

PD Modification Application: MM 24-1141

Zoning Hearing Master Date: April 15, 2025

BOCC Land Use Meeting Date: June 10, 2025



**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Todd Pressman

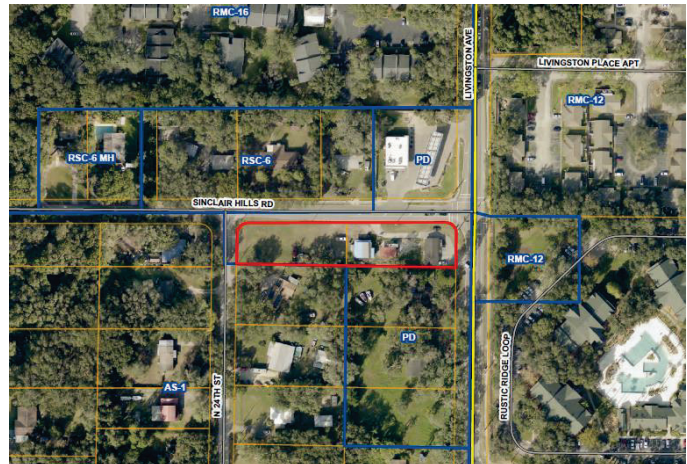
FLU Category: Residential-6

Service Area: Urban

Site Acreage: 0.9 MOL

Community
Plan Area: None

Overlay: None



Introduction Summary:

This application consists of two parcels totaling .90 acres within PD 06-1564. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building, with use exclusions. 2) Maximum of 6,328 sf commercial building, with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.

Existing Approval(s):

3,500 square-foot dry cleaners use

Proposed Modification(s):

Add two options: 1) 2 food trucks and 1,236-sf of limited CN and CG zoning district uses 2) Maximum of 6,328 sf of limited CN and CG zoning district uses

Additional Information:

PD Variation(s):

LDC Part 6.06.00 (Landscaping/Buffering)

Waiver(s) to the Land Development Code:

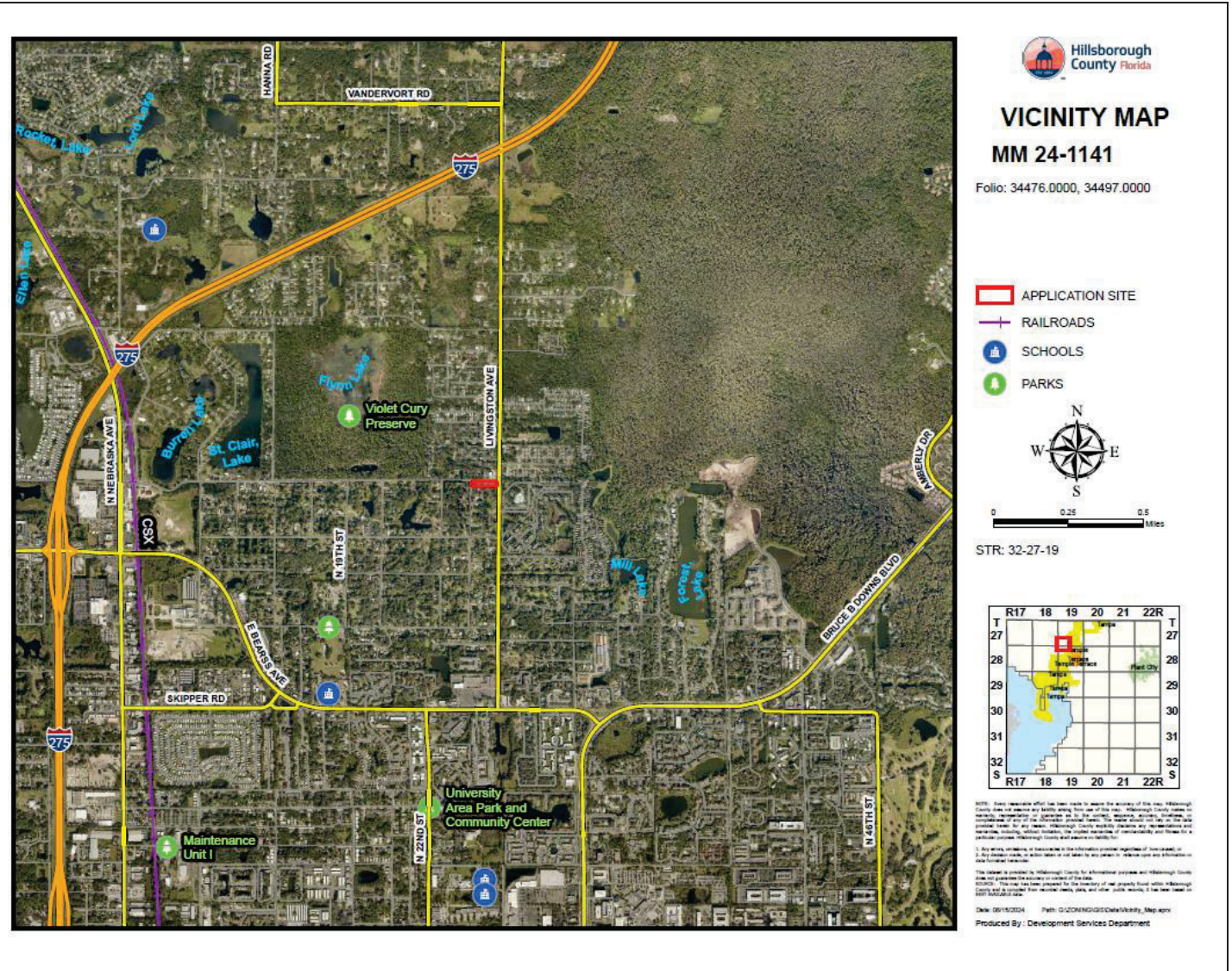
None Requested as part of this application

Planning Commission Recommendation:
Inconsistent

Development Services Recommendation:
Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

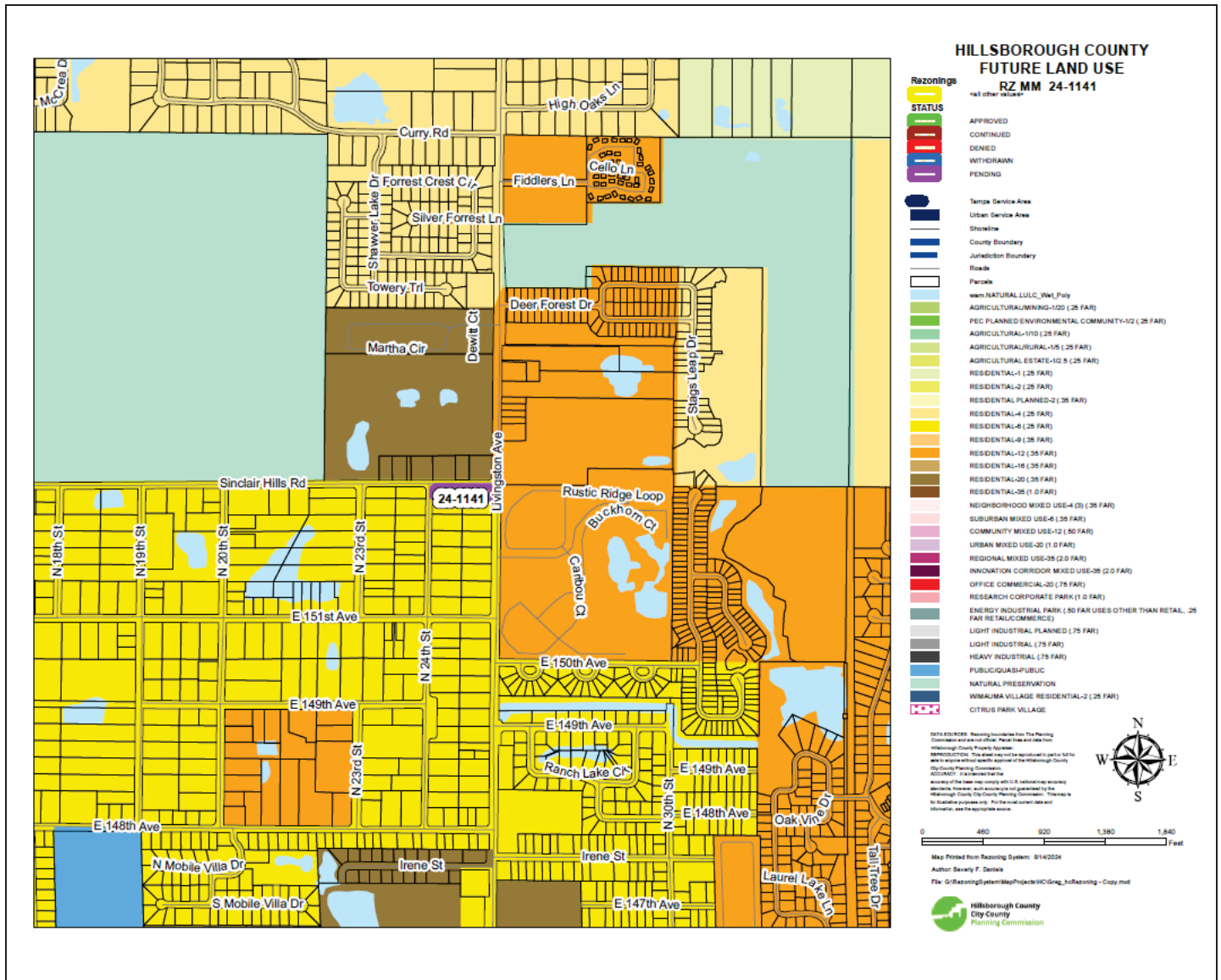


Context of Surrounding Area:

The 0.9-acre property is comprised of two parcels and is generally located at the southwest corner of Livingston Avenue and Sinclair Hills Road. The property is in the Urban Service Area and is not within the limits of any community plan. The surrounding area is predominantly a mixture of single-family and multi-family residential and commercial. To the north across Sinclair Hills Road is single-family residential and a gas station with convenience store. Adjacent to the south is single-family residential. To the east across Livingston Avenue is multi-family residential. To the west across North 24th Street is single-family residential.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



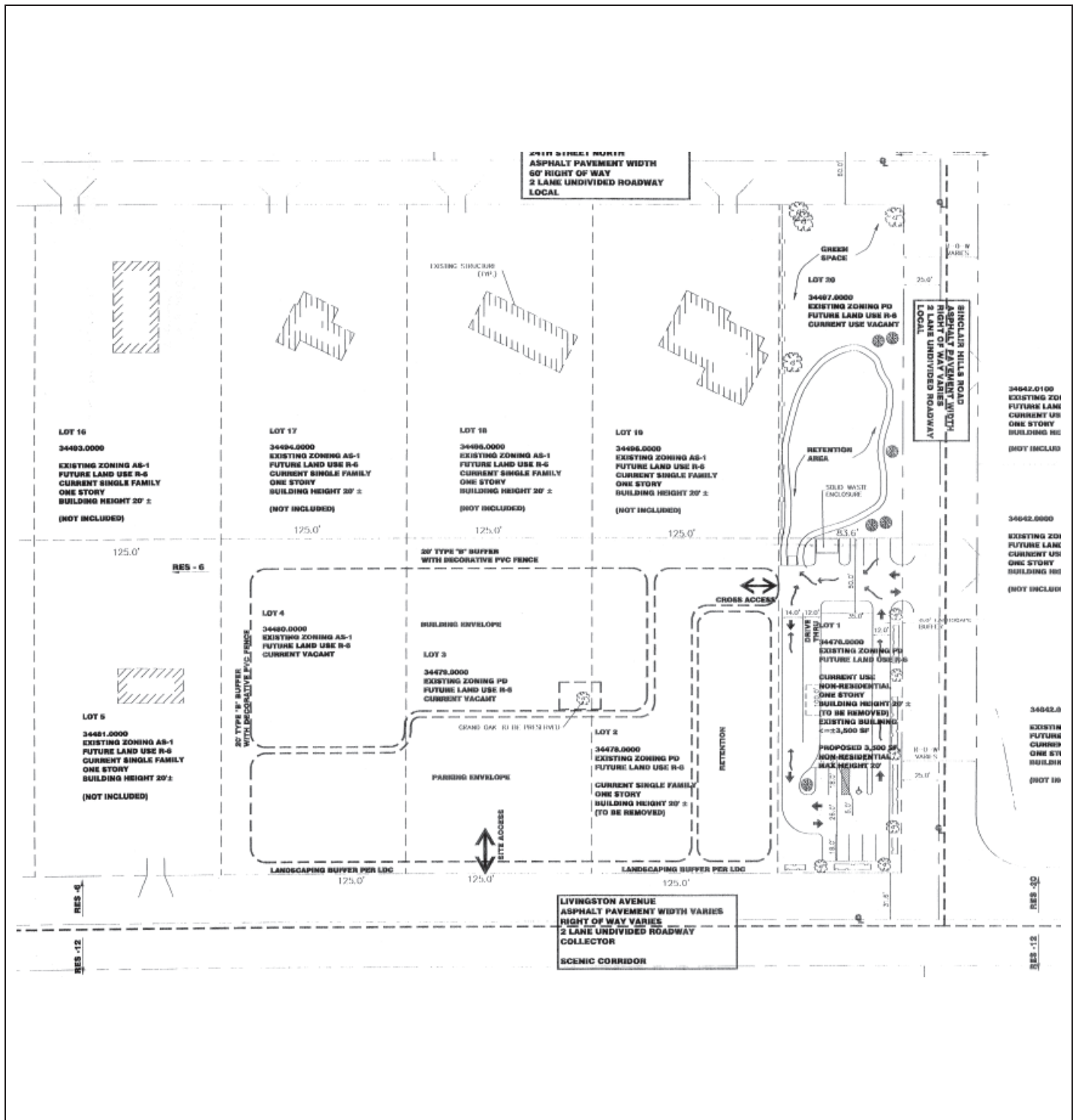
Subject Site Future Land Use Category: Residential-6 (RES-6)

