

Rezoning Application: RZ-STD 23-0203 (Remand)

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 7, 2023

1.0 APPLICATION SUMMARY

Applicant: Maan Capital Management LLC

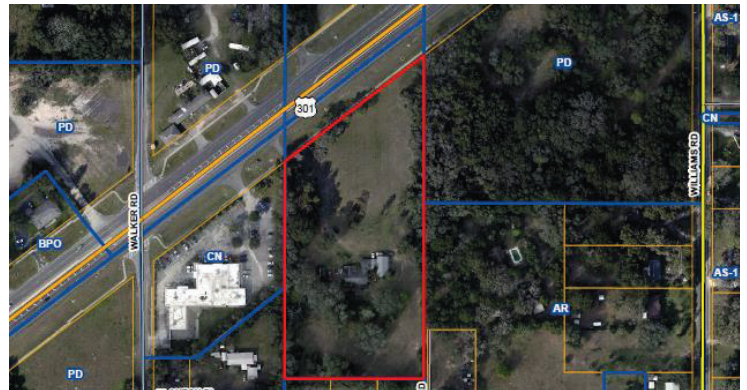
FLU Category: Residential-4 (RES-4)

Service Area: Urban

Site Acreage: 5.0 MOL

**Community
Plan Area:** Thonotosassa

Overlay: None



Request: Rezone from Agricultural Rural (AR) to
Commercial - Neighborhood
Restricted (CN-R)

Introduction Summary:

The existing zoning is Agricultural Rural (AR) which permits Single-Family Residential/Agricultural pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood Restricted (CN-R) which allows Neighborhood Commercial, Office and Personal Services Restricted uses pursuant to the development standards in the table below. The applicant has offered restrictions that limit the uses to low intensity commercial uses, also buffer and screening requirements have been increased toward residential areas.

| | Existing | Proposed |
|------------------------|--|--|
| District(s) | AR | CN-R |
| Typical General Use(s) | Single-Family Residential/Agricultural | Neighborhood Commercial, Office and Personal Services Restricted |
| Acreage | 5.0 MOL | 5.0 MOL |
| Density/Intensity | 1 du/ 5 ga | 0.20 F.A.R. |
| Mathematical Maximum* | 1 unit | 43,560 sf |

*number represents a pre-development approximation

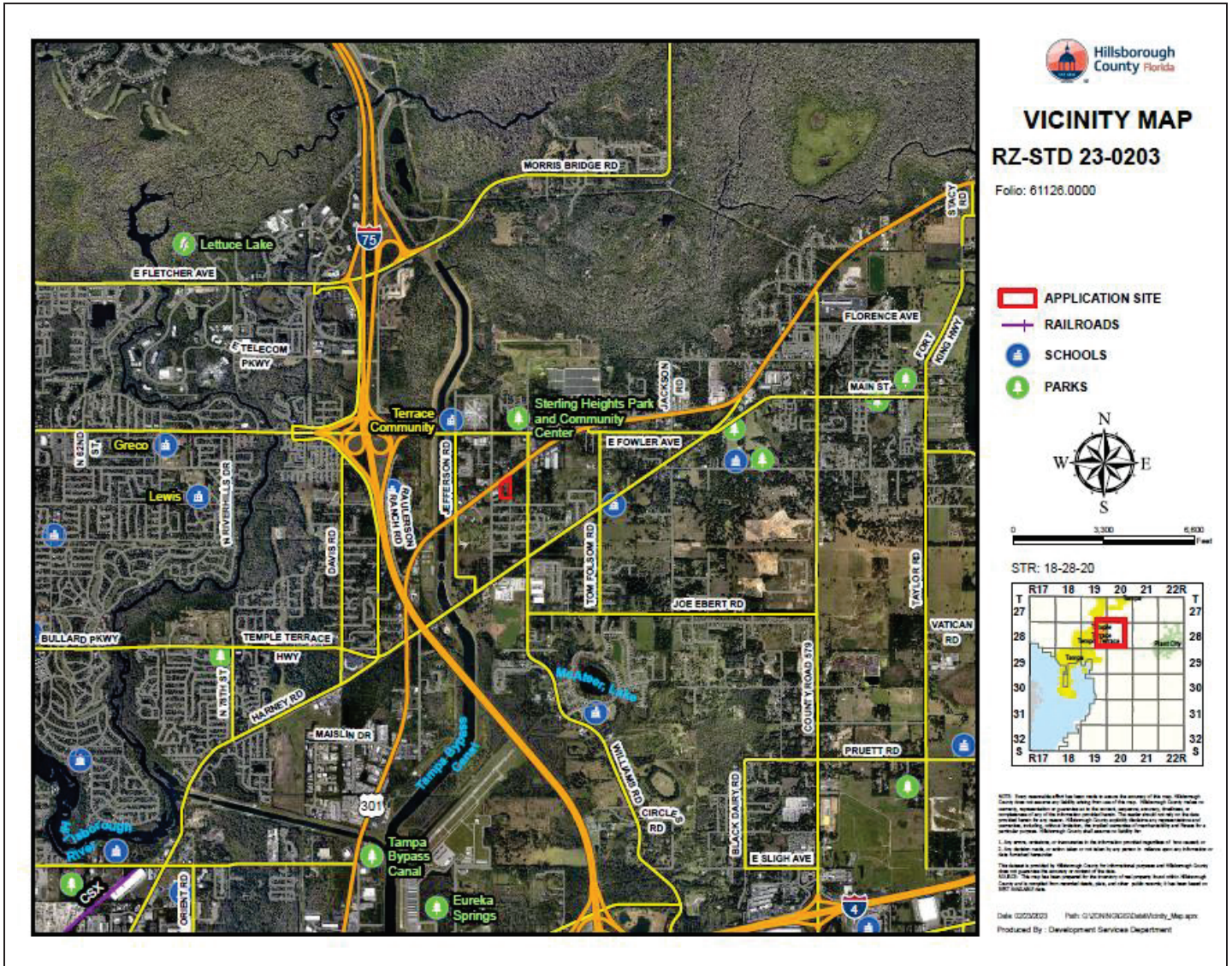
| Development Standards: | Existing | Proposed |
|----------------------------------|------------------------------------|--|
| District(s) | AR | CN-R |
| Lot Size / Lot Width | 217,800 sf / 150' | 7,000 sf / 70' |
| Setbacks/Buffering and Screening | 50' Front 50' Rear 25' Sides | 30' Front Buffer Rear Buffer Sides A 30-foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts |
| Height | 50' | 35' |

Planning Commission Recommendation:
Inconsistent

Development Services Recommendation:
Approvable, with restrictions

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

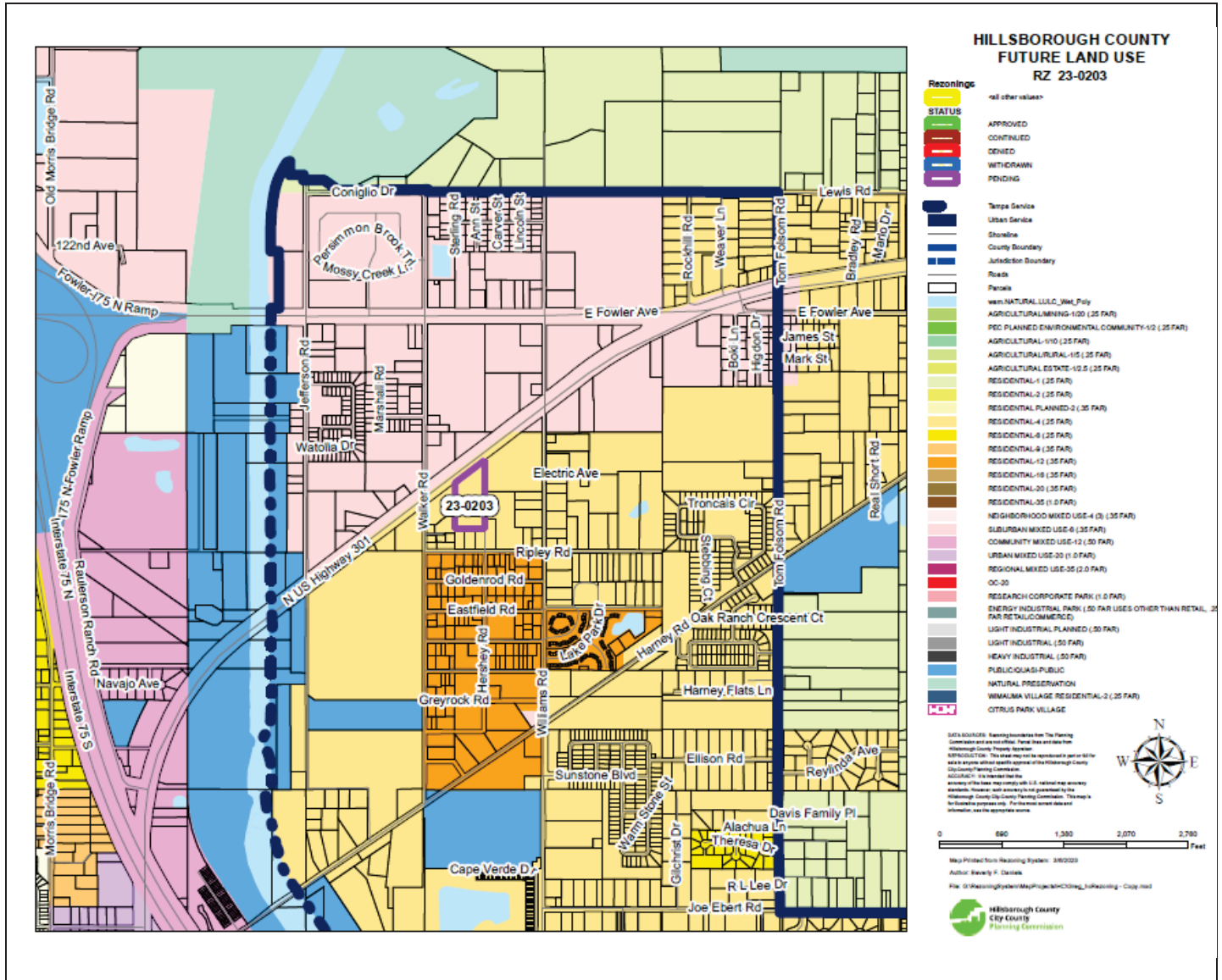


Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



| | |
|--|--|
| Subject Site Future Land Use Category: | Residential-4 (RES-4) |
| Maximum Density: | 4.0 dwelling unit per gross acre / 0.25 F.A.R. |
| Typical Uses: | Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use. |

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 |
|--------------|--|--|--|
| US Hwy 301 | FDOT Principal Arterial - Urban | 4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| Hershey Road | Private | 2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |

Project Trip Generation Not applicable for this request

| | Average Annual Daily Trips | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
|------------------|----------------------------|----------------------|----------------------|
| Existing | 9 | 1 | 1 |
| Proposed | 3,969 | 148 | 379 |
| Difference (+/-) | +3,960 | +147 | +378 |

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

Connectivity and Cross Access Not applicable for this request

| Project Boundary | Primary Access | Additional Connectivity/Access | Cross Access | Finding |
|------------------|----------------|--------------------------------|-----------------|-----------------|
| North | | Choose an item. | Choose an item. | Choose an item. |
| South | | Choose an item. | Choose an item. | Choose an item. |
| East | | Choose an item. | Choose an item. | Choose an item. |
| West | | Choose an item. | Choose an item. | Choose an item. |
| Notes: | | | | |

Design Exception/Administrative Variance Not applicable for this request

| Road Name/Nature of Request | Type | Finding |
|-----------------------------|-----------------|-----------------|
| | Choose an item. | Choose an item. |
| | Choose an item. | Choose an item. |
| Notes: | | |

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

| INFORMATION/REVIEWING AGENCY | | | | |
|--|--|---|--|--|
| Environmental: | Comments Received | Objections | Conditions Requested | Additional Information/Comments |
| Environmental Protection Commission | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | No Wetlands Present |
| Environmental Services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Conservation and Environmental Lands Management | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input checked="" type="checkbox"/> Other: Airport Height Restriction 110' AMSL | | | | |
| Public Facilities: | Comments Received | Objections | Conditions Requested | Additional Information/Comments |
| Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A | |
| Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Comprehensive Plan: | Comments Received | Findings | Conditions Requested | Additional Information/Comments |
| Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Submitted <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 5.0 -acre single-family residence parcel is zoned Agricultural Rural (AR). The subject property is located at 11315 N US Highway 301 Thonotosassa. The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215. The subject parcel is designated Residential-4 (RES-4) on the Future Land Use map.

Development Services has compatibility concerns with the single-family residential adjacent to the south, east and west. While the parcels to the east and west are both commercial as well, they do not encroach as far into the residential area. The subject parcel is surrounded on three sides by single-family residential. Therefore, the proposed zoning uses would extend potential impacts associated with the commercial district much further into the adjacent residential area than would occur with the adjacent existing commercial uses.

To address compatibility the applicant has offered the following restrictions:

1. A 30 foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts.

2. Uses permitted on the subject site shall be restricted to the following list of uses:

- Beekeeping
- Plant Farm
- Family Day Care Home
- Libraries
- Schools, Private & Charter (K-12)
- Schools, Public (K-12)
- Accessory Retail
- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Automotive Supply Store
- Bank/Credit Union
- Banquet and Reception Halls
- Bicycle Sales
- Blueprint
- Book/Stationary Store, New and Used
- Brew Pub
- Camera/Photography Store
- Commercial, Vocational and Business Schools
- Drug Stores
- Dry Cleaners, Small
- Dry Cleaners, General
- Electric/Electronic Repair, Small

- Florist Shop
- Food Product Stores:
- Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
- Funeral Home and Mortuaries, With or Without Accessory Crematoriums
- Furniture/Home Furnishings
- General Business, Such as Retail Goods and Stores
- Grocery Stores
- Gun Sales
- Hardware Store
- Jewelry Store
- Laundries (Self-Serve)
- Locksmith
- Mail and Package Services
- Mail Order Office
- Mail Order Pickup Facilities
- News Stand
- Novelty and Souvenir Shop
- Optician/Optical Supplies
- Pet Shop
- Photography Studio
- Printing Services
- Restaurants (Eating Establishment)
- Shopping Centers
- Specialty Food Store
- Sporting Goods Store
- Supermarket
- Tobacco Shop
- Travel Agencies
- Watch, Clock, Jewelry Repair
- Wedding Chapel
- Barber, Beauty Shop
- Business Services
- Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
- Blood/Plasma Banks and Donation Centers
- Employment Services
- Family Support Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
- Personal Services
- Professional Office
- Professional Services
- Golf Club/Country Club
- Public Parks & Recreation Facilities
- Recreational Uses, General Indoor/Outdoor
- Recreational Uses, Private Community
- Recreational Use, Passive

- Ambulance Services
- Flow Equalization Tanks

The applicant has restricted the parcel from such uses as gas station and restaurants with drive up facilities. In addition, the proposed 30-foot wide, Type C buffer will provide adequate buffering and screening towards the abutting residential zoning districts.

