

**Rezoning Application: 22-1591**  
**Zoning Hearing Master Date: January 17, 2023**  
**BOCC Land Use Meeting Date: March 14, 2023**

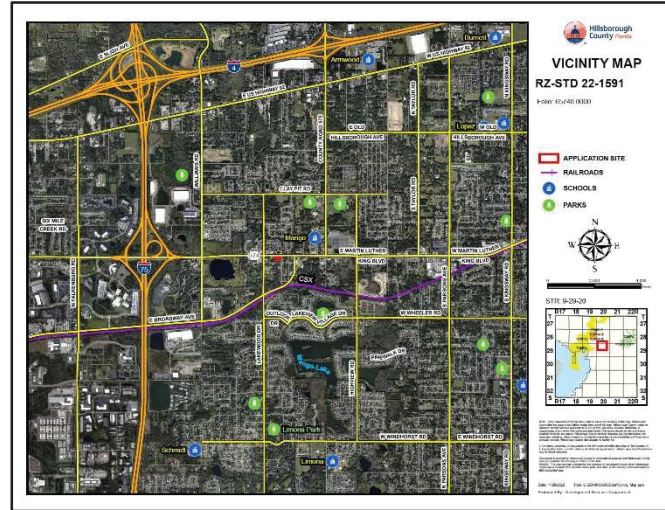


**Hillsborough County Florida**

Development Services Department

**1.0 APPLICATION SUMMARY**

**Applicant:** Nigel Porter  
**FLU Category:** Residential -9 (R-9)  
**Service Area:** Urban  
**Site Acreage:** 0.49+/-  
**Community Plan Area:** Seffner Mango  
**Overlay:** None  
**Request:** Rezone from **Residential-Duplex Conventional – 12 (RDC-12)** to **Commercial General with Restrictions (CG – R)**.



**Request Summary:**

The request is to rezone from the existing **Residential Duplex Conventional-12 (RDC-12)** zoning district to the proposed **Commercial General (CG - R)** zoning district with Restrictions. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet. The applicant is proposing restrictions limiting uses to: BPO uses, Day Care, a contractor’s office, retail and professional office.

**Zoning:**

Uses	Current RDC-12 Zoning	Proposed CG - R Zoning
	Single-Family and Two-Family (Conventional)	General Commercial, Office and Personal Services
Acreage	0.49+/- Acres; 21,344 sq. ft	0.49+/- ac
Density / Intensity	1 Duplex / 7,260 sq ft	0.27 F.A.R.
Mathematical Maximum*	2 Duplex Units	5,762 sq. ft

\* *Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.*

**Development Standards:**

	Current RDC-12 Zoning	Proposed CG-R Zoning
Density/ Intensity	1 du/ 7,260 sq. ft	0.27 F.A. R / 5,762 sq. ft
Lot Size / Lot Width	7, 000 sq. ft/ 70’	10, 000 sq. ft/ 75’
Setbacks/Buffering and Screening	25’ - Front 7.5’ – Sides 25’ - Rear	30’ – Front (North, East) 0’ – Side (West) 20’ (Type B Buffering) – Rear (South)
Height	35’	50’

**Additional Information:**

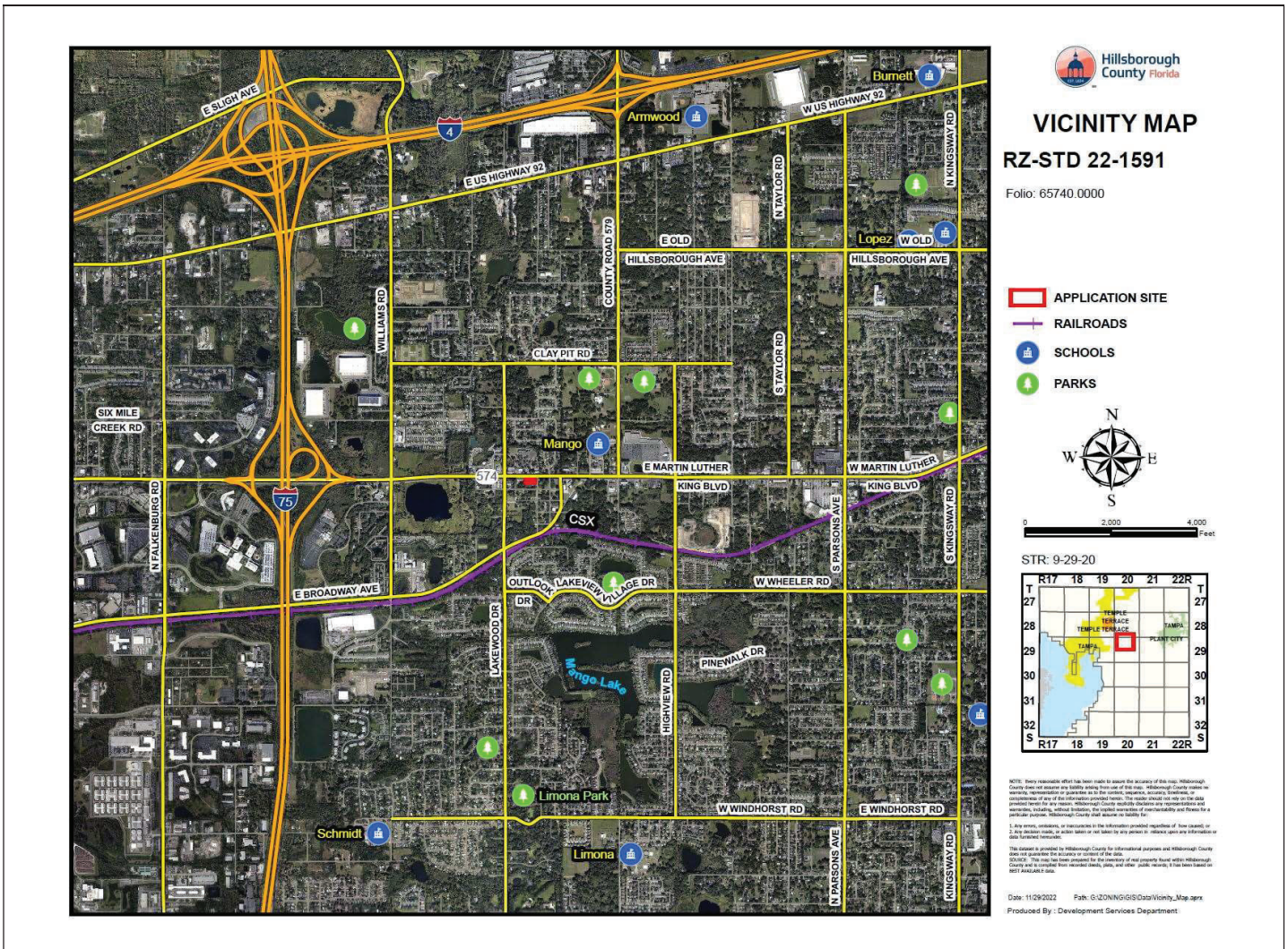
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:

Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

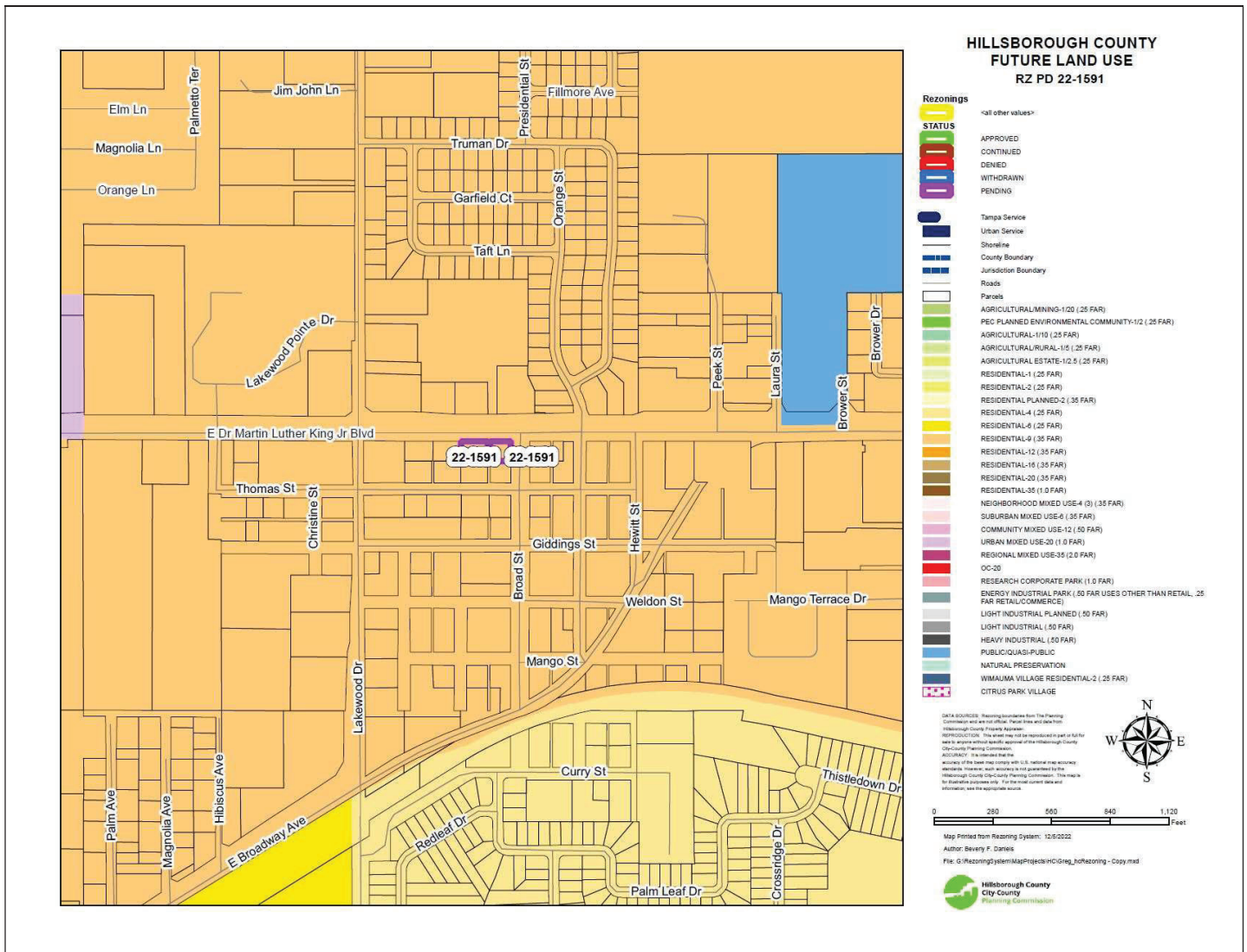


**Context of Surrounding Area:**

The site is surrounded by properties with Single-Family and Two-Family (Conventional) and Commercial Neighborhood type uses. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses. The subject site’s immediate surrounding area consists of properties within the Residential -9 FLU category.

2.0 LAND USE MAP SET AND SUMMARY DATA

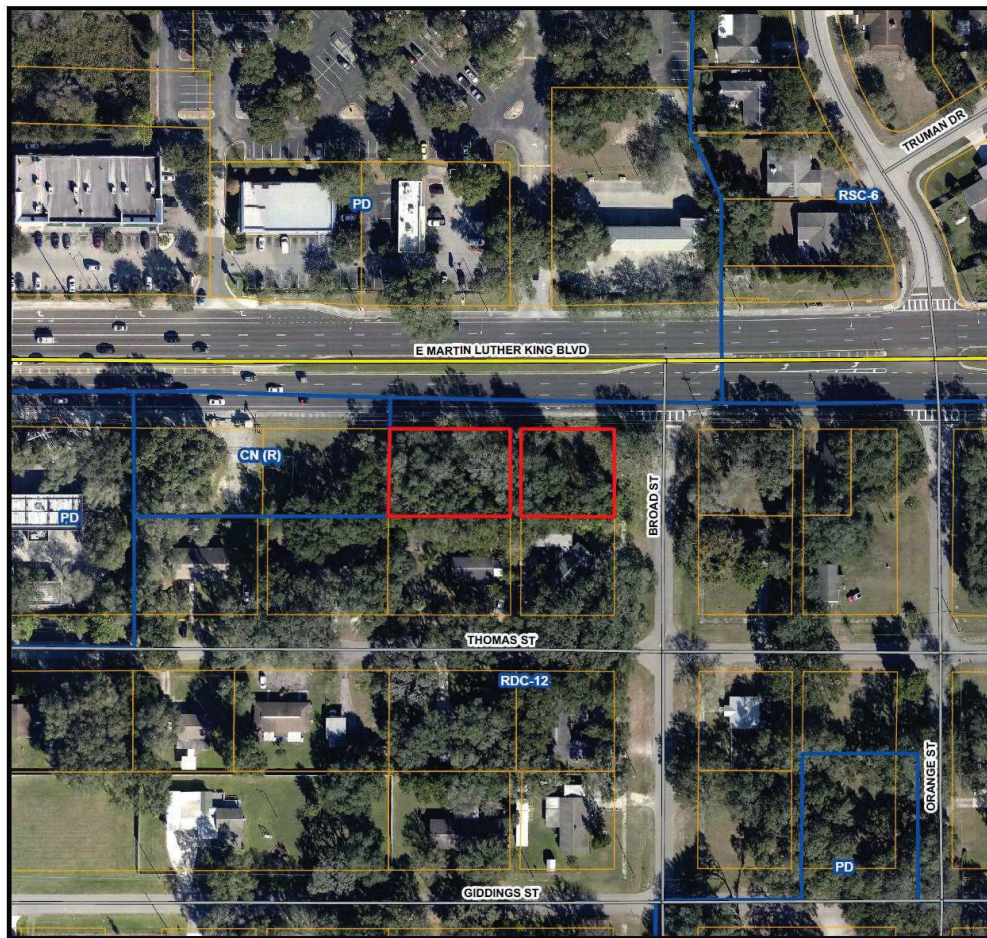
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 9 (Res-)
Maximum Density/F.A.R.:	9 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



**Hillsborough County Florida**

**ZONING MAP**  
**RZ-STD 22-1591**  
 Folio: 65740.0000

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- P SCHOOLS
- P PARKS

0 100 200 Feet

STR: 9-29-20

NOTE: Every application will be reviewed to determine the accuracy of the map. Hillsborough County does not warrant any liability arising from use of this map. Hillsborough County makes no warranty, representation or guarantee as to the accuracy, timeliness, completeness, or any other characteristics of any information contained herein. The information is provided for informational purposes only. Hillsborough County makes no representation or guarantee as to the accuracy, timeliness, completeness, or any other characteristics of any information contained herein. The information is provided for informational purposes only. Hillsborough County makes no representation or guarantee as to the accuracy, timeliness, completeness, or any other characteristics of any information contained herein.

Date: 11/29/2022 Path: G:\ZONING\GIS\Zoning\_Map.aprx  
 Produced By: Development Services Department

Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning	Allowable Use:	Existing Use:
North	Martin Luther King, Jr. Blvd	n/a	Street	Street
	PD 74-0237	0.27 FAR	General Commercial, Office and Personal Services	Shopping Center
South	RDC-12	1 Duplex / 7,260 sq ft	Single-Family and Two-Family Residential (Conventional)	Single and Two-Family Residential Home
West	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Vacant/ Store
East	Broad Street. Kingsway Road	n/a	Street	Street
	RDC-12	1 du/ 7,260 sq. ft	Single-Family and Two-Family Residential (Conventional)	Single-Family and Two-Family Residential (Conventional)

**2.0 LAND USE MAP SET AND SUMMARY DATA**

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

Not Applicable

**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
Martin Luther King Blvd	County Arterial - Urban	6 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
Broad Street	County Local - Urban	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	47	4	5
Proposed	317	16	22
Difference (+/-)	+270	+8	+17

\*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	

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Review at time of development
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
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 type="checkbox"/> Other _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Staff review
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
<b>Impact/Mobility Fees</b> N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The site is located on the southwest corner of the intersection of Martin Luther King, Jr. Blvd and Broad Street. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses.

