



**Rezoning Application:** RZ-STD 21-0870

**Zoning Hearing Master Date:** September 13, 2021

**BOCC Land Use Meeting Date:** November 9, 2021

**1.0 APPLICATION SUMMARY**

Applicant: John McCary

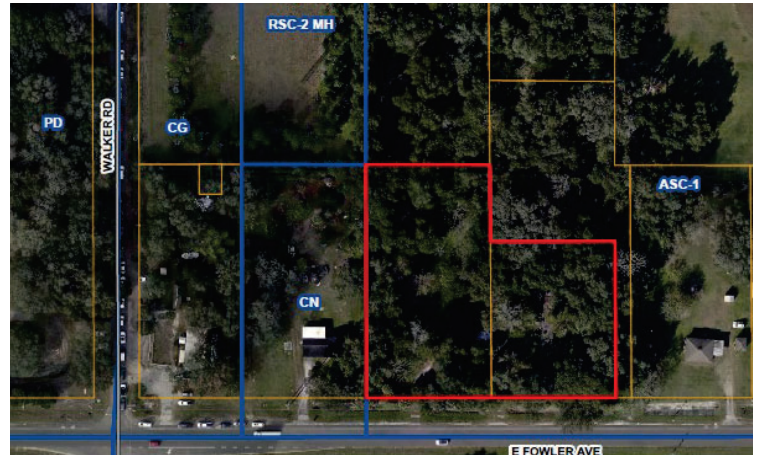
FLU Category: Suburban Mixed Use-6 (SMU-6)

Service Area: Urban

Site Acreage: 1.96 MOL

Community Plan Area: Thonotosassa

Overlay: None



**Introduction Summary:**

The existing zoning is Agricultural Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Commercial - Intensive Restricted (CI-R) to allow Intensive Commercial, Office and Personal Services uses pursuant to the development standards in the table below.

Zoning:	Existing	Proposed
District(s)	ASC-1	CI-R
Typical General Use(s)	Single-Family Residential/Agricultural	Intensive Commercial, Office and Personal Services
Acreage	1.96	1.96
Density/Intensity	1 dwelling unit per acre	.30 F.A.R.
Mathematical Maximum*	1 unit	25,613 sf

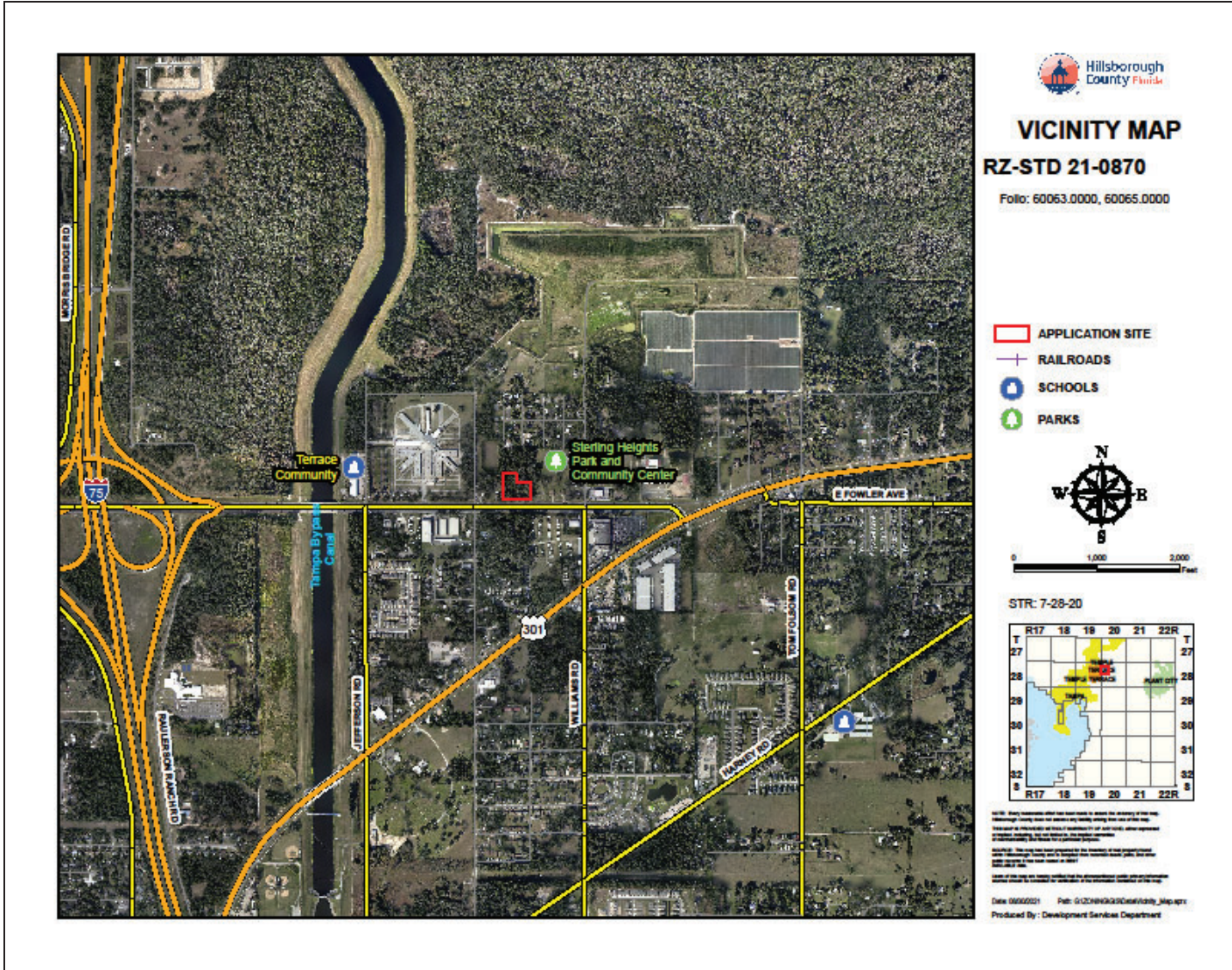
\*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	ASC-1	CI-R
Lot Size / Lot Width	43,560 sf / 150'	20,000 sf / 100'
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	30' Front Buffer, Rear Buffer, Sides
Height	50'	50'

<b>Planning Commission Recommendation:</b> Inconsistent	<b>Development Services Recommendation:</b> Not Supportable
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

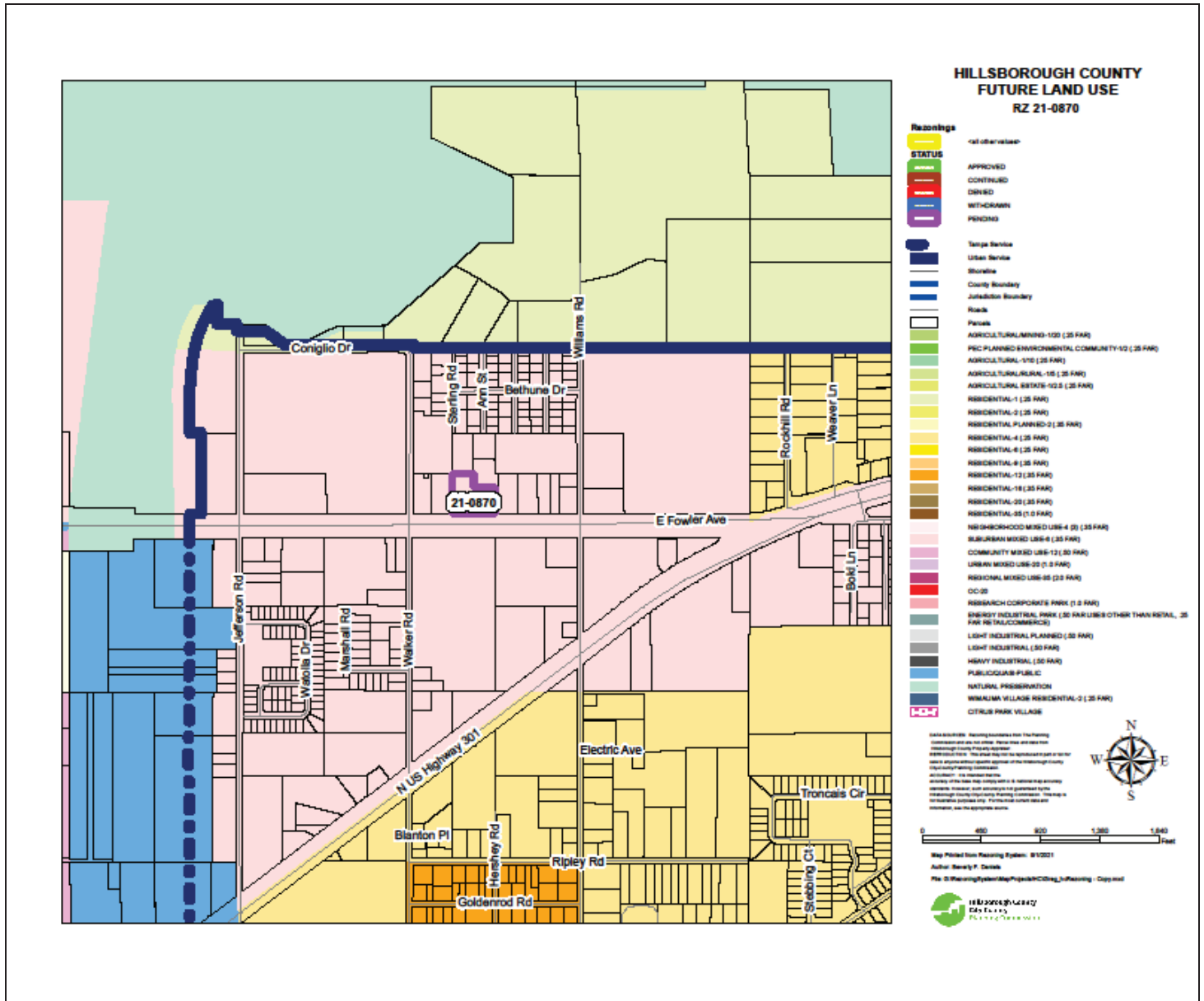


#### Context of Surrounding Area:

The area is located on a principal arterial that consists of single family residential and a recreational vehicle park. The subject parcel is adjacent to residentially zoned properties on every side, except the west where it is adjacent to a Commercial – Neighborhood (CN) district with a single-family residential use.

2.0 LAND USE MAP SET AND SUMMARY DATA

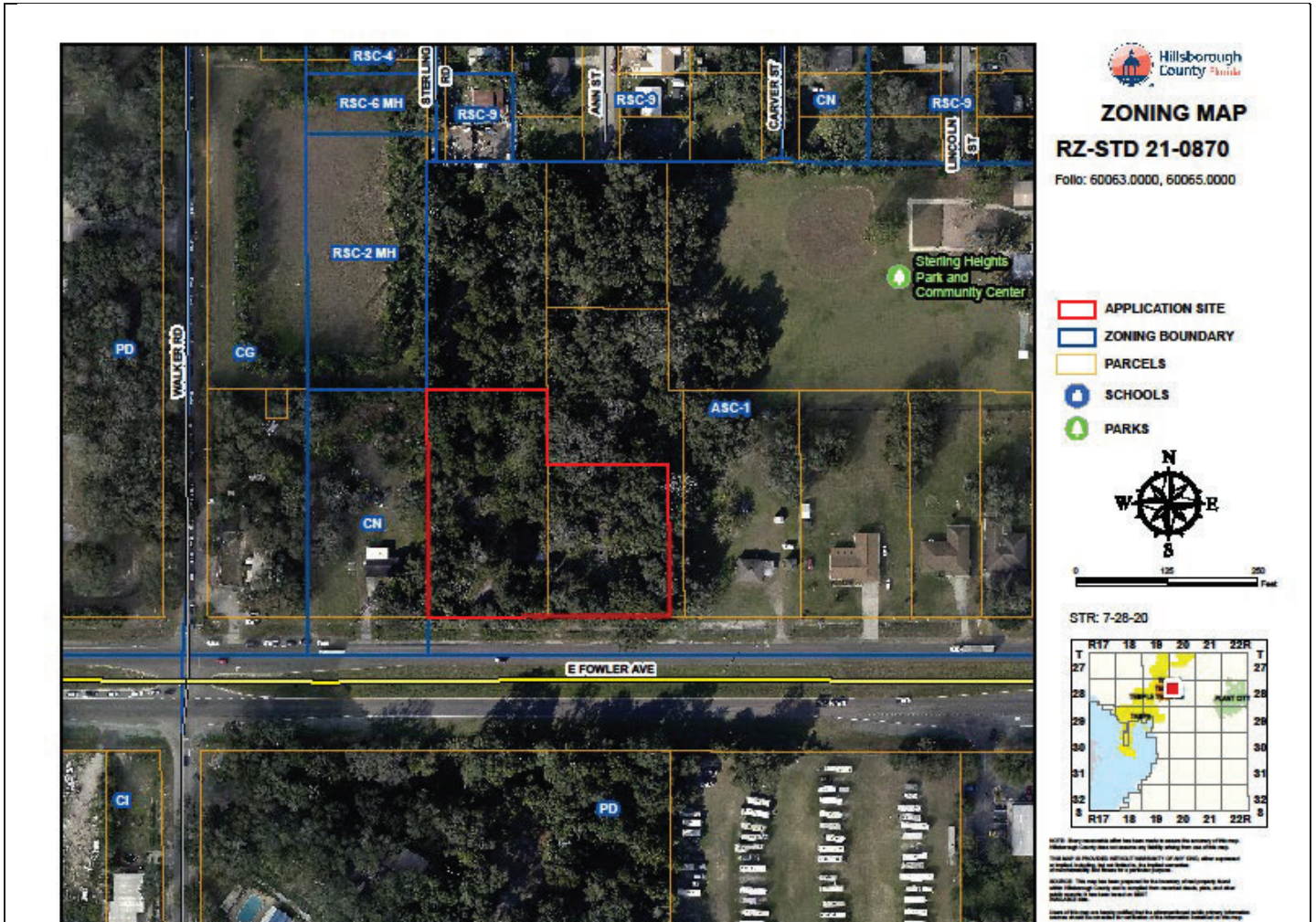
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Suburban Mixed Use-6 (SMU-6)
Maximum Density/F.A.R.:	6 du per ga/.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1, RSC-9	1 du per ga 9 du per ga	Single-Family Residential/Agricultural, Single-Family Residential (Conventional Only)	Vacant, Single-Family Residential
South	PD 89-0052	12 du per ga	RV Park	RV Park
East	ASC-1	1 du per ga	Single-Family Residential/Agricultural	Vacant
West	RSC-2 (MH), CN	2 du per ga .25 F.A.R.	Single-Family Residential (Conventional/Mobile Home), Neighborhood Commercial, Office and Personal Services	Vacant, Single-Family Residential

