



Meeting Date February 13, 2024

Consent Section       Regular Section       Public Hearing

Subject: Approve Mediated Settlement Proposal from Request for Relief Proceeding initiated by ANA Realty LLC concerning the BOCC’s Denial of RZ-PD 22-0719 on March 7, 2023.	
Department Name:	County Attorney’s Office
Contact Person:	Johanna M. Lundgren      Contact Phone: 272-5670

**Staff’s Recommended Board Motion:**  
 Approve the Mediated Settlement Proposal from a Request for Relief Proceeding initiated by the Petitioner ANA Realty LLC concerning the BOCC’s Denial of RZ-PD 22-0719 on March 7, 2023. This item will not have a financial impact upon the County.

**Background:**  
 ANA Realty LLC (“Petitioner”) is the owner of 3.94 acres of real property located within the Seffner Mango community (the “Property”). The subject site is located on the North side of East U.S. Highway 92, west of McIntosh Rd. The Property is in the Seffner-Mango Community Plan area, has a FLU category of SMU-6. Petitioner’s rezoning request RZ-PD 22-0719 sought to rezone the property from RSC-4 to Planned Development (“PD”) for use as a mini-warehouse facility. The Planning Commission found the rezoning request to be inconsistent with the Comprehensive Plan, Development Services recommended that the rezoning request was not supportable, and the Zoning Hearing Master recommended denial. The Board denied the RZ-PD 22-0719 on March 7, 2023, and rendered Resolution RR23-029 on April 10, 2023.

On May 9, 2023, Petitioner filed a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act (§70.51 of the Florida Statutes.) A Special Magistrate convened duly noticed proceedings between Petitioner and the County on October 30, 2023. Petitioner stated that the Property was not well-suited for residential development due to its linear, narrow shape and its proximity to East U.S. Highway 92. In order to develop the Property to provide a use and service that would meet its investment backed expectations, as well as benefit the surrounding community, Petitioner proposed substantial modifications from its initial site plan. These modifications were designed to address concerns addressed by the Board in connection with its denial of the rezoning request. Under the proposed settlement, Petitioner requests three warehouse buildings instead of five, removes nearly all site improvements beyond the 900 foot commercial locational criteria radius, positions 95% of the square footage of the warehouse buildings within the commercial locational criteria radius, and provides an alternative stormwater management area. Petitioner’s revised site plan and the conditions proposed by the Petitioner are included as part of the Special Magistrate’s Recommendation which is attached.

The Special Magistrate has recommended the Board’s favorable consideration of the Petitioner’s proposals. The Board’s approval of the Special Magistrate’s recommendation will result in the approval of RZ-PD 22-0719, subject to the revised site plan and conditions proposed during the mediation process.

- List of Attachments:**
- Special Magistrate’s Recommendation (with attachments)
  - Request for Relief (without attachments)
  - Rezoning Resolution RR23-029 (without attachments)
  - March 7, 2023 Land Use Meeting Captioning (RZ-22-0719)
  - Development Services Staff Report
  - ZHM Recommendation
  - Planning Commission Staff Report
  - General Site Plan

**RECOMMENDATION OF THE SPECIAL  
MAGISTRATE**

Land Use and Environmental Dispute  
Resolution Act Proceeding  
(Section 70.51 Fla. Stat.)

ANA REALTY LLC.,

Petitioner,

HILLSBOROUGH COUNTY, FLORIDA

Respondent,

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I. THE PARTIES, THE PROPERTY, AND REZONING DENIAL.

Ana Realty, LLC. (“Petitioner”), owns approximately 3.94 acres of property in Hillsborough County, more particularly described by legal description in Petitioner’s Warranty Deed recorded December 29, 2021, Instrument #:2021674769 in the Official Records of Hillsborough County, Florida (the “Property”). The Property’s shape is lineal and narrow. The Property is directly adjacent to a PD zoned RV Park to its north, east and west. To the South is East U.S. Highway 92 (“US 92”), with Agricultural, Single-Family Conventional and PD zoning on the south side of US 92. Further east, along McIntosh Road is a Driscoll’s agricultural plant. Further west, there are Commercial General (“CG”) zoned properties. The Property has a Suburban Mixed-Use-6 (“SMU-6”) Future Land Use Categorization. Petitioner desired to rezone the Property to PD to allow a mini-warehouse facility. On March 7, 2023, the Hillsborough County Board of County Commissioners (“the County”) held a public hearing to consider the Petitioner’s rezoning request from RSC-4 to PD, for the development and use of a mini-warehouse storage facility. The County issued Resolution R23-029 on April 10, 2023, which denied the Petitioner’s request for rezoning.

## II. PETITIONER'S REQUEST FOR RELIEF.

On May 9, 2023, the Petitioner filed a Request for Relief ("Petition") with the County pursuant to Section 70.51, *Florida Statutes*, seeking relief from the County's denial. The intent of the Request for Relief procedure is to afford landowners and local governments a means to amicably resolve land use disputes without the need for litigation. At the outset, the parties must agree to and select a qualified individual to serve as a Special Magistrate. The first responsibility of the Special Magistrate is to "facilitate a resolution of the conflict between the owner and the governmental entities to the end that some modification of the owner's proposed use of the property or adjustment in the development order . . ." by the local government can be reached. Section 70.51(17)(a) *Florida Statutes*.

On September 29, 2023, the Special Magistrate convened a duly noticed mandatory mediation proceeding which afforded the Petitioner, interested members of the public, and the County a forum to address and to seek a proposed resolution to their respective concerns. At the mediation, both the Petitioner's and County's representatives made presentations, participated in free-flowing discussions, and offered various information and materials for consideration and review. Interested members of the public in attendance were heard by the Special Magistrate. The proceeding was informal and all individuals, including interested members of the public, who desired to participate were provided an opportunity to speak without the imposition of time limitations.

## III. MEDIATED ISSUES.

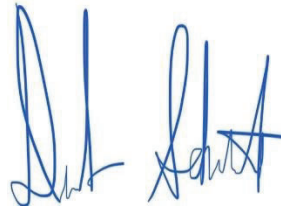
The Petitioner sought to address concerns which led to the denial by further restricting the scope of the proposed development which County staff found reasonable. Attached hereto as Exhibit "A" is the revised mediated site plan. County staff requested additional conditions to further address concerns which resulted in the County's prior denial. Petitioner agreed to the additional requested conditions which are set forth in Exhibit "B" attached hereto.

Petitioner's consent to additional limitations were a concession to address many of the Board's compatibility concerns and other concerns. Subsequent to the mediation and multiple discussions, the County and the Petitioner agreed that the mediated proposal should be presented to the Board in the form of a Special Magistrate's recommendation.

IV. RECOMMENDATION FOR APPROVAL.

Pursuant to Section 70.51, *Florida Statutes*, the first responsibility of the Special Magistrate is to facilitate the resolution of matters in disagreement. To that end, the mediation session and subsequent discussions were informal and directed towards both full and complete discussion of the issues and identification of mutually acceptable terms and solutions. The parties continued to negotiate after the mediation and agreed upon proposing the revised site plan and the additional conditions attached hereto for the Board's consideration. I recommend, after due consideration of the record and the discussion and materials presented during and after the mediation, the Board favorably consider the mediated settlement proposal and approve it as presented by County staff.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Derek A. Schroth', is written over a faint, illegible stamp or watermark.

Derek A. Schroth  
Special Magistrate

**DEVELOPMENT STANDARDS**

FRONT YARD	30 FT.
SIDE YARD	20.0' / TYPE "B" BUFFER
REAR YARD	20.0' / TYPE "B" BUFFER
MAXIMUM BUILDING HEIGHT	35 FT.
MAXIMUM FAR	0.5
MAXIMUM BUILDING COVERAGE	30%
MAXIMUM IMPERVIOUS SURFACE REQUIREMENTS	75%
PARKING REQUIREMENTS	2 SPACES/100 SELF STORAGE UNITS x 500 UNITS = 10 SPACES
PARKING PROVIDED	10

**PROJECT DATA TABLE**

FOLIO NUMBER	082912-0000
CURRENT ZONING	RSC-4
PROPOSED ZONING	PD
EXISTING USE	VACANT
PROPOSED LAND USE	SMU-6
PROPOSED USE	MINI-WAREHOUSE
GROSS PROPERTY AREA	3.94 AC.
FUTURE FOOT DEEDICATION AREA	0.93 AC.
NETLAND AREA (MAN-MADE)	0.19 AC.
NATURAL WATER BODIES	0 AC.
BUILDING A (3-STORY MINI-WAREHOUSE)	18,550 S.F. (EACH FLOOR)
BUILDING B (1-STORY MINI-WAREHOUSE)	55,650 S.F. (TOTAL FLOOR AREA)
BUILDING C (1-STORY MINI-WAREHOUSE)	3,520 S.F.
TOTAL BUILDING AREA	940 S.F.
TOTAL BUILDING COVERAGE	60.10 S.F.
PAVEMENT AREAS	23,010 SF (13.4%)
TOTAL IMPERVIOUS AREA	26,568 SF (15.5%)
TOTAL PERVIOUS AREA	49,438 SF (28.9%)
TOTAL FAR	122,194 SF. (71.1%)
PROPOSED FAR	0.35

- NOTES**
1. THIS PROJECT IS LOCATED IN THE SEFTNER MANGO COMMUNITY PLANNING AREA.
  2. THE PROJECT IS LOCATED IN A POTABLE WATER BUFFER AREA.
  3. THE PROJECT IS LOCATED IN AN "M" OVERLAY DISTRICT.
  4. THIS PROJECT IS NOT LOCATED IN A WELLHEAD RESOURCE PROTECTION ZONE.
  5. THIS PROJECT IS NOT LOCATED IN A DESIGNATED SCENIC ROADWAY CORRIDOR BOUNDARY.
  6. THERE ARE HISTORIC RESOURCES LOCATED ON SITE WITHIN 150.0' OF THE PROJECT BOUNDARY. ROADS WILL BE PRIVATE AND GATES ARE NOT ANTICIPATED. THE PROPOSED DRIVEWAY IS TO BE PRIVATELY MAINTAINED AND GATES ARE NOT ANTICIPATED.
  7. BUILDING COVERAGE PERCENTAGE, PERVIOUS, IMPERVIOUS AREAS AND FAR HAVE BEEN CALCULATED BASED ON CURRENT ACREAGE, PRIOR TO FOOT ROW DEDICATION.



Limits of 500' Commercial Locational Criteria radius

150.0' PD BOUNDARY

150.0' PD BOUNDARY

150.0' PD BOUNDARY

**ANA Realty, LLC Request for Relief Pursuant to Section 70.51, Florida Statutes**  
**Re: Rezoning Denial for RZ-PD 22-0719 Rezoning Denial**  
**Settlement Proposal Conditions of Approval**

1. The project shall be limited to a mini-warehouse use.
2. The project shall not exceed an FAR of 0.35 or 60,110 square feet.
3. The project will obtain a driveway permit from FDOT for access onto US Highway 92.
4. Parking shall be provided per the Hillsborough County Land Development Code.
5. The side and rear yard buffers are to be 20' / Type "B" buffer.
6. The maximum building height is limited to 35'.
7. Building, parking, and stormwater areas shall be developed where generally depicted on the site plan.
8. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
9. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
10. The project shall be permitted one (1) full access on US Highway 92, subject to FDOT approval.
11. The developer shall preserve right-of-way along the project frontage as depicted on the general site plan, in accordance with LDC Section 5.11.08 to satisfy the Hillsborough County Corridor Preservation requirements. In addition, if required in accordance with the Hillsborough County Corridor Preservation requirements, the retention pond will be relocated as shown on the general site plan.
12. The developer shall construct minimum 5-foot-wide sidewalk along the project's frontage.
13. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC)

approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

14. The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
15. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
16. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

**IN RE:**

**REQUEST FOR RELIEF PURSUANT TO SECTION 70.51, FLORIDA STATUTES**

**Ana Realty LLC**

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**I. INTRODUCTION**

Ana Realty LLC (the “**Petitioner**”) hereby files this Request for Relief pursuant to the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, 2022 Florida Statutes (the “**Act**”). The Petitioner is seeking to have a Special Magistrate review the April 10, 2023, Board of County Commissioners’ (the “**BOCC**” or “**Board**”) of Hillsborough County, Florida (the “**County**”), decision published in Resolution Number RR23-029 (the “**Resolution**”), denying the Petitioner’s request for a Planned Development Rezoning Application (the “**Application**”) from Residential, Single-Family Conventional 4 (“**RSC-4**”) to Planned Development (“**PD**”) for a mini-warehouse facility use. A copy of the Resolution is attached hereto as EXHIBIT 1. The Application was for the Petitioner’s property located 250 feet northwest of the intersection of E. US Hwy. 92 and Air Stream Avenue (the “**Property**”).

**II. BACKGROUND**

The Petitioner purchased the vacant 3.94 acre Property in 2021, with the intent to develop it to provide a use and service that would meet its investment backed expectations, as well as benefit the surrounding community. Due to the unique location and unusual narrow, lineal shape of the Property, the Petitioner desired to rezone the Property to fit within a use that was compatible with the surrounding properties and



utilized in a manner that considered the unique configuration of the Property. The Property is directly adjacent to a PD zoned RV Park to its north, east and west. To the south is East U.S. Highway 92 (“US 92”), with Agricultural, Single-Family Conventional and PD zoning on the south side of US 92. Further east, along McIntosh Road is a Driscoll’s agricultural plant. Further west are Commercial General (“CG”) zoned properties. The Property has a Suburban Mixed-Use-6 (“SMU-6”) Future Land Use Categorization, which purportedly allows uses such as residential, suburban commercial, offices, research parks, light industrial, multi-purpose, and mixed-use.

Notably, in the staff report prepared by Development Services staff, out of six (6) uses surrounding the Property, two (2) were RV Park/Mobile Homes, and the balance consisted of non-residential uses including warehouse, motel, and Driscoll’s agricultural plant/factory.

The Petitioner’s request for the PD zoning is to allow the development of a mini-warehouse facility on the Property. The PD zoning district would allow the ability to develop a low intensity use and at the same time address Land Development Code (“LDC”) and Comprehensive Plan requirements to ensure compatibility with the surrounding built environment, similar to how neighboring commercially zoned properties (which applications were supported by Development Services and Planning Commission staffs) were able to provide such accommodations. In fact, the staff report published by Development Services recognized the proposed project’s compatibility, stating that: “The site plan illustrates measures that mitigate the proposed mini-warehouse and the adjacent RV and mobile home planned development and adjacent

abutting properties... The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).”

With the requested PD zoning, the Petitioner is able to provide a desirable use for the community in a manner that takes into account the uses of the surrounding properties. Additionally, the Petitioner is able to address all raised concerns regarding the Property’s location minimally outside of the Urban Service Area, the wetlands present on the Property, and any misperceived, unfounded inconsistencies with both the County’s Comprehensive Plan and Seffner Mango Community Plan.

The Petitioner’s Request for Relief is the result of the County’s denial of the Petitioner’s rezoning Application not being supported by facts on the record, or which otherwise were the result of misinterpretations and misapplications of the LDC, the Comprehensive Plan and the Seffner Mango Community Plan.

The BOCC’s denial of the Application was unreasonable and unfairly burdens the use of the Petitioner’s real Property, authorized under its SMU-6 land use plan map designation, in accordance with Section 70.51(3), Florida Statutes. Further, the County failed to take into consideration and correctly apply the relevant considerations provided in LDC Sec. 10.03.03(E).

The Petitioner seeks a Special Magistrate designated in this proceeding to attempt to facilitate resolution of this matter through a mediated settlement conference with the County. In the event that an acceptable resolution cannot be achieved, the Petitioner will request that the Special Magistrate consider the factual circumstances and evidence surrounding the County’s denial of the Petitioner’s Application and, thereafter, render a determination that such denial was unreasonable and unfairly

burdens the use of Petitioner's Property and recommend such relief that will provide the Petitioner with certain rights afforded other similarly situated property owners in the County. In the event this process should fail to resolve this matter, the Petitioner reserves the right to initiate suit against the County in accordance with Section 70.51(10)(a), Florida Statutes. See also Peninsular Properties Braden River, LLC v. Town of Bradenton, 965 So.2d 160 (Fla. 2d DCA 2007).

### **III. THE PARTIES**

The Petitioner is fee simple owner of the Property having tax folio number 082912-0000. The Warranty Deed recorded December 29, 2021, as Instrument #: 2021674769 in the Official Records of Hillsborough County, Florida, vesting fee simple ownership of the Property is attached hereto as EXHIBIT 2.

The respondent Hillsborough County is a political subdivision of the State of Florida.

### **IV. JURISDICTION**

On March 7, 2023, the Board held a public hearing to consider the Petitioner's rezoning request from RSC-4 to PD, for the development and use of a mini-warehouse storage facility. The County issued Resolution R23-029 on April 10, 2023, which Resolution denied the Petitioner's request for rezoning.

Pursuant to Section 70.51(2)(a), Florida Statutes, a "development order" is defined to include, "any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, *denying*, or granting with conditions an application for a development permit, *and includes the rezoning of a*

*specific parcel.*” (Emphasis added.) In addition, Section 70.51(10)(a), Florida Statutes, requires that prior to initiating a Special Magistrate proceeding seeking review of a local development order, the owner must exhaust all non-judicial local government administrative appeals.