The subject site's immediate surrounding area consists of properties within the Residential 9 FLU category. The site meets commercial location criteria. The Planning Commission staff found the request inconsistent. To address compatibility concerns raised by the Planning Commission staff the applicant has proposed the following restrictions:

1. The subject site shall be limited to the following Uses:
  - BP-O Uses
  - Used vehicle and truck sales.
  - ~~Neighborhood and minor vehicle repair. All work required to be interior, and any open bay must be directed to MLK, Jr. Blvd.~~
  - Retail as defined in the LDC definitions, but prohibiting the following uses:
    1. Eating establishments with drive-thru
    2. Convenience stores with or without gas
  - Contractor office without open storage.
  - Specialty retail.
  - Day care/childcare.
2. A 20' Type "B" buffering, with an embellishment of the "B" buffer where evergreen trees are required at 20', we are proposing placement of the trees at 10' apart, along the south boundary lines.

The overall area is also within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. Thus, the proposed rezoning is consistent with the surrounding development pattern.

The parcel to the immediate west is zoned CN (R) (RZ 14-0959) with restrictions prohibiting fast food establishments with drive-thru, convenience stores with or without gas sales and motor vehicle repair (Neighborhood Serving). The subject parcel is a similar configuration with the adjacent CN (R) in that residential uses are located to the immediate south. Therefore, staff finds that the proposed CG (R) could be supportable with the same uses restricted from the subject application. ~~The applicant's proposed restrictions would allow motor vehicle repair, convenience stores and eating establishments with drive-thru (both permitted uses under the retail definition in the LDC). Therefore, staff finds the request not compatible with the surrounding development pattern.~~

### 5.2 Recommendation

Based on the above considerations, staff finds the proposed CG-R zoning district ~~not~~ supportable, with the following restrictions ~~As as noted, by the applicant; is proposing the following restrictions:~~

1. The subject site shall be limited to the following Uses:
  - BP-O Uses
  - Used vehicle and truck sales.
  - ~~Neighborhood and minor vehicle repair. All work required to be interior, and any open bay must be directed to MLK, Jr. Blvd.~~
  - Retail as defined in the LDC definitions, but prohibiting the following uses:
    1. Eating establishments with drive-thru
    2. Convenience stores with or without gas
  - Contractor office without open storage.




ZHM HEARING DATE: January 17, 2023

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Case Reviewer: Isis Brown

- Specialty retail.
  - Day care/childcare.
2. A 20' Type "B" buffering, with an embellishment of the "B" buffer where evergreen trees are required at 20', we are proposing placement of the trees at 10' apart, along the south boundary lines.

**Zoning Administrator Sign Off:**



IntegrISign Desktop  
J. Brian Grady  
Tue Feb 28 2023 10:11:35

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

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

ZHM HEARING DATE: January 17, 2023

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Case Reviewer: Isis Brown

**7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS**

N/A

**8.0 PROPOSED SITE PLAN (FULL)**

Not Applicable

**9.0 FULL TRANSPORTATION REPORT (see following pages)**

**AGENCY REVIEW COMMENT SHEET**

<b>TO:</b> Zoning Technician, Development Services Department	<b>DATE:</b> 01/09/2023
<b>REVIEWER:</b> Alex Steady, Senior Planner	<b>AGENCY/DEPT:</b> Transportation
<b>PLANNING AREA/SECTOR:</b> Seffner Mango/Northeast	<b>PETITION NO.:</b> STD 22-1591

- 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 270 average daily trips, 8 trips in the a.m. peak hour, and 17 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 +/- 0.48 acres from Residential Duplex Conventional – 12 (RDC-12) to Commercial General - Restricted (CG-R). The site is located on the southwest corner of the intersection of Broad St and Dr Martin Luther King Blvd. The Future Land Use designation of the site is Residential-9 (RES-9).

*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, 10<sup>th</sup> Edition.

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RDC-12, 5 Single Family Dwelling Units (ITE Code 210)	47	4	5

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG, 5,000 sf Variety Store (ITE Code 814)	317	16	34
<i>Less Internal Capture:</i>	Not Available	0	0
<i>Passerby Trips:</i>	Not Available	0	12
<i>Net External Trips:</i>	317	16	22

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+270</b>	<b>+8</b>	<b>+17</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 270 average daily trips, 8 trips in the a.m. peak hour, and 17 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Martin Luther King Blvd and Broad Street. Martin Luther King Blvd is a 6-lane, divided, FDOT maintained, Principle Arterial roadway. Martin Luther King Blvd lies within +/- 120 feet of Right of Way in the vicinity of the project. Martin Luther King Blvd has sidewalks, bike lanes, and curb and gutter on both sides of the roadway within the vicinity of the project. Broad Street is a 2-lane, undivided, Hillsborough County maintained, substandard, local roadway characterized by +/-19 feet of pavement. Broad Street does not have sidewalks, bike lanes, or curb and gutter on either both sides of the roadway within the vicinity of the project.

**SITE ACCESS**

It is anticipated that the site will have access to Martin Luther King Blvd and/or Broad Street. 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**

Level of Service (LOS) information is reported below. Broad Street is not a regulated roadway and as such was not included in the Level of Service Report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	I-75	HIGHVIEW	D	C

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

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**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 22-1591
<b>DATE OF HEARING:</b>	January 17, 2023
<b>APPLICANT:</b>	Todd Pressman
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from RDC-12 to CG (R)
<b>LOCATION:</b>	3920 Broad Street
<b>SIZE OF PROPERTY:</b>	0.49 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	RDC-12
<b>FUTURE LAND USE CATEGORY:</b>	RES-9
<b>SERVICE AREA:</b>	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: Nigel Porter

FLU Category: Residential-9 (R-9)

Service Area: Urban

Site Acreage: 0.49+/-

Community Plan Area: Seffner Mango

Overlay: None

Request: Rezone from **Residential- Duplex Conventional – 12 (RDC-12)** to **Commercial General with Restrictions (CG – R)**.



#### Request Summary:

The request is to rezone from the existing **Residential Duplex Conventional-12 (RDC-12)** zoning district to the proposed **Commercial General (CG-R)** zoning district with Restrictions. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10,000 square feet. The applicant is proposing restrictions limiting uses to: BPO uses, Day Care, a contractor's office, retail and professional office.



Zoning:		
	Current RDC-12 Zoning	Proposed CG - R Zoning
Uses	Single-Family and Two-Family (Conventional)	General Commercial, Office and Personal Services
Acreage	0.49+/- Acres; 21,344 sq. ft	0.49+/- ac
Density / Intensity	1 Duplex / 7,260 sq ft	0.27 F.A.R.
Mathematical Maximum*	2 Duplex Units	5,762 sq. ft

\* *Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.*

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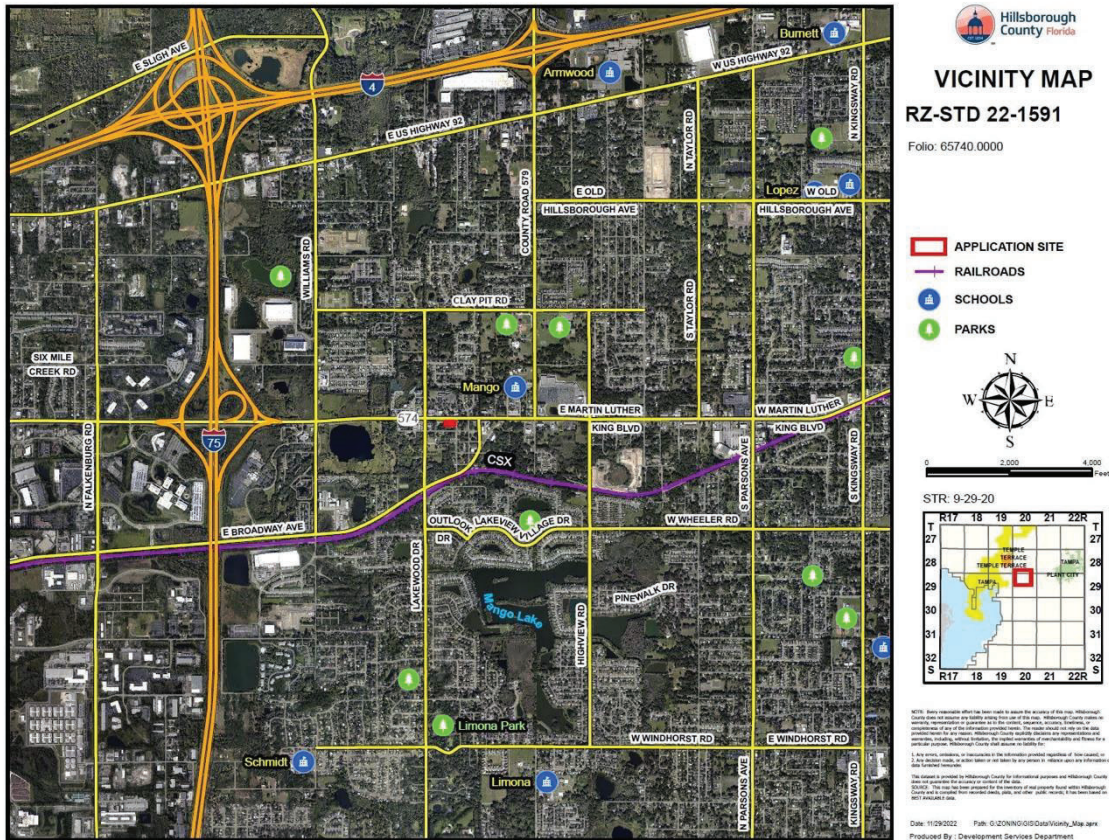
	Current RDC-12 Zoning	Proposed CG-R Zoning
Density/ Intensity	1 du/ 7,260 sq. ft	0.27 F.A. R / 5,762 sq. ft
Lot Size / Lot Width	7, 000 sq. ft/ 70'	10, 000 sq. ft/ 75'
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	30' – Front (North, East) 0' – Side (West) 20' (Type B Buffering) – Rear (South)
Height	35'	50'



Additional Information:	
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:	
Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

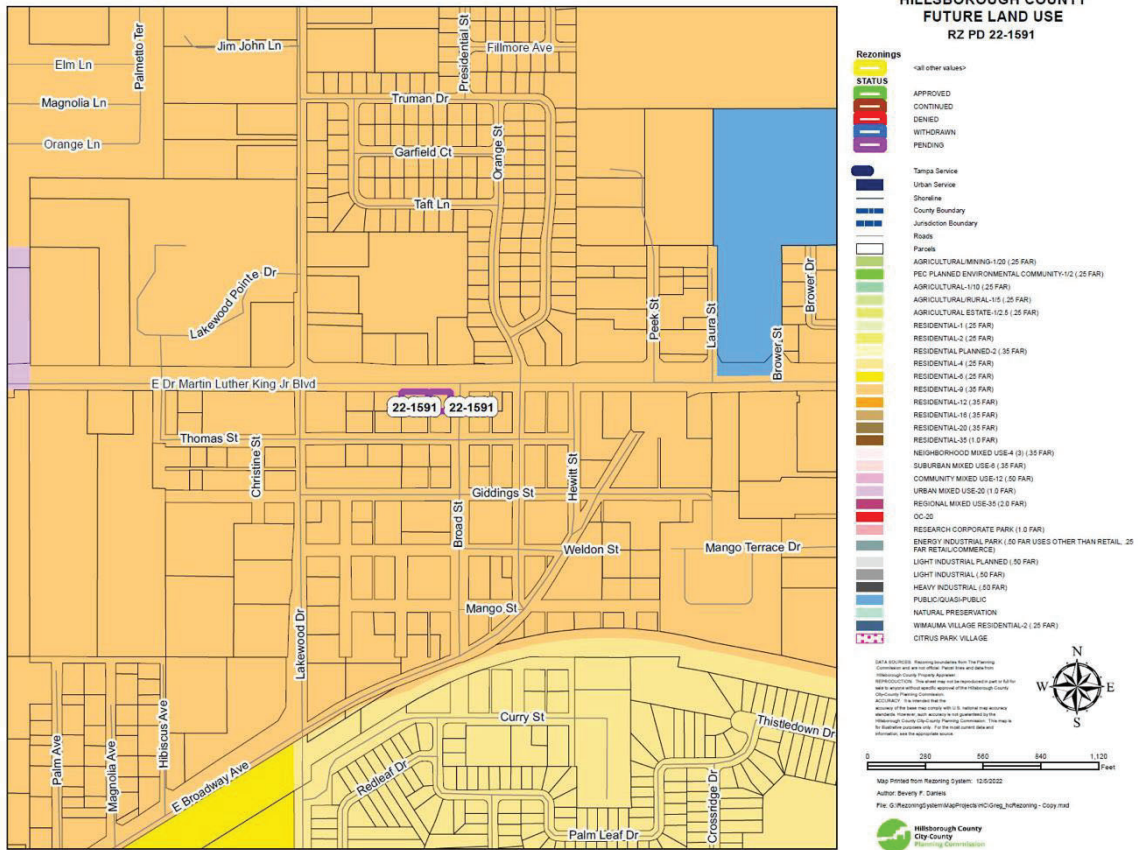
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

The site is surrounded by properties with Single-Family and Two-Family (Conventional) and Commercial Neighborhood type uses. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses. The subject site's immediate surrounding area consists of properties within the Residential -9 FLU category.

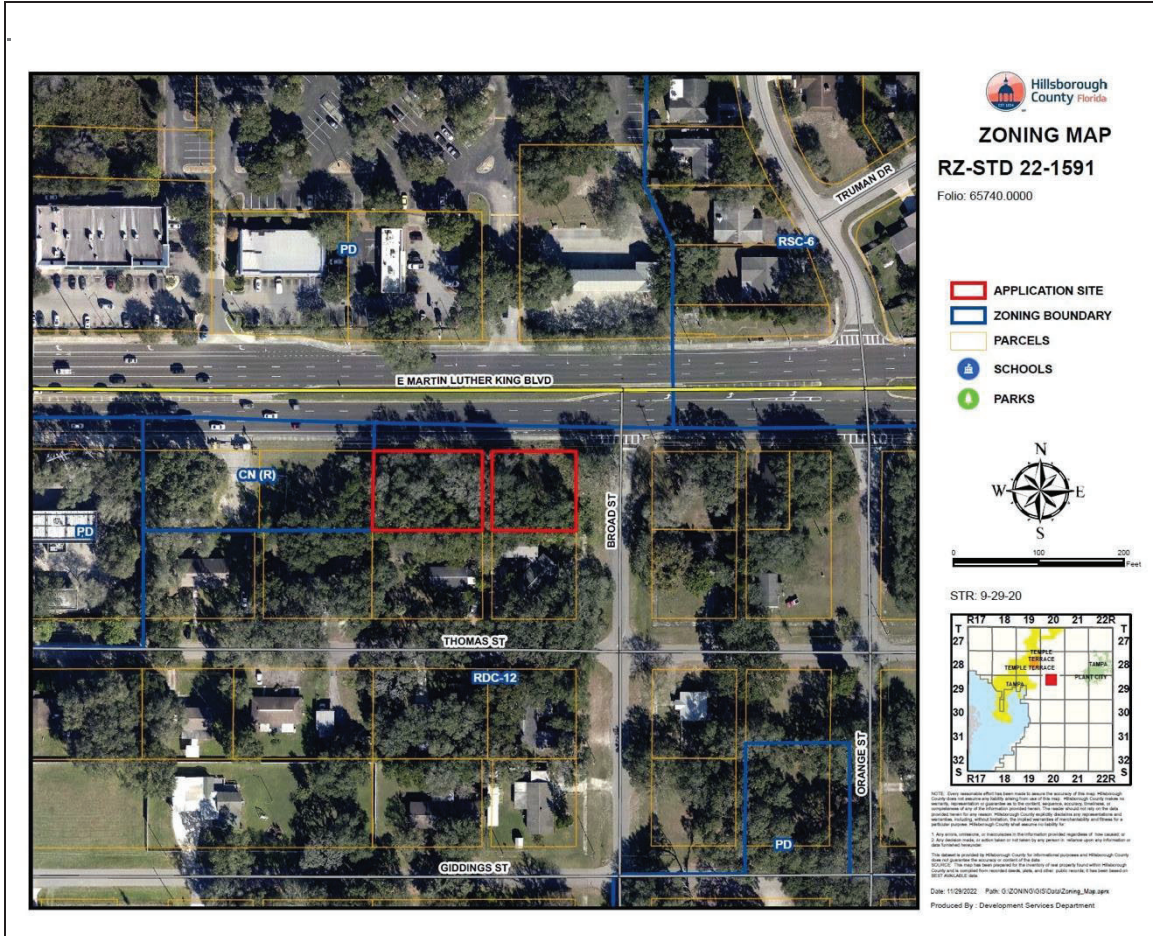
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 9 (Res-)
Maximum Density/F.A.R.:	9 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies

in the agricultural objective areas of the Future Land Use Element.