Maximum Density/F.A.R.: 6 du/ga; 0.25 F.A.R.

Typical Uses: Agricultural, residential, neighborhood commercial, office uses, multi-purpose projects and mixed-use development.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)

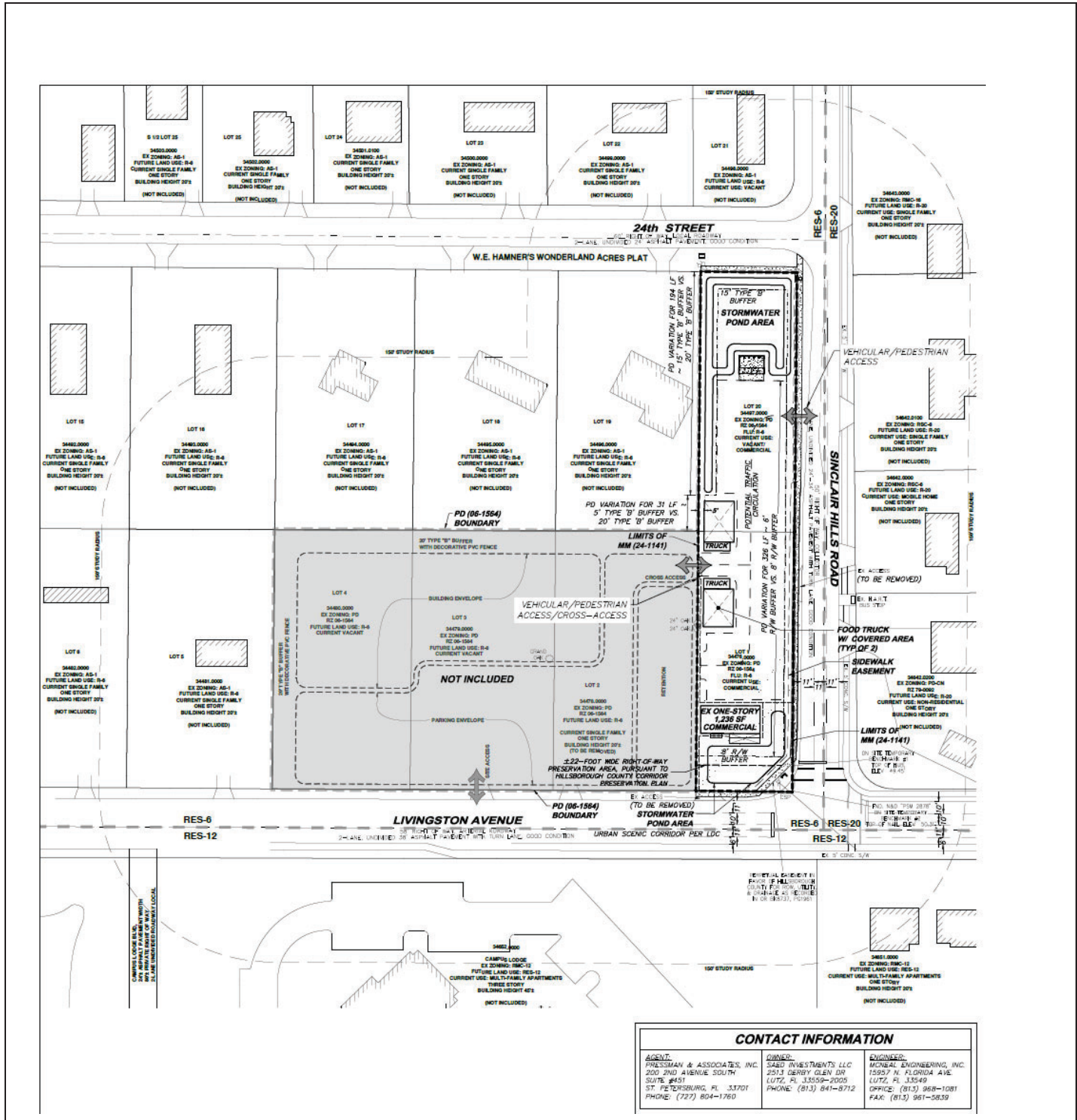


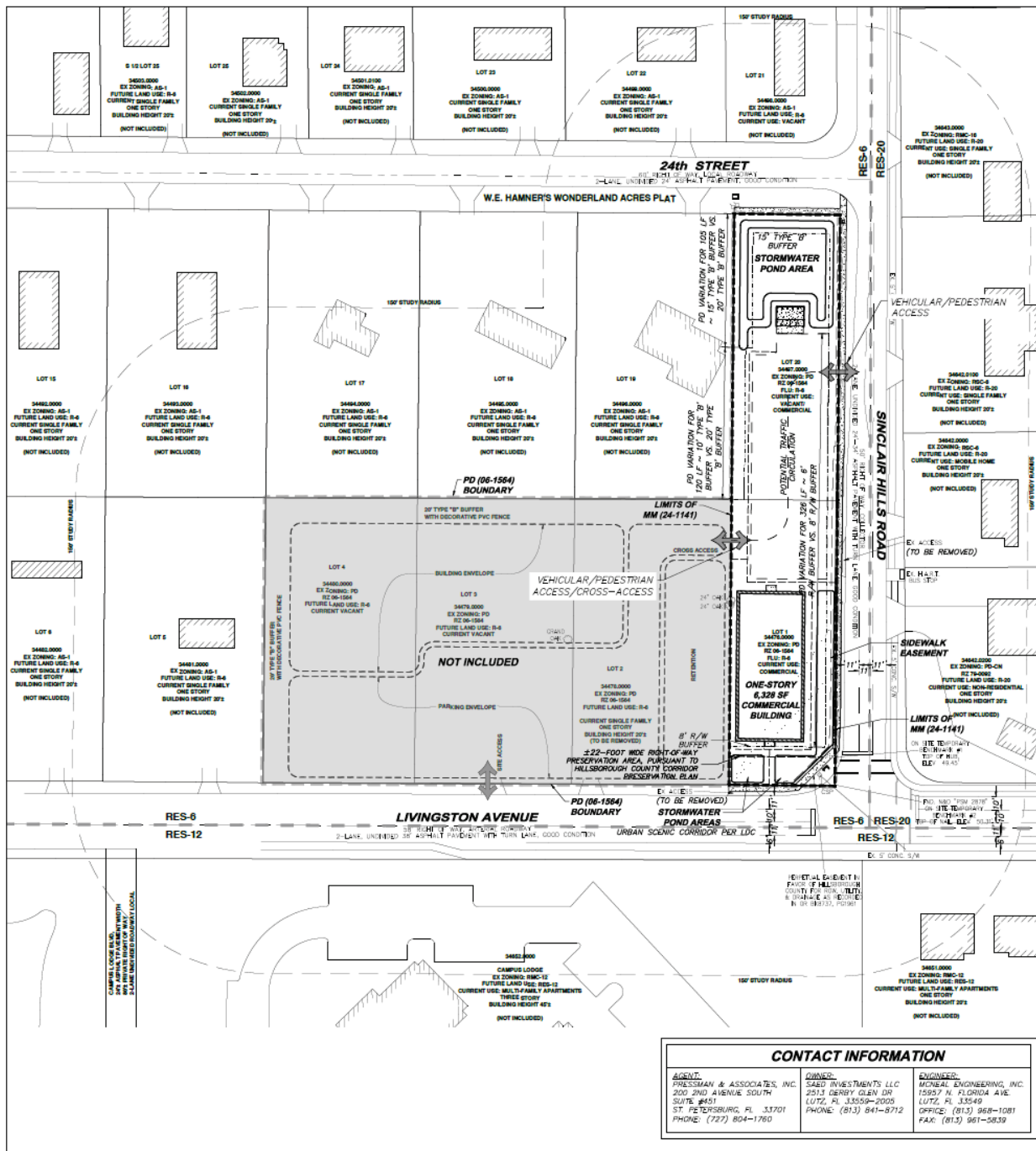
ZHM HEARING DATE:	April 15, 2025
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Case Reviewer: Chris Grandlienard, AICP

2.0 LAND USE MAP SET AND SUMMARY DATA

2.5.1 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



2.5.2 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 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
Livingston Ave.	County Arterial - Rural	2 Lanes <input checked="" 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 checked="" type="checkbox"/> Other - TBD
Sinclair Hills Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation ☐ Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,638	93	154
Proposed	6,242	478	442
Difference (+/-)	(+) 4,604	(+) 385	(+) 288

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

Connectivity and Cross Access ☐ Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	Pedestrian & Vehicular	None	Does Not Meet LDC
South		None	None	Meets LDC
East	X	Pedestrian & Vehicular	None	Meets LDC
West		None	None	Meets LDC

Notes: Access spacing Administrative Variance needed for Sinclair Hills Rd. access.

