



# Hillsborough County Florida

## DEVELOPMENT SERVICES

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

December 18, 2023

**RE: MM 23-0407**  
**Brian Funk**  
**Brandon Pkwy. & Gulf Stream Cir./71593.0100**

Nicole Berlin  
Kimley-Horn  
200 Central Ave., Ste. 600  
Clearwater, FL 33601

Dear Applicant:

At the regularly scheduled public meeting on December 12, 2023, the Board of County Commissioners approved your request for a Major Modification to PD 87-0180, with the attached final conditions. Please keep this letter for your records.

If you have any questions, please contact Chris Grandlienard, of my staff at [GrandlienardC@HCFLGov.net](mailto:GrandlienardC@HCFLGov.net).

Sincerely,

J. Brian Grady, Director  
Zoning Administrator  
Community Development Division

JBG/mn  
Attachments  
cc: File

## BOARD OF COUNTY COMMISSIONERS

Donna Cameron Cepeda  
Harry Cohen  
Ken Hagan  
Pat Kemp

Gwendolyn "Gwen" Myers  
Michael Owen  
Joshua Wostal

## COUNTY ADMINISTRATOR

Bonnie M. Wise

## COUNTY ATTORNEY

Christine M. Beck

## COUNTY INTERNAL AUDITOR

Peggy Caskey

## DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Approval of the request, subject to the conditions listed, is based on the revised general site plan submitted August 30, 2023.

The project shall be permitted two phases of development:

1. In Phase One, the following uses are permitted:
  - 1.1 Commercial: The maximum neighborhood commercial area shall be 75,000 square feet of CN uses and 15,000 sq. ft. of office/personal services uses for a maximum FAR of 0.19. Alternatively, mini-warehouses may be developed at a maximum FAR of .50. The mini-warehouses shall be architecturally finished on all sides.
  - 1.2 Residential: 40 multifamily dwelling units are permitted on Folio 71593.0100, subject to the following development standards:
    - 1.2.1 Minimum building setbacks: 10 feet (north), 20 feet (east), 10 feet (south), 25 feet (west)
    - 1.2.2 Maximum building height: 2 stories or 35 feet, whichever is more restrictive
    - 1.2.3 Maximum building coverage: 40 percent
    - 1.2.4 Maximum impervious surface: 70 percent
    - 1.2.5 Maximum density: 5.22 dwelling units per acre
  - 1.3 At the district boundaries and at the boundaries between the commercial/office area and residential area, 2 feet of setback shall be provided for every 1 foot of structure height over 20 feet. This setback shall not apply to the multifamily dwelling units located on Folio 71593.0100.
  - 1.4 The south access on Paul's Drive shall be located a minimum of 300 feet north of Lumsden Avenue, unless otherwise approved by the Hillsborough County Public Works Department. This distance is measured from the near edge of pavement on Lumsden Avenue to the near edge of pavement of the drive.
  - 1.5 The west access on Lumsden Avenue shall be located a minimum of 300 feet east of Paul's Drive, unless otherwise approved by the Hillsborough County Public Works Department, and shall be restricted to right-in, right-out only. This distance is measured from the near edge of pavement on Paul's Drive to near edge of pavement of the drive.
  - 1.6 The parking layout shall be designed in such a way as to distribute traffic evenly at the two accesses on Paul's Drive to minimize the possibility of a signal being warranted at either location.
  - 1.7 Prior to the issuance of Zoning Compliance Permits the development shall dedicate an additional 20 feet of right-of-way on the east side of Paul's Drive. This will provide part of the 100 feet of total right-of-way needed ultimately to accommodate a symmetrical four-lane divided roadway section.