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



### Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning	Allowable Use:	Existing Use:
North	Martin Luther King, Jr. Blvd	n/a	Street	Street
	PD 74-0237	0.27 FAR	General Commercial, Office and Personal Services	Shopping Center

South	RDC-12	1 Duplex / 7,260 sq ft	Single-Family and Two-Family Residential (Conventional)	Single and Two-Family Residential Home
West	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Vacant/ Store
East	Broad Street. Kingsway Road	n/a	Street	Street
	RDC-12	1 du/ 7,260 sq. ft	Single-Family and Two-Family Residential (Conventional)	Single-Family and Two-Family Residential (Conventional)

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

### 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
Martin Luther King Blvd	County Arterial - Urban	6 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
Broad Street	County Local - Urban	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	47	4	5
Proposed	317	16	22
Difference (+/-)	+270	+8	+17

\*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	

### 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental:	Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Review at time of development</b>
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No comments provided</b>
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No comments provided</b>
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 type="checkbox"/> Other _____			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>See Staff review</b>
<b>Hillsborough County School Board</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No comments provided</b>



Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A			
<b>Impact/Mobility Fees</b>			
N/A			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**5.0 IMPLEMENTATION RECOMMENDATIONS**

**5.1 Compatibility**

The site is located on the southwest corner of the intersection of Martin Luther King, Jr. Blvd and Broad Street. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses.

The subject site’s immediate surrounding area consists of properties within the Residential 9 FLU category. The site meets commercial location criteria. The Planning Commission staff found the request inconsistent. To address compatibility concerns raised by the Planning Commission staff the applicant has proposed the following restrictions:

1. The subject site shall be limited to the following Uses:
  - BP-O Uses
  - Used vehicle and truck sales.
  - ~~Neighborhood and minor vehicle repair. All work required to be interior, and any open bay must be directed to MLK, Jr. Blvd.~~
  - Retail as defined in the LDC definitions but prohibiting the following uses:
    1. Eating establishments with drive-thru

## 2. Convenience stores with or without gas

- Contractor office without open storage.
  - Specialty retail.
  - Day care/childcare.
2. A 20' Type "B" buffering, with an embellishment of the "B" buffer where evergreen trees are required at 20', we are proposing placement of the trees at 10' apart, along the south boundary lines.

The overall area is also within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. Thus, the proposed rezoning is consistent with the surrounding development pattern.

The parcel to the immediate west is zoned CN (R) (RZ 14-0959) with restrictions prohibiting fast food establishments with drive-thru, convenience stores with or without gas sales and motor vehicle repair (Neighborhood Serving). The subject parcel is a similar configuration with the adjacent CN (R) in that residential uses are located to the immediate south. Therefore, staff finds that the proposed CG (R) could be supportable with the same uses restricted from the subject application. ~~The applicant's proposed restrictions would allow motor vehicle repair, convenience stores and eating establishments with drive-thru (both permitted uses under the retail definition in the LDC). Therefore, staff finds the request not compatible with the surrounding development pattern.~~

## **5.2 Recommendation**

Based on the above considerations, staff finds the proposed CG-R zoning district ~~not~~ supportable.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on January 17, 2023. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 2<sup>nd</sup> Avenue South #451 St. Petersburg testified and showed a PowerPoint presentation. Mr. Pressman stated that the request is to rezone 0.49 acres from RDC-12 to CG (R). He showed graphics to identify the location of the property in the Mango area near I-75. He added that the parcel fronted a major arterial. The staff report indicates that the parcel to the immediate west is zoned CN with Restrictions and prohibits fast food with drive-thru and convenience stores with or without gas. Mr. Pressman testified that the subject property is similar to the CN (R) neighboring property. County staff stated that the proposed CG (R) could be supported with the same use

restrictions as the property to the west. Therefore, the applicant changed the request. Mr. Pressman concluded his presentation by stating that he has the revised restrictions and will submit them into the record.

Hearing Master Finch stated that she did not have anything regarding a change in request and that both planning staffs do not support the request. Hearing Master Finch asked Mr. Pressman when he filed the revised conditions into the record. Mr. Pressman replied earlier in the week and added that he would file a copy into the record at the hearing.

Hearing Master Finch asked Mr. Grady of the Development Services Department if he was aware of the changed conditions and asked if there was a revised staff report. Mr. Grady replied that he was aware of the applicant's intent to make the changes and there is not a revised staff report. He added that the changes are responsive to the objections in the staff report.

Mr. Pressman continued with the applicant's presentation by showing a copy of the zoning and Future Land Use maps. He discussed the existing traffic condition and stated that the site meets locational criteria. He stated that the Planning Commission's concerns address the incompatibility with the commercial and the single-family residential. He stated that the predominate character of the area is commercial. Mr. Pressman summarized his presentation by stating that the applicant has restricted the uses and that the abutting neighbors support the request.

Hearing Master Finch asked Mr. Pressman if he was changing his request to CN (R) similar to the western property. Mr. Pressman replied no. The request would continue to be CG (R).

Ms. Isis Brown of the Development Services Department testified regarding the County's staff report. Ms. Brown stated that the applicant has requested a rezoning from RDC-12 to CG (R) and based on the testimony at the hearing, the staff report will be revised. Ms. Brown read her staff report into the record which addressed the surrounding uses and zoning districts. She concluded that with the new restrictions, staff would find the request supportable.

Hearing Master Finch asked Ms. Brown if she had conversed with the Planning Commission after she received the revised zoning conditions as to whether they would support the request. Ms. Brown replied no.

Mr. Grady of the Development Services Department stated that the reason for the request to stay at CG rather than CN is that the applicant is requesting uses that are only permitted in CG. There are uses such as contractor's office and auto sales.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning

Commission staff report. Ms. Massey stated that at the time the Planning Commission staff filed the report, they had not seen the changes to the proposed restrictions. She added that their recommendation would not change at the hearing.

Hearing Master Finch asked Ms. Massey if she had seen Mr. Pressman's revised conditions. Ms. Massey replied that the Planning Commission staff had seen them but had not analyzed them. She added that her testimony at the hearing would be based on their filed report.

Ms. Massey stated that the subject property is within the Residential-9 Future Land Use classification and located within the Seffner Mango Community Plan and the Urban Service Area. Ms. Massey stated that the request for CG (R) is not harmonious or compatible with the single-family residential in the area. She added that several of the uses including used vehicle and truck sales, neighborhood and minor vehicle repair and contractor's office present a compatibility concern due to the intensity of the proposed uses which would be adjacent to the established residential to the west and south. She cited a number of policies including 16.2 regarding the gradual transition of intensities which the request does not comply with. Ms. Massey testified that although the property meets commercial locational criteria, it is not the only factor considered. Staff has concerns regarding compatibility. The request is not consistent with the Seffner Mango Community Plan as Goal 2 prohibits commercial encroachment in to the residential area southeast of Dr. Martin Luther King Jr. Blvd. Ms. Massey concluded her presentation by stating that the rezoning is inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. None replied.

Hearing Master Finch asked for members of the audience in opposition to the application. None replied.

Hearing Master Finch asked Mr. Grady if the comment by the Planning Commission staff regarding Goal 2 of the Seffner Mango Community Plan and the prohibition of encroachment of commercial into the residential area impacts his recommendation from a zoning perspective. Mr. Grady replied that he was aware of the reasons for the Planning Commission's finding of inconsistency and that Development Services staff addressed their concerns regarding the three uses which are proposed to be removed with the change in the request.

Hearing Master Finch asked Mr. Pressman if he would like to continue the application to the next hearing given the Planning Commission's statement that they will not change their recommendation at the hearing or would he like to proceed. Mr. Pressman replied that he feels strongly about the revised request and requested to proceed with the Hearing Master's recommendation.

Mr. Pressman testified during the rebuttal period that he had not heard from anyone after the notice was mailed out to adjacent property owners. He added that there is no opposition to the request. He stated that the revised restrictions make the request compatible.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Pressman submitted a copy of his 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.

### **FINDINGS OF FACT**

1. The subject property is 0.49 acres in size and is currently zoned Residential Duplex Conventional-12 (RDC-12) and is designated Residential-9 (RES-9) by the Comprehensive Plan. The property is located within the Urban Service Area and the Seffner Mango Community Planning Area.
2. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district.
3. The applicant's representative submitted revised Restrictions to the Commercial General zoning district which mirror the adjacent parcel Restrictions discussed in the Zoning Hearing Master hearing. The revised Restrictions prohibit Eating Establishments with Drive-Thru's and Convenience Stores with or without Gas and eliminate the previously proposed Neighborhood and Minor Vehicle Repair. Based upon these revisions, the Development Services Department changed their recommendation to Supportable and revised their staff report accordingly after the Zoning Hearing Master hearing.

4. The Planning Commission staff stated that at the time that staff filed the report, they had not seen the changes to the proposed restrictions submitted by the applicant and would not change their recommendation at the hearing. Therefore, their testimony was based on the applicant's originally filed application and Restrictions.

Planning Commission staff testified that the request for CG (R) is not harmonious or compatible with the single-family residential in the area. The proposed land uses of used vehicle and truck sales, neighborhood and minor vehicle repair and contractor's office present a compatibility concern due to the intensity of the proposed uses which would be adjacent to the established residential to the west and south. Staff cited a number of policies including 16.2 regarding the gradual transition of intensities which the request does not comply, however, the property does meet commercial locational criteria. Staff has concerns regarding compatibility. Planning Commission staff testified that the request is not consistent with the Seffner Mango Community Plan as Goal 2 prohibits commercial encroachment in to the residential area southeast of Dr. Martin Luther King Jr. Blvd. and found that the rezoning is inconsistent with the Future of Hillsborough Comprehensive Plan.

5. The area surrounding the subject property is zoned PD, CN and RDC-12 and developed with a mix of commercial and residential land uses.
6. The proposed Restrictions require a 20 foot Type B buffer. The developer has committed to planting the required evergreen trees 10-feet apart rather than the standard 20-feet apart which serves to increase the compatibility of the project with adjacent parcels.
7. The request for the CG (R) zoning district on the subject property with the revised Restrictions is compatible with the surrounding development pattern and the RES-9 Future Land Use category.

#### **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 CG (R) zoning district. The property is 0.49 acres in size and is currently zoned RDC-12 and designated RES-9 by the Comprehensive Plan. The property is located in the Urban Service Area and the Seffner Mango Community Planning Area.

The applicant's representative submitted revised Restrictions to the Commercial General zoning district which mirror the adjacent parcel Restrictions discussed in the Zoning Hearing Master hearing. The revised Restrictions prohibit Eating Establishments with Drive-Thru's and Convenience Stores with or without Gas and eliminate the previously proposed Neighborhood and Minor Vehicle Repair. Based upon these revisions, the Development Services Department changed their recommendation to Supportable and revised their staff report accordingly after the Zoning Hearing Master hearing.

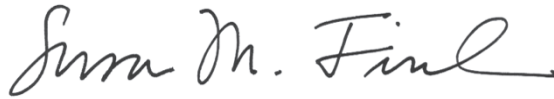
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The area surrounding the subject property is zoned PD, CN and RDC-12 and developed with a mix of commercial and residential land uses. The proposed Restrictions require a 20 foot Type B buffer. The developer has committed to planting the required evergreen trees 10-feet apart rather than the standard 20-foot apart which serves to increase the compatibility of the project with adjacent parcels.

The request for the CG (R) zoning district on the subject property with the revised Restrictions is compatible with the surrounding development pattern and the RES-9 Future Land Use category.

**RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the CG (R) rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the proposed zoning conditions prepared by the Development Services Department.



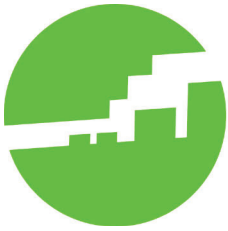
February 7, 2023

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**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

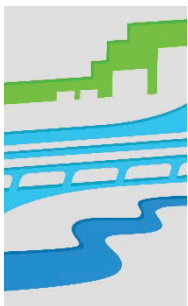
**Date**





**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> January 17, 2023  <b>Report Prepared:</b> January 5, 2023	<b>Petition: RZ 22-1591</b>  <b>3920 Broad Street</b>  <i>South of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street, north of Thomas Street</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Residential-9 (9 du/ga; 0.5 FAR)</b>
<b>Service Area:</b>	<b>Urban</b>
<b>Community Plan:</b>	<b>Seffner Mango</b>
<b>Requested Zoning:</b>	Residential Duplex Conventional (RDC-12) to Commercial General- Restricted (CG-R)
<b>Parcel Size (Approx.):</b>	0.49 acres +/- (21,344 square feet)
<b>Street Functional Classification:</b>	East Dr. Martin Luther King Jr. Boulevard – <b>State Principal Arterial</b> Broad Street – <b>Local</b>
<b>Locational Criteria:</b>	Meets
<b>Evacuation Zone:</b>	A



## **Context**

- The approximately 0.49 +/- acre subject site is located on the south side of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street and north of Thomas Street. The subject site is located within the Urban Service Area and is within the limits of the Seffner Mango Community Plan.
- The subject site is designated as Residential-9 (RES-9) on the Future Land Use Map. Typical uses of the RES-9 Future Land Use category include residential, urban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses are required to meet the established locational criteria for specific land uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- RES-9 surrounds all sides of the subject site. Public/Quasi Public (P/Q-P), Office Commercial-20 (OC-20), and Residential-6 (RES-6) are located further east. Urban Mixed Use-20 (UMU-20) is located further west.
- The subject site is currently vacant. Single family residential, duplexes and vacant uses are interspersed south of the subject site. Single family residential and public/quasi-public uses are utilized to the east. To the west are light commercial, single family, and vacant uses. Light commercial and single-family residential uses are utilized north of the subject site across East Dr. Martin Luther King Jr. Boulevard. The immediate area surrounding the subject site contains a mixture of residential and light commercial uses.
- The subject site is currently zoned as Residential Duplex Conventional (RDC-12). RDC-12 zoning extends southwest, south and east of the subject site. A small pocket of Commercial Neighborhood (CN) zoning is located directly west of the subject site. Planned Development (PD) zoning extends further west, northwest and north. Residential Single-Family Conventional (RSC-6) zoning is located to the northeast.
- The applicant is requesting to rezone the subject site from Residential Duplex Conventional (RDC-12) to Commercial General with Restrictions (CG-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 22.2:** *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 22.5:** *When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services or specialty retail (i.e. antiques, boutiques) toward the edges of the activity center.*

**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.*

**Community Design Component**

**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.*

**Policy 12-1.3:** *New development in existing, lower density communities should utilize the planned development process of rezoning in order to fully address impacts on the existing community. Additionally, pre-application conferences are strongly encouraged with the staffs of the Planning Commission and Hillsborough County Planning and Growth Management Department.*

## **LIVABLE COMMUNITIES ELEMENT: SEFFNER MANGO COMMUNITY PLAN**

**2. Goal:** *Enhance community character and ensure quality residential and nonresidential development.*

*Strategies:*

- *Discourage commercial encroachment into the residential areas between US 92 and Martin Luther King Boulevard and south of Martin Luther King Boulevard.*

**3. Goal:** *Commercial development should be directed to the US 92 and Martin Luther King Boulevard corridors.*

*Strategies:*

- *Support office and light industrial uses along US 92 and Martin Luther King Boulevard between I-75 and CR 579 (Mango Road).*
- *Support office uses along Martin Luther King Boulevard between CR 579 (Mango Road) and Kingsway Road.*

### **Staff Analysis of Goals, Objectives and Policies**

The approximately 0.49+/- acre subject site is located on the south side of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street, and north of Thomas Street. The subject site is located in the Urban Service Area. It is located within the limits of the Seffner Mango Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-9 (RES-9). The applicant is requesting to rezone the subject site from Residential Duplex Conventional (RDC-12) to Commercial General with Restrictions (CG-R). The applicant is proposing the following restrictions:

#### **1. Restriction of uses proposed:**

- **BP-O uses**
- **Used vehicle and truck sales**
- **Neighborhood and minor vehicle repair. All work required to be interior and any open bay must be directed to MLK, Jr. Blvd.**
- **Retail as defined in the LDC definitions**
- **Contractor office without open storage**
- **Specialty retail**
- **Day care/childcare**

#### **2. Buffer Improvement**

- 20' "B" proposed with the following modification: where evergreen trees are required at 20', the applicant is proposing placement of the trees at 10' apart

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. The proposed request is consistent with this policy direction. Though it meets the goal of Objective 1, it does not meet the compatibility criteria set by FLUE Policy 1.4. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that *"Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development."* The subject site directly abuts single-family residential dwellings to the west and south. A rezoning to CG-R would not be harmonious or compatible with the single family-residential character of the area directly to the area south of the subject site along Broad Street. Though the applicant has provided a list of use restrictions as part of the rezoning application, several of the proposed uses (used vehicle and truck sales, neighborhood and minor vehicle repair and contractor offices) present a compatibility concern due to the intensity of these proposed uses adjacent to the established residential uses to the west and south.