Design Exception/Administrative Variance ☐ Not applicable for this request

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

Notes: Administrative Variances were previously submitted for the initial iteration of the project. The current iteration of request modifies proposed uses (and significantly intensifies maximum trip generation of the project). As such, revised requests were needed (or the issues dealt with in another manner); however, none were submitted by the applicant.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY	Comments Received	Objections	Conditions Requested	Additional Information/Comments												
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No Wetlands Present												
Environmental Services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Conservation & 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													
Natural Resources	<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 does not object to the vehicular use buffer reduction request.												
Check if Applicable: <div> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Potable Water Wellfield Protection Area </div> <div> <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Coastal High Hazard Area </div> <div> <input type="checkbox"/> Surface Water Resource Protection Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor </div> <div> <input type="checkbox"/> Other: </div>																
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments												
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Hillsborough County School Board 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													
Impact/Mobility Fees (Various use types allowed. Estimates are a sample of potential development)																
<table border="0"> <tr> <td>Retail - Shopping Center</td> <td>Discount Store, Free standing</td> </tr> <tr> <td>(Per 1,000 s.f.)</td> <td>(Per 1,000 s.f.)</td> </tr> <tr> <td>Mobility: \$13,562.00</td> <td>Mobility: \$13,530.00</td> </tr> <tr> <td>Fire: \$313.00</td> <td>Fire: \$313.00</td> </tr> </table>					Retail - Shopping Center	Discount Store, Free standing	(Per 1,000 s.f.)	(Per 1,000 s.f.)	Mobility: \$13,562.00	Mobility: \$13,530.00	Fire: \$313.00	Fire: \$313.00				
Retail - Shopping Center	Discount Store, Free standing															
(Per 1,000 s.f.)	(Per 1,000 s.f.)															
Mobility: \$13,562.00	Mobility: \$13,530.00															
Fire: \$313.00	Fire: \$313.00															
<table border="0"> <tr> <td>Home Improvement</td> <td>Gen Office</td> <td>Mini-Warehouse</td> </tr> <tr> <td>(Per 1,000 s.f.)</td> <td>(Per 1,000 s.f.)</td> <td>(Per 1,000 s.f.)</td> </tr> <tr> <td>Mobility: \$8,242.00</td> <td>Mobility: \$8,336.00</td> <td>Mobility: \$725.00</td> </tr> <tr> <td>Fire: \$313.00</td> <td>Fire: \$158.00</td> <td>Fire: \$32.00</td> </tr> </table>					Home Improvement	Gen Office	Mini-Warehouse	(Per 1,000 s.f.)	(Per 1,000 s.f.)	(Per 1,000 s.f.)	Mobility: \$8,242.00	Mobility: \$8,336.00	Mobility: \$725.00	Fire: \$313.00	Fire: \$158.00	Fire: \$32.00
Home Improvement	Gen Office	Mini-Warehouse														
(Per 1,000 s.f.)	(Per 1,000 s.f.)	(Per 1,000 s.f.)														
Mobility: \$8,242.00	Mobility: \$8,336.00	Mobility: \$725.00														
Fire: \$313.00	Fire: \$158.00	Fire: \$32.00														

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Planning Commission Report

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

This application consists of two parcels totaling .90 acres that are zoned PD 06-1564 to allow a 3,500 square-foot dry cleaners along with a retention area. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.

The property comprised of two parcels is generally located at the southwest corner of Livingston Avenue and Sinclair Hills Road. The property is in the Urban Service Area and is not within the limits of any community plan. The surrounding area is predominantly a mixture of single-family and multi-family residential and commercial. To the north across Sinclair Hills Road is single-family residential and a gas station with convenience store. Adjacent to the south is single-family residential. To the east across Livingston Avenue is multi-family residential. To the west across North 24th Street is single-family residential. The subject property is designated Residential-6 (RES-6) on the Future Land Use map. The Planning Commission finds the proposed use inconsistent with the Comprehensive Plan.

The proposed modification in option 1 would allow 2 food trucks within close proximity to residential. In addition, the applicant has requested a variation that would reduce the 20-foot-wide required buffer next to a food truck to the west to a 5-foot-wide buffer and a 15-foot-wide buffer. These proposed reduced buffers are directly adjacent to a single-family residence zoned AS-1 to the south. The variation requested in option 2 also reduces the 20-foot-wide required buffer to the south residential to a 10-foot-wide buffer and 15-foot-wide buffer. This would not provide adequate buffering of possible noise and disruptions from the business to residential.

The modification from a 3,500 square-foot dry cleaners use to two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions would not be consistent with the existing residential zoning pattern of the area.

5.2 Recommendation

Based on the above considerations, staff finds the request NOT supportable.

APPLICATION NUMBER: MM 24-1141

ZHM HEARING DATE: April 15, 2025

BOCC LUM MEETING DATE: June 10, 2025

Case Reviewer: Chris Grandlienard, AICP

Zoning Administrator Sign Off:

J. Brian Grady

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

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

6.0 PROPOSED CONDITIONS

n/a

7.0 ADDITIONAL INFORMATION

The applicant has requested six PD Variations to LDC Section 6.06.06., three for each option.

Option 1

1. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements within proximity of the food truck to the south to allow a 5-foot-wide buffer with Type B screening that is 31 length feet.
2. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements for the remaining length of the property line to the south to allow a 15-foot-wide buffer with Type B screening that is 194 length feet.
3. According to LDC Section 6.06.06, an 8-foot-wide right of way buffer is required to the north property line towards Sinclair Hills Road. The applicant is requesting a variation from these requirements to allow a 6-foot-wide right of way buffer towards Sinclair Hills Road to the north that is 242 length feet.

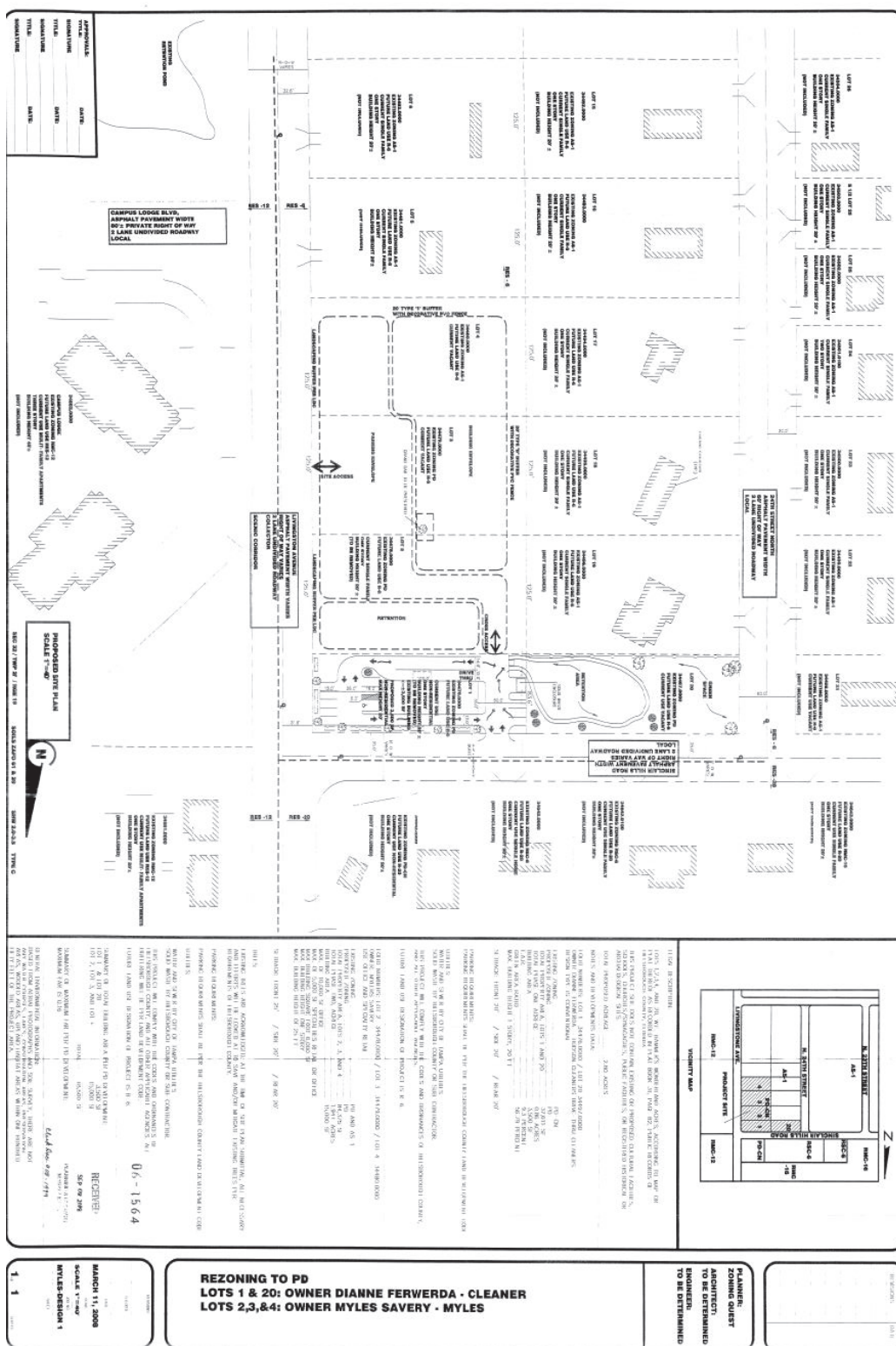
Option 2

4. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements to allow a 10-foot-wide buffer to the south with Type B screening that is 120 length feet.
5. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements to allow a 15-foot-wide buffer to the south with Type B screening that is 105 length feet.
6. According to LDC Section 6.06.06, an 8-foot-wide right of way buffer is required to the north property line towards Sinclair Hills Road. The applicant is requesting a variation from these requirements to allow a 6-foot-wide right of way buffer towards Sinclair Hills Road to the north that is 242 length feet.

Staff opposes these LDC Section 6.06.06 PD variation requests, as they would not provide sufficient buffering to protect residential areas from potential noise and disruptions caused by the commercial activities. However, Natural Resources does not object to the vehicular use area PD variations.

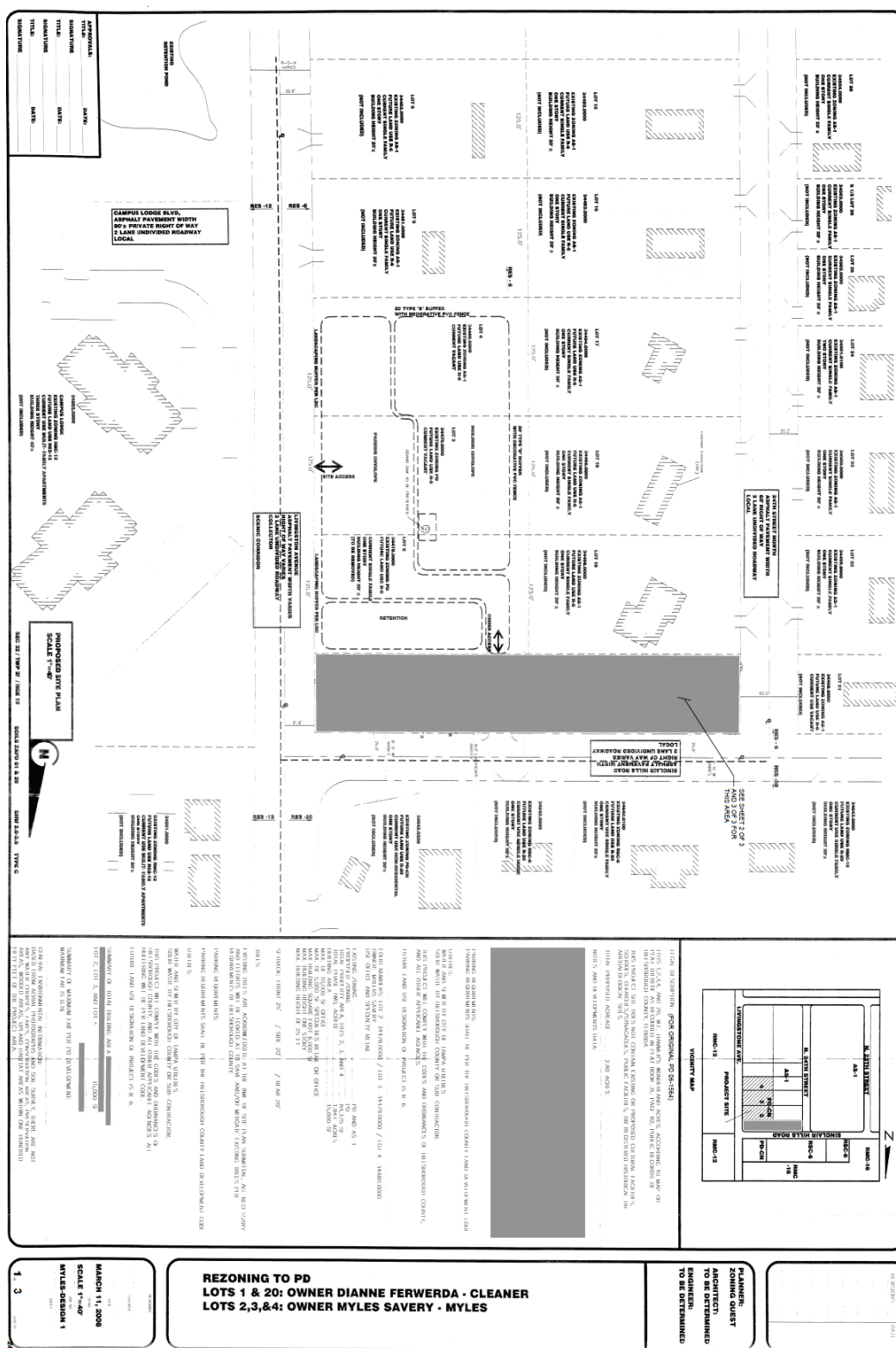
8.0 SITE PLANS (FULL)

