan approval stage of the development.

Hillsborough Area Regional Transit (HART) provides local service to this area on Route 37 (Brandon to Netpark Transfer Center via Grand Regency Plaza). The closest transit stop for Route 37 is located approximately ¼ mile away on Oakfield Drive. Wherever possible, HART recommends the construction of an ADA accessible route to transit stops.

1.4 Comprehensive Plan Consistency

The Planning Commission staff has reviewed this petition and finds it consistent with the <u>Future of</u> Hillsborough Comprehensive Plan.

1.5 Compatibility

The Brandon Main Street district encourages a mix of uses, which include residential and office uses. Of particular importance to the Brandon Main Street Community Plan area is the form and orientation of structures as they relate to public streets. Structures must face public streets and sites must provide as much connectivity and accessibility to complementary uses in order to support the vision of an urban, pedestrian and transit oriented area. Compatibility of uses is not at issue in this case. Of greater importance is maintaining the form and street pattern envisioned for the

Brandon Main Street District. A potential impact of re-zoning a parcel in the middle of the BMS district has the potential of disrupting the street connectivity and block pattern planned in the district. The BMS district requires a certain level of street connectivity expressed in an index ratio of connections to intersections. However, the ratio is difficult to meet in places where a grid has not already been established and when site constraints such as environmentally sensitive areas prohibit connections at certain points. The applicant has worked with staff to develop a site design to meet the intended block length requirements of the BMS district. Also, the BMS district sets minimum and maximum setbacks as opposed to standard zoning districts that set minimum setbacks. The maximum setback in the BMS TC-2 district is 15'; however, in order to keep maintain the tree canopy along the front of the property, it is appropriate to consider a more lenient front setback for the building fronting Pauls Drive. Staff has recommended a maximum of 30'.

The 5-acre MOL site to the south was permitted to rezone to a PD (14-0901) due to its site constraints. However, the applicant was amenable to incorporating certain design elements, such as a terminated vista illustrated in the TND zoning district and TND street features, so that the design remained true to the BMS community plan. It is imperative that this application also incorporate certain design features to be consistent with the BMS Community Plan and properly connect to the site to the south.

1.6 Environmental Impacts

The Environmental Protection Commission of Hillsborough County (EPC) staff has identified wetlands on site. EPC staff has stated that the site design may have to be modified at site development to mitigate the impacts on the wetlands.

Natural Resources staff evaluated the site and identified the following:

- A number of mature trees. The stature of these trees warrants every effort to minimize their removal.
- This site contains trees that qualify as Grand Oaks as defined by the Land Development Code (LDC).

1.7 Agency Comments

The following agencies have reviewed the request and offered no objections. Recommendations are reflected in the list of conditions of approval.

Transportation (with conditions)
Natural Resources (with conditions)
Water/Wastewater
Parks
Environmental Protection Commission
HART (with condition).

1.8 Exhibits

Exhibit 1: Project Aerial Exhibit 2: Zoning Map

Exhibit 3: Proposed general site plan (PD 16-0123).

2.0 Recommendation

- 1. Prior to Site Plan Certification, the developer shall revise the General Site Plan to:
- A. Show the driveway and cross access connection within PD 14-0901;
- B. Add a cross access arrow in a location which vertically aligns with the access described in the conditions below, and labeled "Vehicular and pedestrian cross access connection";

k

- C. Add a cross access arrow in a location along its northern property boundary that vertically aligns with the access described in the conditions below, and labeled "Future vehicular and pedestrian connection (to be constructed by others)";
- D. Revise notes 22, 23, and 28 for consistency, and to reflect the site plan revisions and conditions below.

2.1 Recommended Conditions of Approval

Approvable, subject to the conditions based on and predicated on changes being made to the site plan submitted on February 16, 2016, pursuant to the notes above and conditions below prior to the BOCC Land Use Hearing.

SUMMARY OF HEARING (March 7, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 7, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Vincent Marchetti, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, represented Gardner Capital, the applicant. Mr. Marchetti testified that the applicant is under contract for an approximate 30-acre parcel located on the east side of Pauls Drive, just south of Oakfield Drive in Brandon, which is the in Brandon Main Street Overlay Plan. The applicant is seeking this PD to develop approximately 350 dwelling units and 1,000 square feet of office on the site. The site does have significant wetlands; approximately 12 acres of wetland area is along its eastern-southern portions, which effectively negates the possibility of applying the current BMS-TC2 standards to the entire property. The applicant has worked extensively with all Development Services staff and the Planning Commission to provide a very creative site plan to accommodate BMS standards on the frontage along Pauls Drive and to still have the ability to develop the site in its entirety beyond the wetland.

The applicant's Planner, David Smith, 401 East Jackson Street, Suite 2200, Tampa, Florida 33602, also provided testimony. Mr. Smith handed out an information package containing several maps. He displayed the site plan and explained that it reflects the conditions agreed upon. He then pointed out the extensive wetlands on the site and that Pauls Drive is essentially the eastern road boundary of the Brandon Main Street Overlay. He then indicated the wetlands and ditch

connections all the way down and out and underneath Pauls Drive and also Brandon Parkway. He pointed out the large wetland at the center of the site that limits the development area to the northern portion. Mr. Smith stated that the Brandon Main Street Overlay has various zoning districts. Within those zoning districts BMS-TC2 would allow 20 units per acre and would not require a mixed-use project in order to accomplish that. However, in order to do that, one has to accomplish all the goals and standards within the Brandon Main Street Plan that has block and grid type development of a very structured type layout. With the subject project, the applicant's issue is a church property to the subject property's south that has approval. It has a cross-access but there is also an existing small office park. The church property is just north of Millennium Parkway. Part of the Brandon Main Street is a block type development, but if one were to try to put a block type development in the rectangle site, no connections can be made to the north or south. Additionally, no connections can be made to the east because of an existing subdivision.

Mr. Smith stated that in looking at the property and discussing it with staff, the applicant had options to either come into Site Development and apply for several variances, or to go into a PD plan to identify specifically what standards of the Brandon Main Street Plan can be accomplished and justify, as part of a PD, why he needing to go to that type of development program. Additionally, with the CMU-12 Comprehensive Plan category, if one is not zoning for 20 units per acre then they have to look for a density bump-up to achieve a higher density than the 12 units per acre. The applicant is proposing this by vertically integrating a 1,000 square foot office. The building fronting Pauls Drive will provide that vertical integration and allow the applicant to bump up to 16 units per acre.

Mr. Smith then displayed a map depicting the subject property and its surrounding area and pointed out the CMU-12 as well as the Brandon Main Street Overlay areas. He stated that the subject site is on the extreme boundary of the overlay and not many properties have developed under the BMS-TC2 or BMS standards to date. The church had issues similar to the applicant's. The proposed PD will meet the standards identified in the applicant's conditions with a building that fronts Pauls Drive and has a vertically integrated portion of mixed-use within. Each one of the units at the bottom will either have direct pedestrian connection, the ones that are facing Pauls Drive, or there will be a central entrance that will be a prominent feature connecting Pauls Drive to provide for the town center. The parking will be to the rear and will be a minimum of 100 feet back, meeting the BMS-TC2 standards. The applicant will provide direct cross-access to the church and future cross-access is identified to the north to be provided if any redevelopment does occur. In the back is a traditional park development except for the fact that the applicant will meet the BMS-TC2 architectural standards and the fence standards and buffering. Those were all identified in the conditions so that the applicant has a true BMS-TC2 type project. While he cannot meet all the standards he is meeting the intent and is specifically meeting it on the frontage along Pauls Drive. The applicant has worked hard with staff to craft the conditions and is in agreement with the conditions as those have been provided at the hearing. The units facing Pauls Drive will have the direct pedestrian connection even though the conditions do not say that.

Catherine Hartley of Development Services pointed out a minor correction in the header of the staff report. Also, the applicant has 31 acres, not 39 (originally indicated in report) which impacted the calculation for the density that they wanted; it was 350 units, where she had previously listed 375. The conditions are correct; it was just the narrative of the staff report that had the errors. Ms. Hartley pointed out that what the Hearing Officer had taken into evidence at the beginning of the hearing were a combinations of staff's revised conditions and those from the applicant. They had spent several weeks trying to work those out. The most important thing to County staff is that the building or buildings in the front. In order to get the density bonus, the applicant has requested to get up to 16 units an acre. The applicant has to have a vertically integrated use in the front facing Pauls Drive and it has to be a minimum of thousand square feet. How the building or buildings fronts Pauls drive is important. Pauls Drive is one of the streets called out in the code and so the way it fronts that street is most important. Secondly, last year, when the church came in for their PD, their biggest issues were the connectivity. The subject site is such a "weird" shaped parcel along with a significant amount of wetlands in the back. Therefore, staff had to come up with a creative design solution instead of getting numerous variances; however it is the cross-connection for the future possibilities redevelopment to the north and the south that was of most concern. One has to guess what might happen in the future and try to meet them within the block requirements of Brandon Main Street. The church was willing to do that. Now this applicant has come in and so that cross-access with the church is most important next to the building that faces Pauls.

Melissa Lienhard with the Planning Commission testified that the subject property is located within the Community Mixed Use-12 Future Land Use Category, within the Brandon and Brandon Main Street Community Planning Areas, and is also in the Urban Service Area. Ms. Lienhard stated that Planning Commission staff does support the rezoning to a Planned Development as conditioned by the Development Services Department. The CMU-12 Future Land Use Classification requires a mix of uses for parcels over 20 acres. The project will include office space that will be for lease and integrated into the building that fronts Pauls Drive. The applicant is also seeking a density bonus to 350 multifamily units. Staff supports the request for that density increase due to the vertical integration of the proposed use. Both Development Services and the Planning Commission staff have worked very hard with the applicant's representative who has agreed to front the vertically integrated building along Pauls Drive. Ms. Lienhard provided an exhibit for the record, depicting the front of a building because the front is so important to have on Pauls Drive. She stated that the applicant's representative has seen the exhibit and has agreed that this photo represents the front of the building. For the reasons noted, Planning Commission staff found the request consistent with the Future of Hillsborough Comprehensive Plan, subject to the conditions requested by the Development Services Department.

The Zoning Hearing Master then asked for any audience members in support of the request. There were none.

The Zoning Hearing Master then asked for any audience members in opposition to the request. The Hearing Officer noted that two people had raised their hands in opposition. No specific opposition testimony was received.

Vincent Marchetti provided rebuttal testimony for the applicant. Mr. Marchetti stated that a neighborhood meeting had been held early on in the process of the application with probably 10 to 15 people attending. No one after the meeting expressed any opposition to the project. He was surprised someone showed up at the hearing opposing it.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

Ina DeMay (DS Staff)

Conditions

David Smith

Site Plans

Meiissa Lienhard (PC)

Photograph

SUMMARY OF HEARING (July 18, 2016)

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 18, 2016. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.¹

The hearing officer asked if any representative of the Homeowner's Association, which had been previously excluded from the original public notice but noticed properly for the Remand Hearing, or any resident living within that community was available to speak. Hearing no response, the second public hearing was concluded.

PREFACE

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

FINDINGS OF FACT

 The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area.

¹ Due to no fault of the applicant, a neighborhood organization was inadvertently excluded from the notice list of the original hearing due to an error in the database that was utilized by Hillsborough County to generate the list of the registered Neighborhood Organizations and Civic Associations that were required to be notified. As a result of that error, the petition was remanded back to the Land Use Hearing Officer to conduct an additional public hearing after appropriate notice was provided.

2. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district.

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- 3. Although "zoning out" of the BMS-TC2 zoning district, the parcel does fall under the Brandon Main Street plan and must meet the intent of that plan. Additionally, by requesting to "zone out" of the BMS-TC2, the applicant is also subject to the requirements of the Community Mixed Use-12 Future Land Use Classification.
- 4. The parcel to the south is a Planned Development for a church and ancillary buildings. Across Pauls Drive is a 54 acre farm, the largest piece of property in the Brandon Main Street Planning area. The subject parcel is the second largest parcel in the Brandon Main Street Planning area. North of this site is an older apartment complex developed prior to Brandon Main Street regulations. On the west side of Pauls Drive, north of the farm, is the Brandon Chamber of Commerce building.
- 5. The applicant has requested a density/intensity bonus per Policy 19.3 of the Future Land Use Element. The request is for 350 multi-family units. Under the CMU-12 Future Land Use category the maximum number of units without the vertical mixed use is 283. The project will have two vertical land uses according to the applicant. The second use will be for an office integrated into the multi-family building that will front on Pauls Drive.
- 6. The project will also provide vehicular and pedestrian connectivity with the project to the south, as well as a future connection to the north in a possible redevelopment scenario.
- 7. Overall, the applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the vertical integration of two uses, as described above, for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Concept Plan and the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is competent substantial evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The subject site is presently zoned BMS-TC2 and lies within the CMU-12 Future Land Use Category of the Comprehensive Plan within the Urban Service Area. The site also lies within the Brandon Community Planning Area and the Brandon Main Street Planning Area. The applicant has requested a rezoning to a Planned Development (PD) from the Brandon Main Street-Town Center 2 (BMS-TC2) zoning district for a mixed-use project with 350 dwelling units and a minimum of 1,000 square feet of office space. The applicant has met essential components of the Brandon Main Street Plan: connectivity and building frontage along Pauls Drive. The applicant has also committed to the

vertical integration of two uses for a density bonus. As the "town center" area for the greater Brandon area, the density increase is warranted. The request will result in development that is compatible with the surrounding area and consistent with the intent of the Brandon Overlay.

RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to revised recommended conditions of approval as prepared by the staff of the Development Services Department.

James A. Scarola

Date

Land Use Hearing Officer

PETITION NUMBER: MEETING DATE:

RZ 18-0798 October 9, 2018

Approval, subject to the conditions listed below, is based on the general site plan submitted July 31, 2018.

1. The project shall be limited to a maximum of 5,000 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).

- 2. Notwithstanding that auto repair has been determined to be an existing lawful use under LDC Section 3.17.02(A), auto repair shall be a prohibited use.
- 3. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required, as applicable, and the following additional conditions shall apply:
 - 3.1 Unless otherwise approved through the LDC 6.04.02.B. Administrative Variance process, a cross access to the western parcel (Folio 055807.0100) shall be required.
 - 3.2 As Shellpoint Road is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Road frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way line centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the proposed right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- 4. The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 5. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 5.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 5.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 5.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 5.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 5.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 5.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 6. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 7. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 8. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

Affidavit of Edwin H Harwell Jr

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)
BEFORE ME, the undersigned authorit	lv
personally appeared EDWIN H HAR	WELL JR("Affiant"), who being first duly sworn, deposes and
says:	
5	Jr. I am over the age of 18. I have personal knowledge of the facts petent to testify about those facts.
2. I have known Ted Pieta, previ Florida, since 2003.	ous owner of the property located at 108 N. US Hwy 41, Ruskin,
	Mr. Pieta's business known as Ted's Auto Center ("Ted's") located , Florida. Ted's was at all times in the business of auto repair and
4. On several occasions, Mr. Pieta	a informed me that he had vehicles available for sale at Ted's.
FURTHER AFFIANT SAITH NOT.	
	Edwin H HARWELL Jr
SWORN TO AND SUBSCRIE	BED before me by Edwin H Harwell Jr, who is personally known to
me, or who produced	as identification, this Of day of October,
2019.	

Notary Public Print name:

My Commission Expires:

Buddy Harwell

13802 Sweat Loop Rd

Wimauma, FL 33598

Re:

Rezoning 18-0798

Dear Chairman Miller and Honorable Members of the Board of County Commissioners:

I have known the former owner of the property located at 108 N US Hwy 41, Ted Pieta, since 2003 and would frequently stopped by his shop in Ruskin on Shell Point and U.S. 41. I would take my vehicles and would recommend friends and families to use his repair shop. He would occasionally let me know that he had a vehicle for sale. I did see vehicles out there for sale when I was in the area or stop by to talk to him. I also talked to him about taking me to a dealers auction because I was looking for a vehicle at that time.

We both have a mutual friend that I have known for least 30 years and Ted has known a lot longer, I recall him telling me several times of vehicle's he had bought from Ted. I do not personally know the gentleman who bought this property from Ted, but as someone who owns and rents commercial property this gentleman has put a lot of equity improving the property. I have also seen the future plans for what he is asking to put canopy along the road and believe it would be a significant improvement and in keeping with the future plan for Ruskin.

I have stopped in their from time to time looking at a car or pickup truck for myself or family member and always found the place to be clean and orderly and his staff friendly. As a commercial property landlord I would prefer a used car lot over an auto repair center any time.

I hope that you would consider a positive recommendation for this rezoning.

Sincerely,

Buddy Harwell

edil/fret

Affidavit of Ted Pieta

- 1. My name is Ted Pieta and I am the former owner of Ted's Auto Center located at 108 N US Hwy 41, Ruskin, Florida ("Ted's").
- 2. The business operations at Ted's consisted of auto repair and auto sales.
- 3. Ted's was in existence from approximately December 29, 1986 to December 13, 2012. During this time I attended auto auctions on a monthly basis. My wife Donna Pieta attended these auctions with me on a regular basis.
- 4. At these auctions, I would purchase vehicles and then resell them from Ted's to the general public.
- 5. At all times during the existence of Ted's, the car sales side of the business was licensed to sell automobiles by the State of Florida, Department of Motor Vehicles ("DMV") and sold automobiles as a significant component of the business.
- 6. The state of Florida DMV required, under the Florida Administrative Code, that I maintain an office clearly separated from the auto repair which, at all times I complied with.
- 7. I sold the property to Mr. Steven Cuculich on or about December 13, 2012 and at that time, the business was retailing automobiles.
- 8. One or about November 2, 2006, Hillsborough County changed the zoning for the property from CG to RTC-1 to prohibit both motor vehicle sales and auto repair.
- 9. This zoning change was never made known to me by the County as it did not provide direct notice of the zoning change.
- 10. Ted's continued to sell automobiles after November 2, 2006 until the sale of the property to Mr. Cuculich on December 13, 2012.
- II. At all times Ted's sold motor vehicles at the property.
- 12. All of Ted's business records, including licenses with the County and state, were purged after the sale of the property.
- 13. I was never cited by Hillsborough County for improper use of the property.

14. Attached as Exhibit "A" are copies of true and correct documents confirming auto sales occurred at the property.

FURTHER AFFIANT SAITH NOT.

TED PIETA

SWORN TO AND SUBSCRIBED before me by Ted Pieta, who is personally known to me, or who produced <u>FL Ocivers Ucense</u> as identification, this <u>Jum</u> day of <u>October</u>, 2019.

Notary Public

Print name:

My Commission Expires:

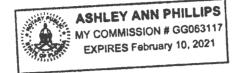


Exhibit "A"

LES FORM UCS-55 (Rev. 7' ') ODER

DEPARTMENT OF LAGOR AND EMPLOYMENT SECURITY BUREAU OF TAX TAX ENFORCEMENT

	*	AUDIT HERO	
Date:	5/14/91		Fl. Acct. 110. 0449915
Yo:	Deputy Chief of Tax Enforcement		FEIN No. \$918490081
From:	JOE VINSKI	•	
Subject	00259 TAMPA 1.5	هر	
	Tad's Ques	Canhas	
PRE-AUD	IT AND EMPLOYER'S IDENTIFYING DA	MA: Discuss with employer or person	n responsible for accounting operations.
A. Purp	ose of this audit discussed with	employer or representative: Yes	Y No
B. Hatu	re of business: Cos	Eresis and	Sales
C. Loca	tion of business: 165	W. Tomiani	Trail Rustin FL 33570
D. Type	of entity: InDiv.	The same of the sa	-
I. E. Vani	(Individual, partners)	ship, corporation, etc.)	ocioush County
Y	(Occupatio	nal license number, etc.)	7
F. Veri	fication of business existence:	Vigitad Busines	s bosolin
G. Oate	business started (if within the	statute of limitation): 101	1178
H. Date	liability started (if within th	e statute of limitation): \2	131/78
1. List	full name of owner, partners or	corporate afficers, Social Securit	y Numbers and Home Addresses:
	Full Name	Social Security Humbers	Home Address
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FINDING	<u>.</u>	-	
A. Audi	t prepared for the following yr(s)/qtr(s): <u>Q11 199</u>	8
B. If mo	ore or less than 4 Quarters, EXP	LAIN:	
C. Reaso	on for conducting audit (if not a	a randomly selected assigned audit)	: Ossighas)
			
D. Discr	rapancies were found and:		· ·
1. 1	Tax reports attached for the following	lowing quarter(s):	
2. F	orm UCT-8A(s) attached for the f	'ollowing quarter(s): 1190	3
٠. s	upplemental reports attached for	·	•

E. Ar unt of monies d	ue including interest and	penalties:	57.24		
	ollected - EXPLAIN IF LESS			1.24	

SUPPORTING SCHEDULES:					
A. Quality of the emp	loyer's records and bookke	eping system:	Good		
B. Results of search	for hidden wages:	See	Remost	<u> </u>	
C. Verification of ex	empt employment and excess	Nages: S	ea Ren	rarts	and the state of t
D. Results of reconci	Hation between UCT-6's an	d parallel tax i	reports: 01	<u>~</u>	
E. Results of reconci	fistion between UCT-6's an	d audit findings	: Ot-		
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THE FOLLOWING RECORDS	****		,	,	
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POST-AUDIT:					
Findings of this audit	: were discussed with me:		5/	14/91	
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Signature	11 1100000	4	- Title	Windle	
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Date Completed	Field Sec-Area	Auditor No.	Sph	Auditor Signatu	re



Date 5/16/91

To Ted R. Pieta - Ted's Auto Center

From Joe Vinski Field Auditor.

Subject Audit results and corrections

Enclosed please find a copy of the results of the audit that was recently completed. A copy of the corrections that were made (if any) are included for your information.

If you have any questions regarding the above please do not hesitate to contact our office. $% \label{eq:contact} % \begin{subarray}{ll} \end{subarray} % \begin{subarray}{ll} \end{sub$

TEO R. PIETA OWNER COMPLETE AUTO REPAIR . AUTOMOTIVE AIR CONDITIONING .

TED'S AUTO CENTER AUTO REPAIR & SALES SINCE 1076

108 N. US WHY 41 RUSKIN, FL. 33570

PHONE: 813-646-9541

) DD LICENSE FYPE/NUMBER/SUPPIX

NEW LICENSE TYPE/NUMBER/SUFFIX

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Ashley Phillips

From:

Farris, Mary Helen <FarrisM@hlllsboroughcounty.org>

Sent:

Tuesday, January 14, 2014 10:11 AM

To:

Mark Bentley Ashley Phillips

Cc: Subject:

RE: HSMV: Open Government/Public Records

Hello Mark,

Here is the information I received, with reductions made pursuant to 18 U.S.C. 2725:

- 2010 Dodge PK, Vehicle Identification Number (VIN) 1D7RB1CTXAS195680; title number 110705249; issued 05/02/2013. License plate number Z5DZR registration expires 05/26/2014; title and registration is issued to: 33569
- 2001 Chrysler SW, VIN 3C4FY4BB21T300202; title number 81394361 Issued 07/20/2000. License plate number TEDONNA - registration expires 10/25/2014; title and registration is issued to: 33569

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Monday, January 13, 2014 10:44 AM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen - sorry for the delayed response. Yes please send me the information. Thanks, Mark

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM

İ

One Tampa City Center, Stilte 1650 201 North Franklin Street Tampa, Florida 33602 Ph: 813.223.5050

Fax: 813.223.3555

---- Original Message-----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

Sent: Tuesday, December 17, 2013 10:03 AM

To: Mark Bentley

Subject: FW: HSMV: Open Government/Public Records

Hello Mark - I am following up on the email below. Do you still want the information? Thanks and have a great Holidayl

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Bivd., 27th Floor

Tampa, FL 33602 Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message-----From: Farris, Mary Helen

Sent: Friday, November 22, 2013 2:56 PM

To: 'Mark Bentley'

Subject: RE: HSMV: Open Government/Public Records

Hello Mark - I am reviewing Section 119.0712(2)(b) to determine what needs to be redacted. The information I received relates to Ted Pieta and another individual. Did you only want information on Mr. Pieta individually?

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

····Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Tuesday, November 19, 2013 4:53 PM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen,

I reviewed the website your provided however, I previously made a public records request to the DMV in connection with this matter and was advised that they do not keep records over 5 years old and that they have none of the requested records. I have attached the subsequent request made to the Tax Collector's office for your review. You will notice that it specifically requests records held by the Tax Collector in connection with the specified motor vehicle sales.

If the Tax Collector's office does not possess any of the requested records, please advise me accordingly in writing and as indicated in the attached correspondence.

Once again, I appreciate your assistance with this matter.

Thank you,

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050
Fax: 813.223.3555

Thank you very much Mary Helen - I appreciate your getting this resolved. Mark

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida flar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Sulte 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050

Fax: 813.223.3555

----Original Message-----

From: Farris, Mary Helen (mailto:FarrisM@hillsboroughcounty.org)

Affidavit of Donna Pieta

- 1. My name is Donna Pieta and I am married to Ted Pieta, former owner of Ted's Auto Center located at 108 N US Hwy 41, Ruskin, Florida ("Ted's").
- 2. Ted's was in existence from approximately December 29, 1986 to December 13, 2012. At all times Ted's existed, I was married to Mr. Pieta and remain married to Mr. Pieta.
- 3. During this time, I was often at Ted's and assisted with administrative matters and I also attended auto auctions with Mr. Pieta on a monthly basis.
- 4. At these auctions, Mr. Pieta would purchase vehicles and then resell them from Ted's to the general public.
- 5. At all times during the existence of Ted's, the car sales side of the business was licensed to sell automobiles by the State of Florida, Department of Motor Vehicles ("DMV") and sold automobiles as a significant component of the business.
- 6. Mr. Pieta sold the property to Mr. Steven Cuculich on or about December 13, 2012 and at that time, the business was retailing automobiles.
- 7. One or about November 2, 2006, Hillsborough County changed the zoning for the property from Commercial General to RTC-1 to prohibit both automobile sales and auto repair.
- 8. This zoning change was never made known to us by the County as it did not provide direct notice to Mr. Pieta or myself of the zoning change.
- 9. Ted's continued to sell automobiles after November 2, 2006 until the sale of the property to Mr. Cuculich on December 13, 2012 and was never cited for this activity by Hillsborough County.
- 10. At all times Ted's sold motor vehicles at the property.
- 11. All of Ted's business records, including licenses with the County and state, were purged after the sale of the property.

[INTENTIONALLY LEFT BLANK]

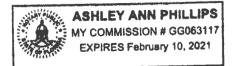
FURTHER AFFIANT SAITH NOT.