**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
Fowler Ave	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	24	2	3
Proposed	4,472	172	117
Difference (+/-)	+4,448	+170	+113

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

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Choose an item.
South		None	None	Choose an item.
East		None	None	Choose an item.
West		None	None	Choose an item.

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

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

Notes:

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

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

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The surrounding uses in the area consist of single family residential to the north of Fowler and a recreational vehicle park to the south. Although a parcel directly to the west is zoned Commercial - Neighborhood (CN), its use is currently single family residential. The proposed Commercial - Intensive Restricted (CI-R) use would allow open storage adjacent to these residences. The open storage of equipment and materials of the business raise compatibility issues/concerns with the neighboring lots.

The general area on the north side of Fowler consists of mostly single family residential, along with a county park. The existing commercial zonings on the north side of Fowler Avenue do not allow for open storage of materials. Meanwhile the area to the south side of Fowler consists of mostly commercial, such as retail stores, storage facilities and a garden center. The proposed Commercial - Intensive Restricted (CI-R) with open storage would be inconsistent with the character of the neighborhood on the north side of Fowler Avenue.

The Planning Commission in their report mentioned several compatibility concerns regarding the proposed rezoning: 1) The subject site does not meet Commercial Locational Criteria. The applicant has requested a waiver, which is in the record. 2) The rezoning proposes to split the zoning of the western parcel (folio 60065.0000) of the subject site so that the proposed rezoning area is under 2 acres, thereby avoiding the LDC requirement that rezonings in mixed use categories over 2 acres be rezoned as a Planned Development. 3) The proposed use does not provide a gradual transition of uses between residential and non-residential land uses located directly north and east of the subject site as described in the Neighborhood Protection Policy 16.2 under Objective 16 of the Future Land Use Element. As the proposed rezoning is a standard rezoning, Planning Commission staff are unable to review site plans as it is beyond the purview of a standard rezoning review. 4) The subject site is within the I-75 corridor. Policy 35.9 of the Future Land Use element requires that "planned development districts or mixed-use zoning districts are required for all new rezonings, except as provided for in applicable development regulations". 5) Planning Commission Staff advise the applicant that the proposed uses do not meet the intent of the Comprehensive Plan and are appropriately reviewed through a Planned Development zoning district as there is greater oversight, including review of a site plan that may demonstrate the acceptable transition of land uses and any buffering and mitigation measures that may be proposed.

The applicant has offered restrictions to mitigate conflicts with the Comprehensive Plan: 1) The use will be restricted to a Contractor's office with accessory open storage. No public or retail operation. 2) Operating hours will be 8 AM – 5 PM Monday thru Friday. 3) The office will have an average of 20 employees at the business location. 4) Equipment and materials movement and delivery will be done on average of two hours a day. They also requested a waiver for Commercial Locational Criteria as outlined in Policy 22.8 of the Comprehensive Plan. Staff has concerns with the restrictions on average number of employees and average equipment/materials delivery as they do appear to be not enforceable.


Based on the above considerations, including the inconsistencies with the Hillsborough County Comprehensive Plan, staff finds the requested CI-R zoning district incompatible with the existing zoning and development pattern in the area.

**5.2 Recommendation**

Not supportable.

As noted, the applicant has offered the following restrictions:

- 1) The use will be restricted to a Contractor’s office with accessory open storage. No public or retail operation.
- 2) Operating hours will be 8 AM – 5 PM Monday thru Friday.
- 3) The office will have an average of 20 employees at the business location.
- 4) Equipment and materials movement and delivery will be done on average of two hours a day.

<b>Zoning Administrator Sign Off:</b>	 <p>J. Brian Grady Thu Sep 2 2021 13:50:59</p>
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**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

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



**6.0 FULL TRANSPORTATION REPORT (see following pages)****AGENCY REVIEW COMMENT SHEET**

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

**DATE:** 08/02/2021  
**AGENCY/DEPT:** Transportation  
**PETITION NO:** RZ-STD 21-0870

<input type="checkbox"/>	This agency has no comments.
<input checked="" type="checkbox"/>	This agency has no objection.
<input type="checkbox"/>	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 4,448 average daily trips, 170 trips in the a.m. peak hour, and 113 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 this request.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone a 1.96-acre portion of two parcels totaling +/- 3.14 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial Intensive Restricted (CI-R). The restriction would only allow a contractor's office with accessory open storage. Additional restrictions include no public or retail operation and operating hours limited to 8am-5pm Monday-Friday. Average: 20 employees at business location. Equipment and materials movement and delivery average two hours/day. The site is located 0.4 miles west of the intersection of Fowler Avenue and Fort King Highway. The Future Land Use designation of the site is SMU-6.

***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, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 3 Single Family Detached Dwelling Units (ITE Code 210)	<b>24</b>	<b>2</b>	<b>3</b>

**Proposed Zoning:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CI, 15,000 sf Pharmacy /Drugstore with Drive-Through Window (ITE Code 881)	1,637	58	154
CI, 6,000 sf Fast-Food Restaurant with Drive Through Window (ITE Code 934)	2,826	241	196
ASC-1, 1 Single Family Detached Dwelling Units (ITE Code 210)	9	1	1
Subtotal:	4,472	300	351
Less Internal Capture:	Not Available*	12	120
Passerby Trips:	Not Available*	116	114
<b>Net External Trips:</b>	<b>4,472</b>	<b>172</b>	<b>117</b>

Note: \* Estimated. ITE does not provide 24 Hour passerby trip generation for the proposed use scenario.

**Trip Generation Difference:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+4,448)</b>	<b>(+170)</b>	<b>(+113)</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 4,448 average daily trips, 170 trips in the a.m. peak hour, and 113 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Fowler Avenue. Fowler Avenue is a 4-lane, divided, principal arterial, FDOT maintained roadway with +/- 12-foot travel lanes. Along the project frontage, the roadway lies within a +/- 180-foot wide right-of-way. There are no pedestrian facilities on Fowler Avenue in the vicinity of the proposed project. There are +/- 3-foot bike lanes on both sides of Fowler Avenue.

Fowler Avenue is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway.

**SITE ACCESS**

It is anticipated pedestrian and vehicular access will be from Fowler Avenue. 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.

**LEVEL OF SERVICE (LOS)**

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
FOWLER AVE	I-75	US 301	D	C

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

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 21-0870
<b>DATE OF HEARING:</b>	September 13, 2021
<b>APPLICANT:</b>	John McCary / Five Star Roofing & Construction, Inc.
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from ASC-1 to CI-R
<b>LOCATION:</b>	North side of E. Fowler Ave. and 430 feet east of Walker Rd.
<b>SIZE OF PROPERTY:</b>	1.96 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	ASC-1
<b>FUTURE LAND USE CATEGORY:</b>	SMU-6
<b>SERVICE AREA:</b>	Urban

## DEVELOPMENT REVIEW STAFF REPORT\*

\*Please note that formatting issues prevented the entire staff report from being included in the Hearing Master's Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.

### 1.0 APPLICATION SUMMARY



Applicant:	John McCary
FLU Category:	Suburban Mixed Use-6 (SMU-6)
Service Area:	Urban
Site Acreage:	1.96 MOL
Community Plan Area:	Thonotosassa
Overlay:	None

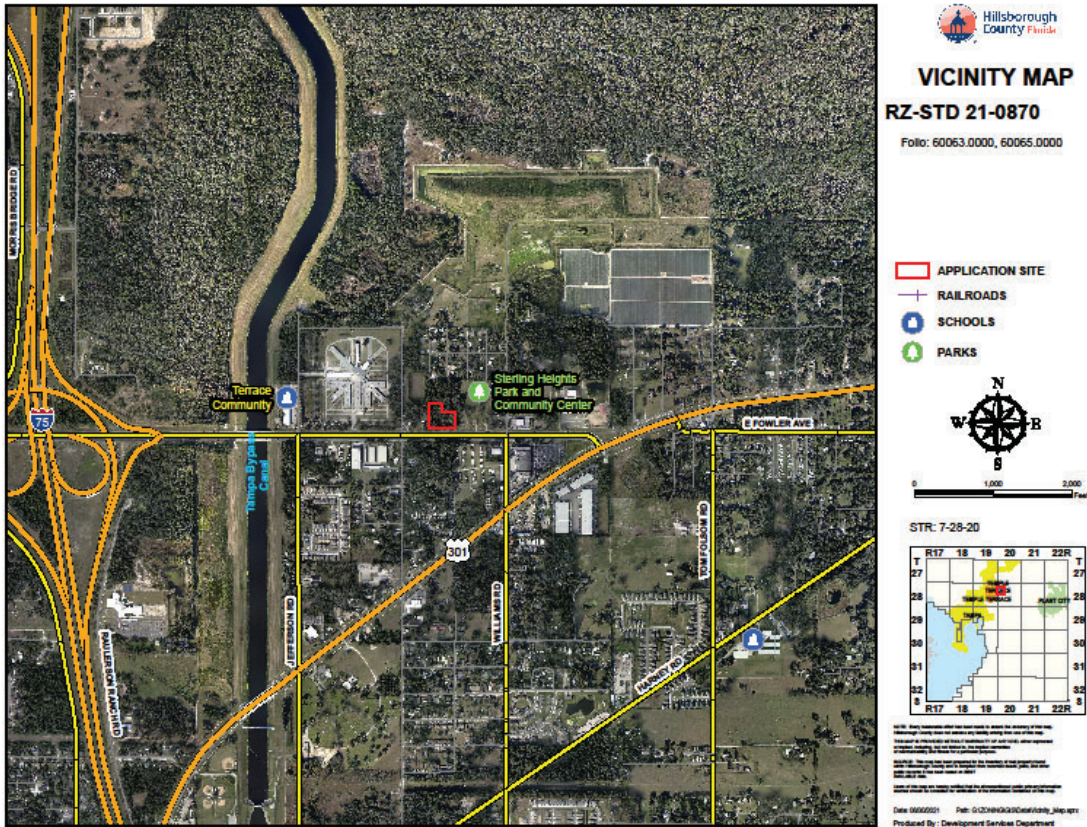
#### Introduction Summary:

The existing zoning is Agricultural Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Commercial - Intensive Restricted (CI-R) to allow Intensive Commercial, Office and Personal Services uses pursuant to the development standards in the table below.