2. In Phase Two: 12,600 square feet of B-PO uses, 5,250 square feet of specialty retail, a 2,160 square foot restaurant w/drive through, and 20 single family attached units. Pole signs and billboards shall not be permitted. A minimum of 50% of the office portion of Phase Two (Buildings 3 or 4) must be constructed and issued a certificate of occupancy prior to the issuance of a certificate of occupancy for the specialty retail portion (Building 2).
  - 2.1 The height, bulk, lot coverage and yard requirements of the RMC-12 Zoning District shall apply to the Residential portion of the PD-MU project.
  - 2.2 The 5,250 square feet of specialty retail shall be permitted the following uses: B-PO uses, newsstands, dance or martial arts studio, bicycle sales, and retail shopper's goods except alcoholic beverage sales.
  - 2.3 Non-residential uses shall comply with the BPO district standards unless otherwise indicated herein. Building elevations shall be in accordance with the elevations submitted and received October 29, 2003. All renderings shall be shown on the site plan submitted to Hillsborough County Planning and Growth Management for certification. The minimum building setback along the eastern property line shall be 75 feet.
  - 2.4 Non-residential uses shall have the following hours of operation:  
  
Building 1 – 24 hours  
Building 2 – 7am to 9pm  
Building 3 – 7am to 8pm  
Building 4 – 7am to 7pm
  - 2.5 The eastern access into the site will be limited to right-in/right-out only.
    - 2.5.1 The western access into the site will be limited to right-in only.
  - 2.6 If required by Hillsborough County, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on Lumsden Road, at each median cut adjacent (east/west of the site) to the project where a left turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of left turn storage needed to serve development traffic. The design and construction of these left turn lanes shall be subject to Hillsborough County approval.
3. The developer shall show on the General Development Plan the approximate boundaries of all environmentally sensitive area(s) and shall label them "Conservation Area." Prior to Construction Plan approval, the developer shall submit to the County Development Services Department evidence of approval from the Environmental Protection Commission of the conservation area boundaries. All on-site conservation area(s) shall be preserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Development Services Department as part of an approved Construction plan.

FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER: MM 23-0407  
MEETING DATE: December 12, 2023  
DATE TYPED: December 12, 2023

4. All new structures and/or impervious areas on site shall be set back a minimum of 30 feet from the boundaries of the on-site conservation area(s) and any adjacent conservation area(s) contiguous to any property boundary of the site.
5. All roadway construction shall be completed with proper transitions from the widened section to the existing roadway pavement.
6. The developer shall be responsible for removing existing pavement markings in the widened section and restriping of the roadway to delineate the left turn lanes in conformance with Hillsborough County standards.
7. Site access driveway radii into the commercial portion of the project shall be a minimum of 40 feet to accommodate single unit vehicles.
8. The area devoted to commercial uses may be reduced if not all land shown is required for the approved square footage.
9. If approved by the Hillsborough County Environmental Protection Commission, the disturbed wetland in the Southeast part of the site may be removed, and mitigation provided along the North boundary of the site.
10. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetland, and does not grant any implied or vested right to environmental approvals. Building location and layout may be modified as legally necessary to comply with Chapter 1-11, Wetlands, Rules of the Environmental Protection Commission. If modifications are required, the developer shall submit an application for a Minor Modification, per Section 5.03.04 of the Land Development Code, to change the general site plan to show the modifications required by the EPC. Construction plans for development of the tract will not propose impacts to the Wetland Conservation Areas and their associated 30-foot Wetland Setbacks outside of the area identified on the certified site plan for commercial use. Within 6 months of the completion of the construction of the commercial site, the title owner of the property shall convey a Conservation Easement in favor of the EPC over all remaining wetlands and their associated wetland setbacks. The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC). Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
11. The maximum height of the commercial/office portions of the PD-MU shall be 2 stories or 35 feet whichever is more restrictive.

12. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
13. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan / plat approval.
14. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
15. Building, parking, and stormwater areas shall be developed where generally depicted on the site plan.
16. If PD 23-0407 is approved, the County Engineer will approve a Design Exception (dated September 26, 2023) which was found approvable by the County Engineer (on September 28, 2023). As Pauls Dr. is a substandard local roadway, the developer will be required, with the initial increment of development, to construct +/- 696 linear feet of 10-foot sidewalk/multi-use path and pedestrian crosswalk, to be coordinated and approved with the County Public Works Department, along the project frontage, consistent with the Design Exception.
17. Notwithstanding anything shown in the PD site plan or in the PD conditions to the contrary, pedestrian access shall be allowed anywhere within the project and along the project boundary consistent with the LDC.
18. Construction access shall be limited to those locations shown on PD site plan which are also proposed vehicular access connections. The developer shall include a note in each site/construction plan submittal which indicates same.
19. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C. This condition only applies to the portion of the PD associated with that applies to MM 23-0407.