Doma M Pieta DONNA PIETA

SWORN TO AND SUBSCRIBED before me by Donna Pieta, who is personally known to me, or who produced <u>FL privers vicease</u> as identification, this <u>LYTM</u> day of <u>October</u>, 2019.

Notary Public Print name:

My Commission Expires:



Affidavit of Lee Davis

STATE OF FLORIDA		
)	
COUNTY OF HILLSBOROUGH)	

BEFORE ME, the undersigned authority, personally appeared **LEE DAVIS** ("Affiant"), who being first duly sworn, deposes and says:

- 1. My name is Lee Davis. I am over the age of 18. I have personal knowledge of the facts in this Affidavit, and I am competent to testify about those facts.
- 2. I am the co-owner of At Home Auto Care, Inc. located at 2003 South US Hwy 41, Ruskin, Florida ("At Home Auto"). Our business has been in business since 1991.
- 3. I was employed at Ted's Auto Center ("Ted's") located at 108 N. US Hwy 41, Ruskin, Florida from 1786 to 1991. Ted's was in the business of auto repair and vehicle sales.
- 4. Ted's sold automobiles from the 108 N Hwy 41 location at all times I was employed by Ted's.
- 5. After leaving Ted's and starting At Home Auto, it was my observation and belief that Ted's, while in business at 108 N Hwy 41 location, at all times sold motor vehicles.

[Signature Page Below]

FURTHER AFFIANT SAITH NOT.

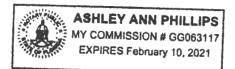
LEE DAVIS

SWORN TO AND SUBSCRIBED before me by Lee Davis, who is personally known to me, or who produced <u>FL Drives Li Lense</u> as identification, this <u>| 4444</u> day of <u>Octobel</u>, 2019.

Notary Public

Print name:

My Commission Expires:



At Home Auto Care 2003 S U.S. Hwy 41 Ruskin, FL 33570

October 14, 2019

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re: RZ 18-0798

To Whom It May Concern:

We are the owners of property located at 2003 S 41 Hwy., Ruskin. Our company, At Home Auto Care, is located at this property which is southeast of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Sincerely, LeRy Derig

Leroy Davis Owner

ZHM Hearing - October 14, 2019 SU AB 19-0957

EXHIBITS

Application No. R218-0798 Name Wark Bontley
Entered at Public Hearing: 2Hm
Exhibit # 3 Date: Loly 119

Letter in Support - Montgomery

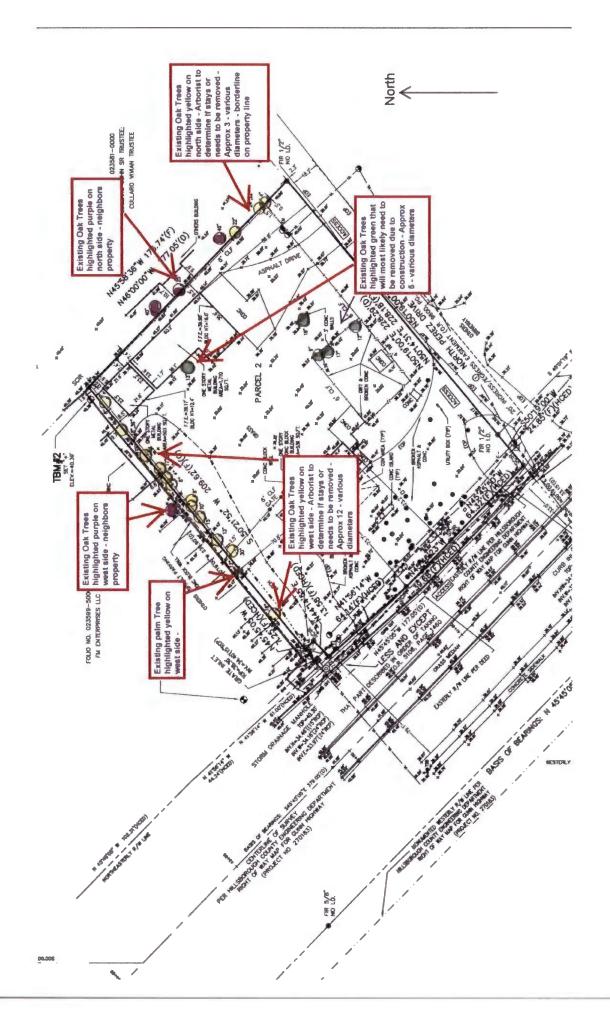


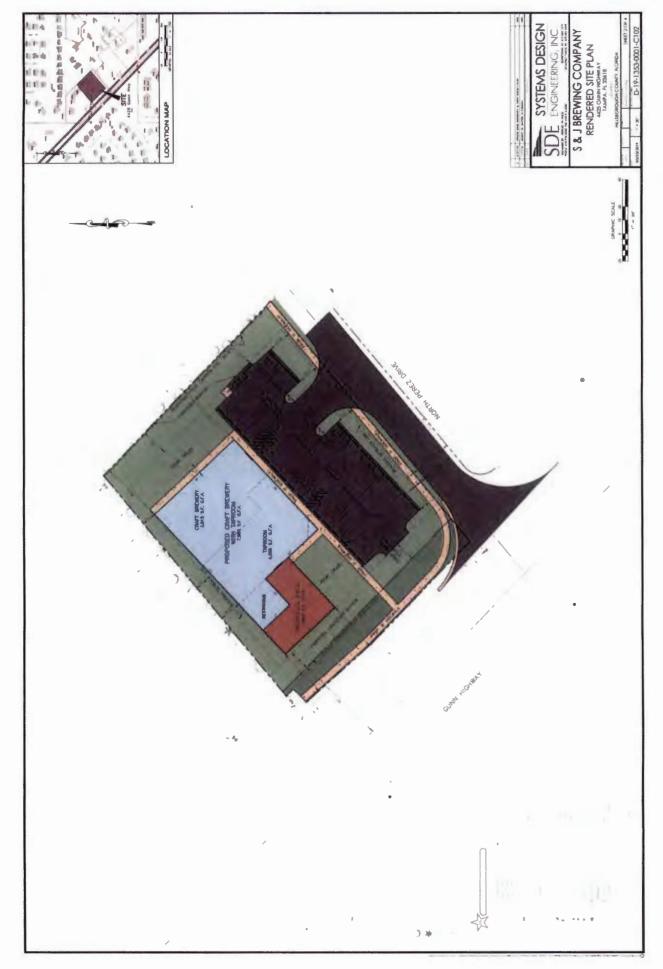


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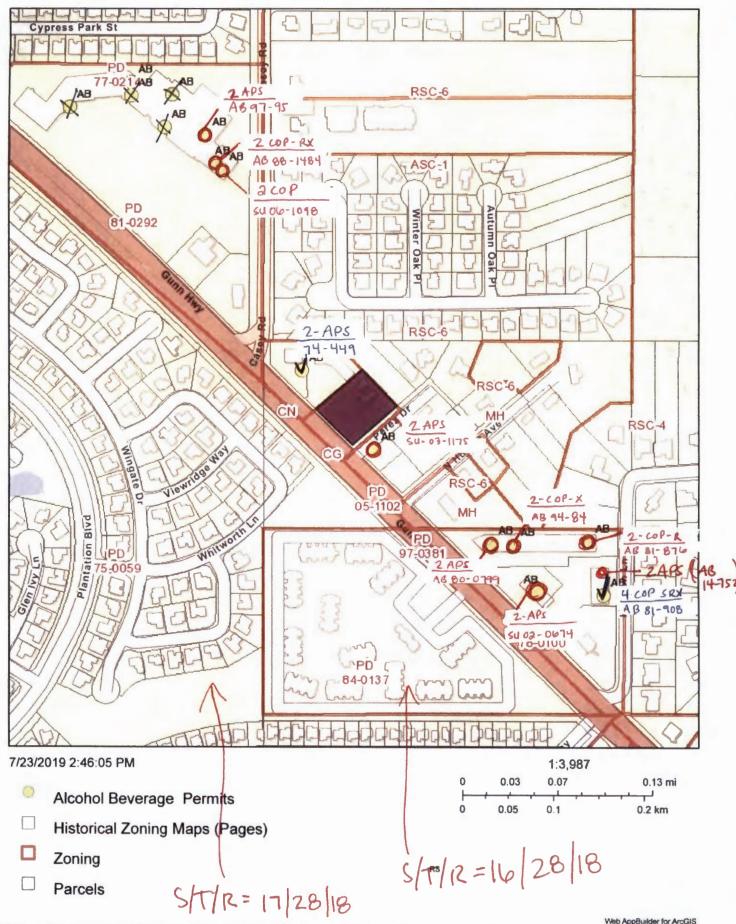
Bob Henriquez, CFA

Hillsborough County Property Appraiser
This map is for assessment purposes only.
R is not a survey.
2019 Aerials





Surrounding AB's







Agenda Backup 1/22/19 Zthm Hillsborough County Florida



STAFF REPORT

SUBJECT:	RZ-PD 18-0798 RU/S	PLANNING AREA:	Ruskin	
REQUEST:	Planned Development (PD)	SECTOR	South	
APPLICANT:	Johnson Pope Bokor Ruppel & Burr	ns, LLP		
Existing Zoning: RTC-1 (Ruskin Town Center)		Existing Comp Plan Category:		



Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone from RTC-1 (Ruskin Town Center) to the PD (Planned Development) zoning district to acknowledge an existing small commercial building and lot, *Car Credit*, to continue to be utilized for motor vehicle sales and to permit any other uses permitted under the RTC-1 zoning district found in LDC Section 3.17.00, *Ruskin Town Center Development Regulations*.

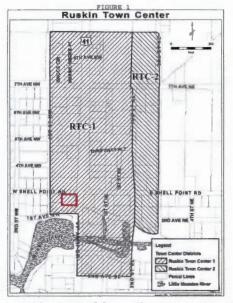
This item was heard at the October 9, 2018 Board of County Commissioner (BOCC) Land Use Meeting and was remanded back to the Zoning Hearing Master (ZHM) public hearing by the BOCC for further review/discussion with representatives of the Ruskin community. However, the applicant has not made any changes to the use requested, therefore, the request is still not in compliance with the permitted uses found under Land Development Code (LDC) Section 3.17.07, Ruskin Town Center (RTC-1).

Per Zoning Interpretation (ZI) 14-0767, the applicant requested a formal interpretation of the Land Development Code as it related to a business selling used motor vehicles on the subject property. The applicant stated that uses on the subject property related to *Motor Vehicle Sales, Rentals, and Auctions—All Types* were actively occurring on the site prior to the establishment of Ordinance 06-34 which established Land Development Code Section 3.17.00 *Ruskin Town Center Development Regulations* and the RTC-1 (Ruskin Town Center) zoning district which prohibited the aforementioned use. Per the Zoning Administrator's interpretation, the applicant had not demonstrated that motor vehicle sales was the subject property's principal use at the time that Ordinance 06-34 was adopted on November 2, 2006., to recognize motor vehicle sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned and that the applicant had failed to establish that motor vehicle sales was an "existing lawful use" on the subject property at the time of the adoption of Ordinance 06-34.

1.2 Analysis of Non-Compliance and Proposed Alternatives

Per the application, the applicant is not proposing any variations to the Land Development Code.

APPLICATION: RZ-PD 18-0798 RU/S ZHM HEARING DATE: January 22, 2019 BOCC MEETING DATE: March 12, 2019



Per LDC Section 3.17.03.A., Designation of Streets, West Shell Point Road and North US Highway 41 are established as main streets, both of these streets which the subject property fronts and serve as its north and eastern property boundaries (see graphic to the left). Per the request, while the applicant has shown they can comply with some of the design standards of the established zoning district, they cannot meet some of the key standards found under LDC Section 3.17.03, General Development Standards and LDC Section 3.17.04, Standards for Non-Residential. Mixed Use and Multi-Family Development. Specifically, under these sections, the request cannot meet the design standards pertaining to off-street parking (surface parking lots) for projects located on Main Streets, minimum building frontages Therefore, the applicant is and building design.

seeking relief from these standards and has proposed alternative design enhancements to address non-compliance with those standards. However, staff is not supportive a waiving these key design standards of the LDC.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located within the Urban Service Area (USA). Per the submitted site plan, the site is providing access onto West Shell Point Road with no cross-access being provided to adjacent properties.

1.4 Comprehensive Plan Consistency

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning INCONSISTENT with the <u>Future of Hillsborough</u> Comprehensive Plan.

1.5 Compatibility

Development Services staff finds the proposed rezoning is inconsistent with the development pattern in the area. Per Land Development Code (LDC) Section 3.17.09.h., *Prohibited Uses*, of the Ruskin Town Center, *Motor Vehicle Sales, Rentals, and Auctions—All Types* is not a permitted use within any of the special zoning districts established under the development regulations of the Ruskin Town Center. Furthermore, the Ruskin Town Center prohibits other auto dependent uses such as motor vehicle repairs, recreational vehicle sales, convenience stores with fuel pumps and mini-warehouses.



Per the graphic provided to the left, uses adjacent to, and in the general vicinity of, the site are zoned Ruskin Town Center (RTC-1) and are either permitted uses found under the CG (Commercial, General) zoning district, per LDC 3.17.07., Section or are compliance with LDC Section 3.17.00. Consistent with the intent of the RTC-1 zoning district. existing uses do not include commercial/auto dependent uses prohibited by the RTC-1 district.

Shell Point Road resides adjacent and north of the site with commercial uses across the street. The Dog House, a commercial restaurant, resides adjacent and south of the site. US Highway 41 resides adjacent and east of the site. Commercial uses, including a Family Dollar, reside across the

road. A vacant lot with a shed on it resides adjacent and west of the site. The aforementioned *Family Dollar* is located 175 +/- feet southeast of the subject property at 37 North US Highway 41 (folio number 56740.0000) and zoned RTC-1.

The building was constructed in 2015 and met the design standards of the Ruskin Town Center special zoning district (see site photo below).



Given the established development pattern of the area which consists of uses consistent with the intent/requirements of the RTC-1 district, staff does not find the proposed motor vehicle sales use compatible.

CASE REVIEWER: Charles Andrews, AICP

1.6 Agency Comments

Staff received objections from a reviewing agency (as noted above in Section 1.4).

Conservation and Environmental Lands Management (ELAPP), The Environmental Protection Commission (EPC) and Hillsborough Area Regional Transit Authority (HART) and Water Resource Services have provided informational comments per their review sheet. Transportation has conditionally approved the request provided they meet the conditions as identified in the final conditions of approval provided below. No comments were provided by Natural Resources.

1.7 Exhibits

Exhibit 1: Zoning Map

Exhibit 2: Proposed Site Plan

2.0 Recommendation

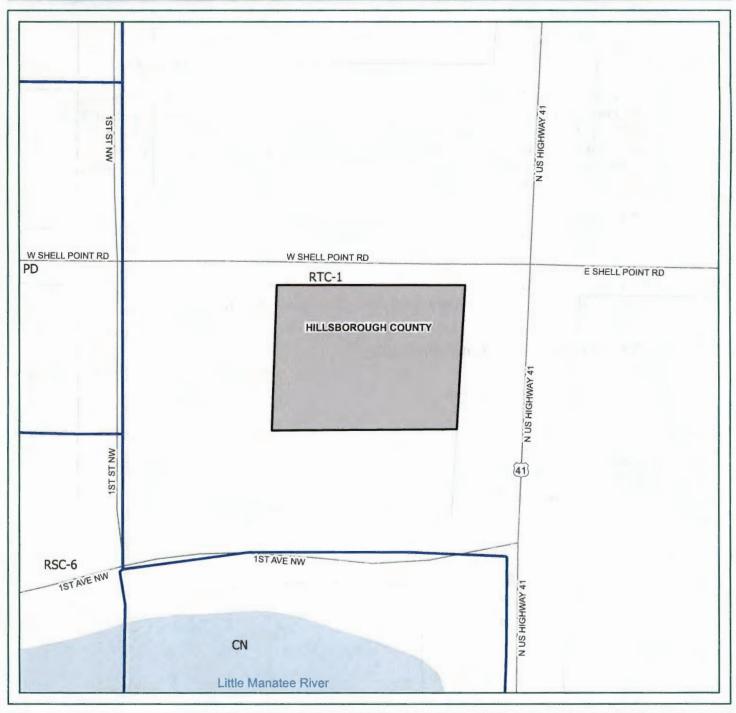
Based on the above considerations, staff finds the request to be not supportable.

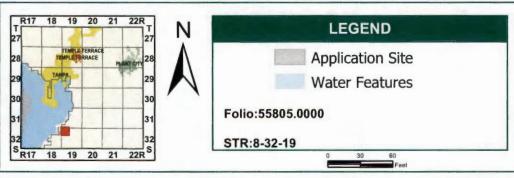
Staff's Recommendation: Not Supportable

Zoning Administrator Sign-off:

Mon Jan 14 2019 13:52:12

RZ-PD 18-0798







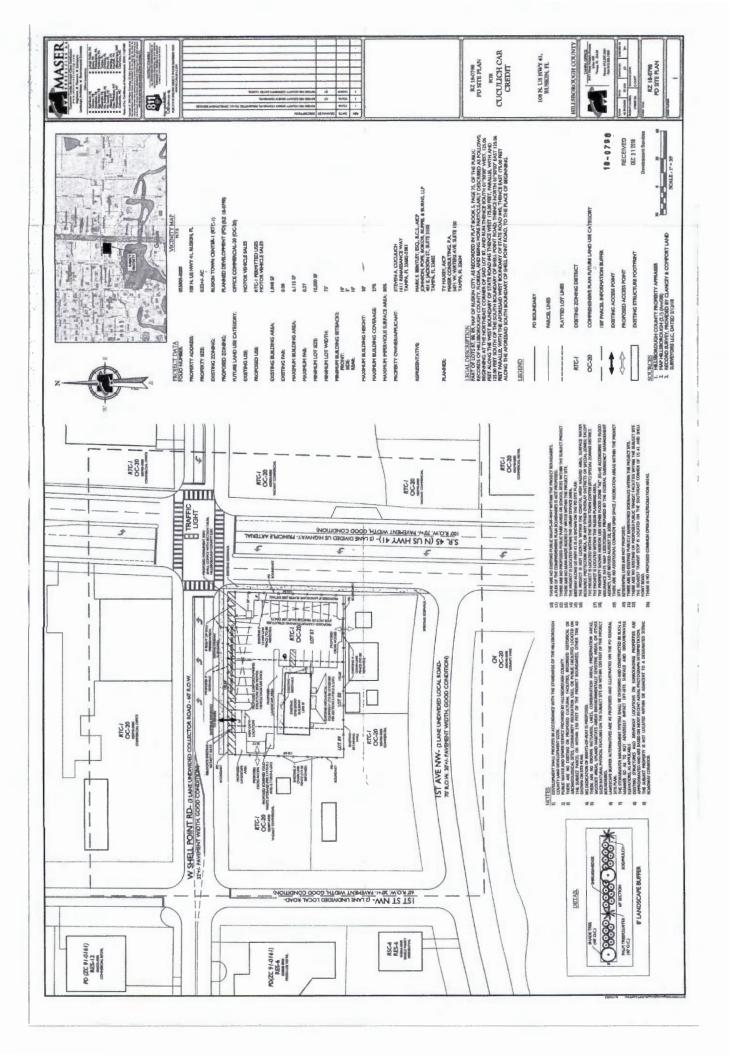
601 E Kennedy Blvd, Tampa, FL 3360 (813) 272-5900 printroom@hillsboroughcounty.org

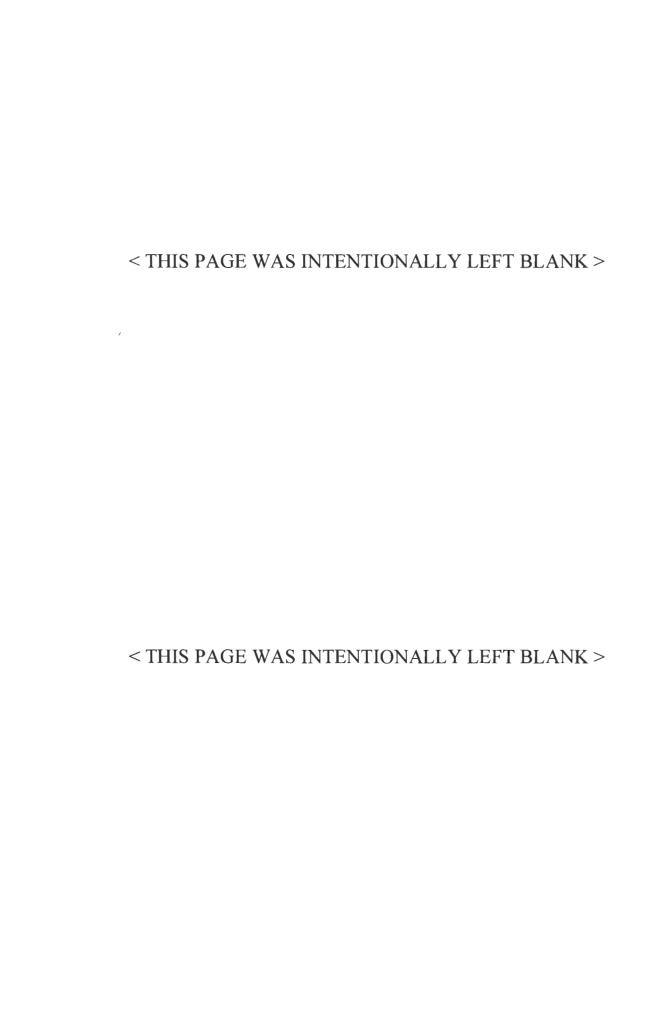
TE: Every reasonable effort has been made to assure the accuracy of the map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either express or implied, including, but not limited to, the implied warranties

SOURCE: This map has been prepared for the inventory of real property found within Hillisborough County and is compiled from recorded deeds, plats, and other public records: it has been based on BEST

Users of this map are hereby notified that the aforementioned public primary information







Unincorporated Hillsborough County Rezoning					
Hearing Date: January 22, 2019 Report Prepared: January 11, 2019	Petition: PD 18-0798 (Remand) 108 North US Highway 41 Southwest Quadrant of Shell Point Road and US Highway 41				
Summary Data:					
Comprehensive Plan Finding:	INCONSISTENT				
Adopted Future Land Use:	Office Commercial-20 (20 du/ac; 0.75 FAR)				
Service Area	Urban				
Community Plan:	Ruskin, SouthShore Areawide Systems				
Requested Rezoning:	Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow the existing vehicle sales business and other permitted RTC-1 uses				
Parcel Size (Approx.):	0.52± acres				
Street Functional Classification:	Shellpoint Road – Collector US Highway 41 –Arterial				
Locational Criteria	N/A				
Evacuation Zone	The subject property is located within Evacuation Zone A				



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

Context

- The applicant is requesting a rezoning from Ruskin Town Center-1 (RTC-1) to a Planned Development (PD) to allow an existing vehicle sales business and other permitted RTC-1 uses.
- The .52± acre site is located at the southwest corner of US Highway 41 and Shell Point Road within the Urban Service Area, the Coastal High Hazard area and is within the limits of both the Ruskin Community Plan and the SouthShore Areawide Systems Plan. Per the Ruskin Community Plan, the site is located within Ruskin Town Center –1.
- The subject property and surrounding properties have a Future Land Use designation of Office Commercial (OC-20), which includes typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses. The Ruskin Town Center-1 (RTC-1) zoning district surrounds the site, further west the zoning designations are Planned Developments (PD), Residential-Duplex Conventional-12 (RDC-12) and Residential Single Family Conventional-6 (RSC-6).
- The applicant requested a remand of PD 18-0798 at the October 9, 2018, Board of County Commissioners Land Use Hearing meeting. The Board approved this remand to be sent to the November 19, 2018, Zoning Hearing Master (ZHM) meeting for reconsideration and since then the applicant requested a continuance to the January 22, 2019, ZHM. The revised site plan addresses transportation.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Urban Service Area (USA)

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

Policy 9.2:

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

PD 18 - 0798

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

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

Discouraging Strip Commercial Development

Objective 23: To maintain the vehicular capacity of public roads, the County discourages linear ("strip") non-residential development patterns and the multiple access points which accompany such linear neighborhood serving commercial development.

Objective 25: The County shall implement commercial redevelopment strategies to concentrate commercial uses, revitalize older commercial areas, and encourage mixed use projects that include commercial development.

Community Design Component 5.0 NEIGHBORHOOD LEVEL DESIGN 5.1 COMPATIBILITY

GOAL 12: Design neighborhoods which are related to the predominant character of the surroundings.

OBJECTIVE 12-1: New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

LIVABLE COMMUNITIES ELEMENT - RUSKIN COMMUNITY PLAN

Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small-town community.

Strategies:

- Establish a mixed-use, walkable and pedestrian friendly Town Center.
- Develop and implement the Master Plan for the Ruskin Town Center.
- Develop common design and landscape standards for commercial development along US 41 outside the Town Center.
- Upgrade the current sewer system to facilitate redevelopment of the business center and Town Center.
- Ensure that improvements to US 41 are compatible with the revitalization of Ruskin's historic business center. Seek alternatives to expansion of US 41.
 - Limit US 41 to two through lanes in each direction.
 - Develop 2nd and 3rd Streets as a local alternative to US 41 with direct connection to US 41.
- Encourage commercial development and redevelopment within downtown Ruskin and the Town Center and direct commercial development away from Shell Point Road West and 19th Avenue N.W.

PD 18 - 0798

- Encourage locally owned businesses to locate within Ruskin's historic business corridor and Town Center.
- Establish gateways, located to provide a sense of arrival.

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

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

Staff Analysis of Goals, Objectives, and Policies:

The subject site is approximately 0.52 acres and is located at the southwest corner of Shell Point Road and US Highway 41. The site is developed with a motor vehicle sales business consisting of a 1,848 square foot building and inventory displayed mainly along the frontage of Shell Point Road and US Highway 41. The site is designated Office Commercial-20 on the Future Land use map with a maximum floor area ratio of .75. The surrounding uses in the area include a fast food restaurant to the south, vacant parcels to the west and east, and a real estate office north of the site. The rezoning request is to change the Ruskin Town Center-1 (RTC-1) zoning district to a Planned Development (PD) to recognize the existing motor vehicle sales business and allow other RTC-1 permitted uses. It should be noted that the site underwent a zoning verification in 2014, and it was determined by the Development Services Department that the site failed to establish that motor vehicle sales was an "existing lawful use" at the time of the establishment of the Ruskin Town Center-1 zoning district.