Based on the above considerations staff finds the requested CN-R zoning district COMPATIBLE with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request Approvable, with restrictions. As noted, the applicant has offered the following restrictions:


1. A 30 foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts.

2. Uses permitted on the subject site shall be restricted to the following list of uses:

- Beekeeping
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- Commercial, Vocational and Business Schools
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- Dry Cleaners, General
- Electric/Electronic Repair, Small
- Florist Shop
- Food Product Stores:
 - Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
- Funeral Home and Mortuaries, With or Without Accessory Crematoriums
- Furniture/Home Furnishings

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- Pet Shop
- Photography Studio
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- Supermarket
- Tobacco Shop
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- Wedding Chapel
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- Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
- Blood/Plasma Banks and Donation Centers
- Employment Services
- Family Support Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
- Personal Services
- Professional Office
- Professional Services
- Golf Club/Country Club
- Public Parks & Recreation Facilities
- Recreational Uses, General Indoor/Outdoor
- Recreational Uses, Private Community
- Recreational Use, Passive
- Ambulance Services
- Flow Equalization Tanks

Zoning Administrator Sign Off:



J. Brian Grady
Fri Sep 8 2023 13:07:01

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 obtaining all necessary building permits for on-site structures.

6.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

| | |
|---|------------------------------------|
| TO: Zoning Technician, Development Services Department | DATE: 04/06/2023 |
| REVIEWER: Alex Steady, Senior Planner | AGENCY/DEPT: Transportation |
| PLANNING AREA/SECTOR: Thonotosassa/Northeast | PETITION NO.: STD 23-0203 |

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 3,960 average daily trips, 147 trips in the a.m. peak hour, and 378 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 4.85 acres from Agricultural Rural (AR) to Commercial Neighborhood (CN). The site is located on the south side of US Hwy 301, +/- 400 feet east of the intersection of Walker Road and US Hwy 301. The Future Land Use designation of the site is Residential-4 (RES-4).

Trip Generation Analysis

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

Approved Zoning:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|--|------------------------|-----------------------|----|
| | | AM | PM |
| AR, 1 Single Family Dwelling Unit (ITE Code 210) | 9 | 1 | 1 |

Proposed Zoning:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|---|------------------------|-----------------------|-----|
| | | AM | PM |
| CN, 42,000 sf Shopping Plaza (ITE Code 821) | 3,969 | 148 | 379 |

Trip Generation Difference:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|-----------------------|------------------------|-----------------------|-------------|
| | | AM | PM |
| Difference | +3,960 | +147 | +378 |

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 301 and Hershey Road. US Hwy 301 is a 4-lane, undivided, FDOT maintained, Principal Arterial roadway. US Hwy 301 lies within +/- 200 feet of Right of Way in the vicinity of the project. US Hwy 301 has sidewalks and bike lanes on both sides of the roadway within the vicinity of the project. Hershey Lane is a two lane, substandard local private roadway. Hershey Road is unpaved and has no sidewalks on either side of the roadway.

SITE ACCESS

It is anticipated that the site will have access to US Hwy 301. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

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

| FDOT Generalized Level of Service | | | | |
|-----------------------------------|-----------|--------|--------------|-------------------------|
| Roadway | From | To | LOS Standard | Peak Hr Directional LOS |
| US HWY 301 | HARNEY RD | CR 579 | D | B |

Source: [2020 Hillsborough County Level of Service \(LOS\) Report](#)

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COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

| | |
|----------------------------------|---|
| APPLICATION NUMBER: | RZ STD 23-0203 REMAND |
| DATE OF HEARING: | September 18, 2023 |
| APPLICANT: | Maan Capital Management, LLC |
| PETITION REQUEST: | The request is to rezone a parcel of land from AR to CN (R) |
| LOCATION: | 11315 North Hwy. 301 |
| SIZE OF PROPERTY: | 5 acres m.o.l. |
| EXISTING ZONING DISTRICT: | AR |
| FUTURE LAND USE CATEGORY: | RES-4 |
| SERVICE AREA: | Urban |

DEVELOPMENT REVIEW STAFF REPORT

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

1.0 APPLICATION SUMMARY

Applicant: Maan Capital Management LLC

FLU Category: Residential-4 (RES-4)

Service Area: Urban

Site Acreage: 5.0 MOL

Community Plan Area: Thonotosassa

Overlay: None

Request: Rezone from Agricultural Rural (AR) to Commercial Neighborhood (CN)

Introduction Summary:

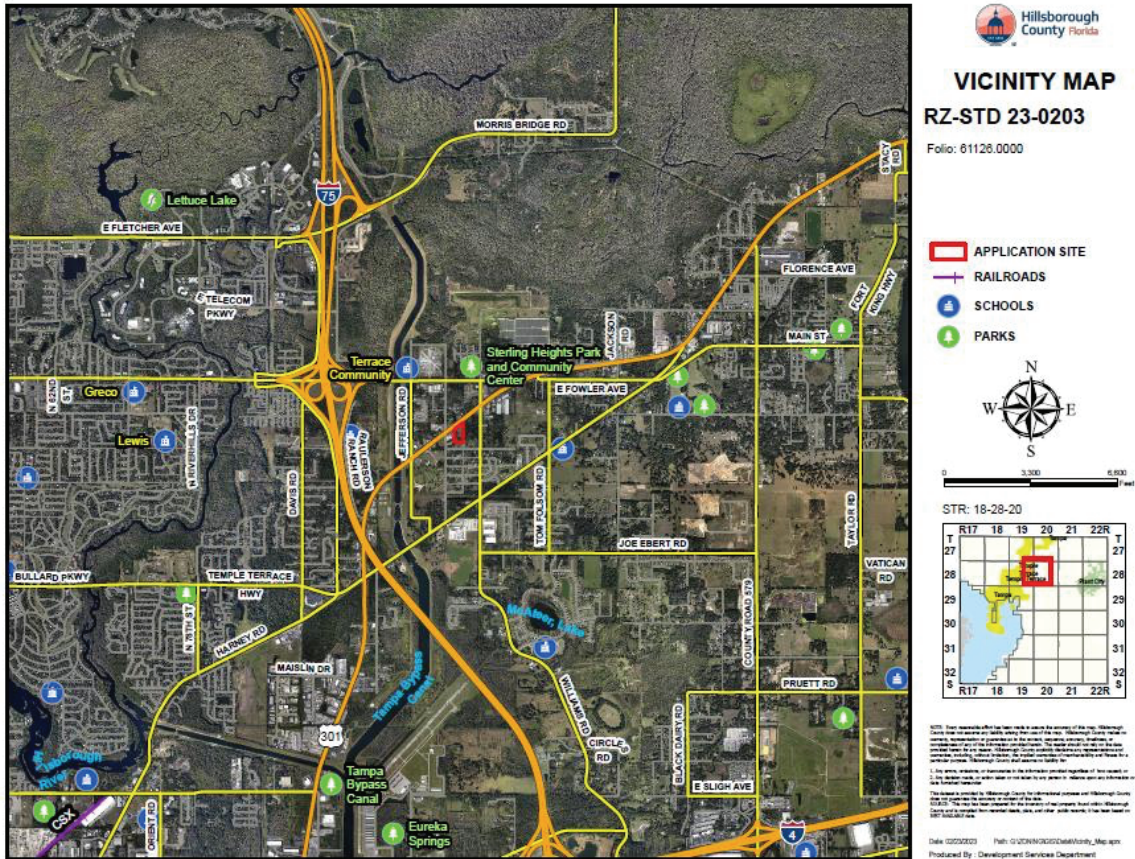
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Existing Proposed

Development Services Recommendation: Approvable with Restrictions

Planning Commission Recommendation: Inconsistent

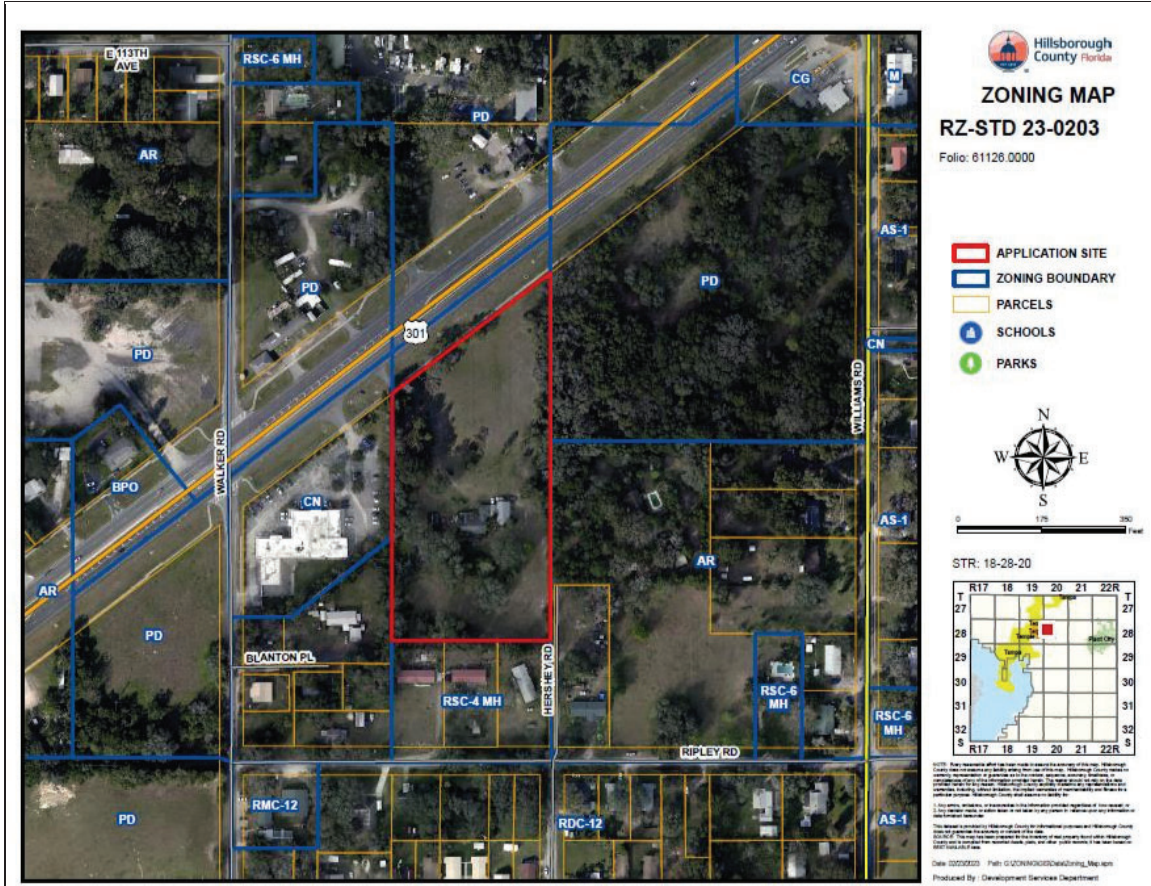
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215.

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



Adjacent Zonings and Uses

| Location | Zoning | Maximum Density Permitted by Zoning District: | Allowable Use: | Existing Use: |
|----------|--------|---|----------------|---------------|
|----------|--------|---|----------------|---------------|

| | | | | |
|-------|----------|--------------------------|---|---------------------------------------|
| South | RSC-4 MH | 4 du / gross acre | Single-Family Residential (Conventional/Mobile Home) | Single-Family Residential |
| West | CN, AR | 0.20 F.A.R., 1 du / 5 ga | Neighborhood Commercial, Office and Personal Services, Single-Family Residential/Agricultural | Commercial, Single-Family Residential |

Classification Current Conditions Select Future Improvements

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

Adjoining Roadways (check if applicable)

| | | | |
|--------------|---------------------------------|--|--|
| US Hwy 301 | FDOT Principal Arterial - Urban | 4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| Hershey Road | Private | 2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |

Project Trip Generation Not applicable for this request

and Cross Access Not applicable for this request

Design Exception/Administrative Variance Not applicable for this request

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

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

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area Significant Wildlife Habitat
 Coastal High Hazard Area
 Urban/Suburban/Rural Scenic Corridor Adjacent to ELAPP property
 Other: Airport Height Restriction 110' AMSL

| Public Facilities: | Comments Received | Objections | Conditions Requested | Additional Information/Comments |
|--|--|---|--|--|
| Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A | |
| Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
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5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 5.0 -acre single-family residence parcel is zoned Agricultural Rural (AR). The subject property is located at 11315 N US Highway 301 Thonotosassa. The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215. The subject parcel is designated Residential-4 (RES-4) on the Future Land Use map.

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- Dry Cleaners, General
- Electric/Electronic Repair, Small

-
- Florist Shop
 - Food Product Stores:
 - Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
 - Funeral Home and Mortuaries, With or Without Accessory Crematoriums
 - Furniture/Home Furnishings
 - General Business, Such as Retail Goods and Stores
 - Grocery Stores
 - Gun Sales
 - Hardware Store
 - Jewelry Store
 - Laundries (Self-Serve)
 - Locksmith
 - Mail and Package Services
 - Mail Order Office
 - Mail Order Pickup Facilities
 - News Stand
 - Novelty and Souvenir Shop
 - Optician/Optical Supplies
 - Pet Shop
 - Photography Studio
 - Printing Services
 - Restaurants (Eating Establishment)
 - Shopping Centers
 - Specialty Food Store
 - Sporting Goods Store
 - Supermarket
 - Tobacco Shop
 - Travel Agencies
 - Watch, Clock, Jewelry Repair
 - Wedding Chapel
 - Barber, Beauty Shop
 - Business Services
 - Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
 - Blood/Plasma Banks and Donation Centers
 - Employment Services

- Family Support Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
- Personal Services
- Professional Office
- Professional Services
- Golf Club/Country Club
- Public Parks & Recreation Facilities
- Recreational Uses, General Indoor/Outdoor
- Recreational Uses, Private Community
- Recreational Use, Passive

-
- Ambulance Services
 - Flow Equalization Tanks

The applicant has restricted the parcel from such uses as gas station and restaurants with drive up facilities. In addition, the proposed 30-foot wide, Type C buffer will provide adequate buffering and screening towards the abutting residential zoning districts.