**Development Services Recommendation:** Not Supportable

**Planning Commission Recommendation:** Inconsistent

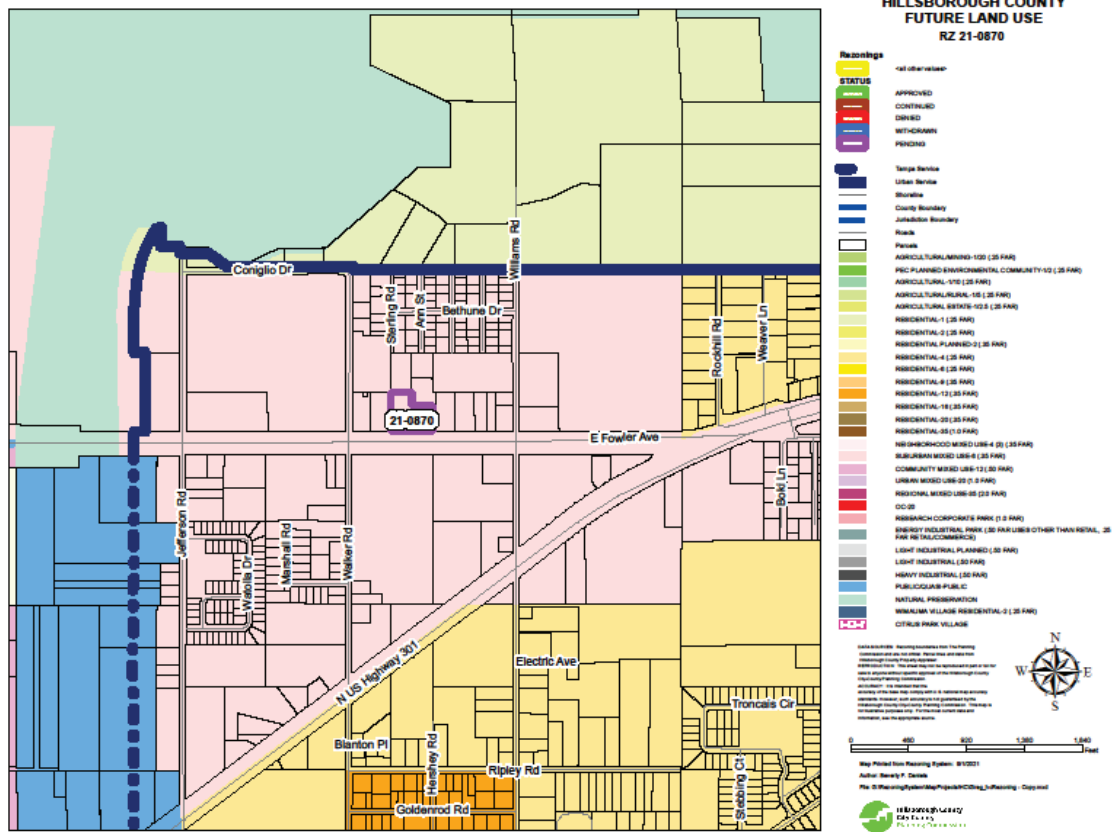
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

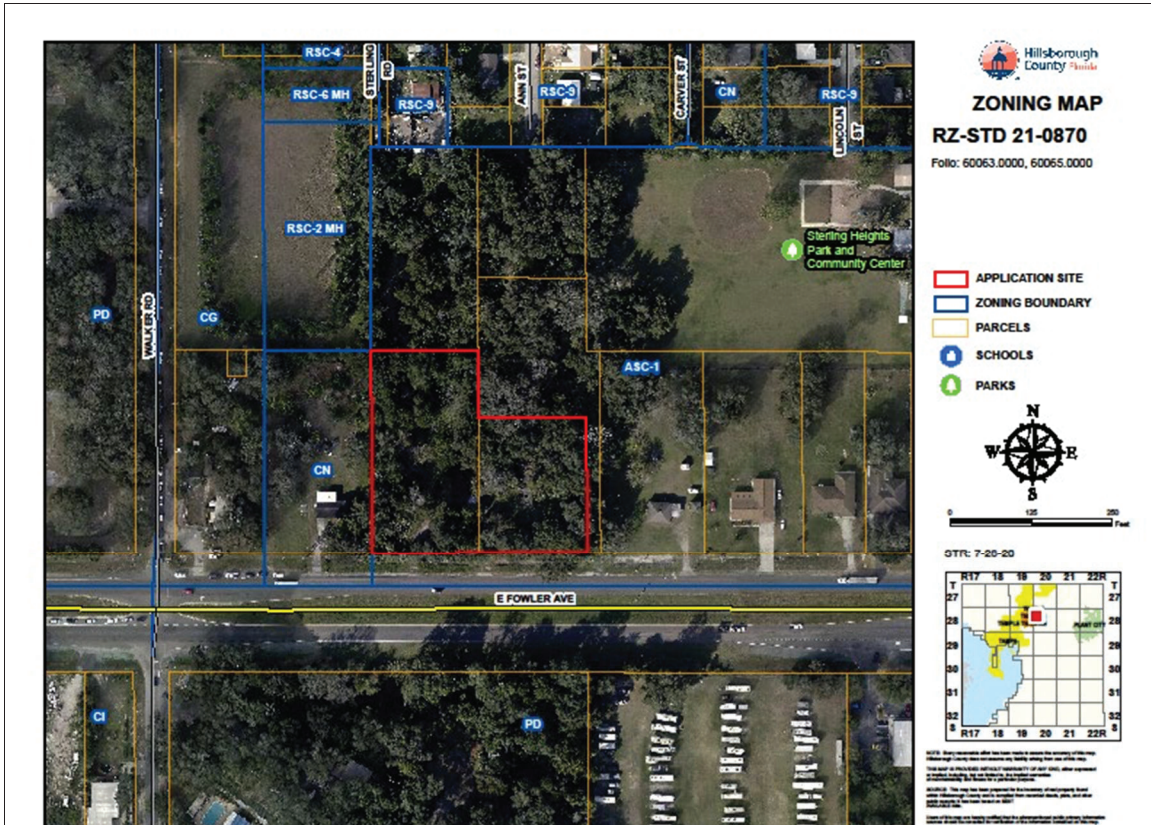
The area is located on a principal arterial that consists of single family residential and a recreational vehicle park. The subject parcel is adjacent to residentially zoned properties on every side, except the west where it is adjacent to a Commercial – Neighborhood (CN) district with a single-family residential use.

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



Subject Site Future Land Use Category:	Suburban Mixed Use-6 (SMU-6)
Maximum Density/F.A.R.:	6 du per ga/.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria.

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



### Adjacent Zonings and Uses

Location :	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1, RSC-9	1 du per ga 9 du per ga	Single-Family Residential/Agricultural, Single-Family Residential (Conventional Only)	Vacant, Single-Family Residential

West	RSC-2 (MH), CN	2 du per ga .25 F.A.R.	Single-Family Residential (Conventional/Mobile Home), Neighborhood Commercial, Office and Personal Services	Vacant, Single-Family Residential
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**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

**Adjoining Roadways (check if applicable)**

Fowler Ave	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
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**Project Trip Generation**  Not applicable for this request

**Connectivity and Cross Access**  Not applicable for this request

**Design Exception/Administrative Variance**  Not applicable for this request

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

Check if Applicable:

- Wetlands/Other Surface Waters
- Use of Environmentally Sensitive Land Credit
- Wellhead Protection Area
- Surface Water Resource Protection Area
- Potable Water Wellfield Protection Area  Significant Wildlife Habitat
- Coastal High Hazard Area
- Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property
- Other \_\_\_\_\_
- Design Exc./Adm. Variance Requested  Off-site Improvements Provided
- N/A

**Service Area/ Water & Wastewater**

- Urban  City of Tampa
- Rural  City of Temple Terrace

Meets Locational Criteria  N/A  Locational Criteria Waiver Requested   
Minimum Density Met  N/A

## **Hillsborough County School Board**

### **5.0 IMPLEMENTATION RECOMMENDATIONS**

#### **5.1 Compatibility**

The surrounding uses in the area consist of single family residential to the north of Fowler and a recreational vehicle park to the south. Although a parcel directly to the west is zoned Commercial - Neighborhood (CN), its use is currently single family residential. The proposed Commercial - Intensive Restricted (CI-R) use would allow open storage adjacent to these residences. The open storage of equipment and materials of the business raise compatibility issues/concerns with the neighboring lots.

The general area on the north side of Fowler consists of mostly single family residential, along with a county park. The existing commercial zonings on the north side of Fowler Avenue do not allow for open storage of materials. Meanwhile the area to the south side of Fowler consists of mostly commercial, such as retail stores, storage facilities and a garden center. The proposed Commercial - Intensive Restricted (CI-R) with open storage would be inconsistent with the character of the neighborhood on the north side of Fowler Avenue.

The Planning Commission in their report mentioned several compatibility concerns regarding the proposed rezoning: 1) The subject site does not meet Commercial Locational Criteria. The applicant has requested a waiver, which is in the record. 2) The rezoning proposes to split the zoning of the western parcel (folio 60065.0000) of the subject site so that the proposed rezoning area is under 2 acres, thereby avoiding the LDC requirement that rezonings in mixed use categories over 2 acres be rezoned as a Planned Development. 3) The proposed use does not provide a gradual transition of uses between residential and non-residential land uses located directly north and east of the subject site as described in the Neighborhood Protection Policy 16.2 under Objective 16 of the Future Land Use Element. As the proposed rezoning is a standard rezoning, Planning Commission staff are unable to review site plans as it is beyond the purview of a standard rezoning review. 4) The subject site is within the I-75 corridor. Policy 35.9 of the Future Land Use element requires that "planned development districts or mixed-use zoning districts are required for all new rezonings, except as provided for in applicable development regulations". 5) Planning Commission Staff advise the applicant that the proposed uses do not meet the intent of the Comprehensive Plan and are appropriately reviewed through a Planned Development zoning district as there is greater oversight,

including review of a site plan that may demonstrate the acceptable transition of land uses and any buffering and mitigation measures that may be proposed.

The applicant has offered restrictions to mitigate conflicts with the Comprehensive Plan: 1) The use will be restricted to a Contractor's office with accessory open storage. No public or retail operation. 2) Operating hours will be 8 AM – 5 PM Monday thru Friday. 3) The office will have an average of 20 employees at the business location. 4) Equipment and materials movement and delivery will be done-on average of two hours a day. They also requested a waiver for Commercial Locational Criteria as outlined in Policy 22.8 of the Comprehensive Plan. Staff has concerns with the restrictions on average number of employees and average equipment/materials delivery as they do appear to be not enforceable.

Based on the above considerations, including the inconsistencies with the Hillsborough County Comprehensive Plan, staff finds the requested CI-R zoning district incompatible with the existing zoning and development pattern in the area.

Recommendation: Not supportable.

As noted, the applicant has offered the following restrictions:

1) The use will be restricted to a Contractor's office with accessory open storage. No public or retail operation.

2) Operating hours will be 8 AM – 5 PM Monday thru Friday. 3) The office will have an average of 20 employees at the business location. 4) Equipment and materials movement and delivery will be done-on average of two hours a day.

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department.

Mr. John McCary 7604 Lakeside Boulevard Tampa testified as the applicant and stated that he is with Five Star Roofing. He stated that he was applying to rezone the property and that he has an agreement with the property owner to purchase the property contingent upon the approval of the rezoning. He added that he would like to put his roofing warehouse and office on-site. Mr. McCary stated that he does not have the funds to apply for the Planned Development and he doesn't believe that he needs one. He testified that he does not have any objections from the County planning staffs except that they had some uncertainty about some of the commercial development. He stated that he does not understand what is objectionable about the request as it is consistent with everything going on at Fowler Avenue which is a four-lane highway.

Hearing Master Finch stated that both Planning staffs are recommending against the rezoning request and have objections.

Mr. McCary replied that he read through the planning reports and does not understand why they are objecting. He added that he has requested a waiver regarding transportation. He stated that there is a Walgreens that was approved within 400 feet of the subject property. In addition, there is a gas station and nine multi-family buildings on the property that was previously the Big Top Flea Market. Mr. McCary stated that across the street from the subject property is essentially CI uses as there is a storage trailer yard and an RV park. Also located in the area is a liquor store and a Publix shopping center. He testified that he would like to have a warehouse and an office with approximately 20 people.

Hearing Master Finch asked Mr. McCary the nature of his business. He replied that he has a roofing business. Hearing Master Finch asked Mr. McCary where he would store materials. He stated that the materials would stay in the warehouse. He added that the reason for the request for CI was because of the roofing trucks being parked on-site.