FLUE Objective 16 and its accompanying policies require the protection of existing neighborhoods through various mechanisms. FLUE Policy 16.1 states that established and planned neighborhoods and communities shall be protected by restricting incompatible land uses by limiting commercial development in residential land use categories to neighborhood scale. A rezoning from RDC-12 to CG-R would be inconsistent with this policy direction.

FLUE Policy 16.2 states that 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. A rezoning to CG-R would not provide a suitable transition between residential and commercial general uses and mitigation measures, such as buffering, would not achieve compatibility. FLUE Policy 16.5 further restricts higher intensity uses along arterials, away from established neighborhoods. While East Dr. Martin Luther King Jr. Boulevard is an arterial road, the south end of the subject site is directly adjacent to single family residential uses. A rezoning to CG would encourage the encroachment of higher intensity uses into the existing residential neighborhood located south. As a result, the proposed rezoning is not compatible with the surrounding area and also does not meet the intent of the policy direction under FLUE Objective 16.

The subject site meets Commercial Locational Criteria as outlined in Objective 22 and Policy 22.2. However, Policy 22.7 states that Commercial Locational Criteria is not the only factor to be considered. Factors such as land use compatibility are also considered, and in this case, Planning Commission staff have concerns regarding the compatibility of proposed land uses in close proximity to single-family residential dwellings.

The Commercial Locational Criteria section of the Future Land Use Element also contains additional policy direction about the location of new non-residential developments. This policy direction outlines that, with new non-residential developments at intersections meeting locational criteria, a transition in land use should be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition includes clustering the most intense land uses toward the

intersection and providing less intense uses, such as offices, professional services or specialty retail toward the edges of the commercial node. In this case, while the site does meet Commercial Locational Criteria, it is located approximately 720 feet east of the intersection within a 1,000 foot node. According to policy direction, the uses should be transitioning into less intense uses moving away from the intersection. Currently at the intersection of Dr. Martin Luther King Jr. Boulevard, an arterial roadway, and Lakewood Drive, a collector roadway, there is a convenience store and full-service car wash. According to Hillsborough County Property Appraiser data, the total square footage of the buildings on site total just over 1,700 square feet. The site directly east of the convenience store is currently characterized as an office less than three stories by the Hillsborough County Property Appraiser. Its gross area total is just over 2,500 feet. According to the aforementioned policy direction, a rezoning to CG-R that would allow vehicle repair, contractors offices and vehicle/truck sales would not meet the transition of use policies in the Comprehensive Plan. The restrictions proposed by the applicant would allow for uses that are too intense when considering the existing uses located between the subject site and the qualifying intersection node.

The Community Design Component (CDC) in the Future Land Use Element provides guidance on developments that should relate to the predominant character of their surroundings. It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (*CDC Objective 12-1*). The land use pattern south of East Dr. Martin Luther King Jr Boulevard is low-density single-family residential. The request with the proposed restrictions would not be compatible with this existing development pattern. Policy 12-1.3 further recommends that new development in existing lower density areas utilize the Planned Development process rather than a standard rezoning process for cases of this nature.

The proposed rezoning request is not consistent with the Seffner Mango Community Plan. Goal 3 of the Community Plan does include strategies to concentrate commercial development, office development and light industrial along East Martin Luther King Jr Boulevard however, Goal 2 prohibits commercial encroachment into residential areas south of East Martin Luther King Jr Drive. The site is adjacent to existing residential uses directly to the south and southwest. The residential uses also extend further south across Thomas Street. The subject site is directly south of East Martin Luther King Jr. Boulevard and is within an existing residential area. Therefore, a rezoning to CG-R would be inconsistent with the Community Plan as it would allow commercial encroachment into existing residential areas.

Overall, the proposed rezoning would allow for development that is inconsistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* and is incompatible with the existing development pattern found in the surrounding area.

#### **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 PD 22-1591

Rezonings

<all other values>

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

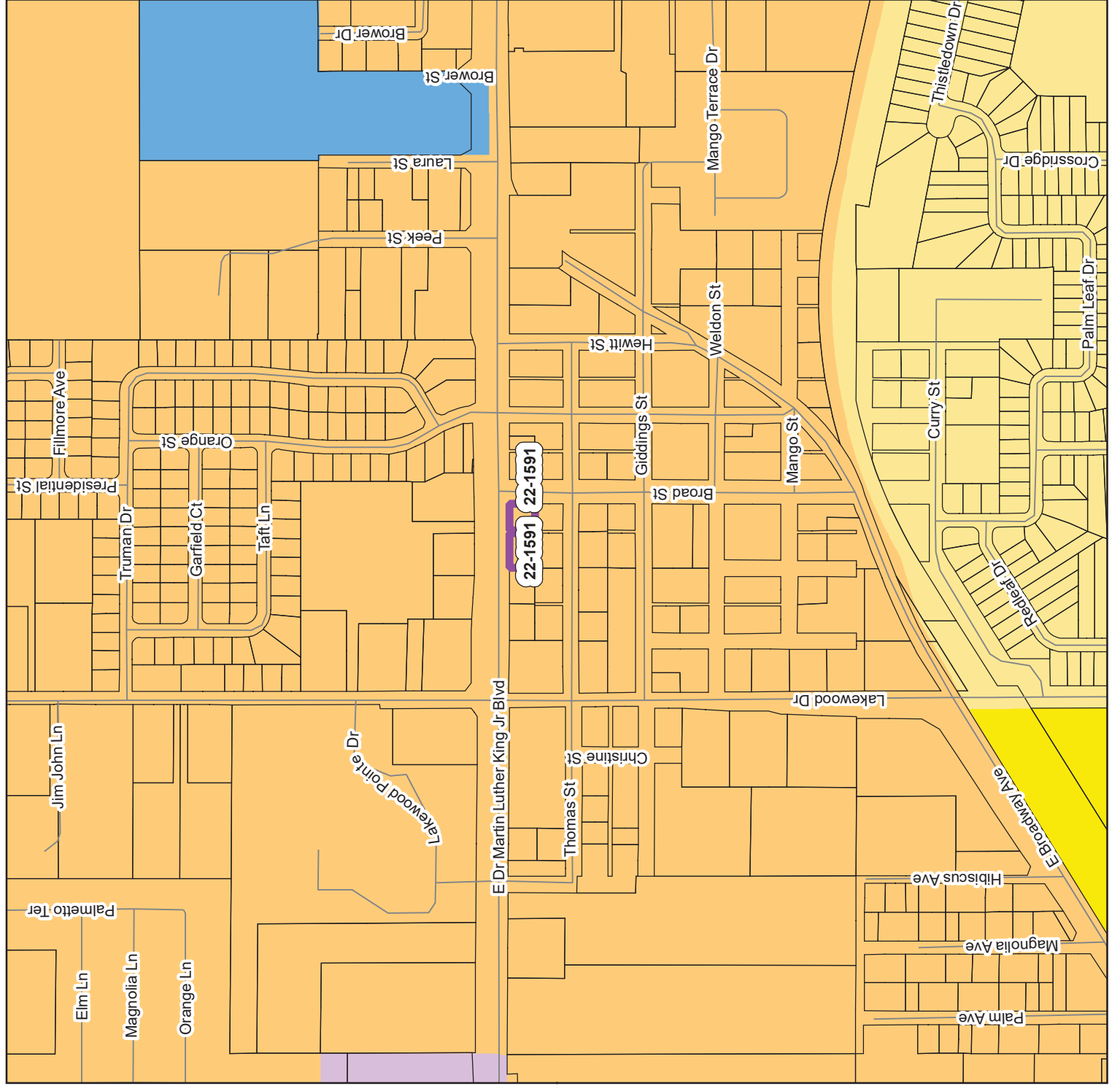
- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels
- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.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/QUASIPUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

DATA SOURCES: Rezonings 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. It is intended that the user seek to approve without specific approval of the Hillsborough County City/County Planning Commission.

ACCURACY: It is intended that the user seek to approve without specific approval of the Hillsborough County City/County Planning Commission. The map is for informational purposes only. For the most current data and information, visit the appropriate website.



Map Printed from Rezoning System: 12/5/2022  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HC\066\_16\Rezoning\_Copy.mxd







# **VERBATIM TRANSCRIPT**



Zoning Hearing Master Hearing  
January 17, 2023

1 MR. GRADY: The next item is Agenda Item C.1.,  
2 Rezoning Standard 22-1591. The applicant's Todd Pressman. The  
3 request is to rezone from RDC-12 to commercial general GC with  
4 restrictions. Isis Brown will provide staff recommendation  
5 after presentation by the applicant.

6 HEARING MASTER: Good evening.

7 MR. PRESSMAN: Good evening, Hearing Officer.  
8 Todd Pressman, 200 2nd Avenue South, #451, Saint Petersburg.

9 So we have a Powerpoint for RZ 22-5091. This is 0.49  
10 acres rezoning from RDC-12 to CGR. We're located in the -- let  
11 me clear something here. We're located in the Mango area near  
12 Seffner near I-75. Looking a little closer, it's these two  
13 parcels that are on MLK Jr. Boulevard. Looking a little closer,  
14 you can see that we front on the major arterial. The direction  
15 of this has been a modification of restrictions. And reading  
16 from the zoning Staff Report, they indicate the parcel to the  
17 immediate west is Zone CN with restrictions prohibiting fast  
18 food drive-thru -- fast drive-thru, C stores with or without gas  
19 motor vehicle.

20 So the subject parcel is similar configuration to the  
21 adjacent CNR and that residential uses are located to the  
22 immediate south air force. Staff finds the proposed CGR could  
23 be supported with the same use as restricted from the subject  
24 application. So that was the direction that we chose to change  
25 to and modify. So in the record are the original restrictions,

Zoning Hearing Master Hearing  
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1 the change use restrictions and I have a hard copy put in the  
2 file for you is restrict eating establishments with drive-thru,  
3 restrict C stores with or without gas and remove specialty  
4 retail -- retails addressed in another item, remove all auto  
5 vehicle repair.

6           So revised restrictions are here, and again, you have  
7 a hard copy to put in the record for you, which the purpose is  
8 to match the CN next door. And that changed the zoning stip  
9 without speaking forum that would move the zoning staff to  
10 support the request. Any questions there?

11           HEARING MASTER: Yes, I don't have any of that --  
12 that -- the proposed restrictions. And I still show Staff  
13 Report that shows Development Services and the Planning  
14 Commission not supporting it. And so have -- when did you  
15 submit your revised conditions into the record?

16           MR. PRESSMAN: I think earlier this week, but I do  
17 have a hard copy of the revised conditions to submit to you.

18           HEARING MASTER: Okay. Mr. Grady, are you --

19           MR. PRESSMAN: And of course that's part of the  
20 Powerpoint as well.

21           HEARING MASTER: Before we go to Development Services,  
22 Mr. Grady, is -- one is, are you aware of these changing  
23 conditions and is there a revised Staff Report?

24           HEARING MASTER: I was aware of the applicant's intent  
25 to make those changes. There's not a revised staff report, but

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1 verbally again, we can advise that again, that's not in the  
2 report. The reasons for objection is for those three uses. So  
3 I mean what he's offered is responsive to the --

4 HEARING MASTER: So --

5 MR. GRADY: -- objections in our report.

6 HEARING MASTER: -- those conditions would result in  
7 your support and that would be a revised staff report --

8 MR. GRADY: We can --

9 HEARING MASTER: -- indicting that?

10 MR. GRADY: We can do that, yes.

11 HEARING MASTER: Okay. Then no, if you just submit  
12 the revisions into the record, I'll see them.

13 MR. PRESSMAN: Would you like them in front of the old  
14 one?

15 HEARING MASTER: If you have an extra, sure. Thank  
16 you. All right. So with that then we'll go to Development  
17 Services. Ms. -- or I'm sorry, Mr. Pressman, does that complete  
18 your presentation?

19 MR. PRESSMAN: No, it does not.

20 HEARING MASTER: Oh.

21 MR. PRESSMAN: If I may continue. So I didn't --

22 HEARING MASTER: My apologies.

23 MR. PRESSMAN: -- I didn't mean to speak to the zoning  
24 staff of course. We had discussions and I was presenting the  
25 (inaudible) I was out of turn then, that's my -- that's my

1 error.

2           Looking at the zoning map, you can see the site as  
3 designated in the purple. You can see that the general trend  
4 along MLK is commercial and specific uses under the PDs and  
5 other uses are car washes, fast food, Walgreens, pharmacy, post  
6 office. So again, it's reflective of a commercial use, which  
7 you would typically see along Martin Luther King Boulevard  
8 Junior. Future Land Use categories throughout the whole area  
9 R-9. R-9 has specifically for residential urban commercial  
10 multi-purpose and mixed use. This is just to present to you the  
11 intensity of MLK, the site is off to the right there. You can  
12 see the commercial uses across the street. And this -- again,  
13 the site is on the other side, you can see the commercial uses  
14 along the roadway as well.

15           In 2017, MLK -- MLK carried 42,000 vehicles per day  
16 and it's a six lane divider roadway. We have been active with  
17 the neighbors. And we have on the record for you here, two  
18 pieces of communication from the abutting property owners, which  
19 are the two owners to the south, which we think is a critical  
20 importance for you and for review. Those came in kind of late.  
21 We -- we have been talking to the neighbors what we were able to  
22 bring that agreement communication forward recently, their  
23 support and obviously, that's critical as being two abutting  
24 owners to the south. The site does need locational criteria per  
25 Objective 22 and Policy 2 -- 22.2. That's an important finding

1 by the Planning Commission. And under the Seffner Community  
2 Plan, one of the major goals is that commercial developed should  
3 be directed to 92 Martin Luther King Boulevard, which of course  
4 we are here. Also, to recognize the commercial character of  
5 Martin Luther King Boulevard within the urban service area,  
6 which we are in support development and re-development of -- in  
7 the urban service area.