Based on the above considerations staff finds the requested CN-R zoning district COMPATIBLE with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request **Approvable, with restrictions**. As noted, the applicant has offered the following restrictions:

1. A 30 foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts.
2. Uses permitted on the subject site shall be restricted to the following list of uses:
 - Beekeeping
 - Plant Farm
 - Family Day Care Home
 - Libraries
 - Schools, Private & Charter (K-12)
 - Schools, Public (K-12)

- Accessory Retail
- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Automotive Supply Store
- Bank/Credit Union
- Banquet and Reception Halls
- Bicycle Sales
- Blueprint
- Book/Stationary Store, New and Used
- Brew Pub
- Camera/Photography Store
- Commercial, Vocational and Business Schools
- Drug Stores
- Dry Cleaners, Small
- Dry Cleaners, General
- Electric/Electronic Repair, Small
- Florist Shop
- Food Product Stores:
 - Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
 - Funeral Home and Mortuaries, With or Without Accessory Crematoriums
 - Furniture/Home Furnishings

-
- General Business, Such as Retail Goods and Stores
 - Grocery Stores
 - Gun Sales
 - Hardware Store
 - Jewelry Store
 - Laundries (Self-Serve)
 - Locksmith
 - Mail and Package Services
 - Mail Order Office
 - Mail Order Pickup Facilities
 - News Stand
 - Novelty and Souvenir Shop
 - Optician/Optical Supplies
 - Pet Shop
 - Photography Studio
 - Printing Services
 - Restaurants (Eating Establishment)
 - Shopping Centers
 - Specialty Food Store
 - Sporting Goods Store
 - Supermarket

- Tobacco Shop
- Travel Agencies
- Watch, Clock, Jewelry Repair
- Wedding Chapel
- Barber, Beauty Shop
- Business Services
- Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
- Blood/Plasma Banks and Donation Centers
- Employment Services
- Family Support Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
- Personal Services
- Professional Office
- Professional Services
- Golf Club/Country Club
- Public Parks & Recreation Facilities
- Recreational Uses, General Indoor/Outdoor
- Recreational Uses, Private Community
- Recreational Use, Passive
- Ambulance Services
- Flow Equalization Tanks

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 18, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Ms. Susan Swift 607 South Alexander Street Plant City testified on behalf of the applicant Maan Capital Management, LLC. Ms. Swift stated that the application has been revised to request Commercial Neighborhood with Restrictions including a waiver of commercial locational criteria. Ms. Swift stated that the subject property is designated Residential 4 by the Comprehensive Plan and is located in the Thonotosassa Community Planning Area and the Urban Service Area as well as being located in an Opportunity Zone. She explained that the proposed restrictions of uses allowed in the CN zoning district do not permit Conditional Uses, gas stations, drive-throughs, bar, liquor stores, vocational schools or colleges/universities. She added that the applicant has agreed to an enhanced buffer which would provide a 30-foot Type C buffer adjacent to the portions of the property that abut residential or agriculturally zoned property to

the east, west and south. Ms. Swift showed a series of graphics to describe the area and surrounding uses. She stated that the properties on both sides of US 301 are zoned for commercial, office or mobile home land uses. The subject property is the only property within one mile that is not zoned commercial with the exception of Memorial Gardens. Ms. Swift testified that the subject property is located in an Opportunity Zone. She stated that the Planning Commission's objection was based on the fact that the Opportunity Zone map is not a part of the Comprehensive Plan but the Board of County Commissioners has adopted the map in other documents. Ms. Swift testified that all other departments support the revised request with the exception of the Planning Commission. She discussed Comprehensive Plan policies that support the rezoning request and stated that the subject property should not be single-family residential as the parcel is adjacent to a five story hotel and office building fronting US 301. Regarding the requested waiver to the required commercial locational criteria, the subject parcel does not meet the standard as at least 75 percent of the site is not located within 900 feet of the qualifying intersection. Ms. Swift concluded her presentation by discussing the reasons she believes that CN-R uses are compatible with the area and that the Floor Area Ratio will be less than the Comprehensive Plan would consider.

Hearing Master Finch asked Ms. Swift about the proposed buffering and screening adjacent to agricultural and residentially zoned parcels and if that limited the development potential on the southern portion of the site. Ms. Swift replied that the parcel is five acres in size and is more than adequate to construct any of the listed uses.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated that the applicant requested a remand to offer restrictions to the rezoning request from Agricultural Rural to Commercial Neighborhood-Restricted. He described the location of the property as well as the surrounding land uses. Mr. Grandlienard testified that while the parcels to the east and west are both commercial, they do not encroach as far into the residential area as the subject property. He added that therefore, the proposed zoning would extend the potential impacts associated with the commercial district much further into the adjacent residential area than the existing commercial uses. Mr. Grandlienard stated that the applicant's addressed the compatibility concerns by agreeing to a 30-foot wide Type C buffer on property lines adjacent to agricultural and residential zoning districts. The applicant has also agreed to restrict the permitted uses as shown in the staff report. Therefore, staff found the request approvable with the proposed restrictions.

Hearing Master Finch asked Mr. Grandlienard what is included in the Type C buffer. Mr. Grandlienard replied a six-foot wall with planting requirements.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Massey stated that the subject property is within the Residential-4 Future Land Use classification and the Urban Service Area and Thonotosassa Community Planning area. Ms. Massey described the surrounding land use categories and stated that although the applicant has agreed to enhanced buffering techniques, the request would not allow for harmonious activities and uses adjacent to the surrounding area and is inconsistent with the policy direction for growth in the Urban Service Area. She stated that the request does not meet the intent of Objective 16 regarding neighborhood protection. She stated that the request does not meet commercial locational criteria as it is not within the required distance from the qualifying intersection. Staff recognizes the frontage of the parcel along US Highway 301 which is an arterial roadway but there are established residential properties that abut to the west, south and east which will allow the possibility of adverse impacts to the existing residential land uses. Planning Commission staff does not support the waiver as staff has compatibility concerns with the commercial uses next to existing residential areas. She concluded her presentation by stating that the Planning Commission finds the proposed rezoning inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked Ms. Massey if there were any particular uses that the Planning Commission found objectionable that might change their recommendation. Ms. Massey replied that it was her understanding that there are general concerns about the rear of the property which would potentially abut the single-family development. She added that the proposed additional screening did not adequately mitigate potential adverse impacts.

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

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

County staff did not have additional comments.

Ms. Swift testified during the rebuttal period that the area across Ripley Road is residential but designated RES-12 which is a higher density. She stated that she asked the Planning Commission in writing to answer which uses were objectionable and they did not provide a response to her. She added that she asked the Planning Commission if there was anything that would make the request compatible and they said no.

The hearing was then concluded.

EVIDENCE SUBMITTED

Ms. Swift submitted a copy of her PowerPoint presentation into the record.

PREFACE

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

REMAND FINDINGS OF FACT

1. The subject property is 5 acres in size and is currently Agricultural Rural (AR) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Urban Service Area and the Thonotosassa Community Planning Area.
2. The applicant is originally requested a rezoning to the Commercial Neighborhood (CN) zoning district. Both the Development Services Department and the Planning Commission did not support the rezoning due to compatibility concerns on the southern portion of the site which abuts agricultural and residentially zoned parcels.
3. The applicant requested a remand of the application back to the Zoning Hearing Master to amend the rezoning to Commercial Neighborhood-Restricted (CN-R) to limit the list of permitted uses as stated in the Development Services Department staff report. The applicant also amended the request to add a 30-foot Type C buffer which includes a six-foot wall with plantings along the parcel boundaries abutting agricultural and residentially zoned parcels in the southern portion of the site.

The proposed CN-R land uses do not permit Conditional Uses, gas stations, drive-throughs, bar, liquor stores, vocational schools or colleges and universities.

4. The Planning Commission staff does not support the rezoning request. The Planning Commission found that the property does not meet the commercial locational criteria as 75% of the front facing side does not lie within 900 feet of the closest qualifying intersection and does not support the requested waiver. Staff stated that the restricted use and enhanced buffering and screening does not mitigate the compatibility concerns of the potential commercial land uses adjacent to the agricultural and residential development. Finally, the Planning Commission stated that the proposed CN uses would not complement the residential character of the existing community to the west, south

and east. The Planning Commission found the application inconsistent with both the Thonotosassa Community Plan and the Comprehensive Plan.

The Hearing Officer asked the Planning Commission staff if there were certain uses proposed by the applicant in their revised request that they found objectionable which, if removed, would garner support for the rezoning application. Staff replied no and stated that the five acre parcel with the proposed enhanced buffering and screening continued to present compatibility issues with the adjacent agricultural and residential parcels.

5. The Development Services Department also had compatibility concerns with the request but now supports the rezoning with the amended request to CN-R and the enhanced buffering and screening along those portions of the site which abut agricultural and residentially zoned parcels.
6. The property is bordered along the US 301 frontage by properties zoned Planned Development to the east and approved for commercial, single-family residential and agricultural uses and CN to the west. The parcel directly across US 301 from the subject site is zoned PD with commercial land uses permitted. The parcels to the south are zoned RSC-4 MH and developed with single-family residential homes.
7. No testimony in support or opposition was provided at the Zoning Hearing Master hearing.
8. The development of the subject property with limited Commercial Neighborhood uses which exclude conditional uses, gas stations, drive-throughs, bar, liquor stores, vocational schools or colleges and universities is a compatible use of the property given the surrounding commercial uses along the US 301 frontage.
9. The applicant's commitment to enhanced buffering and screening along the southern portion of the site which abuts agricultural and residentially zoned parcels ensures compatibility with the adjacent parcels which may have residential homes.

It is noted that the 30 foot wide buffer in the rear of the property adjacent to the agricultural and residentially zoned parcels reduces the amount of developable area of the subject property thereby encouraging the commercial development to be located along the US 301 frontage.

10. The proposed rezoning to CN-R is therefore consistent with the Land Development Code and compatible 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 rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The applicant is requesting a rezoning to the CN-R zoning district. The property is 5 acres in size and is currently zoned AR and designated RES-4 by the Comprehensive Plan. The parcel is located within the Thonotosassa Community Plan.

The applicant originally requested a rezoning to CN but that application was not supported by the Development Services Department, the Planning Commission or the Zoning Hearing Master. The applicant requested a remand of the application back to the Zoning Hearing Master to amend the rezoning to Commercial Neighborhood-Restricted (CN-R) to limit the list of permitted uses as stated in the Development Services Department staff report. The applicant also amended the request to add a 30-foot Type C buffer which includes a six-foot wall with plantings along the parcel boundaries abutting agricultural and residentially zoned parcels in the southern portion of the site. The proposed CN-R land uses do not permit Conditional Uses, gas stations, drive-throughs, bar, liquor stores, vocational schools or colleges and universities.

The Planning Commission continues to not support the request as the parcel does not meet commercial locational criteria. Further, staff does not support the requested waiver of the commercial locational criteria due to compatibility concerns of the limited CN uses. Staff testified that the rezoning may result in scattered unplanned retail or strip development. Finally, the Planning Commission stated that the proposed CN uses would not complement the residential character of the existing community to the west, south and east found the rezoning request inconsistent with the surrounding area, the Thonotosassa Community Plan and the Comprehensive Plan.

The Development Services Department also had compatibility concerns with the request but now supports the rezoning based on the amended request to CN-R and the prohibition of certain uses.

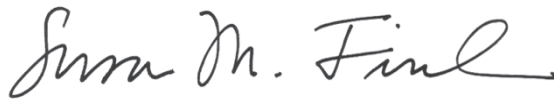
The property is bordered along the US 301 frontage by properties zoned Planned Development to the east and approved for commercial, single-family residential and agricultural uses and CN to the west. The parcel directly across US 301 from the subject site is zoned PD with commercial land uses permitted. The parcels to the south are zoned RSC-4 MH and developed with single-family residential homes.

The applicant's commitment to enhanced buffering and screening along the southern portion of the site which abuts agricultural and residentially zoned parcels ensures compatibility with the adjacent parcels which may have residential homes. It is noted that the 30 foot wide buffer in the rear of the property adjacent to the agricultural and residentially zoned parcels reduces the amount of developable area of the subject property thereby encouraging the commercial development to be located along the US 301 frontage.

The proposed rezoning to CN-R is therefore consistent with the Land Development Code and compatible with the surrounding area.

RECOMMENDATION

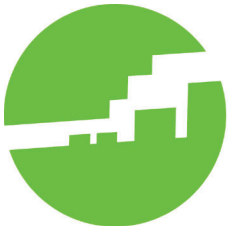
Based on the foregoing, this recommendation is for **APPROVAL** of the CN-R rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.



October 9, 2023

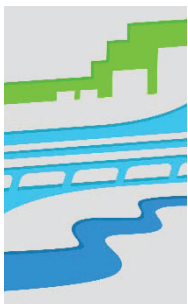
Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

| Unincorporated Hillsborough County Rezoning | |
|--|---|
| Hearing Date: September 18, 2023 Report Prepared: September 6, 2023 | Petition: RZ 23-0203 REMAND 11315 North US Highway 301 <i>On the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road</i> |
| Summary Data: | |
| Comprehensive Plan Finding | INCONSISTENT |
| Adopted Future Land Use | Residential-4 (4 du/ga; 0.25 FAR) |
| Service Area | Urban |
| Community Plan | Thonotosassa |
| Request | Rezoning from Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-R) |
| Parcel Size | 5.0 acres +/- (217,800 square feet) |
| Street Functional Classification | North US Highway 301 – Principal Arterial Williams Road – Collector Walker Road – Local Hershey Road – Local |
| Locational Criteria | Does not meet; waiver requested |
| Evacuation Zone | None |



Context

- The approximately 5.0 +/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road.
- The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan.
- The subject site is located within the Residential-4 (RES-4) Future Land Use category, which can be considered for a maximum density of 4 dwelling units per gross acre and a maximum intensity of 0.25 FAR. The RES-4 Future Land Use category is intended to designate areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, office, multi-purpose and mixed-use projects serving the area may be permitted subject to the Goals, Objectives and Policies of the Future Land Use Element and applicable development regulations and conforming to established Commercial Locational Criteria for specific land uses. Typical uses include residential, suburban scale neighborhood commercial, office uses and multi-purpose projects. Non-residential uses are required to meet Commercial Locational Criteria for specific land uses and must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- The RES-4 Future Land Use category surrounds the subject site to the west, south and east. A pocket of Residential-12 (RES-12) is located further south across Ripley Road. Suburban Mixed Use-6 (SMU-6) is north of the subject site across North US Highway 301.
- The subject site currently contains single family residential homes. Single family and vacant land uses abuts the site on the east side. Vacant lands are located directly south followed by a mixture of single family, multi-family and duplex uses across Ripley Road. Light commercial and single-family uses abuts the site to the west. Light commercial uses are located north of the subject site across North US Highway 301. The northern area of the subject site along North US Highway 301 is commercial in nature. There is a notable variety of residential uses that are interspersed along the southwest, south and southeast ends of the subject site, reflecting a residential development pattern.
- The subject site is currently zoned as Agricultural Rural (AR). Commercial Neighborhood (CN) and Agricultural Rural (AR) zoning abuts the west side of the subject site. Residential Single Family Conventional (RSC-4) zoning is located directly south. AR zoning and a Planned Development (PD) abuts the east side of the subject site. The Planned Development (PD 19-0546) located east allows for the consideration of either a mini warehouse or a hotel conference center. There are additional Planned Developments located north of the subject site across North US Highway 301.
- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-R).

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (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.

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

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

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

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

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

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

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

Commercial-Locational Criteria

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

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

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

Policy 22.2: The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short-range roadway improvements as well as other factors such as land use compatibility and environmental features of the site. In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five-year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long-Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

Policy 22.7: Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements. The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use

compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.