8.1 Approved Site Plans (Full)

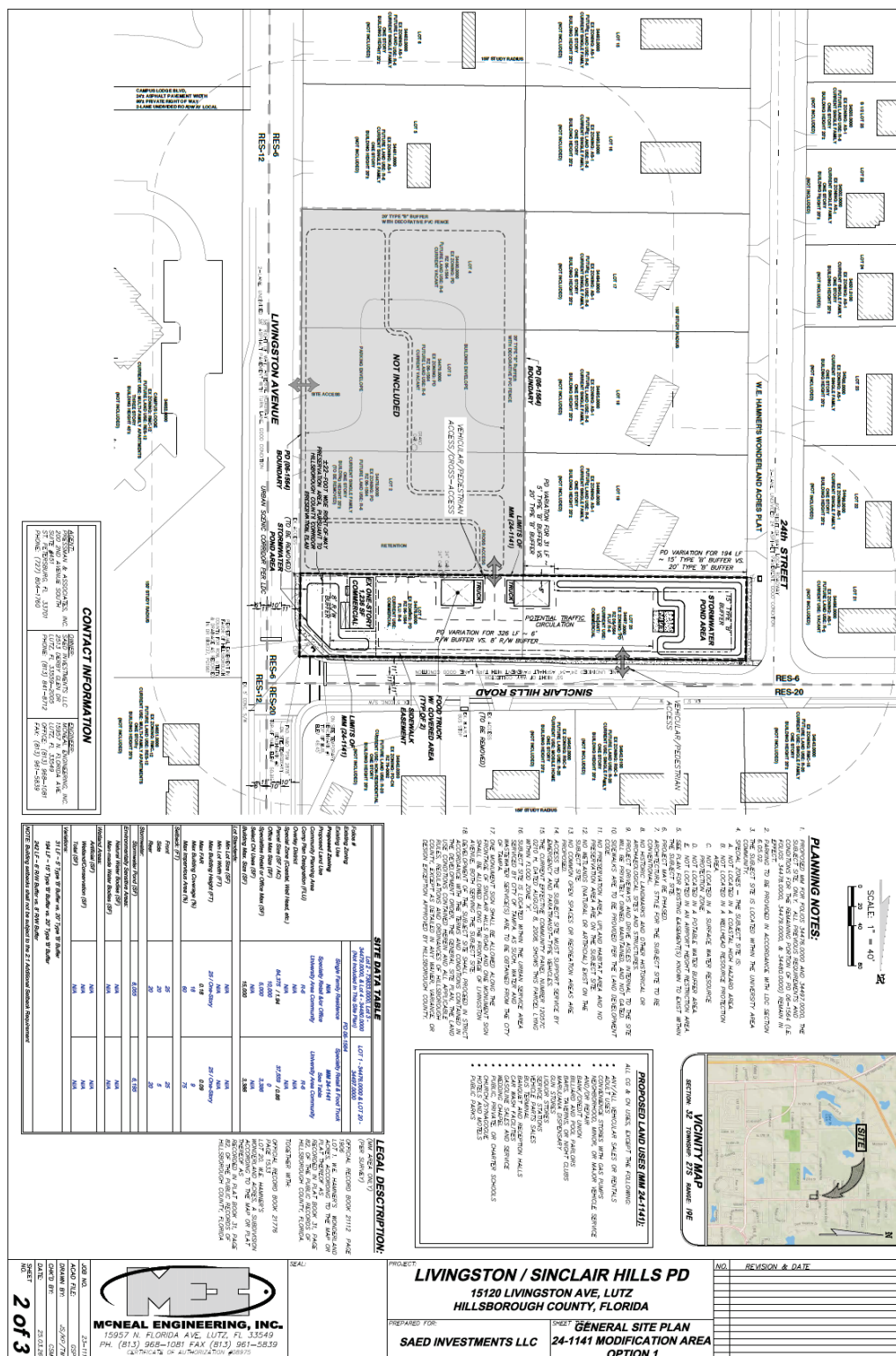


8.0 SITE PLANS (FULL)

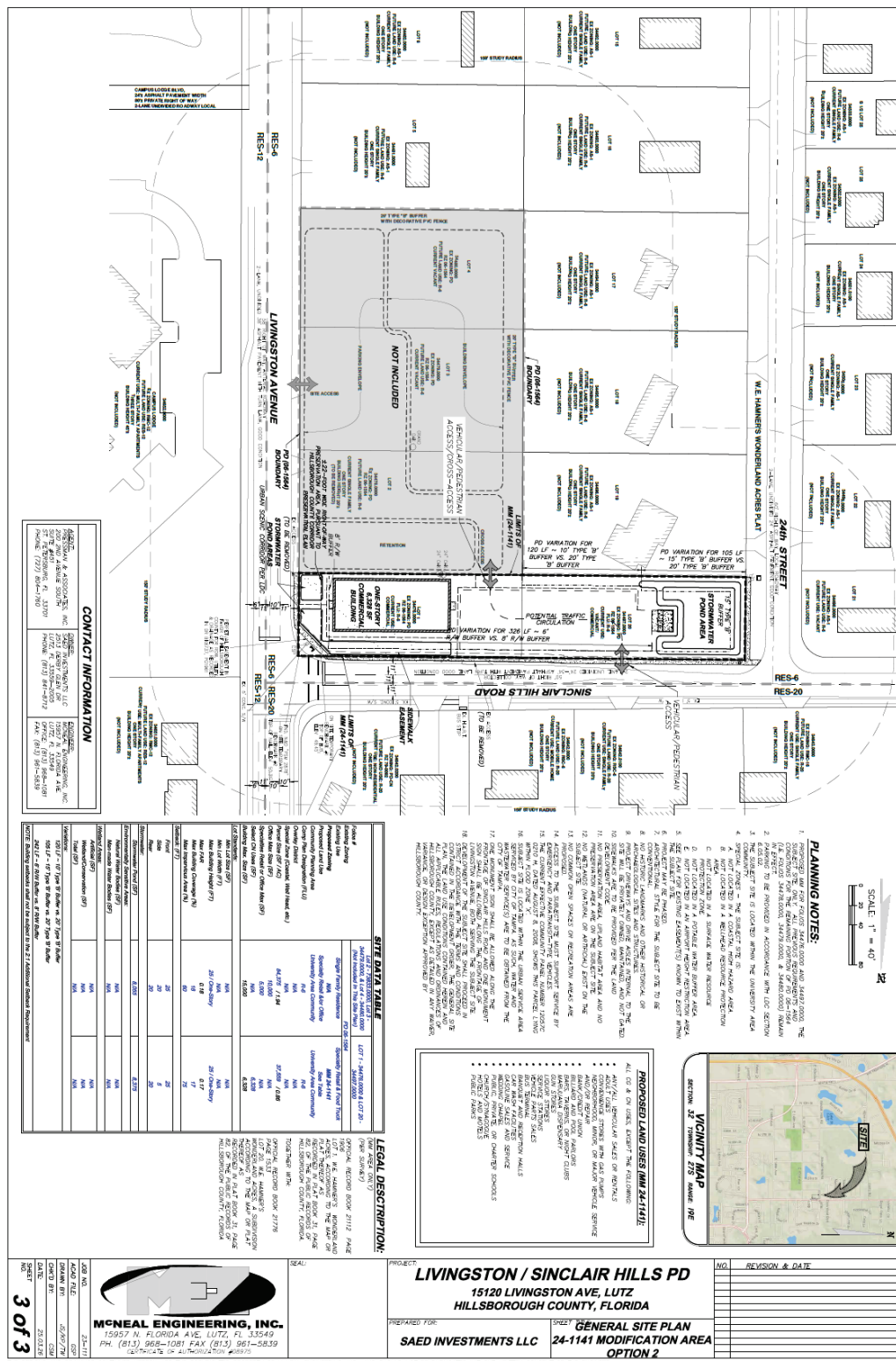
8.2.1 Proposed Site Plan (Full)



8.2.2 Proposed Site Plan (Full)



8.2.3 Proposed Site Plan (Full)



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

TO: Zoning Technician, Development Services Department

DATE: 02/12/2025

Revised: 4/4/2025

REVIEWER: James Ratliff, AICP, PTP, Principal Planner

AGENCY/DEPT: Transportation

PLANNING AREA: USF

PETITION NO: MM 24-1141

- ☐ 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.

RATIONALE FOR OBJECTION

1. The applicant attended the February ZHM hearing and attempted to change the land uses proposed while the hearing. The applicant was informed that they were unable to do so due to procedural issues.
2. On 2/18/25 at 8:58 p.m. staff emailed the applicant stating "At tonight's hearing you continued the proposed rezoning with the intention of changing the proposed uses to add back some very trip intensive uses. I strongly recommend that you contact Eleonor de Leon to schedule a meeting with Chris McNeal, Mike Williams and myself for as soon as possible. You will have to amend your narrative, PD site plan and proposed Administrative Variances at a minimum. We also need to discuss whether the additional intensity is appropriate from a transportation perspective in the location, and we need to discuss how you are going to provide the turn lanes that are likely going to be triggered with the additional intensity and evaluate whether there is sufficient room accommodate additional right-of-way for turn lanes, queuing, and whether that has any impact on whether additional substandard road improvements may be appropriate given the additional traffic volume.

I think it's only a one-month continuance you requested, and so I would point out you have very little time to pull a revised application together for a resubmittal by the revised plan deadline for that hearing cycle (including new findings for Administrative Variances and/or Design Exceptions), and so suggest you reach out to schedule the meeting ASAP."
3. Staff held a meeting with the applicant on 2/28/2025 at 1:00 pm to discuss the above concerns, as well as changes to the AVs which would be needed. As of the date of the writing of this report, no responsive revisions have been received.
4. On April 4, 2025, the County Engineer withdrew the previously issued findings of approvability, given outstanding concerns regarding the project and that the proposed zoning was modified such that the proposed uses in the originally submitted AVs no longer match what is being proposed in the PD zoning.
5. Given the above, the originally filed AVs are out of order for consideration and cannot be considered as a part of this zoning review.
6. As currently designed, the project does not meet access spacing and substandard road requirements. With respect to the substandard roadway, the applicant is required to either propose to improve the public roadway network, between Sinclair Hills Rd. and the nearest

roadway meeting an applicable standard, seek a Section 6.04.02.B. Administrative Variance if it believes no improvements are necessary, or a Design Exception if it proposes some improvement (but to a standard less than the full requirements of the applicable Typical Section). With respect to access connection spacing, the applicant is required to redesign the project such that it complies with minimum standards or otherwise obtain a Sec. 6.04.02.B. Administrative Variance. No such documents or revised analyses have been submitted for this modified zoning request.

7. Staff has concerns regarding the trip impacts of the additional proposed uses, some of which are incredibly trip intensive. Staff notes that the February ZHM proposal (which staff supported) would increase the maximum trip generation potential as follows: average daily trips by 51.59%, a.m. peak hour trips by 7.53%, and p.m. peak hour trips by 31.82% (versus the existing approved zoning). This modified proposal (which staff does not support) would increase the maximum trip generation potential as follows: average daily trips by 281.07%, a.m. peak hour trips by 413.98%, and p.m. peak hour trips by 187.01% (versus the existing approved zoning).
8. It has not been demonstrated that further intensification is appropriate, that surrounding infrastructure can accommodate the Sec. 6.04.04.D. auxiliary turn lanes in the lengths necessary to accommodate such intensive uses, or that the uses can operate in a safe and effective manner given potential queue spillback issues from the adjacent Sinclair Hills Rd. and Livingston Ave. intersection.
9. Given the above, staff recommends denial of the proposed modification.