Mr. McCary continued his presentation by showing graphics of the site to describe the proposed location of the office, warehouse, retention and parking area.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated that the request is to rezone the property from ASC-1 to Commercial Intensive with Restrictions. He described the location of the property as well as the surrounding zoning districts and land uses which include property to the north zoned ASC-1 and RSC-9. Property to the south is zoned PD and developed with an RV Park. The property to the east is zoned ASC-1 and the property to the west is zoned RSC-2 with a Mobile Home Overlay district. Mr. Grandlienard testified that the subject property is surrounded by residentially zoned parcels with the exception of the west which is zoned Commercial Neighborhood but developed with a single-family home. The proposed use is a contractor's office with accessory open storage. He explained that the request is inconsistent with the residential character of the area. Mr. Grandlienard testified that the parcel does not meet commercial locational criteria and that the Planning Commission does not support the requested waiver as the use does not provide a gradual transition of uses between the residential and non-residential development. The applicant has proposed restrictions to mitigate the use. The restrictions include the limitation of the use and hours of operation including deliveries. Staff has concerns as certain conditions appear unenforceable. Mr. Grandlienard concluded his presentation by stating that staff finds the request to be not supportable.

Ms. Melissa Lienhard, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Lienhard stated that the subject property is within the Suburban Mixed Use-6 Future Land Use classification and the Urban Service Area and the Thonotosassa Community Planning Area. Ms. Lienhard testified described the compatibility issues associated with the request as there is single-family residential uses adjacent to the north, west and east. She added that the request to rezone 1.96 acres does not include a proposal to subdivide the entire 3.14 acre property with the remainder parcel being zoned ASC-1. Ms. Lienhard concluded her presentation by stating that the Planning Commission does not support applications that attempt to circumvent the adopted policy language or policies. There is no proposed gradual transition of land uses that mitigate the adjacent single-family uses. She added that the site does meet locational criteria however that is not the only factor to consider when evaluating commercial development. Ms. Lienhard stated that the request does not meet the intent of the Thonotosassa Community Plan which seeks to limit businesses near residential communities. She summarized the Planning Commission findings by stating that staff has compatibility concerns regarding the proposed use and its intensity adjacent to existing residential development. Staff finds the proposed rezoning 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.

Mr. Grady of the Development Services Department stated that because the request is for a standard zoning district, there is no site plan associated with the request. The applicant referred to the limits on the open storage but there is no restriction proposed regarding open storage.

Mr. McCary testified during the rebuttal period that he understands there are no restrictions and that he could open a bar. He added that the contract to purchase the property is contingent upon the rezoning approval. He stated that he is allowed to build next to residential if the buffers are put in place. He testified that he would leave the existing trees. Mr. McCary stated that he would not subdivide the property prior to the rezoning approval. He summarized his comments by describing the surrounding uses which include commercial and multi-family land uses and stating that no one would know he is there.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

No documents were submitted 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 1.96 acres in size and is currently zoned Agricultural Single Family Conventional-1 (ASC-1) and is designated Suburban Mixed Use-6 (SMU-6) by the Comprehensive Plan. The property is located within the Urban Service Area and the Thonotosassa Community Plan.
2. The applicant is requesting a rezoning to the Commercial Intensive-Restricted (CI-R) zoning district. The applicant testified at the Zoning Hearing Master hearing that he would like to develop the property for his roofing business with a contractor's office, warehouse and open storage.
3. The applicant has proposed restrictions to the CI-R zoning which include permitting only a contractor's office with accessory open storage, no public or retail operation, limits on operating hours and the average number of employees and limits on delivery and the movement of equipment on-site.
4. The Planning Commission staff does not support the request. The Planning Commission found that the request is not compatible with the existing single-family residential to the north, west and east and that there is no proposal for a gradual transition of land uses. Further, the Planning Commission found that the applicant is only proposing to rezone a portion of the property leaving a remainder parcel zoned ASC-1 which seems to be an attempt to circumvent the SMU-6 requirement for parcels over two acres to rezone to a Planned Development. The Planning Commission found the application inconsistent with the Thonotosassa Community Plan and the Comprehensive Plan.
5. The Development Services Department staff also does not support the request as staff has concerns about the enforceability of the conditions regarding the average number of employees and the movement of equipment hours on-site as well as the overall incompatibility of the proposed use with the existing residential development pattern.

6. The subject property is surrounded by parcels zoned ASC-1 and RSC-9 to the north, a Planned Development to the south developed with an RV park, ASC-1 to the east and RSC-2 MH and CN to the west.
7. The proposed use of the property for a roofing business contractor's office with a warehouse and open storage is incompatible with the existing residential development pattern in the area.
8. The applicant's proposed zoning restrictions do not mitigate the overall impact of an intensive commercial development to the neighboring residential land uses.
9. The request for the CI-R zoning district on the subject property is incompatible with the surrounding zoning districts, the SMU-6 Future Land Use category and the intent of the Comprehensive Plan.

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

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

### **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is not 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 CI-R zoning district. The property is 1.96 acres in size and is currently zoned ASC-1 and designated SMU-6 by the Comprehensive Plan. The property is located in the Urban Service Area and the Thonotosassa Community Plan.

The applicant testified that he would like to develop the property for his roofing business with a contractor's office, warehouse and open storage. The applicant has proposed restrictions to the CI-R zoning which include permitting only a contractor's office with accessory open storage, no public or retail operation, limits on operating hours and the average number of employees and limits on delivery and the movement of equipment on-site.

The Planning Commission staff does not support the request. The Planning Commission found that the request is not compatible with the existing single-

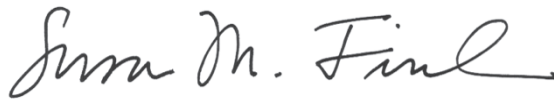
family residential to the north, west and east and that there is no proposal for a gradual transition of land uses. Further, the Planning Commission found that the applicant is only proposing to rezone a portion of the property leaving a remainder parcel zoned ASC-1 which seems to be an attempt to circumvent the SMU-6 requirement for parcels over two acres to rezone to a Planned Development. The Planning Commission found the application inconsistent with the Thonotosassa Community Plan and the Comprehensive Plan.

The Development Services Department staff also does not support the request as staff has concerns about the enforceability of the conditions regarding the average number of employees and the movement of equipment hours on-site as well as the overall incompatibility of the proposed use with the existing residential development pattern.

The request for the CI-R zoning district on the subject property is incompatible with the surrounding zoning districts, the SMU-6 Future Land Use category and the intent of the Comprehensive Plan.

### RECOMMENDATION

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



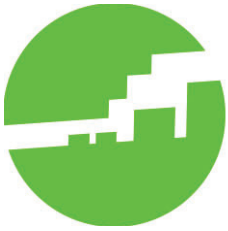
October 1, 2021

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

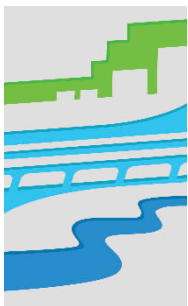
**Date**





**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> September 13, 2021  <b>Report Prepared:</b> September 2, 2021	<b>Petition: RZ 21-0870</b>  <b>9440 East Fowler Avenue</b>  <i>On the north side of Fowler Avenue, west of Fort King Highway, west of Fort King Highway (US 301), and one mile east of Interstate 75</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Suburban Mixed Use-6 (0.35 FAR for office uses)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan:</b>	<b>Thonotosassa Community Plan</b>
<b>Requested Zoning:</b>	Agriculture Single Family Conventional-1 (ASC-1) to Commercial Intensive-Restricted (CI-R) to permit the development of a contractor's office and warehouse with open storage
<b>Parcel Size (Approx.):</b>	3.14 acres
<b>Street Functional Classification:</b>	East Fowler Avenue – <b>State Principal Arterial</b> Williams Road – <b>Local</b> Fort King Highway – <b>State Principal Arterial</b>
<b>Locational Criteria</b>	Meets criteria
<b>Evacuation Zone</b>	None



## **Context**

- The approximately 3.14 +/- acre subject site is located on the north side of East Fowler Avenue, west of Fort King Highway (US 301). The subject site is located within the Urban Service Area and is within the limits of the Thonotosassa Community Plan. The applicant is requesting to rezone 1.96 acres of the total site, thereby introducing a split zoning on the western parcel (Folio # 60065.0000) so that the subject site will be zoned Commercial Intensive–Restricted (CI-R) and Agricultural Single-Family Conventional-1 (ASC-1).
- The subject site’s Future Land Use classification is Suburban Mixed-Use – 6 (SMU-6). Typical uses of SMU-6 include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. Projects which provided mixed uses in this category must demonstrate detailed integration, scale, diversity and internal relationships of uses on site.
- SMU-6 surrounds the subject site on all sides. Residential-1 (RES-1) is located farther north, Natural Preservation (NP) is located to the northwest of the subject site. Residential-4 (RES-4) is farther east and southeast.
- The subject site is currently vacant on the western parcel (Folio # 60065.0000) with the eastern parcel (Folio # 60063.0000) consisting of a single-family dwelling. There are single-family residential developments directly to the west and light commercial uses further to the west. A mobile home park is present to the south directly across Fowler Avenue. Single-family residential uses and public institutional uses are located to the east. Furthermore, a combination of heavy commercial and light industrial uses are located south west of Fowler Avenue. Single family residential uses are located directly to the north. The subject site is within the I-75 corridor as it is one mile east of the interstate via Fowler Road.
- The subject site is currently zoned as Agricultural Single-Family Conventional-1 (ASC-1). ASC-1 is located to the east, Residential Single-Family Conventional- 4 (RSC-4), Residential Single-Family Conventional- 6 (RSC-6) and Residential Single-Family- 9 (RSC-9) are located to the north. Small parcels designated Commercial Neighborhood (CN) and Commercial General (CG) are to the west, with Planned Developments (PD) located further west and south of the subject site. Scattered parcels of CN and CI zoning are located to the south along Fowler Avenue.
- The applicant is requesting to rezone the subject site from Agricultural Single-Family Conventional-1 (ASC-1) to Commercial Intensive- Restricted (CI-R) to develop a contractor’s office with warehouse and open storage. The applicant is proposing a split zoning of the western parcel (Folio # 60065.0000) making the rezoned area under 2 acres, rather than the total 3.14 acres of both folios that are included in the rezoning.

## **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.

**Policy 16.10:** Any density increase shall be compatible with existing, proposed or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as”. Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

**Policy 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

### **Mixed Use Land Use Categories**

**Objective 19:** All development in the mixed use categories shall be integrated and interconnected to each other.

### **Commercial Locational Criteria**

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

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

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

**Policy 22.2:** The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range

*Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.*

*In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.*

*Roadways listed in the table as 2 or 4 lane roadways must be shown on the Highway Cost Affordable Long Range Transportation Plan; major local roadways are defined in the definitions section of this element.*

*At least 75% of the subject property must fall within the specified distance from the intersection. All measurements should begin at the edge of the road right-of-way.*

**Policy 22.3:** *In order to address instances where a site does not exactly meet the dimension requirements of the Chart in Policy 22.2, the following will apply:*

*Where a proposed neighborhood commercial use is located such that the major roadway frontage associated with the proposed use exceeds the maximum distance specified in the Chart in Policy 22.2 but at least 75% of the frontage associated with the use is within that distance and under single ownership, then such proposed use may also be considered for approval.*

*When an intersection is shown on the adopted Highway Cost Affordable Long Range Transportation Plan, as a three way, or “T” intersection, consideration for commercial development can occur as if there were a full intersection for locational purposes, but when determining the appropriate size development for each quadrant the configuration of the road may not support maximum square footage’s due to the limiting nature of the intersection.*

**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.*

### **Interstate 75 Corridor Development**

**Objective 35:** *Incentive programs and design sensitive regulations shall be developed and implemented that will promote high quality private and public development, and to assure creative and responsive approaches to the review of development within the I-75 mixed use categories.*

**Policy 35.9:** *Planned development districts or mixed use standard zoning districts are required for all new rezonings, except as provided for in applicable development regulations.*

## **Community Design Component**

### **7.0 SITE DESIGN**

#### **7.1 DEVELOPMENT PATTERN**

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

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

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

## **Livable Communities Element - Thonotosassa Community Plan**

### **Vision, Culture and Values Statement**

*In the Thonotosassa community residents are actively involved in government and civic affairs. Growth has been directed in ways that have enhanced the community's character and quality of life. The Main Street downtown area is the traditional center of community life and a commercial success. Many families here lived in the community for multiple generations and residents continue to enjoy rolling terrain with vistas, open spaces and trees. Agriculture and the tradition of keeping domesticated farm animals such as horses, chickens, pigs, goats, cattle and quail is still a part of the community's landscape and economy. It's a diversified, self-supporting community with a mix of uses and housing types varying from mobile home parks to large estates. Residents don't have to travel out of the area for shopping and there are good paying jobs available locally. Among the residents, there is a sense of belonging to one community and being close to and enjoying nature. Clean air and water, wildlife and especially the recreational opportunities centered around Lake Thonotosassa, such as boating and fishing in addition to biking, running, horseback riding and hunting, is a cherished part of the Thonotosassa lifestyle.*

### **Goals**

- 1. Community Control** – *Empower the residents, property owners and business owners in setting the direction and providing ongoing management of Thonotosassa's future growth and development, toward a community that adds value and enhances quality of life.*
- 2. Sense of Community** – *Ensure that new development maintains and enhances Thonotosassa's unique character and sense of place, and provides a place for community activities and events.*
- 3. Rural Character, Open Space and Agriculture** – *Provide improved yet affordable infrastructure and a balance of residential, commercial, and other land uses while maintaining the rural nature of the Thonotosassa area. This goal includes encouragement for agriculture, protection of property owners' rights and values, and the establishment of open space and green space and low density, rural residential uses.*

4. **Diversity of People, Housing and Uses** – Maintain the existing diversity of housing types and styles. Provide for commerce and jobs but protect the community identity and limit the location, type and size of new businesses to fit the surrounding area.
5. **Environment** – Protect water, wildlife, air, soil and trees through effective planning, consistent enforcement of existing regulations, and incentives. The Thonotosassa community values its natural environment and wants to see it protected in a way that balances environmental protection and private property rights
6. **Improved Reputation and Civic Pride** – Enhance civic pride and the reputation of Thonotosassa by establishing and maintaining traditions, preserving the community's natural and cultural heritage, and developing and disseminating information to residents and visitors about the community.