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

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.

Policy 23.2: Scattered, unplanned retail commercial development shall be discouraged, and commercial/office concentration shall be encouraged.

Community Design Component

4.3 COMMERCIAL CHARACTER

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

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

5.1 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.

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

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

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

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

LIVABLE COMMUNITIES ELEMENT: Thonotosassa Community Plan

Goals

4. Diversity of People, Housing and Uses – *Maintain the existing diversity of housing types and styles. Provide for commerce and jobs but protect the community identity and limit the location, type and size of new businesses to fit the surrounding area.*

Staff Analysis of Goals, Objectives and Policies

The approximately 5.0+/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road. The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-4 (RES-4). The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-R).

The subject site is located in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. In the process of directing new growth, the compatibility of the proposed uses must be considered in relation to the existing development patterns. Policy 1.4 of the FLUE defines compatibility as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development. On August 24, 2023, the applicant submitted a list of restricted uses that includes drive-through uses, gas stations, or CN Conditional Uses or CN Special Uses. The applicant also committed to a 30-foot, Type B buffer along the boundaries that abut the adjacent properties in the Agricultural Rural (AR) and Residential Single Family Conventional (RSC-4) zoning districts. Though there are several commercial uses along North US Highway 301, the remaining range of uses that were not included in the restrictions would not be compatible with the residential uses located directly to the west, south and east of the subject site. Although the applicant has also committed to enhanced buffering techniques, the proposed request would not allow for harmonious activities and uses adjacent to the surrounding area of the subject site and is inconsistent with this policy direction.

The proposed rezoning does not meet the intent of FLUE Objective 16 and FLUE Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. Planning Commission staff recognize that North US Highway 301 is an arterial roadway, however, there are established residential properties that abut the subject site to the west, south and east. There is a residential neighborhood that extends south across Ripley Road as well. The proposed CN-R uses would allow for the possibility of adverse impacts on these existing residential areas. Approximately 415 feet of the site abuts existing single family land use to the immediate east. Similarly, approximately 210 feet of the site abuts existing single family land use to the immediate west. The proposed rezoning to CN-R would not allow for a gradual transition of intensities between the residential land uses that currently surround

the east and west sides of the subject site and is therefore not consistent with policy direction.

The subject site does not meet Commercial Locational Criteria as defined in FLUE Objective 22 and modifying FLUE Policies 22.1, 22.2 and 22.7, as it is not located within the required distance from an intersection node. The nearest qualifying intersection is identified at North U.S. Highway 301 and Williams Road. Per FLUE Policy 22.2, At least 75% of the front facing side of the subject site must be within 900 feet of the qualifying intersection node. The front facing boundary along North US Highway 301 falls outside of the distance established by FLUE Policy 22.2. Since the site falls outside of the established boundary, it does not meet Commercial Locational Criteria.

FLUE Policy 22.8 allows for the consideration of CLC waiver requests for sites that do not meet locational criteria. The applicant submitted a Commercial Locational Criteria waiver request as part of a revised narrative on May 22, 2023. The waiver request's justification emphasizes that the site's 415 feet of frontage along North US Highway 301 provides ample distance for access to CN type uses and that the rectangular shape of the parcel makes the site appropriate for commercial development. The waiver request also provides insight to the development pattern of the area, noting that the sites block face and surrounding properties along North US Highway 301 are zoned to allow for commercial uses. Lastly, the waiver request states that regional roadways near the site are planned for expansion and that the adjacent segment of North US Highway 301 is on the 2040 Cost Affordable Map and the Corridor Preservation Plan.

Planning Commission staff have reviewed the submitted materials and do not recommend that the Board of County Commissioners grant a waiver to the established Commercial Locational Criteria. Although the site is located in an area with several other commercial uses, Planning Commission staff have compatibility concerns with the range of proposed CN-R uses that would be allowed next to the established residential areas directly to the southwest and southeast. Additionally, roadway location on the 2040 Cost Affordable Map does not automatically waive locational criteria requirements. Similarly, the Corridor Preservation Plan does not impact Commercial Locational Criteria. Planning Commission staff do not recommend that the BOCC approve the submitted waiver request due to the aforementioned compatibility concerns and conflicts.

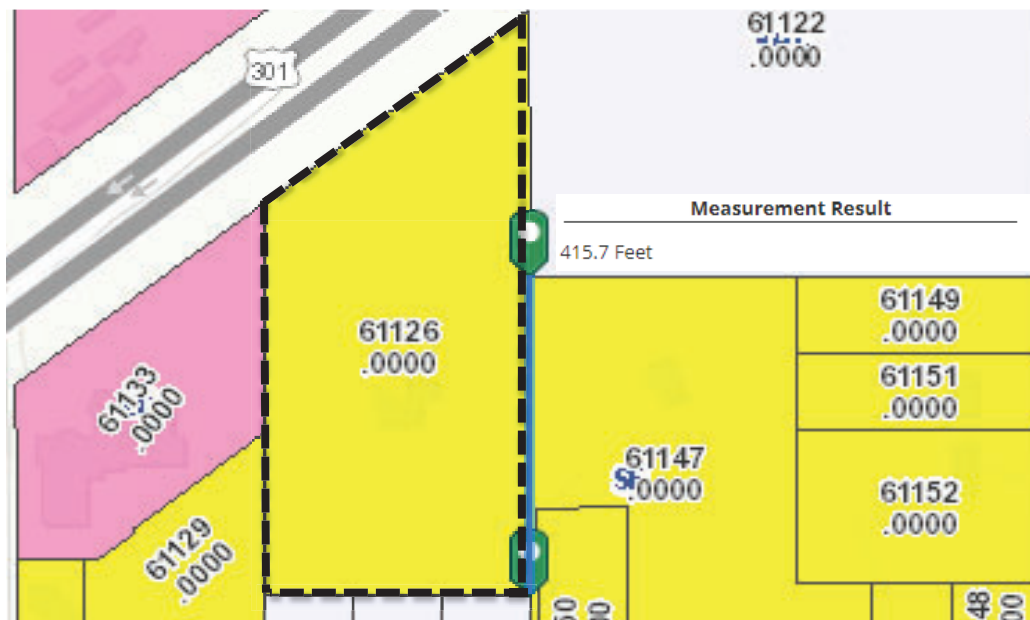
As part of the written statement that was submitted on May 22, 2023, the applicant stated that the subject site is located within a designated Opportunity Zone on "several adopted Plan maps." The written statement also asserts that this designation serves as evidence that the Planning Commission has made policy changes to reflect the changing character of the area. These statements are inaccurate. Opportunity Zone incentives are a federal tax program designed to encourage long-term private investments in distressed communities. The designated zones are part of a federal program that is separate from the *Unincorporated Hillsborough County Comprehensive Plan* and its adopted Map Series, which includes the Future Land Use Map. Therefore, the site's location within the referenced Opportunity Zone was not taken into the formal consideration of the Planning Commission's review process for this application.

Goal 9 of the Community Design Component (CDC) evaluates the creation of commercial design standards. Similarly, Policy 9-1.2 discourages strip development patterns for commercial uses. Strip commercial is described under FLUE Objective 23 and Policy 23.2 as "scattered unplanned retail". The proposed rezoning may allow for strip development

patterns along the south side of North US Highway 301. Additionally, the proposed CN-R uses would not complement the residential character of the existing community to the west, south and east.

Goal 12 and Objective 12-1 of the Community Design Component (CDC) encourage new developments to 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. The subject site is surrounded by extended single-family to the east, west and south and multi-family to the south. Although there are light commercial uses adjacent to the northwest, the proposed rezoning to CN-R would allow for uses that are too intense for the existing residential community and is therefore not consistent with this policy direction.

CDC Goal 17 encourages developments that improve the ambiance of commercial development in the county. Objective 17-1, and Policy 17-1.4 seek to facilitate patterns of development that are organized and purposeful. Planning Commission staff recognize that there are other similar commercial uses that exist along North US Highway 301. However, the proposed CN zoning would allow for commercial uses that extend south beyond the existing commercial development pattern and established zoning line. The proposed rezoning to CN-R would extend the established zoning line significantly deeper away from US Highway 301, approximately 415 feet further, and create a compatibility concern given the surrounding residential land uses to the south and east (see diagram with subject site outlined below).



The Thonotosassa Community Plan establishes guidance on community identity protection. Goal 4 of the community plan seeks to provide for commerce and jobs in a manner that protects the community identity. The location, type and size of new businesses should fit to the surrounding area. Although the proposed rezoning would bring commerce to the area, its size and full range of allowable uses would threaten the existing community's identity and housing. A rezoning to CN-R would allow for development for commercial uses that are incompatible with the neighborhoods located

directly west, south and east of the subject site and would therefore not be consistent with the goals of the adopted community plan.

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ 23-0203

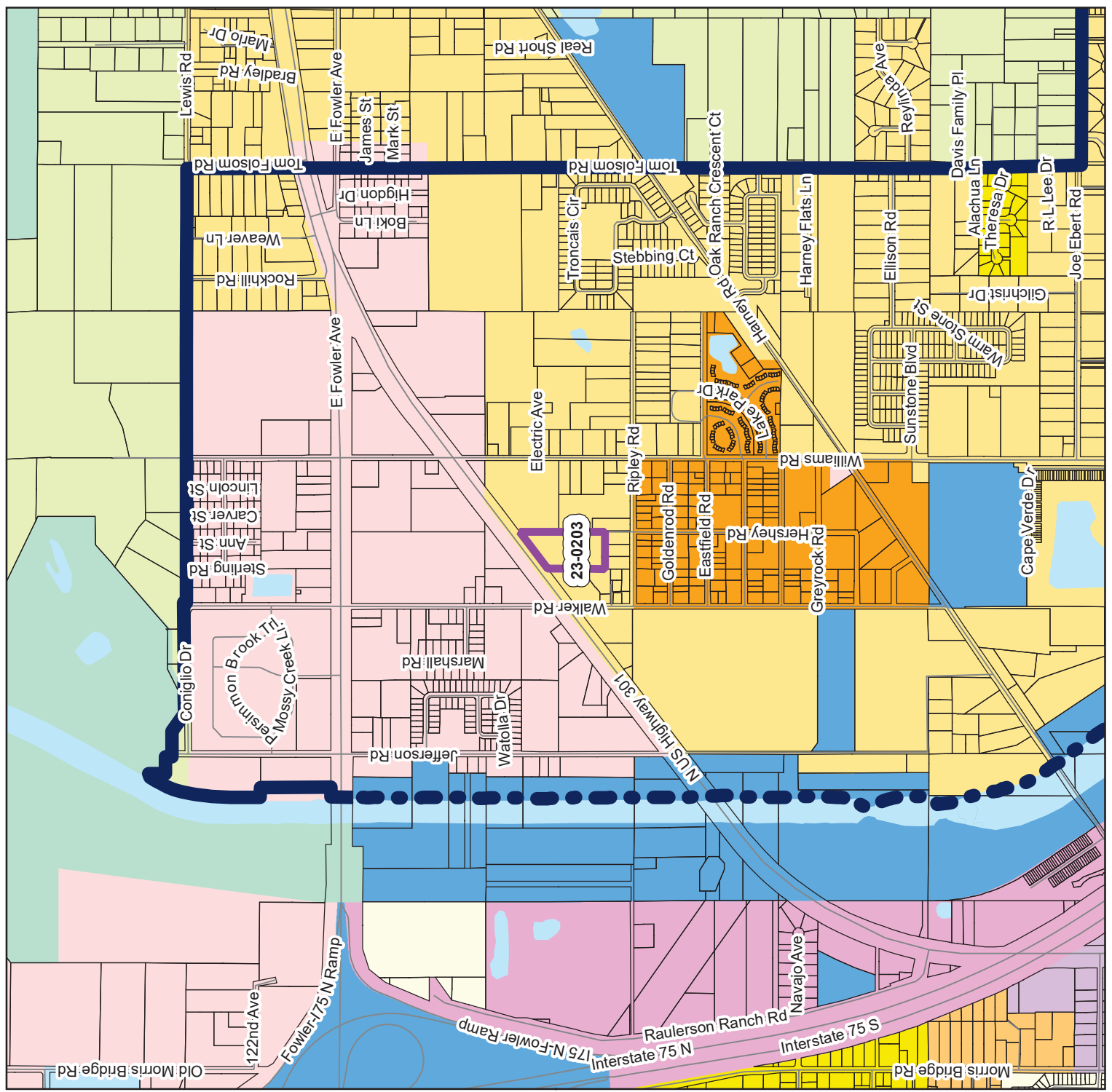
- Rezonings
- STATUS
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- Tampa Service
 Urban Service
 Shoreline
 County Boundary
 Jurisdiction Boundary
 Reads
 Parcels
 Wm NATURAL LULC, Wet Poly
 AGRICULTURAL/MINING-120 (.25 FAR)
 PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
 AGRICULTURAL-RURAL-1/10 (.25 FAR)
 AGRICULTURAL-RURAL-1/5 (.25 FAR)
 AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
 RESIDENTIAL-1 (.25 FAR)
 RESIDENTIAL-2 (.25 FAR)
 RESIDENTIAL PLANNED-2 (.35 FAR)
 RESIDENTIAL-4 (.25 FAR)
 RESIDENTIAL-6 (.25 FAR)
 RESIDENTIAL-9 (.35 FAR)
 RESIDENTIAL-12 (.35 FAR)
 RESIDENTIAL-16 (.35 FAR)
 RESIDENTIAL-20 (.35 FAR)
 RESIDENTIAL-35 (1.0 FAR)
 NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
 SUBURBAN MIXED USE-6 (.35 FAR)
 COMMUNITY MIXED USE-12 (.50 FAR)
 URBAN MIXED USE-20 (1.0 FAR)
 REGIONAL MIXED USE-35 (2.0 FAR)
 OC-20
 RESEARCH CORPORATE PARK (1.0 FAR)
 ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
 LIGHT INDUSTRIAL PLANNED (.50 FAR)
 LIGHT INDUSTRIAL (.50 FAR)
 HEAVY INDUSTRIAL (.50 FAR)
 PUBLIC/QUASH-PUBLIC
 NATURAL PRESERVATION
 WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
 CITRUS PARK VILLAGE

Map Printed from Rezoning System: 3/6/2023
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Rez_Hillsboro\Rezoning - Copy.mxd

Hillsborough County
 City-County
 Planning Commission

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

ACCURACY: It is intended that the information on this map is accurate to the standards of the Hillsborough County City-County Planning Commission. This map is for informational purposes only. For the most current data and information, visit the appropriate agency.





AGENCY COMMENTS

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AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: Thonotosassa/Northeast

DATE: 04/06/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 23-0203

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 3,960 average daily trips, 147 trips in the a.m. peak hour, and 378 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 4.85 acres from Agricultural Rural (AR) to Commercial Neighborhood (CN). The site is located on the south side of US Hwy 301, +/- 400 feet east of the intersection of Walker Road and US Hwy 301. The Future Land Use designation of the site is Residential-4 (RES-4).