Policy 9.2 of the Future Land Use Element states that developments must meet or exceed land development regulations. As shown on the site plan, the request is not meeting the intent of this policy.

The site is located within the limits of the Ruskin Community Plan and within the Ruskin Downtown. There is specific language within the Community Plan (Goal 1 and 2) that expresses how development within the downtown should be designed. Because the parking fronts the site and is a dominate portion of the site, this creates the look of strip commercial development. Objective 23 of the Future Land Use element as well as the Ruskin Community Plan discourages strip commercial development.

The applicant did attempt to make changes to address the design of the site to further the intent of the Ruskin Community Plan. Fences within the RTC-1 area are to be made of masonry or vinyl or cast iron, so the applicant has agreed to remove the chain link fence that is currently on the site. The applicant is also providing additional screening and an awning above the cars along Shell Point Road and US Highway 41 to reduce the appearance of the display of cars.

Though the applicant is providing increased screening along the frontage of the site, screening the waste storage and mechanical equipment, the proposed design of the site is still too much of a deviation from the Ruskin Community Plan.

Recommendation

Based upon the above considerations, Planning Commission staff finds the proposed Planned Development **INCONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

PD 18 - 0798 4



EShell Point Rd

W Shell Point Rd

N USHIGHWAY41

4th Ave Nw

WNISISI

WN 1S bus

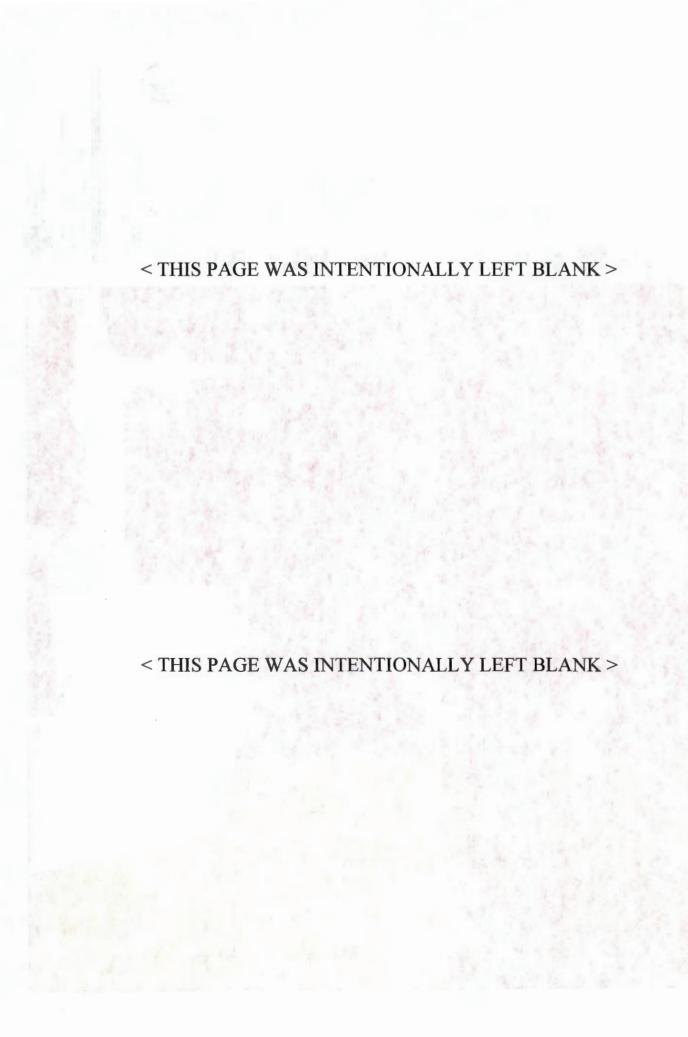
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18-0798

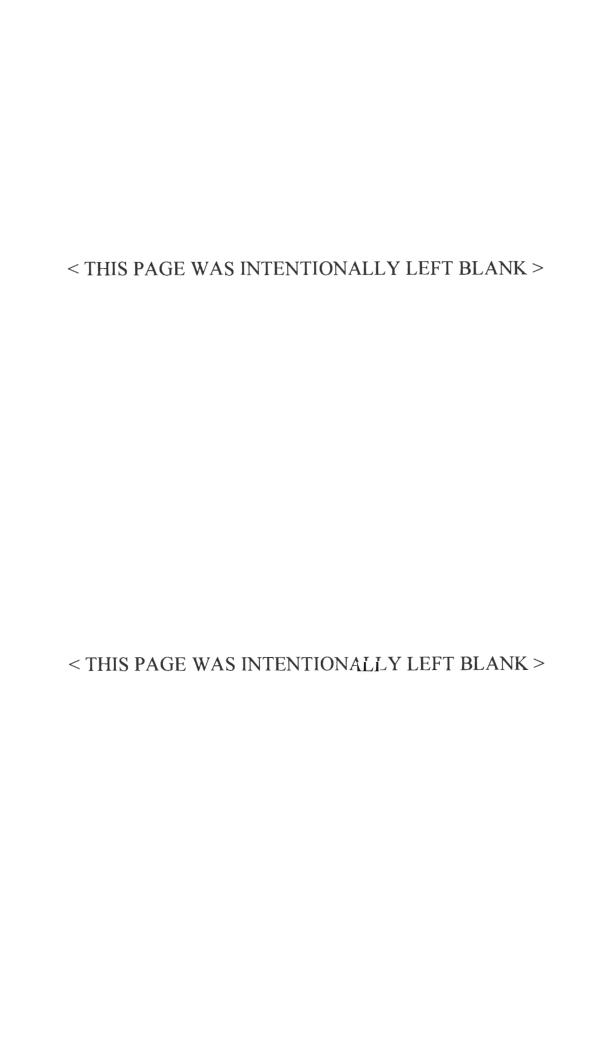
1St Ave NW-

14 YEWARIH SUS





PRIOR RECORD



CAPTIONING OCTOBER 9, 2018 HILLSBOROUGH COUNTY LAND USE MEETING

***This is not an official, verbatim transcript of the
***following meeting. It should be used for informational
***purposes only. This document has not been edited;
***therefore, there may be additions, deletions, or words
***that did not translate.

>> SANDRA MURMAN: GOOD MORNING, EVERYONE.

COULD I HAVE YOUR ATTENTION, PLEASE?

THANK YOU.

IT IS TUESDAY, OCTOBER 9th, I WANT TO WELCOME YOU TO OUR LAND USE MEETING FOR THE COUNTY COMMISSIONERS, AND WE'RE GOING TO START WITH THE PLEDGE OF ALLEGIANCE AND THE PRAYER FROM OUR CHAPLAIN, COMMISSIONER STACY WHITE.

>> STACY WHITE: THANK YOU, MADAM CHAIR.

WE'LL BEGIN WITH THE PLEDGE OF ALLEGIANCE.

ATTENTION, SALUTE, PLEDGE.

[PLEDGE OF ALLEGIANCE]

HEAVENLY FATHER, I PRAY THAT YOU WILL GUIDE THIS BOARD, OUR STAFF, AND STAKEHOLDERS AS WE MAKE IMPORTANT DECISIONS ON PLANNING FOR BETTER COMMUNITIES THIS MORNING.

I PRAY THAT YOU'LL SEE TO IT THAT WE RECOGNIZE THAT WE'RE ALL NEIGHBORS, AND THAT ALTHOUGH WE MAY HAVE DIFFERENCES OF OPINION

DRAINAGE, FLOODING ISSUES.

WE ARE HAVING AND HEARING WAY TOO MUCH OF ABOUT THAT AND ALSO JUST IN TERMS OF COUNTY FOLLOW-UP ON THAT WITH TREES FALLING IN A SATURATED AREA, I THINK THERE IS AN INDICATION THAT THERE CAN BE AN INDICATION THAT PART OF THAT IS TO THE --- BECAUSE OF THE EXTREME RAINFALL AND THE SATURATION OR EVEN THE WATER TABLE IN THE AREA.

SO I AM I THINK WE DO NEED TO BE THINKING ABOUT THE COUNTY DEALING WITH THESE BECAUSE THESE HAVE COME UP TOO MUCH AND NOT HAVING THESE FLOODING ISSUES DEALT WITH SO THAT'S JUST IN GENERAL BUT THANK YOU FOR THAT AND I'M GLAD THAT WE LOOK LIKE WE ARE MOVING IN THE RIGHT DIRECTION.

I WOULD ALWAYS FEEL MORE COMFORTABLE I DON'T LIKE THE WAY THESE APPROVALS GO THAT WE DEAL WITH THIS AFTER WE AFFIRM SOMETHING RATHER THAN HAVE IT IN PLACE AHEAD OF TIME, BUT WITH THE CONDITION THERE TO WORK ON THAT.

SECONDLY, WITH THE PEDESTRIAN, THE CONNECTION AS PER USUĀL EVERYBODY DOESN'T WANT A BUNCH OF CARS GOING THROUGH THEIR NEIGHBORHOOD.

I GET THAT IT IS REALLY IMPORTANT THAT WE MAINTAIN THAT

CONNECTIVITY FOR EMERGENCY VEHICLES AND PEDESTRIANS AND

BICYCLES SO WHEN I HEARD SOMETHING ABOUT LOOSE GRAVEL I WAS A

LITTLE CONCERNED BECAUSE I LIKE TO, I DON'T SEE HOW YOU CAN RIDE

YOUR BICYCLE ON LOOSE GRAVEL BUT I DON'T THINK THAT'S PART OF

WHAT WE WILL BE DOING WHEN WE CONNECT IT HERE BUT I THINK IT

I NEED A MOTION TO OPEN FOR ORAL ARGUMENT ON G.5.

MOTION BY COMMISSIONER WHITE.

SECONDED BY COMMISSIONER MILLER.

PLEASE RECORD YOUR VOTE.

>> MOTION CARRIED 6-0.

>> SANDRA MURMAN: OKAY, STAFF?

>> THANK YOU, COMMISSIONERS.

2 DE MAINTON

THIS BRINGS US TO ITEM G.5 ON THE AGENDA.

THIS IS A REZONING PROPOSAL FOR PLAN DEVELOPMENT NUMBER 18-0798.

IT IS LOCATED AT 108 NORTH U.S. HIGHWAY 41.

IT IS LOCATED AT THE INTERSECTION OF SHELL POINT AND U.S. 41 ON THE SOUTHWEST CORNER.

COMMISSIONERS, THIS IS A REQUEST TO REZONE FROM THE RTC-1 WHICH IS THE RUSKIN TOWN

CENTER DISTRICT WHICH WAS PART OF THE IMPLEMENTATION PLAN FOR THE RUSKIN COMMUNITY

PLAN SO THE APPLICANT IS PROPOSING FOR A PLANNED DEVELOPMENT AWAY FROM THE RTC USING

THE PLANNED DEVELOPMENT AS A TOOL TO COME UP WITH A CUSTOMIZED DISTRICT.

IN THAT PROPOSAL, I WILL GIVE YOU BACKGROUND ABOUT THE RTC-1.

THE RTC-1 DISTRICT ANTICIPATES THAT THIS WILL BE A TOWN CENTER.

IT CONSIDERS IN THE CURRENT ZONING IN THE RTC-1 ZONING IT CONSIDERS SHELL POINT AND 41 AS MAIN STREETS IN THAT IMPLEMENTATION ZONING THAT WAS ADOPTED BY THE BOARD SEVERAL YEARS AGO.

IN THE PD PROPOSAL, THE APPLICANT FROM A DESIGN PERSPECTIVE DOESN'T SIGNIFICANTLY DEVIATE FROM THAT.

IN THE PROPOSAL AT LEAST IN OUR ESTIMATION, WHAT IT DOES IS IT ADDRESSES THE EXISTING CONDITION IN TERMS OF THE BUILDING PLACEMENT, THE CAPACITY, THE SETBACKS THAT ARE REQUIRED AND RECOGNIZES THAT IN AN EXISTING CONDITION AND THEN ALSO ESTABLISHES HOW TO DEAL WITH THAT IF THE USE HAS CHANGED IN THE FUTURE.

11 # P16 1

ZHM Hearing – RZ 18-0798 August 20, 2018

Application No. 18-0798
Name: Wark pentley
Entered at Public Hearing: 2499
Exhibit # Date: 800 kg

EXHIBIT LIST

- 1. LDC Section 10.04.00
- 2. LDC Section 3.17.07
- 3. Ordinance No. 07-25 (LDC 07-1450; amending RTC)
- 4. Ordinance No. 09-53 (LDC 09-0421; amending RTC)
- 5. Ordinance No. 11-24 (LDC 12-0011; amending RTC)
- 6. LDC Section 3.17.02
- 7. VAR 13-0268 (Family Dollar)
- 8. VAR 14-0580 (Family Dollar)
- 9. VAR 18-0539 (AutoZone)
- 10. Support Letter from RJ Santiago & Associates (302 N US Hwy 41, Ruskin, FL)
- 11. E-mail from Roland Santiago, president of RJ Santiago & Associates
- 12. ZI 14-0767 Decision Letter & Petition
- 13. Affidavit of Ted R. Pieta confirming auto sales (prior owner of subject Property)
- 14. Photo Marwan Auto Services
- 15. Photo Pawn Pros
- 16. Aerial of Existing Site
- 17. Rendering of Proposed Improvements
- 18. LDC Section 3.17.00 RTC Development Regulations (non-compliant sections highlighted)
- 19. Presentation by Ty Maxey, AICP
- 20. Proposed Conditions of Approval

ZHM Hearing – RZ 18-0798 August 20, 2018

EXHIBIT LIST

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PART 10.04.00 - PROCEDURE FOR APPLICATIONS FOR AMENDMENTS TO THE SCHEDULE OF DISTRICT REGULATIONS AND TEXT OF CODE

Sec. 10.04.01. - Applicability

Applications for amendments to the tables, schedules or text of this Code shall be subject to the following procedures and the requirements of Section 8.0 of the Development Review Procedures Manual.

(Ord. No. 01-26, § 2, 9-12-01; Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.02. - Application

An application shall be filed with the Administrator. The application shall contain such information as set forth in the Development Review [Procedures] Manual.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.03. - Referral to Staff

The Administrator shall forthwith provide a copy of the application to the staff of the Planning Commission requesting a review of its contents.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.04. - Schedule Before Board

- A. County/Government Agency Initiated
 - The Land Development Code shall be revised pursuant to the schedule provided by the Administrator.
- B. Privately Initiated
 - 1. The Administrator shall schedule a Personal Appearance for the applicant before the Board pursuant to the schedule provided by the Administrator.
 - The Administrator shall prepare a report for the Board that shall include, at a minimum, the following information:
 - Recommendation on whether or not the amendment serves a public purpose
 - b. A determination of resources needed for adequate review
 - c. Recommendation on timeframe to review the amendment
 - d. Recommendation on public outreach
 - 3. The Board shall take one of the following actions at the scheduled Personal Appearance date after review of the report by the Administrator and testimony provided by the applicant:
 - Motion to take no further action on the application.
 - b. Motion to allow the application to proceed to a public hearing in accordance with the procedures outlined herein. Said motion shall address the Administrator's recommendations on the review timeframes, public outreach and provision of additional resources (if applicable).

(Ord. No. 00-21, § 2, 5-18-00; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 14-3, § 2(Exh. A), (Item IV-C), (13-0721), 1-30-14, eff. 2-6-14)

Sec. 10.04.05. - Hearing Before Board

At the Board meeting, the applicant shall have the opportunity to present justification for the proposed amendment. The Administrator and the staff of the Planning Commission shall also report the results of a preliminary review of the proposed amendment and recommendations thereon, if any.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 10.04.06. - Decision by Board

- A. The Board may take any one of the following actions:
 - 1. Approval of the amending ordinance and establishment of the effective date.
 - 2. Disapproval of the amending ordinance.
 - 3. Remand for additional study.

(Ord. No. 04-46, § 2, 11-4-04)

Sec. 3.17.07. - Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.

(Ord. No. 06-34, § 2, 11-2-06; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 09-53, Item Y, 6-11-09, eff. 10-1-09; Ord. No. 11-24, § 2(Item A)(12-0011), 12-5-11, eff. 2-1-12)

ORDINANCE

07-25



November 14, 2007

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re:

Ordinance #07-25

Amending Ordinance 92-5, As Amended, Hillsborough County Land Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #07-25 which was adopted by the Board of County Commissioners on November 1, 2007. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of February 1, 2008.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

md

Attachments

Certified Mail 7003 3110 0004 4684 6364

cc:

Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Ellen Leonard, Legal Advisor, Sheriff's Office

Librarian, State Attorney's Office Adam Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Dale Bohner, Legal Counsel, Clerk of Circuit Court

Sandra Davidson, County Attorney's Office

Ronnie Blackshear, Planning & Growth Management



BOARDOFCOUNTYCOMMISSIONERS

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Rose V. Ferilta
Ken Hagan
Al Higginbotham
Jim Norman
Mark Shørpe
Kevin Whire

Office of the County Administrator Patricia G. Bean Deputy County Administrator Wally Hill

Assistant County Administrators Kenneth C. Griffin Carl S. Harness Manus J. O' Donnell

AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2007 ROUND 2

THURSDAY, NOVEMBER 1, 2007 6:00 PM

	I.	Call to Order	Jim Norman, Chairman				
	II.	Introduction.	Introduction Patricia G. Bean, County Administrator				
	Ш,	Presentation o	of Amendments Joe Moreda, AICP, Manager				
		Commissione Planning Con	velopment Code (LDC) text amendment packet contains the Board of County ers Recap of the September 26 workshop and October 18 first public hearing, unmission letter and resolution regarding consistency of text amendments with the ve Plan, and backup material and draft LDC text for each proposal.				
5/W-0	Α,	LDC 07-0690	Expand the regulation of temporary labor pool businesses to reduce nuisances as requested by the Hillsborough County Sheriff's staff				
5/F ₇₋₀ 5/F 7-0	B.	LDC 06-1822	Revise the Conservation Subdivision regulations				
5/F 7-0	Ĉ.	LDC 07-1453	Provide incentives to encourage the development of green roofs				
F/57-0	D.	LDC 07-1454	Reduce the amount of required parking spaces in order to increase the amount of pervious area on sites proposed for development				
W/B2	Ē.	LDC 07-0691	Consider revisions to the fence regulations				
3/F	F.	LDC 07-1450	Revise the Ruskin Town Center (RTC-1) regulations, as directed by the BOCC, to allow additional permitted uses on a specific folio number				

F/Ha 7.0 G.	LDC 07-1452	Revise the Thonotosassa Main Street sign regulations that conflict with the sign code
5/1= 7-0 H.		Reservation of vested vehicle trips on appropriate road segments pursuant to the issuance of a certificate of occupancy
Dany F. SI.	LDC 07-1090	Requested revision to the sign code regulations
The state of the s	LDC 07-1432	Requested revision to the traditional neighborhood development regulations (TND)
F/5 >-0 K.	LDC 07-1961	Bring the exterior lighting code regulations into conformance and make consistent with the technical standards of the Illuminating Engineering Society of North America (IESNA)
F/5 7-DL.		The state of the s
5/F 7-0 M.	LDC 07-2029	Clarify post hearing notice requirements for the LUHO process
,		dinance and announcement of effective date Adam Gormly, County Attorney's Office
v.	Adjourn	Jim Norman, Chairman
IV 5	12	Cheprove K& L with an advance.
	7-0	approve K& L with an advance. effective date upon bung fieled will DCA
ADD #	5/F 7-0	appeare remaining items with the exception of Stens I, with an affective dute of 2/1/08.



BOARD OF COUNTY COMMISSIONERS

Brian Blair Rose V. Ferlita Ken Hagan Al Higginbotham Jim Norman Mark Sharpe Kevin White

Office of the County Administrator Patricia G. Bean Deputy County Administrator Wally Hill

Assistant County Administrators Kenneth C. Griffin Carl S. Harness Manus J. O' Donnell

AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENT FOR SCHOOL CONCURRENCY

110 actien

FIRST PUBLIC HEARING

NOVEMBER 1, 2007

6:00 PM

I.	Call to Order	Jim Norman, Chairman
II.	Introduction	Patricia G. Bean, County Administrator
III.	Presentation of Ame	ndment
A.	LDC 08-0089	Amendment to Sec. 4.02.00 Adequate Public Facilities to provide the standards and regulations of adequate public facilities for schools
rv.	Adjourn	Jim Norman, Chairman

ORDINANCE NO. <u>07-</u> 25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER ZONING DISTRICT; SIGNS WITHIN THONOTOSASSA MAIN STREET OVERLAY DISTRICT; AMENDING ARTICLE 4, NATURAL RESOURCES AND ADEQUATE PUBLIC FACILITIES, RELATING TO SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURES; AMENDING ARTICLE 5, DEVELOPMENT CONSERVATION OPTIONS. RELATING TO SUBDIVISIONS; TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE ("TND CODE"); AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO TEMPORARY LABOR POOLS; PARKING AND LOADING STANDARDS; REGULATIONS FOR FENCES; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO HEARINGS BEFORE THE LAND USE HEARING OFFICER; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO GREEN ROOF; OPEN SPACE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on October 8, 2007 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on October 18, 2007 and on November 1, 2007, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 1st DAY OF NOVEMBER, 2007:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215 Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.
- Section 4. This Ordinance shall take effect on February 1, 2008.

STATE OF FLORIDA			
COUNTY OF HILL SPOROLIGH)		

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on November 1, 2007, as the same appears of record in Minute Book 378 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day o November 2007.

PAT FRANK, CLERK OF CIRCUIT COURT

Wieder H. K.

By:

Deputy Clerk

APPROVED BY COUNTY ATTORNEY

Approved as to Form and

Legal Sufficiency.

EXHIBIT "A"

2007 ROUND 2

LAND DEVELOPMENT CODE TEXT AMENDMENTS

ADOPTED: NOVEMBER 1, 2007

EFFECTIVE: FEBRUARY 1, 2008

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.



CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING Secretary of State

November 8, 2007

Gail M. Letzring, Manager, BOCC Records Clerk of the Circuit Court Hillsborough County P.O. Box 1110 Tampa, Florida 33601

Dear Ms. Letzring:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 6, 2007 and certified copies of Hillsborough County Ordinance Nos. 07-24 and 07-25, which were filed in this office on November 7, 2007.

Sincerely,

Liz Cloud

Program Administrator

LC/lbh

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

COMMUNITY DEVELOPMENT 850.245.6600 • FAX: 850.245.6643

LEGISLATIVE LIBRARY SERVICE 850.488.2812 • FAX: 850.488.9879

STATE LIBRARY OF FLORIDA 850.245.6600 • FAX: 850.245.6744

RECORDS MANAGEMENT SERVICES 850.245.6750 • FAX: 850.245.6795 CLERK TO IBI

STATE ARCHIVES OF FLORIDA 850.245.6700 • FAX: 50 1134894

ADMINISTRATIVE CODE AND WEEKEN 850.245.6270 • FAX: 850.245.434

The Tampa Tribune

SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE County, Florida The Board of County Commissioners of Hillsborough County, Florida, proposes to adopt the following by ordinance:

THE BOART OF COUNTY COMMISSIONERS OF HILLSEOTOUGH COUNTY, FLORIDA, AMENDMIC OF DIMINIANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSEOTOUGH COUNTY, FLORIDA, AMENDMIC OFFOPLICES 2-5, AS AMENDED, THE LAND DEVELOPMENT OF TOOSE, PURSUANT TO THE LOCAL GOVERNMENT COMPRISHESTY.

PLANNING AND LAND DEVELOPMENT RESULTION ACT OF 1985 AND CHAPTER 9.1-5, FLORIDA AMENDRATIVE CODE; used C. Pugh , who on oath says that

AMENDME ARTICLE 2, 2008/60 DISTRICTS, RELATING TO ALLOWABLE USES IN ZOWING DISTRICTS, AMENDMIC ARTICLE 9, 1992 Tribune, a delily newspaper

SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER ZOWING DISTRICTS; SIGNS WITHIN THE THONOTOSASSA MAIN B; that the attached copy of the

STREET OVERLAY DISTRICT, AMENDMIC ANTICLE 4, NATURAL RESOURCES AND ADSOLUTE PUBLIC FACILITIES, RELATING

TO SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURES, AMENDMIC ARTICLE 5, DEVELOPMENT OFTIONS, RELATING 3 mm pa Tribune

TO CONSERVATION SUBDIVISIONS; TRADITIONAL NEIGHBIDINGOOD DEVELOPMENT CODE ("TID CODE"); AMENDMIC ARTICLE 7, DEVELOPMENT OFTIONS, RELATING AMENDMIC ARTICLE 7, SIGNS, REGULATIONS FOR FENCES; SPECIFIC STANDARDS FOR EXTENDIA LIGHTING; AMENDMIC

ANTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDMIC ARTICLE 10, ADMINISTRATION, RELATING TO NEAR
RISS SEFORE THE LAND USE HEARING OFFICER, AMENDMIC ARTICLE 11, INTERPRETATION, RELATING TO NEAR
RISS SEFORE THE LAND USE HEARING OFFICER, AMENDMIC ARTICLE 11, INTERPRETATION, RELATING TO NEAR
RISS SEFORE THE LAND USE HEARING OFFICER, AMENDMIC ARTICLE 11, INTERPRETATION, SECURITIONS, GUILTIBLE

RELIEF AND ENFORCEMENT, RELATING TO LIMITOTIONS ON APPLICABILITY; LIMITATIONS ON ENFORCEMENT, AMENDMIC

AND PROMUMING FOR AMERFECTIVE DATE. AND PROVIDING FOR AN EFFECTIVE DATE.

The second public hearing will be held on Thursday, November 1, 2007, at 8:00 p.m. on the second floor in the Board Room of in newspaper has heretofore been the County Center, 801 E. Kennedy Boulevard, Terripa, Porkta 33802:

The second public hearing will be held on Thursday, November 1, 2007, at 8:00 p.m. on the second floor in the Board Room of in newspaper has heretofore been in newspaper has heretofore been the County Center, 801 E. Kennedy Boulevard, Terripa, Porkta 33802:

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The first accompanying map represents that portion of unincorporated Hillsborough County in which proposed amendment billication of the attached copy of LDC 07-1450, which would provide for additional permitted uses on a particular pared within the Rustin Town Center Zoning is neither paid nor promised any person, paper.

District, will be effective if adopted.