The Petitioner has achieved the requisite standing to petition for the relief provided for under the Act as the requested rezoning request constitutes a “development order.” Further, because the BOCC’s denial is considered a final action of the County, non-judicial local government administrative appeals processes are not available for the Petitioner. Because of the finality of the BOCC’s action, the only remedy that could be sought by the Petitioner is therefore judicial relief.

The Petitioner has further qualified for relief under Section 70.51(3), Florida Statutes, by timely filing this Request for Relief within thirty (30) days of Petitioner’s receipt of the written BOCC Resolution. In accordance with Section 70.51(10)(a), Florida Statutes, the Petitioner’s filing of its Request for Relief and initiation of the Special Magistrate proceedings hereunder effectively tolls the time for seeking judicial review by the Petitioner until such time as the Special Magistrate’s recommendation is issued and acted upon by the County.

**V. PETITIONER’S PROPOSED USE OF THE PROPERTY**

The Petitioner purchased the Property in December 2021, with the intent to develop the Property with a use consistent with the growth pattern, uses and zonings located in the surrounding area. Immediately after purchasing the Property, the Petitioner approached the County with a viable plan to redevelop the Property as a shopping center and sought the County’s input to ensure that the plan was consistent

with both the County's LDC and Comprehensive Plan. The Planning Commission in June 2022 provided comments to the Petitioner suggesting that the plan would be inconsistent with the Seffner Mango Community Plan. Consequently, in good faith reliance on the County's direction, the Petitioner modified its plan for a use that was less intense and addressed the expressed concerns provided by County and Planning Commission professionals.

The Petitioner changed the desired use to a mini-warehouse facility. This is a less intense use than a shopping center, is supportive of the surrounding uses and zoning, and is consistent with other like zoned properties in the area, including CG zoned properties, and other PD developed properties. A traffic study was conducted and provided to the County's Transportation review team, which demonstrated the fact that the Property would generate significantly less traffic than residential uses, and was supported by County Transportation staff. Further, the Property abuts US 92, a major thoroughfare in the area, which accommodates other commercial uses, including mixed use warehouses, and commercial and industrial uses. The Florida Department of Transportation ("FDOT") has published plans to expand US 92, which the Petitioner is willing and able to accommodate via dedication of required right of way, and accommodated future right of way in its PD site plan.

**VI. THE PETITIONER WAS CONFERRED RIGHTS UNDER THE SMU-6 LAND USE CATEGORY**

The SMU-6 land use category mandates that a property owner do four (4) things when developing its property that trump any plan or policies, including Community Plans. These are the following:

1. Development shall be urban/suburban in intensity and density of uses;
2. Uses allowed are office uses, research corporate park uses, light industrial, multi purpose and mixed use projects;
3. All rezonings shall be through a site plan controlled rezoning district; and
4. Neighborhood retail commercial uses shall be clustered at arterial and collector intersections.

Research indicates that the Planning Commission recommended that the subject Property, along with the immediate developed area with its predominant commercial and RV Park/Mobile Home development, be designated SMU-6. This designation is unusual given that these properties are outside the Urban Service Area, and that SMU-6 mandates urban/suburban intensity and density. This SMU-6 designation apparently occurred for three (3) primary reasons:

1. To recognize the diversity of uses;
2. To avoid creating numerous nonconforming uses as they relate to the County's Comprehensive Plan; and
3. To require redevelopment of these SMU-6 properties only through the PD rezoning process that would allow staff more opportunity to impose conditions and standards to ensure compatibility.

Although SMU-6 requires urban/suburban intensity development, this is economically unfeasible as the Petitioner's Property is situated within the Rural Service Area, where Hillsborough County prohibits the expansion of water and sewer service, irrespective of a property owner's willingness to underwrite these costs, which in the

Petitioner's case would require hundreds of thousands of dollars per contractors' estimates.

Therefore, it is not feasible per the County's regulations to develop virtually all of the uses authorized under the SMU-6 category, as well as the Property's current RSC-4 zoning classification. This renders the SMU-6 category a fiction as it purports to grant certain development rights and obligations, but in reality, these rights have been almost entirely eliminated as a result of:

1. Lack of infrastructure;
2. Misapplication of the Seffner Mango Community Plan, which further "chips away" at and/or eliminates certain rights conferred upon the Petitioner under the SMU-6 category; and
3. Improper application of the Comprehensive Plan's Commercial Locational Criteria.

So, contrary to the uses expressly authorized under the SMU-6 category, the Petitioner cannot:

1. Develop its Property under its current RSC-4 zoning classification at 4 dwelling units per acre due to lack of infrastructure;
2. Develop its Property as commercial for failure to meet Commercial Locational Criteria contained in the Comprehensive Plan; nor
3. Develop its Property as:
  - a. Office

- b. Research corporate park
- c. Light industrial uses
- d. Mixed use projects
- e. Suburban scale neighborhood commercial

Accordingly, per County officials and experts retained by the Petitioner, the use that would require the least amount of well and septic, as well as generate the least amount of traffic, is the proposed mini-warehouse use, which although considered under the LDC as generally “commercial,” it functions as a light industrial use. Importantly, it is also not considered “retail” by definition, which mischaracterization was the basis in part for the Planning Commission staff’s negative recommendation.

The foregoing limitations appear to possibly give rise for the Petitioner of a Bert Harris claim, that is currently being evaluated.

**VII. DEVELOPMENT SERVICES STAFF WAS IN SUPPORT AND APPROVED PETITIONER’S PROPOSED ZONING CONDITIONS**

The staff report published by Development Services, dated January 10, 2023, clearly demonstrates that it found the Application supportable, but for the Planning Commission staff’s negative recommendation. Development Services’ report includes backup from all review agencies, none of which rendered objections. In fact, County Transportation noted a forty percent (40%) decrease in average daily trips for the mini-warehouse facility relative to the existing RSC-4 zoning. And as mentioned, Development Services staff found the proposed buffering and screening sufficient to mitigate any potential adverse impacts on the adjacent RV and Mobile Home Park.



**VIII. THE PROPERTY IS SITUATED ON US HIGHWAY 92 WHICH RENDERS IT UNFEASIBLE TO DEVELOP AS RESIDENTIAL**

The subject Property requires rezoning from residential to an alternative, marketable, and economically feasible use, not only due to lack of infrastructure, but also due to incompatibility from being located on a major transportation network. The Property, including its access, are situated on US 92 to accommodate all of the growth in the immediate area and in anticipation of the expansion of the McIntosh Road and US 92 intersection.

US 92 currently accommodates approximately 13,000 vehicles in front of the Property on a daily basis, which the FDOT has announced is anticipated to substantially increase. McIntosh Road, to the east, will be widened to a four (4) lane road from north of Interstate-4 (“I-4”) to south of US 92. The primary objective for these roadway improvements is for vehicles to have increased ability to enter I-4 at the McIntosh Road access ramps. Per FDOT, I-4 volumes at this ramp are over 139,000 vehicles per day.

It is a fallacy and injustice to the planning profession to hide behind the characterization of the area as “rural” to justify a recommendation for denial of most likely the least intensive use allowed – a mini-warehouse facility. In light of the trip volumes, road expansion plans, and the Property’s unusual lineal shape with a depth of 200 feet and length of 884 feet, it is not realistic, rational, nor feasible to provide adequate buffering and screening and roads to accommodate single-family conventional development as is dictated by the subject Property’s RSC-4 zoning classification. To the contrary, the most suitable development would be the proposed mini-warehouse use, which would also provide a more suitable, “textbook” transition

through screening and buffering from the increased traffic volumes to the RV Park and Mobile Homes to the north.

**IX. THE PLANNING COMMISSION REPORT CONTAINED NUMEROUS FACTUAL ERRORS THEREBY CAUSING THE BOCC TO APPLY THE INCORRECT LAW**

The only basis for denial expressed in the Development Services staff report was the Planning Commission's negative recommendation. But for this recommendation, it is reasonable to assume that the Zoning Hearing Master ("ZHM") would have recommended approval of the Petitioner's Application, and the BOCC would have adopted the ZHM's recommendation.

The Planning Commission staff's recommendation for denial was based on the Petitioner's alleged 1) inconsistency with Comprehensive Plan policies, including the Seffner Mango Community Plan; and 2) failure to meet the Commercial Locational Criteria in the Comprehensive Plan.

Comprehensive Plan policies the staff report cites include Policies 16.1, 16.2 and 16.3, which all actually support the Petitioner's request. For example, Policy 16.1 requires compatibility measures such as buffering and screening between unlike land uses, which Development Services determined were sufficiently provided in the Application. Policy 16.2 requires transitions of intensities between different land uses, which the Application provides. Policy 16.3 requires integration of uses through 1) mitigation of adverse impacts, and 2) transportation/pedestrian connections. The Application provides mitigation and also transportation connection for the property to the north.

Land Use Element Policy 22.7 states that the locational criteria relating to distance from commercial intersections is not the only factor to be considered for approval of neighborhood commercial or office. Consideration is required of the following:

1. Land use compatibility;
2. Adequacy of public services;
3. Adjusted levels of service of affected roadways; and
4. Zoning regulations.

Furthermore, Policy 22.8 states that the BOCC may grant a waiver of Commercial Locational Criteria based on 1) compatibility of the use with the “surrounding area,” and 2) unique circumstances. A review of the Planning Commission staff report indicates it failed to consider any of the above. For example, the unique circumstance relating to the narrow, lineal configuration of the Property when still 56 percent of the requisite 75 percent of the Property is situated within the 900-foot required distance from commercial intersections was not considered by staff.<sup>1</sup>

#### **X. MISAPPLICATION OF THE SEFFNER MANGO COMMUNITY PLAN**

The Seffner Mango Community Plan (“Community Plan”) was adopted in 2010 and has not changed in thirteen years. It was intended in part to apparently stifle new retail development outside the Urban Service Area. The Community Plan obviously never contemplated the County would, in the Rural Service Area, contradict the

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<sup>1</sup> Note at the time of the writing of the Planning Commission staff report, staff had recommended to the BOCC that the 900 foot distance be increased to 1,000 feet, which would have caused the Property to meet Commercial Locational Criteria for the main facility.

Community Plan's intent by adopting an area of SMU-6 that mandates urban/suburban development. Notably, the Community Plan was also adopted prior to the FDOT and County funding expansions of US 92 and McIntosh Road to accommodate voluminous traffic seeking access to and from I-4.

The Community Plan outlines a limited number of goals, but not objectives or policies, but "strategies". A strategy by definition is considered a possible plan or action to achieve an aim. A strategy is not a goal, objective, or policy that must be contained within a comprehensive plan, per Section 163.3161, Florida Statutes (known as the "Community Planning Act"). The Planning Commission staff report, in an obvious effort to strengthen its negative position concerning Petitioner's rezoning Application, arbitrarily and improperly expanded the narrow scope of the Community Plan.

Goal 3 of the Community Plan states that "commercial development should be directed to the US 92 and Martin Luther King Jr Blvd. corridors." It then indicates as a "strategy" to restrict retail development along US 92 and Martin Luther King Jr Blvd. Notably, mini-warehouse is not by definition under the County's LDC "retail development." Retail development under the LDC is defined as "the use of land, buildings or structures for the sale of merchandise to the consumer of the merchandise which may include but not be limited to convenience goods, shopper's goods, bicycle sales, gas stations, liquor stores, lumber and other building material sales, mail order pickup facilities, mobile home sales, motor vehicle sales, service stations, and sales of used merchandise." Clearly, the Planning Commission staff's "no retail" was misapplied as a mini-warehouse does not involve sale of merchandise to the consumer, but is a service providing storage, including outside storage of boats and vehicles.

The staff further misapplies the Community Plan strategy which is to “discourage further retail development along those portions of US 92 and MLK Blvd. that are in the Rural Service Area.” Here again, mini-warehouse is not retail, so it is not subject to this “strategy.”

## **XI. FLORIDA LAW APPLICABLE TO QUASI-JUDICIAL MATTERS**

Applicable Florida law to be applied in determining whether the County’s quasi-judicial action resulting in its denial of the Petitioner’s rezoning Application was unreasonable or imposed an unfair burden is set forth in Section 70.51(3), Florida Statutes. Florida caselaw provides that a petitioner must be afforded due process, that the essential requirements of law have been met (i.e., that the correct law has been applied), and that the decisionmaker's action was based on substantial competent evidence in the record of the proceeding. City of Deerfield Beach v. Vaillant, 419 So.2d 624 (Fla. 1982). In determining whether the three (3) required elements were fulfilled, the following laws, regulations and evidence are also considered in determining whether the County’s action was unreasonable or imposed an unfair burden on the Petitioner:

1. Florida Statutes;
2. The Hillsborough County Land Development Code;
3. The applicable goals, objectives and policies of the Hillsborough County Comprehensive Plan;
4. Substantial competent evidence entered into the record of the ZHM’s and the BOCC’s public hearing proceedings, including expert and professional staff reports and testimony; and
5. Applicable Florida caselaw pertaining to quasi-judicial proceedings.

The County's decision, by way of the Administrative Staff's recommendation, ZHM's recommendation and BOCC's decision, was unreasonable and caused an unfair burden on the Petitioner's use of its Property by failing to consider pivotal aspects of the Property and its desired use, the use and zoning of surrounding properties, as a result of misapplication of important aspects of the LDC, the Comprehensive Plan and Seffner Mango Community Plan.

The Board failed to take into consideration the lack of infrastructure along with the highly irregular and unique shape of the Property and location of the Property. The Property is approximately 3.94 acres, but its approximately 884-foot long by 200-foot depth rectangular shape prohibits residential development. To accommodate the size and shape of the Property, commercial use that can function on well and septic is the most compatible and therefore, appropriate use.

The Property's location was also considered by the Petitioner when requesting the PD rezoning to support the mini-warehouse facility use. LDC Section 5.03.01 states concerning the PD zoning district, "These districts are used for customized purposes in cases where standard district regulations are inadequate to protect surrounding property or where design flexibility is sought. The intent of these districts is to encourage creative, innovative and/or mixed use development." This language is mirrored by the Petitioner's site plan, which was creative in its buffering for the RV Park to its north, east and west. The Board erred in misunderstanding the PD use of the RV park. An RV Park is meant as a temporary living quarters for recreational or seasonal use and is prohibited by the LDC from being a permanent dwelling. This transient style of use is more akin to a hotel/motel, not a single-family conventional dwelling unit.

Further, due to the location within the SMU-6 land use category, RV's are allowed up to 12 dwelling units per gross acre. To then mislabel an RV Park as a rural, low density use contradicts the facts, and the RV Park would not incur adverse effects by virtue of being adjacent to a mini-warehouse use within a commercial oriented area.

The subject Property is located on the eastern edge of the Seffner Mango Community Plan (though it is not located in either Seffner or Mango). Properties immediately east of the subject Property, and therefore outside of the Community Plan, are not burdened by any of the Community Plan restrictions. Therefore, the Property is located in an isolated, small strip along US 92 that is subject to far greater regulation and limitations than other properties located in its general vicinity. Thus, the County is clearly applying disparate treatment to the Petitioner.

The Board violated the Petitioner's equal protection rights by applying a standard different from similarly situated properties within the Community Plan and/or the Rural Service Area, with no rational basis for the disparate treatment. Similar heightened scrutiny and greater burdens were not applied to other properties in the same area by the Board, such as the large-scale PD development to the west (PD 12-0512), and the Driscoll's commercial use and zoning to the north and east (RZ 17-0535).

The Board approved the rezoning application for Hillsborough County Rezoning Application RZ 17-0535 from ASC-1 (a lower intensity than the subject Property) to Commercial Neighborhood ("CN"). It is important to note that this rezoning was located at the property address 4506 McIntosh Road, less than 1,000 feet northeast of the subject Property, located in the Rural Service Area, and in the Seffner Mango

Community Plan. In the ZHM findings, which were reviewed and used as the basis for the Board's approval, the ZHM stated that the zoning was compatible with the surrounding area, and specifically mentioned that the property was abutting warehousing and packing plants. The ZHM also highlighted the SMU-6 land use category, which included suburban scale neighborhood commercial, similar to the Petitioner's desired use; but failed to identify this connection regarding the Petitioner's Application. In this case, the County appeared to lack concern with upholding the sensitivity of the surrounding residential and agricultural land in the 2017 findings and decision, allowing rezoning of agricultural to commercial.

The County's application of the Commercial Locational Criteria also fails to correctly identify the use of the Property, and surrounding lands. The Commercial Locational Criteria is used to protect residential neighborhoods from strip commercial activity. However, the County failed to consider the RV Park transient nature of the property which surrounds the Petitioner's Property to the north, east and west; which should not be likened to a low density neighborhood for the sake of bolstering a recommendation of denial.