### **Comprehensive Plan Strategies**

- Form a Thonotosassa Community Advisory Committee to become an effective voice for the community.
- Designate Main Street as Thonotosassa's downtown, develop a central gathering place and make downtown a focal point of commercial and community activity.
- Establish the community's boundaries and designate gateways.
- Require minimum lot sizes of 1 acre for residential development within the Residential-1, Agricultural Estate, and Agricultural Rural Future Land Use categories.
- Protect the area's rural character.
- Support agricultural uses throughout the community.
- Retain the current boundaries of the Urban Service Area and continue to restrict central water and sewer services within the Rural Service Area.
- Allow commercial uses along SR 579 south of Pruett Road to I-4. (Refer to the BOCC Action on February 21, 1995 regarding the Land Use Policy on County Road (CR) 579.)
- By June 2004, a proposal for transfer of development rights and purchase of development rights will be presented to the Thonotosassa Community Plan Steering Committee for further consideration by the Board of County Commissioners.

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

The approximately 3.14-acre subject site is located on the north side of Fowler Avenue, west of Fort King Highway (US 301), west of Williams Road and one mile east of Interstate 75. The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan. The applicant is requesting to rezone 1.96+/- acres of the total site from Agricultural Single Family Conventional -1 (ASC-1) to Commercial Intensive - Restricted (CI-R) to allow for the development of a contractor's office with warehouse and open storage. The rezoning would split the zoning of the western parcel (Folio # 60065.0000) to ASC-1 and CI-R. The proposed restrictions are: "contractor's office with accessory open storage. No public or retail operation. Operating hours from 8:00 am – 5:00 pm from Monday to Friday. Average of 20 employees at business location. Equipment and materials and delivery average two hours/daily".

Objective 1 of the Future Land Use Element (FLUE) of the Comprehensive Plan states that 80 percent of population growth will be in the Urban Service Area. According to 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.”* The proposed rezoning does not meet the intent of Policy 1.4 and is not compatible with the surrounding area, which contains single-family residential directly adjacent to the north, west and east. Placing Commercial Intensive uses next to single-family residential presents a compatibility concern. As the proposed rezoning is through a standard zoning district, Planning Commission staff is unable to evaluate a site plan and the placement of each of the uses and how the proposed rezoning would maintain the character of existing development in the surrounding area. Planning Commission staff use this opportunity to weigh the rezoning request for compatibility and have determined that the proposed rezoning to CI-R presents a compatibility concern with the surrounding area.

The subject site’s Future Land Use category is Suburban Mixed-Use-6 (SMU-6). According to the FLUE, rezonings in the SMU-6 category *“shall be approved through a site planned controlled rezoning district in which the site plan demonstrates detailed internal relationships and pedestrian integration among uses, controlled through performance standards adopted in the Land Development Regulations, or through a mixed use standard zoning district. Exceptions to this requirement may be included within the Land Development Code. Neighborhood Commercial uses that are free standing shall meet locational criteria. Neighborhood commercial uses that are part of a mixed use building and not free standing are not subject to the locational criteria. Other non-residential land uses must be compatible with residential uses through established techniques of transition or be restricting the location of incompatible uses.”*

Section 5.03.02 of the Land Development Code (LDC) for Unincorporated Hillsborough County requires that all rezonings two acres in size or greater in a mixed use Future Land Use category be rezoned through a Planned Development (PD) zoning district. The LDC implements the Comprehensive Plan and the purpose of the LDC requirement is to ensure that the objective and intent of the Comprehensive Plan for mixed use Future Land Use categories is met. The two-acre threshold exists to address the integration, interconnectivity, use placement on site, as well as overall compatibility and mitigation for surrounding uses. As The Hillsborough City-County Planning Commission is the long-range planning agency for Hillsborough County, it does not review rezonings at the site development level and must point out any potential compatibility and plan consistency concerns at the rezoning stage.

In this case the proposed split zoning shrinks the rezoning area to 1.96 acres. However, the applicant is not legally splitting the western parcel. This rezoning, if approved would result in Folio # 60065.0000 having a split zoning of ASC-1 and CI. The applicant has not demonstrated what will occur with respect to the ASC-1 remainder of the site on Folio # 60065.0000. Per Comprehensive Plan policy direction, Planning Commission staff utilize gross density in all rezoning evaluations and consistency reviews, and unless the subject property is reduced in size through an official parcel split or plat, Planning Commission staff must consider the entirety of the site which is 3.14 acres, not just the desired rezoning area of 1.96 acres. Planning Commission staff cannot support applications that attempt to circumvent adopted policy language and requirements.



The proposed rezoning does not meet the intent of the neighborhood protection policy direction under FLUE Objective 16 and its accompanying policies (FLUE Policies 16.1, 16.2, 16.3, 16.5, 16.10). The applicant has not demonstrated a gradual transition of uses that will mitigate the single-family residential to the west, north or east. Planning Commission is not able to evaluate a site plan in a standard zoning district and is unable to assess any proposed mitigation measures, site planning techniques as well as any proposed transition of land uses for this project, per policy direction in the Comprehensive Plan.

75% of the subject site is within the 900-foot distance from the Williams Road and Fowler Avenue node and thus meets Commercial Locational Criteria. A waiver was requested while this determination was being made, as the site is just at the edge of the commercial node. Williams Road is considered to be a T-intersection as per FLUE Policy 22.3 and the site is located within the required 900 feet of a 2 lane (Williams Road) and a 4 lane road (Fowler Avenue). However, as per Policy 22.7, Commercial Locational Criteria is not the only factor to be considered when considered for approval of commercial developments, and the aforementioned compatibility concerns remain.

The Community Design Component provides policy guidance on the development of commercial areas within Hillsborough County. Goal 17 seeks a unified approach to commercial development, Objective 17-1 and Policy 17-1.4 urges purposeful and organized development of commercial uses. The proposed rezoning does not provide a transition of uses to ensure an organized approach to commercial development adjacent to single-family residential. Moreover, the intensity of the western most parcel will be split between a low density residential zoning district and a urban level commercial zoning district which presents compatibility concerns.

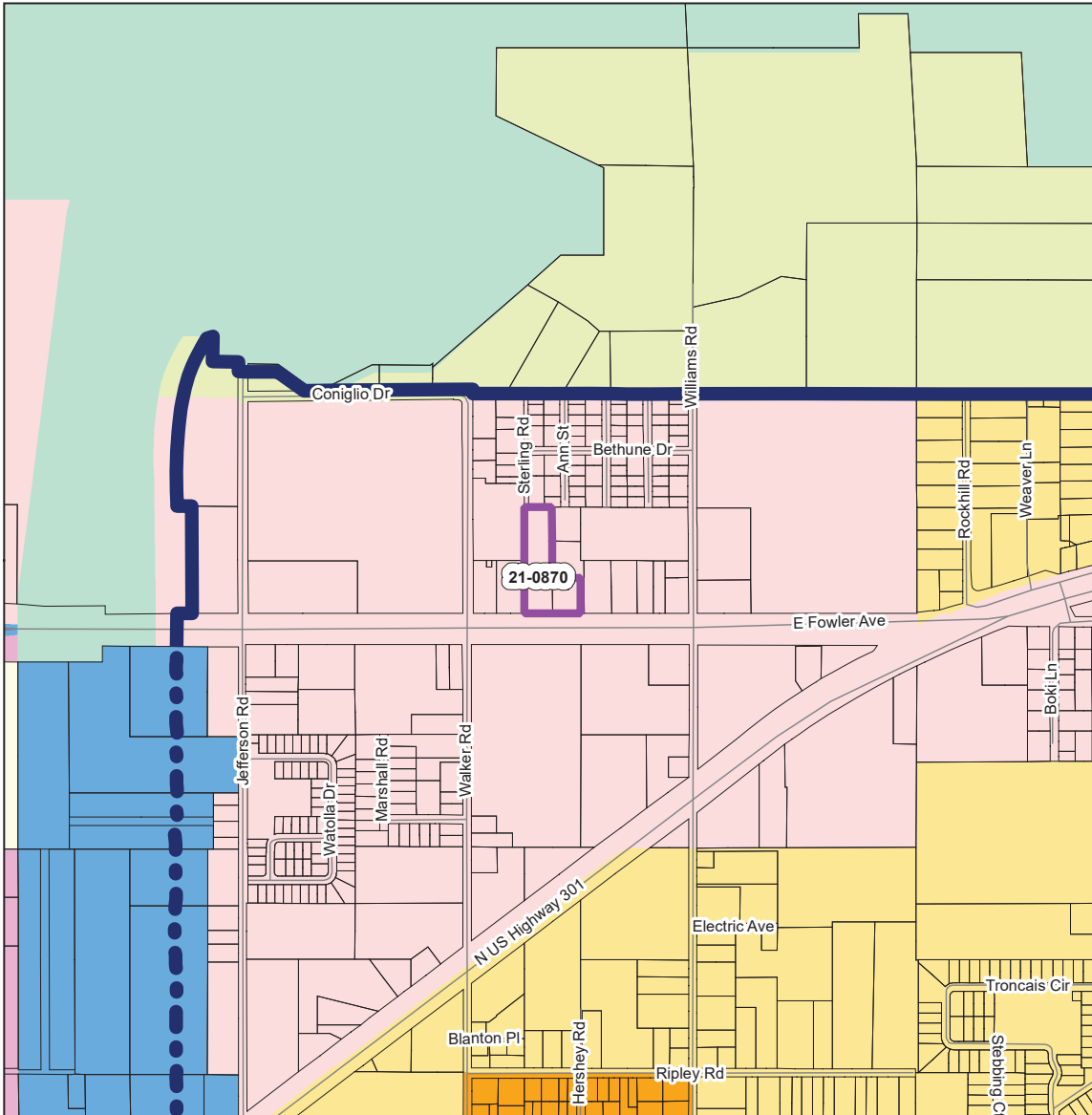
The proposed rezoning does not meet the intent of the Thonotosassa Community Plan, specifically Goal 4 which seeks to limit location, size and type of businesses near residential communities. Planning Commission staff does not support the placement of warehouse and open storage uses adjacent to single-family residential uses. Moreover, the comprehensive plan strategies of the adopted Thonotosassa Community Plan with respect to commercial uses seek to direct them to Main Street as well as along State Route 579 south of Pruet to Interstate 4, neither of which is the location of the subject site.

Overall, Planning Commission staff has compatibility concerns with regard to the proposed use and its intensity adjacent to existing residential development. Planning Commission does not support proposals that circumvent adopted policy language in the Comprehensive Plan. The site does not contribute to a development pattern that is consistent with the Goals, Objectives and Policies of the Comprehensive Plan for Unincorporated Hillsborough County.

### **Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE RZ 21-0870

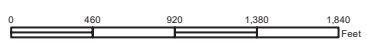


- Rezoning**
- <all other values>
  - STATUS**
  - APPROVED
  - CONTINUED
  - DENIED
  - WITHDRAWN
  - PENDING
  - Tampa Service
  - Urban Service
  - Shoreline
  - County Boundary
  - Jurisdiction Boundary
  - Roads
  - Parcels
  - AGRICULTURAL/MINING-1/20 (.25 FAR)
  - PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.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/QUASI-PUBLIC
  - NATURAL PRESERVATION
  - WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
  - CITRUS PARK VILLAGE

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.