8           Planning Commission comments, I'm not speaking for  
9 them of course, but their comments generally run through or  
10 around lesser intensive uses from the intersection concerning  
11 abutting or concern of residential neighbors predominantly to  
12 the south and the predominant character of the surrounding area.  
13 So as I've indicated to you, we do meet the main concepts of the  
14 Mango Sector Community Plan. We meet commercial location --  
15 locational criteria and we've added to the south and presented  
16 to you that those to neighbors in support. And that is some of  
17 the major concerns that are presented by the Planning Commission  
18 about having what they consider to be more intensive uses  
19 abutting up against those residential uses. So it's critical  
20 for us to go out and see if those folks were okay with it. So  
21 we feel that we negated the concerns of the Planning Commission  
22 in -- in our opinion in terms of what their concerns were.

23           Planning Commission notes a rezone to CGR would not be  
24 harmonious or compatible with the single-family residential, the  
25 area directly to the south, which is what we've addressed. And

1 again, the predominant character along MLK is commercial.

2           And in terms of the depth -- the depth of this site is  
3 much less than the depth from MLK that you'll see in the other  
4 commercial uses along MLK. That's one of the concerns of the  
5 Planning Commission is that -- those intensive use affecting  
6 deeper and deeper from MLK, which in this particular case, is --  
7 is not applicable in our opinion.

8           So in summary, we restricted the intensive uses law  
9 rezoning department direction. We show the predominant use is  
10 commercial by zoning and future land use and not as deep. We  
11 presented support from abutting neighbors directly addresses we  
12 feel concerns by Planning Commission and we meet directors of  
13 the Seffner Mango Community Plan and of course meeting  
14 locational criteria. I do have a copy of a Powerpoint within  
15 the record for you.

16           HEARING MASTER: Mr. Pressman, if you are changing  
17 your request to match the adjacent euclidean zoning that has  
18 restrictions, I believe it's CN, commercial neighborhood  
19 restricted, are you also changing your requests from commercial  
20 general to commercial neighborhood restricted?

21           MR. PRESSMAN: No. We chose to move forward as the  
22 planning -- or as the zoning department has indicated that the  
23 CGR would be in their opinion, I'm not speaking to that, but it  
24 would be compatible with those uses removed --

25           HEARING MASTER: Okay.



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1 MR. PRESSMAN: -- under the CGR.

2 HEARING MASTER: Understood. Thank you.

3 MR. PRESSMAN: And this goes here?

4 HEARING MASTER: Yes, to the Clerk's office. And does  
5 that complete your presentation?

6 MR. PRESSMAN: Yes.

7 HEARING MASTER: All right. Thank you so much. Now  
8 we'll go to Development Services. Good evening.

9 MS. BROWN: Good evening. Isis Brown, Development  
10 Services. The request here is to rezone from an RDC -- RDC-12  
11 zoning district to the proposed C -- CGR zoning district with  
12 restrictions. The proposed restrictions as there's a  
13 modification. So based on testimony just given, we'll have a  
14 revised staff report.

15 I'll go ahead and read what we have submitted. The  
16 site is located on the southeast corner of intersection of MLK  
17 Jr. Boulevard and Broad Street. The adjacent properties are  
18 zoned RDC-12 to the south and east commercial neighborhood, CN  
19 to the west and to the north MLK and on plan development PD  
20 74-0237 with CG uses. The subject site is -- is surrounded  
21 consistent with properties in the RES-9 Future Land use  
22 category. The site meets locational criteria. Planning  
23 Commission has found that the request is inconsistent to address  
24 compatibility concerns raised by the Planning Commission, the  
25 staff -- the applicant has proposed restrictions and as I said,

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1 those are modified. Overall at this point, it is -- based on our  
2 recommendation, would be not support once -- once it's been  
3 revised and the new restrictions have been implemented in the  
4 Staff Report, then we will find it supportable.

5 HEARING MASTER: Ms. Brown, let me ask you. Once you  
6 were presented with the revised conditions for Mr. Pressman that  
7 show that it -- it matches, the parcel to the west, I believe,  
8 then was there a conversation, and we'll get to the Planning  
9 Commission in a second, but was there conversation with the  
10 Planning Commission whether they would also support it?

11 MS. BROWN: No, there was not.

12 HEARING MASTER: Okay. All right. Take that  
13 testimony. That was testi.

14 MS. BROWN: All right. I'm available for any  
15 questions and this ends my presentation.

16 HEARING MASTER: No, that was it. Thank you so much.  
17 I appreciate it.

18 MR. GRADY: Ms. Finch, before we take Planning  
19 Commission's testimony, the reason the question going from C to  
20 CN, the applicant is asking for some uses that are still only  
21 allowed on CG. If you recall, the -- the contractor's office  
22 and he -- and the automobile sales. So there's certain uses  
23 that they're asking for specifically that are allowed C and not  
24 allowed CN. On our end, we didn't have an issue -- those  
25 issues. We had our issues of three uses, but you know, I can't

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1 speak for Planning Commission regarding -- they -- they were  
2 made aware of his plan to make these restrictions. But again,  
3 you know, I think they've got harder issues just besides those  
4 three uses, but I just wanted to put that on the record. Thank  
5 you.

6 HEARING MASTER: All right. Thank you for that  
7 clarification. I appreciate it. All right. Planning  
8 Commission.

9 MS. MASSEY: This is Jillian Massey with the Planning  
10 Commission Staff. And for the record, I just wanted to note  
11 that the time that we filed this report, we hadn't seen, you  
12 know, the revised restricted uses. So we had not had the  
13 opportunity to analyze those and, you know, see if consistency  
14 finding could be made. So at this time, our report stands as  
15 inconsistent. And, you know, we don't change our -- our finding  
16 at the meeting. So in order for us to consider any revised  
17 restrictions, you know, the application would probably have to  
18 continue for us to take those into consideration so --

19 HEARING MASTER: All right. And so you have -- not  
20 just for the record, you haven't reviewed Mr. Pressman's revised  
21 conditions?

22 MS. MASSEY: I believe that we've seen them, but I  
23 don't think that we've analyzed them because at the time we  
24 received them our report had already been filed.

25 HEARING MASTER: Okay. All right. Thank you.

1 MS. MASSEY: So I'll give my testimony based on our  
2 original report.

3 The subject property's in the Residential-9 Future  
4 Land Use Category. It's in the urban service area and within  
5 the limits of the Seffner Mango Community Plan. It's surrounded  
6 by Residential-9 on all sides. Public/Quasi Public, Office  
7 Commercial-20 and Residential-6 are located further east. Urban  
8 Mixed Use-20 is located further west. The subject site directly  
9 abuts signal-family residential dwellings to the west and south.  
10 A rezoning to CGR would not be harmonious or compatible with the  
11 single-family residential character of the area directly to  
12 the -- directly to the area south of the subject site along  
13 Broad Street.

14 Though the applicant has provided a list of use  
15 restrictions as part of the rezoning application, several of  
16 those proposed uses, such as used vehicle and truck sales,  
17 neighborhood and minor vehicle repair and contractor offices  
18 present a compatibility concern due to the intensity of these  
19 proposed uses, adjacent to the established residential uses to  
20 the west and south. Future Land Use Element Policy 16.6 states  
21 that established in planned neighborhoods and communities shall  
22 be protected by restricting incompatible land uses by a limited  
23 commercial development in residential land use categories to  
24 neighborhood scale. A rezoning from RDC-12 to CGR would be  
25 inconsistent with this policy direction.

1 Future Land Use Element Policy 16.2 states that  
2 gradual transitions of intensities between different land uses  
3 shall be provided for as new development is proposed and  
4 approved through the use of professional site planning,  
5 operating and screening techniques and the control specific land  
6 uses. A rezoning to CGR would not provide a suitable transition  
7 between residential and commercial general uses and mitigation  
8 measure, such as buffering would not achieve compatibility. The  
9 subject site does meet commercial locational criteria as  
10 outlined in Objective 22. However, policy 22.7 states that  
11 commercial locational criteria is not the only factor to be  
12 considered. Factors such as land use compatibility are also  
13 considered. In -- in this in this case, Planning Commission  
14 Staff have concerns regarding the compatibility of the proposed  
15 land uses and close proximity to single-family residential  
16 dwellings.

17 The proposed rezoning request is not consistent with  
18 the Seffner Mango Community Plan. Goal 3 of the Community Plan  
19 does include strategies to concentrate commercial development,  
20 office development and light industrial along East Martin Luther  
21 King Junior Boulevard. However, Goal 2 prohibits commercial  
22 encroachment into the residential area southeast of Martin  
23 Luther King Drive.

24 Based on these considerations, Planning Commission  
25 Staff finds that the proposed rezoning is inconsistent with the

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1 Unincorporated Hillsborough County Comprehensive Plan.

2 HEARING MASTER: All right. Thank you so much. I  
3 appreciate it. At this time I'll call for, excuse me, if  
4 anybody wants to speak in support? Anyone either in the room or  
5 online. No one.

6 Anyone in opposition to this request? All right. No  
7 one. Mr. Grady, back to you for a second. The concerns --  
8 the -- and I understand your report, your revised report is yet  
9 to be written, but the concerns the Planning Commission  
10 expresses regarding Goal 2 of the Seffner Mango Community Plan  
11 prohibiting commercial encroachment and so forth. And I  
12 understand they haven't reviewed their -- perhaps their position  
13 changes or no, we don't know.

14 MR. GRADY: Sure.

15 HEARING MASTER: Is that -- assuming that stands, does  
16 that impact your recommendation from a zoning perspective?

17 MR. GRADY: We're aware of the reasons for the  
18 inconsistency in finding. So again, I think that was taking  
19 into consideration when we formalized our report. So again, the  
20 report as filed raising the use issues that we had concerns  
21 with, that was addressing compatibility and transition felt with  
22 the removal of those three uses in our perspective is addressing  
23 compatibility from our perspective.

24 HEARING MASTER: All right. Thank you for that  
25 clarification. Mr. Pressman, let me -- before you begin your

1 rebuttal, let me ask you, you heard Ms. Massey, the Planning  
2 Commission say that they will not change -- they don't change  
3 their recommendations, their findings at the hearing. They have  
4 not -- they have received evidently your revised conditions, but  
5 not analyzed them to determine whether it would change their  
6 recommendation. And would not at this hearing and suggested a  
7 continuance. Is that something you'd like to pursue or would  
8 you like to proceed?

9 MR. PRESSMAN: No. We felt very strong with the  
10 request before you in county. We felt lining up with the zone  
11 department was very reasonable and in past -- lines up with past  
12 action and approvals by the County, of course made the Planning  
13 Commission aware. They may be well-aware that they not be able  
14 to consider it. But we felt clearly with support of the  
15 abutting residents and owners to the south, along with  
16 restricting some intents of uses, that was a very strong  
17 application. And we would ask your consideration on your  
18 recommendation.

19 HEARING MASTER: All right. Fair enough. Does that  
20 conclude your rebuttal or testimony?

21 MR. PRESSMAN: No. I would only say, I place emphasis  
22 that, of course we did do public notice and a big yellow sign is  
23 located at the property. We have not heard from anyone. No  
24 one's called in. There's been no opposition. This -- this is  
25 the use that's commonly found in the area. And I'll say it

Zoning Hearing Master Hearing  
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1 again that with the restriction of uses it is absolutely  
2 compatible and support the zoning staff's findings and we agree  
3 with them. And we ask your consideration. Thank you.

4 HEARING MASTER: All right. Thank you. That -- with  
5 that, we'll close Rezoning 22-1591 and go to the next case.

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# **AGENCY COMMENTS**

## AGENCY REVIEW COMMENT SHEET

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

**DATE:** 01/09/2023  
**AGENCY/DEPT:** Transportation  
**PETITION NO.:** STD 22-1591

- 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 270 average daily trips, 8 trips in the a.m. peak hour, and 17 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 +/- 0.48 acres from Residential Duplex Conventional – 12 (RDC-12) to Commercial General - Restricted (CG-R). The site is located on the southwest corner of the intersection of Broad St and Dr Martin Luther King Blvd. The Future Land Use designation of the site is Residential-9 (RES-9).

#### *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, 10<sup>th</sup> Edition.

#### **Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RDC-12, 5 Single Family Dwelling Units (ITE Code 210)	47	4	5

#### **Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG, 5,000 sf Variety Store (ITE Code 814)	317	16	34
<i>Less Internal Capture:</i>	Not Available	0	0
<i>Passerby Trips:</i>	Not Available	0	12
<i>Net External Trips:</i>	317	16	22

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+270</b>	<b>+8</b>	<b>+17</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 270 average daily trips, 8 trips in the a.m. peak hour, and 17 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Martin Luther King Blvd and Broad Street. Martin Luther King Blvd is a 6-lane, divided, FDOT maintained, Principle Arterial roadway. Martin Luther King Blvd lies within +/- 120 feet of Right of Way in the vicinity of the project. Martin Luther King Blvd has sidewalks, bike lanes, and curb and gutter on both sides of the roadway within the vicinity of the project. Broad Street is a 2-lane, undivided, Hillsborough County maintained, substandard, local roadway characterized by +/-19 feet of pavement. Broad Street does not have sidewalks, bike lanes, or curb and gutter on either both sides of the roadway within the vicinity of the project.

**SITE ACCESS**

It is anticipated that the site will have access to Martin Luther King Blvd and/or Broad Street. 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**

Level of Service (LOS) information is reported below. Broad Street is not a regulated roadway and as such was not included in the Level of Service Report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	I-75	HIGHVIEW	D	C

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
Martin Luther King Blvd	County Arterial - Urban	6 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
Broad Street	County Local - Urban	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	47	4	5
Proposed	317	16	22
Difference (+/-)	+270	+8	+17

\*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	

**COMMISSION**

Joshua Wostal CHAIR  
 Harry Cohen VICE-CHAIR  
 Donna Cameron Cepeda  
 Ken Hagan  
 Pat Kemp  
 Gwendolyn "Gwen" W. Myers  
 Michael Owen



**DIRECTORS**

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 Elaine S. DeLeeuw ADMIN DIVISION  
 Sam Elrabi, P.E. WATER DIVISION  
 Rick Muratti, Esq. LEGAL DEPT  
 Diana M. Lee, P.E. AIR DIVISION  
 Steffanie L. Wickham WASTE DIVISION  
 Sterlin Woodard, P.E. WETLANDS DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> 3/14/2023</p> <p><b>PETITION NO.:</b> 22-1591</p> <p><b>EPC REVIEWER:</b> Melissa Yañez</p> <p><b>CONTACT INFORMATION:</b> (813) 627-2600 X1360</p> <p><b>EMAIL:</b> yanezm@epchc.org</p>	<p><b>COMMENT DATE:</b> 12/22/2022</p> <p><b>PROPERTY ADDRESS:</b> 3920 Broad St., Seffner, FL 33584</p> <p><b>FOLIO #:</b> 065740-0000</p> <p><b>STR:</b> 09-29S-20E</p>
<p><b>REQUESTED ZONING:</b> From RDC-12 to CG</p>	
FINDINGS	
<p><b>WETLANDS PRESENT</b></p> <p><b>SITE INSPECTION DATE</b></p> <p><b>WETLAND LINE VALIDITY</b></p> <p><b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b></p>	<p>NO</p> <p>12/16/2022</p> <p>NA</p> <p>Site Visit</p>
<p><b>INFORMATIONAL COMMENTS:</b></p> <p>Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected 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. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist 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](http://www.epchc.org)

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

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PETITION NO.: STD22-1591    REVIEWED BY: Randy Rochelle    DATE: 12/19/2022

FOLIO NO.: 65740.0000

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**WATER**

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
  
- A 12 inch water main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the south Right-of-Way of E. Martin Luther King Boulevard. 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 6 inch wastewater force main exists  (adjacent to the site),  (approximately 125 feet from the site) and is located north of the subject property within the north Right-of-Way of E. Martin Luther King Boulevard. 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.