PROJECT SUMMARY AND TRIP GENERATION ANALYSIS

The applicant is requesting a Major Modification (MM) to a portion of an existing Planned Development (PD) #06-1564. The MM area consists of two parcels, totaling +/- 0.9 ac. The existing PD currently has approval for the following entitlements:

1. The project shall be limited to a 3,500 square-foot dry cleaners, a maximum of 10,000 square feet of BPO uses, and a maximum of 5,000 square feet of CN uses in accordance with the conditions contained herein. Unless otherwise specified herein, the project shall be developed in accordance with CN zoning district standards.
 - 1.1 A maximum of 12,000 square feet of the total development may be medical office uses.
2. The dry cleaners shall be located within the northeast portion of the site as shown on the plan. The land area to the west of the dry cleaners shall be reserved for retention areas and/or open space.
3. The following uses shall not be permitted within the land area located to the south of the dry cleaners:
 - Fast food restaurants
 - Vehicle sales/rental and/or service and/or the sale of vehicle parts
 - Convenience Stores (with or without gasoline sales)
 - Stand alone parking establishments
 - Drive-through facilities associated with any type of use
 - Billiard and pool parlors
 - Bars/taverns or nightclubs
 - Golf courses
 - Stand alone gas stations
4. The following conditions shall apply to all development located to the south of the dry cleaners:
 - 4.1 Free-standing CN uses shall be limited to a maximum of 3,000 square feet. The remaining 2,000 square feet must be located within a building with a minimum of 40% of its floor area containing BPO uses.
 - 4.2 Retail uses shall not be permitted within the southernmost building.
 - 4.3 Maximum building size shall be 6,000 square feet and maximum building height shall be 25 feet.
 - 4.4 Buildings shall have a residential appearance and pitched roof lines.
 - 4.5 Screening Standard B shall be provided along the western and southern project boundary to include a solid PVC fence, six feet in height with the finished side out.
 - 4.6 Hours of operation shall be from 6:00am to 10:00pm.

The portion of the site, which is currently in the PD modification process, hereafter referred to as the "subject area", is approved for a 3,500 s.f. dry-cleaning establishment. The applicant is seeking to allow

two options within the subject area. The commercial component of both allows all Commercial General (CG) and Commercial Neighborhood (CN) uses except for the below list of excluded uses. These are collectively referred to as "Limited Commercial Uses" for the purposes of this report.

PROPOSED LAND USES (MM 24-1141):

ALL CG & CN USES, EXCEPT THE FOLLOWING:

- ANY/ALL VEHICULAR SALES OR RENTALS
- ADULT USES
- CONVENIENCE STORES WITH GAS PUMPS
- NEIGHBORHOOD, MINOR, OR MAJOR VEHICLE SERVICE AND/OR REPAIR
- BANK/CREDIT UNION
- BILLIARD AND POOL PARLORS
- BARS, TAVERNS, OR NIGHT CLUBS
- MARIJUANA DISPENSARY
- GUN STORES
- LIQUOR STORES
- SERVICE STATIONS
- VEHICLE PARTS SALES
- BUS TERMINAL
- BANQUET AND RECEPTION HALLS
- CAR WASH FACILITIES
- GASOLINE SALES AND SERVICE
- WEDDING CHAPEL
- PUBLIC, PRIVATE, OR CHARTER SCHOOLS
- CHURCH/SYNAGOGUE
- HOTELS AND MOTELS
- PUBLIC PARKS

The first option would allow 1,240 s.f. of Limited Commercial Uses, and two (2) food trucks. The second option would allow 6,328 s.f. of Limited Commercial Uses.

The applicant provided a trip generation analysis as required by the Development Review Procedures Manual (DRPM). Given the broad range of allowable uses within the CG and CN district, and considering the list of excluded uses above, the applicant utilized the Institute of Transportation Engineer's (ITE's) Land Use Code (LUC) 814, Variety Store, to estimate trip impacts from potential uses onsite. The food truck uses were analyzed using LUC 926, Food Cart Pod. In the second option, despite identical land uses, the applicant analyzed ITE LUC 720, Medical/Dental Office, as a worst-case scenario. Staff notes that the analysis presented by the applicant does not adequately analyze worst-case impacts. For example, Microbreweries generate 11.36 peak hour trips per 1,000 g.s.f. and Specialty Food Stores/Food Product Stores: Bakery, Candies & Nuts, Dairy, Delicatessens, Meat Seafood and Produce/ Supermarket/ Grocery Stores generate 8.95 peak hour trips per 1,000 g.s.f. vs. the 3.93 peak hour trips per 1,000 g.s.f. (for Health Practitioner's Office uses) and 6.7 peak hour trips per 1,000 s.f. (for Variety Store) assumed by the applicant as the worst case. Similar LUC issues were present for the existing approved portion of the PD which are not a subject of this modification request. Additionally, the total project square-footages analyzed did not match the proposed uses. The applicant used this analysis to seek a waiver of the trip generation and site access analysis.

Staff does not support such request; however, given recent policy changes which provide more flexibility in what is able to be analyzed at the plat/site/construction plan phase, staff was willing to move the project forward with a condition which requires a trip generation and site access analysis be prepared by the developer prior to or concurrent with redevelopment of the subject area; however, the proposed revisions to the applicant result in significantly higher trip generation that are unlikely to be safely or efficiently accommodated given adjacent roadway and geometry and access placement, and as such requested study waiver is not supported for the project as proposed.

It is important that future studies accurately analyze both the existing and proposed entitlements, since cross-connectivity requirements between the two portions of the PD will allow trips from both areas to impact project access location on each road. Staff notes that certain increments of development may not trigger a turn lane with an initial phase, but could with a subsequent phase (and so an accurate analysis is needed to identify whether turn lanes could be triggered in a later phase, and therefore right-of-way must be set aside for future use).

Staff has prepared a comparison of the potential number of peak hour trips generated under the existing and proposed uses if the subject modification is approved. Staff notes that the second option represents the worst-case scenario.

Existing Uses:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 3,500 s.f. Dry Cleaner (ITE Code 814)	222	11	23
Total:	1,638	93	154

Proposed Uses (Worst-case Scenario, Option 2, February ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 850/975)	1,067	18	72
Total:	2,483	100	203

Difference (Worst-case Scenario, Option 2, February ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Total:	(+) 845	(+) 7	(+) 49

Proposed Uses (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 851)	4,826	396	311
Total:	6,242	478	442

Difference (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Total:	(+) 4,604	(+) 385	(+) 288

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Sinclair Hills Rd. is a 2-lane, publicly maintained, undivided, substandard, rural collector roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 52-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide sidewalks located along the north side of Sinclair Hills Rd. in the vicinity of the proposed project.

Livingston Ave. is a 2-lane, publicly maintained, undivided, substandard, rural arterial roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 58-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide to +/- 5-foot-wide sidewalks located along portions of the east and west sides of Livingston Ave. in the vicinity of the proposed project.

Livingston Ave. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway along the project's frontage. The amount of right-of-way needed for a future 4-lane urban roadway is 110 feet, pursuant to Typical Section - 4 (TS-4) as found within the Hillsborough County Transportation Technical Manual (TTM). Given the existing right-of-way is 58 feet along the project frontage, per the LDC the developer is required to preserve one-half of the needed right-of-way along the project's frontage (i.e. the developer must preserve up to 26 feet of right-of-way).

SITE ACCESS CONSIDERATIONS

The PD is currently served by two access connections. The existing PD required removal of an existing Livingston Ave. driveway (which is not proposed to change), resulting in one (1) access to Livingston Ave. from that portion of the PD which is not the subject of this modification. The existing PD also permitted one (1) access to Sinclair Hills Rd., in a location slightly different than the existing access serving the site. The applicant proposing to shift this project access from aligning with the folio 34642.0000 driveway, to instead align with the driveway serving folio 34642.0100. This shift is necessary due to the presence of an eastbound to northbound left turn lane which serves the intersection of Livingston Ave. and Sinclair Hills Rd., as well as the volume of traffic which is anticipated to queue back from the intersection.

Since the applicant did not conduct an accurate trip generation and site access analysis, a determination of turn lanes was not possible.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway sections is reported below. Sinclair Hills Rd. was not included in the LOS report. As such, no data for this facility could be provided.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Livingston Ave.	Sinclair Hills Rd.	Vandervort Rd.	D	F
Livingston Ave.	Bearss Rd.	Sinclair Hills Rd.	E	F

Source: Hillsborough County 2020 Level of Service Report.

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	MM 24-1141
DATE OF HEARING:	April 15, 2025
APPLICANT:	Todd Pressman
PETITION REQUEST:	The Major Modification request is to modify PD 06-1564
LOCATION:	Southwest corner of Livingston Avenue and Sinclair Hills Road
SIZE OF PROPERTY:	0.9 acres, m.o.l.
EXISTING ZONING DISTRICT:	PD 06-1564
FUTURE LAND USE CATEGORY:	RES-6
SERVICE AREA:	Urban
COMMUNITY PLAN:	N/A

DEVELOPMENT REVIEW STAFF REPORT

***Note:** Formatting issues prevented the 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: Todd Pressman

FLU Category: Residential-6

Service Area: Urban

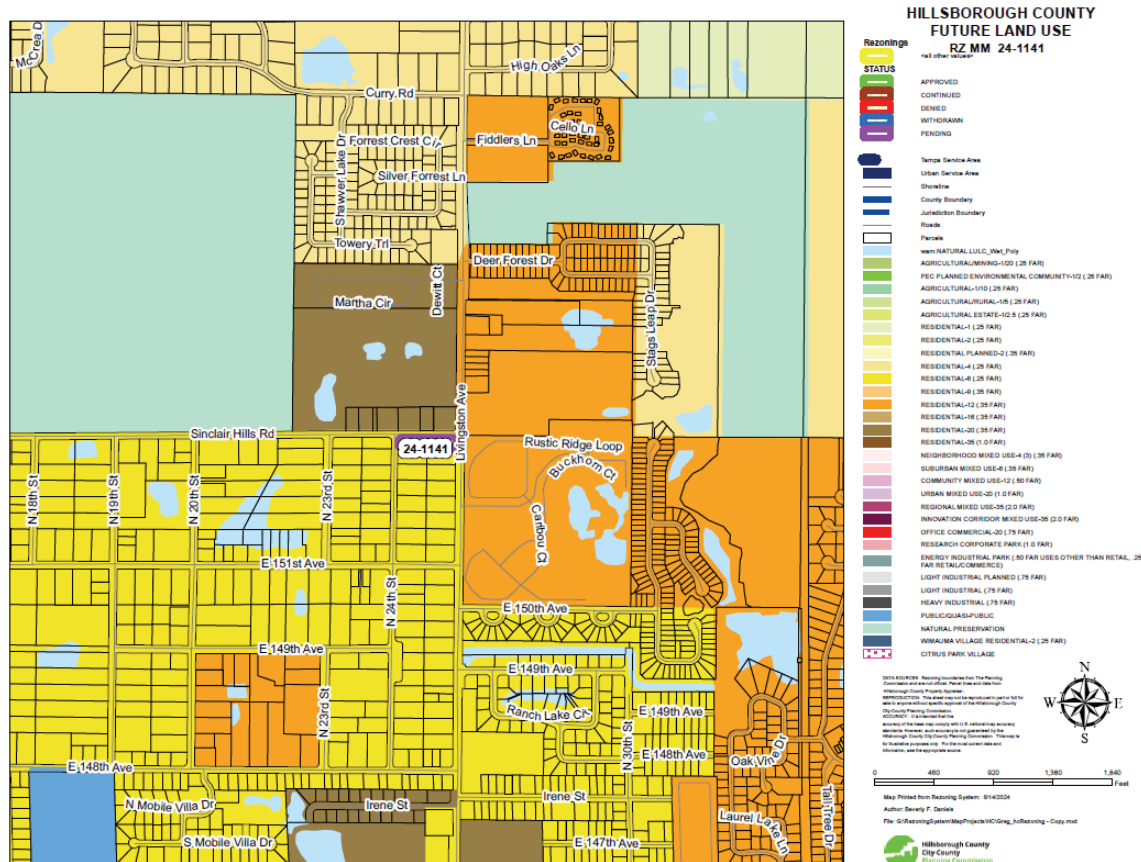
Site Acreage: None

Community Plan Area: None

Overlay: 0.9 MOL

Introduction Summary:	
This application consists of two parcels totaling .90 acres within PD 06-1564. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building, with use exclusions. 2) Maximum of 6,328 sf commercial building, with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.	
Existing Approval(s):	Proposed Modification(s):
3,500 square-foot dry cleaners use	Add two options: 1) 2 food trucks and 1,236-sf of limited CN and CG zoning district uses 2) Maximum of 6,328 sf of limited CN and CG zoning district uses

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



Subject Site Future Land Use Category:	Residential-6 (RES-6)
Maximum Density/F.A.R.:	6 du/ga; 0.25 F.A.R.
Typical Uses:	Agricultural, residential, neighborhood commercial, office uses, multi- purpose projects and mixed-use development.