The accord accompanying map represents that person of unincorporated Hillsborough County in which proposed assessment LDC 07-1482, which would around signage regulations within the Thomotoeseas Main Street Overlay District, will be effective

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision, made by the Board of Country Continsistories regarding any matter considered at the torthcoming public hearing are hisraby advised that they will need a record of the proceedings, and or such approprie may need to shape that a verbetam record of the proceedings is made, including the testimony and evidence upon which the appeal

For copies of the proposed unrendments and further information contact. The Hillaborough County Planning and Growth Management Department at (613) 278-2058.



Ana Maria Hodel Commission # D0551367 Expires MAY 11, 2010 WWW. AARON NOTARY.com

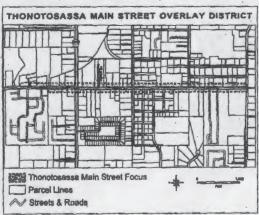
RECEIVED BY

OCT 26 2007

COUNTY ATTORNEYS OFFICE ACCOUNTANT

Ruskin Downtown Area TH AVE NW THE AVE NE TH AVE NO TH AVE NW 4TH AVE NW AVE NW 8

TTO



6696

The Tampa Tribune

Published Daily
Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Metro IN THE Tampa Tribune

In the matter of

Legal Notices

was published in said newspaper in the issues of

10/24/2007

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 24 day of October, A.D. 2007

Personally Known or Produced Identification Commission #DD551367

Type of Identification Produced

Commission #DD551367

Expires: MAY 11, 2010

WWW.AARONNOTARY.com

RECEIVED BY

OCT 26 2007

COUNTY ATTORNEYS OFFICE ACCOUNTANT



November 6, 2007

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #07-25

Amending Ordinance 92-5, As Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #07-25, adopted by the Board of County Commissioners on November 1, 2007. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

md

Attachment

Federal Express AB# 8610 5960 0686

•	L.	AND RETAIN T	HIS COP	Y BEFO	RE AFFIX	ING TO TH	E PACKAG	E. NO P	OUCH NEE	DED.
Sender's Copy	Practinges up to 199 file. Fed Ex Fact Overnight Chest makes remine Chest makes remine Search Datiney NOT emittee. *To our blackey. *To our blackey.	Packages over 159 fle. Fod Ex 30 by Fraight Freight Deley MT evelable. **Terminy Deley MT evelable.	FedEx Other	section 2. HOLD Sectorday	at FedEx Location Available ONLY for FedEx Frenty Oversight and FedEx ZDey to select locations.	star see " he he cargo Aircraft Only	it Card Cash/Check	41	.00 upper a be	Vest require a signalure, check Direct or treferent. The of Signature are as a consistent or management of the consistent of an analysis of the consistent o
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	4a Express Package Service FedEx Priority Overnight Applicative Ov		S. Packaging	Delive.	NOT Augilable for Falls Standard Desmight, Falls Standard Desmight, Falls Expense Saver, or Falls, 20ay Freight. Does the still arment conflain	One has well the other deal. No (1) Yes an analysis of the other deal. No (2) Yes an analysis of the other deal. Deapware poods had many to be community at young in wing, producing	Sender Reference Sender	The Paris	Por feating, is larked to SIID enters you decire service confidence on the lack of this Arthal and	8 Residential Delivery Signature Options No Signature Required Common recipient Producted Common recipient Production of Com
Fedex, US Airbill Me BLID 5960 0686	BOCC RECORDS PROCESSING 1140-B846-3 1140-B846-3	601 EAST KENNEDY BLVD TAMPA FL 33602	PA Satu FL 27 33602-3503	Ver internal Billing Reference (180) ORD #" 57:24, 07-25	Priore	LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE	500 S BRONOUGH ST RA GRAY BLDG TALLAHASSEE FL 32399-0250		0980888880	
Ted R	Sendar's BOCC R.	Company 6(OF TAMPA	2 Vow interna		Company	Address We cannot a	Te request a p.	3	8

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (_ Hillsborough) COUNTY ORDINANCE # (0725) PRIMARY KEYFIELD
DESCRIPTOR: (Land Development Code Amendments)
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)
OTHER KEYFIELD DESCRIPTOR: (
ORDINANCE DESCRIPTION: (_L.D.C. Amendments) (25 characters maximum including spaces)
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)
AMENDMENT # 1: (_Ord. 92.5, as amended _)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)
REPEAL # 1: () REPEAL # 3: ()
REPEAL # 2: () REPEAL # 4: ()
(Others repealed: List all that apply):
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: () Rev. 4/10/01

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS Brian Blait Rose V. Ferlita Ken Hagan Al Higginbotham Jim Norman Mark Sharres

Kevin White



Renée Francis Lee, County Attorney Donald R. Odom, Deputy County Attorney

Managing Attomeys
Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To:

Beverly Miller, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney

Date:

November 6, 2007

Re:

November 1, 2007 Land Development Code Amendment Public Hearing

Attached are two ordinances adopted by the Board of County Commissioners on November 1, 2007, adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. Also attached are four discs containing electronic copies of these amendments. The first ordinance will become upon filing with the Secretary of State; the effective date of the second ordinance is February 1, 2008. Certified copies of the respective ordinances must be transmitted to the Department of State within ten days of November 1, 2007.

Additional hard copies of the amendments and discs containing the amendments for transmittal to Municipal Code Corp. are also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney
Ronnie Blackshear, Planning & Growth Management Department

CEERK TO THE BOARD (B)

42:6 HA 9- 0N 1003

HECEINED.

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 · Tampa, Florida 33601
(813) 272-5670
Fax: (813) 272-5231
An Affirmative Action/Equal Opportunity Employer

E STOCKER AT TOP OF ENVELOPE TO THE PROHY ERTIFIED MAIL ERTIFIED	U.S. Postal Service III CERTIFIED MAIL III RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) For delivery intornation visit our website at www.usps.coms For delivery intornation visit our website at www.usps.coms Cortified Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)
PAGE 81	The state of the s

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse	A. Signature X □ Agent ☐ Addressee
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery
Article Addressed to:	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
MS EVELYN JEFFERSON MUNICIPAL CODE CORP	
P O BOX 2235 TALLAHASSEE FL 32316	3. Service Type
. 0	Certified Mail
X-Please Return Receipt X	4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Numbs 7003 3110 0004 (Transfer from	4684 6364
PS Form 3811, February 2004 Domestic Retu	urn Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mallpiece, or on the front if space permits.	A. Signature A. Signature
MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235	If YES, enter delivery address below: "LI No
* Please Return Receipt *	3. Service Type Certified Mail
2. Article Numbs 7003 3110 0004 (Transfer from	
PS Form 3811, February 2004 Domestic Bet	um Receipt 102595-02-M-1540

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TALLAHASSEE FL 32316
PS Form 3900, June 2002

ORDINANCE

09 - 53



June 22, 2009

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re: Ordinance #09-53

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #09-53 which was adopted by the Board of County Commissioners on June 11, 2009. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of October 1, 2009.

If I can provide additional information or be of further assistance, please do not he sitate to contact me.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

bam

Attachments

Certified Mail # 7003 3110 0004 4683 0219

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Debra A. Cole, Hillsborough County Sheriff's Office

Adam J. Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Ronnie Blackshear, Planning and Growth Management

Sandra Davidson, County Attorney's Office Nancy Milam, County Attorney's Office



BOARD OF COUNTY COMMISSIONERS

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Eric R. Johnson
Michael S. Merrill
Manus J. O' Donnell
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AGENDA

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2009 ROUND 1

JUNE 11, 2009

	I.	Call to Order	
	11.	Introduction .	
	m.	Presentation o	of Amendments Joe Moreda, AICP, Manager
/	*	Commissioners rec Commission letter	ment Code (LDC) text amendment packet contains the Board of County cap of the May 21 first public hearing and March 19 workshop, Planning and resolution regarding consistency of text amendments with the Comprehensive ort, draft LDC text, and backup material for each proposal.
h/N	A. 5-1	LDC 09-0278	Allow for educational activities at bed and breakfast inns, only to overnight guests, which are now prohibited as a form of personal care services. (Privately initiated amendment)
NB	→B.	LDC 09-0458 RD# 49-52	Provide assurance for public participation in deciding whether to site Wireless Communication Support Structures (WCSS) on school property
m-001	C.	LDC 09-0321	Modify the use matrix and clarify that certain uses more closely align with review requirements and use permissibility
	D.	LDC 09-0316	Prohibit the use of house siding for fences in residential districts, forbid variances to allow the use of prohibited materials, and clarify the definition of masonry

E.	LDC 09-0315	Provide alphabetic references into the Table of Contents for Special and Conditional Uses to assist location of those uses which are not in alphabetical order
F.	LDC 09-0311	Codify past determinations by the Zoning Administrator that variances may be requested to the proximity requirements for community residential homes
G.	LDC 09-0312	Permit a three-foot setback for all screen patio enclosures with screen roofs, regardless of whether a pool is present
H.	LDC 09-0314	Clarify existing allowance for 8-foot-high fences in agricultural districts to specify such parcels must have a stable or be engaged in bona fide agricultural operations. Also, clarify fence opacity requirement
I.	LDC 09-0313	Codify past zoning interpretations by revising the definition of kennel to expressly include the commercial breeding of dogs and/or cats
J.	LDC 09-0322	Recognize vested rights to complete development a property owner acquires as a result of constructing transportation improvements and that extensions apply to the entire subject area
K.	LDC 09-0318	Permit small and medium scale Wind Energy Conversion Systems (WECS) in certain zoning districts through either an administrative or Special Use Permit process
L.	LDC 09-0317	Permit 4,000 sq. ft. lots and provides standards without requiring PD district approval
M.	LDC 09-0309	Provide for certain types of restricted home-based business uses within agricultural and/or residential districts and establish performance standards
N.	LDC 09-0310	Create Conditional Use standards for dormitories to regulate density and other development requirements and revise the definition of the use to clarify its applicability and reflect recent zoning interpretations
0.	LDC 09-0320	Create an overlay zoning district that will permit the use of single-family, two-family, or multi-family dwelling units to be rented on a daily or longer bases as resort dwellings
P.	LDC 09-0319	Revise the definition of recreational uses and modify where said uses are permitted Confided to round 2

Q.	LDC 08-1028	Streamline notice requirements for continuances of public hearings on applications and to impose a maximum time limit in which a hearing must be held on an application. (Continued from Round 2-08)
R.	LDC 09-0307	Allow canopy signs attached to canopies that are detached from a building structure. Allow street banners to be placed on private property in platted subdivisions and commercial development
S.	LDC 09-0308	Clarify that existing illegal nonconforming on-site ground signs shall be subject to applicable provisions of the code
Т.	LDC 09-0306	Provide for the Riverview Downtown District and design standards which implement the vision, principles, and strategies of the Riverview Community Plan
Ŭ.	LDC 08-1038	Establish that no building permit applications will be accepted until on-site and off-site improvement facilities are constructed, substantially completed or have an approved financial guarantee. (Continued from Round 2-08)
V.	LDC 09-0324	Clarify the term "Regulated Substances" is not intended to regulate naturally occurring regulated substances at naturally occurring detection levels
W.	LDC 09-0343	Update an outdated reference of the Florida Statutes (F.S.) pertaining to hazardous walking conditions for elementary school students
X.	LDC 09-0344	Provide definitions of technical terms, clarification, and bring the exterior lighting standards into conformance with the Illuminating Engineering Society of North America (IESNA)
Y.	LDC 09-0421	Amend the Ruskin community plan regulations to accommodate a community market within the Ruskin Town Center
IV.	Adoption of ord	linance and announcement of effective date Adam Gormly, County Attorney's Office

Adjourn Ken Hagan, Chairman

ORDINANCE NO. 09-53

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE: AMENDING ARTICLE 2, ZONING DISTRICTS, USES IN ZONING RELATING TO ALLOWABLE ESTABLISHMENT OF ZONING DISTRICTS; HOUSING TYPES; ACCESSORY USES; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS; RESORT DWELLING OVERLAY DISTRICT: TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS: SIGNS IN STATE ROAD (BRANDON BOULEVARD) OVERLAY DISTRICT; SIGNS HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS; RIVERVIEW DOWNTOWN-UPTOWN OVERLAY DISTRICT; RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS: AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO DENSITY OF CONSERVATION SUBDIVISIONS: AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS; TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL USES; COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED; SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS: RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION; HOME-BASED BUSINESSES; RURAL HOME INDUSTRY; PARKING AND LOADING STANDARDS; DORMITORIES; RECREATIONAL USES, REGIONAL; CIRCUSES / CARNIVALS; AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES NEIGHBORHOOD LEVEL: SWIMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS: AMENDING ARTICLE 10. ADMINISTRATION, RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS; PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); SUBDIVISION REVIEW PROCEDURES AND SITE DEVELOPMENT PLAN REVIEW PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING ARTICLE 11, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPLIANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS ORDERS; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO LUMBER AND OTHER BUILDING MATERIALS SALES; MASONRY; KENNEL; WIND ENERGY CONVERSION SYSTEMS (WECS); RESIDENTIAL DISTRICT; HOME-BASED BUSINESS; AGRICULTURAL HOME-BASED BUSINESS; RESIDENTIAL HOME-BASED BUSINESS; NON-RESIDENT EMPLOYEE; RESIDENTIAL SUPPORT USES; RURAL HOME INDUSTRY; DORMITORY; RESORT DWELLING; RECREATION SERVICE; PARK; COMMUNITY RECREATIONAL RECREATIONAL USES, **GENERAL** USE; INDOOR/OUTDOOR; RECREATIONAL USE, PASSIVE; RECREATIONAL USE, REGIONAL; PUBLIC RECREATION AREA; PUBLIC PARKS AND RECREATION FACILITIES; COMMUNITY CENTER; RECREATIONAL USE PRIVATE, COMMUNITY; CIRCUS / CARNIVAL; GOLF CLUB / COUNTRY CLUB; NEIGHBORHOOD FAIR; CANOPY; CANOPY SIGN; STREET BANNER; BED AND BREAKFAST ESTABLISHMENT; IMPROVEMENT FACILITIES; REGULATED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on April 13, 2009 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on May 21, 2009 and on June 11, 2009, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 11th DAY OF JUNE, 2009:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215, Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

Section 4.	This Ordinance shall	take effect	on October 1	, 2009.
STATE OF F	LORIDA)		
COUNTY OF	HILLSBOROUGH)		

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on June 11, 2009, as the same appears of record in Minute Book 397 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this **16th** day of **June**, 2009.

PAT FRANK, CLERK OF CIRCUIT COURT

Deputy Clerk

APPROVED BY COUNTY ATTORNEY

Approved as to Form and Legal Sufficiency.

EXHIBIT "A"

ADOPTED 2009 ROUND 1

LAND DEVELOPMENT CODE TEXT AMENDMENTS

ADOPTED: JUNE 11, 2009

EFFECTIVE: October 1, 2009

ITEM Y LDC 09-0421

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.



CHARLIE CRIST Governor STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING Secretary of State

June 18, 2009

Honorable Pat Frank Clerk of the Circuit Court Hillsborough County P. O. Box 1110 Tampa, Florida 33601-1110

Attention: Gail M. Letzring, Manager BOCC Records

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 17, 2009 and certified copies of Hillsborough County Ordinance Nos. 09-52 and 09-53, which were filed in this office on June 18, 2009.

Sincerely,

Liz Cloud

Program Administrator

LC/srd

OLERK TO (A)

THE HIM 22 P 3: 0b

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250

850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.doa.state.fl.us

COMMUNITY DEVELOPMENT 850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA 850.245.6600 • FAX: 850.245.6744 STATE ARCHIVES OF FLORIDA 850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE 850,488.2812 • FAX: 850,488,9879 RECORDS MANAGEMENT SERVICES 850.245.6750 • FAX: 850,245.6795 ADMINISTRATIVE CODE AND WEEKLY 850.245.6270 • FAX: 850.245.6282

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

County of Hillsborough) SS.			
Before the undersigned	authority personally	appeared J. Elg	ghali , who on oath s	ays th

Before the undersigned authority personally appeared J. Elghali, who on oath says that she is the Advertiser Accounting Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Metro

IN THE

Tampa Tribune

in the matter of

State of Florida

Legal Notices

was published in said newspaper in the issues of

05/12/2009

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

(bourthole

Sworn to and subscribed by me, this 12 day

of May, A.D. 2009

Personally Known ____or Produced Identification ____ Type of Identification Produced _____

Ana Maria Hodel
Commission #DD551367
Expires: MAY 11, 2010
www.AARONNOTARY.com

RECEIVED BY

MAY 15 2009

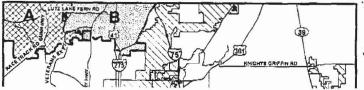
COUNTY ATTORNEYS OFFICE ACCOUNTANT

NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida proposes to lopt the following by ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; ESTABLISHMENT OF ZONING DISTRICTS; HOUSING TYPES; ACCESSORY USES; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS; RESORT DWELLING OVERLAY DISTRICT; TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS; SIGNS IN STATE ROAD 60 (BRANDON BOULEVARD) OVERLAY DISTRICT; SIGNS IN HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS; RIVERVIEW DOWNTOWN-UPTOWN OVERLAY DISTRICT; RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5. DEVELOPMENT OPTIONS, RELATING TO DENSITY OF CONSERVATION SUBDIVISIONS; AMENDING ARTICLE 6, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS; TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL USES; COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED; SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS; RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION; HOME-BASED BUSINESSES; RURAL HOME INDUSTRY, PARKING AND LOADING STANDARDS; DORMITORIES; RECREATIONAL USES, REGIONAL; CIRCUSES / CARNIVALS; AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES NEIGHBORHOOD LEVEL; SWIMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; WIRELESS COMMUNICATION FACILITIES; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS; PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE OARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); UBDIVISION REVIEW PROCEDURES AND SITE DEVELOPMENT PLAN REVIEW PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING ARTICLE 11, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPLIANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS ORDERS; AMENDING ARTICLE 12, DEFINITIONS, RELATING TO LUMBER AND OTHER BUILDING MATERIALS SALES; MASONRY; KENNEL; WIND ENERGY CONVERSION SYSTEMS (WECS); RESIDENTIALDISTRICT, HOME-BASED BUSINESS; AGRICULTURALHOME-BASED BUSINESS; RESIDENTIAL HOME-BASED BUSINESS; NON-RESIDENT EMPLOYEE; RESIDENTIAL SUPPORT USES; RURAL HOME INDUSTRY; DORMITORY; RESORT DWELLING; RECREATION SERVICE; PARK; COMMUNITY RECREATIONAL USE; RECREATIONAL USES, GENERAL INDOOLVOUTDOOR; RECREATIONAL USE, PASSIVE; RECREATIONAL USE, REGIONAL; PUBLIC RECREATION AREA; PUBLIC PARKS AND RECREATION FACILITIES; COMMUNITY CENTER; RECREATIONAL USE PRIVATE, COMMUNITY; CIRCUS / CARNIVAL; GOLF CLUB / COUNTRY CLUB; NEIGHBORHOOD FAIR; CANOPY; CANOPY SIGN; STREET BANNER; BED AND BREAKFAST ESTABLISHMENT; IMPROVEMENT FACILITIES; REGULATED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

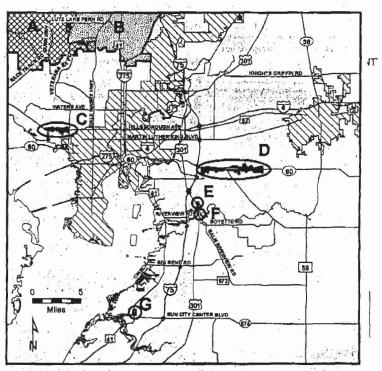
The first public hearing will be held on Thursday, May 21, 2009, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.



ampa Tribune

ublished Daily

borough County, Florida



The accompanying map of Hillsborough County includes seven highlighted or circled areas marked "A" through "G" that represent those respective, unincorporated areas of the county in which proposed amendments will be effective, if adopted. The proposed amendment that would affect each highlighted or circled area is listed below:

Area "A" - Keystone-Odessa (amendment LDC 09-0343)

Area "B" - Lutz (amendment LDC 09-0343)

Area "C" - Hillsborough Avenue Overlay District (amendment LDC 09-0308)

Area "D" - SR 60 [Brandon Blvd.] Overlay District (amendment LDC 09-0308)

Area "E" - Riverview Downtown-Uptown Overlay District (amendment LDC 09-0306)

Area "F" - Riverview Downtown District (amendment LDC 09-0306)

Area "G" - Ruskin Town Center (amendment LDC 09-0421)

All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the

made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

For copies of the proposed amendments and further information contact: The Hillsborough County Planning and Growth Management Department at (813) 276-2058.

May 12, 2000

ITY ATTO

SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida proposes to adopt the following by ordinance

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985 AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, RELATING TO ALLOWABLE USES IN ZONING DISTRICTS; ESTABLISHMENT OF ZONING DISTRICTS, HOUSING TYPES, ACCESSORY USES, AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO APPLICABILITY OF RESTRICTIVE ZONING DISTRICTS, RESORT DWELLING OVERLAY DISTRICT; TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN KEYSTONE-ODESSA RURAL DEVELOPMENT STANDARDS; TRANSPORTATION IN LUTZ RURAL AREA DEVELOPMENT STANDARDS; SIGNS IN STATE ROAD 60 (BEANDON BOULEVARD) OVERLAY DISTRICT; SIGNS IN HILLSBOROUGH AVENUE OVERLAY DISTRICT; RIVERVIEW DOWNTOWN DISTRICT - DEVELOPMENT REGULATIONS; RIVERVIEW DOWNTOWN-UPTOWN OVERLAY DISTRICT; RUSKIN, TOWN CENTER DEVELOPMENT REGULATIONS, AMENDING ARTICLE 5, DEVILOPMENT OFTIONS, TOWN OF THE DEVELOPMENT REGULATIONS, AMENDING ARTICLE 5, DEVILOPMENT OFTIONS, TOWN OF THE DEVELOPMENT OF THE STANDARDS AND IMPROVEMENT REQUIREMENTS, RELATING TO REGULATIONS FOR FENCES AND WALLS, TABLE OF CONTENTS FOR SPECIAL AND CONDITIONAL ISSES. COMMINITY RESIDENTIAL HOMES LOTS. DIMENSIONAL ACCESS AND USES; COMMUNITY RESIDENTIAL HOMES; LOTS: DIMENSIONAL, ACCESS AND RELATED, SWIMMING POOLS; WIND ENERGY CONVERSION SYSTEMS (WECS); SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND FLACEMENT REGULATIONS; SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR SCHEDULE OF RESIDENTIAL DENSITY AND OPEN SPACE REGULATIONS FOR AFFORDABLE HOUSING AND DEVELOPMENTS; BUFFERING AND SCREENING REQUIREMENTS; RESIDENTIAL SINGLE FAMILY CONVENTIONAL (RSC-10) SUPPLEMENTAL STANDARDS; HOME OCCUPATION, HOME-BASED BUSINESSES; RURAL HOME INDUSTRY; PARKING AND LOADING STANDARDS; DORMITORIES, RECREATIONAL USES, REGIONAL; CIRCUSES / CARNIVALS, AMUSEMENT PARKS; COUNTRY CLUB; PLACES OF ASSEMBLY; RECREATION SERVICES NEIGHBORHOOD LEVEL; SWIMMING CLUB; TENNIS CLUB; EXTERIOR LIGHTING; WIPPLIES COMMUNICATION, REGULTERS, AMENDING APTICLE 7, SIGNS WIRELESS COMMUNICATION FACILITIES; AMENDING ARTICLE 7, SIGNS, RELATING TO PERMITTED SIGNS; AMENDING ARTICLE 10, ADMINISTRATION, RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT RELATING TO PRE-HEARING PROCEDURES FOR ISSUANCE OF DEVELOPMENT ORDERS, PRE-HEARING PROCEDURES FOR AMENDMENTS TO THE OFFICIAL ZONING ATLAS (REZONING); NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR PERSONAL APPEARANCES (PRS); SUBDIVISION REVIEW PROCEDURES AND STITE DEVELOPMENT PLAN REVIEW PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING PROCEDURES FOR ISSUANCE OF DEVELOPMENT PERMITS; AMENDING ARTICLE 11, INTERPRETATIONS, EXCEPTIONS, EQUITABLE RELIEF AND ENFORCEMENT, RELATING TO COMPILANCE, REVOCATION, DURATION, EXTENSION AND APPEAL OF VESTED RIGHTS OF AMENDING ARTICLE 12, DEFINITIONS, RELATING TO LUMBER AND THE SOLUTIONS AMERICALS SALES, MASONRY, KENNEL; WIND ENERGY CONVENSION SYSTEMS (WECS);
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The second public hearing will be held on Thursday, June 11, 2009, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.