Trip Generation Analysis

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

Approved Zoning:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|---|------------------------|-----------------------|----|
| | | AM | PM |
| AR, 1 Single Family Dwelling Unit (ITE Code 210) | 9 | 1 | 1 |

Proposed Zoning:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|--|------------------------|-----------------------|-----|
| | | AM | PM |
| CN, 42,000 sf Shopping Plaza (ITE Code 821) | 3,969 | 148 | 379 |

Trip Generation Difference:

| Zoning, Land Use/Size | 24 Hour Two-Way Volume | Total Peak Hour Trips | |
|-----------------------|------------------------|-----------------------|-------------|
| | | AM | PM |
| Difference | +3,960 | +147 | +378 |

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 301 and Hershey Road. US Hwy 301 is a 4-lane, undivided, FDOT maintained, Principal Arterial roadway. US Hwy 301 lies within +/- 200 feet of Right of Way in the vicinity of the project. US Hwy 301 has sidewalks and bike lanes on both sides of the roadway within the vicinity of the project. Hershey Lane is a two lane, substandard local private roadway. Hershey Road is unpaved and has no sidewalks on either side of the roadway.

SITE ACCESS

It is anticipated that the site will have access to US Hwy 301. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

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

| FDOT Generalized Level of Service | | | | |
|-----------------------------------|-----------|--------|--------------|-------------------------|
| Roadway | From | To | LOS Standard | Peak Hr Directional LOS |
| US HWY 301 | HARNEY RD | CR 579 | D | B |

Source: [2020 Hillsborough County Level of Service \(LOS\) Report](#)

Transportation Comment Sheet

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

| Adjoining Roadways (check if applicable) | | | |
|---|---------------------------------|--|--|
| Road Name | Classification | Current Conditions | Select Future Improvements |
| US Hwy 301 | FDOT Principal Arterial - Urban | 4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| Hershey Road | Private | 2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |

| Project Trip Generation <input type="checkbox"/> Not applicable for this request | | | |
|---|----------------------------|----------------------|----------------------|
| | Average Annual Daily Trips | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
| Existing | 9 | 1 | 1 |
| Proposed | 3,969 | 148 | 379 |
| Difference (+/-) | +3,960 | +147 | +378 |

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

| Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request | | | | |
|--|----------------|--------------------------------|-----------------|-----------------|
| Project Boundary | Primary Access | Additional Connectivity/Access | Cross Access | Finding |
| North | | Choose an item. | Choose an item. | Choose an item. |
| South | | Choose an item. | Choose an item. | Choose an item. |
| East | | Choose an item. | Choose an item. | Choose an item. |
| West | | Choose an item. | Choose an item. | Choose an item. |
| Notes: | | | | |

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

4.0 Additional Site Information & Agency Comments Summary

| Transportation | Objections | Conditions Requested | Additional Information/Comments |
|---|---|---|---------------------------------|
| <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/> No | |

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AGENCY COMMENT SHEET

| REZONING | |
|---|--|
| <p>HEARING DATE: 4/17/2023</p> <p>PETITION NO.: 23-0203</p> <p>EPC REVIEWER: Melissa Yanez</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1360</p> <p>EMAIL: yanezm@epchc.org</p> | <p>COMMENT DATE: 3/28/2023</p> <p>PROPERTY ADDRESS: 11315 N 301 Hwy, Thonotosassa, FL</p> <p>FOLIO #: 061126-0000</p> <p>STR: 18-28S-20E</p> |
| <p>REQUESTED ZONING: From AR to CG</p> | |
| FINDINGS | |
| WETLANDS PRESENT | NO |
| SITE INSPECTION DATE | NA - Desktop Review |
| WETLAND LINE VALIDITY | NA |
| WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES) | NA - Desktop Review via Aerial Review, Soil Survey and EPC File Search |
| <p>INFORMATIONAL COMMENTS:</p> <p>Wetlands Management Division staff of the Environmental Protection Commission of Hillsborough County (EPC) conducted an aerial review 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 review revealed that no wetlands or other surface waters were apparent within the above referenced parcel.</p> <p>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.</p> | |

My/cb

Environmental Excellence in a Changing World

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



Agency Review Comment Sheet

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

TO: Zoning Review, Development Services **REQUEST DATE:** 8/24/2023

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 8/24/2023

APPLICANT: Maan Capital Management, LLC **PID:** 23-0203

LOCATION: 11315 N. US Hwy 301 Thonotosassa, FL 33592

FOLIO NO.: 61126.0000

AGENCY REVIEW COMMENTS:

Based on the most current data, the proposed project is not located within a Wellhead Resource Protection Area (WRPA), Surface Water Resource Protection Area (SWRPA), and/or a Potable Water Wellfield Protection Area (PWWPA), as defined in Part 3.05.00 of the Land Development Code. Hillsborough County Environmental Services Division (EVSD) has no objection.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 11 April 2023

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

APPLICANT: Susan Swift

PETITION NO: RZ-STD 23-0203

LOCATION: 11315 N. US 301 HWY, Thonotosassa, FL 33592

FOLIO NO: 61126.0000

SEC: 18 TWN: 28 RNG: 20

- This agency has no comments.

- This agency has no objection.

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

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.

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

PETITION NO.: RZ-STD 23-0203 REVIEWED BY: Clay Walker DATE: 4/5/2023

FOLIO NO.: 61126.0000

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 8 inch water main exists (adjacent to the site), (approximately 1550 feet from the site) and is located northeast of the subject property within the south Right-of-Way of North US Highway 301. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 4 inch wastewater force main exists (adjacent to the site), (approximately 950 feet from the site) and is located northeast of the subject property within the south Right-of-Way of North US Highway 301. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.

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1 All right, Ms. Heinrich. I think we're ready to call
2 the first case.

3 MS. HEINRICH: Our first item is Item B.1, Standard
4 Rezoning 23-0203. This is a remand application for you to hear.
5 Chris Grandlienard, with Development Services, will provide
6 staff findings after presentation by the applicant.

7 HEARING MASTER: Is the applicant here? Please come
8 forward. Good evening.

9 MS. SWIFT: Good evening. My name is Susan Swift.
10 I'm planning director for Boggs Engineering and Products Design
11 Partners. If you'll bear with me here.

12 HEARING MASTER: If you want, you can pull that
13 microphone towards you, and that's a little easier with your
14 graphics.

15 MS. SWIFT: Again, my name is Susan Swift, Products
16 Design Partners and Boggs Engineering; address 607 South
17 Alexander Street in Plant City. And I'm representing our client
18 and Capital Management, LLC.

19 We have revised our application to request rezoning
20 from AR to CNR, and we've submitted those restrictions and also
21 still requesting a waiver to the locational criteria. The
22 existing conditions -- and I will go over these briefly. It's
23 Residential-4; Future Land Use is currently AR zoning; it's in
24 the Thonotosassa area plan; and it's in the urban service area
25 and also in an opportunity zone for the County.

1 We are requesting the revised application with two
2 restrictions. A list of uses, restricted uses that includes
3 only permitted uses that are allowed in CN, even with some
4 exceptions: No conditional uses, no gas stations,
5 drive-throughs, bars, liquor stores, vocational schools, or
6 colleges or universities. And we provided that list into the
7 record.

8 We are also agreeing to an enhanced buffer, a 30 foot
9 Type C buffer that would be adjacent to portions of the east,
10 west, and the south boundary that abut residential or AR zoning
11 district.

12 Just an overview to show this 301 corridor runs over a
13 mile from I-75 up to Fowler. And you may recall that there is
14 quite a mish-mash of Future Land Use plan designations in this
15 area and even more of a mish-mash of zoning categories in this
16 area.

17 I think the point being for this application is all
18 the way from Jefferson up to Fowler, it's probably over a mile.
19 I believe every other property on both sides of 301 is either
20 zoned for commercial or is an office or accessories to a mobile
21 home park or has a commercial use on it. I believe this is the
22 only property in a mile on both sides that does -- is not zoned
23 for commercial or has a commercial use except -- sorry, except
24 for the Memorial Gardens.

25 This is also in the urban services area now. That was

1 amended a few years back, and this area was actually added. So
2 the trend for more intense uses has been acknowledged in the
3 plan for this area because this was an expansion.

4 And then, on the right, this site is right smack in
5 the middle of the county -- one of the county's opportunity
6 zones. And one of the Planning Commission's objections to this
7 was based on the fact that this map is not in the plan. It may
8 not be in the plan, but the Board of County Commissioners has
9 adopted this in other documents as an opportunity zone, and that
10 is their policy to encourage this as an opportunity zone.

11 So all other departments have now, since we added new
12 restrictions, all other departments, with the exception of the
13 Planning Commission, have -- are in support of this or have no
14 objections.

15 There are numerous plan policies that I put in the
16 record before. I rearranged them a little bit to focus on a few
17 of them. One talks about employment centers, and that would
18 range within a mile of I-75, and this is right about at a mile
19 from I-75. Again, it would -- it's in an opportunity zone. And
20 a few policies regard the matching of road speed with -- and
21 freight with adjacent land uses. And that should apply --
22 policy should apply vice-versa as well.

23 Land uses on this section of 301 should not be
24 single-family residential. And with the current entitlement, it
25 allows one unit on one five acre lot that our client has. Even

1 if it were rezoned within the Residential-4, it would only have
2 four single-family lots.

3 In my 40 years of experience plus, I would not have
4 ever recommended that four single-family lots of one acre go
5 between a five-story hotel and conference center and office
6 building on a road like 301, regardless of what the other uses
7 are surrounding it.

8 As I said, the Planning Commission is the only one
9 still objecting to this rezoning. And I think there are many
10 reasons that it is consistent with a comprehensive plan.
11 They're -- the CN FAR is actually lower than the Residential-4
12 land use category. As I mentioned, it's on Highway 301. I'll
13 get to the locational criteria a couple of slides from now, but
14 it meets all the locational criteria requirements except for one
15 and is consistent with the plan.

16 And I do think that the plan attempts to balance
17 economic development and neighborhood protection policies. And,
18 as you'll see, the locational -- if there was ever an instance
19 for a waiver to the locational criteria, I think this case is
20 one of those. And I think it's for this type of case that a
21 waiver even exists and that you can apply for because this is --
22 the geography of this is a bit different. There are only three
23 lots on this entire block, and both -- one is approved for, as I
24 said, a five-story hotel, and the other one has an existing
25 office building.

1 So it complies with -- I won't read all these, but it
2 complies with all the criteria in the locational criteria
3 requirements in the plan, with the exception of one. And that
4 one says that, even though this property is within 900 feet of
5 the eligible intersection, that -- the footnote to that criteria
6 says 75 percent of that property frontage has to be also within
7 900 feet. That is the waiver we're requesting.

8 As I mentioned, there -- there are many reasons. Most
9 of the highway, the uses around it, with the exception of the
10 four lots to the south which are zoned residential, the east and
11 west sides are zoned agricultural. They even have
12 nonresidential uses which are much more impactful.

13 I also mention the fact that there's only three lots
14 on this block base also. So both sides are commercial, but this
15 lot is not because part of it is too far from the -- the
16 intersection. And, you know, this is a regional area. There
17 are regional roadways all around this side.

18 Contrary to the Planning Commission's concern, they
19 are concerned that there are intense uses in this CN and even
20 the CN-R that we've proposed, and we disagree with that. We
21 think that CN is compatible. I think in my last presentation I
22 showed some 72 locations where CN abutted residential or
23 single-family residential.

24 There's -- there's -- right about a thousand feet from
25 here, there's actually a tiny little CN that's completely

1 surrounded by residential. So there are -- there are many
2 examples of that. And the whole idea of neighborhood commercial
3 is that it's compatible with neighborhoods. I think the fact
4 that we have limited the uses severely and provided quite an
5 enhanced buffer, that concern should be mitigated.

6 I can also show this, which you probably can't see,
7 but it's in the record. There are a lot of dimensions, and
8 there actually is a residence just south of the five-story hotel
9 and conference center that was approved. And I think I failed
10 to point that out last time. So this is the five-story hotel;
11 this is the site. And they're not only a hotel and conference
12 center but they are -- some are higher FAR, and there are also
13 self-storage facility approved as an option in that PD.

14 As I mentioned, we believe this is consistent. It's a
15 lower FAR than the compatibility plan even allows. We think
16 this is a perfect example of a situation where a waiver to the
17 locational criteria is appropriate. And -- I'm getting to the
18 end. It's -- it is compatible with the surrounding uses. The
19 restrictions, I think, mitigate that. As I said before, the
20 30-foot buffer with the wall mitigates any compatibility issues,
21 if there were concerns about that.

22 These uses are not intense. Intense was what was --
23 was said about them. And as I said, this is the -- these
24 requirements and uses exceed the land development code. The
25 buffer exceeds the land development code. So it's consistent

1 with the land development code, it's compatible with the plan,
2 and -- I mean, it's consistent with the plan, and it is
3 compatible with the surrounding area.

4 And then, just finally, I -- I would say that by
5 policy, and I noted the policies earlier, by FAR, a lower FAR --
6 the 0.2 CN versus the larger that's allowed in the Residential-4
7 land use, by the dimensional regulations of the CN themselves
8 which are much lower than the PD next door, by the restricted
9 use list that we submitted, and by the buffer, this seems that
10 it is compatible and -- compatible with the area, consistent
11 with the plan, and complies with the code.

12 I think a rezoning on this site is not going to allow
13 intense uses, which was the basis of the staff -- Planning
14 Commission staff's objection. It -- it -- the location itself,
15 as I mentioned, is a little unique. It's big enough for a CN
16 use. It's on the US highway that is an arterial.

17 Not only the site characteristics -- there are no
18 environmental areas on this. Site characteristics are
19 appropriate for CN or CN-R uses. And then, all of the
20 commercial up and down this corridor show that this is an
21 economic driver area, and it's not meant to have four
22 single-family homes on US 301.

23 And I'm here to provide any questions -- answers to
24 any questions.

25 HEARING MASTER: So my first question was that's a

1 pretty extensive list of what is permitted. Initially, so my
2 question was what -- what is not, and you answered that in your
3 PowerPoint presentation, so thank you.

4 And, secondly, I think the -- in my mind, as I read
5 this one -- it was here the first time and in the staff reports
6 for tonight -- the concern is not so much, in my mind, the --
7 the frontage of the property and the adjacent -- as it's
8 adjacent to the west to CN and the east to PD, but the rear of
9 the property adjacent to those residential parcels.

10 So now the new condition that talks about the 30
11 wide -- 30-foot wide buffer, my question is this: So that would
12 seem to apply, given how it's written, to the -- the southern
13 piece, right, but also the west, south, and eastern portions.
14 So my question is do -- from a development area, what's left?
15 Is that parcel even developable to the south? If you take 60
16 feet of buffer on both sides and then 30 feet up towards the
17 north from the south, is there anything left to develop one of
18 the -- the uses that you've provided in this list?