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

DATE/TIME: 1/17/23 HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  22-0075	PLEASE PRINT NAME <u>Kamala Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd, Ste 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-<del>8421</del><sup>223-8421</sup></u>
APPLICATION #  22-0075	PLEASE PRINT NAME <u>James Anderson</u> MAILING ADDRESS <u>10514 Sedgebrook Drive</u> CITY <u>River view</u> STATE <u>FL</u> ZIP <u>33569</u> PHONE <u>727 430-3494</u>
APPLICATION #  22-0075	PLEASE PRINT NAME <u>Jane Graham</u> MAILING ADDRESS <u>737 Man Street Suite 100</u> CITY <u>Safety Harbor</u> STATE <u>FL</u> ZIP <u>34655</u> PHONE <u>727 291 9526</u>
APPLICATION #  22-0075 VS	PLEASE PRINT NAME <u>Ethel Hammer</u> MAILING ADDRESS <u>19825 Angel Lane</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33556</u> PHONE _____
APPLICATION #  22-0075	PLEASE PRINT NAME <u>Gary A. Gibbons</u> MAILING ADDRESS <u>800 29th Ave N, #</u> CITY <u>St. Petersburg</u> STATE <u>FL</u> ZIP <u>33704</u> PHONE <u>813-785-2028</u>
APPLICATION #  22-0075	PLEASE PRINT NAME <u>Ryan Brooks</u> MAILING ADDRESS <u>12714 Shadowcrest Ct</u> CITY <u>River view</u> STATE <u>FL</u> ZIP <u>33655</u> PHONE <u>813 215 7991</u>



DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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APPLICATION # 22-0075 VS	PLEASE PRINT NAME Sabine Prather MAILING ADDRESS 1601 Bentwood Drive CITY Sun City Center STATE FL ZIP 33573 PHONE
APPLICATION # 22-0075 VS	PLEASE PRINT NAME Jennifer Miller MAILING ADDRESS 13317 Waterford Run Drive CITY Riverview STATE FL ZIP 33569 PHONE
APPLICATION # 22-0075	PLEASE PRINT NAME <del>STATE</del> Henry MAILING ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289-0059
APPLICATION # 22-0075	PLEASE PRINT NAME Abbey Naylor MAILING ADDRESS 14206 Tudor Chase Dr. CITY Tampa STATE FL ZIP 33616 PHONE 727-207-5525
APPLICATION # 22-0075	PLEASE PRINT NAME Trent Stephenson MAILING ADDRESS 505 E Jackson St #200 CITY Tampa STATE FL ZIP 33602 PHONE 813 375.0616
APPLICATION # 22-1591	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 200 2nd Ave S #451 CITY St. Petersburg STATE FL ZIP 33701 PHONE 727-304-1760

SIGN-IN SHEET: RFR, **ZHM** PHM, LUHO

PAGE 3 OF 9

DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION # <u>22-1642</u></p>	<p>PLEASE PRINT NAME <u>Jeff Cathy</u>          MAILING ADDRESS <u>1142 Wister Young Rd.</u>          CITY <u>Lake Park</u> STATE <u>FL</u> ZIP <u>32403</u> PHONE <u>561-247-0362</u></p>
<p>APPLICATION # <u>22-0719</u></p>	<p>PLEASE PRINT NAME <u>SUNNY SA</u>          MAILING ADDRESS <u>19903 Maple St.</u>          CITY <u>Gubersville</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>873-205-5727</u></p>
<p>APPLICATION # <u>22-0719</u></p>	<p>PLEASE PRINT NAME <u>Grace McLomas</u>          MAILING ADDRESS <u>805 Old Darby St</u>          CITY <u>Seffner</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>813-240-3907</u></p>
<p>APPLICATION # <u>22-0719</u></p>	<p>PLEASE PRINT NAME <u>Elizabeth Belscher</u>          MAILING ADDRESS <u>5 x smpt</u>          CITY <u>5 mail Eiblscher</u> STATE <u>FL</u> ZIP <u>Att. Nst</u> PHONE <u>(813) 468-7902</u></p>
<p>APPLICATION # <u>22-0857</u></p>	<p>PLEASE PRINT NAME <u>Roger GRUNKE</u>          MAILING ADDRESS <u>2708 N Elmora Ave</u>          CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-679-2945</u></p>
<p>APPLICATION # <u>22-0857</u></p>	<p>PLEASE PRINT NAME <u>Marla Frazer</u>          MAILING ADDRESS <u>11215 Davis Rd</u>          CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33637</u> PHONE <u>813-777-9931</u></p>

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DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION # <u>22-0857</u></p>	<p>PLEASE PRINT NAME <u>FLORENCE BARBER-HANCOCK</u></p> <p>MAILING ADDRESS <u>21004 NEGRIL CT.</u></p> <p>CITY <u>LUTZ</u> STATE <u>FL</u> ZIP <u>33558</u> PHONE <sup>813</sup> <u>948-7597</u></p>
<p>APPLICATION # <u>22-0857</u></p>	<p>PLEASE PRINT NAME <u>Theresa L Maide</u></p> <p>MAILING ADDRESS <u>11107 Davis Rd</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33637</u> PHONE <u>813-985-6190</u></p>
<p>APPLICATION # <u>22-0866</u></p>	<p>PLEASE PRINT NAME <u>Kamala Corbett</u></p> <p>MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-847-8421</u></p>
<p>APPLICATION # <u>22-1226</u></p>	<p>PLEASE PRINT NAME <u>Kamela Corbett</u></p> <p>MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u></p>
<p>APPLICATION # <u>22-1226</u></p>	<p>PLEASE PRINT NAME <u>JOE HENRY</u></p> <p>MAILING ADDRESS <u>503 W. LAMAR ST</u></p> <p>CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-789-0039</u></p>
<p>APPLICATION # <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>Elise Betsel</u></p> <p>MAILING ADDRESS <u>401 E. Jackson St. Tampa</u></p> <p>CITY <u>T</u> STATE <u>FL</u> ZIP <u>06</u> PHONE <sup>813-222-</sup> <u>5057</u></p>

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DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>David M. Smith</u></p> <p>MAILING ADDRESS <u>401 E. Jackson Street Suite 2100</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222-5010</u></p>
<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>Steve Henry</u></p> <p>MAILING ADDRESS <u>5023 W. LAUREL ST</u></p> <p>CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-6039</u></p>
<p>APPLICATION #  <u>22-1228</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Katie Russo</u></p> <p>MAILING ADDRESS <u>400 N. Ashley Drive #2820</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____</p>
<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>SMERRI SOUTHWELL</u></p> <p>MAILING ADDRESS <u>552 FRANDER PL</u></p> <p>CITY <u>Apollo Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813 410 7027</u></p>
<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>Jeanine Lussier</u></p> <p>MAILING ADDRESS <u>477 Flamingo Drive</u></p> <p>CITY <u>Apollo Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813-992 7023</u></p>
<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>Stark Finby</u></p> <p>MAILING ADDRESS <u>815 Islebay Dr</u></p> <p>CITY <u>Apollo Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813-441-3980</u></p>

SIGN-IN SHEET: RFR, **ZHM** PHM, LUHO

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DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION #  <u>22-1228</u></p>	<p>PLEASE PRINT NAME <u>Kim PLANT</u>  MAILING ADDRESS <u>1029 APOLLO BEACH BLVD APT 4</u>  CITY <u>APOLLO BEACH</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813-394-2047</u></p>
<p>APPLICATION #  <u>22-1228</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Laura Shepherd</u>  MAILING ADDRESS <u>5218 Point Harbor Lane</u>  CITY <u>Apollo Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE _____</p>
<p>APPLICATION #  <u>22-1228</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Nicole Cameron</u>  MAILING ADDRESS <u>5414 Conch Shell Place</u>  CITY <u>Apollo Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE _____</p>
<p>APPLICATION #  <u>22-1229</u></p>	<p>PLEASE PRINT NAME <u>Kamala Corbett</u>  MAILING ADDRESS <u>14 E Kennedy Blvd Ste 100</u>  CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8121</u></p>
<p>APPLICATION #  <u>22-1229</u></p>	<p>PLEASE PRINT NAME <u>Stephen Sposato</u>  MAILING ADDRESS <u>505 E Jackson St</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-375-0616</u></p>
<p>APPLICATION #  <u>22-1229</u></p>	<p>PLEASE PRINT NAME <u>STEVE HENRY</u>  MAILING ADDRESS <u>5023 W. LAMAR ST</u>  CITY <u>TDA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0029</u></p>

SIGN-IN SHEET: RFR, **ZHM** PHM, LUHO

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DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Alan Daoud</u></p> <p>MAILING ADDRESS <u>3007 Drake Landing Ct</u></p> <p>CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33596</u> PHONE <u>813-789-2707</u></p>
<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Todd Pressman</u></p> <p>MAILING ADDRESS <u>200 2nd Ave S #451</u></p> <p>CITY <u>St. Petersburg</u> STATE <u>FL</u> ZIP <u>33706</u> PHONE <u>727-304-1760</u></p>
<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Wendy Oliverio</u></p> <p>MAILING ADDRESS <u>717 Bryan Rd</u></p> <p>CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>813-695-2482</u></p>
<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Dina Cagnina</u></p> <p>MAILING ADDRESS <u>713 Coulter Place</u></p> <p>CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>813-546-5433</u></p>
<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Lisa Dersmore</u></p> <p>MAILING ADDRESS <u>703 Coulter Place</u></p> <p>CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>813-601-2782</u></p>
<p>APPLICATION # 22-1229</p>	<p>PLEASE PRINT NAME <u>Lisa Knox</u></p> <p>MAILING ADDRESS <u>508 S. Bryan Cir</u></p> <p>CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>352-339-3140</u></p>

SIGN-IN SHEET: RFR, **ZHM** PHM, LUHO

DATE/TIME: 1/17/23

HEARING MASTER: Susan Finch

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<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>Elisa Batsal</u></p> <p>MAILING ADDRESS <u>401 E Jackson St.</u></p> <p>CITY <u>Tampa</u> STATE _____ ZIP <u>33602</u> PHONE <u>813 222 3057</u></p>
<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>David M. Smith</u></p> <p>MAILING ADDRESS <u>401 E. Jackson Street Suite 2100</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222 5010</u></p>
<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>PAT KILMER</u></p> <p>MAILING ADDRESS <u>7025 ADEEN ST</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33617</u> PHONE <u>407 26-5331</u></p>
<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>Claude-Perrette Conzé</u></p> <p>MAILING ADDRESS <u>4512 Porpoise Drive</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33617</u> PHONE <u>813 956 1751</u></p>
<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>TIM McMURRY</u></p> <p>MAILING ADDRESS <u>8019 PAULSON LN</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33617</u> PHONE <u>813 948 8762</u></p>
<p>APPLICATION # <u>22-1338</u></p>	<p>PLEASE PRINT NAME <u>SARA McMURRY</u></p> <p>MAILING ADDRESS <u>8019 PAULSON LANE</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33617</u> PHONE <u>813-263-7279</u></p>

SIGN-IN SHEET: RFR, **ZHM**, PHM, LUHO

PAGE 9 OF 9

DATE/TIME: \_\_\_\_\_

HEARING MASTER: Susan Finch

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<p>APPLICATION # 22-1378</p>	<p>PLEASE PRINT NAME <u>Jeremy Couch</u></p> <p>MAILING ADDRESS <u>17937 Hunting Bow Circle</u></p> <p>CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33558</u> PHONE <u>813 920 2005</u></p>
<p>APPLICATION # 22-1387</p>	<p>PLEASE PRINT NAME <u>Kamala Corbett</u></p> <p>MAILING ADDRESS <u>101 2 Kennedy Blvd</u></p> <p>CITY <u>MDA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u></p>
<p>APPLICATION # 22-1387 VS</p>	<p>PLEASE PRINT NAME <u>Michael Ball</u></p> <p>MAILING ADDRESS <u>16545 South US Highway 301</u></p> <p>CITY <u>Wimauma</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE _____</p>
<p>APPLICATION # 22-1387</p>	<p>PLEASE PRINT NAME <u>Steve Henry</u></p> <p>MAILING ADDRESS <u>5023 W. LAUREL 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 # 22-1499</p>	<p>PLEASE PRINT NAME <u>Addie Clark</u></p> <p>MAILING ADDRESS <u>400 N. Ashley Dr.</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33603</u> PHONE <u>561-319-9759</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>



HEARING TYPE: **ZHM**, PHM, VRH, LUHO

DATE: January 17, 2022

HEARING MASTER: Susan Finch

PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0075	James Anderson	1. Opposition Presentation Packet	No
RZ 22-0075	Ethel Hammer	2. Opposition Presentation Packet	No
RZ 22-0075	Gary Gibbons	3. Opposition Presentation Packet	No
RZ 22-0075	Ryan Brooks	4. Opposition Presentation Packet	No
RZ 22-0075	Jennifer Miller	5. Opposition Presentation Packet	No
RZ 22-0075	Kami Corbett	6. Applicant Presentation Packet	No
RZ 22-0075	Steve Henry	7. Applicant Presentation Packet	No
RZ 22-1591	Todd Pressman	1. Applicant Presentation Packet	No
RZ 22-0719	Grace McComas	1. Opposition Presentation Packet	No
RZ 22-0719	Sunny Sia	2. Applicant Presentation Packet	No
RZ 22-0866	Kami Corbett	1. Applicant Presentation Packet	No
RZ 22-1226	Brian Grady	1. Staff Report	Yes (copy)
RZ 22-1226	Kami Corbett	2. Applicant Presentation Packet	No
MM 22-1228	Brian Grady	1. Staff Report	No
MM 22-1228	Sherri Southwell	2. Opposition Presentation Packet	No
MM 22-1228	David Smith	3. Applicant Presentation Packet	No
RZ 22-1229	Stephen Sposato	1. Applicant Presentation Packet	No
RZ 22-1229	Steve Henry	2. Applicant Presentation Packet	No
RZ 22-1229	Todd Pressman	3. Opposition Presentation Packet	No
RZ 22-1229	Wendy Oliverio	4. Opposition Presentation Packet	No
RZ 22-1229	Lisa Knox	5. Opposition Presentation Packet	No
RZ 22-1229	Kami Corbett	6. Applicant Presentation Packet	No
RZ 22-1338	Elise Batsel	1. Applicant Presentation Packet	No
RZ 22-1338	Brian Grady	2. Staff Report	No
RZ 22-1387	Kami Corbett	1. Applicant Presentation Packet	No
RZ 22-1387	Brian Grady	2. Staff Report	No
RZ 22-1387	Steve Henry	3. Applicant Presentation Packet	No
RZ 22-1499	Brian Grady	1. Staff Report	No

JANUARY 17, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, January 17, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

A. WITHDRAWALS AND CONTINUANCES

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

▶ Susan Finch, ZHM, overview of ZHM process.

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

▶ Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 22-0075

▶ Brian Grady, Development Services, calls RZ 22-0075.

▶ Cameron Clark, Senior Assistant County Attorney, statement for record.

▶ Kami Corbett, applicant rep, presents testimony.

▶ Israel Monsanto, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls proponents/opponents

▶ Jane Graham, opponent, presents testimony.

▶ James Anderson, opponent, presents testimony.

▶ Ethel Hammer, opponent, presents testimony.

▶ Gary Gibbons, opponent, presents testimony.

▶ Ryan Brooks, opponent, presents testimony.

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- ▶ Sabine Prather, opponent, technical difficulties.
- ▶ Jennifer Miller, opponent, presents testimony.
- ▶ Susan Finch, ZHM, questions to opponent and County Attorney.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers ZHM questions.
- ▶ Sabine Prather, opponent, technical difficulties.
- ▶ Jane Graham, opponent, questions to County Attorney.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers opponent questions.
- ▶ Jane Graham, opponent, questions to ZHM.
- ▶ Susan Finch, ZHM, answers opponent questions.
- ▶ Sabine Prather, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls Development Services/applicant rep.
- ▶ Kami Corbett, applicant rep, provides rebuttal
- ▶ Steve Henry, applicant rep, provides rebuttal.
- ▶ Abbey Naylor, applicant rep, provides rebuttal.
- ▶ Trent Stephenson, applicant rep, provides rebuttal.
- ▶ Kami Corbett, applicant rep, continues rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-0075.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-1591

- ▶ Brian Grady, Development Services, calls RZ 22-1591.
- ▶ Todd Pressman, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep and Development Services.