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Area "B" - Lutz (amendment LDC 09-0343)

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All interested parties are invited to appear at the meeting and be heard with respect All interested parties are mived to appear at the interested and to receive many decision to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the

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> COUNTY ATTORNEYS OFFICE ACCOUNTANT

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Tampa Tribune

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TRICIA D. EWANOWSKI COMMISSION # DD 641298 PIRES: February 18, 2011

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The Tampa Tribune RECEIVED BY

Published Daily

Tampa, Hillsborough County, Florida

JUN - 8 2039

State of Florida County of Hillsborough \ SS COUNTY ATTORNEYS OFFICE **ACCOUNTANT**

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Metro

IN THE

Tampa Tribune

In the matter of

Legal Notices

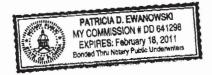
was published in said newspaper in the issues of

06/04/2009

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 4 day of June, A.D. 2009

Personally Known or Produced Identification Type of Identification Produced





June 17, 2009

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #09-53

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #09-53, adopted by the Board of County Commissioners on June 11, 2009. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

Gail M. Letzring,

Manager, BOCC Records

bam

Attachment

Federal Express AB# 8610 5559 0138

fedex.com 1.800.GoFedEx 1.800.463.3339

100

COMPLETE THIS SECTION ON DELIVERY **SENDER: COMPLETE THIS SECTION** A. Signature ■ Complete items 1, 2, and 3. Also complete ☐ Agent item 4 if Restricted Delivery is desired. X ☐ Addressee Print your name and address on the reverse so that we can return the card to you. B. Received by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? Yes 1. Article Addressed to: If YES, enter delivery address below: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 TALLAHASSEE FL 32316 3. Service Type Certified Mall ■ Express Mail Registered ☐ Return Receipt for Merchandise * Please Return Receipt * Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 7003 3110 0004 4683 0219 2. Article Number (Transfer from service label) PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™ 0219 0219 CERTIFIED MAIL

RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 4683 468 Postage 4000 4000 Certified Fee Return Reciept Fee (Endorsement Required) 3110 Restricted Delivery Fee (Endorsement Required) 311 Total Postage & Fees 7003 700 MS EVELYN JEFFERSON MUNICIPAL CODE CORP ··· Street, Apt. No.; or PO Box No. P O BOX 2235 TALLAHASSEE FL 32316

SENDER COMPLETE THIS SECTION.	COMPLETE THIS SECTION SET OF SECTION
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mallplece, or on the front if space permits. 	Agent Agent Agent Agent Agent C. Date of Delivery C. Date of Delivery D. is delivery address different from item 17. 12 Yes
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* Please Return Receipt *	3. Service Type
	4. Restricted Delivery? (Extra Fee)
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PS Form 3811, February 2004 Domestic Ret	um Receipt 102585-02-M-1540

U.S. Postal Service in CERTIFIED MAILT RECEIPT 0219 (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at www.usps.com 4683 Postage 4000 Certified Fee Return Reciept Fee (Endorsement Required) 3770 Restricted Delivery Fee (Endorsement Required) USPS 7003 MS EVELYN JEFFERSON MUNICIPAL CODE CORP Street, Apt. No.; or PO Box No. P O BOX 2235 City, State, ZIP+4 TALLAHASSEE FL 32316

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (_ Hillsborough)				
PRIMARY KEYFIELD DESCRIPTOR: (Land Development Code Amendments)				
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)				
OTHER KEYFIELD DESCRIPTOR: ()				
ORDINANCE DESCRIPTION: (L.D.C. Amendments (25 characters maximum including spaces)				
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)				
AMENDMENT # 1: (_Ord. 92-5, as amended _)				
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)				
REPEAL # 1: () REPEAL # 3: ()				
REPEAL # 2: () REPEAL # 4: ()				
(Others repealed: List all that apply):				
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()				
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()				
KEYFIELD 3 CODE: () Rev. 4/10/01				

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS Kevin Beckner Rose V. Ferlita Ken Hagan Al Higginbotham Iim Norman

Mark Shame

Kevin White



Renée Francis Lee, County Attorney Donald R. Odom, Deputy County Attorney

Managing Attomeys

Christine M. Beck Robert E. Brazel Hank Ennis Mary Helen Farris Susan J. Fernandez Sheree C. Fish Adam J. Gormly Jennie Granahan Tarr

MEMORANDUM

To:

Midge Dixon, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney

Date:

June 16, 2009

Re:

June 11, 2009 Land Development Code Amendment Public Hearing

Attached are two ordinances adopted by the Board of County Commissioners on June 11, 2009, adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. Also attached are four discs containing electronic copies of these amendments. One of these ordinances will become effective upon filing with the Department of State; the effective date of the other ordinance is October 1, 2009. Certified copies of the ordinance must be transmitted to the Department of State within ten days of June 11, 2009.

Additional hard copies of the amendment and discs containing the amendment for transmittal to Municipal Code Corp. are also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney

Ronnie Blackshear, Planning & Growth Management Department

CLERK TO

COEIVED

ORDINANCE

11-24



January 5, 2012

Norma J. Wise, Director Hillsborough County Law Library 501 E. Kennedy Boulevard Ste. 100 Tampa, Florida 33602-5027

Re: Ordinance #11-24

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #11-24 which was adopted by the Board of County Commissioners on December 15, 2011. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of February 1, 2012.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Julia Poupart, Director BOCC Records/VAB

bam

Attachments

Certified Mail # 7003 3110 0004 4684 5114

cc: Evelyn Jefferson, Municipal Code Corporation (CD & Hard Copy)

Debra A. Cole, Hillsborough County Sheriff's Office

Aracelis Maldonado, Library Services

Adam J. Gormly, Managing Attorney

Cameron S. Clark, Assistant County Attorney

Joe Moreda, Development Services

Nancy Milam, County Attorney's Office

Sharon Sweet, BOCC Records



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Mark Sharpe

Office of the County Administrator Michael S. Merrill CHIEF ADMINISTRATIVE OFFICER Helene Marks

CHIEF FINANCIAL ADMINISTRATOR Bonnie M. Wise

DEPUTY COUNTY ADMINISTRATORS Lucia E. Garsys Sharon D. Subadan

AGENDA - RESULTS

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT CODE TEXT AMENDMENTS SECOND PUBLIC HEARING 2011 ROUND 2

DECEMBER 15, 2011 6.00 PM

	I.	Call to Order	Ken Hagan, Chairman
	II.	Introduction	Joe Moreda, AICP, Zoning Administrator
	III.	Presentation of	Amendments
	Propos	sed Amendment	·s
		A. 12-0011	Revise LDC 3.17.07, Ruskin Town Center Development Regulations to allow Indoor/outdoor community market.
		B 11-0607	(Private Applicant) Revise Part 5.08.00, Traditional Neighborhood Development Code.
ORD#	IV.	Adoption of ord	dinance and announcement of effective date
11-24	v.	Adjourn	Ken Hagan, Chairman
ORD# 11-24 Beckner / 1	Murman	1	
η.	to0		

ORDINANCE NO. 11- 24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) CODE; GREENFIELD TND; MIXED USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County, Florida, is authorized under Chapters 125, 162, 163, 177 and 380, Florida Statutes, to enact zoning and other land development regulations to protect the health, safety, and welfare of the citizens of Hillsborough County, Florida; and

WHEREAS, Sections 163.3201, 163.3202, 163.3204, 163.3211 and 163.3213, Florida Statutes, empower and require the Board of County Commissioners to implement adopted comprehensive plans by the adoption of appropriate land development regulations and specify the scope, content and administrative review procedures for said regulations; and

WHEREAS, Hillsborough County Ordinance 92-5, as amended, is the Hillsborough County Land Development Code (the "Land Development Code"); and

WHEREAS, the Hillsborough County City-County Planning Commission has held a public meeting on December 12, 2011 regarding the proposed amendments to the Land Development Code; and

WHEREAS, in accordance with Section 125.66, Florida Statutes, the Board of County Commissioners has held duly noticed public hearings on the proposed amendments to the Land Development Code on September 15, 2011; November 3, 2011; and December 15, 2011, and has reviewed and considered all comments received during said public hearings, including the staff comments and reports; and

WHEREAS, adoption of this ordinance will further the protection of the health, safety and welfare of the citizens of Hillsborough County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 15th DAY OF DECEMBER, 2011:

- Section 1. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Development Regulation Act of 1985, Sections 163.3161 through 163.3215, Florida Statutes, as amended.
- Section 2. The Hillsborough County Land Development Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. Except as specifically amended herein, the Land Development Code, Ordinance 92-5, as amended, remains in full force and effect.
- Section 3. If any section, paragraph, phrase, or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional or invalid part.

Section 4.	This Ordinance sha	ll take effect on	February 1, 2012
------------	--------------------	-------------------	------------------

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Board at a duly noticed public hearing held on December 15, 2011, as the same appears of record in Minute Book 427 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of December

PAT FRANK, CLERK OF CIRCUIT COURT

APPROVED BY COUNTY ATTORNEY

Approved as to Form and Legal Sufficiency.

EXHIBIT "A"

ADOPTED 2011 ROUND 2

LAND DEVELOPMNET CODE TEXT AMENDMENTS

ADOPTED: DECEMBER 15, 2011

EFFECTIVE: FEBRUARY 1, 2012

Item A 12-0011

PART 3.17.00 RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS*

Sec. 3.17.07. Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- b. Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.



Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING Secretary of State

December 28, 2011

Honorable Pat Frank Clerk of the Circuit Court Hillsborough County Post Office Box 1110 Tampa, Florida 33601-1110

Attention: Ms. Julia Poupart, Manager, BOCC Records/VAB

Dear Ms. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 21, 2011 and certified copy of Hillsborough County Ordinance No. 11-24, which was filed in this office on December 22, 2011.

Sincerely,

Liz Cloud

Program Administrator

LC/srd

2012 JAN -5 PM 3: 19

CLERK TO

THE ROAD TO





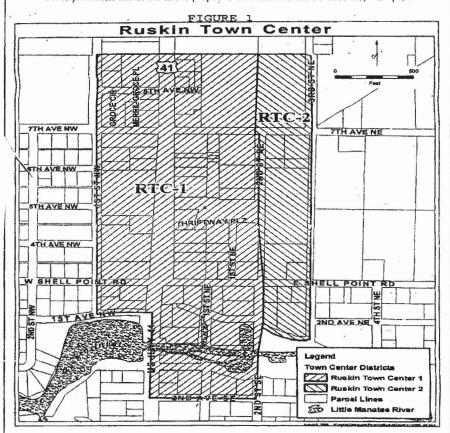
SECOND NOTICE OF LAND DEVELOPMENT CODE CHANGE

The Board of County Commissioners of Hillsborough County, Florida, proposes to adopt the following by ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE 92-5, AS AMENDED, THE LAND DEVELOPMENT CODE, AMENDING ARTICLE 3, SPECIAL DISTRICTS, RELATING TO RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS; AMENDING ARTICLE 5, DEVELOPMENT OPTIONS, RELATING TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) CODE; GREENFIELD TND; MIXED USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The second public hearing will be held on Thursday, December 15, 2011, at 6:00 p.m. on the second floor in the Board Room of the County Center, 601 E. Kennedy Boulevard, Tampa, Florida 33602.

The accompanying map represents the area of unincorporated Hillsborough County (Ruskin Town Center) in which one of the above proposed amendments will be effective, if adopted.



All interested parties are invited to appear at the meeting and be heard with respect to the proposed ordinance. Any persons who might wish to appeal any decision made by the Board of County Commissioners regarding any matter considered at the forthcoming public hearing are hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

For copies of the proposed amendment and further information contact: The Hillsborough County Development Services Department at (813) 307-4504.

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that

she is the Advertising Billing Analyst of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Notices ROP IN THE Tampa Tribune

In the matter of

State of Florida

Legal Notices

was published in said newspaper in the issues of

12/05/2011

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this Uday

of <u>Ool</u>, A.D. <u>2011</u>

Personally Known ____ or Produced Identification ____ Type of Identification Produced

> Notary Public State of Florida Charlotte A Offner My Commission DD895783 Expires 06/03/2013



December 21, 2011

MS LIZ CLOUD CHIEF BUREAU OF ADMINISTRATIVE CODE DEPARTMENT OF STATE 500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101 TALLAHASSEE FL 32399-0250

Re: Ordinance #11-24

Amending Ordinance 92-5, as Amended, Hillsborough County Land

Development Code

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #11-24, adopted by the Board of County Commissioners on December 15, 2011. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

bam

Attachment

BOCC Records/VAB

Federal Express AB# 8744 5634 4163

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Ship and track packages at fedex.com
Smplify your shipping. Manage your account. Access all the tools you need.

Rev. Oata 210 - Part #156278 - ©1884-2010 FedEx + PRINTED IN U.S.A. SRS

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FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850) 245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough) COUNTY ORDINANCE # (1124) (e.g., 00-001)
PRIMARY KEYFIELD DESCRIPTOR: (Land Development Code Amendments)
SECONDARY KEYFIELD DESCRIPTOR: (Amending Ord 92-5, as amended)
OTHER KEYFIELD DESCRIPTOR: ()
ORDINANCE DESCRIPTION: (_L.D.C. Amendments) (25 characters maximum including spaces)
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)
AMENDMENT # 1: (_Ord. 92-5, as amended _)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)
REPEAL # 1: () REPEAL # 3: ()
REPEAL # 2: () REPEAL # 4: ()
(Others repealed: List all that apply):
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: () Rev. 4/10/01

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller, Jr. Sandra L. Murman Mark Sharpe



Donald R. Odom, Interim County Attors

Managing Attorneys
Christine M. Beck
Robert E. Brazel
Hank Finnis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To:

Midge Dixon, Clerk, BOCC Records

From:

Cameron S. Clark, Assistant County Attorney

Date:

December 21, 2011

Re:

December 15 Land Development Code Amendment Public Hearing

Attached, please find an ordinance adopted by the Board of County Commissioners on December 15, 2011 adopting amendments to the County's Land Development Code, Ordinance 92-5, as amended. 1 have also attached two discs containing electronic copies of these amendments. This ordinance will become effective on February 1, 2012. Certified copies of the ordinance must be transmitted to the Department of State within ten days of December 15, 2011.

Additional hard copies of the amendment and discs containing the amendment for transmittal to Municipal Code Corp. arc also attached. The Planning & Growth Management Department has requested that these be sent certified mail with a copy to the Department.

When you receive the acknowledgement from the Department of State that they have received and filed the ordinance, please send copies of their acknowledgement to me at your earliest convenience.

Thank you for your assistance in this matter. Please call me if you have any questions.

Attachments

cc:

Adam J. Gormly, Managing Attorney: Land Use Joe Moreda, Development Services Department

THE BOARD (A)

5011 DEC 51 VH 11: 58

BECEINED

COMPLETE THIS SECTION ON DELIVERY **SENDER:** COMPLETE THIS SECTION A. Signature Complete items 1, 2, and 3. Also complete ☐ Agent item 4 if Restricted Delivery is desired. X ☐ Addressee Print your name and address on the reverse so that we can return the card to you. C. Date of Delivery B. Received by (Printed Name) Attach this card to the back of the mailpiece, or on the front if space permits. ☐ Yes D. Is delivery address different from item 1? 1. Article Addressed to: If YES, enter delivery address below: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 TALLAHASSEE FL 32316 Service Type Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise * Please Return Receipt * ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 2. Article Number 7003 3110 0004 4684 5114 (Transfer from service label) PS Form 3811, February 2004 102595-02-M-1540 Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) ተይፀተ 4684 4000 4000 Certified Fee **Postmark** Return Reciept Fee (Endorsement Required) Here 3770 31.10 Restricted Delivery Fee (Endorsement Required) Total Postage & Fees 7003 7003 MS EVELYN JEFFERSON MUNICIPAL CODE CORP Street, Apt. No.; P O BOX 2235 or PO Box No. TALLAHASSEE FL 32316 City, State, ZIP+4

SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY A. Signature ■ Complete items 1, 2, and 3. Also complete Agent item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. C. Date of Delivery Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? ☐ Yes 1. Article Addressed to: If YES, enter delivery address below: MS EVELYN JEFFERSON MUNICIPAL CODE CORP P O BOX 2235 **TALLAHASSEE FL 32316** 3. Service Type Certified Mail □ Express Mail * Please Return Receipt * □ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 2. Article Number 7003 3110 0004 4684 5114 (Transfer from service label) PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Sec. 3.17.02. - Applicability

A. Except as provided herein, these standards shall apply to all development within the area subject to the Ruskin Town Center Zoning District (RTCZD). However, these provisions shall not apply to public schools and previously approved planned developments, previously approved subdivisions, and projects with unexpired building permits, unexpired preliminary site development approval or unexpired construction plan approval at the time of rezoning to Ruskin Town Center Zoning District (RTCZD). Existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.

In addition to the standards provided herein, development within the Ruskin Town Center Zoning District (RTCZD) shall be required to meet all other applicable sections of the Land Development Code. Where any provision of the Ruskin Town Center Zoning District (RTCZD) regulations is in conflict with any other standards or regulations of the Land Development Code, the Ruskin Development Regulations shall prevail.

(Ord. No. 06-34, § 2, 11-2-06)

COUNTY OF HILLSBOROUGH DECISION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: VAR 13-0268 RU/S

DATE OF HEARING: March 18, 2013

APPLICANT: Dickman Investments, LLC

PETITION REQUEST: The applicant is requesting a variance to the "number of stories" for a

proposed Family Dollar retail store in Ruskin.

LOCATION: 55 N. US Hwy. 41

SIZE OF PROPERTY: 1.45 acres ±

EXISTING ZONING: RTC-1 (07-0517, RL 07-0517)

FUTURE LAND USE: OC-20

SERVICE AREA: Urban

DETAILS OF REQUEST

SUMMARY OF VARIANCES	REQUIREMENTS	VARIANCE	RESULTS	APPLICABLE LDC SECTION
Variance to the number of required stories in the building.	Minimum building height of 2 stories.	Reduction of 1 story to the building.	1 story building	Section 3.17.06

STAFF PROVIDED BACKGROUND

The applicant is requesting a variance to the number of stories for a proposed Family Dollar retail store in Ruskin. The property is zoned RTC-1 (Ruskin Town Center-1). During preliminary site plan review, staff informed the applicant of the interpretation of Section 3.17.06, which is to have two "functional" stories in height. The applicant stated that the intent of the code is met with the proposal of a building height of twenty-seven (27) feet, four (4) inches and architecturally designed. All other requirements of the code will be met.

The variances as listed above are the result of 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 awner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permits.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 18, 2013. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the Petition.

Isabelle Albert with the Development Services Department stated the applicant is requesting a variance to the number of stories for a proposed Family Dollar Retail Store in Ruskin on property zoned RTC-1. During the site plan review, the applicant was stopped and informed of the interpretation of Section 3.17.06, which is to have two functional stories in height. The applicant stated that the intent of the Code is met with the proposed building height of 27 feet and 4 inches and architecturally designed. All other requirements of the code will be met. Therefore the applicant is requesting a variance to reduce the number of stories to one. The code states "two stories in height." When staff discussed this with the applicant, the director at that time made a determination that it is supposed to be two functional stories. The word "functional" is not in the Code's definition, but that was what the director interpreted. He said "two stories in height" means two functional stories according to Ms. Albert. The applicant has a building that is 27 feet and 4 inches. However, it has been determined that those are not two stories that are functional. It is all one on the inside of the building. There is not a second story or second floor that would be used for another business.

Matthew Campo, whose business address is 1725 E. 5th Avenue, Tampa, 33605, testified that he is the authorized agent for the applicant. The request is for a variance under the RTC Zoning Section 3.17.06 that states in the last sentence: "Additionally, all structures located along Shell Point Road and US-41 shall be a minimum of two stories in height." It has been the applicant's assertion that the intent is being met because the proposed building is two stories in height. The code does not speak to "functional" or "operational" or "occupying the space". With the determination from the director, the applicant was directed to pursue a variance because the belief was it should be an occupied space. Mr. Campo stated that he was using terms like "functional" or "occupy" to mean that it is a space that you could have a second floor with occupants and they would be "walking around". There is no place in the code that speaks of that. In his opinion, the code means "two stories high". The applicant already meets the code. He further stated that from the original submittal to the hearing, the applicant has agreed to give the building a two-story appearance. It appears as two-stories, but inside it is one ground floor.

Mr. Campo then indicated that the project started in June 2010. At that time the applicant had considered the southwest corner; opposite of the current location. Back at that time, it went through some pre-application informal building elevation reviews with the staff. At that time the discussion of a two-story building was never identified. It was identified once the applicant switched to the southeast corner. The applicant had pre-application meetings but there was no discussion of a 2-story requirement. It was not until the preliminary site review process that the referenced requirement came out. The applicant has invested about \$80,000 in the property with all the due diligence made up front according to Mr. Campo. They tried to make sure it was sized correctly and the site plan was acceptable. It is also the first retail project along Highway 41 reviewed under the new Ruskin Town Center code. The last project was a bank, which was submitted before the code changed.

This project in itself is unique according to Mr. Campo because it is the first retail project faced with the overlaid-type district criteria. Being the first to have to comply is actually one of the hardships he would define for the project since some of the code interpretations are not clear and are being flushed out with the project. The project itself is under the RTC zoning, but within 500 feet on the east, west, and south direction is commercial zoning. The south and east side the project is bordered by tidal wetland boundaries that require a 50-foot setback instead of the usual 30 feet. The parcel is encumbered by increased setbacks that other properties do not have. If they were to be required to do the second floor, it creates an issue of increased parking and logistics of physically having a functional flight without increased square footage. The property itself does not lend itself to that type of use according to Mr. Campo. There is a hardship of what can fit while putting a second story on an 8,320-square-foot building.

It is unique to describe that the code came into effect in 2006. Prior to that, the property had a different zoning. It is a recent change for the particular parcel.

The applicant feels that the particular project already meets the literal intent of the code and should not need a variance. However, the applicant is proceeding with the variance process given the commitment that the development company and Family Dollar have had to the location. Mr. Campo reiterated that, under the literal interpretation of the code, the second floor could be functional as far as occupied, but the site would not be functional because with the second floor comes extra parking, extra trash; it would be too much for the parcel.

With respect to significantly interfereing with the rights of others, Mr. Campo indicated that the property is bordered by wetlands to the south and east; to the west is US-41 and to the north is Shell Point Road. There is no direct neighbor adjacent to the property. It can be considered somewhat isolated. This project is to replace a vacant old house that is converted to a fish bait store. It is giving to

the nature of what the Ruskin Town Center District is looking for, namely redevelopment to try to perpetuate the growth along the corridor. The project would be the first, new true redevelopment-type case. It would be in harmony with the area that it serves. He indicated that looking at the project, without the second floor, its architectural aesthetics, its function as far as being a redevelopment project, play right into what the applicant believes the residential town center overlay's intent was; to promote redevelopment. The building has been designed in accordance with the RTC. It is somewhat of a zero lot line with construction 10 feet off the property line; parking is in the rear and side. Those are being complied with. It is only the second floor. The owner did not impose the hardship. There are no illegal actions that the applicant is aware of; there are no outstanding code issues. The hardship of the overlay district, applied in 2006, came into the property under the current ownership. They did not purchase it that was.

Mr. Camp then addressed the last component, the appearance, of substantial justice. He stated that the project started in 2010. Discussions with staff never really presented that there was a two-story requirement. To the applicant it would be substantial justice to have it approved without the second floor. The intent is a two-story building, two-story height, two-story appearance, not functional, not a word of the code. The project itself brings the intent of what the Ruskin Town Center is looking for, which is redevelopment and new retail, almost at the corner of Shell Point and US-41. Therefore, it is giving the community the component it is looking for.

The LUHO asked for any audience members in support of the request. There were none.

The LUHO then asked for any audience members in opposition to the request. There were none,

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

None

PREFACE

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

GENERAL FINDINGS OF FACT

- The Land Development Code (LDC) defines "Story" as, "The portion of a building including between the upper surface of a floor and the upper surface of the floor or roof next above."
- The Land Development Code (LDC) defines "Height" as, "The vertical distance measured from the lowest proposed finished grade of the structure vertically beneath the highest point of the structure...."
- 3. The combination of the terms in the phrase "two stores in height" as indicated in LDC Section 3.17.06 is NOT defined.

- 4. The term "FUNCTIONAL 2nd Floor" is not contained within LDC Section 3.17.06. Evidence and testimony indicates that the Development Services Department made such interpretation. There was not code analysis or documentation submitted as a basis for such interpretation.
- 5. There is substantial case law with respect to:
 - a. Zoning codes being liberally construed in favor of the property owner; and
 - b. that zoning ordinances must be given their plain, ordinary meaning.

SPECIFIC FINDINGS OF FACT

1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?

The alleged hardship is unique and singular as regards the property of the person requesting the variance as follows:

- A. Section 3.17.06 of the LDC requires that "....all structures located along Shell Point Road and US 41 shall be a minimum of two stores in height."
- B. Staff and the applicant have indicated that the county has interpreted this requirement to mean a "FUNCTIONAL 2ND FLOOR." There is not evidence to indicate that this interpretation has been applied to other properties.
- C. The Rinker case indicates that, in statutory construction, statutes must be given their plain and obvious meaning and it must be assumed that the legislative body knew the plain and ordinary meaning of the words.
- D. The insertion of the word "FUNCTIONAL" into the code phrase "two stories in height" has imposed a hardship and practical difficulty as regards the property of the person requesting the variance not suffered in common with other property similarly located.
- 2. Would the literal interpretation of the provisions of the Land Development Code (LDC) deprive the applicant of rights commonly enjoyed by other properties in the same district and areas under the terms of the LDC?
 - The literal interpretation² of the provisions of the LDC would deprive the applicant of rights commonly enjoyed by others in the same district as demonstrated by confirmed testimony and evidence that the application of the indicated interpretation of LDC Section 3.17.06 has not been imposed on others.
- 3. Would the variance, if allowed, not substantially interfere with or injure the rights of others whose property would be affected by allowances of the variance?

¹ Rinker Materials Corp v. North Miami; Mandelstam v. City Com. Of South Miami; Town of Longboat Key v. Islandside Prop. Owners Coalition, LLC; Colonial Apartments, L.P. v. Deland; Hallandale v. Prospect Hall College

² In this test, it is assumed that the "literal interpretation" is that interpretation made by the Development Services Department. It can be argued that the "literal interpretation" is the plain, ordinary meaning of the code requirement.

The variance if approved would not likely interfere with or injure the rights of others. The resulting structure will comply with the plain and obvious meaning of the statutory construction of LDC Section 3.17.06. The structure height will be 27'-4" and has been architecturally designed to provide the elevation of a two story structure.

4. Is the variance in harmony and does it serve the general intent and purpose of the LDC and Comprehensive Plan?

The variance is in harmony and serves the general intent of the LDC and Comprehensive Plan. The intent of the Ruskin Town Center Zoning District (RTCZD) is to revitalize Ruskin's business center along U.S. 41, enhance the appearance of Ruskin's historic business district, and establish a mixed-use, walkable and pedestrian friendly Town Center. The furtherance of the subject application will promote that intent.

5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?

No, the applicant has presented credible evidence that the situation sought to be relieved has resulted from code interpretation while the applicant has made all reasonable efforts to comply.

6. Will allowing the variance 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?

The benefits afforded by the LDC are not jeopardized when weighed against the hardship that would be accommodated by the granting of the variance. Allowing the variance will result in a furtherance of the intent of the Ruskin Town Center Zoning District and implementation of the vision, principles and strategies of the Hillsborough County Comprehensive Plan's Ruskin Community Plan.

CONCLUSION OF LAW

The findings do satisfy all six requirements of Section 11.04.02(B) of the LDC as outlined in the "Findings of Fact" section above.

DECISION

Based on the foregoing, the applicant has satisfied the criteria for approval of the requested variance. The variance is hereby APPROVED.

James A. Scarola

Land Use Hearing Officer

Date

RECEIVED

Hillsborough County, Florida Decision of the Land Use Hearing Officer

Hearing Date: June 2, 2014

Petition Number: VAR 14-0580 RU

Applicant: Adam Levitt, Hutton Growth One, LLC

Location: 55 N. US 41 Folio Number: 56740.0000

Existing Zoning: RTC-1 (07-0517)

Request: Variance to the side yard setback

Summary of Evidence Presented

Development Services Department Staff:

Development Services Department staff stated that the applicant is requesting the following variance:

1) Reduce the side yard setback (for an under construction retail building) from 5 feet to 0 feet.