**XII. CIRCUMSTANCES TO BE EXAMINED TO DETERMINE WHETHER THE DEVELOPMENT ORDER IS UNREASONABLE AND UNFAIR**

The Special Magistrate may use the criteria set forth in Florida Statute 70.51(18), to determine whether the development order is unreasonable or unfairly burdens the Property:



**(a) The history of the real property, including when it was purchased, how much was purchased, where it is located, the nature of the title, the composition of the property, and how it was initially used.**

The Property was purchased in December 2021, and the Petitioner immediately commenced addressing the use and zoning standards with the County to ensure that they developed a site that benefited the community. The location of the Property is unique in that it is designated SMU-6, yet it is located within the Seffner Mango Community Plan, and in the Rural Service area. Despite having those two designations, and the restrictions that come with them, the surrounding area has become developed, with high density RV Parks and commercial uses. The Property is also along US 92, a major road in the area. The Petitioner is willing and able to consider the possible expansion of US 92 and is accommodating its growth in its plans. The shape of the Property is unique in that it is 3.94 acres, however, it is only 200 feet deep, thus limiting available development options under the SMU-6 land use category. Therefore, the use of the Property is best suited to have building structures that can accommodate a long and narrow plan, like a mini-warehouse facility.

**(b) The history or development and use of the real property, including what was developed on the property and by whom, if it was subdivided and how and to whom it was sold, whether plats were filed or recorded, and whether infrastructure and other public services or improvements may have been dedicated to the public.**

The Property has not been improved. As it is surrounded by the RV Park on three sides, the ability to find a marketable, viable use is extremely limited. RV Parks are not by nature, desirable neighbors due to their transient nature, and high crime statistics. However, the Petitioner submitted a plan that compliments existing development in the area, including the increasing residential neighbors being developed

in the local area. There is a juxtaposition between the fact that mini-warehouse facilities being required in intense zoning districts, but at the same time desired to be in close proximity to the residential consumers of the service. The Property is not platted or part of another development, nor dedicated to the public.

**(c) The history of environmental protection and land use controls and other regulations, including how and when the land was classified, how use was proscribed, and what changes in classifications occurred.**

The Property's has approximately .13 acres of wetlands present. EPC reviewed and submitted its recommendation of approval to Development Services with conditions. Because the wetland is a historical manmade ditch, it qualifies for a notice of exemption, and a resubmittal is not necessary for the site's current configuration.

**(d) The present nature and extent of the real property, including its natural and altered characteristics.**

The Property is 3.94 acres and is a tax single folio. Aside from the manmade ditch on the west side of the Property, there are no other altered characteristics that would inhibit the intended use of the Property.

**(e) The reasonable expectations of the owner at the time of acquisition, or immediately prior to the implementation of the regulation at issue, whichever is later, under the regulations then in effect and under common law.**

The Petitioner purchased the Property with the intent of providing a public benefit to the growing region of Hillsborough County. Multiple large single-family use developments have been or will be developed in the surrounding area. A mini-warehouse facility will accommodate the growing area. The Petitioner has explored other uses, including developing it as a single-family or multi-family development, but the unique shape of the Property and lack of infrastructure creates a long-term hardship

precluding residential development. After changing the PD use from strip center to mini-warehouse by working with County staff, the Petitioner had a reasonable expectation of developing the Property as mini-warehouse.

**(f) The public purpose sought to be achieved by the development order or enforcement action, including the nature and magnitude of the problem addressed by the underlying regulations on which the development order or enforcement action is based; whether the development order or enforcement action is necessary to the achievement of the public purpose; and whether there are alternative development orders or enforcement action conditions that would achieve the public purpose and allow for reduced restrictions on the use of the property.**

County Staff has provided opinion as to the Property's compliance with the LDC and the Comprehensive Plan. Their conclusion of inconsistency/incompatibility relies on the notion that the Property is not consistent with the current use and zoning of the surrounding properties, the Seffner Mango Community Plan, and the Comprehensive Plan. However, the Petitioner has provided evidence that the proposed use will both be compatible with the surrounding area and is less intensive than other uses that could be placed on the Property. Further, the County relies on language contained within the Community Plan and the Comprehensive Plan's Commercial Locational Criteria that is not applicable to the subject Property and the requested PD rezoning. The Petitioner maintains that it has taken the necessary steps to make the Property an asset to the community by employing the PD zoning process, which allows for unique, innovative use.

**(g) Uses authorized for and restrictions placed on similar property.**

Similar rezoning projects have been approved in the area. PD zoning has been used to establish the large and intense RV Park to the north, east and west of the

subject Property. Further, properties within the immediate area have been rezoned to commercial uses, such as the Driscoll's facility north and east of the Property, PD residential subdivisions such as PD 12-0512, and other commercial uses such as a hotel to the west. It is also noteworthy that the Property is situated in the eastern boundary of the Seffner Mango Community Plan, and less than a mile from the Urban Service Area boundary.

**XIII. THERE WAS NO OPPOSITION TO PETITIONER'S APPLICATION THAT WOULD HAVE LEGAL STANDING**

There was no opposition provided to the Petitioner's Application by any person(s) that would have legal standing under the law to challenge the BOCC's decision. Legal standing is conferred by Florida case law, and not local codes of 478 different jurisdictions of Florida local government. See Renard v Dade County, 261 So.2d 832 (Fla. 1972). Also, these opponents failed to testify concerning how the rezoning, if approved, would adversely affect their individual legally recognizable interests.

Opponents who spoke at the public hearing before the ZHM apparently would not only fail to have legal standing to challenge the rezoning, but would not be impacted by Petitioner's rezoning as they reside approximately 1.5 miles and 2.5 miles away from the subject Property, respectively. Notably, the adjacent RV Park that was of great concern to the Planning Commission staff did not express any opposition to Petitioner's Application.

**XIV. STATEMENT OF THE IMPACT OF THE COUNTY'S DEVELOPMENT ORDER ON THE ABILITY OF THE PETITIONER TO ACHIEVE THE PROPOSED USE OF ITS PROPERTY**

The County's denial of Petitioner's Application has resulted in disparate treatment of the Petitioner, and substantial adverse effects on the Petitioner and his use and enjoyment of his Property. The Petitioner's intent is to develop a use that is characteristically compatible with and supportive of the surrounding area. The Petitioner has designed buffers to mitigate any adverse impacts on its neighbors. The proposed use of the Property is not retail in nature, and should not be improperly characterized as such. The RV Park is not a residential project, and therefore should not create a high standard of compatibility as would a bona fide single-family residential project. It should not be used to restrict the Petitioner's desired rezoning.

In summary, the County's denial was unreasonable and imposed unfair burdens on the Petitioner's use and enjoyment of his Property.

**XV. RESERVATION OF RIGHTS**

The Petitioner reserves its right to supplement this Request for Relief and to provide any and all information that may be relevant to the Special Magistrate's ultimate determination in this matter.

**XVI. REQUEST FOR RELIEF**

Based on the foregoing, the Petitioner hereby request that the Special Magistrate conduct a hearing to determine whether the County's denial of the Petitioner's Planned Development Rezoning Application was unreasonable and/or imposed unfair burdens

on the use and enjoyment of the Petitioner's Property, or recommend alternative relief deemed just and equitable under the circumstances.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been furnished via hand delivery to the Chair of the Board of County Commissioners, 601 East Kennedy Blvd., Tampa, Florida 33602; and with a copy of the foregoing furnished via e-mail to Mary Dorman, Assistant County Attorney, at DormanM@hillsboroughcounty.org, and Cameron Clark, Assistant County Attorney, at ClarkC@hillsboroughcounty.org, this 9<sup>th</sup> day of May, 2023.



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*Attorney for Petitioner*

# Rezoning Resolution

**RR23-029**



**RESOLUTION #** RR23-029

**REZONING PETITION # RZ-PD 22-0719**

Upon motion by Commissioner Owen, seconded by Commissioner Kemp, the following resolution was adopted by a 7-0 vote, with the individual commissioners voting as follows:

Cepeda	yes
Cohen	yes
Hagan	yes
Kemp	yes
Myers	yes
Owen	yes
Wostal	yes

WHEREAS, on the 28th day of March, 2022, Sunny Sia submitted a rezoning petition requesting a change from RSC-4 (Residential, Single-Family Conventional) zoning classification to PD (Planned Development) zoning classification for the parcel of land described in said petition; and,

WHEREAS, the Zoning Hearing Master on January 17, 2023, held a duly noticed public hearing on said rezoning petition for PD (Planned Development) zoning and heard and considered testimony and documents received thereon; and,

WHEREAS, the Zoning Hearing Master filed with the Board of County Commissioners of Hillsborough County a recommendation of DENIAL of said rezoning petition; and,

WHEREAS, said recommendation of DENIAL contained findings of fact and conclusions of law relating to inconsistency with the Comprehensive Plan and incompatibility with adjoining land uses and zoning classifications, a copy of which recommendation is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the public notice requirements contained in the Land Development Code of Hillsborough County have been satisfied; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Hillsborough County Administration; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Zoning Hearing Master; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on March 7, 2023, held a duly noticed public meeting on the petition for PD (Planned Development) zoning and has heard and considered the evidence received thereon.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS

A. The Board of County Commissioners of Hillsborough County is authorized and empowered to consider the petition for PD (Planned Development) zoning filed by Sunny Sia.

B. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master and evidence and testimony from both the applicant and persons from the surrounding neighborhood finds that the uses permitted in the PD (Planned Development) zoning classification are not compatible with the existing land uses present in the area surrounding the subject property.

C. The Board of County Commissioners of Hillsborough County having considered the report of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master and evidence and testimony from both the applicant and persons from the surrounding neighborhood finds that the PD (Planned Development) classification is not compatible with the zoning districts applicable to the lands surrounding the subject property.

D. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the record of the hearing before the Zoning Hearing Master and the Zoning Hearing Master recommendation, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the rezoning of the subject property would not be consistent with the goals, policies and objectives contained in the Comprehensive Plan enacted by the Board of County Commissioners of Hillsborough County pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended, and Part II of Chapter 163, Florida Statutes, entitled, "Community Planning Act".

II. CONCLUSIONS

The Board of County Commissioners of Hillsborough County hereby DENIES the petition for PD (Planned Development) zoning filed by Sunny Sia.

III. EFFECTIVE DATE

This resolution shall take effect upon vote of the Board of County Commissioners of Hillsborough County in regards to the application.

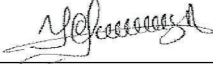
STATE OF FLORIDA     )  
  )  
COUNTY OF HILLSBOROUGH)

I, CINDY STUART, Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the resolution adopted by the Board of County Commissioners of Hillsborough County, Florida at its regular meeting of March 7, 2023 as the same appears of record in Minute Book 562 of the Public Records of Hillsborough County, Florida.

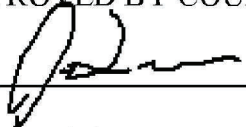
WITNESS, my hand and official seal this 10th day of April, 2023.



CINDY STUART, CLERK

BY:   
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY 

Approved As To Form And  
Legal Sufficiency

>> THE NEXT ITEM IS AGENDA ITEM F 2, REZONING PD 22-0719.

THE APPLICANT IS SUNNY SIA.

THE REQUEST IS TO REZONE 3.94-ACRE PARCEL ON THE NORTH SIDE OF U.S. 92, WEST OF McINTOSH ROAD, AND EAST OF INGS WAY.

AGAIN, TO FROM RSC-4 RESIDENTIAL SINGLE-FAMILY CONVENTIONAL TO A PLANNED DEVELOPMENT.

THE REQUEST IS FOR APPROXIMATELY 55,650 SQUARE FOOT MINI WAREHOUSE FACILITY.

AS NOTED IN THE AGENDA, IT'S NOT RECOMMENDED FOR APPROVAL BY DEVELOPMENT SERVICES, FOUND INCONSISTENT WITH THE PLANNING COMMISSION AND NOT SUPPORTED BY THE HEARING OFFICER.

OSTENSIBLY, COMPATIBILITY CONCERNS REGARDING THE EXISTING RESIDENCES LOCATED TO THE NORTH, MICHELLE IF YOU CAN GO BACK TO THE PREVIOUS ARROW.

AGAIN, THAT'S THE PROPOSED LAYOUT BUT AGAIN AS YOU CAN SEE, THE EXISTING RESIDENTIAL IN THE IMMEDIATE VICINITY, PLANNING COMMISSION HAD FOUND IT INCONSISTENT WITH THE SEFFNER MANGO COMMUNITY PLAN, OSTENSIBLY AND IF YOU CAN GO TO THE COMP PLAN GRAPHIC WHICH PLANNING COMMISSION WILL SPEAK TO MORE IN THEIR PRESENTATION, BUT THERE IS A POLICY REGARDING MINIMIZING OR NOT ENCOURAGING ENCROACHMENTS OF COMMERCIAL ON 92 OUTSIDE OF THE URBAN SERVICE BOUNDARY, AND AGAIN THE BLUE LINE ON THE WEST PORTION OF THE PROPERTY IS THE URBAN SERVICE BOUNDARY.

AGAIN, IT IS NOT RECOMMENDED FOR APPROVAL, AND STAFF'S AVAILABLE

FOR ANY QUESTIONS.

THANK YOU.

>> KEN HAGAN: THANK YOU.

IS THE APPLICANT HERE?

PLEASE COME FORWARD.

GOOD MORNING.

YOU HAVE 10 MINUTES.

>> MY NAME IS SUNNY SIA.

990 MAPLE STREET, GIBSONTON, FLORIDA.

I'M HERE TO ASK FOR THE COUNTY COMMISSION'S APPROVAL FOR ME TO DEVELOP THIS LAND AS A SELF-STORAGE FACILITY.

AS YOU CAN SEE FROM THE FUTURE LAND USE, IT IS SMU-6, AND BASED ON THAT, I BELIEVE WE ARE ENTITLED TO IT.

IT'S ALSO NOT A, IT'S LIGHT INTENSITY BASED ON TRAFFIC.

IT'S ALSO LIGHT ON RESOURCES LIKE WATER, SEPTIC, AND USAGE WISE.

ALSO BASED ON THE SURROUNDING, BASED ON THE SURROUNDING PROPERTY -- IT'S.

>> SIR, COULD YOU SPEAK INTO THE MICROPHONE?

>> YES, IT'S RECREATIONAL, IT'S RV PARK, SO IT'S BASICALLY CONSIDERED AS COMMERCIAL.

AND OTHER LAND AROUND IT IS ALSO COMMERCIAL INTENSIVE, COMMERCIAL GENERAL.

AND SO BUILDING A SELF-STORAGE FACILITY WILL NOT JUST ENHANCE THE COMMUNITY FOR THE RV PARKS THERE AS WELL AS THE SCHOOL SYSTEM

AND THE LOCAL BUSINESSES.

SO I WOULD LIKE TO ASK THE COUNTY COMMISSIONERS TO PLEASE APPROVE THIS BASED ON NOT JUST ON THE BENEFITS OF IT BUT BASED ON THE ENTITLEMENT OF THE FUTURE LAND USE.

>> KEN HAGAN: ALL RIGHT, THANK YOU, SIR.

IS ANYONE HERE IN SUPPORT?

WELL WE'LL COME BACK TO YOU, SIR.

THANK YOU.

ANYONE HERE IN SUPPORT OF THIS APPLICATION?

ANYONE IN OPPOSITION?

PLEASE COME FORWARD.

GOOD MORNING.

>> THANK YOU, COMMISSIONER.

MY NAME IS GRACE MACOMIS, AND I LIVE AT 805 OLD DARBY STREET IN SEFFNER.

I AM SPEAKING ON BEHALF OF MYSELF AND AS REQUESTED FOR ELIZABETH BELCHER WHO IS OUT OF THE COUNTRY AND WHO DID SPEAK AT THE ZONING HEARING MASTER.

WE ARE STILL OPPOSED TO THE CURRENT APPLICATION TO MINI WAREHOUSES ON HIGHWAY 92 IN SEFFNER FROM THE STRIP MALL PREVIOUSLY PROPOSED.

NOTHING HAS CHANGED TO MAKE IT CONSISTENT WITH COUNTY REQUIREMENTS AS COUNTY STAFF HAVE STATED.

IT IS INCONSISTENT WITH THE COMMUNITY -- SEFFNER COMMUNITY PLAN

IN WHICH OUR GOALS 1 AND 3, THE STRATEGIES ARE RECOGNIZED, THE COMMERCIAL AND THE URBAN SERVICE AREA RESTRICT RETAIL OUTSIDE OF THE URBAN SERVICE AREA, AND DISCOURAGES RETAIL ALONG HIGHWAY 92 AND MARTIN LUTHER KING BOULEVARD IN THE RURAL AREA.

I HAVE WITH ME THE MAP THAT WE PREPARED WHEN WE HAD THE COMMUNITY PLAN, AND THOSE THINGS ARE CLEARLY IDENTIFIED.

I'M GLAD THAT MR. SIA REALIZES HIS PROPERTY IS IN SEFFNER AND IT IS IN THE RURAL AREA.

I'M GLAD ABOUT THAT.

THE COMMERCIAL HE REFERS TO ALONG HIGHWAY 92 WAS ALL GRANDFATHERED IN MORE THAN THE 34 YEARS I HAVE BEEN IN THE AREA. MR. SIA WHO IS A VERY PLEASANT GENTLEMAN BY THE WAY, HAS TRIED AT THE ZONING HEARING MASTER WHICH I AM SURE YOU HAVE THE PRINTOUT OF TO SAY THAT HE WASN'T IN THE RURAL AREA OR IN SEFFNER, BUT I SEE THAT HE'S REMANDED THAT.