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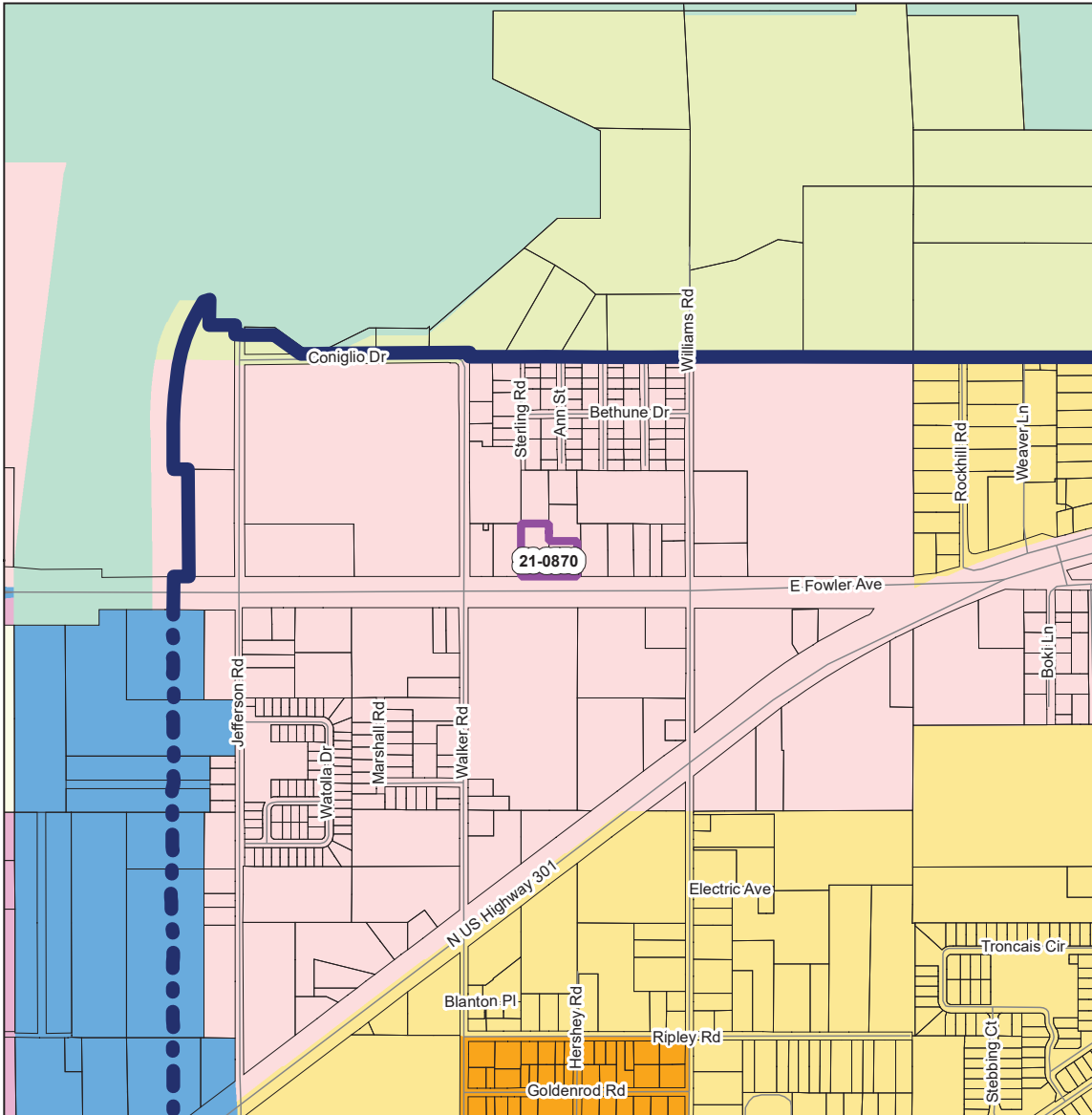
ACCURACY: It is intended that the accuracy of the base map comply with U.S. national map accuracy standards. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, see the appropriate source.



Map Printed from Rezoning System: 6/16/2021  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HCG\Reg\_hcRezoning - Copy.mxd



# HILLSBOROUGH COUNTY FUTURE LAND USE RZ 21-0870

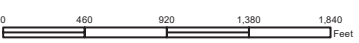


- Rezoning**
- <all other values>
- STATUS**
- APPROVED
  - CONTINUED
  - DENIED
  - WITHDRAWN
  - PENDING
- Tampa Service
  - Urban Service
  - Shoreline
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  - AGRICULTURAL/RURAL-1/5 (.25 FAR)
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  - RESIDENTIAL PLANNED-2 (.35 FAR)
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  - RESIDENTIAL-6 (.25 FAR)
  - RESIDENTIAL-9 (.35 FAR)
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  - URBAN MIXED USE-20 (1.0 FAR)
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Map Printed from Rezoning System: 9/1/2021  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\Map\Projects\HNC\Greg\_hrRezoning - Copy.mxd





# **AGENCY COMMENTS**

**AGENCY REVIEW COMMENT SHEET**

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

**DATE:** 08/02/2021  
**AGENCY/DEPT:** Transportation  
**PETITION NO:** RZ-STD 21-0870

- |          |  |
|----------|--|
|          | This agency has no comments.                         |
| <b>X</b> | <b>This agency has no objection.</b>                 |
|          | 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 4,448 average daily trips, 170 trips in the a.m. peak hour, and 113 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 this request.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone a 1.96-acre portion of two parcels totaling +/- 3.14 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial Intensive Restricted (CI-R). The restriction would only allow a contractor’s office with accessory open storage. Additional restrictions include no public or retail operation and operating hours limited to 8am-5pm Monday-Friday. Average: 20 employees at business location. Equipment and materials movement and delivery average two hours/day. The site is located 0.4 miles west of the intersection of Fowler Avenue and Fort King Highway. The Future Land Use designation of the site is SMU-6.

***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, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 3 Single Family Detached Dwelling Units (ITE Code 210)	<b>24</b>	<b>2</b>	<b>3</b>

**Proposed Zoning:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CI, 15,000 sf Pharmacy /Drugstore with Drive-Through Window (ITE Code 881)	1,637	58	154
CI, 6,000 sf Fast-Food Restaurant with Drive Through Window (ITE Code 934)	2,826	241	196
ASC-1, 1 Single Family Detached Dwelling Units (ITE Code 210)	9	1	1
Subtotal:	4,472	300	351
<i>Less Internal Capture:</i>	<i>Not Available*</i>	12	120
<i>Passerby Trips:</i>	<i>Not Available*</i>	116	114
<b>Net External Trips:</b>	<b>4,472</b>	<b>172</b>	<b>117</b>

Note: \* Estimated. ITE does not provide 24 Hour passerby trip generation for the proposed use scenario.

**Trip Generation Difference:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+4,448)</b>	<b>(+170)</b>	<b>(+113)</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 4,448 average daily trips, 170 trips in the a.m. peak hour, and 113 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Fowler Avenue. Fowler Avenue is a 4-lane, divided, principal arterial, FDOT maintained roadway with +/- 12-foot travel lanes. Along the project frontage, the roadway lies within a +/- 180-foot wide right-of-way. There are no pedestrian facilities on Fowler Avenue in the vicinity of the proposed project. There are +/- 3-foot bike lanes on both sides of Fowler Avenue.

Fowler Avenue is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway.

**SITE ACCESS**

It is anticipated pedestrian and vehicular access will be from Fowler Avenue. 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.

**LEVEL OF SERVICE (LOS)**

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
FOWLER AVE	I-75	US 301	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
Fowler Ave	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

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	24	2	3
Proposed	4,472	172	117
Difference (+/-)	+4,448	+170	+113

\*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		None	None	Choose an item.
South		None	None	Choose an item.
East		None	None	Choose an item.
West		None	None	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 <input type="checkbox"/> Not applicable for this request			
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	





*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

11201 N. McKinley Drive  
Tampa, FL 33612

KEVIN J. THIBAUT P.E.  
SECRETARY

**MEMORANDUM**

DATE: June 8, 2021

TO: Rosa Timoteo, Hillsborough County

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT  
Mecale' Roth, FDOT  
Richard Perez, Hillsborough County

SUBJECT: RZ-STD 21-0870, 9440 E Fowler Ave, Thonotosassa

This project is on a state road, Fowler Avenue.

The applicant is advised that permits for access to state highways are required, and approval is not guaranteed. The applicant is reminded that zoning application and site development plan approvals by the local government do not guarantee acceptance of external project driveway location(s) on state roads.

It is recommended that the applicant meet with FDOT before zoning approval. Pre-application meetings may be made through Ms. Mecale' Roth at the District Seven Tampa Operations offices of the Florida Department of Transportation.

Contact info:  
Mecale' Roth  
[Mecale.Roth@dot.state.fl.us](mailto:Mecale.Roth@dot.state.fl.us)  
813-612-3237

Thank you for the opportunity to comment.

END OF MEMO

**COMMISSION**

Mariella Smith CHAIR  
 Pat Kemp VICE-CHAIR  
 Harry Cohen  
 Ken Hagan  
 Gwendolyn “Gwen” W. Myers  
 Kimberly Overman  
 Stacy White



**DIRECTORS**

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 Sterlin Woodard, P.E. AIR DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> July 26, 2021</p> <p><b>PETITION NO.:</b> 21-0870</p> <p><b>EPC REVIEWER:</b> Abbie Weeks</p> <p><b>CONTACT INFORMATION:</b> (813)627-2600 X1101</p> <p><b>EMAIL:</b> weeksa@epchc.org</p>	<p><b>COMMENT DATE:</b> June 29, 2021</p> <p><b>PROPERTY ADDRESS:</b> 9440 E Fowler Ave, Thonotosassa</p> <p><b>FOLIO #:</b> 060063.0000, 060065.0000</p> <p><b>STR:</b> 07-28S-20E</p>
<p><b>REQUESTED ZONING:</b> ASC-1 to CI</p>	
FINDINGS	
<b>WETLANDS PRESENT</b>	NO
<b>SITE INSPECTION DATE</b>	06/24/2021
<b>WETLAND LINE VALIDITY</b>	N/A
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	N/A
<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>	

Aow/mst

**AGENCY REVIEW COMMENT SHEET**

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**TO: ZONING TECHNICIAN, Planning Growth Management**

**DATE: 10 June 2021**

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

**APPLICANT: John McCary**

**PETITION NO: RZ-STD 21-0870**

**LOCATION: 9440 E. Fowler Ave, Thonotosassa, FL 33592**

**FOLIO NO: 60063.0000 & 60065.0000**

**SEC: 07 TWN: 28 RNG: 20**

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- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to listed or attached conditions.
- This agency objects, based on the listed or attached conditions.

COMMENTS: \_\_\_\_\_.

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

**PETITION NO.:** STD21-0870      **REVIEWED BY:** Randy Rochelle      **DATE:** 6/8/2021

**FOLIO NO.:** 60063.0000

This agency would  (support),  (conditionally support) the proposal.

**WATER**

The property lies within the City of Tampa Water Service Area. The applicant should contact the provider to determine the availability of water service.

No Hillsborough County water line of adequate capacity is presently available.

A \_\_\_ inch water main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) \_\_\_\_\_.

Water distribution improvements may be needed prior to connection to the County's water system.

No CIP water line is planned that may provide service to the proposed development.

The nearest CIP water main (\_\_\_ inches), will be located  (adjacent to the site),  (feet from the site at \_\_\_\_). Expected completion date is \_\_\_\_\_.

**WASTEWATER**

The property lies within the City of Tampa Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

No Hillsborough County wastewater line of adequate capacity is presently available.

A \_\_\_ inch wastewater main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) \_\_\_\_\_.

Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.

No CIP wastewater line is planned that may provide service to the proposed development.

The nearest CIP wastewater main (\_\_\_ inches), will be located  (adjacent to the site),  (feet from the site at \_\_\_\_). Expected completion date is \_\_\_\_\_.

**COMMENTS:** This site is located within the City of Tampa Water and Wastewater Service Area. The applicant should contact the City of Tampa's Water and Wastewater Departments to determine the availability of Water and/or Wastewater Service and for their Comments.



# **VERBATIM TRANSCRIPT**



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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
  
ZONING HEARING MASTER HEARINGS  
September 13, 2021  
ZONING HEARING MASTER: SUSAN FINCH

C1:  
Application Number: RZ-STD 21-0870  
Applicant: John McCary, Five Star Roofing  
& Construction, Inc.  
Location: N side of E. Fowler Ave. & 430'  
E of Walker Rd.  
Folio Number: 060063.0000 & 060065.0000  
Acreage: 1.96 acres, more or less  
Comprehensive Plan: SMU-6  
Service Area: Urban  
Existing Zoning: ASC-1  
Request: Rezone to CI-R

1 MR. GRADY: The next item is agenda item  
2 C-1, Rezoning-Standard 21-0870. The applicant is  
3 John McCary, Five Star Roofing & Construction,  
4 Incorporated.