The property is zoned Ruskin Town Center (RTC-1) and per Sec. 3.17.04.B of the LDC the district has a 5 foot side yard setback requirement.

The lot is approximately 1.45 acres in size. The subject parcel is located within a larger area along the east side of US 41 in Ruskin zoned Ruskin Town Center.

The proposed 5 foot side yard reduction is for a relatively small 10 foot by 10 foot area located at the northwest corner of the approximate 8,300 sq. ft. building to be developed on the subject site. The side yard setback intrusion represents an architectural bump out to create a faux front building presence along US 41 in order to comply with a Ruskin Town Center requirement that 60% of the lot frontage be occupied by the front building façade.

Applicant Testimony:

Matthew Campo, representing the applicant, provided testimony that the need for the side yard setback reduction variance was discovered during the later stages of the site plan approval process. It was stated that the architectural bump-out is non-occupied space.

It was stated that site development activity was underway. The adjacent property owner to the north has no objection to the proposed side yard setback variance. It was noted that

June 2, 2014 VAR 14-0580 RU

the subject retail project was the first project being designed, permitted and constructed under the Ruskin Town Center LDC requirements.

A written variance statement was submitted and is a part of the file.

Proponent Testimony:

No one spoke in support.

Opponent Testimony:

No one spoke in opposition.

Exhibits:

None.

Findings of Fact

A variance may only be allowed by the Land Use Hearing Officer in cases involving practical difficulties or unnecessary hardship, when substantial evidence in the official record of the hearing supports specific findings.

The variance request is subject to the six criteria of the LDC Section 11.04.02.B. These criteria and the evidence/findings regarding each criteria are as follows:

1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?

The subject RTC-1 zoning site is located in an area similarly zoned. The retail building being constructed on the subject site is required per the Ruskin Town Center regulations to be brought forward on the lot so that a minimum of 60% of the lot frontage at the build-to line is comprised of building façade.

The retail building to be located on the lot is approximately 8,300 sq. ft. in size and with a proposed 10 foot wide (and 10 foot deep) architectural bump-out at the northwest corner of the building the project will comply with the Ruskin Town Center architectural/appearance front façade standard.

The architectural bump-out results in a need for a variance to reduce the side yard setback at the location of the bump-out from 5 feet to zero at the northwest corner of the lot.

The applicant's representative provided testimony at the hearing that numerous site layouts were originally considered prior to the approach settled on and submitted to the County. It was stated that County staff had no objections with the site layout and the minor side yard setback intrusion was inadvertently overlooked.

It is found that on balance it would be unreasonable and unnecessary to require the project to be redesigned, reprocessed and re-permitted for a minor setback intrusion at the northwest corner of the project site.

It is found that a unique hardship, as described above, is present at the subject location.

2. Would the literal interpretation of the provisions of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district and area under the terms of this Code?

The literal interpretation of the provisions of the LDC would deprive the property owner of rights commonly enjoyed by other property owners/properties in the area.

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

There was no evidence submitted to demonstrate that the variance, if allowed, would substantially interfere with or injure the rights of others.

4. Is the variance in harmony with and does it serve the general intent and purpose of this Code and the Comprehensive Plan?

Yes, the variance is in harmony and does serve the general intent and purpose of the LDC and Comprehensive Plan in that the variance will allow for a retail use to be developed in a retail/mixed zoning district within an office/commercial plan category.

5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?

The situation sought to be relieved is not the result of a self-imposed hardship or illegal act.

6. Will allowing the variance 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? Yes, the benefits provided by the LDC are not seriously jeopardized when weighed against the hardship which would be accommodated by the granting of the variance.

Conclusions of Law

Based upon a review of the Development Services Department case file and Report and the evidence presented at the hearing, it is found that substantial evidence exists to support a positive finding for each of the six variance criteria of Section 11.04.02.B of the LDC as outlined in the Findings of Fact above.

Decision

APPROVED

Steven K. Luce, AICP

Land Use Hearing Officer

Date: June 17, 2014

MECEIVED

COUNTY OF HILLSBOROUGH DECISION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:

VAR 18-0539 RU/S

DATE OF HEARING:

April 16, 2018

APPLICANT:

AutoZone Stores LLC

PETITION REQUEST:

The applicant is requesting a variance from the Land Development Code Section 3.17.00, The Ruskin Town Center (RTC) zoning districts and

design standards.

LOCATION:

717 N. US Hwy. 41

SIZE OF PROPERTY:

0.73 acres ±

EXISTING ZONING:

RTC-1

FUTURE LAND USE:

OC-20

SERVICE AREA:

Urban

STAFF'S LAND USE HEARING OFFICER VARIANCE REPORT

REQUEST:

The applicant is requesting a variance from the Land Development Code Section 3.17.00, The Ruskin Town Center (RTC) zoning districts and design standards. The site is vacant and is identified by folio# 55651.0000. The applicant intends to develop the parcel with a retail use (auto parts). The property is a corner lot located on the SE corner of 8th Ave. NW and US Hwy 41 in Ruskin. The physical address is 717 N Hwy 41. The parcel is within the Ruskin Town Center - 1 (RTC-1) district. Commercial General uses are permitted in the RTC-1 District. The variance requested is as follows:

SUMMARY OF	REQUIREMENTS	VARIANCE	RESULTS	APPLICABLE LDC
VARIANCES				SECTION
Variance to increase	Front yard building	To increase the	Maximum front	3.17.04.B Standards
the maximum front	setbacks along all	maximum	yard setback from	for Non-Residential,
yard building	street frontages shall	permitted front	8 th Ave. NW would	Mixed Use and
setback along 8 th	be a minimum of ten	yard by 36 feet.	be 56 feet	Multi- Family
Ave. NW. (North	feet to a maximum of			Development
property line).	20 feet.			

DISCLAIMER:

The variances as listed above are the result of 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 permits.

SUMMARY OF HEARING1

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on April 16, 2018. Mr. Tom Hiznay of the Hillsborough County Development Services Department introduced the Petition.

Israel Monsanto of Development Services testified that the applicant is requesting a variance from the Land Development Code Section 3.17.00, the Ruskin Town Center zoning district and design standard. The applicant intends to develop the parcel with a retail shop for auto parts. The property is a corner lot located on the southeast corner of 8th Avenue Northwest and U.S. 41 in Ruskin and lies within the Ruskin Town Center, RTC-1 district. Commercial General uses are permitted in the RTC-1. The variance requested is to increase the maximum front yard building setback along 8th Avenue Northwest, which is the north property line on the site plan. The requirement is the front yard building setbacks shall be a minimum of 10 feet to a maximum of 20 feet. The variance being requested is to increase the maximum permitted front yard by 36 feet, resulting in a maximum front yard from 8th Avenue Northwest of 56 feet. The applicable section is 3.17.04.8, standard for nonresidential mixed-use and multifamily

¹ The summary of testimony is intended only to summarize pertinent points of testimony received. For a thorough understanding of testimony the reader is referred to the verbatim transcript made part of the hearing record.

development.

The Hearing Officer inquired as to what the result would be if the building were moved northward so that it was up against 8th Avenue within the required setback parameter and staying up against U.S. 41, so the south end of the building would be open; whether there would there be any variance required. Mr. Monsanto replied that in that case it would not. The Hearing Officer then asked if that meets the intent of the Ruskin Town Center standard. Mr. Monsanto answered that the intent is to be a walkable development along U.S. 41 specifically and be as pedestrian friendly as possible. In this case he believed the applicant has provided some justifications as to why moving the building northward will have some detriment to the actual site design. But in general, the main purpose is for U.S. 41 to be as pedestrian friendly as possible.

The Hearing Officer then asked if there was any discussion with the applicant about enhanced landscaping along U.S. 41 adjacent to the parking area. Mr. Monsanto replied that they had not discussed any enhanced landscaping. The standards for landscaping would be those of 6.06.

Jason Kinney with Kinney Engineering, 2573 34th Avenue North, St. Petersburg, Florida, provided presentation for the applicant. He testified that the applicant is requesting a variance to the north building setback, which by the Ruskin Town Center is a 10- to 20-foot building setback. Mr. Kinney explained that when they first started with a site plan it was with the intent to meet the Code. That had the building moved up and provided for a driveway onto U.S. 41. The DOT identified it as an access Class 5, which requires 245 feet. It does not meet that standard and DOT would deny the driveway at that location. Mr. Kinney then displayed another site plan and pointed out that it would also meet the intent. It does not have a driveway, however, there is a significant operational problem in that any vehicle that comes in through the drive has a dead-end condition would not be able to get out without making a turn. That would be fine for small passenger vehicles, however, anybody that might be towing a trailer or the AutoZone delivery vehicle would get stuck there, forcing it to back out onto 8th Avenue, which is prohibited and not safe. Mr. Kinney indicated that the plans had been submitted as part of the evidence though he provided additional copies. He then displayed the current site plan with the building set 56 feet off the north property line instead of 20 feet. The layout allows for a vehicle to come in and use the parking area for a three-point type maneuver and then exit out along 8th Avenue. They believe that the plan does meet the intent of the Ruskin Town Center where U.S. 41 is the primary roadway. It is the applicant's intent to meet all the other zoning conditions of the RTC-1.

Mr. Kinney noted that 8th Avenue at this location is not a through street but an underdeveloped right-of-way that is semi-paved and being used as an access drive for the church to the north. However, the 8th Avenue platted right-of-way, only goes for the length of the roadway, and then it terminates at a large, vacant field. He did not know if the neighbors to the east have any intention to develop. He would imagine they would want to connect there and maybe that would enhance the livability, the walkability; but the site plan that the applicant is proposing does not detract from the urban core in the Ruskin Town Center that Hillsborough County is trying to achieve.

The Hearing Officer indicated that he thought that the greatest concern would be that it was not the intention to have cars along the U.S. 41 side. He asked if the applicant had thought about enhanced landscaping. Mr. Kinney replied that they would definitely be open to it and had no problem with it. It was never discussed or presented to AutoZone, but he could speak for them in that case that they would not have any problems with that, provided that the visibility of the building remains. He did not believe that parking against the road was a concern. The way the Code is that it is 10 to 20 feet. For example, the site plan has pretty much the same parking along U.S. 41 at far as the end, and that would meet the Code. Basically, they are just flipping that configuration. The Hearing Officer asked what enhanced

landscaping, just along that section, would help to screen the parking area. Mr. Kinney replied that it probably is just a combination of some hedges as there are likely overhead utilities along that area. They could not utilize large canopy trees, but some small ornamentals, just Crepe myrtles or Dayton (phonetic) hollies, that type of planting. It would be 10 feet or so for landscaping against the building facade, which could make it aesthetically pleasing as well. At this time they did not prepare any type of architectural elevations because as that is not part of the request. However, the building has its own features to meet the RTC zoning, such as a glazing requirement, parapets, off-sets, and those types of things as well. In addition, the entry feature is up against U.S. 41. It would have two entries; a sidewalk that will be coming in off U.S. 41 to an entryway as well as the entryway back to service the parking area.

The LUHO asked for any audience members in support of the request. There were none.

The LUHO then asked for any audience members in opposition to the request. There were none.

The hearing was then concluded.

EVIDENCE SUBMITTED

The following evidence was submitted at the hearing:

Jason Kinney

1. Applicant Site Plans

PREFACE

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

FINDINGS OF FACT

- 1. Is the alleged hardship or practical difficulty unique and singular as regards the property of the person requesting the variance and not those suffered in common with other property similarly located?
 - The hardship of the building to be placed within 20' feet of both roadway frontages are particular to this site as Florida Department of Transportation has denied a new driveway access to US 41 at this location. The denial of a driveway limits the access to a single connection along NW 8th Avenue. With only one driveway, vehicles must enter and exit via the same driveway. This is limiting to larger vehicles, which will require a backing/turning maneuver to change direction.
- 2. Would the literal interpretation of the provisions of the Land Development Code (LDC) deprive the applicant of rights commonly enjoyed by other properties in the same district and areas under the terms of the LDC?
 - The requirement of a building setback between 10' and 20' from 8th Avenue would prohibit larger vehicles from entering the site as they would become blocked in a dead-end condition with no room to complete a backing/turning maneuver and would have to back the full distance to NW 8th Avenue. Backing into the 8th Avenue ROW is not allowed during operations due to safety concerns as would be addressed by any other property in the same district and areas under the terms of the LDC.

- 3. Would the variance, if allowed, not substantially interfere with or injure the rights of others whose property would be affected by allowances of the variance?
 - The applicant proposes to construct a streetscape retail building within their parcel that is currently vacant and undeveloped. The new building and facade will enhance the appeal of the Ruskin Town Center area and provide development upon a currently vacant parcel. Other properties will not be impacted by this variance.
- 4. Is the variance in harmony and does it serve the general intent and purpose of the LDC and Comprehensive Plan?
 - The intent of the Ruskin Town Center district is to provide pedestrian friendly blocks. The proposed site plan includes a building fronting US 41 with a building entrance to a sidewalk directly connected to US 41. The intent is not lost in having the building placed offset to NW 8th Avenue and would not discourage additional pedestrian access or a streetscape orientation since NW 8th Avenue is a dead-end ROW with no other commercial uses along this segment.
- 5. Does the situation sought to be relieved by the variance result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship?
 - The relief sought is from a code requirement particular to this zoning district and this parcel. This variance is requested as a result of denial by FOOT for a new driveway that creates the need for a drive aisle that larger vehicles can use to make a safe backing/turning maneuver.
- 6. Will allowing the variance 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?
 - The benefits afforded by the LDC are not jeopardized when weighed against the hardship which would be accommodated by the granting of the variance. Allowing the variance will result in substantial justice being done considering that this request is driven by transportation safety issues. If the variance is not granted, the applicant will be unable to construct the proposed retail building. It would be unlikely that any building requiring large vehicles such a deliveries or trash collection would be able to develop on this parcel with only one driveway and no feasible way to reverse direction of those vehicles.

CONCLUSION OF LAW

The findings do satisfy all six requirements of Section 11.04.02(B) of the LDC as outlined in the "Findings of Fact" section above.

DECISION

Based on the foregoing, the applicant has satisfied the criteria for approval of the requested variance. The variance is hereby APPROVED as requested.

James A. Scarola

Date

5/7/18

Land Use Hearing Officer

RJ SANTIAGO & ASSOCIATES, INC. 240 APOLLO BEACH BLVD. APOLLO BEACH, FL 33572

Tel: 813-641-0010

July 26, 2018

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re: RZ 18-0798

To Whom It May Concern:

Our company, RJ Santiago & Associates Inc., is the owner of property located at 302 N 41 Hwy., Ruskin, directly north of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Rolando J. Santiago

Roland@rjslawgroup.com

President

Sincerely

Ashley Phillips

From:

Rolando Santiago <roland@rjslawgroup.com>

Sent:

Sunday, August 19, 2018 4:30 PM

To: Cc: Mark Bentley Ashley Phillips

Subject:

Re: cuculich car credit rezoning

It was a real estate office with showroom for the Little Harbor community. It is 6k sq ft. I am remodeling it to have an urgent care, title company and law office.

Rolando J Santiago RJS Law Group 240 Apollo Beach Blvd Apollo Beach, FL 33572 Roland@rjslawgroup.com 813.641.0010 office 813.641.0022 fax

On Aug 19, 2018, at 3:12 PM, Mark Bentley < markb@jpfirm.com > wrote:

What kind of office and for what product (the showroom)?

<image001.jpg>
Mark S. Bentley, Esq., B.C.S., AICP
Johnson Pope Bokor Ruppel & Burns, LLP
401 East Jackson Street, Suite 3100

Tampa, FL 33602 Phone: 813-225-2500 Fax: 813-223-7118

Email: markb@jpfirm.com

www.jpfirm.com

From: Rolando Santiago [mailto:roland@rjslawgroup.com]

Sent: Sunday, August 19, 2018 2:18 PM
To: Mark Bentley < markb@jpfirm.com >
Cc: Ashley Phillips < ashleyp@jpfirm.com >
Subject: Re: cuculich car credit rezoning

Present use is office/showroom. I am only remodeling interior and county has not given me any problems.

Rolando J Santiago RJS Law Group 240 Apollo Beach Blvd Apollo Beach, FL 33572 Roland@rjslawgroup.com 813.641.0010 office 813.641.0022 fax

On Aug 19, 2018, at 1:09 PM, Mark Bentley < markb@jpfirm.com > wrote:

Rolando – what is the present use of your building, and is the county making you coming with the ruskin design standards for the change of use? Just curious on this as they are very inconsistent in how they are applying this. Your prompt response would be helpful.

Thanks, Mark

<image001.jpg>
Mark S. Bentley, Esq., B.C.S., AICP
Johnson Pope Bokor Ruppel & Burns, LLP
401 East Jackson Street, Suite 3100
Tampa, FL 33602

Phone: 813-225-2500 Fax: 813-223-7118

Email: markb@jpfirm.com

www.jpfirm.com

From: Rolando Santiago [mailto:roland@rjslawgroup.com]

Sent: Thursday, July 26, 2018 4:21 PM

To: Ashley Phillips <ashleyp@jpfirm.com>; Mark Bentley <markb@jpfirm.com>

Subject: RE: cuculich car credit rezoning

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Ashley,

See attached. I have transmitted the original to the county by US Mail and email.

Semper Fi ...

R

<image002.png>
Rolando J. Santiago Esq.
240 Apollo Beach Blvd
Apollo Beach, FL 33572

Tel: 813-641-0010

Email: Roland@rjslawgroup.com



Development Services

ZONING INTERPRETATION NUMBER:

ZI 14-0767

1.0 SUMMARY OF REQUEST FOR INTERPRETATION

On behalf of Steven A. Cuculich, a formal interpretation of the Hillsborough County Land Development Code ("LDC") is requested as it relates to a business selling used motor vehicles, known as "Car Credit, Inc." located at 108 North U.S. 41 Ruskin, FL 33570. The property's folio number is 055805.0000.

From 1986, to approximately December 2012, the subject property was owned by Mr. Ted R. Pieta. During this period, Mr. Pieta owned and operated a business known as "Ted's Auto Center" on the subject property. Page 1 of Applicant's statement in support of Request for Interpretation (Attachment 1).

On November 2, 2006, Ordinance No. 06-34 was enacted and codified as Part 3.17.00 of the LDC as the "Ruskin Town Center Development Regulations." Upon enactment of the Ordinance, the subject property was rezoned from Commercial General (CG) to Ruskin Town Center-1 (RTC-1). Section 3.17.07 includes as "Permitted Uses" CG and RMC-20 uses as defined in Section 2.02.02 of the LDC mixed use developments; multi-family residential and commercial uses. The permissible uses in the RTC-1 District are further restricted by Section 3.17.09, which establishes specific "Prohibited Uses" within RTC-1, including, but not limited to, "Motor Vehicle Repair (Minor and Major)" and "Motor Vehicle Sales, Rentals and Auctions – All Types." Neighborhood serving motor vehicle repair ("Motor Vehicle Repair, Neighborhood") is an allowed use in the RTC-1 Zoning District.

In December of 2012, the subject property was purchased by Steven A. Cuculich, the principal owner of "Car Credit, Inc.", a motor vehicle sales use, which commenced operations on the subject property immediately after the sale of the property. Page 1 of Applicant's statement.

The Applicant has described Mr. Pieta's business as "the repair of motor vehicles, along with the sale of motor vehicles as an ancillary use." Page 1 of Applicant's statement.

Board of County Commissioners Kevin Beckner Victor D. Crist Ken Hagan Al Higginbotham Lesley "Les" Miller Jr. Sandra L. Murman Mark Sharpe

County Administrator Michael S. Merrill

County Administrator
Executive Team
Lucia Garsys
Carl S. Harness
Gregory S. Horwedel
Liana Lopez
Bonnie Wise

County Internal Auditor Michelle Leonhardt

> County Attorney Chip Fletcher

Development Services PO Box 1110 Tampa, FL 33601-1110 Section 320.27(c), Florida Statutes, provides that "any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period" shall be presumed to be a "motor vehicle dealer" required to be licensed by the Florida Department of Highway Safety and Motor Vehicles. The Applicant states that "[b]ecause the sale of motor vehicles was not the significant component of Mr. Pieta's business, he was not during most of the existence of his business, required to be licensed by the Florida Department of Highway Safety and Motor Vehicles." Page 3 of Applicant's statement. The Applicant has provided a record indicating that Mr. Pieta held a Florida motor vehicle dealer license for one year, from 2002 to 2003. Exhibit 4 to Applicant's statement (Florida Department of Highway Safety and Motor Vehicles Dealer Type 1 License authorizing the buying, selling or dealing in used motor vehicles, effective May 1, 2002).

Additionally, the Applicant has provided Hillsborough County Tax Collector Records which relate to two (2) motor vehicle sales by Mr. Pieda, including a 2001 model year vehicle and a 2010 model year vehicle. Exhibit 5 to Applicant's statement.

2.0 ZONING ADMINISTRATOR'S INTERPRETATION:

The Applicant has not demonstrated that motor vehicle sales was the property's principal use at the time Ordinance No. 06-34 was adopted on November 2, 2006.

The applicant proposes to reconfigure the land use from the motor vehicle repair use which was established at the time the property was rezoned to the RTC-1 District by Ordinance No. 06-34.

To recognize motor vehicle sales as the principal use of the property would be a fundamental change in land use from the established use of the property at the time the property was rezoned.

The Applicant has failed to establish that, at the time of the adoption of Ordinance No. 06-34, motor vehicle sales was an "existing lawful use" of the subject property in accordance with Section 3.17.02 of the LDC, or a use established legally in accordance with Section 11.03.06. Because the Applicant has not demonstrated that motor vehicle sales was the established lawful use of the subject property, this interpretation does not address the Applicant's assertion that Section 3.17.02 operates separate and apart from Part 11.03.00, Nonconformities.

This is to certify that this Zoning Interpretation has been approved and signed by the Zoning Administrator in

accordance with Section 10.05.01.B of the Land Development Code.

JOSEPH MOREDA III, AICP. CODE ADMINISTRATOR

ATTEST: DEPUTY CLERK

CLERK OF THE CIRCUIT COURT

In accordance with Section 11.01.03 of the Land Development Code, interpretation decisions may be appealed to the Land Use Hearing Officer. Questions related to this interpretation should be directed to Joe Moreda at 276-8379

F.0 FINDINGS

- 1. Part 12,01.00 of the LDC defines Motor Vehicle Repair as "
 - 1. Neighborhood Serving
 - Replacement of fan belts, brake fluids, light bulbs, fuses, floor mats, windshield wipers and blades, and mirrors.
 - 2. Fluid replacement.
 - 3. Greasing and lubrication.
 - 4. Emergency repair of wiring.
 - Minor adjustment not involving removal of the head of crankcase and grinding valves.
 - Battery recharging.
 - Safety inspections.
 - 8. Sale and service of sparkplugs and batteries
 - 2. Minor: Minor vehicle repair shall include all neighborhood serving repair and the following:
 - 1. Sale and service of distributor and ignition system parts.
 - 2. Sales, service and repair or tires, but not recapping or regrooving.
 - 3. Replacement of mufflers, tail pipes, water hoses, seat covers, grease retainers, wheel bearings, and the like.
 - Radiator cleaning and flushing.
 - 5. Providing and repairing fuel pumps, oil pumps, and the like.
 - Minor adjustment and repair of carburetors.
 - 7. Adjusting brakes and installing exchange brake shoes.
 - 8. Wheel balancing.
 - 9. Warranty maintenance.
 - 10. Other minor servicing of a similar intensity to those listed above.

- 3. Major: Any automotive repairs or servicing not listed under Minor, above, excluding body work and/or painting."
- 2. Part 12 01.00 of the LDC defines Retail as "The use of land, buildings or structures for the sale of merchandise to the consumer of the merchandise which may include but not be limited to convenience goods, shopper's goods, bicycle sales, gas stations, liquor stores, lumber and other building material sales, mail order pickup facilities, mobile home sales, motor vehicle sales, service stations, and sales of used merchandise..."
- 3. Part 12.01.00 of the LDC defines Use as "The specific purpose, activity, or function for which land, a building, a lot, a sign, or a structure is intended, designated, arranged, occupied, or maintained."
- 4. Part 12,01.00 of the LDC defines Principal Use as "The primary use and chief purpose of a lot or structure."
- 5. Part 12.01.00 of the LDC defines Accessory Use as "A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure."
- 6. Motor vehicle repair was the existing primary lawful use of the property at the time Ordinance No. 06-34 was adopted, November 2, 2006.
- 7. The Applicant has acknowledged that motor vehicle sales was not a significant component of the business operated on the subject property at the time that Ordinance No. 06-34 was adopted, and this component of the business was not recognized by Department of Highway Safety and Motor Vehicles at the time of rezoning. No information has been provided which supports the Applicant's assertion that motor vehicle sales was a legally recognized and permitted use of the property.
- 8. To recognize the motor vehicle sales use would be a fundamental change in the principal use of the property from the primary use of motor vehicle repair, which was established at the time Ordinance No. 06-34 was adopted on November 2, 2006.
- 9. Motor vehicle sales was not an "existing lawful use" of the subject property on November 2, 2006, as required by Section 3.17.02 of the LDC.

ATTACHMENTS:

- 1. Applicant's Written Statement
- 2. Land Development Code Part 3.17.00, Ruskin Town Center Development Regulations
- 3. Land Development Code Part 12.01.00, Definitions of "Use", "Motor Vehicle Repair", "Principal Use", "Retail" and "Accessory Use."
- 4. Land Development Code Part 11.03.00, Nonconformities.

ATTACHMENT 1

Legal Use Justification Statement

Hillsborough County Tax Folio No. 055805.0000 108 N. US Highway 41, Ruskin, FL (the "Property")

The following shall demonstrate the existence of the lawful use of the subject Property for motor vehicle repair and vehicle sales on the effective date of Hillsborough County Ordinance No. 06-34, enacted on November 2, 2006 (the "Ordinance"). This Ordinance was subsequently codified at Part 3.17.00 of the County's Land Development Code (the "LDC") as the "Ruskin Town Center Development Regulations" (hereinafter "RTC").

I. Background

From 1986 to approximately December 2012, the subject Property was owned by Mr. Ted R. Pieta. During this period, Mr. Pieta also owned and operated a business at the Property known as "Ted's Auto Center." This business included the repair of motor vehicles, along with the sale of motor vehicles as an ancillary use. Notably, neither one of these uses was abandoned during the existence of Ted's Auto Center.