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- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ Todd Pressman, applicant rep, answers ZHM questions and continues testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Todd Pressman, applicant rep, answers ZHM questions.
- ▶ Isis Brown, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Isis Brown, Development Services, answers ZHM questions.
- ▶ Brian Grady, Development Services, statement for record.
- ▶ Jillian Massey, Planning Commission, statement for record.
- ▶ Susan Finch, ZHM, questions to Planning Commission.
- ▶ Jillian Massey, Planning Commission, answers ZHM questions and staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Todd Pressman, applicant rep, answers ZHM questions and provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-1591.

C.2. RZ 22-1642

- ▶ Brian Grady, Development Services, calls RZ 22-1642.
- ▶ Jeff Cathey, applicant rep, presents testimony.
- ▶ Isis Brown, Development Services, staff report.

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▶ Jillian Massey, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1642.

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

D.1. RZ 22-0719

▶ Brian Grady, Development Services, calls RZ 22-0719.

▶ Sunny Sia, applicant rep, presents testimony.

▶ Tim Lampkin, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls proponents/opponents.

▶ Grace McComas, opponent, presents testimony.

▶ Elizabeth Belcher, opponent, presents testimony.

▶ Susan Finch, ZHM, calls Development Services/applicant rep.

▶ Sunny Sia, applicant rep, provides rebuttal.

▶ Susan Finch, ZHM, closes RZ 22-0719.

D.2. RZ 22-0857

▶ Brian Grady, Development Services, calls RZ 22-0857.

▶ Marla Frazer, applicant rep, presents testimony.

▶ Roger Grunke, applicant rep, presents testimony.

▶ Michelle Heinrich, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls proponents.

▶ Florence Hancock, proponent, presents testimony.

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- ▶ Susan Finch, ZHM, calls opponents.
- ▶ Theresa Maida, opponent, presents testimony.
- ▶ Susan Finch, ZHM, questions to opponent.
- ▶ Theresa Maida, opponent, answers ZHM questions and continues testimony.
- ▶ Susan Finch, ZHM, calls Development Services.
- ▶ Brian Grady, Development Services, statement for record.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Michelle Heinrich, Development Services, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls applicant rep.
- ▶ Marla Frazer, applicant rep, provides rebuttal.
- ▶ Roger Grunke, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-0857.

D.3. RZ 22-0866

- ▶ Brian Grady, Development Services, calls RZ 22-0866.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Tim Lampkin, Development Services, staff report.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services /applicant rep/closes RZ 22-0866.

D.4. RZ 22-1226

- ▶ Brian Grady, Development Services, calls RZ 22-1226.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions to Development Services.

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- ▶ Brian Grady, Development Services, answers ZHM.
- ▶ Susan Finch, ZHM, requests information to be added to staff report.
- ▶ Tania Chapela, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Tania Chapela, Development Services, answers ZHM questions.
- ▶ Alex Steady, Development Services Transportation, answers ZHM questions.
- ▶ Susan Finch, ZHM, requests additional information to be added to staff report.
- ▶ Brian Grady, Development Services, statement for record.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- ▶ Kami Corbett, applicant rep, provides rebuttal.
- ▶ Steve Henry, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-1226.

D.5. MM 22-1228

- ▶ Brian Grady, Development Services, calls MM 22-1228.
- ▶ Elise Batsel, applicant rep, presents testimony.
- ▶ David Smith, applicant rep, presents testimony.
- ▶ Steve Henry, applicant rep, presents testimony.
- ▶ Elise Batsel, applicant rep, continues testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Elise Batsel, applicant rep, answers ZHM questions.

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- ▶ Steve Henry, applicant rep, answers ZHM questions.
- ▶ Sam Ball, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ James Ratliff, Development Services Transportation, answers ZHM questions.
- ▶ Elise Batsel, applicant rep, answers ZHM questions.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents.
- ▶ Katie Russo, proponent, presents testimony.
- ▶ Susan Finch, ZHM, calls opponents.
- ▶ Sherri Southwell, opponent, presents testimony.
- ▶ Jeanine Lussier, opponent, presents testimony.
- ▶ Steven Finley, opponent, presents testimony.
- ▶ Kim Plant, opponent, presents testimony.
- ▶ Laura Shepherd, opponent, presents testimony.
- ▶ Nicole Cameron, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls Development Services.
- ▶ Elise Batsel, applicant rep, questions to Development Services.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Brian Grady, Development Services, answers applicant rep and ZHM questions.
- ▶ Elise Batsel, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes MM 22-1228.



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D.6. RZ 22-1229

- ▶ Brian Grady, Development Services, calls RZ 22-1229.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Steven Sposato, applicant rep, presents testimony.
- ▶ Steve Henry, applicant rep, presents testimony.
- ▶ Michelle Heinrich, Development Services, staff report.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents.
- ▶ Alan Daoud, proponent, presents testimony.
- ▶ Susan Finch, ZHM, calls opponents.
- ▶ Todd Pressman, opponent, presents testimony.
- ▶ Wendy Oliviero, opponent, presents testimony.
- ▶ Dina Cagnina, opponent, presents testimony.
- ▶ Lisa Dunsmore, opponent, presents testimony.
- ▶ Lisa Knox, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls Development Services/applicant rep.
- ▶ Steve Henry, applicant rep, provides rebuttal.
- ▶ Kami Corbett, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-1229.

D.7. RZ 22-1338

- ▶ Brian Grady, Development Services, calls RZ 22-1338.
- ▶ Elise Batsel, applicant rep, presents testimony.
- ▶ David Smith, applicant rep, presents testimony.

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- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ David Smith, applicant rep, answers ZHM questions and continues testimony.
- ▶ Elise Batsel, applicant rep, continues testimony.
- ▶ Michelle Heinrich, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Michelle Heinrich, Development Services, answers ZHM questions.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, questions to Planning Commission.
- ▶ Jillian Massey, Planning Commission, answers ZHM questions.
- ▶ Susan Finch, ZHM, questions to County Attorney.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers ZHM questions.
- ▶ Jillian Massey, Planning Commission, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls proponents/opponents.
- ▶ Pat Kilker, opponent, presents testimony.
- ▶ Claude-Penrette Conze, opponent, presents testimony.
- ▶ Tim McMurry, opponent, presents testimony.
- ▶ Sara McMurry, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls Development Services.
- ▶ Alex Steady, Development Services Transportation, statement for record.
- ▶ Susan Finch, ZHM, calls applicant rep.
- ▶ Elise Batsel, applicant rep, provides rebuttal.
- ▶ Jeremy Couch, applicant rep, provides rebuttal.

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▶ Elise Batsel, applicant rep, continues rebuttal.

▶ Susan Finch, ZHM, closes RZ 22-1338.

D.8. RZ 22-1387

▶ Brian Grady, Development Services, calls RZ 22-1387.

▶ Kami Corbett, applicant rep, presents testimony.

▶ Tania Chapela, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls proponents/opponents.

▶ Michael Ball, opponent, presents testimony.

▶ Brian Grady, Development Services, asks opponent to read letter into record.

▶ Michael Ball, opponent, reads letter into record.

▶ Susan Finch, ZHM, calls Development Services/applicant rep.

▶ Steven Henry, applicant rep, provides rebuttal.

▶ Kami Corbett, applicant rep, provides rebuttal.

▶ Steve Henry, applicant rep, continues rebuttal.

▶ Kami Corbett, applicant rep, continues rebuttal.

▶ Susan Finch, ZHM, closes RZ 22-1387.

D.9. RZ 22-1499

▶ Brian Grady, Development Services, calls RZ 22-1499.

▶ Addie Clark, applicant rep, presents testimony.

▶ Chris Grandlienard, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

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▶ Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1499.

ADJOURNMENT

▶ Susan Finch, ZHM, adjourns meeting.

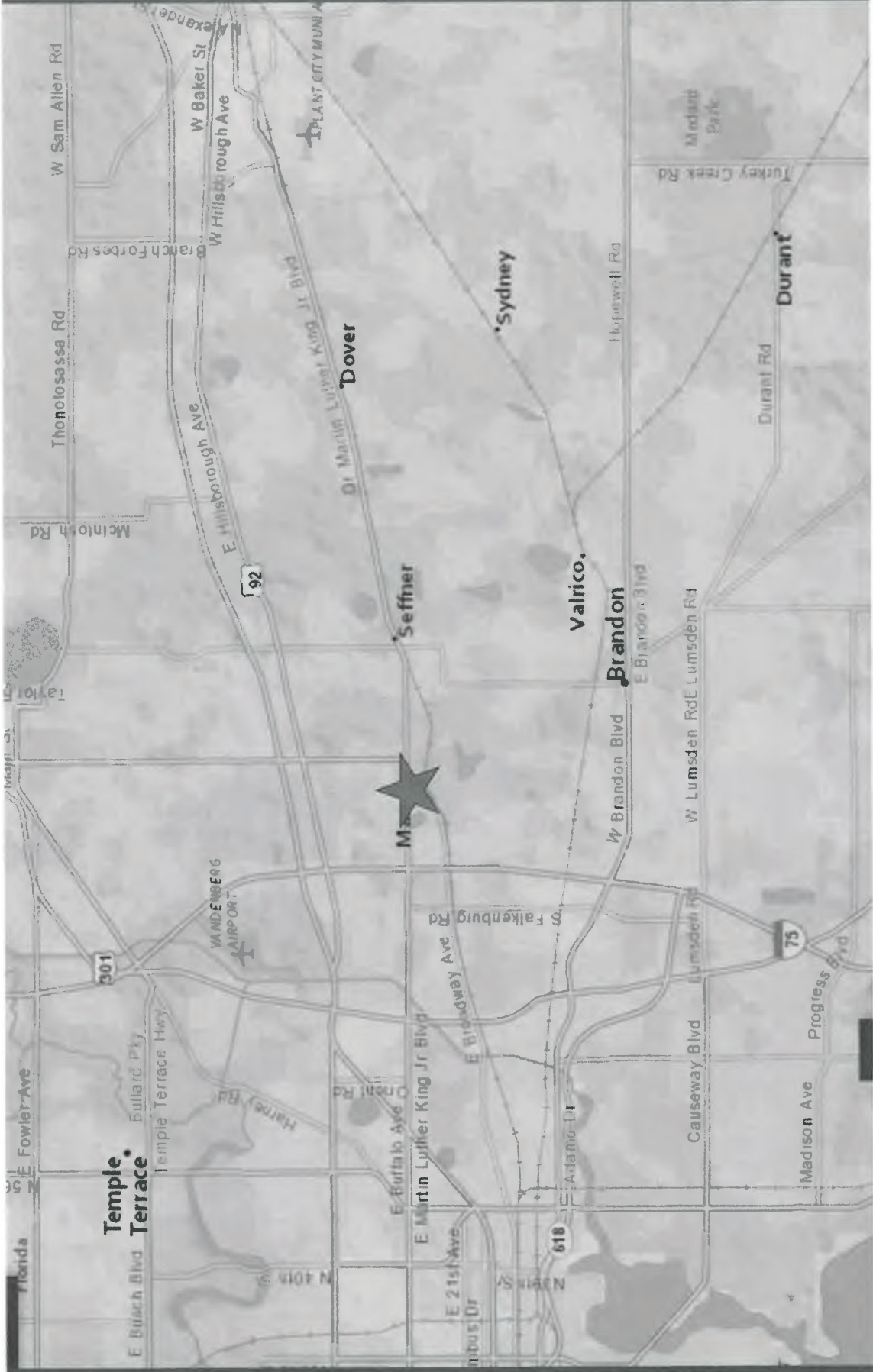
Application No. RZ 22-1591  
Name: Todd Pressman  
Entered at Public Hearing: ZHM  
Exhibit # 1 Date: 1/17/2023

**RZ-22-1591**

**.49 acres**

**RDC-12 to CG-R**





**Temple Terrace**

**Dover**

**Seffner**

**Valrico**

**Brandon**

**Sydney**

**Durant**

301

92

75

618

Florida

N 40th St

N 40th St

E Fowler Ave

E Busch Blvd

E 21st Ave

E Ruffalo Ave

E Broadway Ave

E Falkenburg Rd

W Brandon Blvd

W Lumsden Rd

Causeway Blvd

Madison Ave

Progress Blvd

Thonotosassa Rd

McIntosh Rd

E Hillsborough Ave

W Hillsborough Ave

W Baker St

Branch Forbes Rd

W Sam Allen Rd

Turkey Creek Rd

Hopewell Rd

Durant Rd

Mediant Park

Plant City Municipal

Dr Martin Luther King Jr Blvd

W Brandon Blvd

E Brandon Blvd

E Lumsden Rd

Van Dyke Airport

Bullard Pky

Temple Terrace Hwy

Harley Rd

E Ruffalo Ave

E Martin Luther King Jr Blvd

E Broadway Ave

E Falkenburg Rd

W Brandon Blvd

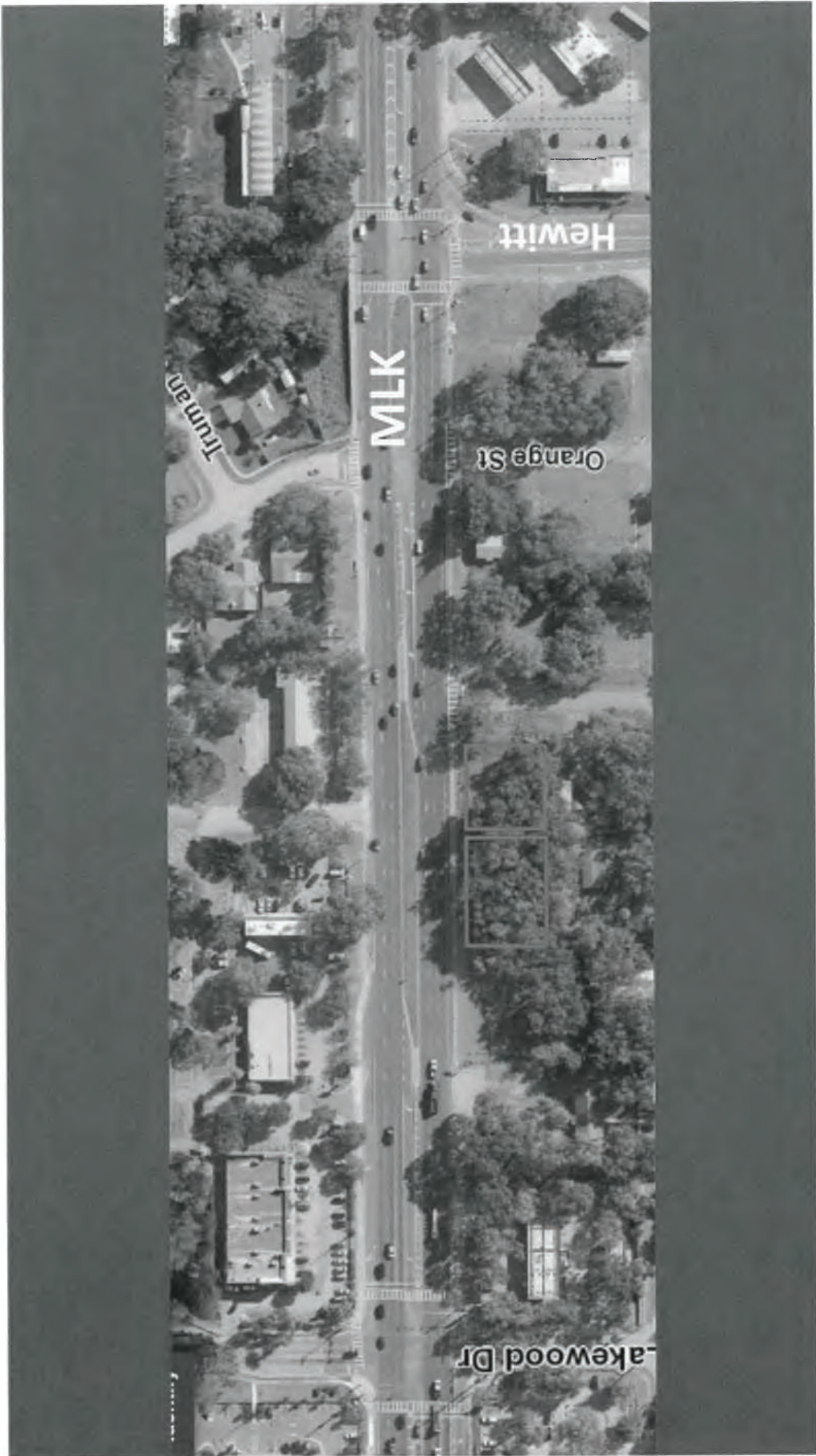
W Lumsden Rd

Causeway Blvd

Madison Ave

Progress Blvd





Hewitt

MLK

Orange St

Truman

Lakewood Dr



## Modification of use restrictions

**Development Services:** “The parcel to the immediate west is zoned CN (R) (RZ 14-0959) with restrictions prohibiting fast food establishments with drive-thru, convenience stores with or without gas sales and motor vehicle repair (Neighborhood Serving). The subject parcel is a similar configuration with the adjacent CN (R) in that residential uses are located to the immediate south. Therefore, staff finds that the proposed CG (R) could be supportable with the same uses restricted from the subject application”.