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	RSC-6, PD 79-0092	RSC-6: 6 du/ga, PD: 0.27 F.A.R.	RSC-6: Single- Family Residential, PD: Gas Station Convenience Store	RSC-6: Single-Family Residential, PD: Gas Station Convenience Store
South	AS-1, PD 06- 1564	AS-1: 1 du/ga, PD: 0.18 F.A.R.	AS-1: Single-Family Residential, PD: Commercial	AS-1 & PD: Single- Family Residential
East	RMC-12	12 du/ga	Multi-Family Residential	Multi-Family Residential
West	AS-1	1 du/ga	Single-Family Residential	Single-Family Residential

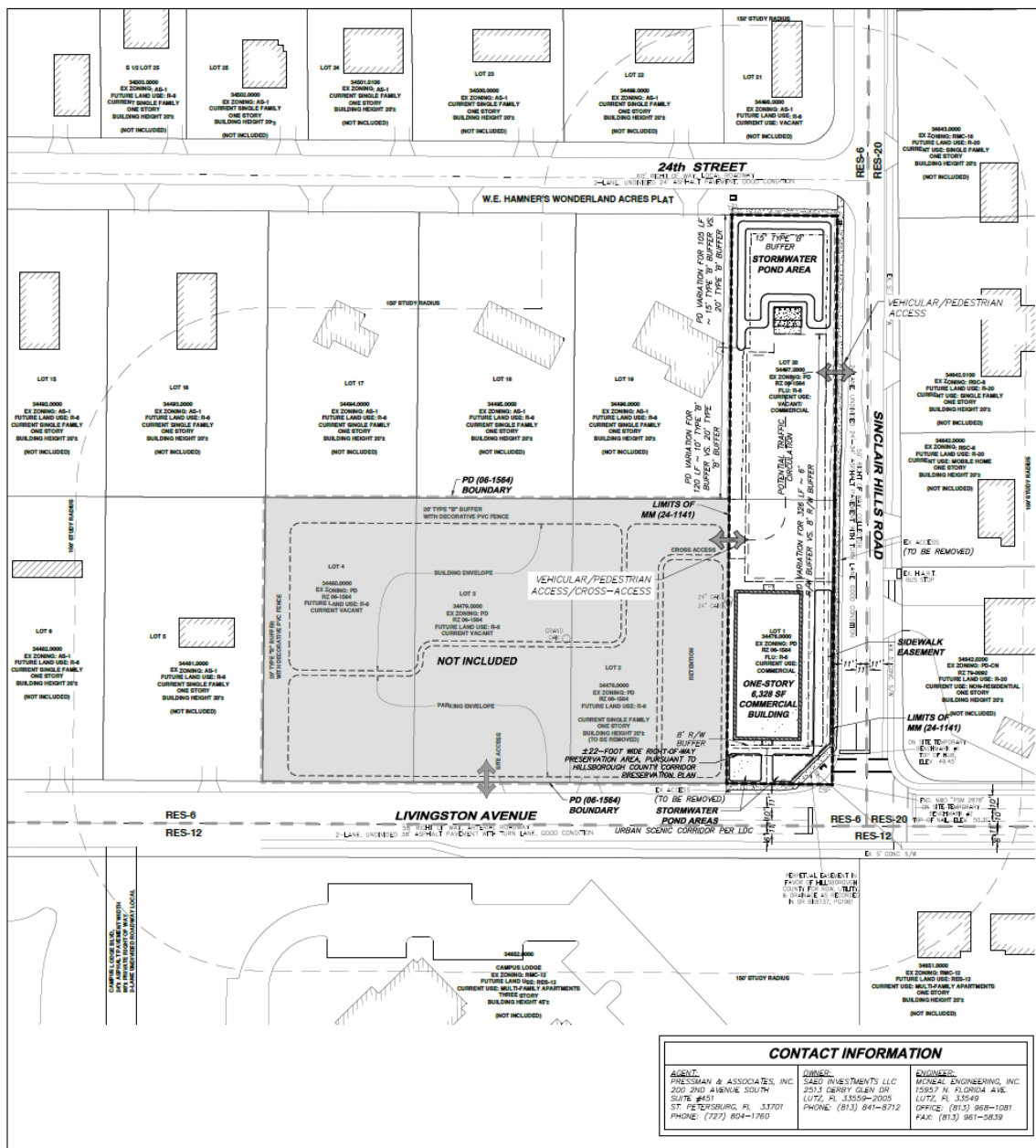
2.4 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



2.5.1 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



2.5.2 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



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

Adjoining Roadways (check if applicable)

Livingston Ave.	County Arterial - Rural	2 Lanes <input checked="" 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 checked="" type="checkbox"/> Other - TBD
Sinclair Hills Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD

Notes: Administrative Variances were previously submitted for the initial iteration of the project. The current iteration of request modifies proposed uses (and significantly intensifies maximum trip generation of the project). As such, revised requests were needed (or the issues dealt with in another manner); however, none were submitted by the applicant.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
	Comments Received	Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission Environmental Services
Conservation & Environ. Lands Mgmt.

No Wetlands Present

Natural Resources	<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 does not object to the vehicular use buffer reduction request.
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Check if Applicable:

☐ Wetlands/Other Surface Waters

☐ Wellhead Protection Area

☐ Surface Water Resource Protection Area

☐ Potable Water Wellfield Protection Area ☐ Coastal High Hazard Area

☒ Urban/Suburban/Rural Scenic Corridor ☐ Other:

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

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				
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Impact/Mobility Fees
(Various use types allowed. Estimates are a sample of potential development)

Retail - Shopping Center (Per 1,000 s.f.)
Mobility: \$13,562.00 Fire: \$313.00

Home Improvement (Per 1,000 s.f.) Mobility: \$8,242.00 Fire: \$313.00

Discount Store, Free standing (Per 1,000 s.f.)
Mobility: \$13,530.00 Fire: \$313.00

Gen Office
(Per 1,000 s.f.) Mobility: \$8,336.00
Fire: \$158.00

Mini-Warehouse (Per 1,000 s.f.)
Mobility: \$725.00 Fire: \$32.00

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Planning Commission Report

5.0

5.1 Compatibility

This application consists of two parcels totaling .90 acres that are zoned PD 06-1564 to allow a 3,500 square-foot dry cleaners along with a retention area. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.

The property comprised of two parcels is generally located at the southwest corner of Livingston Avenue and Sinclair Hills Road. The property is in the Urban Service Area and is not within the limits of any community plan. The surrounding area is predominantly a mixture of single-family and multi-family residential and commercial. To the north across Sinclair Hills Road is single-family residential and a gas station with convenience store. Adjacent to the south is single-family residential. To the east across Livingston Avenue is multi-family residential. To the west across North 24th Street is single-family residential. The subject property is designated Residential-6 (RES-6) on the Future Land Use map. The Planning Commission finds the proposed use inconsistent with the Comprehensive Plan.

The proposed modification in option 1 would allow 2 food trucks within close proximity to residential. In addition, the applicant has requested a variation that would reduce the 20-foot-wide required buffer next to a food truck to the west to a 5-foot-wide buffer and a 15-foot-wide buffer. These proposed reduced buffers are directly adjacent to a single-family residence zoned AS-1 to the south. The variation requested in option 2 also reduces the 20-foot-wide required buffer to the south residential to a 10-foot-wide buffer and 15-foot-wide buffer. This would not provide adequate buffering of possible noise and disruptions from the business to residential.

The modification from a 3,500 square-foot dry cleaners use to two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions would not be consistent with the existing residential zoning pattern of the area.

5.2 Recommendation

Based on the above considerations, staff finds the request NOT supportable.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on April 15, 2025. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 2nd Avenue South #451 St. Petersburg, FL testified on behalf of the applicant. Mr. Pressman stated that the request is to split the original Planned development and seek two different options. He showed a PowerPoint presentation to describe the location of the property. The subject modification applies to the upper portion. He added that the rear portion is not included. He testified that the existing PD is approved for a 3,500 square foot dry cleaners which is located at the corner. Option 1 of the modification would be a one-story commercial 1,236 square feet of CN and CG uses and two food trucks. Option 2 would be a one-story commercial building 6,238 square feet in size with CN and CG uses. He stated that he has proposed a long list of uses within those zoning districts that would not be permitted. Mr. Pressman detailed the surrounding land uses which include a convenience store and gas station. He discussed the traffic volume on Livingston Avenue and stated that his traffic engineer has worked out conditions that are acceptable to the County's transportation section. Mr. Pressman stated that the request meets the direction of the Lutz Community Plan that new commercial uses should be geared toward serving the daily needs of residents. He described the proposed buffering and screening and stated that the placement of the uses toward the intersection and further away from the residential meets in the intent for the request of the locational waiver. Mr. Pressman testified that there has been a dispute between the two property owners of the PD. He concluded his remarks by stating that the rear part would include retention and a parking area approved with the current PD.

Hearing Master Finch asked Mr. Pressman to confirm that the existing PD permits a drycleaner at a certain square footage. Mr. Pressman replied that was correct. Hearing Master Finch asked Mr. Pressman if there is any other use permitted. Mr. Pressman replied that as indicated in the staff report, that is the use that is permitted. Hearing Master Finch asked if there are currently food trucks operating on-site. Mr. Pressman replied yes and stated that they under Code Enforcement citation.

Hearing Master Finch stated that she had read the letters in opposition regarding the food trucks and lighting and the two planning staff reports that don't support the modification as well as the County's transportation section report that objects to the request however, in the applicant's presentation, Mr. Pressman mentioned that he had worked it out. Mr. Pressman replied that was correct and asked his traffic engineer to comment. Mr. Chris McNeal 15957 North Florida Avenue

testified on behalf of the applicant that he was able to work with out with the County's transportation staff who found it approvable with conditions. Hearing Master Finch stated that she did not have revised County comments changing the transportation position.

Ms. Michelle Heinrich of the Development Services Department, testified regarding the County staff report. She stated that the area of the modification is approved for a 3,500 square foot drycleaner with drive-thru. She added that the modification area abuts residential uses and is to be used for retention. The remaining portion of the PD is approved for 10,000 square feet of BPO uses and 5,000 square feet of limited commercial neighborhood uses. The applicant is requesting two development options. The first would be for two food trucks and the smaller limited commercial use building. The second option one larger commercial building would be permitted. Ms. Heinrich stated that the applicant has proposed a list of permitted uses under both options from the CN and CG zoning district which includes certain prohibited uses. A PD Variation is requested to not provide the required 20-foot buffer with Type B screening and instead provide a 5 to 15 foot buffer with Type B screening under Option 1. They have also requested under Option 2 to provide a 10 to 15 foot buffer instead of the required 20 feet with Type B screening. Ms. Heinrich stated that property to the south is zoned AS-1 and that there is a single-family home approximately 20-feet from the common property boundary. She added that in both development options, the applicant proposes to reduce the 8-foot right-of-way buffer to 6-feet. Staff does not support the request given the intensity proposed within the residential area. The proposed area includes parking, the commercial operations and the circulation area. Ms. Heinrich testified that the project does not meet the required buffering and screening standards which is the baseline for compatibility therefore staff found the request to be not supportable.