In December 2012, in good faith reliance on representations of Mr. Pieta, the fact that the County had never questioned uses that were now prohibited at the Property as a result of the enactment of the RTC, along with the existence of motor vehicle sales at the Property, the Property was purchased by Steven A. Cuculich. Mr. Cuculich is also the principal owner of the business that commenced operations at the Property immediately after its sale. The business involves the sale of previously owned motor vehicles and is known as "Car Credit, Inc." Accordingly, Car Credit, Inc. has continued sales of motor vehicles at the Property without interruption.

Upon the enactment of the County's Ordinance, the Property was rezoned from CG to Ruskin Town Center 1 (RTC-1). Consequently, Section 3.17.09 of the County's LDC set forth a list of prohibited uses, which included both uses being conducted on the Property – motor vehicle repairs, and motor vehicle sales.

Section 3.17.02 of the LDC, however, set forth the County's intent that no then existing legal business or uses would become illegal as a result of the enactment of the Ordinance. Specifically, this section states in pertinent part that "[e]xisting lawful uses, lots, structures, characteristics of land and densities shall not

be required to be removed or otherwise modified as a result of the standards or requirements set forth in this part."

Accordingly, notwithstanding Section 3.17.09's new prohibitions, the uses at the Property were intended to be sanctioned and not immediately revoked. Obviously if they were not, the County would have cited Mr. Pieta for illegally operating prohibited uses for seven (7) years. Accordingly, there is a legal presumption that the uses were permitted and the burden is on the County, and not the Property owner, to demonstrate otherwise.

II. Legal Framework

The issue to be resolved in this matter is whether there is reasonable information to suggest that the sales of motor vehicles was a use at the Property on or before the effective date of the Ordinance, November 2, 2006. Under Florida law, zoning regulations are considered to be in derogation of common law and are subject to strict construction and are liberally construed in favor of the right of a property owner to the unrestricted use of his property. See Mandelstam v. City Com.of S. Miami, 539 So. 2d 1139 (Fla. 3d DCA 1988).

Furthermore, "The application of zoning regulations to restrict an existing use of the property, resulting in substantial diminishing of its value, may constitute a taking by the governmental agency which requires the payment of compensation under well-established principles of constitutional law. To avoid these consequences, zoning regulations generally grandfather the continuation of existing nonconforming uses on property subject to the zoning classification. By the same token, therefore, it is reasonable to conclude that the termination of such grandfathered nonconforming uses may result in a taking for constitutional purposes unless the basis of such termination accords with applicable legal principles." See Lewis v. Atlantic Beach, 467 So. 2d 751 (Fla. 1st DCA 1985).

It is also important to note that Section 3.17.02 operates separate and apart from the Nonconformities Section set forth in the County's LDC, at Section 11.03.01. Accordingly, for example, there is no prohibition on intensification, enlargement or expansion of an "existing legal use" in the RTC-1. Nor are there any provisions divesting an "existing legal use" based on cessation of use for a certain specified period.

Notably, Section 3.17.07 that established now prohibited uses, specifically identified discrete properties by tax folio numbers whose uses would have been prohibited, but were allowed to remain as legal uses. However, the County apparently failed to include the subject Property in this Section, which caused the uses to be "illegal". Obviously, had Mr. Pieta been aware of the County's error and that his business on November 2, 2006 became "illegal", he would have objected to the imposition of a harsh sanction and literal taking of his business, and the County would undoubtedly have included the Property in its list of legal uses. The County could not legally make the business illegal, which it effectively did, without payment of just compensation to Mr. Pieta, or at a minimum, utilizing an amortization process to allow reasonable use of the Property, and a return of Mr. Pieta's investment backed expectations. (See also Section 11.03.08 of the LDC.)

To demonstrate the County's intent, it actually singled out a property used for motor vehicle repairs at Tax Folio No. 055675.0000, which the County should have obviously done for the subject Property in order to ensure equal protection of the laws, and importantly, to avoid an unconstitutional taking of Mr. Pieta's business.

III. Information

Upon winding down his business, Mr. Pieta unfortunately purged many of his records, never anticipating that they may be of assistance in establishing the legality of the business as it existed in November 2006. Also, some records he actually intended to maintain were inadvertently disposed of in connection with a garage sale. Accordingly, these events, coupled with the state's general policy to purge records, renders it difficult to confirm specific dates and activities.

Because the sale of motor vehicles was not the significant component of Mr. Pieta's business, he was not during most of the existence of his business, required to be licensed by the Department of Highway Safety and Motor Vehicles (See Section 320.27(c), Florida Statutes, which states that the sale of three (3) or more motor vehicles in a twelve (12) month period is presumed to be engaged in such business).

Specific evidence and information demonstrating the lawful sales of motor vehicles is as follows:

1. Affidavit of Ted R. Pieta attesting to sale of motor vehicles from 1986 through December 2012.

- Department of Labor and Employment Security Bureau of Tax Audit memorandum dated May 14, 1991, indicating that Ted's Auto Center included "car repairs and sales."
- Business card for Ted's Auto Center used up to the date of closure of his business, December 2012, indicating uses at the Property as "Auto Repair and Sales."
- 4. State of Florida Department of Highway Safety and Motor Vehicles Dealer Type I license for Ted's Auto Center dated March 7, 2003 authorizing the buying, selling or dealing in used motor vehicles as an independent dealer.
- 5. 2002 Hillsborough County Property Appraiser Card identifying use at the Property as "Auto Sales." Note that under 'Building Notes', the Property Appraiser incorrectly identifies the use as "Ted's Auto Repair," which business never operated under that name. (See attached Division of Corporations documents confirming that at all times the business was known as "Ted's Auto Center.")
- 6. E-mail from Hillsborough County Tax Collector confirming sale of motor vehicles relating to Ted Pieta.

The aforementioned documents have been attached hereto as Exhibits 1 through 6.

IV. Summary

In enacting its Ordinance, the County failed to acknowledge the existing uses at the Property and thus prohibited them upon its enactment. Obviously, the County did not intend to impose such a harsh penalty. Notably, all other business that would have likewise been prohibited received special consideration, as the County "carved out" exemptions for them under Section 3.17.07 to ensure their viability and avoid liability on the County's part.

The burden is on the County to demonstrate that either auto repairs or auto sales were not being conducted on the effective date of the Ordinance. Based on the County's intent to ensure that businesses were not automatically wiped out, along

with the information provided herein, it is reasonable to assume that auto repairs and auto sales were being conducted on the effective date of the Ordinance in 2006. Here again, under applicable Florida law, any uncertainty must be resolved in favor of the property owner.

Therefore, the County apparently has three (3) options to resolve this matter:

- 1. It may confirm that the uses under consideration existed on the effective date of the Ordinance; or
- 2. Seek to amend Section 3.17.07 to include the Property and it uses as "permitted uses"; or
- 3. Seek to amend Section 3.17.09 to eliminate motor vehicle repairs and motor vehicle sales from the list of "prohibited uses."

In the event the County should fail to elect one of the foregoing, the present owner of the Property and the business will be eliminated, causing them to have a claim against the County for unlawful taking of their property rights requiring payment of just compensation to the owner. The County would also be subject to an equal protection claim as the owner would be denied this fundamental protection under the laws as they were not provided the same treatment as several properties that were exempted from the application of the new Ordinance.

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AFFIDAVIT OF TED R. PIETA

I, Ted R. Pieta, swear or affirm that:

- 1. I am Ted R. Pieta and I reside at 9101 Woodcreek Circle, Riverview, Florida 33569.
- 2. In 1986, I purchased property located at 108 N. US Highway, 41, Ruskin, Florida 33570 ("The Property").
- 3. From 1986 through December 2012, I owned a business at the Property known as "Ted's Auto Center."
- 4. Ted's Auto Center consisted of the maintenance and repair of motor vehicles and the sale of used motor vehicles as an accessory part of the business.
- 5. Up to the time the Property was sold in December 2012, Ted's Auto Center was engaged in the maintenance and repair of motor vehicles and the sale of motor vehicles as an accessory part of the business.

Further affiant sayeth not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date

Ted R. Pieta

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Sworn to before me this (known to me of who has provided day of June, 2014 by Ted R. Pieta, who is personally

as Identification and did take an

oath.

P. ANNETTE PERSAUD Notary Public . State of Florida dy Comm. Expires Sep 20, 2014 Commission # EE 12857 Bonded Through Halional Notary Assn.

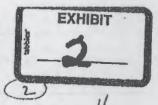
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My Commission Expires:

Notary Public

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DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY BUREAU OF TAX TAX EMFORCEMENT



AUDIT MEMO

Date: 5/14/91	F1. Acct. No. 6449915
To: Deputy Chief of Tax Enforcement JOE VINSKI	FEIN No. \$918490081
From: FIELD AUDITOR : 00259 TAMPA 1-5	
Subject: Tes R. Piela	
Ted's Quito Cendre	
PRE-AUDIT AND EMPLOYER'S IDENTIFYING DATA: Discuss with emplo	yer or person responsible for accounting operations.
A. Purpose of this audit discussed with employer or represent	ative: Yes No
B. Nature of business: Cor Regards	and soles
C. Location of business: 108 N. Tam;	ami Trail Rustin, FL 33570
D. Type of entity: Land, San San Components (Individual, partnership, corporation, etc.	
E. Verification of ownership: 23153.0000(6) (Occupational license number, et	H. He borough County
F. Verification of business existence:	
G. Date business started (if within the statute of limitation	
H. Date liability started (if within the statute of limitation	m): 12/31/78
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D. Discrepancies were found and:	1
 Tax reports attached for the following quarter(s): 	
2. Form UCT-8A(s) attached for the following quarter(s):	1/90
'. Supplemental reports attached for the following quarter	r(s):

PPORTING SCHEDULES:	
Quality of the employer's records and bookkeeping system:	
Results of search for hidden wages:	Remorts
Verification of exempt employment and excess wages:	ee Remorts
Results of reconciliation between UCT-6's and parallel tax	reports: OK.
Results of reconciliation between UCT-6's and audit finding	
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FOLLOWING RECORDS WERE EXAMINED:	
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Date 5/16/91

To Ted R. Pieta - Ted's Auto Center

From Joe Vinski Field Auditor.

Subject Audit results and corrections

Enclosed please find a copy of the results of the audit that was recently completed. A copy of the corrections that were made (if any) are included for your information.

If you have any questions regarding the above please do not hesitate to contact our office.



TED R. PIETA OWNER COMPLETE AUTO REPAIR . AUTOMOTIVE AIR CONDITIONING .

TED'S AUTO CENTER AUTO REPAIR & SALES SINCE 1975

108 N. US WHY 41 RUSKIN, FL. 33570

PHONE: 813-646-9541

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FILE TO RENEW NOW: FICTITIOUS NAME WILL EXPIRE ON 12/31/96

SANDRA B. MORITHAM
SECRETARY OF STATE

APPLICATION FOR RENEWAL OF FICTITIOUS NAME
REGISTRATION & G91338000014 (6)

1. Name and Mailing Address
COMBSS FP 7 9 0005 83570

TED'S AUTO CENTER
106 TAMIAMI TA NW
RUSKIN FL 33570

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KATHERINE HARRIS SECRETARY OF STATE



FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

FILED Jan 18, 2001 8:00 am Secretary of State

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APPLICATION FOR RENEWAL OF FICTITIOUS NAME

1. Name and Melling Address

REGISTRATION # G91338000014

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FILE TO RENEW NOW: 3-FICTITIOUS NAME WILL EXPIRE ON 12/31/06

SECRETARY OF STATE APPLICATION FOR RENEWAL OF FICTITIOUS NAME REGISTRATION # G91338000014 Name and Malling Address COSS129 OF FP 0.352 "PRSRT TS 0 0506 33570 TED'S AUTO CENTER 108 TAMANI TR NW RUSKIN FL 33570 If above marking address to incorrect in any way, The through incorrect information and enter correction in Block 2. 2. Malking Address change if applicable: Suite, Apt. #, etc.

FILED Jan 17, 2006 8:00 am Secretary of State

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CHECK HERE IF MAKING CHANGES

3. County of Principal Place of Business HILLSBOROUGH	4. Osto Registered 12/04/1991
5. Certificate of Status Dec	sired
S10 Additional Fee I	Required

AN OWNER THAT IS A CORPORATION, LIMITED PARTNERSHIP OR OTHER BUSINESS ENTITY MUST BE REGISTERED AND ACTIVE WITH THIS OFFICE.

	6. CURRENT OWNER (3)	7. ADD	ITIONS/CHANGES TO OWNERS	
OCCUMENT / FEJ / NAME STREET ADDRESS CITY-SI-DP	PIETA DONNA M 9101 WOODCREEK CIR RIVERMEW FL 33569	DOCULER / FIT / FIT / FAME SIMILET ADDRESS CHT-SI-2P	C) Change	Addition
DOCUMENT / FET / MAJAE STREET ADDRESS CITY-ST-ZP	PIETA TED A 9101 WOODCREEK CIR RIVERVIEW FL 33589	DOCUMENT / FEL 0 MALIE BIAGET ADDRESS CITY-81-DP	C) Charge	Addition
DOCLAVERO / FED / FEALME SIRRET ADDRESS CITY-SI-3P	DELETE .	OCCUMENT 7 PO 1 MANAE STRIET ACCINESS CITY-ST-OP	C) Change	C) Addition
COCUMENT / FEI / NOVE STREET ANDRESS CITY-ST-ZIP	, O DELETE	DOCUMENT / FD / NAME SOMELT ADDRESS CNY-S1-ZP	. Ci Chunge	C) Addition

8.	I (we) the undersigned, being the sole (all the) perly(les) owning interest in the above licitious name, certify that the information indicated on this form is
	true and accurate. I (we) understand that the alignature(s) below shall have the same legal effect as if made under cath, I further certify that the names of
1	individuals listed on this form do not qualify for an examption contained in section 119, Florida Statutes. (At least one algoriture required)

STATE!	1-10-06	Danna M	Pita 1-10-05
Signatule of Chards	Onto	Signature M Climer	Dele

APPLICATION FOR RENEWAL OF FICTITIOUS NAME

G11000108538

REGISTRATION# G91338000014 Fictitious Name: TED'S AUTO CENTER

City-St-Zip: RIVERVIEW, FL 33589 US

Current Mailing Address:	New Malling Address:		
108 TAMIAMI TR NW RUSKIN, FL 33570			
Current County of Principal Place of Business:	New County of Principal Place of Business:		
HILLSBOROUGH	· · · · · · · · · · · · · · · · · · ·		
Current FEI Number:	New FEI Number:		
59-1849008			
Current Owner(s):	Additions/Changes to Owner(s):		
Document #: () Detecte FEI #: Name: PIETA, DONNA M Address: 9101 WOODCREEK CIR City-St-Zip: Riverview, FL 33569 US	Document #:) Change) Addition FEI #: Name: Address: City-St-Zip:		
Document #: () Delete FEI #: Name: PIETA, TED R Address: 9101 WOODCREEK CIR	Document #: () Change () Addition FEI #: Name: Address:		

City-St-Zip:

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I understand that the electronic signature below shall have the same legal effect as if made under oath. I arm aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

DONNA M PIETA TED R PIETA	11/07/2011	
Electronic Signature(s)	Date	

Certified Copy Requested () Certificate of Status Requested ()

Ashley Phillips

From:

Farris, Mary Helen <FarrisM@hillsboroughcounty.org>

Sent:

Tuesday, January 14, 2014 10:11 AM

To: Cc: Mark Bentley Ashley Phillips

Subject:

RE: HSMV: Open Government/Public Records

EXHIBIT CO

Hello Mark,

Here is the information I received, with redactions made pursuant to 18 U.S.C. 2725:

- 2010 Dodge PK, Vehicle Identification Number (VIN) 1D7RB1CTXAS195680; title number 110705249; issued 05/02/2013. License plate number Z5DZR registration expires 05/26/2014; title and registration is issued to: 33569
- 2001 Chrysler SW, VIN 3C4FY4BB21T300202; title number 81394361 issued 07/20/2000. License plate number TEDONNA - registration expires 10/25/2014; title and registration is issued to: 33569

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Monday, January 13, 2014 10:44 AM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen - sorry for the delayed response. Yes please send me the information. Thanks, Mark

Mark Bentley, Esquire, B.C.S., AICP

Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM

One Tampa City Center, Suite 1650 201 North Franklin Street Tampa, Florida 33602

Ph: 813.223.5050 Fax: 813.223.3555

----Original Message-----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

Sent: Tuesday, December 17, 2013 10:03 AM

To: Mark Bentley

Subject: FW: HSMV: Open Government/Public Records

Hello Mark - I am following up on the email below. Do you still want the information? Thanks and have a great Holiday!

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846

email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----From: Farris, Mary Helen

Sent: Friday, November 22, 2013 2:56 PM

To: 'Mark Bentley'

Subject: RE: HSMV: Open Government/Public Records

Hello Mark - I am reviewing Section 119.0712(2)(b) to determine what needs to be redacted. The information I received relates to Ted Pieta and another individual. Did you only want information on Mr. Pieta individually?

Mary Helen

Mary Helen Farris, General Counsel Florida Bar Board Certified City, County and Local Government Law

Hillsborough County Attorney's Office 601 E. Kennedy Blvd., 27th Floor Tampa, FL 33602

Office: 813-272-5670 Fax: 813-272-5846 email: farrism@hillsboroughcounty.org

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----Original Message----

From: Mark Bentley [mailto:mbentley@bentleylawfirm.net]

Sent: Tuesday, November 19, 2013 4:53 PM

To: Farris, Mary Helen Cc: Ashley Phillips

Subject: RE: HSMV: Open Government/Public Records

Mary Helen,

I reviewed the website your provided however, I previously made a public records request to the DMV in connection with this matter and was advised that they do not keep records over 5 years old and that they have none of the requested records. I have attached the subsequent request made to the Tax Collector's office for your review. You will notice that it specifically requests records held by the Tax Collector in connection with the specified motor vehicle sales.

If the Tax Collector's office does not possess any of the requested records, please advise me accordingly in writing and as indicated in the attached correspondence.

Once again, I appreciate your assistance with this matter.

Thank you,

Mark Bentley, Esquire, B.C.S., AICP Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph: 813.223.5050

Fax: 813.223.3555

Thank you very much Mary Helen - I appreciate your getting this resolved. Mark

Mark Bentley, Esquire, B.C.S., AICP
Board Certified by The Florida Bar as an Expert in City, County and Local Government Law

MARKBENTLEYPA.COM
One Tampa City Center, Suite 1650
201 North Franklin Street
Tampa, Florida 33602
Ph. 813 223 5050

Ph: 813.223.5050 Fax: 813.223.3555

----Original Message----

From: Farris, Mary Helen [mailto:FarrisM@hillsboroughcounty.org]

EXHIBIT 1

AFFIDAVIT OF TED R. PIETA

- I, Ted R. Pieta, swear or affirm that:
- 1. I am Ted R. Pieta and I reside at 9101 Woodcreek Circle, Riverview, Florida 33569.
- 2. In 1986, I purchased property located at 108 N. US Highway, 41, Ruskin, Florida 33570 ("The Property").
- 3. From 1986 through December 2012, I owned a business at the Property known as "Ted's Auto Center."
- 4. Ted's Auto Center consisted of the maintenance and repair of motor vehicles and the sale of used motor vehicles as an accessory part of the business.
- 5. Up to the time the Property was sold in December 2012, Ted's Auto Center was engaged in the maintenance and repair of motor vehicles and the sale of motor vehicles as an accessory part of the business.

Further affiant sayeth not.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date

Ted R. Pieta

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Sworn to before me this ______day of June, 2014 by Ted R. Pieta, who is personally known to me of who has provided _______ as identification and did take an

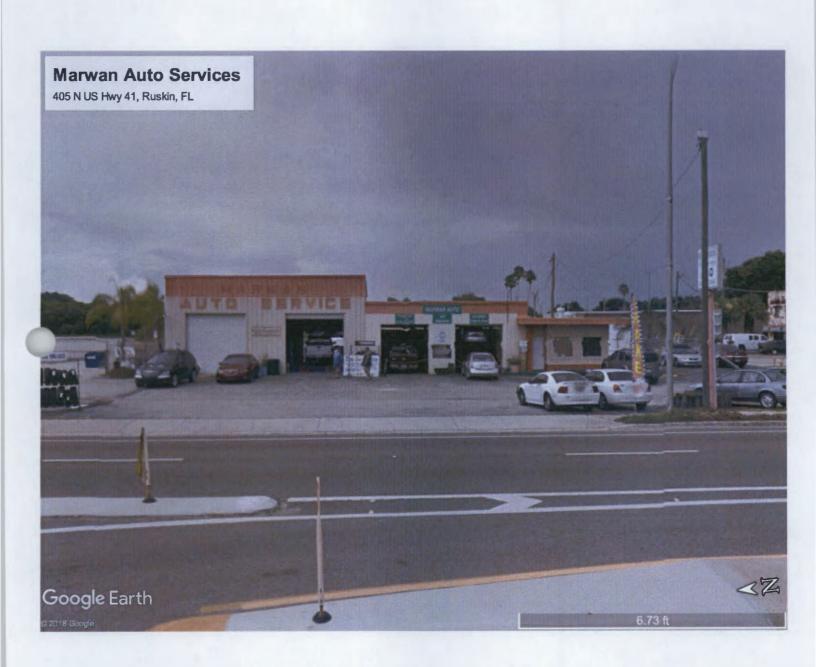
oath.

P. ANNETTE PERSAUD
Notary Public - State of Florida
My Comm. Expires Sep 20, 2014
Commission # EE 12857
Bonded Through National Notary Assn.

(Print, Type or Stamp Name)

My Commission Expires:

Notary Public







Car Credit Ruskin

RZ 18-0798



Imagery @2018 Google, Map data @2018 Google



PART 3.17.00 - RUSKIN TOWN CENTER DEVELOPMENT REGULATIONS[2]

Footnotes:

--- (2) ---

Editor's note— It should be noted that § 4 of Ord. No. 06-34, adopted November 2, 2006, provides for an effective date of February 1, 2007.

Sec. 3.17.01. - Purpose

The purpose of this Part is to provide for The Ruskin Town Center (RTC) zoning districts and design standards. The zoning district and design standards implement the vision, principles and strategies of the Hillsborough County Comprehensive Plan's Ruskin Community Plan.

The intent of the Ruskin Town Center Zoning District (RTCZD) is to revitalize Ruskin's business center along U.S. 41, enhance the appearance of Ruskin's historic business district, and establish a mixed-use, walkable and pedestrian friendly Town Center. All development shall be in accordance with the Standards for Non-Residential, Mixed Use and Multi-Family as described in this Part and as appropriate.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.02. - Applicability

A. Except as provided herein, these standards shall apply to all development within the area subject to the Ruskin Town Center Zoning District (RTCZD). However, these provisions shall not apply to public schools and previously approved planned developments, previously approved subdivisions, and projects with unexpired building permits, unexpired preliminary site development approval or unexpired construction plan approval at the time of rezoning to Ruskin Town Center Zoning District (RTCZD). Existing lawful uses, lots, structures, characteristics of land and densities shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part.

In addition to the standards provided herein, development within the Ruskin Town Center Zoning District (RTCZD) shall be required to meet all other applicable sections of the Land Development Code. Where any provision of the Ruskin Town Center Zoning District (RTCZD) regulations is in conflict with any other standards or regulations of the Land Development Code, the Ruskin Development Regulations shall prevail.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.03. - General Development Standards

A. Designation of Streets

All streets within the Ruskin Town Center Zoning District shall be classified as Main Streets or Ruskin Town Center Streets. Main Streets include Shell Point Road, and U.S. 41. All other streets shall be classified as Ruskin Town Center Streets - as shown on Figure 1—Ruskin Town Center.

B. Street Design

New streets and reconstruction of existing streets, excluding regulated roadways as defined in the Hillsborough County Comprehensive Plan, shall conform to the design standards established by this section for the cross section of Ruskin Town Center Streets as shown in Figure 2. Traffic calming measures shall be permitted in accordance with Section 5.08.09.E of this Code.

C. Parking, Access and Site Design

Except as otherwise provided by this Section, parking requirements for all uses shall be in accordance with the Parking Standards of Article VI. Landscaping requirements for off-street vehicular use areas shall be in accordance with the landscaping and buffering requirements of this Code.

1. Required Off-Street Parking

- a. Required parking provided through surface parking lots shall be on the development site or within 500 feet of the development site that the parking is required to serve.
- b. The minimum parking requirements in Article VI of this Code for non-residential uses is the maximum allowed. Additionally, the non-residential parking requirements may be reduced by 50 percent.
- c. On-Street Parking Credit. On-street parking spaces shall be deducted from the required number of off-street parking spaces for the adjacent use. When an extended parcel line splits an on-street parking space, that space shall be deducted from the parking requirements of the parcel that fronts the majority of the on-street parking space.

2. Off-street parking (surface parking lots).

- a. In projects located on Main Streets with off-street surface parking lots, parking shall be located behind the front façade of Main Street frontage buildings.
- Except as provided below, in projects located only on Ruskin Town Center Streets with offstreet surface parking lots, parking shall be located behind the front façade of Ruskin Town Center Street frontage buildings.
- c. Notwithstanding the above, surface parking lots may be located adjacent to Ruskin Town Center Streets in projects with frontage along Main Streets and Ruskin Town Center Streets.
- d. Surface parking lots may be located adjacent to one Ruskin Town Center Street in projects with frontage along two Ruskin Town Center Streets. However, no surface parking lot shall front Ruskin Town Center Street containing property on the opposite side of the street zoned for residential and residential support uses only. Additionally, on comer lots, surface parking may be located adjacent to two Ruskin Town Center Streets.
- 3. Parking Garages. Except for vehicle entrances, the ground floor shall be developed with enclosed commercial, office or civic floor space to a minimum building depth of 30 feet along the entire length of the structure on each adjacent street, unless separated from the street by another building, parking lot and/or landscaped open space with a minimum depth of 30 feet.

D. Screening of trash and recycling receptacles, loading docks, service areas, and other similar areas.

- 1. Trash, recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from Main Street or Ruskin Town Center Street frontages, and must be screened to minimize sound and visibility from residences and to preclude visibility from adjacent streets. Service areas shall be screened by a masonry wall and landscape buffer. The wall shall be a minimum of six feet in height using architectural design, materials and colors that are consistent with those of the primary structure. The landscape buffer shall be a minimum of five feet in width and contain evergreen plants a minimum of three feet in height spaced not more than four feet apart.
- Mechanical equipment shall be placed on the parking lot side of the building away from view from adjacent Main Street and Ruskin Town Center Street frontage and shall be screened from view of any street by fencing, vegetations, or by being incorporated into a building.
- All rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing it into roof structure.