HE STATES THAT HIS FUTURE LAND USE ZONING IS SMU-6.

THE CURRENT ZONING IS RSC-4.

HE IS REQUESTING A REZONING TO PD WITH A PROPOSED SMU-6 LAND USE.

THE PROPOSED USE STATED AGRICULTURAL PLANS ARE NOT CONSISTENT -- THE PROPOSED USE AND STATED AGRICULTURAL PLANS ARE NOT CONSISTENT WITH THE SURROUNDING AREA.

OR WITH THE COMPREHENSIVE PLAN.

AT ONE POINT, WHICH IS IN THE ZHM REPORT YOU SAY THAT HIGHWAY

92 WILL BE WIDENED TO FOUR LANES WILL BE A VERY HEAVILY TRAFFICKED AREA AND THAT REFUTES THE RURAL DEFINITION.

I DON'T BELIEVE THAT'S TRUE.

THERE'S A LOT OF THINGS THAT HE COMMENTED ON THAT OBVIOUSLY HE'S NOT SAYING TO YOU, BUT YOU'RE READ IT ALL, AND THE WIDENING OF McINTOSH HE HAS STATED BETWEEN I-4 BETWEEN McINTOSH AND GALLAGHER, IT'S TRUE, BUT HIS PROPERTY IS WEST OF McINTOSH ROAD, AND IT ALSO WILL BE WIDENED.

THERE'S A STATEMENT IN HIS, THERE IS A FACT IN HIS STATEMENT SAYING THAT THE EPC SAID THAT THE, AND I'M NOT SURE HOW HE DOES THIS, 13 STAR WETLAND AND ALSO HISTORICAL MANMADE IS A HISTORICALLY MANMADE DITCH, AND THEREFORE, 14 STAR EPC COMMENT SHEET QUALIFIES THIS FOR A NOTICE OF EXCEPTION.

I DON'T SEE THAT IN THE EPC COMMENT SHEET, SO I DON'T KNOW WHY IT'S INCLUDED.

THE PROPERTY IS DOES NOT MEET LOCATIONAL CRITERIA STATED BY COUNTY POLICIES.

APPLICANT CITES AN INTERSECTION AND HIGHWAY 92 AND AIRSTREAM AVENUE.

THAT ROAD I BELIEVE IS ONLY AN EMERGENCY ROAD TO 92 FROM AIRSTREAM RV, THE RV RETAILERS.

THAT ROAD LIES TO THE EAST OF HIS PROPERTY, BUT HE HAS NO BOUNDARY ALONG THAT ROAD, NO ACCESS FROM HIS PROPERTY, OR REQUEST FOR EASEMENT THROUGH THAT PROPERTY TO THE ROAD.



IN ANY EVENT, BY COUNTY CODE, IT IS NOT A QUALIFYING INTERSECTION.

HE ALSO HAD STATED TWO CASES, 21-0371, A PROPERTY OWNER WHO WANTED TO BRING HIS PROPERTY CODE UP TO CODE AND WAS, AND THAT IS ONE OF THE REASONS HE THINKS HE SHOULD HAVE LOCATIONAL CRITERIA.

ALSO, 12-0512, CODES IN 2012 AND THE CRITERIA WERE DIFFERENT IN 2012.

AND HE TALKED ABOUT THEIR COMMERCIAL TRACT BEING ALLOWED TO HAVE 90,000 ACRES.

90,000 SQUARE FEET, I'M SORRY, I'D LIKE 90,000 ACRES.

BUT THEY HAVE TAKEN ALL OF THEIR STRIP MALLING COMMERCIAL FROM ALONG HIGHWAY 92 FROM THE START OF THEIR PROPERTY TO THE END OF THEIR PROPERTY, WHICH WAS LIKE 1200 SQUARE FEET OR 1200, 2,000-FOOT FRONTAGE AND REDUCED IT TO 330 FEET AND PUT IT ALL IN ONE CONGLOMERATE CORNER WHICH IS NOW, WOULD BE WHEN IT GETS DEVELOPED IT HASN'T BEEN YET IS DIRECTLY ACROSS FROM THE EXISTING OLD COMMERCIAL BUILDINGS.

WHICH WE DON'T HAVE ANY PROBLEM WITH THERE.

THEY'RE ALL GOOD NEIGHBORS AND THEY, IN THE MOST RECENT NARRATIVE, MR. SIA REDUCED THE FLOOR AREA TO 65,000 SQUARE FEET FROM 70,000 SQUARE FEET, WHICH IS STILL CURRENT ALLOWANCE IN THE RURAL AREA OF 40,000 SQUARE FEET.

AND AS HE WROTE IN HIS LAST LETTER DECEMBER 27th, THE FAR HE

HAS DESIGNED FOR IS .37.

THE, BY COUNTY CODE, I BELIEVE IN THE RURAL AREA, THE FAR IS ALLOWED AT .25.

THE THREE-STORY BUILDING IS ALSO NOT COMPATIBLE WITH THE SURROUNDING AREA NO MATTER WHAT AGRICULTURAL STYLE HE PROPOSES. WETLANDS WHICH HE STATES ARE MANMADE ARE STILL NOT DELINEATED ON THE SITE PLAN, SAYS EPC HAS NOT DONE IT.

I THOUGHT IT WAS TO BE INCLUDED IN THE SITE PLANS BY THE APPLICANT.

THAT'S WHAT COUNTY SAID.

NO LIGHTING APPEARS TO BE ADDRESSED IN THE SITE MAP OR IN THE NARRATIVE.

WILL ACCESS TO PEOPLE'S UNITS ONLY BE PERMITTED DURING DAYLIGHT HOURS?

AND WHAT ABOUT THE INSIDE OF EACH STORAGE UNIT?

NO RETENTION POND APPEARS TO BE ON HIS SITE PLAN.

HE STATES THE STORMWATER RUNOFF WILL BE MANAGED BY A DRY RETENTION LOCATED WITHIN THE FUTURE FDOT RIGHT-OF-WAY AREA. HOW CAN THAT BE? COMMISSIONERS, PLEASE ABIDE BY THE ZONING HEARING MASTER'S OPINION AND THE EFFORTS OF THE DEVELOPMENT SERVICES STAFF WHO SAY IT'S NOT SUPPORTABLE AND THE PLANNING COMMISSION STAFF WHO SAY IT'S INCONSISTENT.

AND THE CONCERNS OF THE CITIZENS WHO DEPEND ON YOUR SUPPORT IN ORDER TO PRESERVE THE RURAL AREA.

SORRY I'M SO NERVOUS, I WAS TRYING TO TAKE OUT THINGS THAT I WAS GOING TO COMMENT ON, AND BESIDES, I'M TOO OLD TO BE DOING THIS.

PLEASE, PLEASE DENY THIS APPLICATION.

THANK YOU.

>> KEN HAGAN: THANK YOU, MS. MACOMIS.

ANYONE ELSE IN OPPOSITION?

OKAY, APPLICANT?

ANY OTHER COMMENTS DO YOU WANT TO MAKE?

YOU HAVE FIVE-MINUTE REBUTTAL.

>> THANK YOU, MS.-- I WOULD JUST LIKE TO REITERATE THAT THREE THINGS.

BASICALLY THE PROPERTY IS NOT LOCATED IN NEITHER SEFFNER NOR MANGO.

IT'S IN THE ASSESSOR'S OFFICE IT'S ADDRESSED AS DOVER.

AND GIVEN THAT THAT'S WHY IF YOU LOOK AT THE FUTURE LAND USE IT WAS ALL PINK.

BECAUSE THAT WAS THE PLAN WHEN THEY DID THAT.

THAT IT'S A SUBURBAN MIXED U.S. AND SECONDLY, MS. GRACE SHE LIVES 1.9 MILES FROM THAT LAND.

SO THERE ARE NO OPPOSITION AS FAR AS THE NEARBY NEIGHBORHOOD.

AND WE ALL MAILED IT ALL THE MAILINGS WERE SENT OUT.

AND THIRD, WE ARE WE ABIDE BY THE LOCATIONAL CRITERIA.

OUR LAND FRONTAGE IS LIKE 900 FEET, SO 56% OF THAT IS CONSIDERED

PART OF LOCATIONAL CRITERIA.

BUT I CANNOT MAKE, YOU KNOW, I CANNOT DO ANYTHING ABOUT IT.

SO IT IS WHAT IT IS AS FAR AS THAT, BUT IT'S PART OF THE LOCATIONAL CRITERIA.

IF YOU BASE ON -- MORE THAN 56% OF THE FRONTAGE IS IN THAT DEFINITION, AND LASTLY, I BELIEVE THAT WHEN WE WERE DOING THIS PLAN, WE WERE AT THE BEGINNING WE WANTED TO PUT A STRIP MALL, BUT BASED ON THE COMMENTS BY THE PLANNING COMMISSION, AND ALL THE OTHER STAKEHOLDERS, WE DOWNGRADED TO BUILDING A STORAGE FACILITY.

WITH THAT I WOULD LIKE TO ASK THE COUNTY COMMISSIONERS TO PLEASE APPROVE THIS PROJECT, AND IF YOU HAVE ANY QUESTIONS.

>> KEN HAGAN: ALL RIGHT, THANK YOU, SIR.

PLANNING COMMISSION.

YOU DID A GREAT JOB WITH OUR EIGHT MINUTES, GRACE.

GOOD JOB.

THANK YOU.

PLANNING COMMISSION?

>> THANK YOU, MELISSA LIENHARD, PLANNING COMMISSION STAFF.

THE SUBJECT PROPERTY IS LOCATED IN THE SUBURBAN MIXED USE 6 FUTURE LAND USE CATEGORY.

IT IS IN THE RURAL AREA, AND IT'S ALSO LOCATED WITHIN THE LIMITS OF THE SEFFNER MANGO COMMUNITY PLAN.

THE SUBJECT PROPERTY IS SURROUNDED BY SMU-6 TO THE NORTH, EAST,

AND WEST, AND THEN FURTHER WEST AND SOUTH OF THE PROPERTY AS DESIGNATED AS RESIDENTIAL 1 IN THE FUTURE LAND USE MAP.

THE REQUEST WOULD FACILITATE FURTHER ENCROACHMENT INTO AN AREA WHERE MOBILE HOMES AND RVs ARE PRESENT TO THE NORTH, EAST, AND WEST, AND SINGLE-FAMILY ZONING DISTRICTS ARE LOCATED TO THE SOUTH.

THIS IS INCONSISTENT WITH THE POLICY DIRECTION OF 16.2 WHICH REQUIRES GRADUAL TRANSITIONS OF INTENSITIES BETWEEN DIFFERENT LAND USES BE PROVIDED AS NEW DEVELOPMENT IS PROPOSED AND APPROVED.

THOUGH THE APPLICANT IS PROVIDING BUFFERING, THE INTENSITY OF THE PROPOSED USE IS OUT OF CHARACTER WITH THE RESIDENTIAL NATURE OF THE USES THAT SURROUND THE SITE.

THE SITE ALSO DOES NOT MEET COMMERCIAL LOCATIONAL CRITERIA PER FLU OBJECTIVE 22 AND ITS ACCOMPANYING POLICIES.

PER POLICY DIRECTION UNDER THAT OBJECTIVE, 75% OF THE SITE'S FRONTAGE IS NOT WITHIN THE REQUIRED DISTANCE OF 900 FEET FROM THE CLOSEST QUALIFYING INTERSECTION OF U.S. 92 AND McINTOSH ROAD.

ALTHOUGH THERE ARE SEVERAL USES NEARBY THAT ARE COMMERCIAL IN NATURE, THEY ARE EITHER AGRICULTURALLY RELATED OR IN PREEXISTING COMMERCIAL ZONING DISTRICTS.

THE EXISTING COMMERCIAL ZONING DISTRICTS TEND TO BE WEST OF THE SUBJECT SITE, CLOSER TO THE URBAN SERVICE AREA BOUNDARY.

THE PROPOSED USE ENCROACHES INTO THE RESIDENTIAL AREA ALONG THE NORTHERN BOUNDARY, AND THEREFORE, PLANNING COMMISSION STAFF DOES NOT SUPPORT A WAIVER TO THE COMMERCIAL LOCATIONAL CRITERIA. FURTHERMORE, THE PROPOSED REZONING IS IN DIRECT CONFLICT WITH THE VISION OF THE SEFFNER MANGO COMMUNITY.

THE PLAN FOR THIS COMMUNITY RESTRICTS RETAIL DEVELOPMENTS ALONG U.S. 92 AND DR. MARTIN LUTHER KING BOULEVARD OUTSIDE THE URBAN SERVICE AREA TO EXISTING COMMERCIAL ZONING DISTRICTS AS WELL AS DISCOURAGES FURTHER STRIP RETAIL DEVELOPMENT ALONG THESE PORTIONS OF U.S. 92 AND MARTIN LUTHER KING BOULEVARD THAT ARE IN THE RURAL AREA.

IN ADDITION, THE COMMUNITY PLAN STATES SPECIFICALLY WHERE INFILL DEVELOPMENT AND OFFICE AND LIGHT INDUSTRIAL USES ARE ENVISIONED, WHICH IS INSIDE THE URBAN SERVICE AREA BETWEEN INTERSTATE 75 AND COUNTY ROAD 579.

THE SUBJECT SITE DOES NOT FIT THE INTENT OF THIS VISION.

BASED UPON THOSE CONSIDERATIONS, PLANNING COMMISSION STAFF FINDS THE PROPOSED PLANNED DEVELOPMENT INCONSISTENT WITH THE UNINCORPORATED HILLSBOROUGH COUNTY COMPREHENSIVE PLAN.

THANK YOU.

>> KEN HAGAN: THANK YOU, HEARING MASTER?

>> THE ZONING HEARING MASTER CONSIDERED THE APPLICANT'S REQUEST TO REZONE 4.03 ACRES FROM RSC-4 TO PLANNED DEVELOPMENT TO DEVELOP A MINI WAREHOUSE FACILITY.

AS YOU HEARD FROM MS. LEINHARD, THE PLANNING COMMISSION HAS FOUND THAT THE REZONING, PLANNING COMMISSION STAFF RATHER, HAS FOUND THAT THE REZONING IS INCOMPATIBLE WITH THE RESIDENTIAL LAND USES TO THE NORTH AND SOUTH AND THE PARCEL DOES NOT MEET COMMERCIAL LOCATIONAL CRITERIA.

THE REQUESTED WAIVER IS ALSO NOT SUPPORTED BY PLANNING COMMISSION STAFF.

THE DEVELOPMENT SERVICES DEPARTMENT STAFF DOES NOT SUPPORT THE REQUEST BASED ON THE PLANNING COMMISSION STAFF FINDINGS.

THE ZONING HEARING MASTER NOTED THAT TESTIMONY IN OPPOSITION WAS PRESENTED AT THE ZHM HEARING.

THE CONCERNS EXPRESSED WERE FROM TWO RESIDENTS THAT HELPED DRAFT THE SEFFNER MANGO COMMUNITY PLAN WHICH DISCOURAGES COMMERCIAL LAND USES IN THE RURAL AREA.

ALSO MENTIONED DURING THE HEARING WERE ISSUES REGARDING THE PARCEL NOT MEETING COMMERCIAL LOCATIONAL CRITERIA, AND THE LACK OF INFORMATION ON THE SITE PLAN.

THE ZONING HEARING MASTER FOUND THAT THE REQUEST CONFLICTS WITH THE VISION OF THE SEFFNER MANGO COMMUNITY PLAN TO RESTRICT RETAIL DEVELOPMENT ALONG U.S. 92 OUTSIDE THE URBAN SERVICE AREA AND WOULD RESULT IN DEVELOPMENT THAT IS INCOMPATIBLE WITH THE CHARACTER OF THE AREA, AND THE ZONING HEARING MASTER RECOMMENDED DENIAL.

>> KEN HAGAN: COMMISSIONER OWEN.

>> MICHAEL OWEN: YEAH THIS ONE KIND OF PULLED THE TRIFECTA WITH THE ZONING HEARING MASTER, PLANNING COMMISSION.

I AGREE WITH THEM.

I'LL MOVE FOR DENIAL.

>> JOSHUA WOSTAL: SECOND.

>> KEN HAGAN: COMMISSIONER KEMP?

>> PAT KEMP: AND I'LL JUST DO A THANK YOU TO MS. MACOMIS WHO'S BEEN DILIGENT IN FOLLOWING THE COMMUNITY AND THE COMMUNITY PLAN AND THANK YOU FOR COMING DOWN AND YOU DID A WONDERFUL JOB, AND WE HAVE AS WAS STATED, A TRIFECTA HERE, AND I THINK WE'VE HEARD ALL THE REASONS WHY SO I'LL SUPPORT THE DENIAL.

>> KEN HAGAN: OKAY, WE'VE GOT A MOTION BY COMMISSIONER WOSTAL, SECOND TO COMMISSIONER KEMP.

IT'S GREAT TO SEE YOU AGAIN, GRACE.

I KNOW SHE'S BEEN FIGHTING HARD AS FAR AS I KNOW AT LEAST AS FAR AS BACK AS 2003 FOR SEFFNER.

ALL RIGHT, PLEASE RECORD YOUR VOTE.

>> MOTION CARRIED 7-0.