Hearing Master Finch asked Ms. Heinrich about the staff report's mention that the Development Services objections are based on the reduced buffer and proximity to the adjacent residential uses and if the County's transportation comments were to change, would that change the staff recommendation. Ms. Heinrich replied no.

Mr. Tyrek Royal of the Planning Commission testified regarding the Planning Commission staff report. Mr. Royal stated that the property is designated Residential-6 by the Future Land Use Map and is located within the Urban Service Area. He testified that the site does not meet commercial locational criteria and that Policy 16.5 states that development of higher intensities should be located external to established neighborhoods and that the proposed request would be incompatible with the surrounding area. Mr. Royal concluded his presentation by stating that staff found the modification inconsistent with the Comprehensive Plan.

Hearing Master Finch asked Mr. Ratliff of the County's transportation review section to comment on the applicant's transportation section.

Mr. James Ratliff of the County's transportation review section testified that their comments with a recommendation for denial were based on the application in the file at the time. Since the comments were submitted, County transportation staff drafted a set of conditions that if followed, would change the recommendation of the County transportation staff. He added that he thought the applicant would submit the conditions and the applicant thought that the County would submit the conditions. As they were not, the agency comments have not changed.

Hearing Master Finch asked Mr. Ratliff to confirm that their official recommendation has not changed but that he had verbally worked out some trip capture limit that would be acceptable to transportation staff. Mr. Ratliff replied yes and stated that transportation staff would find it approvable if the conditions were approved.

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

Mr. Kenneth Bouquet 14719 Daybreak Drive Lutz testified in support. Mr. Bouquet stated that he is a disabled veteran and owns four businesses. He added that he got into the food truck business two years ago. He discussed the food truck business and his customers and stated that it is great revenue for the City and the County. Mr. Bouquet stated that the other property owner is the only opposition to the modification.

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

Ms. Debbie Hines 15123 North 24th Street Lutz testified in opposition. Ms. Hines stated that the existing food trucks stay open until 3:00 to 5:00 in the morning and she is unable to sleep. She concluded her comments by stating the existing use is a smoke shop and not a dry cleaners.

Mr. Nishat Soufan 15118 Livingston Avenue testified in opposition. He stated that he is located next to the subject property. Mr. Soufan testified that everything done in the existing food truck is done after 1:00am and against the law. He added that there is trash all over the site and that food truck customers come to his business to use the bathroom. He stated that there is no privacy to his backyard as the lights are on until 4:00 am. Mr. Soufan testified that they brought two sheds on-site and now his property floods. He alleged that after a previous zoning hearing, someone followed a person in opposition to their home.

Ms. Heinrich stated that the application will need to remove the prohibition of gun sales due on the site plan to the Florida State Statute.

Mr. Pressman testified during the rebuttal period that Mr. Ratliff went upstairs to obtain revised agency comments. He stated that adjacent property owner notice was mailed out and the only person to object is the owner of the other portion of the PD which suggests a competitive element. He added that the applicant is

trying to address the Code Enforcement issue with the zoning modification.

Mr. McNeal submitted revised County transportation comments into the record.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

Mr. Pressman submitted a copy of his PowerPoint presentation into the record. Mr. McNeal submitted proposed conditions prepared by the County's transportation review section 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 0.9 acres and is zoned Planned Development (PD 06-1564). The property is designated RES-6 by the Comprehensive Plan and located in the Urban Service Area.
2. The Major Modification applies to only the northern portion of the PD which currently permits a 3,500 square foot dry cleaning facility and a retention area. The site is under Code Enforcement violation.
3. The requested modification proposes to allow two development options. Option 1 would permit two food trucks and 1,236 square feet of limit Commercial-Neighborhood (CN) and Commercial-General (CG) land uses. The applicant has proposed an extensive list of land uses that are prohibited. Option 2 would permit a maximum 6,328 square foot commercial building with the same land use limitation cited in Option 1.

4. Six PD variations are requested that pertain to the required buffering along the southern and northern property boundaries. Specifically, the applicant requests:

- Option 1:
 - a) reduce the required 20-foot wide buffer for 31 feet along the southern property line to 10-feet
 - b) reduce the required 20-foot wide buffer for 194 feet along the southern property line to 15-feet
 - c) reduce the required 8-foot wide buffer for 242 feet to 6-feet
- Option 2:
 - a) reduce the required 20-foot wide buffer for 120 feet along the southern property line to 5-feet
 - b) reduce the required 20-foot wide buffer for 105 feet along the southern property line to 15-feet
 - c) reduce the required 8-foot wide buffer for 242 feet to 6-feet

The applicant justifies the reduction in buffer widths by stating that the requested modifications are less intense than what is currently permitted on-site. This assertion is unfounded as the County's transportation agency comments state that the traffic volume is increased under both proposed Options 1 and 2. The applicant has not established a difficulty in the design of the site plan which would necessitate a reduction in buffer width to the south adjacent to the existing single-family home nor have they established justification for reducing the buffer width adjacent to the right-of-way to the north.

Therefore, the PD Variations do not meet Land Development Code Section 5.03.06.C.6.

5. The Planning Commission does not support the request. Staff testified that the site does not meet commercial locational criteria and the proposed development options are incompatible with the surrounding land uses. Therefore, staff found the modification inconsistent with the Comprehensive Plan.
6. The Development Services Department does not support the modification based on incompatibility with the surrounding residential development.

It is noted that the County's transportation review section originally objected to the modification but drafted proposed conditions of approval that, if followed, would change their agency comment recommendation. Development Services Department staff testified at the Zoning Hearing Master hearing that the change in transportation agency comments did not change their finding that the modification is not supportable.

7. The subject property is surrounded by residential land uses. The adjacent zoning districts include RSC-6 and PD to the north (PD 79-0092 and developed with a non-residential use), AS-1 and PD to the south (the subject PD 06-1564), RMC-12 to the east and AS-1 to the west.
8. Testimony in support was provided by one person who is associated with the existing on-site food truck operation.
9. Testimony in opposition was provided at the Zoning Hearing Master hearing by two area property owners. One property owner stated that they own the adjacent parcel to the south which is a part of the subject PD. Concerns expressed pertained to the late night/early morning operation of the existing food trucks, trash on the site, lighting and possible flooding caused by the addition of two sheds that were recently added.

In response, the applicant's representative testified that the only person in opposition was the subject PD property owner not party to the Major Modification and alleged that the comments were due to possible competition of land uses. The applicant's representative stated that the modification was submitted to address the Code Enforcement issue.

No testimony in rebuttal was provided to address the comments regarding hours of operation, site conditions, lighting or possible flooding.

10. The proposed modification is not compatible with the surrounding development pattern and inconsistent with the Comprehensive Plan and Land Development Code.

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

The Major Modification 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 Major Modification to the Planned Development zoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The Major Modification is requested on the northern portion of the existing PD which is currently approved for a 3,500 square foot dry cleaning facility with retention area. The request proposes two development options. Option 1 would permit two food trucks and 1,236 square feet of limit Commercial-Neighborhood (CN) and Commercial-General (CG) land uses. The applicant has proposed an extensive list of land uses that are prohibited. Option 2 would permit a maximum 6,328 square foot commercial building with the same land use limitation cited in Option 1.

Six PD variations are requested which pertain the required buffer widths to the south and the required buffer adjacent to the right-of-way to the north. The applicant justifies the reduction in buffer widths by stating that the requested modifications are less intense than what is currently permitted on-site. This assertion is unfounded as the County's transportation agency comments state that the traffic volume is increased under both proposed Options 1 and 2. The applicant has not established a difficulty in the design of the site plan which would necessitate a reduction in buffer width to the south adjacent to the existing single-family home nor have they established justification for reducing the buffer width adjacent to the right-of-way to the north. Therefore, the PD Variations do not meet Land Development Code Section 5.03.06.C.6.

The Planning Commission and the Development Services Department do not support the request based on incompatibility with the existing development pattern.

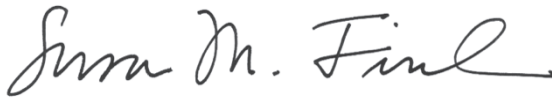
Testimony in support was provided by one person associated with the existing food truck operation.

Testimony in opposition was provided at the Zoning Hearing Master hearing by two area property owners. One property owner stated that they own the adjacent parcel to the south which is a part of the subject PD. Concerns expressed pertained to the late night/early morning operation of the existing food trucks, trash on the site, lighting and possible flooding caused by the addition of two sheds that were recently added. In response, the applicant's representative testified that the only person in opposition was the subject PD property owner not party to the Major Modification and alleged that the comments were due to possible competition of land uses. The applicant's representative stated that the modification was submitted to address the Code Enforcement issue. No testimony in rebuttal was provided to address the comments regarding hours of operation, site conditions, lighting or possible flooding.

The proposed modification is incompatible with the surrounding development pattern and inconsistent with the Comprehensive Plan and Land Development Code.

RECOMMENDATION

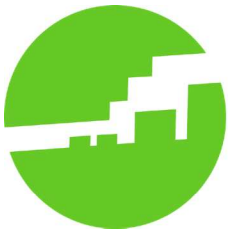
Based on the foregoing, this recommendation is for **DENIAL** of the Major Modification to Planned Development 06-1564 as indicated by the Findings of Fact and Conclusions of Law stated above.



May 6, 2025

Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Plan Hillsborough
planhillsborough.org
planner@plancom.org
813 – 272 – 5940
601 E Kennedy Blvd
18th floor
Tampa, FL, 33602

Unincorporated Hillsborough County Rezoning Consistency Review	
Hearing Date: April 15, 2025 Report Prepared: April 4, 2025	Case Number: MM 24-1141 Folio(s): 34497.0000 & 34476.0000 General Location: South of Sinclair Hills Road, east of North 24 th Street and west of Livingston Avenue
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan(s)	N/A
Rezoning Request	Major Modification (MM) to allow either two food trucks and a 1,236 square feet commercial building or a maximum of a 6,328 square feet commercial building, both with commercial use exclusions
Parcel Size	0.89 ± acres
Street Functional Classification	Sinclair Hills Road – County Collector North 24 th Street – Local Livingston Avenue – County Arterial
Commercial Locational Criteria	Does not meet; waiver request submitted

Evacuation Area	N/A
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Table 1: COMPARISON OF SURROUNDING PROPERTIES			
Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-6	PD	Light Commercial + Vacant Land
North	Residential-20	PD + RSC-6 + RMC-16	Single Family Residential + Light Commercial + Multi-Family Residential
South	Residential-6	PD + AS-1	Single Family Residential + Vacant Land
East	Residential-12	RMC-12	Multi-Family Residential
West	Residential-6	AS-1	Single Family Residential

Staff Analysis of Goals, Objectives and Policies:

The 0.89 ± acre subject site is located south of Sinclair Hills Road, east of North 24th Street and west of Livingston Avenue. The site is in the Urban Service Area and not within the limits of any Community Plan. The applicant is requesting a Major Modification (MM) to Planned Development (PD) 06-1564 to allow either two food trucks and a 1,236 square feet commercial building or a maximum of a 6,328 square feet commercial building, both with commercial use exclusions. According to the revised request, which was uploaded into Optix on March 2, 2025, the applicant is removing part of the existing and approved Planned Development for the proposed Modification. The following three folios of the original PD (34478.0000, 34479.0000 and 34480.0000) remain intact and are not a part of this request.

The site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the County's growth is to be directed. Policy 1.4 requires all new development to be compatible with the surrounding area, noting that "compatibility does not mean "the same as" Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The subject site currently has vacant land and light commercial uses. While there is a light commercial use to the north across Sinclair Hills Road, single-family uses surround the subject site on all sides. Multi-family uses are to the east across Livingston Avenue and to the north across Sinclair Hills Road. The proposal would not be consistent with FLUE Objective 1 and FLUE Policy 1.4.

FLUE Objective 7, FLUE Objective 8 and each of their respective policies establish the Future Land Use Map (FLUM) as well as the allowable range of uses for each Future Land Use category. The character of each land use category is defined by building type, residential density, functional use and the physical composition of the land. The integration of these factors set the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive but are intended to be illustrative of the character of uses within the land use designation. Appendix A contains a description of the character and intent permitted in each of the Future Land use categories. The site is in the Residential-6 (RES-6) Future Land Use category. The RES-6 Future Land Use category allows for the consideration of residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses are required to meet Commercial Locational Criteria.