5 The request is to rezone from ASC-1,  
6 Agriculture Single Conventional (unintelligible) to  
7 Commercial Intensive with Restrictions.

8 Chris Grandlienard will provide staff  
9 recommendation after presentation by the applicant.

10 HEARING MASTER FINCH: All right. Is the  
11 applicant here? Good evening, sir.

12 MR. MCCARY: Good evening, staff. Thanks  
13 for having me in here and listening to me. I'm  
14 from Five Star Roofing. My name is John McCary. I  
15 live at 7604 Lakeside Boulevard, Tampa, 33614.

16 I am here because I have an agreement to  
17 purchase a piece of property from residents  
18 consisting of parcel No. 060063 and half of 060065.  
19 The reason I want to purchase it is to put my  
20 roofing warehouse and office on this base. It's a  
21 little less than 2 acres.

22 The zoning on it presently is ASC-1 on --  
23 and I want to rezone that to CI, Commercial  
24 Intensive with Restrictions. Since -- like I said,  
25 I'm doing this in agreement with Mr. Rawles



1 (phonetic), who owns the property. It's contingent  
2 upon approval for me to do this.

3 So I don't have the funds to go through a  
4 PD, and I don't think I need to go through a PD on  
5 this. So I have no objections from any of the  
6 zoning staff at all except for they -- they did  
7 have -- they did have some uncertainty about some  
8 of the commercial development district items.

9 But when I read through it, I can't -- I  
10 can't discern what they find objectionable because  
11 where I'm doing this is in between Walker Road and  
12 Williams Road, almost dead center. And it's  
13 consistent with everything going on on at Fowler  
14 Avenue at that point, which is a four-lane highway  
15 at that point.

16 HEARING MASTER FINCH: Sorry. I just want  
17 to make sure that you understand that both planning  
18 staffs are recommending against this rezoning.  
19 They have objections. The Development Services  
20 staff does not supporting it, and the Planning  
21 Commission is not recommending it as well.

22 So you have both recommendations against  
23 your rezoning. Just so you understand.

24 MR. MCCARY: Yeah. I read through all of  
25 them. And when I read what their objections are,

1           it's like they're objecting to -- you're supposed  
2           to have 45 or 46 of something and you have 44 and a  
3           half. So I don't understand.

4                        When I read through the things, it doesn't  
5           add up. So I'm asking for a waiver on the  
6           transportation because they also said the  
7           transportation impact or whatever -- whatever  
8           requirements they have, so I asked for a waiver on  
9           that.

10                      The Comprehensive Plan, I don't -- I can't  
11           read through it and determine what they find  
12           objectionable because within 400 feet of me, they  
13           just approved a pharmacy -- Walgreens, I believe --  
14           another gas station and nine multifamily buildings  
15           on the old Big Top Flea Market site.

16                      Across the street from me is a complete area  
17           that is basically in all practical purposes CI  
18           because it's a storage trailer yard, and it's huge.  
19           There's also a RV park across the street, a nursery  
20           across the street. A huge cubic storage place to  
21           the west and to the east is a liquor store and a  
22           Publix shopping center.

23                      All I do -- all I'm going to do on this site  
24           is have a warehouse. My office probably has a  
25           total of 20 people coming and going, just office

1 staff, every day. When you look at the  
2 transportation analysis, there's like 4500 drivers  
3 on that road created by this PD to the west of me.

4 HEARING MASTER FINCH: And what kind of  
5 business are you in?

6 MR. MCCARY: I have a roofing business.

7 HEARING MASTER FINCH: So where would you  
8 store the materials?

9 MR. MCCARY: The materials stay in the  
10 warehouse. The only reason it has to be CI is  
11 because my roofing trucks are parked on the site.

12 I have a picture of my plan, which is in  
13 the -- you can look at it either way. It's in the  
14 additional information put in which appears to  
15 be -- remember, they're all I could get through the  
16 intake system is an 8 1/2 by 11. So I have an  
17 8 1/2 by 11. I have a full size plan I did, which  
18 is basically a blow up of the 8 1/2 by 11.

19 HEARING MASTER FINCH: You're welcome --  
20 there's an overhead right here. You can show  
21 whatever graphic you'd like.

22 THE CLERK: Mr. Grandoff, could I get you to  
23 come sign in, please.

24 MR. MCCARY: Let me start with the little  
25 ones.

1           HEARING MASTER FINCH: You have to use that  
2 microphone.

3           MR. MCCARY: The roadway out to Fowler --  
4 and I've also gone through FDOT, checked with them.  
5 Water from Temple Terrace -- water and sewer, no  
6 objections and they agree to capacity.

7           The street already has a driveway right  
8 there existing if you looked at topo mats. There's  
9 actually three roads on that property. That's the  
10 one I will keep and improve. So the crossing's  
11 there. That piece of property as it is and as  
12 you're looking there, you see the front portion --  
13 the front portion will be the office portion. The  
14 back will be the warehouse portion.

15           This is a -- a wish list building. It's a  
16 covered storage parking area that I would like to  
17 leave my equipment under, but if not, it would flow  
18 out to -- the property's actually a little deeper  
19 in the back.

20           Actually 300 -- one side's only 267, but the  
21 site on this site is -- actually goes back to  
22 315 feet. So this area back in here is also a  
23 parking area. Raw material is going to be stored  
24 in the warehouse. You can't store it outside. It  
25 deteriorates.

1           So should I need retention on it, that would  
2           be this front area right here, and this is all the  
3           parking I need. This is the turnaround area for  
4           equipment. That's essentially what I want to do.

5           HEARING MASTER FINCH: All right. If you'd  
6           like to submit that into the record, you're more  
7           than welcome to. If you've already submitted it,  
8           then that's perfect.

9           All right. Does that conclude your remarks?  
10          Is -- so okay. Perfect. Then if you could just,  
11          please, sign in with the clerk's office, we  
12          appreciate it.

13          Development Services, please.

14          MR. GRANDLIENARD: Good evening. Just  
15          getting my presentation up. Is my presentation  
16          visible? Okay.

17          MR. LAMPE: Yes.

18          MR. GRANDLIENARD: Good evening. My name's  
19          Chris Grandlienard, planner with Development  
20          Services with Standard-Rezoning 21-0870. They're  
21          asking to rezone from existing ASC-1 zoning  
22          district to the proposed Commercial Intensive --  
23          Commercial Intensive-Restricted zoning district.

24          The general location is at 9440 East Fowler  
25          Avenue in Thonotosassa, located on the north side

1 of East Fowler Avenue and 430 feet east of Walker  
2 Road. It's located in the Urban Service Area and  
3 in the Thonotosassa Community Plan area.

4 The Future Land Use is Suburban Mixed-Use-6.  
5 The entire property is surrounded by it. The  
6 density is six dwelling units per acre or an  
7 intensity of .25 FAR.

8 Zoning classification is -- currently is  
9 Agricultural Single-Family Conventional. To the  
10 north is ASC-1 and RSC-9. To the south is PD  
11 89-0052, which is an RV park. Zoning district to  
12 the east is ASC-1, and zoning district to the west  
13 is RSC-2 with an MH Overlay and Commercial  
14 Neighborhood.

15 The zoning -- current zoning allows for  
16 Agricultural and Agricultural Single-Family  
17 Residential and allows for one dwelling unit, and  
18 the proposed CI -- CI, Commercial  
19 Intensive-Restricted zoning allows intensive  
20 commercial, office, and personal services with  
21 restricted, with a maximum square footage of  
22 25,613.

23 And this is a mathematical maximum. Could  
24 be reduced by requirements of site development  
25 requirements. The surrounding zoning and

1 development pattern consists of single-family  
2 residential and an RV park. The subject parcel is  
3 adjacent to residentially zoned properties on every  
4 side, except for the west where it is adjacent to  
5 Commercial Neighborhood district with a current  
6 single-family residential use.

7 The proposed Commercial Intensive-Restricted  
8 use is a -- Commercial Intensive-Restricted use for  
9 contractor's office with an accessory open storage.  
10 The open storage would be adjacent to residential  
11 homes; the open storage of equipment and materials,  
12 the business, and trucks raise compatibility  
13 issues, concerns with the neighboring lots.

14 In addition, the general area of the north  
15 side of Fowler consists of mostly single-family  
16 residential along with a county park. The existing  
17 commercial zonings on the north side of Fowler  
18 Avenue do not allow for open storage of materials.

19 Meanwhile, the area to the south side of  
20 Fowler consists of mostly commercial such as retail  
21 stores. The proposed CI-Restricted with open  
22 storage would be inconsistent with the character of  
23 the neighborhood on the north side of Fowler  
24 Avenue.

25 The Planning Commission found the proposal

1 inconsistent and in their report mentioned several  
2 incompatibility concerns regarding the proposed  
3 rezoning, such as the subject site does not meet  
4 commercial locational criteria -- commercial  
5 locational criteria.

6 The applicant has requested a waiver, which  
7 is in the record. The proposed use does not  
8 provide a gradual transition of uses between  
9 residential and nonresidential land uses located  
10 directly north and east of the subject site as  
11 described in the Neighborhood Protection  
12 Policy 16.2 under Objective 16 of the Future Land  
13 Use Element.

14 The applicant has offered restrictions to  
15 mitigate conflicts with the Comprehensive Plan.  
16 Number one, the use will be restricted to a  
17 contractor's office with accessory open storage  
18 with no public or retail operation.

19 Number two, operating hours will be 8:00  
20 a.m. to 5:00 p.m., Monday through Friday.

21 Number three, the office will have an  
22 average of 20 employees at the business location.

23 And number four, equipment and materials  
24 movement and delivery will be done on average of  
25 two hours a day.



1           Staff has concerns with the restrictions on  
2           average -- on average number of employees and  
3           average equipment material delivery as they appear  
4           to be non-enforceable.

5           The applicant is requesting to rezone from  
6           ASC-1 to CI-Restricted. Based on the SMU-6 Future  
7           Land Use classification, the surrounding zoning,  
8           and development pattern, and the proposed uses  
9           development standards in the CI-R zoning district,  
10          staff finds the request not supportable.

11          I'll be glad to answer any questions you may  
12          have.

13          HEARING MASTER FINCH: No questions at this  
14          time but thank you.

15          Planning Commission, please.

16          MS. LIENHARD: Good evening. Melissa  
17          Lienhard, Planning Commission staff.

18          The subject property is located within  
19          Suburban Mixed-Use-6 Future Land Use Category. It  
20          is in the Urban Service Area and also located  
21          within the limits of the Thonotosassa Community  
22          Plan.

23          Objective 1 of the Future Land Use Element  
24          of the Comprehensive Plan states that 80 percent of  
25          the population growth will be in the Urban Service

1 Area.

2 According to Policy 1.4, compatibility is  
3 defined as the characteristics of different uses or  
4 activities or design which allow them to be located  
5 near or adjacent to each other in harmony.

6 Some elements affecting compatibility  
7 include the following: Height, scale, mass, and  
8 bulk of structures, pedestrian or vehicular  
9 traffic, circulation, access and parking impacts,  
10 landscaping, lighting, noise, odor, and  
11 architecture.

12 Compatibility does not mean the same as.  
13 Rather, it refers to the sensitivity of development  
14 proposals in maintaining the character of existing  
15 development. The proposed rezoning does not meet  
16 the intent of Policy 1.4 and is not compatible with  
17 the surrounding area which contains single-family  
18 residential directly adjacent to the north, west,  
19 and east.

20 Placing Commercial Intensive uses next to  
21 single-family residential presents a compatibility  
22 concern. As the proposed rezoning is through a  
23 standard development district -- I'm sorry, a  
24 standard zoning district, Planning Commission staff  
25 is unable to evaluate a site plan and a placement

1 of each of the uses in how the proposed rezoning  
2 would maintain the character of existing  
3 development in the surrounding area.

4 Planning Commission staff is responsible for  
5 evaluating the rezoning requests for compatibility  
6 for Comprehensive Plan policy direction, and we  
7 have determined that the proposed zoning to CI-R  
8 presents a compatibility concern with the  
9 surrounding area.

10 The subject site's Future Land Use Category  
11 is Suburban Mixed-Use-6. According to the Future  
12 Land Use Element, rezonings in this category shall  
13 be approved through a site-plan-controlled rezoning  
14 district in which the site plan demonstrates  
15 detailed internal relationships and pedestrian  
16 integration among uses controlled through  
17 performance standards adopted in the Land  
18 Development Code regulations.