>> KEN HAGAN: ALL RIGHT, F 3.

>> THE NEXT APPLICATION IS ITEM F 3 REZONING PD 22-08579.

THE APPLICANT IS ROGER GRUNKE.

THE REQUEST IS TO REZONE A 4.57-ACRE FROM RSC-4 AND RSC-2 TO A PLANNED DEVELOPMENT.

THE REQUEST AGAIN THE PARCEL IS LOCATED ON THE EAST SIDE OF DAVIS



**Rezoning Application:** PD 22-0719  
**Zoning Hearing Master Date:** January 17, 2023  
**BOCC Land Use Meeting Date:** March 7, 2023

**1.0 APPLICATION SUMMARY**

**Applicant:** Sunny Sia  
**FLU Category:** SMU-6 (Suburban Mixed Use-6)  
**Service Area:** Rural  
**Site Acreage:** Approximately 3.94 acres  
**Community Plan Area:** Seffner Mango  
**Overlay:** None



**Introduction Summary:**

The applicant seeks to develop an approximately 3.94-acre unified development consisting of one folio. The request is for a rezoning from Residential Single Family Conventional (RSC-4) to Planned Development (PD) to allow for a mini-warehouse development.

Zoning:	Existing	Proposed
District(s)	RSC-4	Proposed
Typical General Use(s)	Single-Family Residential (Conventional Only)	Commercial (Mini-warehouse)
Acreage	3.94 acres	3.94 acres
Density/Intensity	Minimum 10,000-sq.-ft. lot per sf home	0.37 FAR

Development Standards:	Existing	Proposed
District(s)	RSC-4	PD
Setbacks/Buffering and Screening	Front: 25 ft. Side: 7.5 ft. Rear: 25 ft.	North (rear) 20 ft. landscape with Type "B" buffer  Sides: 20 ft. landscape with Type "B" buffer
Height	50 ft. Max. Ht.	35 ft. Max. Ht.

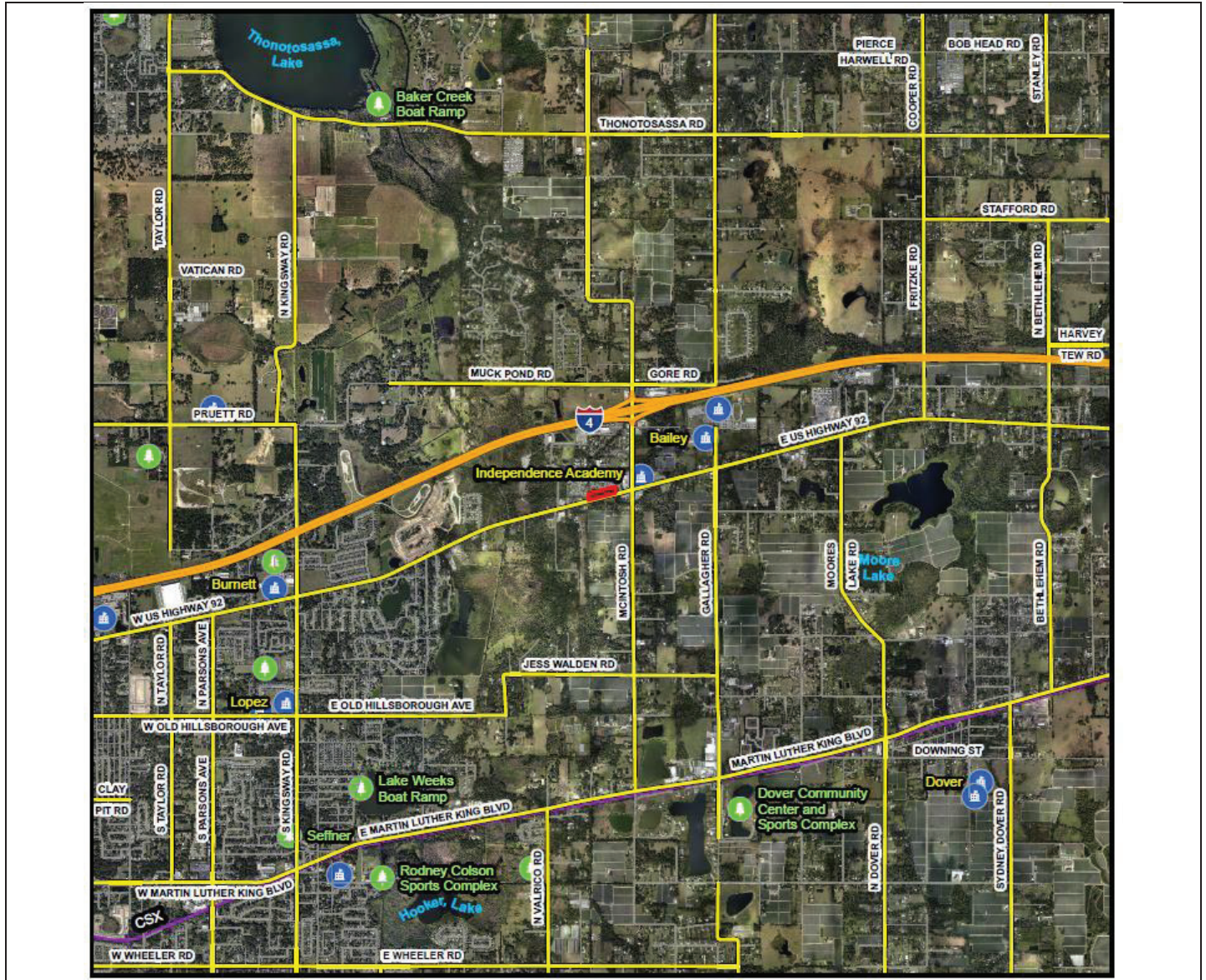
**Additional Information:**

PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	None requested as part of this application.

<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**



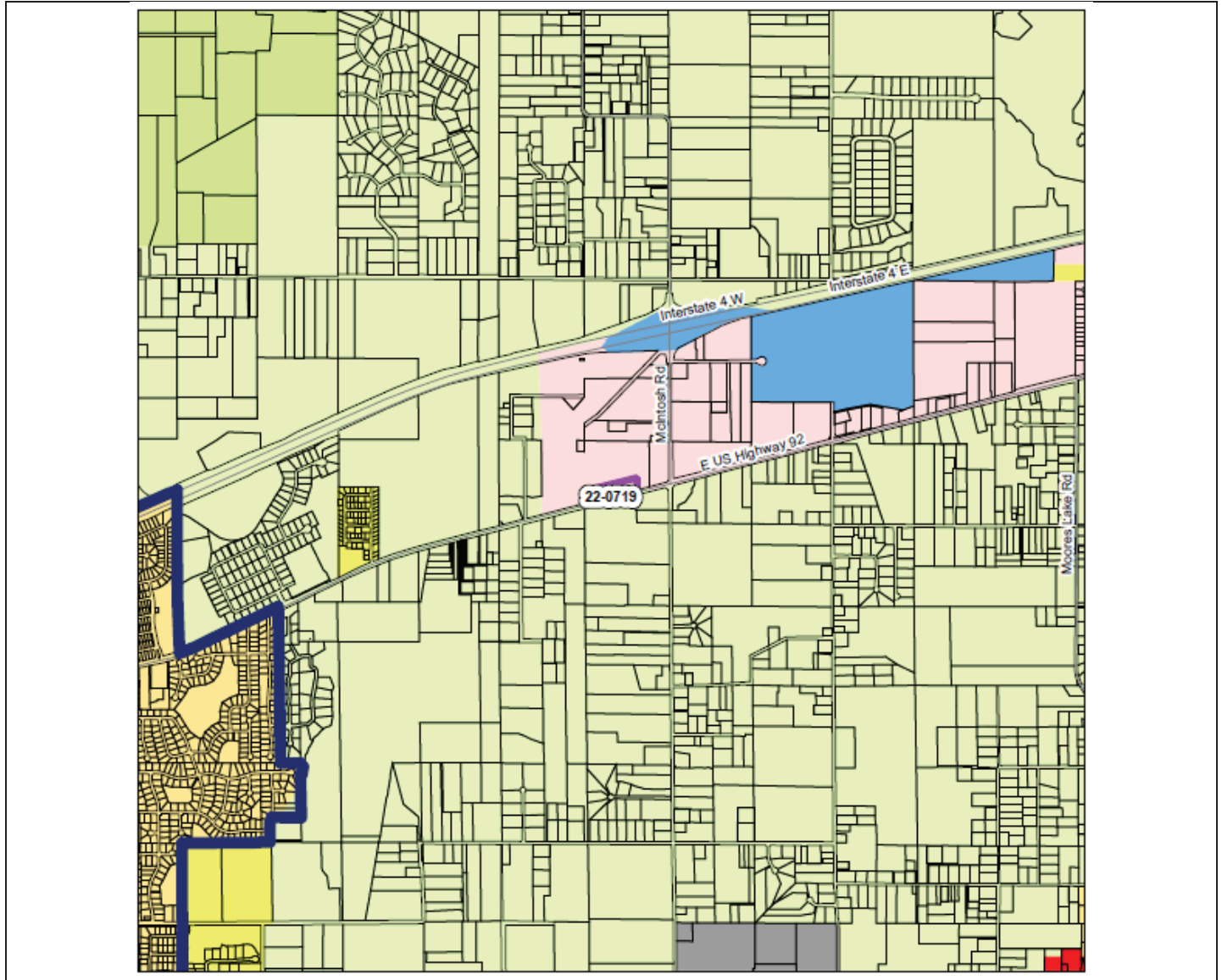
**Context of Surrounding Area:**

The subject property is located on the north side of East U.S. Highway 92, west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan.

Planned Development (PD) zoning exists to the north and east and is developed with an RV / mobile home park and Driscoll’s agricultural plant. On the south side of US Highway 92 are Agricultural Single Family-1 (AS-1) and Agricultural Rural (AR) zoned properties developed with agriculture and single family uses. Commercial General (CG) zoned properties are located to the west and southwest and are developed with a variety of uses, including a motel, single-family residential, mobile homes, and a warehouse use.

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

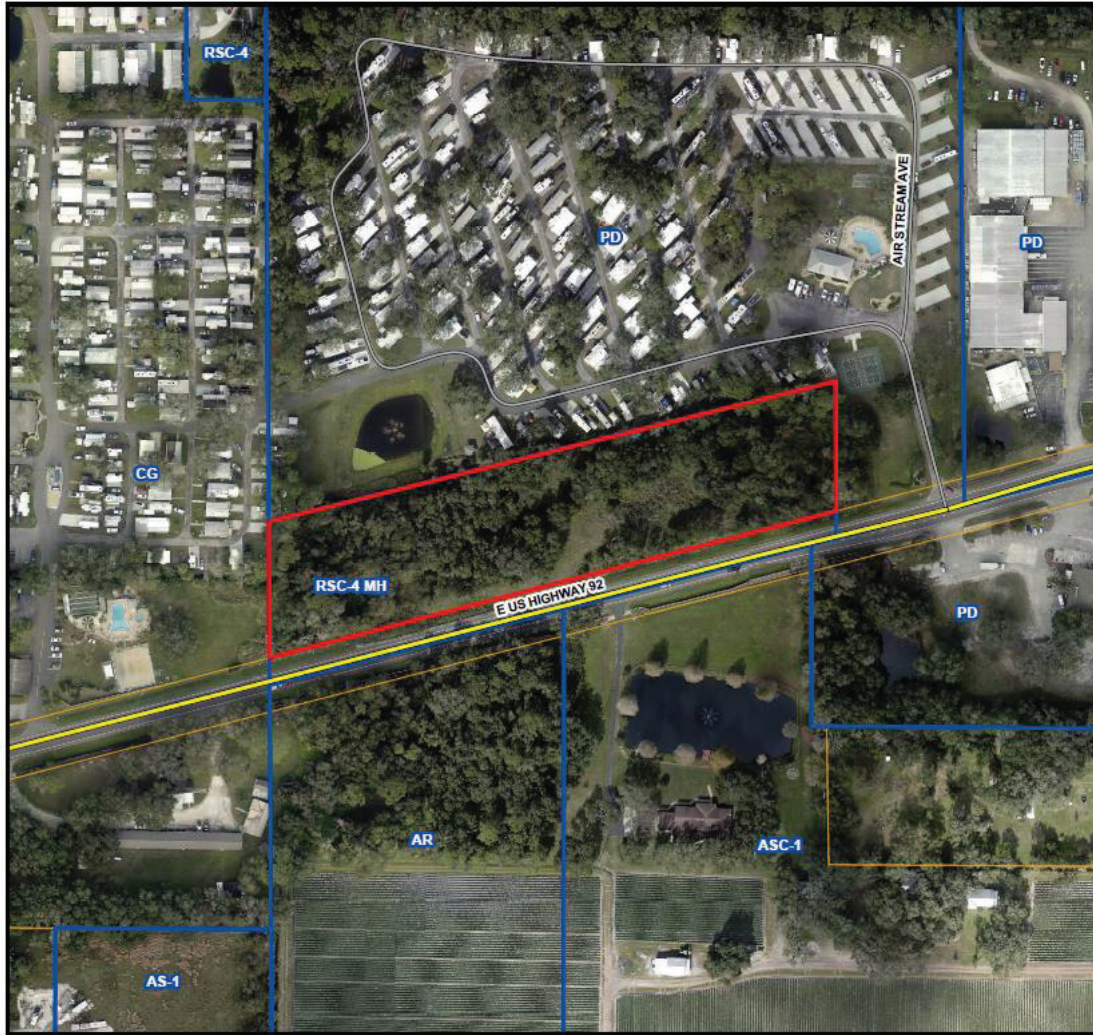
**2.2 Future Land Use Map**



Subject Site Future Land Use Category:	SMU-6 (Suburban Mixed Use-6)
Maximum Density/F.A.R.:	6 dwelling per acre / 0.25 FAR: Suburban scale neighborhood commercial; 0.35 FAR: Office uses, research corporate park uses, multipurpose, and mixed use; 0.5 FAR: Light Industrial uses
Typical Uses:	Typical uses in the SMU-6 includes residential, suburban commercial, offices, research parks, light industrial, multi-purpose, clustered residential, mixed-use

**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	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH
South	PD 86-0149 and AR	AR / ASC-1	SF / Agricultural	SF / Agricultural
East	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH
West	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH



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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 92	FDOT Principal Arterial - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" 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	151	12	16
Proposed	90	7	10
Difference (+/-)	-61	-5	-6

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC

Notes:

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

Notes:

**4.0 Additional Site Information & Agency Comments Summary**

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

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

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<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	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Wetlands/Other Surface Waters</li> <li><input type="checkbox"/> Use of Environmentally Sensitive Land Credit</li> <li><input type="checkbox"/> Wellhead Protection Area</li> <li><input type="checkbox"/> Surface Water Resource Protection Area</li> <li><input type="checkbox"/> Potable Water Wellfield Protection Area</li> <li><input type="checkbox"/> Significant Wildlife Habitat</li> <li><input type="checkbox"/> Coastal High Hazard Area</li> <li><input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor</li> <li><input type="checkbox"/> Adjacent to ELAPP property</li> <li><input checked="" type="checkbox"/> Other <u>Potable Water Buffer Area</u></li> </ul>				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation Report.
<b>Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" 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	See Water Resource Services Comment Sheet Water & Wastewater
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b> Self-Storage (Per 1,000 s.f.) Mobility: \$1,084 Fire: \$32 Rural Mobility, Northeast Fire - Self Storage, not specified size				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<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 type="checkbox"/> No	See Planning Commission Report

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The applicant seeks to develop an approximately 3.94-acre unified development consisting of one folio. The request is for a rezoning from RSC-4 (Residential Single Family-4) to Planned Development (PD) to allow for the development of a mini-warehouse facility. The subject site is located on the north side of East U.S. Highway 92, west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan.

Planned Development (PD) zoning exists to the north and east and is developed with a RV / mobile home park. Further east is Driscoll's of Florida. On the south side of US Highway 92 are Agricultural Single Family-1 (AS-1) and Agricultural Rural (AR) zoned properties developed with agriculture and single family uses. Heading west are Commercial General (CG) zoned properties located to the west and southwest that are developed with a variety of uses, including a motel, single-family residential, mobile homes, and a warehouse use.

The site plan illustrates measures that mitigate the proposed mini-warehouse and the adjacent RV and mobile home planned development and adjacent abutting properties. The applicant proposes a 20-foot buffer with Type "B" screening along the north, east and west of the subject site. The applicant requests no Variations for Site Design. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).

The subject site is located outside of the Hillsborough County Urban Service Area. If the site is required or otherwise allowed to connect to the potable water and/or wastewater systems, there will be offsite improvements required that extend beyond a connection to the closest location with existing infrastructure. These points-of-connection will have to be determined at time of application for service as additional analysis will be required to make the final determination.


There are wetlands present on the subject property. The Environmental Protection Commission (EPC) Wetlands Division has reviewed the proposed rezoning and has determined a resubmittal is not necessary for the site plan's current configuration. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process, contingent upon conditions.