# ORIGINAL Restrictions

## 1) Restriction of uses proposed:

- BP-O uses.
- Used vehicle and truck sales.
- Neighborhood and minor vehicle repair. All work required to be interior and any open bay must be directed to MLK, Jr. Blvd.
- Retail as defined in the LDC definitions.
- Contractor office without open storage.
- Specialty retail.
- Day care/child care.

## 2) Buffer improvement.

20' "B" required. 20' "B" proposed, with an embellishment of the "B" buffer where evergreen trees are required at 20', we are proposing placement of the trees at 10' apart.

## Changed Use Restrictions:

- Restrict eating establishments with drive thru
- Restrict convenience stores with or without gas
- Remove specialty retail (retail addressed)
- Remove all auto repair

# REVISED Restrictions:

## RZ-STD 22-1591 Proposed Restrictions as of 1/11/23

### 1) Restriction of uses proposed:

- BP-O uses.
- Used vehicle and truck sales.
- Retail as defined in the LDC definitions.
- Contractor office without open storage.
- Day care/child care.

### 2) Restriction of uses not permitted:

- Eating establishments with drive-thru
- Convenience stores with or without gas

### 3) Buffer improvement.

20' 'B' required. 20' 'B' proposed, with an embellishment of the 'B' buffer where evergreen trees are required at 20', we are proposing placement of the trees at 10' apart.

# Zoning Map



**Fast Food**

**Restaurants**

**Walgreens**

**SITE** vacant

**Car Wash**

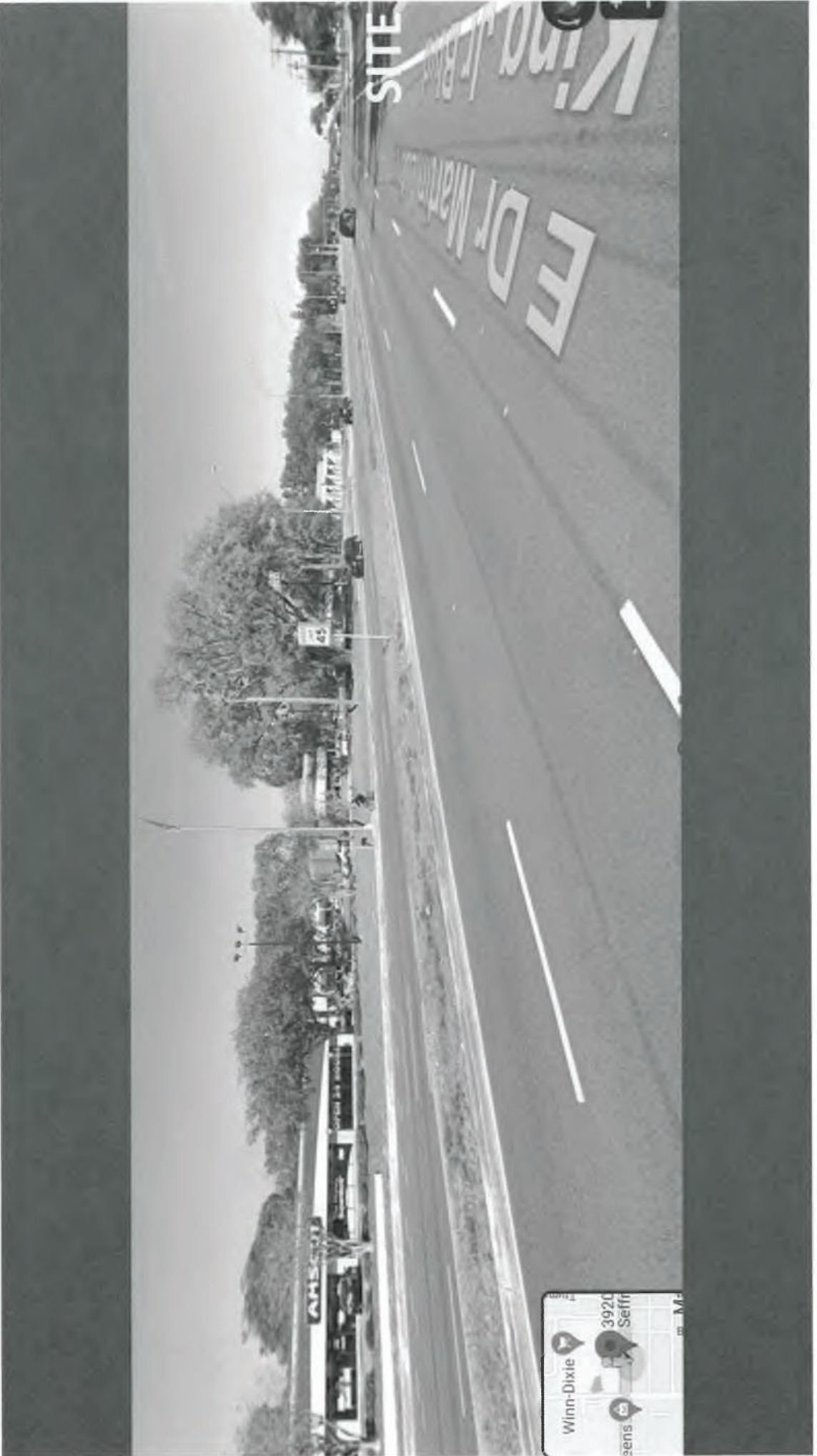
**Pharmacy Post Office**



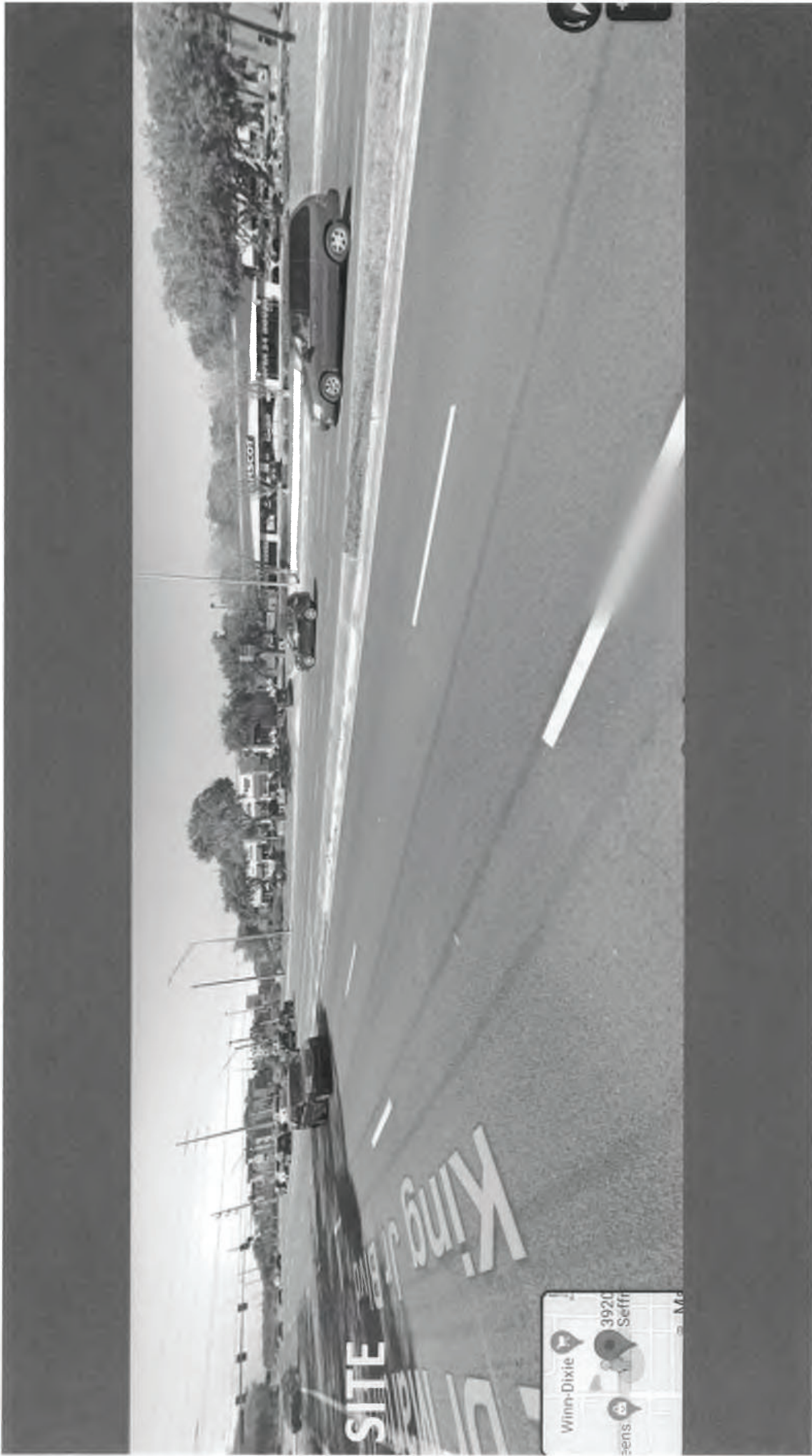
# Future Land Use categories. R-9.



Residential, Urban Commercial, multi-purpose, mixed use







SITE

2017, MLK carried 42,000 vehicles/day

6 lane divided roadway



Todd,

Letter of support from neighbor, Kelley.



**Nigel Porter**

SIGNATURE REALTY ASSOCIATES  
Florida Military Specialist  
Certified Distressed Property Expert  
Email: [nigelporter@tampabay.rr.com](mailto:nigelporter@tampabay.rr.com)  
Website: [www.nigelSOLD.com](http://www.nigelSOLD.com)  
Cell 813.404.0329



**From:** [kellya562@comcast.net](mailto:kellya562@comcast.net) [mailto:kellya562@comcast.net]

**Sent:** Monday, January 2, 2023 9:30 AM

**To:** [Nigelporter@tampabay.rr.com](mailto:Nigelporter@tampabay.rr.com)

**Subject:** REZONING

I support the rezoning of the property to CG next to mine in mango  
CTY ZONING # 22-1591

Allen Kelley 352 787-6855  
11212 THOMAS ST  
MANGO FL



**Nigel Porter**

SIGNATURE REALTY ASSOCIATES  
Florida Military Specialist  
Certified Distressed Property Expert  
Email: [nigelporter@tampabay.rr.com](mailto:nigelporter@tampabay.rr.com)  
Website: [www.nigelSOLD.com](http://www.nigelSOLD.com)  
Cell 813.404.0329



**From:** Glenn Colvin [mailto:klemmkoldwind@yahoo.com]

**Sent:** Wednesday, January 11, 2023 10:08 AM

**To:** Nigel Porter <[nigelporter@tampabay.rr.com](mailto:nigelporter@tampabay.rr.com)>

**Subject:** Request from Nigel

As the owner of an abutting property, at 11210 Thomas Street, I support the zoning change to CG for County rez  
Nigel Porter.

Glenn Colvin  
13108 Melinda Dr  
Riverview FL 33579



S I T E

SUPPORTS SUPPORTS

**Meets Locational Criteria**  
Per Objective 22 & Policy 22.2



**3. Goal:** Commercial development should be directed to the US 92 and Martin Luther King Boulevard corridors.

- Recognize the commercial character of US 92 and Martin Luther King Boulevard within the Urban Service Area.
- Support in-fill development and redevelopment within the Urban Service Area.

## Planning Commission staff comments (concerns):

- Less intensive uses from intersection
  - Concern of residential neighbors
  - -Predominant character of surrounding
- *Do meet main concepts of the M-S Community plan & commercial location criteria.*
  - *Added to South buffer*

**Planning Commission: “A rezoning to CG-R would not be harmonious or compatible with the single family-residential character of the area directly to the area south of the subject site along Broad Street” .**



**Fast Food**

**Restaurants**

Churrasco St. 74-0237/Alma Hinojosa

FD

**Walgreens**

FD

99-1325

FD

99-0513

**Support**

vacant

CN

14-0958

**Car Wash**

FD

18-0657

CN

14-0188

**Pharmacy**

**Post Office**

CG

15-0535

CG

15-1423

CH

20-1047

01-0370

null

PD

17-0629

CG

18-0273

CG

82-0413

FD

03-1656

Dr. Martin Luther King Jr Blvd E

Range St

Dr. Martin Luther King Jr Blvd E

Dr. Martin Luther King Jr Blvd E

Thomas St

FD

03-1656

Dr. Martin Luther King Jr Blvd E

Range St

Dr. Martin Luther King Jr Blvd E

Dr. Martin Luther King Jr Blvd E

Thomas St

FD

03-1656

Dr. Martin Luther King Jr Blvd E

Range St

Dr. Martin Luther King Jr Blvd E

Dr. Martin Luther King Jr Blvd E

Thomas St

**Fast Food**

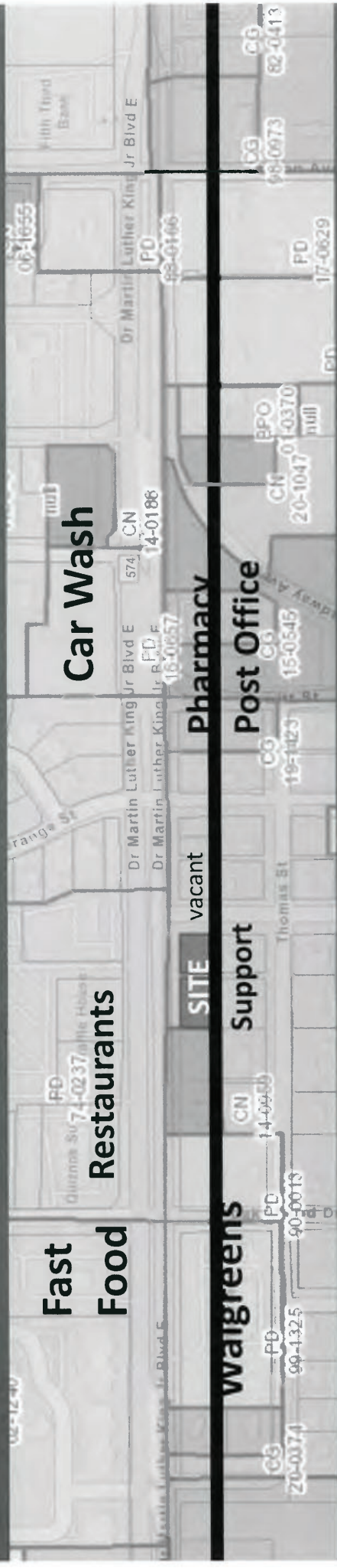
**Restaurants**

**Car Wash**

**Walmart**

**SITE Support**

**Pharmacy Post Office**



## **SUMMARY:**

- Restricted intensive uses along zoning dept. direction
- Shown predominant use is commercial by zoning and FLU category & not as deep
- Presented support of abutting neighbors; directly addresses concerns by Plan. Comm.
- Meet main directives of the Seffner-Mango Community Plan and Locational criteria



**PARTY OF  
RECORD**

**NONE**