19 Exception to this requirement may be  
20 included in the Land Development Code, and other  
21 nonresidential land uses beyond Commercial  
22 Neighborhood uses must be compatible with  
23 residential uses through established techniques of  
24 transition or be restricted to the location of  
25 incompatible uses.

1           Section 5.03.02 of the Land Development Code  
2           requires that all rezonings 2 acres in size or  
3           greater than mixed-use Future Land Use categories  
4           be zoned -- rezoned through the Planned Development  
5           zoning district process.

6           The LDC implements the Comprehensive Plan  
7           and the purpose of the LDC requirement is to ensure  
8           that the objective and intent of the Comprehensive  
9           Plan for mixed-use Future Land Use categories is  
10          met.

11          The 2-acre threshold exists to address the  
12          integration, interconnectivity use placement  
13          on-site as well as overall compatibility and  
14          mitigation for surrounding land uses.

15          As the Hillsborough County City-County  
16          Planning Commission is the long-planning agency for  
17          unincorporated Hillsborough County, it does not  
18          review rezonings at the site development level. It  
19          must point out any potential compatibility and  
20          planned consistency concerns at this rezoning  
21          stage.

22          In this case the proposed split zoning  
23          shrinks the Rezoning area to 1.96 acres. However,  
24          the applicant is not legally splitting the western  
25          parcel. This rezoning, if approved, would result

1 in folio 60065.0000 having a split zoning of ASC-1  
2 and CI.

3 The applicant has not demonstrated what will  
4 occur with respect to the ASC-1 remainder of the  
5 site of that portfolio. Per Comprehensive Plan  
6 policy direction, Planning Commission staff  
7 utilizes gross density in all zoning evaluations  
8 and consistency reviews.

9 Unless the subject property is reduced in  
10 size through an official parcel split or plat,  
11 Planning Commission staff must consider the  
12 entirety of the site, which is 3.14 acres, not just  
13 the desired rezoning area of 1.96 areas.

14 Planning Commission staff cannot support  
15 applications that attempt to circumvent adopted  
16 policy language or requirements. The proposed  
17 rezoning does not meet the intent of the  
18 neighborhood protection policy direction under  
19 Future Land Use Objective 16 and its accompanying  
20 policies.

21 The applicant has not demonstrated --  
22 demonstrated a gradual transition of uses that will  
23 mitigate the single-family residential to the west,  
24 north, and east.

25 Planning Commission is not able to evaluate

1 a site plan in the standard zoning district and is  
2 unable to assess any proposed mitigation measures,  
3 site plan techniques as well as any proposed  
4 transition of land uses for this project.

5 To clarify for the record, the site does  
6 meet commercial locational criteria. 75 percent of  
7 the subject site is within the 900-foot distance  
8 from Williams Road and Fowler Avenue. This node  
9 does meet commercial locational criteria.

10 A waiver was initially requested while this  
11 determination was being made as the site is just at  
12 the edge of the commercial node. Williams Road is  
13 considered to be a T-intersection with Fowler as  
14 per FLU Policy 22.3, and the site is located within  
15 the required 900 feet of the two-lane road and  
16 four-lane roadway.

17 However, as per Future Land Use Element  
18 Policy 22.7, commercial locational criteria is not  
19 the only factor to be considered when considering  
20 for approval for commercial developments. And the  
21 aforementioned compatibility concerns remain.

22 The proposed rezoning does not meet the  
23 intent of the Thonotosassa Community Plan,  
24 specifically Goal 4, which seeks to limit the  
25 location, size, and type of business near

1 residential communities.

2 Planning Commission staff does not support  
3 the placement of warehouse and open storage uses  
4 adjacent to single-family residential uses.

5 Overall, Planning Commission staff has  
6 compatibility concerns with regard to the proposed  
7 use and its intensity adjacent to existing  
8 residential development.

9 Planning Commission staff does not support  
10 proposals that circumvent adopted policy language  
11 within the Comprehensive Plan. The site does not  
12 contribute to the development pattern that is  
13 consistent with policy direction.

14 Based upon those considerations, Planning  
15 Commission staff finds the proposed rezoning  
16 inconsistent with the Future of Hillsborough  
17 Comprehensive Plan for unincorporated Hillsborough  
18 County. Thank you.

19 HEARING MASTER FINCH: Thank you. I  
20 appreciate it, Ms. Lienhard.

21 All right. Is there anyone in the room or  
22 online that would like to speak in support of this  
23 application? Anyone that wants to testify in  
24 support?

25 Seeing no one, anyone in opposition to this

1 request? No one online.

2 All right. Sir, you have five minutes for  
3 rebuttal.

4 MR. GRADY: While the applicant is coming  
5 up, I just want to note something for the record.  
6 As you know, this is a standard zoning district.  
7 So there's not a site plan that's associated with  
8 it.

9 I would note that, again, in the applicant's  
10 testimony he made reference to the open storage  
11 area being limited to, I think, I guess vehicles or  
12 commercial vehicles. We do not have a restriction  
13 to that effect.

14 So at this point, without any kind of  
15 restrictions like that, the open storage would  
16 be -- not be limited to vehicles so that the  
17 applicant wants to, perhaps, consider offering that  
18 restriction, that's something they can do.

19 But as of right now, there's no restrictions  
20 on the type of open storage that could occur on the  
21 site. Thank you.

22 HEARING MASTER FINCH: All right. Thank you  
23 so much.

24 Okay. Go ahead, sir.

25 MR. MCCARY: First of all, I do understand



1           that there's no restrictions, and I could go out  
2           there to the CI and open the bar, I guess. But  
3           keep in mind, like I said before, it is right  
4           now -- I am -- I am proposing this and this is --  
5           and getting approval on this is contingent upon me  
6           setting up -- if you want this to be in a PD, I'm  
7           not even sure because why would I go forward and  
8           spend \$50,000 on a speculative nature, which is  
9           what it would cost me to survey, set up an entire  
10          site, give you plans and -- to go through this  
11          whole process.

12                 I would like to say in response to all that  
13          I'm hearing, that this site to the north -- first  
14          of all, you are allowed to build next to  
15          residential. You just have to have buffers. A  
16          buffer can be in the form of vegetation, 20 even up  
17          to 30 feet, and a screened fence.

18                 Those I plan on having anyway because I  
19          have -- the lot is covered except for where there  
20          used to be two old houses or some other kind of  
21          structure. I'm going to leave the trees as they  
22          are.

23                 I'm also -- if this goes through, I will  
24          split and probably have this all -- give the south  
25          half of 0065 to 0063, making it all one parcel and

1 one address. But I wouldn't go forward with that  
2 if I'm not going to be allowed to use it when it's  
3 done.

4 In response to all of the activity on that  
5 road are -- what I am going to increase activity, I  
6 don't really have a good picture, but I can show  
7 you from the zoning maps have included possibly --  
8 I have one here. I don't know if you can see  
9 this.

10 This one you can probably see. This  
11 one-half is not part of this. That's the north  
12 half of 0065, which I intend to -- this is 0062.  
13 This is 0064. This is 0065. This is 0063. This  
14 would become another parcel. That's what the whole  
15 splitting of this lot is.

16 I don't want to be back here. This is a  
17 small older subdivision. I don't know if you call  
18 that a neighborhood. It's next to -- it's next to  
19 the old dump that was back there. Right here,  
20 there are houses. This is a gun range.

21 This is the project that -- the PD that we  
22 were talking about is going to be the new all  
23 commercial, plus multifamily. This is another  
24 commercial building. I'm not sure exactly what  
25 they do, but it's the large storage area. It's all

1 bricks structure.

2 This is another CN storage structure. If  
3 you start this way, this is an RV park. This is  
4 entire RV and storage. I'm not sure what they do  
5 out of this building. Right here is a liquor store  
6 and there's Winn-Dixie. Across the street on this  
7 side was a Family Dollar. I don't think it's  
8 occupied right now.

9 If you're talking about the park, this park  
10 is back here. It's buffered by this entire 1-acre  
11 lot, this 1-acre lot, and this 1-acre lot or all  
12 this. This is an FDOT piece of property that they  
13 own. I'm not sure what this one is. I think it's  
14 commercial.

15 So I don't think I'm encroaching upon any  
16 neighborhoods. This is a four-lane highway, Fowler  
17 Avenue. This is Fort King or 301 right here. This  
18 is Jefferson, large intersection, and the Terrace  
19 Community is further down the road. All the way  
20 over to the bypass canal.

21 Quite frankly, I don't think anybody's going  
22 to know I'm there, but -- so I, you know -- but  
23 that's really all I have to add to it.

24 HEARING MASTER FINCH: All right. Thank you  
25 so much for your time and testimony. I appreciate

1           it.

2                   All right. We'll close Rezoning 21-0870 and  
3           go to the next case.

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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER (ZHM) )
HEARING )
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH  
Zoning Hearing Master

DATE: Monday, August 16, 2021

TIME: Commencing at 6:00 p.m.  
Concluding 8/17/21 at 12:04 a.m.

PLACE: Hybrid Meeting/Cisco Webex  
R.W. Saunders Sr. Public Library  
Ada T. Payne Community Room  
1505 Nebraska Avenue  
Tampa, Florida

Andrew Mayes  
Executive Reporting Service  
Ulmerton Business Center, Suite 130  
Clearwater, FL 33762

1 Hearing Master hearing.

2 Item A.20., major mod application 21-0865.  
3 This application is being continued by staff to  
4 the September 13, 2021, Zoning Hearing Master  
5 hearing.

6 Item A.21., rezoning PD 21-0867. This  
7 application is being continued by the applicant to  
8 the September 13, 2021, Zoning Hearing Master  
9 hearing.

10 Item A.22., rezoning standard 21-0870. This  
11 application is out of order to be heard and is  
12 being continued to the September 13, 2021, Zoning  
13 Hearing Master hearing.

14 Item A.23., major mod application 21-0877.  
15 This application is being continued by the  
16 applicant to the September 13, 2021, Zoning  
17 Hearing Master hearing.

18 Item A.24., major mod application 21-0944.  
19 This application is out of order to be heard and  
20 is being continued to the September 13, 2021,  
21 Zoning Hearing Master hearing.

22 Item A.25., rezoning standard 21-0951. This  
23 application is out of order to be heard and is  
24 being continued to the September 13, 2021, Zoning  
25 Hearing Master hearing.

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY and SUSAN FINCH  
Land Use Hearing Masters

DATE: Monday, July 26, 2021

TIME: Commencing at 6:00 p.m.  
Concluding at 8:34 p.m.

PLACE: Appeared via Cisco Webex

Reported By:

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

1 application is being continued by the applicant to  
2 the September 13, 2021, Zoning Hearing Master  
3 Hearing.

4 Item A-24, Rezoning-PD 21-0745. This  
5 application is out of order to be heard and is  
6 being continued to the August 16, 2021, Zoning  
7 Hearing Master Hearing.

8 Item A-25, Rezoning-PD 21-0746. This  
9 application is out of order to be heard and is  
10 being continued to the August 16, 2021, Zoning  
11 Hearing Master Hearing.

12 Item A-26, Major Mod Application 21-0747.  
13 This application is out of order to be heard and is  
14 being continued to the August 16, 2021, Zoning  
15 Hearing Master Hearing.

16 Item A-27, Rezoning-PD 21-0749. This  
17 application is out of order to be heard and is  
18 being continued to the August 16, 2021, Zoning  
19 Hearing Master Hearing.

20 Item A-28, Rezoning-Standard 21-0820. This  
21 application is being withdrawn from the Zoning  
22 Hearing Master process.

23 Item A-21 (sic), Rezoning-Standard 21-0870.  
24 This application is out of order to be heard and is  
25 being continued to the August 16, 2021, Zoning



1 Hearing Master Hearing.

2 And item A-30, Major Mod Application 20-0944  
3 (sic). This application is being continued by the  
4 applicant to the August 16, 2021, Zoning Hearing  
5 Master Hearing.

6 That concludes all withdrawals and  
7 continuances and changes to the agenda.

8 HEARING MASTER HATLEY: Thank you,  
9 Mr. Grady.

10 All right. I'm going to go over some  
11 meeting procedures for tonight. First of all, the  
12 agenda consists of items that require a public  
13 hearing by a Hearing Master before going to the  
14 Board of County Commissioners for a final decision.

15 I will conduct a hearing on each item today  
16 and will submit a written recommendation. My  
17 written recommendation will be filed with the clerk  
18 of the board within 15 working days after the  
19 conclusion of today's public hearing.

20 The Board of County Commissioners will  
21 consider the record of today's public hearing and  
22 my recommendation and will make a final decision on  
23 the application at a publicly noticed meeting on a  
24 date and time set by the Board of County  
25 Commissioners.



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

**NONE**



**PARTY OF  
RECORD**

**NONE**