Planning Commission staff finds that the request is located outside of the commercial node and within the Rural Area. Typically, the type of development that would be expected is less intense than the proposed mini warehouse use. Planning Commission finds that the proposed development does not meet Commercial Locational Criteria. Planning Commission also finds that the proposed rezoning is in direct conflict with the vision of the Seffner Mango Community Plan. Overall, the Planning Commission finds the proposed development inconsistent with the Goals, Objectives and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

### 5.2 Recommendation

Overall, the request is **NOT** supportable.



<p><b>Zoning Administrator Sign Off:</b></p>	 <p>J. Brian Grady Tue Jan 10 2023 07:49:09</p>
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**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

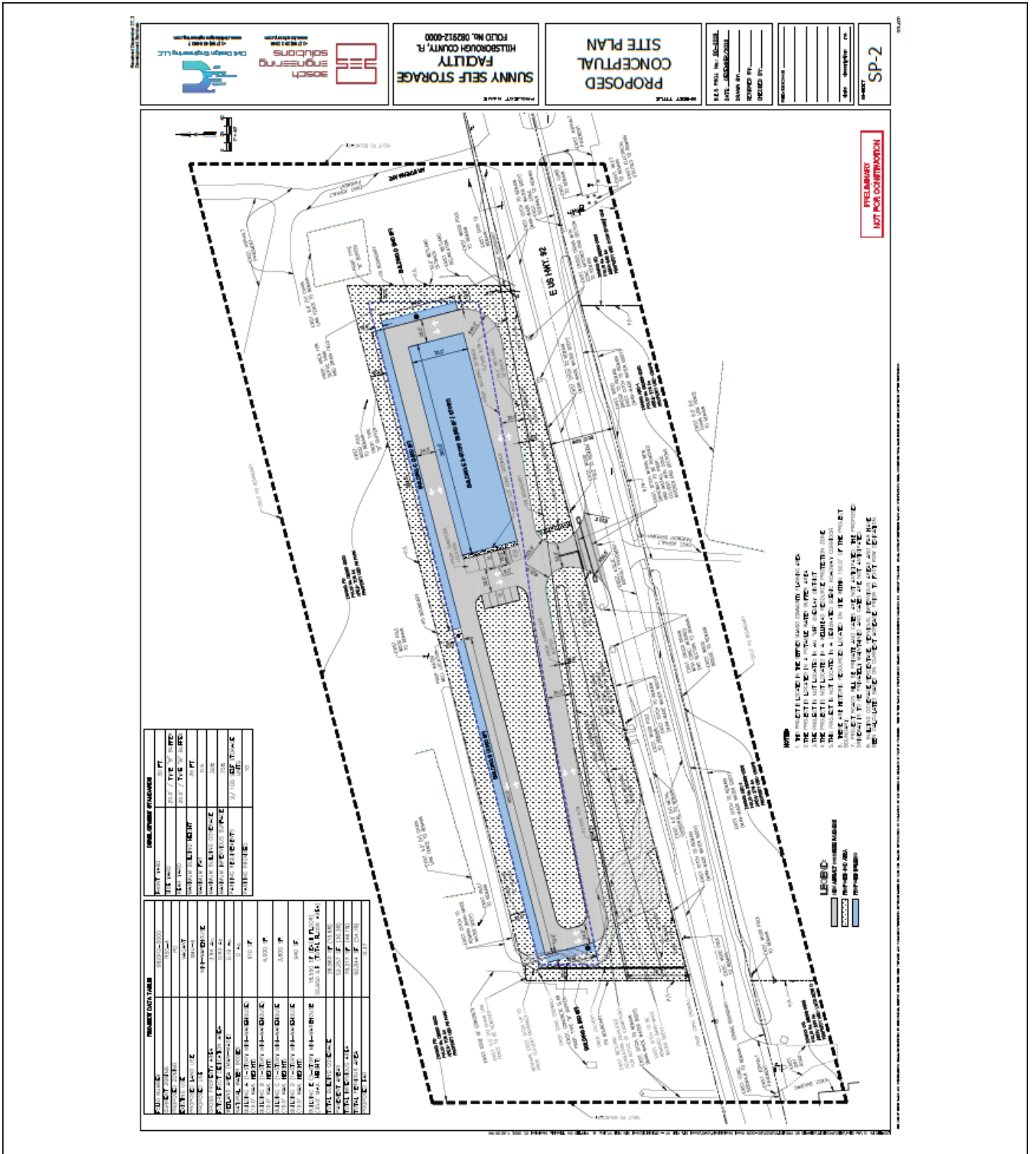
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are 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.

**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDNACE 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.

## **7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS**

8.0 PROPOSED SITE PLAN (FULL)



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

**AGENCY REVIEW COMMENT SHEET**

TO: Zoning Technician, Development Services Department

DATE: 1/09/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: SM/Central

PETITION NO: PD 22-0719

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

**CONDITIONS OF ZONING APPROVAL**

- The project shall be permitted one (1) full access on US Highway 92, subject to FDOT approval.
- The developer shall dedicate right of way to FDOT along the project frontage, as proffered and delineated on the PD site plan, to satisfy the Hillsborough County Corridor Preservation requirements pursuant to LDC, Sec. 5.11.08, subject to FDOT approval.
- The developer shall construct minimum 5-foot-wide sidewalk along the project’s frontage.

**OTHER:**

- Prior to certification, the applicant shall add a site plan note stating that the developer proposes to dedicate the area delineated as Future R/W to FDOT to satisfy the Hillsborough County Corridor Preservation Plan consistent with LDC, Sec. 5.11.08.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone a +/- 4.03 ac. parcel to Planned Development (PD) to allow for up to a maximum of 500-unit self-storage facility. The subject property is zoned Residential Suburban Conventional – 4 with Mobile Home Overlay (RSC-4/MH) and designated Suburban Mixed Use – 6 (SMU-6) future land use.

***Trip Generation Analysis***

The applicant submitted a trip generation and site access analysis consistent with the Development Review Procedures Manual (DRPM). 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.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-4; 16 Single-Family Dwelling Unit (ITE LUC 210)	151	12	16

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD: 500-unit, Self Storage (ITE Code 151)	90	7	10

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference (+/-)</b>	<b>-61</b>	<b>-5</b>	<b>-6</b>

Note: Above table reports gross project trips.

The proposed PD zoning will result in a decrease in maximum potential trips generated from the subject property by 61 daily trips, 5 AM peak hour trips and 6 PM peak hour trips.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The subject property has frontage on US Hwy 92. US Highway 92 is a 2-lane, undivided, rural, Florida Department of Transportation (FDOT) maintained Principal Arterial roadway with +/- 12-foot lanes and +/- 4-foot paved shoulders. The roadway lies within a +/- 80-foot-wide right-of-way. There are no sidewalks within in the vicinity of the proposed project.

Pursuant to the Hillsborough County Corridor Preservation Plan, Hillsborough Ave. is proposed to be improved to a 4-lane section. According to FDOT adopted PD&E study (WPI Segment No. 435749-1), the future right of way width will be 180 feet at buildout, as such the applicant shall is required to designate a certain portion of the project frontage as Right of Way Preservation or may proffer to dedicate the right-of-way at the time of site construction consistent with the Hillsborough County Land Development Code, Part 5.11.00. As shown in the proposed PD site plan, the applicant is proffering to dedicate frontage along US Hwy 92 ranging from +/-20 to +/-74 feet.

**SITE ACCESS**

The project is proposing one (1) full access connection on US Hwy 92, subject to FDOT approval.

The applicant submitted a site access analysis indicating that turn lane improvements are not warranted.

The applicant is required to construct a sidewalk along the project frontage.

**ROADWAY LEVEL OF SERVICE**

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US Hwy 92	Kingsway Rd.	McIntosh Rd.	D	C

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 92	FDOT Principal Arterial - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" 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	151	12	16
Proposed	90	7	10
Difference (+/-)	-61	-5	-6

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

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

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



**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 22-0719

**DATE OF HEARING:** January 17, 2023

**APPLICANT:** Sunny Sia

**PETITION REQUEST:** A request to rezone property from RSC-4 to PD to permit a mini-warehouse facility

**LOCATION:** 250 feet northwest of the intersection E. US Hwy. 92 and Air Stream Avenue

**SIZE OF PROPERTY:** 4.03 acres, m.o.l.

**EXISTING ZONING DISTRICT:** RSC-4

**FUTURE LAND USE CATEGORY:** SMU-6

**SERVICE AREA:** Rural

**COMMUNITY PLAN:** Seffner Mango

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 APPLICATION SUMMARY

Applicant: Sunny Sia

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

Service Area: Rural

Site Acreage: Approximately 3.94 acres

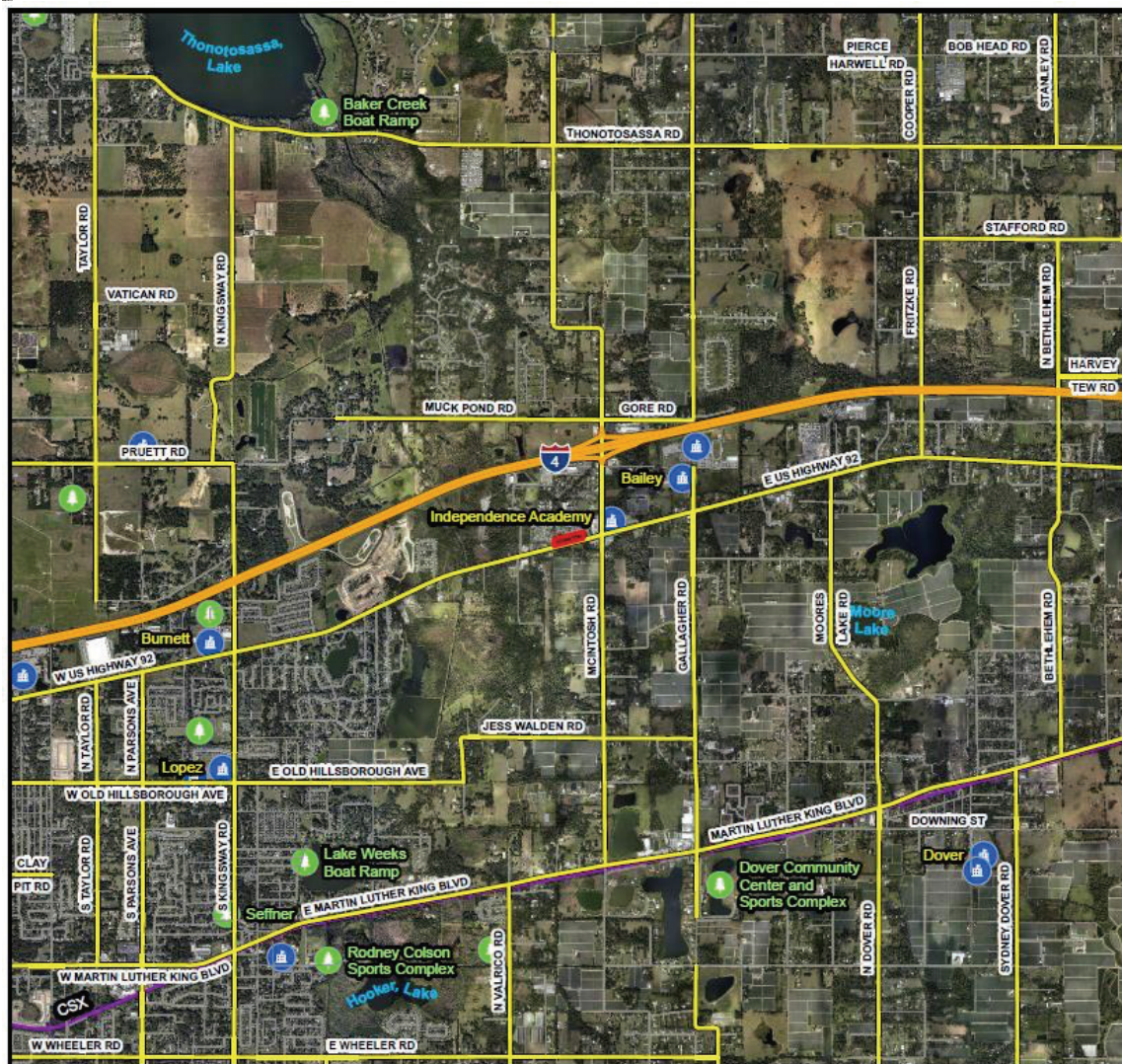
Community Plan Area: Seffner Mango

Overlay: None

Introduction Summary:		
The applicant seeks to develop an approximately 3.94-acre unified development consisting of one folio. The request is for a rezoning from Residential Single Family Conventional (RSC-4) to Planned Development (PD) to allow for a mini-warehouse development.		
Zoning: Existing Proposed		
*	District(s)	RSC-4
*	Typical General Use(s)	Single-Family Residential (Conventional Only)
*	Acreage	3.94 acres
*	Density/Intensity	Minimum 10,000-sq.-ft. lot per sf home
		Proposed
		Commercial (Mini-warehouse)
		3.94 acres
		0.37 FAR

Development Standards: Existing Proposed		
District(s)	RSC-4	PD
Setbacks/Buffering and Screening	Front: 25 ft. Side: 7.5 ft. Rear: 25 ft.	North (rear) 20 ft. landscape with Type" B" buffer  Sides: 20 ft. landscape with Type" B" buffer
Height	50 ft. Max. Ht.	35 ft. Max. Ht.
Additional Information:		
PD Variation(s)	None requested as part of this application	
Waiver(s) to the Land Development Code	None requested as part of this application.	
<b>Planning Commission Recommendation:</b>  INCONSISTENT	<b>Development Services Recommendation:</b>  Not Supportable	

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



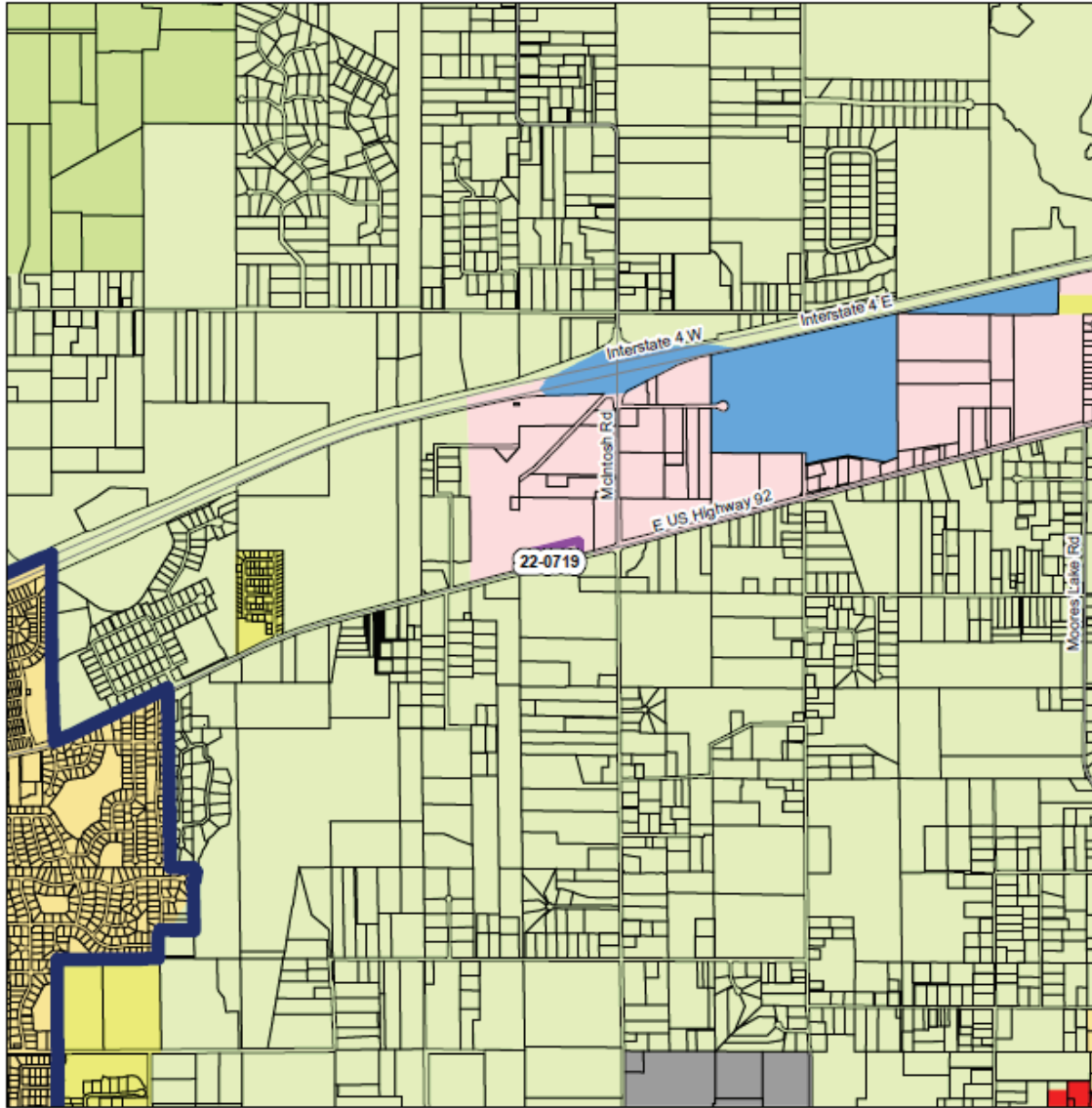
### Context of Surrounding Area:

The subject property is located on the north side of East U.S. Highway 92, west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan.