19 MS. SWIFT: It's a five-acre lot. Yes, there is ample
20 room to develop. And these are retail uses, I mean, a bookstore
21 and those kinds of things. We -- we -- there's nothing intense
22 or -- could be large, could be small, but five acres is more
23 than adequate to construct any of these uses.

24 HEARING MASTER: Okay.

25 MS. SWIFT: And the -- and the property to the west, I

1 think, is evidence of that. It's a smaller property, and it has
2 an office building on it.

3 HEARING MASTER: All right. Thank you for that.

4 MS. SWIFT: Thank you.

5 HEARING MASTER: That was my only question. I
6 appreciate it. If you could please sign in with the clerk's
7 office.

8 MS. SWIFT: Yes.

9 HEARING MASTER: Thank you.

10 Development Services?

11 MR. GRANDLIENARD: Good evening. Chris Grandlienard
12 with Client Development Services. I represent remand
13 application 23-203. The applicant requested a remand from the
14 August 8th Board of County Commissioners Land Use Meeting. The
15 applicant has offered restrictions for this remand.

16 The approximate 5.0 acre, single-family residence
17 parcel is zoned AR, agricultural rural. The subject property is
18 located at 11315 North Highway 301, Thonotosassa. The area
19 consists of single-family residential and commercial.

20 The subject parcel is directly adjacent to
21 single-family residential zone RSC-4 MH to the south. To the
22 east, the parcel is adjacent to a vacant commercial property
23 zone PD, and a single-family residential property zone AR. To
24 the west, the parcel is adjacent to commercial zone CN and
25 single-family residential zone AR. The subject parcel is

1 designated Residential-4 on the Future Land Use map.

2 As stated previously, Development Services has
3 compatibility concerns with the single-family residential
4 adjacent to the south, east, and west. While the parcels to the
5 east and west are both commercial as well, they did -- do not
6 encroach as far into the residential area. The subject parcel
7 is surrounded on three sides by single-family residential.
8 Therefore, the proposed zoning would extend the potential
9 impacts within the commercial district much further into the
10 adjacent residential area.

11 To address the compatibility concerns that we have,
12 the applicant has offered the restrictions -- following
13 restrictions: A 30-foot wide Type C buffer shall be provided on
14 the property lines abutting agricultural, rural, and residential
15 zoning districts.

16 Number two, uses permitted on the subject site shall
17 be restricted to the list in the record, which I will not --
18 it's such a long list, I'm not going to go into it. It's
19 submitted, but it's in the record. The restrictions limit the
20 uses to low-intensity commercial uses.

21 The applicant has restricted the parcels from such
22 uses as gas stations and restaurants, to drive up facilities.
23 In addition, the proposed 30-foot wide Type C buffer will
24 provide adequate buffering screening towards the abutting
25 residential zoning districts.

1 In the opinion of Development Services, these
2 restrictions mitigate our compatibility concerns that we have.
3 Based on the Residential-4 Future Land Use classification, the
4 surrounding zoning and development pattern, and the proposed
5 uses for the commercial neighborhood restricted district, staff
6 finds the request approvable with the restrictions.

7 That concludes my staff report. I'd like to answer
8 any questions you might have.

9 HEARING MASTER: I do. Just one, and that is the Type
10 C buffer that's required, what does that include?

11 MR. GRANDLIENARD: It includes a wall, an eight-foot
12 wall.

13 HEARING MASTER: Eight foot.

14 MR. GRANDLIENARD: Or a 90-foot -- well, 6-foot; I'm
15 sorry.

16 HEARING MASTER: Okay. Six-foot wall. And is there
17 also planting requirements:

18 MR. GRANDLIENARD: Buffering and screening, that's the
19 same kind of buffering that's used in, like, industrial areas.
20 I mean, so, I mean, they're -- they're offering something that's
21 pretty above what they would normally would have to provide.

22 HEARING MASTER: All right.

23 MR. GRANDLIENARD: So that's why we, along with the --
24 the uses, they were restricted. We found that suitable.

25 HEARING MASTER: Understood. All right. Thank you

1 for your testimony. I appreciate it.

2 MR. GRANDLIENARD: Thank you.

3 HEARING MASTER: Go to the Planning Commission.

4 MS. MASSEY: Good evening, Madam Zoning Hearing
5 Master. This is Jillian Massey with the Planning Commission
6 staff.

7 The subject property is in the Residential-4 Future
8 Land Use category. It's in the urban service area and within
9 the Thonotosassa Community Plan. Though there are several
10 commercial uses along northwest US Highway 301, the remaining
11 range of uses that were not included in the restrictions would
12 not be compatible with residential uses located directly to the
13 west, south, and east of the subject site.

14 Although the applicant has also committed to enhanced
15 buffering techniques, the proposed request would not allow for
16 harmonious activities and uses adjacent to the surrounding area
17 of the subject site and is inconsistent with policy direction
18 for growth in the urban service area.

19 The proposed rezoning does not meet the intent of
20 Future Land Use element Objective 16 and its associated policies
21 regarding neighborhood protection. Planning Commission staff
22 recognize that North US Highway 301 is an arterial roadway.
23 However, there are established residential properties that abut
24 the subject site to the west, south, and east. There is a
25 residential neighborhood that extends south across Ripley Road

1 as well. The proposed CN-R uses would allow for the possibility
2 of adverse impacts on these existing residential areas.

3 The subject site does not commercial-locational
4 criteria as defined in Future Land Use element Objective 22, as
5 it's not within the required distance from the qualifying
6 intersection. Planning Commission staff have reviewed the
7 material for waiver request and do not recommend the Board of
8 County Commissioners grant a waiver to the established
9 locational criteria.

10 Although the site is located in an area with several
11 other commercial uses, Planning Commission staff have
12 compatibility concerns with the range of proposed CN-R uses that
13 would be allowed next to the established residential areas
14 directly southwest and southeast.

15 Goal 4 of the Thonotosassa Community Plan seeks to
16 provide for commerce and jobs in the area that protects
17 community identity. The location, type, and size of new
18 businesses should fit in the surrounding area. Although the
19 proposed rezoning would bring commerce to the area, its size and
20 full range of allowable uses would threaten the existing
21 community's identity and housing.

22 A rezoning to CN-R would allow for development for
23 commercial uses that are incompatible with the neighborhoods
24 located directly west, south, and east of the subject site and
25 would, therefore, not be consistent with the intent of the goals

1 in the Community Plan.

2 And based on these considerations, Planning Commission
3 staff finds that the proposed rezoning is inconsistent with the
4 Unincorporated Hillsborough County Comprehensive Plan. Thank
5 you.

6 HEARING MASTER: Ms. Massey, let me just ask a
7 followup question. And that is -- I read the staff report. So
8 the usage that they -- obviously, they limited some out of the
9 CN list -- but the uses that remain, are there a handful that
10 you have a concern -- that the Planning Commission has a concern
11 about, or are there -- is there one? Is there any particular
12 one that is objectionable to the Planning Commission that might
13 change their recommendation?

14 MS. MASSEY: Madam Hearing Master, I wasn't the case
15 planner on this particular report, but my understanding from our
16 discussions is that it's more so what you mentioned before,
17 which is just in general the concerns about the rear of the
18 property and the range of uses in general that could potentially
19 abut up to these existing single-family developments.

20 And I guess it was felt that, you know, even with the
21 30-foot screening, on a five-acre parcel, which is fairly large,
22 we just didn't feel that that was still adequate enough to
23 mitigate for any adverse impacts.

24 HEARING MASTER: Okay. Understood. Thank you for
25 that clarification. I appreciate it.

1 All right. At this time, we will call for anyone that
2 would like to speak in support. Anyone in favor? Seeing no
3 one. Anyone in opposition to this request? No one. No one
4 online, I assume. Okay.

5 MS. CATHY: Hello.

6 HEARING MASTER: Is there someone online that would
7 like to speak?

8 MS. CATHY: Yes. Hi. I'm Cathy. I'm a resident from
9 the community in question.

10 HEARING MASTER: Okay. Hold on just one second. We
11 have to have you on camera. Let me ask --

12 MS. CATHY: I apologize. I can't necessarily do that
13 because I'm calling you guys from my vehicle. I just got off
14 work.

15 HEARING MASTER: There is a requirement --

16 Ms. Dorman, let me ask for you to weigh in --

17 -- but there is a requirement that to verify that it's
18 you that the County requires if you're going to participate
19 virtually, you must be on-camera.

20 MS. CATHY: So if I give you my residence, will that
21 count?

22 MS. DORMAN: That's correct, Madam Hearing Officer.

23 HEARING MASTER: I apologize, but that is the policy
24 of the County that we must have a visual of you to protect and
25 legitimize the testimony. So I'm sorry that you are unable to

1 participate.

2 Is there anyone else online that would like to speak
3 in -- either in favor or in opposition to this request? All
4 right, seeing no one. We'll go back to Development Services.

5 Ms. Heinrich, anything further?

6 MS. HEINRICH: Nothing further.

7 HEARING MASTER: All right.

8 Ms. Swift, you have the last word. You have five
9 minutes for rebuttal.

10 MS. SWIFT: Thank you very much. Just a few points.
11 The area across Ripley Road is residential, but it is
12 Residential-12 and is much -- much higher density than -- and
13 it's across the street from the residences that abut the site.

14 We did ask the Planning Commission staff in writing
15 and in our last discussion which uses were objectionable, and
16 they couldn't give us any that were. And when I rephrased it,
17 "Is -- are there -- is there any use list that would -- would
18 make this compatible in your mind," and they said no. So that
19 was a discussion. We've asked several times what on this list
20 of mostly retail uses that serve neighborhoods would -- are
21 objectionable, and there were -- there is apparently no -- no
22 small list that would make the CN-R work in their mind.

23 I think -- I think that's it.

24 HEARING MASTER: Okay. Thank you for that. I
25 appreciate it.

1 So, with that, we'll close rezoning 23-0203, the
2 remand, and we'll go to the next case.

3 MS. HEINRICH: Our next case is Item C.1, Standard
4 Rezoning 23-0082. This is a request to rezone property from
5 RSC-6 to CG-R. Isis Brown with Development Services will
6 provide staff findings after the applicant's presentation.

7 HEARING MASTER: Good evening.

8 TODD PRESSMAN: Good evening, Hearing Officer. Todd
9 Pressman, 200 Second Avenue South, Number 451, Saint Petersburg.
10 I do have a PowerPoint for you. Is that up for you?

11 HEARING MASTER: Yes, I see it.

12 TODD PRESSMAN: The site is located in the Lutz area
13 just north of Sunset Point Road, as you can see here. This is
14 the site as the property appraiser has it on Northwest Highway
15 41. The issue is RSC-6 to CG-R for 0.82 acres. We have a
16 number of restrictions.

17 One is that the rear 156 feet will only be used for
18 storm water retention and septic, which is approximately 31
19 percent of the site. The other is restriction of uses, which is
20 no fast food, stores, no C store with gas, no motor vehicle
21 repair.

22 So the area that is restricted, as you can see, is 156
23 feet more or less. That reduces or eliminates impacts on
24 residential, which is primarily to the rear. There's one to the
25 south. So these would be the areas that are reduced because of



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

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PAGE 1 OF 6

DATE/TIME: 9/18/2023 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

| | |
|--|---|
| APPLICATION # <u>23-0369</u> | PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>206 2nd Ave S. #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE _____ |
| APPLICATION # <u>23-0203</u> | PLEASE PRINT NAME <u>SUSAN SWIFT</u> MAILING ADDRESS <u>607 S. Alexander St #101</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>335</u> PHONE <u>813 247 9100</u> |
| APPLICATION # <u>23-0082</u> | PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>727-824-1260</u> |
| APPLICATION # <u>23-0082</u> | PLEASE PRINT NAME <u>Michael Bernstein</u> MAILING ADDRESS <u>19537 Deer Lake Rd</u> CITY <u>Thutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 293 1930</u> |
| APPLICATION # <u>23-0082</u> | PLEASE PRINT NAME <u>JAY A MUFFLY</u> MAILING ADDRESS <u>102 5TH AVE SE</u> CITY <u>LUTE</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 949-2224</u> |
| APPLICATION # <u>23-0552</u> <u>VS</u> | PLEASE PRINT NAME <u>Gloria Linda Stewart</u> MAILING ADDRESS <u>6997-B Professional Parkway East</u> CITY <u>Sarasota</u> STATE <u>FL</u> ZIP <u>34246</u> PHONE _____ |

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PAGE 2 OF 6

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

| | |
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| APPLICATION # <u>23-0552</u> <u>VS</u> | PLEASE PRINT NAME <u>Mollie Usher</u> MAILING ADDRESS <u>5513 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____ |
| APPLICATION # <u>23-0552</u> | PLEASE PRINT NAME <u>Jonathan Hoke</u> MAILING ADDRESS <u>5513 Rain Frog Ln</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813-7205151</u> |
| APPLICATION # <u>23-0552</u> | PLEASE PRINT NAME <u>Gretchen Genrich Hoke</u> MAILING ADDRESS <u>5513 Rain Frog Lane</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813-707-7039</u> <u>760-3981</u> |
| APPLICATION # <u>23-0552</u> <u>VS</u> | PLEASE PRINT NAME <u>Mollie Genrich</u> MAILING ADDRESS <u>5521 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____ |
| APPLICATION # <u>23-0552</u> <u>VS</u> | PLEASE PRINT NAME <u>Margaret Thompson</u> MAILING ADDRESS <u>5507 Rain Frog Ln</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____ |
| APPLICATION # <u>23-0552</u> <u>VS</u> | PLEASE PRINT NAME <u>Charles Genrich</u> MAILING ADDRESS <u>5521 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____ |

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PAGE 3 OF 6

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan Finch

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| | |
|--|---|
| <p>APPLICATION # <u>23-0571</u></p> | <p>PLEASE PRINT NAME <u>Ruth Londono</u> MAILING ADDRESS <u>1502 W. Busch Blvd</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33612</u> PHONE <u>(813) 919-7802</u></p> |
| <p>APPLICATION # <u>23-0571</u></p> | <p>PLEASE PRINT NAME <u>Isabelle Albert</u> MAILING ADDRESS <u>1000 W. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 331-0976</u></p> |
| <p>APPLICATION # <u>23-6640</u></p> | <p>PLEASE PRINT NAME <u>Tu Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813) 962-6230</u></p> |
| <p>APPLICATION # <u>23-0792</u></p> | <p>PLEASE PRINT NAME <u>Tu Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813) 962-6230</u></p> |
| <p>APPLICATION # <u>23-0792</u></p> | <p>PLEASE PRINT NAME <u>Hung Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>813 962-6230</u></p> |
| <p>APPLICATION # <u>23-0792</u></p> | <p>PLEASE PRINT NAME <u>Aleathea Hoskins</u> MAILING ADDRESS <u>2108 Siloam Springs Dr</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>813-431-9903</u></p> |