- 4. Solid waste storage areas. A solid waste refuse facility shall be screened on three sides by a six-foot high masonry wall if it is located within the building setback area or located in areas visible to customers or from a public right-of-way.
- Fences and Walls. Fences and walls shall be constructed of masonry, vinyl or cast iron/metal.
 The location of all fences and walls shall be in accordance with Article VI of this Code.
- E. Building Orientation. A building's primary orientation shall be toward the street rather than the parking areas. The primary building entrances shall be visible and directly accessible from a public street.
- F. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to emphasize the entrance(s).
- G. Utilities. All utility lines shall be located underground.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.04. - Standards for Non-Residential, Mixed Use and Multi-Family Development

- A. Building frontages shall occupy no less than 60 percent of a project's street frontage.

 Notwithstanding the above, projects with frontages along Main Streets and Ruskin Town Center Streets shall not have minimum building frontage requirements along Ruskin Town Center Streets.
- B. Front yard building setbacks along all street frontages shall be a minimum of ten feet to a maximum of 20 feet. Rear yard setbacks shall be a minimum of ten feet, and side yard setbacks shall be a minimum of five feet.
- C. Building height shall be a maximum of 50 feet.
- D. Building Design
 - 1. Building Façade. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower windowsills that is distinguished from the building face by a change in volume or material. Building façade must be architecturally finished to grade. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum 80 percent of a storefront's linear frontage.
 - 2. Transparency. All street-facing non-residential and mixed-use structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront's linear frontage. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement, but must be transparent and shall not be painted or obscured by opaque panels.
 - 3. Shelter. Buildings shall incorporate arcades, alcoves, porticos or awnings.
 - 4. Garages. Street-facing ground floor parking, including individual unit garages, is not permitted on the first floor of a multi-family structure on a Main Street. Parking shall occur within parking garages or within surface lots that do not front on a Main Street. Individual unit garages attached to principal structures fronting Ruskin Town Center Streets shall be setback a

minimum of five feet from the street-facing façade and a minimum of 20 feet from the street right-of-way.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.05. - Sign Standards

A. Generally

Signs shall conform to the limitations and provisions of Article VII of this Code. Additionally, the following limitations and provisions shall apply to signage for all uses excluding emergency public services/uses.

B. General Requirements

- Signage within the Ruskin Town Center Zoning Districts (RTCZD) shall be constructed utilizing
 materials similar to those of the buildings served. Acceptable materials may include wood and
 painted metal. Plastic and similar synthetic materials are permitted if designed to replicate the
 appearance of wood and painted metal signs.
- 2. Pole signs shall be prohibited.

C. Ground signs

- 1. General Standards
 - a. Letter height shall be a minimum of nine inches and a maximum of 24 inches.

2. Monument Signs

- a. The maximum height shall be eight feet above the ground plane.
- b. Signs shall be set back a minimum of ten feet from the public right-of-way, 30 feet from the intersection of right-of-way lines and shall meet any additional setback required in Article VII of this Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.

D. Awning Signs:

The width of the sign shall not exceed the width of the canopy, awning or marquee.

E. Miscellaneous signs

 Window Signs: Permanent window sign displays shall be limited to no more than 20 percent of the window area.

2. Projecting Signs

- a. Signs shall be located above ground-floor level doors and windows but below the roofline or second-floor level to promote a pedestrian environment.
- b. Signs are limited to no more than one projecting sign per business.
- Signs shall project no more than four feet from the building face and must be located outside of the public right-of-way.
- Sign shall have a minimum six-inch clearance from the building face.

F. Sign Lighting

 Ground-mounted up-lights shall not exceed 150 watts per sign face and shall shield light from aiming toward motorists and neighboring properties. Fixtures shall be hidden from view by sign landscaping. Internally lighted tenant signs attached to buildings shall only illuminate lettering and not entire sign face.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.06. - Zoning Districts

New development in Ruskin Town Center Zoning District with a parcel's designation as shown on Map located in Figure 1 shall conform with the following use, density, intensity, and Standards for Non Residential, Mixed Use and Multi-Family as described above and provisions of this Code. Additionally, all structures located along Shell Point Road and U.S. 41 shall be a minimum of two stories in height.

(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.07. - Ruskin Town Center (RTC-1)

Permitted Uses: CG and RMC-20 uses as defined in Section 2.02.02 of this Code; mixed use developments, multi-family residential and commercial uses. Commercial general retail uses shall be permitted in projects in accordance with special requirements listed below.

Maximum Density: 20 dwelling units per acre.

Maximum Intensity: 0.75 FAR.

The permitted uses on Tax Folio 55675.0000 as configured on May 8, 2007 shall include major repair of motorcycles, scooters and lawn mowers in addition to the permitted uses listed above.

The permitted uses of Tax Folios 55215.0000, 55217.0000, 55217.1000, 55752.0000 and 55759.0000 as configured on June 11, 2009, and on Tax Folios 55801.0000 and 55802.0000 as configured on October 5, 2011, shall include, in addition to the permitted uses listed above, an indoor/outdoor community market subject to the following requirements:

- a. Sales shall be limited to fresh vegetables and fruits, plants, cut flowers, cider, jams, jellies, relishes, honey, spices, sauces, syrups, canned goods, baked goods, fresh meat and seafood, eggs, dairy products, prepared foods for immediate consumption, aquaculture products and aquarium accessories, artisan crafts, and original or limited-edition works of art. Sales of other items, including but not limited to used merchandise, shall be prohibited.
- Indoor sales activities within fully enclosed buildings shall be permitted seven days a week.
- c. Outdoor sales activities shall be permitted only on Friday, Saturday, Sunday and holidays recognized by Hillsborough County. Vendor shelters shall be limited to tents, fabric canopies, umbrellas and wheeled vehicles. A minimum setback of 10 feet from all property lines shall be required. All vendor shelters and vehicles shall be removed from the property on days when sales are not permitted.

(Ord. No. 06-34, § 2, 11-2-06; Ord. No. 07-25, § 2, 11-1-07, eff. 2-1-08; Ord. No. 09-53, Item Y, 6-11-09, eff. 10-1-09; Ord. No. 11-24, § 2(Item A)(12-0011), 12-5-11, eff. 2-1-12)

Sec. 3.17.08. - Ruskin Town Center (RTC-2)

Permitted Uses: BPO, CN and RMC-12 uses as defined in Section 2.02.02 of this Code; mixed use developments, business professional office and multi-family residential.

Maximum Density: 12 dwelling units per acre.

Maximum Intensity: 0.50 FAR.

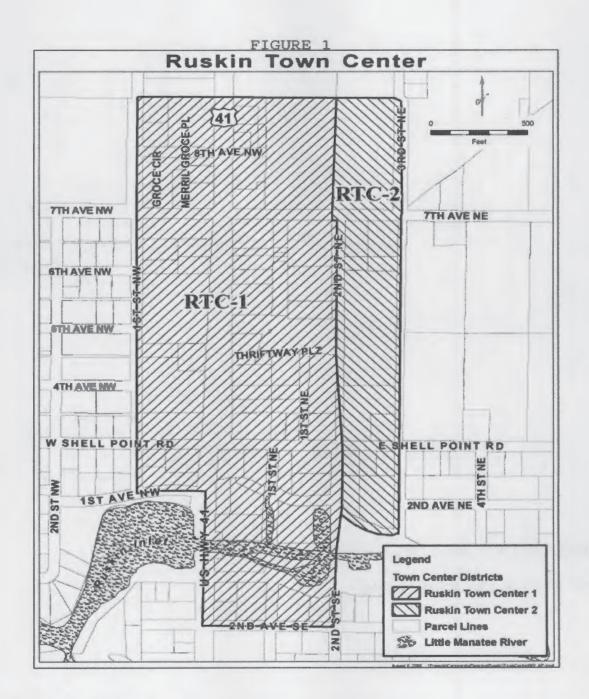
(Ord. No. 06-34, § 2, 11-2-06)

Sec. 3.17.09. - Prohibited Uses

Notwithstanding the above, the following uses shall be prohibited in both, RTC-1 and RTC-2, districts:

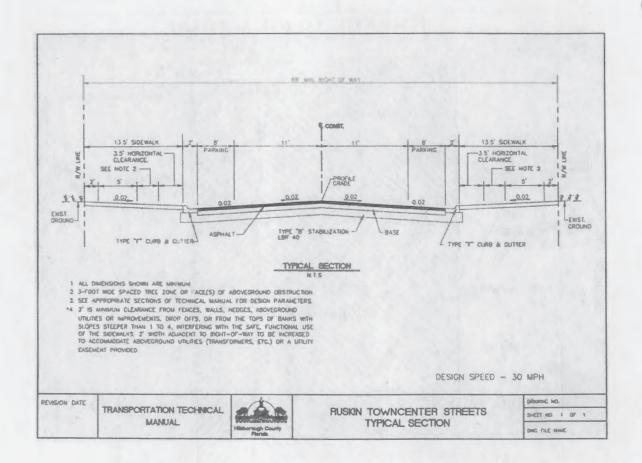
- a. Single Family Detached Housing Type
- b. Duplex Housing Type
- c. Wireless Communication Facilities
- d. Radio and Television Transmitting Facilities
- e. Lawn Care/Landscaping
- f. Lumber/Other Building Materials
- g. Motor Vehicle Repairs (Minor or Major)
- h. Motor Vehicle Sales, Rentals, and Auctions-All Types
- i. Recreational Vehicle Sales and Rentals
- j. Private Pleasure Craft Sales and Rentals
- k. Rental leasing, Light Equipment and Farm Equipment
- Wholesale Distribution
- m. Labor Pools-All Types
- n. Mini-Warehouses
- o. Tattoo Parlors/Shops
- p. Pawnshop
- q. Convenience Stores with Fuel Pumps
- r. Motor Vehicle Fuel Sales and Services

(Ord. No. 06-34, § 2, 11-2-06)



Ruskin Town Center

(Ord. No. 06-34, § 2(Exh. A), 11-2-06)



Ruskin Town Center Streets Typical Section

(Ord. No. 06-34, § 2(Exh. A), 11-2-06)

RZ 18-0798 ZHM Hearing – August 20, 2018

Good evening Mr/Ms. Hearing Master...my name is Ty Maxey, Planner with Maser Consulting, located at 5471 W Waters Avenue, Tampa, Florida.

The PD Site Plan submitted with this application illustrates the location of the existing commercial structure and site access, as well as provides for improvements to the property including enhanced landscape buffering, parking lot striping, removing the chain link fencing along the site's US Highway 41 and Shell Point Road frontages, removing any illegal signage and installing a new monument. The addition of landscape buffers and striping the designated parking spaces will clean up the site and eliminate haphazard parking/display of motor vehicles, while also reducing or limiting the motor vehicle inventory on the site. These site improvements not only help to bring the site into compliance with the Code and the RTC design standards, but they also further the intent of the Ruskin Community Plan, which promotes a pedestrian friendly and walkable streetscape.

This is a rendering of the subject property which incorporates the proposed improvements to the site including carport/awning structures. One of the standards in the RTC zoning district is to reduce the front setback by bringing structures close to the roadway frontage — obviously, that is difficult to do with an existing structure; therefore, we have proposed an alternative with carport or awning structures over the parking spaces along the Shell Point Road and US Highway 41 frontage. This not only provides some screening of the vehicle inventory but also furthers the Code's intent by providing a structural element along the property's frontage. (Aerial Photo — Existing Site Conditions)

The Applicant's project, as proposed by the PD, is currently or will be in compliance with the majority of the regulations outlined in the RTC zoning district standards. We have provided a copy of the RTC zoning district standards – and have highlighted the standards which the subject project is not compliant. The standards not highlighted are either not applicable to the project or can be complied with. Non-compliance is primarily a result of the existing site characteristics which cannot necessarily be changed – e.g. the existing building design, building

location, building orientation and the location of the parking area. It is important to point out that the intent of the RTC standards never was to require the demolition or redevelopment of existing site characteristics. In fact, the RTC development regulations specifically state existing lawful structures and characteristics of land shall not be required to be removed or otherwise modified as a result of the standards. Notwithstanding that caveat, the applicant is proposing enhanced landscaping and the carport structures to mitigate for the existing site features which would otherwise be considered noncompliant with the RTC standards. We have also proposed several zoning conditions which are alternatives to the standards the project is not compliant with and which further the intent of the Ruskin Town Center district.

The motor vehicle sales use is a business which serves the community of Ruskin and its residents, providing an affordable option to purchasing a car, as opposed to buying from the larger dealerships – which are inconveniently located outside of the Ruskin community. The scale of the motor vehicle sales business is non-obtrusive and furthers the Ruskin Community Vision Statement (Ruskin Community Plan, Livable Communities Element, Future of Hillsborough County Comprehensive Plan) which promotes a downtown that is "made up of small businesses as opposed to 'big-box' stores" and "preserves its small-town character..." The enhanced landscape improvements proposed by the PD furthers the Vision Statement component that "envision[s] a community extravagantly lavished with trees and lush landscapes of native Florida plants, both existing and new." This rezoning is consistent with and furthers the following additional elements of the Ruskin Community Vision Statement and the Ruskin Community Plan Goals and Strategies:

"Goal 1: Downtown Ruskin – Revitalize Ruskin's business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small town community."

 "Encourage commercial development and redevelopment within downtown Ruskin and the Town Center..."

"Goal 2: Economic Development – Provide opportunities for business growth..."

- "Promote commercial development at a scale and design that reflects the character of the community."
- "Goal 4: Culture and History Promote development that recognizes the historic character of the Ruskin community and enhances the quality of life."
- "Promote beautification and landscaping along US 41, College Avenue and Shell Point Road."
- "Prohibit pole signs and limit ground signs to eight (8) feet in height."

"Goal 8: Transportation – Ensure a balanced transportation system that reflects the community's character and provides for options including walking, bicycling and transit."

- "Complete sidewalks along Shell Point Road West."
- "Expand and enhance opportunities for biking and walking."

The PD rezoning request is compatible with the existing and proposed zoning and development pattern within the surrounding area, is generally compliant with the RTC Design Standards, and is consistent with the Hillsborough County Land Development Code and the *Future of Hillsborough County Comprehensive Plan*.

PETITION NUMBER: MEETING DATE:

RZ 18-0798 October 9, 2018

Approval, subject to the conditions listed below, is based on the general site plan submitted July 31, 2018.

1. The project shall be limited to a maximum of 5,000 square feet of RTC-1 zoning district permitted uses and/or motor vehicle sales (new and used).

- 2. Notwithstanding that auto repair has been determined to be an existing lawful use under LDC Section 3.17.02(A), auto repair shall be a prohibited use.
- 3. If the property were redeveloped or occupied by a use other than the existing motor vehicle sales use, compliance with Section 3.17.00, Ruskin Town Center Development Regulations, Hillsborough County Land Development Code, shall be required, as applicable, and the following additional conditions shall apply:
 - 3.1 Unless otherwise approved through the LDC 6.04.02.B. Administrative Variance process, a cross access to the western parcel (Folio 055807.0100) shall be required.
 - 3.2 As Shellpoint Road is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway, the developer shall preserve up to 8 feet of right-of-way along its Shellpoint Road frontage for future improvements, such that a minimum of 38 feet of right-of-way is preserved south of the existing right-of-way line centerline. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the proposed right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- 4. The existing motor vehicle sales use shall comply with Section 3.17.00, Hillsborough County Land Development Code, unless otherwise stated herein or noted/illustrated on the approved general site plan.
- 5. The following development standards shall apply to the existing motor vehicle sales use and shall supersede any conflicting development regulations in Section 3.17.00, Hillsborough County Land Development Code, relating to the same:
 - 5.1 Off-street parking (surface parking lots). Off-street parking and parking for sales inventory shall be as depicted on the approved general site plan.
 - 5.2 Landscaping and buffering requirements for off-street vehicular use areas shall be as outlined on the approved general site plan.
 - 5.3 Building Orientation. The primary building entrance(s) shall be visible and accessible from a public street.
 - 5.4 Building frontages, minimum building setbacks and dimensional standards shall be as illustrated and/or noted on the approved general site plan. Maximum front yard building setbacks shall not apply.

- 5.5 Building Façade. Ground floor retail uses that are located in non-residential or mixed use structures and that are located on a corner parcel and have two street frontages shall contain storefront display windows covering a minimum of 40 percent and a maximum of 80 percent of a storefront's linear frontage along one of the streets and a minimum of 20 percent and a maximum of 60 percent of a storefront's linear frontage along the other street.
- 5.6 Ground/Monument Sign Setbacks. Signs shall be set back a minimum of ten feet from the public right-of-way, 20 feet from the intersection right-of-way lines and shall meet any additional setback required in Article VII, Hillsborough County Land Development Code. Additionally, sight distance and roadside clear zones must be in accordance with the criteria of the Hillsborough County Transportation Technical Manual.
- 6. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 7. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.
- 8. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Development Services Department a revised General Site Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or recommendations of the Land Use Hearing Officer. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to the conditions of approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Hearing Meeting, said plan will be deemed invalid and revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. The submittal deadline for the revised General Site Plan under all of the above scenarios shall be the deadline for the filing of Oral Argument.

RCDF Ruskin Community Development Foundation

P.O. Box 695 Ruskin, Florida 33575 813-641-4099

August 13, 2018

Charles Andrews
Senior Planner
Hillsborough County
Development Services Department

Dear Mr. Andrews,

The Board of Directors would like to express the following concerns regarding RZ 18-0798:

- RTC-1 Non Permitted Use
- Narrative incorrectly states the historical use as "used car sales"
- RTC-1 Primary Intersection
- Intersection in need of major safety improvement
- 'Strategic Plan' for redevelopment of downtown being launched

The Board agrees the request is inconsistent with the RTC-1 element of the Ruskin Community Plan and should be denied. Community Plans adopted into the County's Comprehensive Plan by the B.O.C.C., took months of staff time and community participation to develop and come to a consensus. While it was clear from the beginning there was no funding attached to these plans for implementation, there was a realistic expectation the county would support the intent of the individual community plans as projects came forward that were inconsistent.

The Board's position has no reflection on the applicant other than it is the wrong use for this location. We encourage the applicant to participate in the 'Strategic Plan' when it launches in the next few weeks as we believe it would help them to fully understand why Ruskin is so passionate about the way our downtown is redeveloped.

Sandra R. Council

President

Sincerely

cc: Mark Bentley Ty Maxey

Name: Sandy Courcil
Entered at Public Hearing: H

PARTY OF RECORD

RJ SANTIAGO & ASSOCIATES, INC. 240 APOLLO BEACH BLVD. APOLLO BEACH, FL 33572

Tel: 813-641-0010

July 26, 2018

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re:

RZ 18-0798

To Whom It May Concern:

Our company, RJ Santiago & Associates Inc., is the owner of property located at 302 N 41 Hwy., Ruskin, directly north of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Sincerely

Rolando J. Santiago

Roland@rjslawgroup.com

President

Demay, Ina

From: Andrews, Charles

Sent: Tuesday, July 31, 2018 11:12 AM

To: Demay, Ina

Subject: FW: RZ PD 18-0798: Questions On The Request

Ina,

Please upload into Optix regarding opposition to RZ PD 18-0798.

Sincerely,

Charles Andrews, AICP, CNU-A

Senior Planner

Development Services Department Community Development Section

P: (813) 276-8372 F: (813) 272-5348

E: andrewsch@HCFLGov.net

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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

From: s council [mailto:mulletwrappernews@gmail.com]

Sent: Tuesday, July 31, 2018 11:08 AM

To: Andrews, Charles <AndrewsCh@hillsboroughcounty.org> **Subject:** Re: RZ PD 18-0798: Questions On The Request

[External]

Good Morning Mr. Andrews,

I have reviewed the attachments you provided concerning RZ 18-0798. Listed below are my concerns:

- As an adjacent property owner, Ted's Automotive was never a used car lot, as stated in the narrative.
- Existing use is not a "permitted use".
- As a participate in the Ruskin Community Plan, as well as, the extended 18 month process to codify the Ruskin Town Center element of the Plan, I am opposed to the rezoning request based on inconsistency with the plan. This use is 'specifically' excluded in RTC-1.
- Because it is located "within a quadrant of one of the primary intersections in the Ruskin community", makes it a major reason to deny in support of RTC-1.

• The Planning Commission has just hired an consultant to engage the Ruskin community in drafting a 'Strategic Plan' on implementing the Ruskin Town Center element of the Ruskin Community Plan.

In good conscious I can not support this rezoning. Too many people spent a lot of time attending months of meeting to finally come to a consensus on our community plan.

Sandy Council 813-520-3309

On Wed, Jul 18, 2018 at 10:42 AM, Andrews, Charles < AndrewsCh@hillsboroughcounty.org > wrote:

Ms. Council,

It was a pleasure talking with you on the phone. Per our discussion, please see attached for a copy of the application, project request and site plan. Also, please contact Ina Demay at (813) 276-8320 or demayi@hillsboroughcounty.org to discuss the details of the mail notice requirements.

Please let me know if I can be of further assistance.

Sincerely,

Charles Andrews, AICP, CNU-A

Senior Planner

Development Services Department

Community Development Section

P: (813) 276-8372

F: (813) 272-5348

E: andrewsch@HCFLGov.net

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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Demay, Ina

From: Andrews, Charles

Sent: Friday, August 17, 2018 8:41 AM

 To:
 Demay, Ina

 Subject:
 FW: RZ 18-0798

 Attachments:
 RZ 18-0798.pdf

Ina,

Please upload into Optix. Opposition letter to RZ PD 18-0798. As it's Friday, and therefore less than 2 days prior to the hearing, I've advised Ms. Council to also be present at the hearing and to submit a hard copy into the record.

Sincerely,

Charles Andrews, AICP, CNU-A

Senior Planner

Development Services Department Community Development Section

P: (813) 276-8372 F: (813) 272-5348

E: andrewsch@HCFLGov.net

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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

From: s council [mailto:mulletwrappernews@gmail.com]

Sent: Friday, August 17, 2018 8:33 AM

To: Andrews, Charles < Andrews Ch@hillsboroughcounty.org>

Subject: RZ 18-0798

[External]

Mr. Andrews,

You will find attached a letter from the Board of Ruskin Community Development Foundation regarding the subject rezoning.

I have copied Mr. Bentley and Mr. Maxey with this email and will gladly answer any question.

Sandy Council

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RCDF Ruskin Community Development Foundation

P.O. Box 695 Ruskin, Florida 33575 813-641-4099

August 13, 2018

Charles Andrews Senior Planner Hillsborough County Development Services Department

Dear Mr. Andrews,

The Board of Directors would like to express the following concerns regarding RZ 18-0798:

- RTC-1 Non Permitted Use
- Narrative incorrectly states the historical use as "used car sales"
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Sincerely

Sandra R. Council

President`

cc: Mark Bentley
Ty Maxey

Le Blanc, Cindy-Jean

From: Andrews, Charles

Sent: Wednesday, March 13, 2019 1:07 PM

To: Le Blanc, Cindy-Jean **Subject:** FW: Car Credit RZ: 18-0798

Attachments: Signed Rezoning Car Credit letter.pdf

Cindy,

Please upload into Optix. Thanks!

Sincerely,

Charles Andrews, AICP, CNU-A

Senior Planner

Development Services Department Community Development Section

P: (813) 276-8372 F: (813) 272-5348

E: andrewsch@HCFLGov.net

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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

From: s council [mailto:mulletwrappernews@gmail.com]

Sent: Wednesday, March 13, 2019 10:44 AM

To: Mark Bentley <markb@jpfirm.com>; Andrews, Charles <AndrewsCh@hillsboroughcounty.org>

Cc: Ty Maxey <TMaxey@maserconsulting.com>

Subject: Car Credit RZ: 18-0798

[External]

Dear Mr. Bentley,

The Ruskin Community Development Foundation (RCDF) Board of Directors recently met to discuss your draft proposal for the additional permitted use of "motor vehicle sales" to Tax Folio 55215.0000, DBA Car Credit.

The Board reaffirms the position stated in the August 13, 2018 letter to Charles Andrews, Senior Planner Hillsborough County Development Services. I have attached the newly drafted letter to Mr. Andrews for your review.

Please feel free to contact me if you have any questions.

Sandy Council President RCDF 813-520-3309

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RCDF Ruskin Community Development Foundation

P.O Box 695 Ruskin, Florida 33575 813-641-4099

March 10, 2019

Charles Andrews
Senior Planner
Hillsborough County
Development Services Department

RE: RZ-18-0798

Dear Mr. Andrews,

The Board of Directors met on March 6th for the sole purpose of discussing the added permitted use of "motor vehicle sales" to Tax Folio 55805.0000, DBA Car Credit. After much discussion the Board reaffirms their original position of denial as stated in our August 13th letter. The decision was based on the following:

- RTC-1 Non Permitted Use
- Narrative incorrectly states the historical use as "used car sales"
- RTC-1 Primary Intersection
- Staff recommendation for denial
- Hearing Master recommendation for denial

Again the Board's position has no reflection on the applicant. The Board is cognizant of the hard work, of both County staff and the community, in the development of the Ruskin Community Plan and is therefore compelled to uphold the original intent.

Sincere

Sandra R. Council

President

Cc: Mark Bentley
Ty Maxey

RCDF Ruskin Community Development Foundation

P.O Box 695 Ruskin, Florida 33575 813-641-4099

March 10, 2019

Charles Andrews
Senior Planner
Hillsborough County
Development Services Department

RE: RZ-18-0798

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Again the Board's position has no reflection on the applicant. The Board is cognizant of the hard work, of both County staff and the community, in the development of the Ruskin Community Plan and is therefore compelled to uphold the original intent.

Sincere

Sandra R. Council

President

RECEIVED

MAR 2 5 2019

Cc: Mark Bentley
Ty Maxey

Development Services

Department

RJ SANTIAGO & ASSOCIATES, INC. 240 APOLLO BEACH BLVD. APOLLO BEACH, FL 33572 Tel: 813-641-0010

July 26, 2018

PGM – ZONING HEARING SECTION P.O. Box 1110 Tampa, FL 33601 hearings@hillsboroughcounty.org

Re:

RZ 18-0798

To Whom It May Concern:

Our company, RJ Santiago & Associates Inc., is the owner of property located at 302 N 41 Hwy., Ruskin, directly north of the proposed project associated with RZ 18-0798. We have discussed the project with the applicant and reviewed the proposed plans. We believe that the project is in character and compatible with our property and the surrounding area, and meets the intent of both the Ruskin Town Center zoning district(s) and the Ruskin Community Plan. Accordingly, we are in support the above referenced application.

Thank you for your consideration.

Sincerely,

Rolando J. Santiago

Roland@rjslawgroup.com

President