Planned Development (PD) zoning exists to the north and east and is developed with an RV / mobile home park and Driscoll's agricultural plant. On the south side of US Highway 92 are Agricultural Single Family-1 (AS-1) and Agricultural Rural (AR) zoned properties developed with agriculture and single family uses. Commercial General (CG) zoned properties are located to the west and southwest and are developed with a variety of uses, including a motel, single-

family residential, mobile homes, and a warehouse use.

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



Subject Site Future Land Use Category:	SMU-6 (Suburban Mixed Use-6)
Maximum Density/F.A.R.:	6 dwelling per acre / 0.25 FAR: Suburban scale neighborhood commercial; 0.35 FAR: Office uses, research corporate park uses, multipurpose, and mixed use; 0.5 FAR: Light Industrial uses
Typical Uses:	Typical uses in the SMU-6 includes residential, suburban commercial, offices, research parks, light industrial, multi-purpose, clustered residential, mixed-use

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

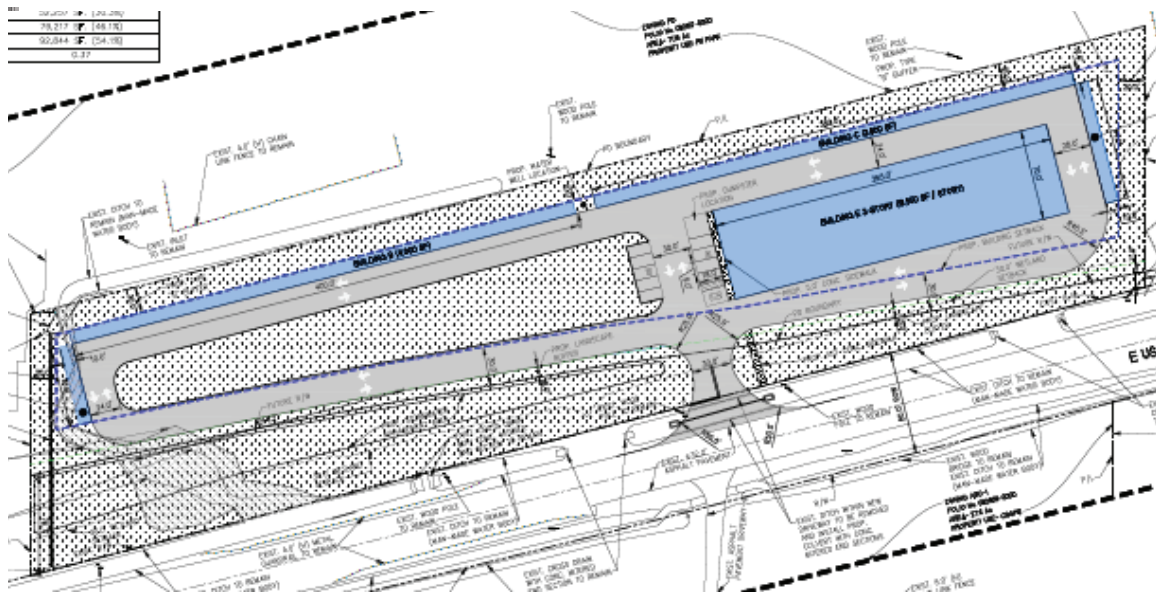


**Adjacent Zonings and Uses**

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH
South	PD 86-0149 and AR	AR / ASC-1	SF / Agricultural	SF / Agricultural
East	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH

West	PD 86-0056 / 93-0097	Max. 2 /ac. per 93-0097	RV / MH	RV / MH
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**2.4 Proposed Site Plan** (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 92	FDOT Principal Arterial - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" 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	151	12	16
Proposed	90	7	10
Difference (+/-)	-61	-5	-6

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

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

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



**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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<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	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property  <input checked="" type="checkbox"/> Other <u> Potable Water Buffer Area</u>				
<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"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation Report.
<b>Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" 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	See Water Resource Services Comment Sheet Water & Wastewater
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b>  Self-Storage (Per 1,000 s.f.) Mobility: \$1,084 Fire: \$32 Rural Mobility, Northeast Fire - Self Storage, not specified size				
<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 type="checkbox"/> No	See Planning Commission Report

Density Bonus Requested  Consistent  Inconsistent

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The applicant seeks to develop an approximately 3.94-acre unified development consisting of one folio. The request is for a rezoning from RSC-4 (Residential

Single Family-4) to Planned Development (PD) to allow for the development of a mini-warehouse facility. The subject site is located on the north side of East U.S. Highway 92, west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan.

Planned Development (PD) zoning exists to the north and east and is developed with a RV / mobile home park. Further east is Driscoll's of Florida. On the south side of US Highway 92 are Agricultural Single Family-1 (AS-1) and Agricultural Rural (AR) zoned properties developed with agriculture and single family uses. Heading west are Commercial General (CG) zoned properties located to the west and southwest that are developed with a variety of uses, including a motel, single-family residential, mobile homes, and a warehouse use.

The site plan illustrates measures that mitigate the proposed mini-warehouse and the adjacent RV and mobile home planned development and adjacent abutting properties. The applicant proposes a 20-foot buffer with Type "B" screening along the north, east and west of the subject site. The applicant requests no Variations for Site Design. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).

The subject site is located outside of the Hillsborough County Urban Service Area. If the site is required or otherwise allowed to connect to the potable water and/or wastewater systems, there will be offsite improvements required that extend beyond a connection to the closest location with existing infrastructure. These points-of-connection will have to be determined at time of application for service as additional analysis will be required to make the final determination.

There are wetlands present on the subject property. The Environmental Protection Commission (EPC) Wetlands Division has reviewed the proposed rezoning and has determined a resubmittal is not necessary for the site plan's current configuration. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process, contingent upon conditions.

Planning Commission staff finds that the request is located outside of the commercial node and within the Rural Area. Typically, the type of development that would be expected is less intense than the proposed mini warehouse use. Planning Commission finds that the proposed development does not meet Commercial Locational Criteria. Planning Commission also finds that the proposed rezoning is in direct conflict with the vision of the Seffner Mango Community Plan. Overall, the Planning Commission finds the proposed development inconsistent with the Goals, Objectives and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

## 5.2 Recommendation

Overall, the request is **NOT** supportable.

### SUMMARY OF HEARING

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

Mr. Sunny Sia 9903 Maple Street Gibsonton testified as the applicant. Mr. Sia stated that he would like to rezone the property from RSC-4 to Planned Development for a mini-warehouse. He stated that he had originally planned to build a strip mall but was advised by the Planning Commission that it was not permitted. Mr. Sia testified that a warehouse is more environmentally friendly as no one will live there. There will be less traffic, less impacts on water resources and waste management. He added that there are no mini-warehouses within a three mile radius. Mr. Sia stated that the County's transportation reviewer did not object to the request. He discussed the associated traffic and stated that EPC also had no objections. Mr. Sia concluded his presentation by stating that the property does not meet commercial locational criteria however parcels adjacent are zoned either PD, CG or CI. Regarding the Planning Commission's comments that US 92 is a rural road, he detailed the traffic counts and stated that it is a high traffic area. Mr. Sia concluded his remarks by stating that the SMU-6 land use category permits different types of mixed land uses.

Mr. Tim Lampkin, Development Services Department testified regarding the County's staff report. Mr. Lampkin stated that the request is to rezone 3.94 acres from RSC-4 to PD to allow for a mini-warehouse development. He described the location of the property within the Seffner Mango Community Plan and detailed the surrounding residential and agricultural land uses. No waivers or variations are requested. Mr. Lampkin testified that the Planning Commission found the site does not meet commercial locational criteria and is direct conflict with the Seffner Mango Community Plan. He concluded his presentation by stating that staff finds the request not supportable.

Ms. Jillian Massey of the Planning Commission staff stated that the property is designated Suburban Mixed Use-6 Future Land Use category and located in the Rural Service Area and the Seffner Mango Community Planning Area. She discussed the surrounding residential development and stated that the proposed use is inconsistent with Policy 16.2 which requires a gradual transition of intensities between different land uses. She added that the proposed use is out of character with the residential nature of the properties to the north and south. The site does not meet commercial locational criteria and staff does not support the waiver. Planning Commission staff found that the request is in direct conflict with the Seffner Mango Community Plan as it restricts retail development along US 92 and Dr. Martin Luther King Jr. Blvd. outside the Urban Service area. Ms. Massey concluded her remarks by stating that the Planning Commission staff

finds the request inconsistent with the Seffner Mango Community Plan and the Comprehensive Plan.

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

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

Ms. Grace McComas 805 Old Darby Road Seffner testified in opposition. Ms. McComas stated that the request is inconsistent with the Seffner Mango Community Plan which she worked hard on preparing. The Plan discourages commercial in the Rural area and the property does not meet commercial locational criteria. Ms. McComas showed a graphic to discuss the location of the property and existing conditions.

Ms. Elizabeth Belcher testified in opposition. Ms. Belcher referenced a memo from FDOT dated 5-12-22 that states that there is a requirement for 160 feet of right-of-way. She stated there is a requirement for a sidewalk but that she did not see that on the plan. She also did not see mention of the proposed lighting which will abut residential land uses nor the appearance of the proposed warehouse. Ms. Belcher testified that she believes that there are two mini-warehouse facilities within a three mile radius and that she was one of the people that helped write the Seffner Mango Community Plan. Ms. Belcher concluded her comments by stating that the request is not compatible with the Community Plan.

County staff did not have additional comments.

Mr. Sia testified during the rebuttal period and showed a graphic to dispute that his property is in the Seffner Mango area. He added that his address is in Dover. He discussed the maximum Floor Area Ratio and stated that his property is in a commercial area with schools and parcels zoned CG. Mr. Sia referred to another zoning that was approved in 2012 under RZ 12-0512 for 90,000 square feet of commercial and a residential subdivision. He added that it also did not meet commercial locational criteria but was supported by the Planning Commission. He summed up his rebuttal by stating that the mini-warehouse will be beneficial to small business, farmers, the school system and residential neighborhoods in the community.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Ms. McComas submitted portions of the County's staff report into the record. Mr. Sia submitted a copy of his PowerPoint presentation, a copy of the listing of Future Land Use categories and a print-out from the Property Appraiser's record for the subject property 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 site is 4.03 acres in size and is zoned Residential Single-Family Conventional-4 (RSC-4) and designated Suburban Mixed Use-6 (SMU-6) by the Comprehensive Plan. The property is located in the Rural Service Area and the Seffner Mango Community Planning Area.
2. The Planned Development is requested to develop a mini-warehouse facility.
3. No Planned Development Variations or waivers are being requested.
4. The Planning Commission staff testified that the request is not compatible with the surrounding residential development to the north and south of the subject property. The request is inconsistent with Policy 16.2 which requires a gradual transition of intensities between different land uses. The parcel does not meet commercial locational criteria and staff does not support the requested waiver. The Planning Commission staff found that the request is in direct conflict with the Seffner Mango Community Plan as it restricts retail development along US 92 and Dr. Martin Luther King Jr. Blvd. outside the Urban Service area. The Planning Commission staff found the request inconsistent with both the Seffner Mango Community Plan and the Comprehensive Plan.
5. The Development Services Department staff do not support the request based on the Planning Commission's findings.
6. The parcels surrounding the subject property are zoned Planned Development and approved for residential and agricultural land uses.
7. Testimony in opposition was presented at the Zoning Hearing Master hearing. The concerns expressed were from two residents that helped draft the Seffner Mango Community Plan which discourages commercial land uses in

the Rural area. Also mentioned were issues regarding the parcel not meeting commercial locational criteria and the lack of information on the site plan.

8. The applicant cited a previously approved rezoning for 90,000 square feet of commercial and a residential subdivision (RZ PD 12-0512) as precedent for the approval of commercial on a parcel which did not meet locational criteria on US Hwy. 92 in the Seffner Mango Community Planning Area.

This zoning is not analogous to the subject property rezoning as the 2012 rezoning included property already zoned Commercial General (CG) and the proposed Planned Development significantly reduced the amount of commercial that could be developed as compared to the existing commercial entitlements. Further, the 2012 rezoning parcel was located on a segment of US Hwy. 92 that was developed with commercial and industrial land uses such as heavy equipment sales and industrial storage. These reasons were cited by the Planning Commission in 2012 for supporting the waiver of commercial locational criteria at that time.

9. The parcel's location in the Rural Service Area and outside the commercial node does not support the requested Planned Development zoning for a mini-warehouse facility.
10. The request conflicts with the vision of the Seffner Mango Community Plan to restrict retail development along US 92 outside the Urban Service Area and would result in development that is incompatible with the character of the area.

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

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

#### **CONCLUSIONS OF LAW**

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

## SUMMARY

The request is to rezone 4.03 acres from RSC-4 to Planned Development is to develop a mini-warehouse facility.

The Planning Commission testified that the rezoning is incompatible with the residential land uses to the north and south and the parcel does not meet commercial locational criteria. The requested waiver is not supported by staff. Staff also found that the request is in direct conflict with the Seffner Mango Community Plan as it restricts retail development along US 92 and Dr. Martin Luther King Jr. Blvd. outside the Urban Service area. Overall, the Planning Commission found that the rezoning is inconsistent with both the Seffner Mango Community Plan and the Comprehensive Plan.

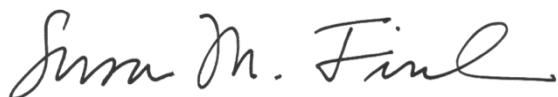
The Development Services Department staff do not support the request based on the Planning Commission's findings.

Testimony in opposition was presented at the Zoning Hearing Master hearing. The concerns expressed were from two residents that helped draft the Seffner Mango Community Plan which discourages commercial land uses in the Rural area. Also mentioned were issues regarding the parcel not meeting commercial locational criteria and the lack of information on the site plan.

The parcel's location in the Rural Service Area and outside the commercial node does not support the requested Planned Development zoning for a mini-warehouse facility. The request conflicts with the vision of the Seffner Mango Community Plan to restrict retail development along US 92 outside the Urban Service Area and would result in development that is incompatible with the character of the area.

## RECOMMENDATION

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



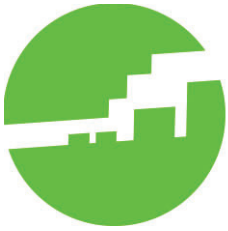
February 7, 2023

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

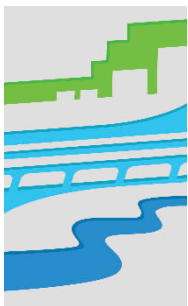
**Date**





**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> January 17, 2023  <b>Report Prepared:</b> January 5, 2023	<b>Petition: PD 22-0719</b>  <b>12722 E US Highway 92</b>  <i>North side of US Highway 92, west of McIntosh Road</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Suburban Mixed Use-6 (6du/ga; 0.25 FAR)</b>
<b>Service Area:</b>	<b>Rural</b>
<b>Community Plan:</b>	<b>Seffner-Mango</b>
<b>Requested Zoning:</b>	Residential Single Family Conventional (RSC-4) to Planned Development (PD) to allow for a mini warehouse development
<b>Parcel Size (Approx.):</b>	3.94 +/- acres (171,626 square feet)
<b>Street Functional Classification:</b>	US Highway 92 – <b>Principal Arterial</b> McIntosh Road- <b>Collector</b>
<b>Locational Criteria:</b>	Does not meet; waiver requested
<b>Evacuation Zone:</b>	None



### **Context**

- The 3.94 +/- acre site is located on the north side of US Highway 92 and west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan.
- The subject property's Future Land Use designation is Suburban Mixed Use-6 (SMU-6). Typical uses in this designation 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 are required to meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria.
- The subject property is surrounded by SMU-6 to the north, east and west. Further west and south of the property is designated as Residential-1 (RES-1).
- The subject property is zoned Residential Single Family Conventional-4 (RSC-4). Planned Development (PD) zoning exists to the north and east and is developed with a mobile home park and Driscoll's agricultural plant. On the south side of US Highway 92 are Agricultural Single Family-1 (AS-1) and Agricultural Rural (AR) zoned properties developed with agriculture and single family uses. Commercial General (CG) zoned properties are located to the west and southwest and are developed with a variety of uses, including a motel, single family residential, mobile homes, and a warehouse use. Southeast of the is zoned Planned Development (PD) and Commercial Neighborhood (CN) and are developed with convenience stores and gas stations.
- The applicant requests to rezone the subject site from Residential Single Family Conventional (RSC-4) to Planned Development (PD) to allow for a mini warehouse development.