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

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|--------------------------------------|---|
| APPLICATION # <u>23-0792</u> | PLEASE PRINT NAME <u>Teri Wagner</u> MAILING ADDRESS <u>2108 Arch McDonald Dr</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33502</u> PHONE <u>8134346722</u> |
| APPLICATION # <u>23-0792</u> | PLEASE PRINT NAME <u>Dana Wilson</u> MAILING ADDRESS <u>2102 Arch McDonald Drive</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>309-287-9739</u> |
| APPLICATION # <u>23-0792</u> | PLEASE PRINT NAME <u>Th Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813)962-6230</u> |
| APPLICATION # <u>23-0792</u> | PLEASE PRINT NAME <u>Justin Tillman</u> MAILING ADDRESS <u>2106 Siloam Springs</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>32227</u> PHONE <u>813335-484</u> |
| APPLICATION # <u>23-0792</u> | PLEASE PRINT NAME <u>Jow Berry</u> MAILING ADDRESS <u>1620 S Dover Rd</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33522</u> PHONE <u>8132307536</u> |
| APPLICATION # <u>23-08416</u> | PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-277-8421</u> |

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PAGE 5 OF 6

DATE/TIME: 9/18/23 6 PM HEARING MASTER: Susan Finch

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| <p>APPLICATION # <u>23-0846</u></p> | <p>PLEASE PRINT NAME <u>Kathryn Barry</u></p> <p>MAILING ADDRESS <u>3028 Colonial Ridge Dr</u></p> <p>CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>540-419-5122</u></p> |
| <p>APPLICATION # <u>23-0846</u></p> | <p>PLEASE PRINT NAME <u>STEVE HENRY</u></p> <p>MAILING ADDRESS <u>5023 W. LAMAR ST</u></p> <p>CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u></p> |
| <p>APPLICATION # <u>23-0059</u></p> | <p>PLEASE PRINT NAME <u>Mark Bentley</u></p> <p>MAILING ADDRESS <u>401 E Jackson</u></p> <p>CITY <u>TPA</u> STATE _____ ZIP _____ PHONE <u>813-225-2500</u></p> |
| <p>APPLICATION # <u>23-0059</u></p> | <p>PLEASE PRINT NAME <u>RYAN MANASSE</u></p> <p>MAILING ADDRESS <u>401 E JACKSON ST</u> <u>STE 3100</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-225-2500</u></p> |
| <p>APPLICATION # <u>23-0109</u> <u>VS</u></p> | <p>PLEASE PRINT NAME <u>Steve Schmitt</u></p> <p>MAILING ADDRESS <u>5545 Wildwood Dr.</u></p> <p>CITY <u>Reno</u> STATE <u>NV</u> ZIP <u>89511</u> PHONE _____</p> |
| <p>APPLICATION # <u>23-0414</u></p> | <p>PLEASE PRINT NAME <u>Kevin Reali</u></p> <p>MAILING ADDRESS <u>401 E Jackson ST #2100</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-222-5059</u></p> |

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PAGE 6 OF 6

DATE/TIME: 9/18/23 6 PM HEARING MASTER: Susan Finch

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| APPLICATION # <u>23-0578</u> | PLEASE PRINT NAME <u>Alexandra Schaler</u> MAILING ADDRESS <u>400 N. Ashley Dr. Suite 1100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-319-0702</u> |
| APPLICATION # <u>23-0578</u> | PLEASE PRINT NAME <u>KATHY REYES</u> MAILING ADDRESS <u>10433 ALDER GREEN DR</u> CITY <u>RIVERVIEW</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>845-598-7541</u> |
| APPLICATION # <u>23-0578</u> | PLEASE PRINT NAME <u>ARMY ANDER</u> MAILING ADDRESS <u>10371 Scarlett Skimmer Dr.</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>706-410-7933</u> |
| APPLICATION # <u>23-0578</u> <u>VS</u> | PLEASE PRINT NAME <u>Cathy Aponte</u> MAILING ADDRESS <u>1340 Scarlett Skimmer Dr.</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE _____ |
| APPLICATION # <u>23-0578</u> | PLEASE PRINT NAME <u>STEVE HENRY</u> MAILING ADDRESS <u>5023 WILLOW ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-789-0039</u> |
| APPLICATION # | PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____ |

HEARING TYPE:

ZHM, PHM, VRH, LUHO

DATE: September 18, 2023

HEARING MASTER:


Susan Finch

PAGE: 1 OF 1

| APPLICATION # | SUBMITTED BY | EXHIBITS SUBMITTED | HRG. MASTER YES OR NO |
|---------------|-------------------|-----------------------------------|-----------------------|
| RZ 23-0203 | Susan Swift | 1. Applicant Presentation Packet | No |
| RZ 23-0082 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0082 | Todd Pressman | 2. Applicant Presentation Packet | No |
| RZ 23-0552 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0552 | Jonathan Hoke | 2. Opposition Presentation Packet | No |
| RZ 23-0552 | Gretchen Hoke | 3. Opposition Presentation Packet | No |
| RZ 23-0571 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0571 | Ruth Londono | 2. Applicant Presentation Packet | No |
| RZ 23-0573 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0573 | Isabelle Albert | 2. Applicant Presentation Packet | Yes (Copy) |
| RZ 23-0640 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0792 | Aleathea Hoskins | 1. Opposition Presentation Packet | No |
| RZ 23-0792 | Tu Mai | 2. Applicant Presentation Packet | No |
| RZ 23-0846 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| RZ 23-0846 | Kami Corbett | 2. Applicant Presentation Packet | No |
| RZ 23-0059 | Mark Bentley | 1. Applicant Presentation Packet | Yes (Copy) |
| RZ 23-0109 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| MM 23-0414 | Michelle Heinrich | 1. Revised Staff Report- Email | No |
| MM 23-0414 | Kevin Reali | 2. Applicant Presentation Packet | No |
| MM 23-0578 | Michelle Heinrich | 1. Revised Staff Report – Email | No |
| MM 23-0578 | Alexandra Schaler | 2. Applicant Presentation Packet | No |
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SEPTEMBER 18, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, September 18, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

 Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduced Development Services (DS).

A. WITHDRAWALS AND CONTINUANCES

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

 Susan Finch, ZHM, overview of ZHM process.

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

 Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 23-0203

 Michelle Heinrich, DS, called RZ 23-0203.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0203.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 23-0082

 Michelle Heinrich, DS, called RZ 23-0082.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0082.

MONDAY, SEPTEMBER 18, 2023

C.2. RZ 23-0552

 Michelle Heinrich, DS, called RZ 23-0552.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0552.

C.3. RZ 23-0571

 Michelle Heinrich, DS, called RZ 23-0571.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0571.

C.4. RZ 23-0573

 Michelle Heinrich, DS, called RZ 23-0573.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0573.

C.5. RZ 23-0640

 Michelle Heinrich, DS, called RZ 23-0640.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0640.

C.6. RZ 23-0792

 Michelle Heinrich, DS, called RZ 23-0792.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0792.

MONDAY, SEPTEMBER 18, 2023

C.7. RZ 23-00846

 Michelle Heinrich, DS, called RZ 23-0846.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0846.

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

D.1. RZ 23-0059

 Michelle Heinrich, DS, called RZ 23-0059.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0059.

D.2. RZ 23-0109

 Michelle Heinrich, DS, called RZ 23-0109.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0109.

D.3. RZ 23-0369


 Michelle Heinrich, DS, called RZ 23-0369.


 Testimony presented.

 Susan Finch, ZHM, continued RZ 23-0369 to November 13, 2023, ZHM.

D.4. MM 23-0414

 Michelle Heinrich, DS, called MM 23-0414.

 Testimony provided.


 Susan Finch, ZHM, closed MM 23-0414.

MONDAY, SEPTEMBER 18, 2023


D.5. MM 23-0578

 Michelle Heinrich, DS, called MM 23-0578.

 Testimony provided.

 Susan Finch, ZHM, closed MM 23-0578.

ADJOURNMENT

 Susan Finch, ZHM, adjourned meeting at 10:54 p.m.

Application No. 23-0203
Name: Susan Swift
Entered at Public Hearing: ZHM
Exhibit # 1 Date: 9/18/23

11315 N. US Highway 301

Request to:

**Rezone From AR to CN - R
& Locational Criteria Waiver**

APPLICANT: MAAN CAPITAL MANAGEMENT LLC
STD-RZ-23-0203
ZONING HEARING MASTER: SEPTEMBER 18, 2023



EXISTING CONDITIONS

Residential-4 (RES-4) Future
Agriculture Residential (AR)
Thonotosassa Area Plan
Urban Service Area
Opportunity Zone



REVISED APPLICATION TO CN-R

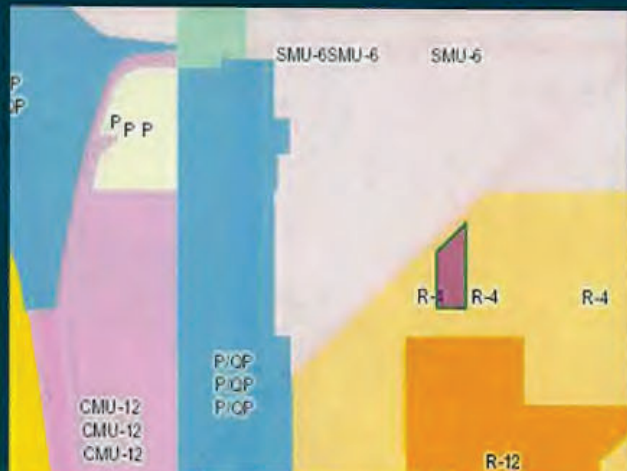
1. Restricted List of Uses:

- CN permitted uses only
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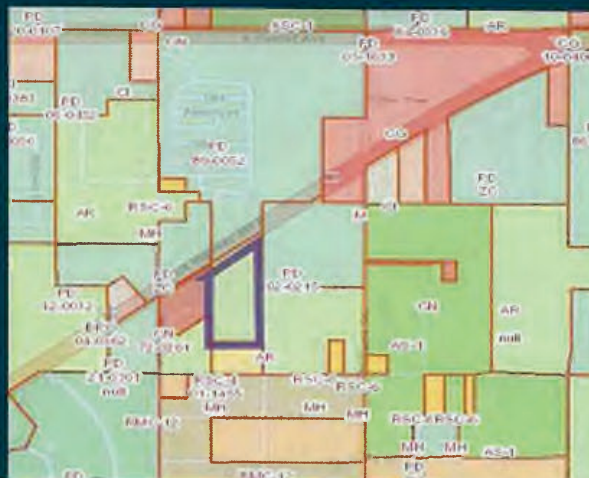
2. 30 ft Type C buffer adjacent to AR & residential districts



FUTURE LAND USE PLAN



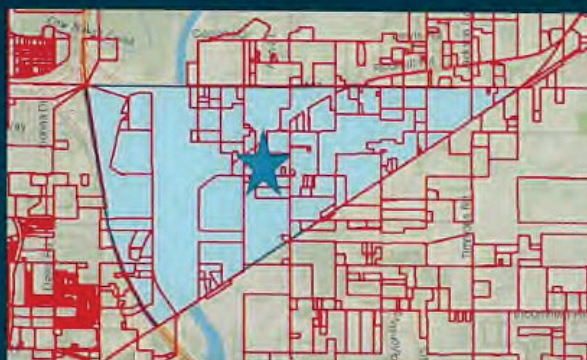
ZONING



URBAN SERVICE AREA



OPPORTUNITY ZONE



Consistent With County Plan



Supported By Plan Numerous Plan Policies:

- Objective 22: New commercial development shall be consistent with surrounding areas, availability of public facilities and the market.
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Consistent With Comprehensive Plan

- RES-4 allows neighborhood commercial uses up to .25 FAR
- CN has a lower FAR of .20
- Located on US Highway 301 and on 2040 Cost Affordable Plan
- Locational Criteria: 800 ft from 301/Williams Rd (collector) intersection
- In Urban Service Area and served by public water/sewer
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Locational Criteria Waiver

COMPLIES WITH CRITERIA IN POLICY 22.2:

- US 301: 4-lane divided Principal Arterial on Cost Affordable Plan & Corridor Pres. Plan
- Williams Road is a 2-lane Collector on Cost Affordable Plan
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REQUEST WAIVER OF 75% CRITERION BASED UPON :

- 25% of the property falls within 900 ft
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- Site is 750 ft from Williams Road and 385 ft from Walker Road
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- North side of Highway 301 is completely developed in commercial uses
- Site is a 5-acre rectangle, appropriate for commercial no environmental constraints
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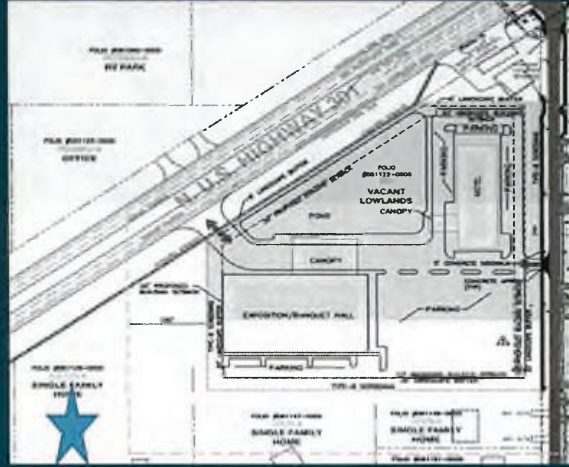


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SETBACKS TO
ABUTTING USES



Abutting PD #19-0546



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Findings of Fact To Support Rezoning to CN-R

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- Proposed CN-R use list is consistent with policies in the Plan
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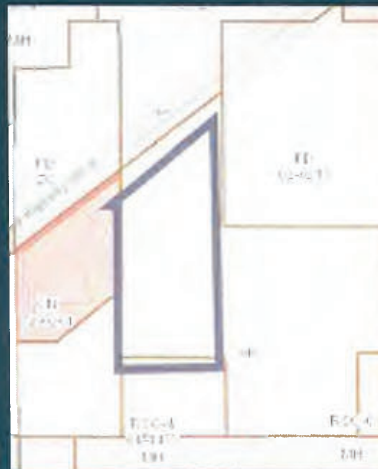
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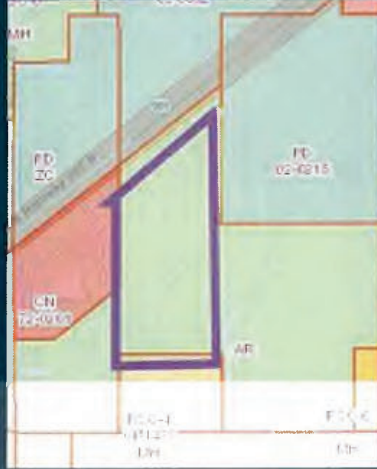