### **Compliance with Comprehensive Plan:**

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

### **FUTURE LAND USE ELEMENT**

**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.*

### ***Rural Area***

**Objective 4:** The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area

### ***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 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.*

### **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 22.5:** *When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment.*

*This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services or specialty retail (i.e., antiques, boutiques) toward the edges of the activity center.*

**Policy 22.7:** *Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.*

*The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.*

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

## **Community Design Component**

### **1.4 RURAL PATTERN CHARACTERISTICS**

*The largest land area of the County is rural in character. This covers all the future land use categories allowing one (1) dwelling unit per five (5) acres and less (unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village or rural community which will carry higher densities). The characteristics of this pattern are in two components: (1) rural-agricultural and (2) rural-residential, but generally can be described as follows:*

#### **Rural Development Pattern**

- *Predominance of agricultural use and agriculture related industry*
- *Predominance of undeveloped natural areas*
- *Very dispersed general pattern*
- *Widely scattered small-scale convenience -oriented retail*
- *Little employment available outside of agriculture/mining*
- *Large scale land-intensive public uses tend to locate in rural settings*
- *Residential uses are often on lots five (5) acres or larger*

## 5.0 Neighborhood Level Design

### 5.1 Compatibility

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

## LIVABLE COMMUNITIES ELEMENT: SEFFNER-MANGO COMMUNITY PLAN

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

- *Restrict retail development along US 92 and Martin Luther King Boulevard outside the Urban Service Area to existing commercial zoning districts.*
- *Discourage further strip retail development along those portions of US 92 and Martin Luther King Boulevard that are in the Rural Service Area.*
- *Support in-fill development and redevelopment within the Urban Service Area*
- *Support office and light industrial uses along US 92 and Martin Luther King Boulevard between I-75 and CR 579 (Mango Road).*

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

The 3.94 +/- acre site is located on the north side of US Highway 92 and west of McIntosh Road. The subject property is located within the Rural Area and within the limits of the Seffner-Mango Community Plan. The applicant requests to rezone the subject site from Residential Single Family Conventional (RSC-4) to Planned Development (PD) to allow for a mini warehouse development.

The proposal does not meet the intent of the Neighborhood Protection policies outlined under Future Land Use Element (FLUE) Objective 16 and FLUE Policies 16.1, 16.2, 16.3. Policy 16.1, which require development in residential areas be limited to neighborhood scale. Additionally, the proposed development does not fit within the description of the Rural Development Pattern outlined in Policy 1.4 of the Community Design Component. The request would facilitate further encroachment into an area where mobile homes and RVs are present to the north, east and west, and single family zoning districts are located to the south. This is inconsistent with policy direction of FLUE Policy 16.2, which requires gradual transitions of intensities between different land uses to be provided for as new development is proposed and approved. Though the applicant is providing buffering, the intensity of the proposed use is out of character with the residential nature of the uses that surround the site to the north and south. The proposal includes four (4) single story buildings around the perimeter of the site on the north, east and west boundaries, and one (1) three story building with a maximum height of 35' towards the center of the site at the eastern end.

The site is located in a residential zoning district and designated as SMU-6 on the Future Land Use Map. Since it is located outside of the commercial node and within the Rural Area, typically the type of development that would be expected is less intense than the proposed mini warehouse use. For example, residential, office, or a mix thereof would be typical in this Future Land Use category in the Rural Area that does not meet Commercial

**Locational Criteria.** The proposal is inconsistent with FLUE Policy 22.5, which states that there should be a transition of less intensity in uses away from the intersection.

The site does not meet Commercial Locational Criteria per FLUE Objective 22 and its accompanying policies. Per policy direction under Objective 22, 75% of the site's frontage is not within the required distance of 900 feet from the closest qualifying intersection of US Highway 92 and McIntosh Road. The applicant did submit a request to waive the Commercial Locational Criteria, stating that 56% of the site's frontage is within the required distance of the closest qualifying intersection. It is the applicant's opinion that the RV Resort Park that surrounds the site is more commercial in nature than it is residential. It also states that the requested use is compatible with the existing motel, warehouse, and commercially zoned land in the area.

Although there are several uses nearby that are commercial in nature, they are either agriculturally related or in preexisting commercial zoning districts. The existing commercial zoning districts tend to be west of the subject site, closer to the Urban Service Area boundary. The proposed use encroaches into the residential uses along the northern boundary, and Planning Commission staff does not support a waiver based on compatibility and very specific language in the Seffner-Mango Community Plan described below. Planning Commission staff have not been able to identify a special or unique circumstance supporting why a commercial use of this nature should locate on this site and how the request is consistent with Comprehensive Plan policy direction.

Furthermore, the proposed rezoning is in direct conflict with the vision of the Seffner Mango Community Plan. The Plan for this community restricts retail development along US 92 and Martin Luther King Boulevard outside the Urban Service Area to existing commercial zoning districts, as well as discourages further strip retail development along those portions of US 92 and Martin Luther King Boulevard that are in the Rural Area. In addition, the Community Plan specifies where in-fill development and office and light industrial uses are envisioned, which is in the Urban Service Area between I-75 and CR 579. The subject site does not fit the intent of this vision.

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

#### **Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE RZ PD 22-0719

Rezonings

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

Tampa Service

Urban Service

Shoreline

County Boundary

Jurisdiction Boundary

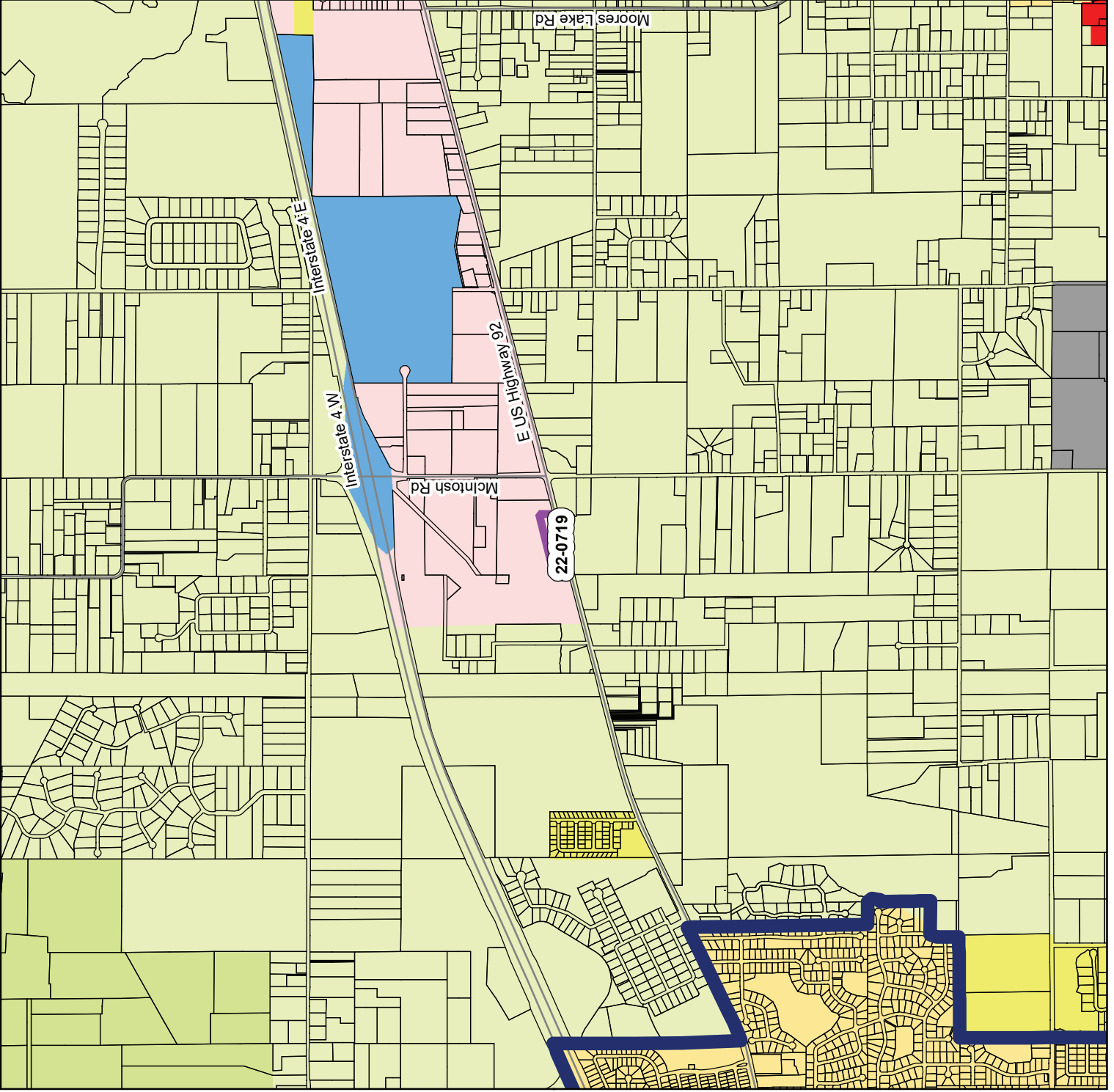
Major Roads

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/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUVA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

DATA SOURCES: Rezonings boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The information on this map is for informational purposes only. It is intended that the City/County Planning Commission. ACCURACY: It is intended that the information on this map is for informational purposes only. It is intended that the information on this map is for informational purposes only. For the most current data and information, visit the appropriate website.

0 1,100 2,200 3,300 4,400 Feet



Map Printed from Rezoning System: 5/9/2022  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HC\Reg\_H\Rezoning - Copy.mxd











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PROJECT NAME  
**SUNNY SELF STORAGE**  
HILLSBOROUGH COUNTY, FL  
FOLD NO. 082912-0000

**PROPOSED CONCEPTUAL SITE PLAN**

SHEET TITLE

B.E.S. PROJ. No.: BC-2228  
DATE: DECEMBER/2022  
DRAWN BY:  
DESIGNED BY:  
CHECKED BY:

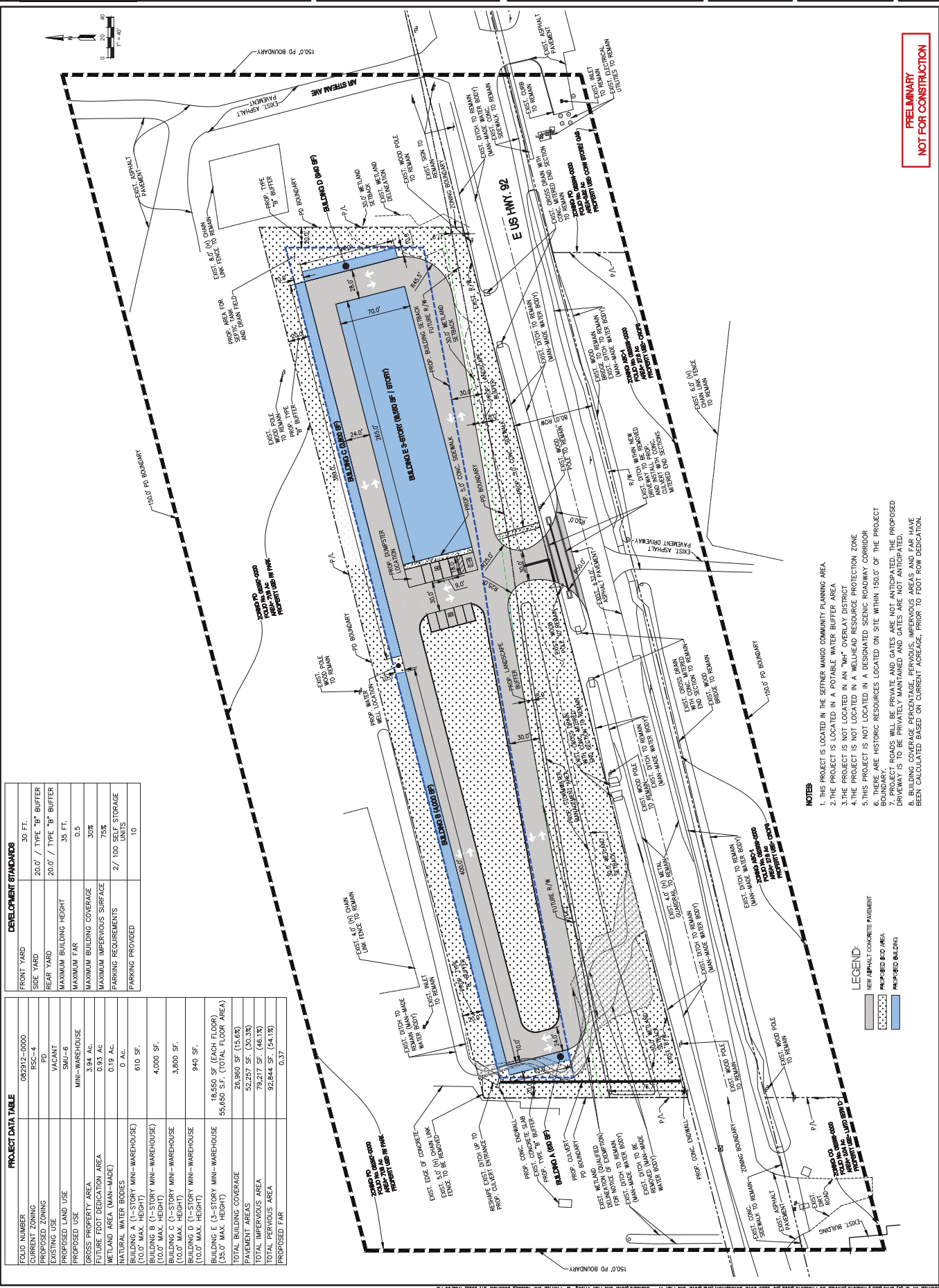
date	description	no.

**PRELIMINARY NOT FOR CONSTRUCTION**

SHEET **SP-2**

PROJECT DATA TABLE	
FOLD NUMBER	082912-0000
CURRENT ZONING	RSC-4
PROPOSED ZONING	PD
EXISTING USE	VACANT
PROPOSED LAND USE	SMU-6
PROPOSED USE	MINI-WAREHOUSE
GROSS PROPERTY AREA	3.94 AC.
FUTURE FOOT DEDICATION AREA	0.93 AC.
WETLAND AREA (MAN-MADE)	0.19 AC.
NATURAL WATER BODIES	0 AC.
BUILDING A (1-STORY MINI-WAREHOUSE) (10.0' MAX. HEIGHT)	619 SF.
BUILDING B (1-STORY MINI-WAREHOUSE) (10.0' MAX. HEIGHT)	4,000 SF.
BUILDING C (1-STORY MINI-WAREHOUSE) (10.0' MAX. HEIGHT)	3,600 SF.
BUILDING D (1-STORY MINI-WAREHOUSE) (10.0' MAX. HEIGHT)	940 SF.
BUILDING E (1-STORY MINI-WAREHOUSE) (10.0' MAX. HEIGHT)	18,550 SF (EACH FLOOR) 55,650 SF. (TOTAL FLOOR AREA)
TOTAL BUILDING COVERAGE	26,960 SF (15.6%)
PAYMENT AREAS	52,277 SF (26.3%)
TOTAL IMPERVIOUS AREA	79,277 SF (40.1%)
TOTAL PAVED AREA	92,844 SF (47.1%)
PROPOSED FAR	0.37

DEVELOPMENT STANDARDS	
FRONT YARD	30 FT.
SIDE YARD	20.0' / TYPE "B" BUFFER
REAR YARD	20.0' / TYPE "B" BUFFER
MAXIMUM BUILDING HEIGHT	35 FT.
MAXIMUM FAR	0.5
MAXIMUM BUILDING COVERAGE	30%
MAXIMUM IMPERVIOUS SURFACE	75%
PARKING REQUIREMENTS	2 / 100 SELF STORAGE UNITS
PARKING PROVIDED	10



- NOTES:**
1. THIS PROJECT IS LOCATED IN THE STEINER MANOJO COMMUNITY PLANNING AREA.
  2. THE PROJECT IS LOCATED IN A POTABLE WATER BUFFER AREA.
  3. THE PROJECT IS NOT LOCATED IN AN "M" OVERLAY DISTRICT.
  4. THE PROJECT IS NOT LOCATED IN A WELLSHEAD RESOURCE PROTECTION ZONE.
  5. THIS PROJECT IS NOT LOCATED IN A DESIGNATED SCENIC ROADWAY CORRIDOR.
  6. THERE ARE HISTORIC RESOURCES LOCATED ON SITE WITHIN 150.0' OF THE PROJECT BOUNDARY. ROADS WILL BE PRIVATE AND GATES ARE NOT ANTICIPATED. THE PROPOSED DRIVEWAY IS TO BE PRIVATELY MAINTAINED AND GATES ARE NOT ANTICIPATED.
  7. BUILDING COVERAGE PERCENTAGE, IMPERVIOUS AREAS, AND FAR HAVE BEEN CALCULATED BASED ON CURRENT ACREAGE, PRIOR TO FOOT ROW DEDICATION.



LOCATION: 0.0 MY DRIVE/PROJECT/SUNNY SELF STORAGE/2022-02-22 2:28 PM Development/CAD/Draw the Plan V7 - 01/27/2023 11:20:00 AM  
THE USE OF THESE PLANS AND INFORMATION SHALL BE RESTRICTED TO THE ORIGINAL USE FOR WHICH THEY WERE PREPARED AND NO REVISIONS OR MODIFICATIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. CONSULT WITH THESE PLANS AND INFORMATION BEFORE ANY CONSTRUCTION BEGINS. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED ON THESE PLANS AND INFORMATION. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED ON THESE PLANS AND INFORMATION. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED ON THESE PLANS AND INFORMATION.