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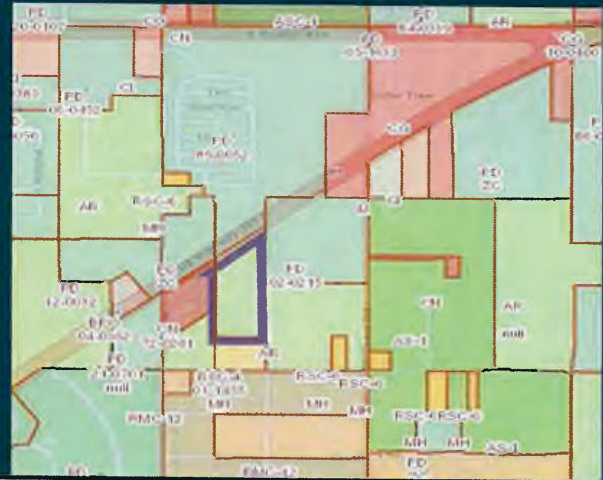
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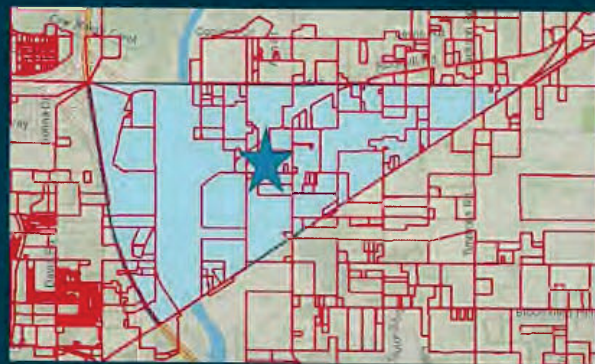
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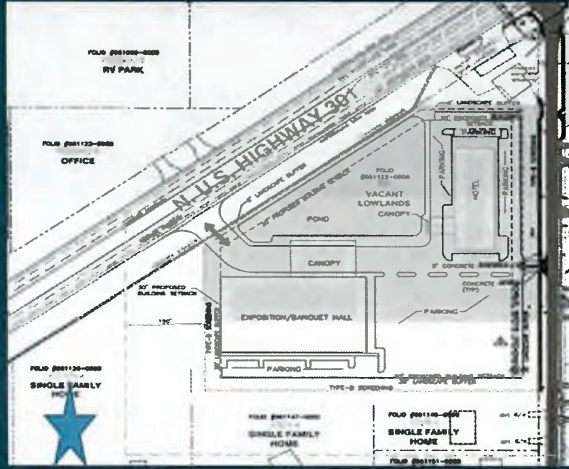


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Abutting PD #19-0546



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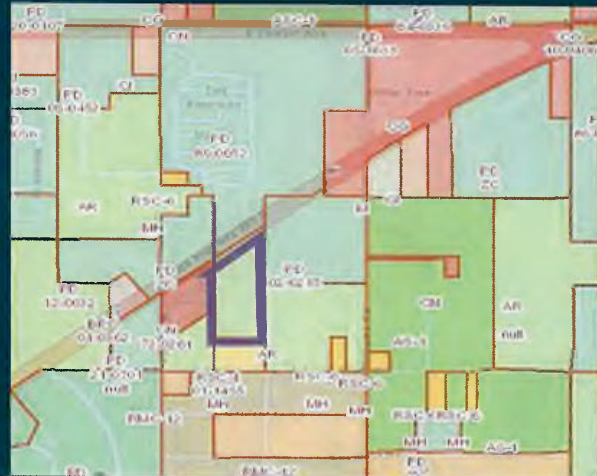
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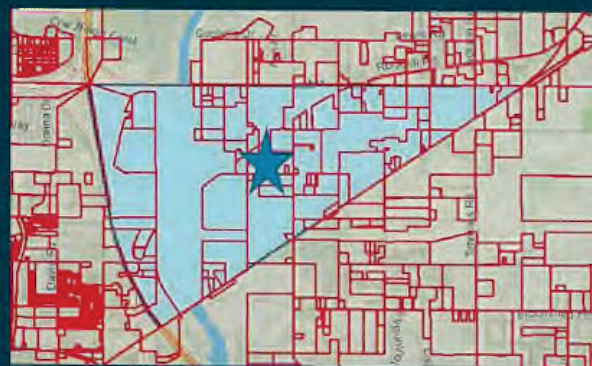
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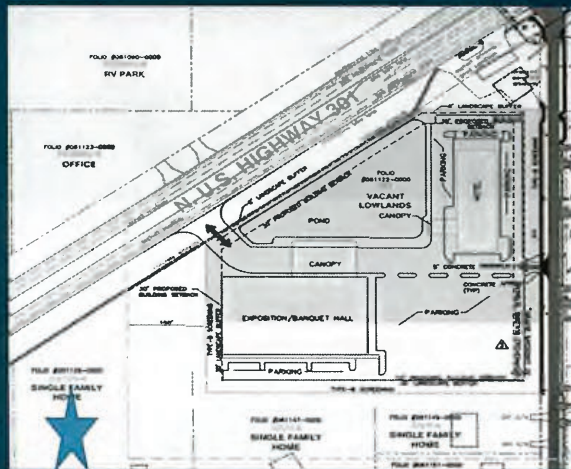


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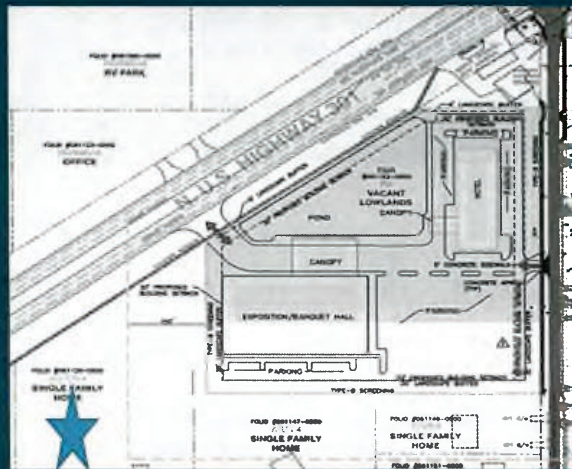


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A REZONING TO CN-R ON THIS SITE WILL NOT PERMIT THE “INTENSE USES” THAT IS THE BASIS OF THE PLANNING COMMISSION STAFF OBJECTION

THE CN-R REZONING IS CONSISTENT WITH THE PLAN, COMPATIBLE WITH SURROUNDING USES AND EXCEEDS THE CN REGULATIONS.

THE LOCATION, SITE CHARACTERISTICS AND COMMERCIAL ALONG THE ENTIRE CORRIDOR, WARRANT APPROVAL OF CN-R.



THANK YOU.

Susan Swift, AICP
Director of Planning

sswift@boggseng.com

813.747.9100



11315 N. US Highway 301

Request to:

**Rezone From AR to CN - R
& Locational Criteria Waiver**

APPLICANT: MAAN CAPITAL MANAGEMENT LLC
STD-RZ-23-0203
ZONING HEARING MASTER: SEPTEMBER 18, 2023



EXISTING CONDITIONS

Residential-4 (RES-4) Future
Agriculture Residential (AR)
Thonotosassa Area Plan
Urban Service Area
Opportunity Zone



REVISED APPLICATION TO CN-R

1. Restricted List of Uses:

- CN permitted uses only
- No conditional uses
- No gas stations, drive-thrus, bars, liquor stores, adult uses, colleges

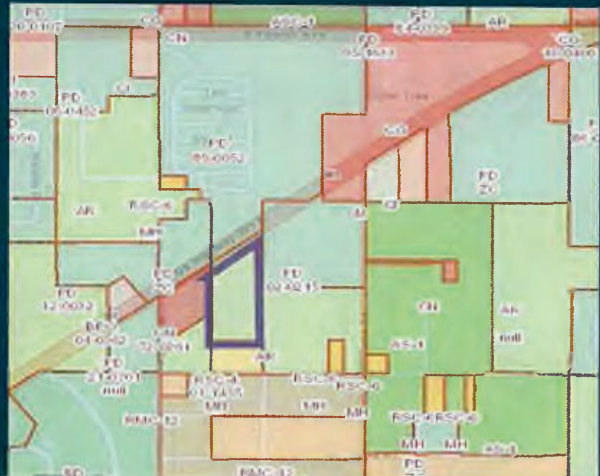
2. 30 ft Type C buffer adjacent to AR & residential districts



FUTURE LAND USE PLAN



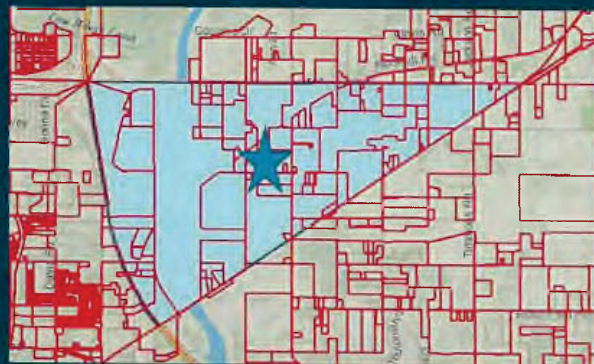
ZONING



URBAN SERVICE AREA



OPPORTUNITY ZONE



Consistent With County Plan



Supported By Plan Numerous Plan Policies:

- Objective 22: New commercial development shall be consistent with surrounding areas, availability of public facilities and the market.
- Objective 36: Employment Centers shall be planned throughout the I-75 corridor and within one mile of the corridor.
- Policy 5.3.3: Implement measures to reduce average trip distances such as fostering commercial uses to support a mix of land uses.
- Policies 7.1.3-5: Regarding matching road speed, width and freight with adjacent land use.
- Policy 22.7: The Locational Criteria are not the only factors to be considered for approval of neighborhood serving commercial uses.
- Policy 26.2: Economic development areas should be within transit corridors, Urban Service Areas and accessible to disadvantaged populations.
- Policy 4.2.3: Ensure development is consistent with the Corridor Preservation Plan.



Consistent With Comprehensive Plan

- RES-4 allows neighborhood commercial uses up to .25 FAR
- CN has a lower FAR of .20
- Located on US Highway 301 and on 2040 Cost Affordable Plan
- Locational Criteria: 800 ft from 301/Williams Rd (collector) intersection
- In Urban Service Area and served by public water/sewer
- Consistent w. Thonotosassa Plan goals to balance commercial uses, respect property rights and rural character
- Neighborhood protection & economic development policies must be balanced – & the Plan has acknowledged trends here by expanding USA.



Locational Criteria Waiver

COMPLIES WITH CRITERIA IN POLICY 22.2:

- US 301: 4-lane divided Principal Arterial on Cost Affordable Plan & Corridor Pres. Plan
- Williams Road is a 2-lane Collector on Cost Affordable Plan
- Site is within 900 ft of qualifying intersection
- 25% vs 75% of the subject property falls within the 900 ft distance from the intersection

REQUEST WAIVER OF 75% CRITERION BASED UPON :

- 25% of the property falls within 900 ft
- Applicant's property has 415 ft of frontage on Highway 301
- Site is 750 ft from Williams Road and 385 ft from Walker Road
- The remaining block face is developed as or zoned for, commercial uses
- North side of Highway 301 is completely developed in commercial uses
- Site is a 5-acre rectangle, appropriate for commercial no environmental constraints
- Regional roadways are in close proximity to this site
- This site is a perfect example of why a waiver request is possible



Compatible With Surrounding Uses

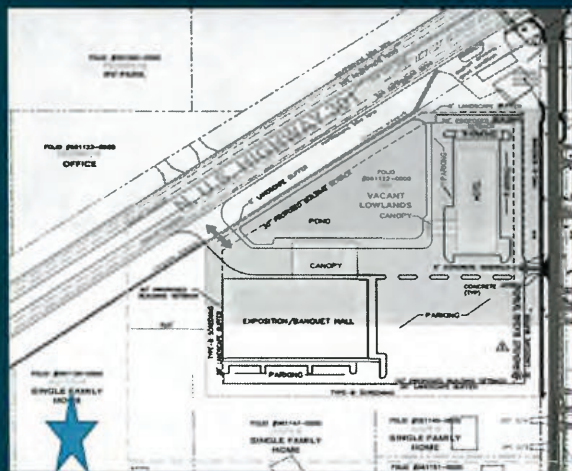


CN-R uses are Compatible With AR & RSC-4-MH

SETBACKS TO ABUTTING USES



Abutting PD #19-0546



| | | |
|---------------------------------------|------------------------------|---------|
| MAXIMUM IMPERVIOUS RATIO | 0.75 | |
| MAXIMUM FLOOR AREA RATIO | SMU-6 - 0.35 RES-4 - 0.25 | |
| MAXIMUM BUILDING HEIGHT | 50 FEET | |
| HOTEL | 50 FEET | |
| EXPOSITION/BANQUET HALL | 35 FEET | |
| AREAS IN FLU SECTORS: | | |
| SMU 6 W/500 FT FLEX | 254,573 SF | 5.84 AC |
| RES-4 | 103,215 SF | 2.37 AC |
| MAXIMUM ALLOWABLE BUILDING FLOOR AREA | | |
| SMU 6 W/500 FT FLEX | 89,101 SF | 2.05 AC |
| RES-4 | 25,804 SF | 0.59 AC |
| FLOOR AREA PER BUILDING | | |
| MAXIMUM BUILDING AREA | 114,905 SF | |
| HOTEL(3 OR 4-STORY) | 64,905 - 74,905 SF | |
| EXPOSITION/BANQUET HALL | 50,000 - 40,000 SF | |



Findings of Fact To Support Rezoning to CN-R

CONSISTENCY WITH COMPREHENSIVE PLAN

- Proposed CN-R use list is consistent with policies in the Plan
- CN FAR is less than the Res-4 FAR
- Residential-4 supports neighborhood commercial uses
- Location on US Highway 301, a 4-lane divided Principal Arterial on the Plan
- Urban Service Area and already served by water/sewer
- Justified for a waiver of the 75% of 900 ft frontage criterion
- Complies with all other Locational Criteria



Findings of Fact To Support Rezoning to CN-R

COMPATIBLE WITH SURROUNDING USES

- CN-R use list is compatible with surrounding zoning and existing residential uses
- 30 ft Type C buffer provides additional protections to existing residences
- Compatible with hotel and conference center recently approved on adjacent lot
- Compatible with office building to the west

CONSISTENT WITH LDC

- CN-R use list exceeds the requirements of the LDC
- There are no objections from other reviewing
- This is the only property on this block face and this corridor that is not zoned for commercial uses
- Denial of the application will deny development rights enjoyed by similar parcels



CONCLUSION

BY POLICY – Objective 22, 36, Policies 5.3.3 and 7.1.3-5, among others

BY FAR – 0.2 FAR in CN is less than .25 allowed in Residential-4 land use

BY LDC DIMENSIONAL REGULATIONS - max of 35' height, 20% Coverage & 60% Impervious

BY THE RESTRICTED USE LIST – CN permitted uses only and further limitations

BY THE ENHANCED BUFFER - 30 ft, Type C buffer

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RECORD**

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