The Comprehensive Plan requires that all development meet or exceed the land development regulations in Hillsborough County (FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2). However, at the time of uploading this report, Transportation comments were not yet available in Optix and thus were not taken into consideration for analysis of this request.

The proposal does not meet the intent of FLUE Objective 16 and its accompanying policies 16.2 and 16.5 that require new development to be compatible to the surrounding neighborhood. Goal 12 and Objective 12-1 of the Community Design Component (CDC) of the FLUE require new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is comprised mostly of residential developments. Single family uses are directly south, to the west across North 24th Street and to the north across Sinclair Hills Road. Multi-family uses are also to the north and to the east across Livingston Avenue. The proposed request does not align with the residential character of the surrounding area and presents significant compatibility concerns, which is inconsistent with FLUE Objective 16 and its accompanying policies related to neighborhood protection.

FLUE Policy 16.2 states that gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses. There should be a gradual transition of intensities between the different land uses given the residential uses around the subject site. FLUE Policy 16.5 directs development of higher intensity non-residential land uses to be restricted to locations external to established and developing neighborhoods. The Major Modification would cause development that is not compatible with the surrounding area, rendering the request inconsistent with this adopted policy direction.

The subject site does not meet Commercial Locational Criteria (CLC). According to FLUE Policy 22.2, a site in the RES-6 Future Land Use category must be within 300 feet of a qualifying intersection that includes a two-lane roadway. The closest qualifying intersection to the subject site is Livingston, a two-lane County Arterial roadway and Bearss Avenue, a two-lane County Arterial roadway. The distance from the subject site and the closest qualifying intersection is roughly 3,900 feet as opposed to the required 300 feet, and therefore the site does not meet CLC. FLUE Policy 22.7 notes that meeting Commercial Locational Criteria is not the only factor to be taken into consideration when granting approval for an application. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of affected 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 commercial use. Commercial Locational Criteria only designates locations that could be considered, and they in no way guarantee the approval of a particular non-residential use. The 300-foot measurement requirement demonstrates the scale of development expected for the Rural Area and the proposed MM would not be in scale with the area. This site is located approximately 3,900 feet away from the nearest major intersection with significant compatibility concerns and therefore is inconsistent with FLUE Objective 22 and its accompanying policies. In addition, per FLUE Policy 22.8, an applicant may submit a request to waive the CLC criteria. The applicant provided a CLC waiver for the proposal. However, staff has not determined any unique circumstances that would warrant a waiver to Commercial Locational Criteria. Planning Commission recommends that the Board of County Commissioners deny the waiver request based upon this information.

Overall, staff finds that the proposed Major Modification is not compatible with the existing development pattern found within the surrounding area and does not meet Commercial Locational Criteria. The proposed Major Modification would allow for development that is not consistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

Based upon the above considerations and the following Goals, Objectives and Policies, Planning Commission staff finds the proposed Major Modification **INCONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.

Staff Identified Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* Related to the Request:

FUTURE LAND USE ELEMENT

Urban Service Area

Objective 1: Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

Objective 8: The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.

Policy 8.1: *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

Objective 16: Neighborhood Protection – *The neighborhood is the 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 16.2: *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 22.2: *The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.*

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 (CDC)

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 with the established character of the surrounding neighborhood.*

Policy 12-1.4: *Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.*

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

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

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

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

Rezonings

APPROVED
CONTINUED
DENIED
WITHDRAWN
PENDING

Tampa Service Area
Urban Service Area
Shoreline
County Boundary
Jurisdiction Boundary
Roads

viam.NATURAL.LULC Wet Pdv

AGRICULTURAL/MINING-1/20 (.25 FAR)

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)

AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL/RURAL-1/3 (.23 FAR)

RECORDS SECTION

PRESIDENTIAL 3 (25 EAP)

RESIDENTIAL PLANNED-2 (.35 FAR)

RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-12 (.35 FAR)

[illegible]

PRESIDENTIAL 35 (10 EAP)

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-39 (2.0 FAR)

[illegible]

RESEARCH CORPORATE PARK (10 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25

FAR RETAIL/COMMERCE)

0
1
2
3
4
5
6
7
8
9

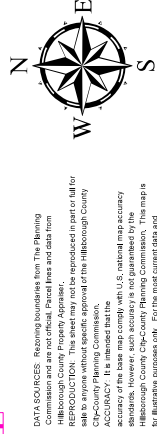
HEAVY INDUSTRIAL (75 FEAR)

PUBLIC/QUASI-PUBLIC

NATURAL PRESERVATION

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)

CITRUS PARK VILLAGE

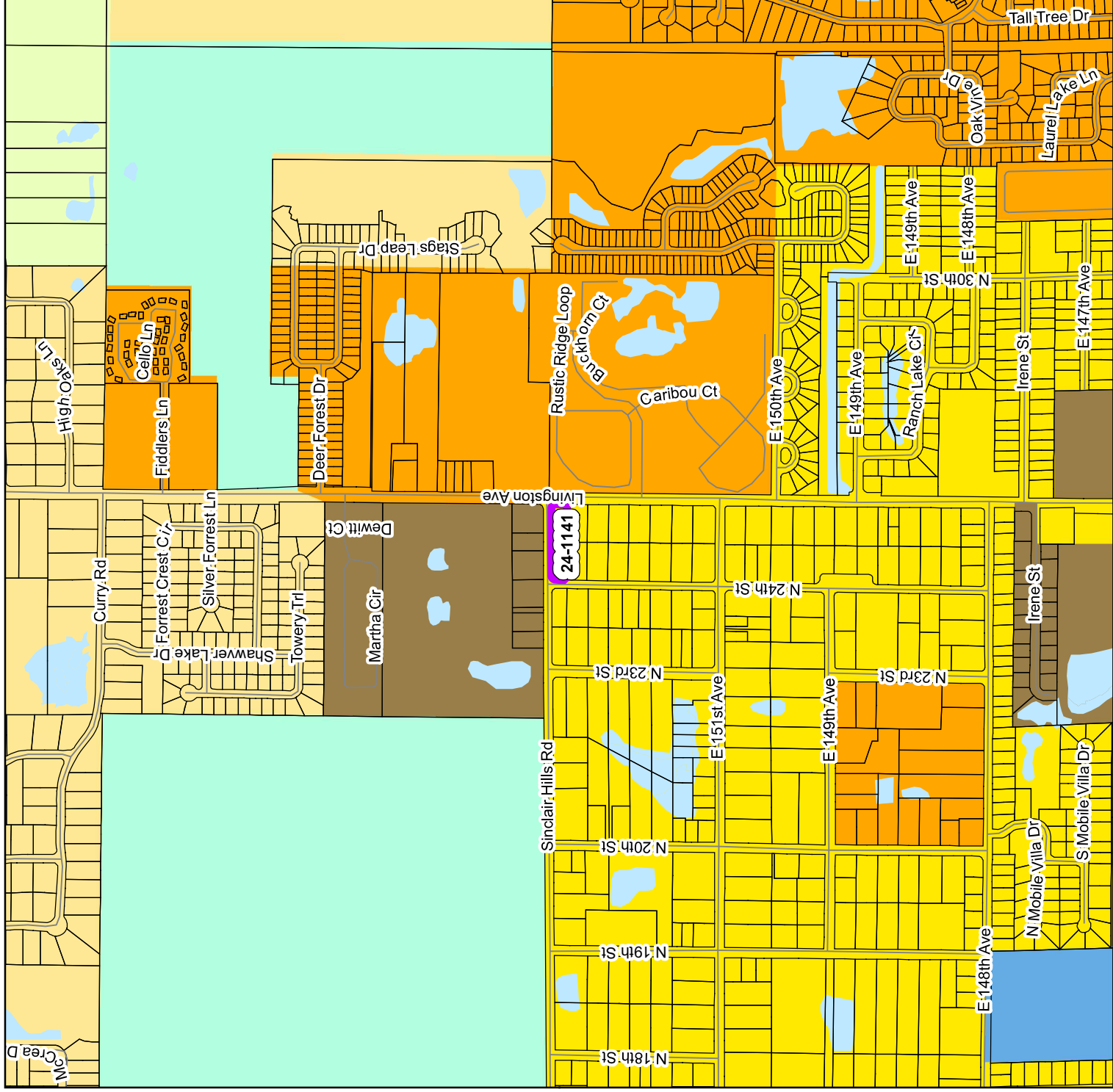



Age Group	Number of People
0-14	460
15-24	460
25-34	460
35-44	460
45-54	460
55-64	460
65-74	460
75-84	460
85+	1,840

Map Printed from Rezoning System: 8/14/2024

erty F. Daniels

File: G:\RezoningSystem\MapProjects\HC\Greg_hcRezoning - Copy.mxd





APPLICANT PROPOSED CONDITIONS

Final conditions of approval

Petition number: MM 24-1141

Meeting date:

Date typed: 10/23/24

1. The project shall be limited to:

The proposed commercial uses include all CG and CN uses, except the following

- Any/All Vehicular Sales or Rentals
- Adult Uses
- Convenience Stores with or without Gas Pumps
- Neighborhood, Minor, or Major Vehicle Service and/or Repair
- All Restaurants with or without Drive-Through Facilities
- Pharmacy with Drive-Through Facilities
- Coffee/Donut Shop with Drive-Through Facilities
- Bank/Credit Union
- Billiard and Pool Parlors
- Bars, Taverns, or Night Clubs
- Marijuana Dispensary
- Gun Stores
- Liquor Stores
- Service Stations
- Vehicle Parts Sales
- Bus Terminal
- Banquet and Reception Halls
- Car Wash Facilities
- Gasoline Sales and Service
- Shopping Centers
- Wedding Chapel

2. Maximum building height shall be 30' and all structures must be in compliance as shown on the associated PD site plan.

3. Screening and buffering shall be as required by code unless otherwise stated as a variation & shown on the site plan.

4. A minimum of a 20' building setback shall be provided along Sinclair Hills Road.

5. Pedestrian & vehicular cross access shall be provided as shown on the site plan. In addition, a sidewalk shall be provided that links the pedestrian circulation system within the project to the required sidewalks along Livingston Avenue.

Page 2/MM

6. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
7. Notwithstanding anything on the PD site plan or herein these conditions to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
8. All construction ingress and egress shall be limited to the project access as shown on the PD site plan.
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. 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, recertification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
11. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
12. Prior to approval by the Hillsborough County Board of County Commissioners at the scheduled Land Use Meeting, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above, the Land Development Code (LDC) and/or the recommendations of the Land Use Hearing Officer.
13. The revised general site plan shall be certified upon approval of the petition at the scheduled Board of County Commissioners Land Use Meeting. Prior to petition approval and certification, if it is determined the certified plan does not accurately reflect the conditions of approval, the requirements of the LDC and/or the recommendations of the Land Use Hearing Officer, as may be modified at the Board of County Commissioners Land Use Meeting, said plan will be deemed invalid and a revised General Development Plan shall be submitted for certification. Certification of the revised plan (and approval of the petition) shall occur at the next available Board of County Commissioners Land Use Meeting. This development order/permit shall meet the

concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of
Page 3/MM

application for subsequent development orders or permits to allow issuance of such development orders or permits.

14. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

NEW CONDITIONS OF APPROVAL

All previous transportation related conditions shall carry forward. In addition:

New Conditions

The following additional conditions shall apply to folios 34476.0000 and 34497.0000, i.e. the area of modification for MM 24-1141:

- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, no development shall be permitted that causes cumulative development within the modification area to exceed 64 gross a.m. peak hour trips, or 64 gross p.m. peak hour trips. Additionally:
 - Concurrent with each increment of development, the developer shall provide a list of existing and previously approved uses within the PD. The list shall contain data including gross floor area, number of seats (if applicable), type of use, date the use was approved by Hillsborough County, references to the site subdivision Project Identification number (or if no project identification number exists, a copy of the permit or other official reference number), calculations detailing the individual and cumulative gross and net trip generation impacts for that increment of the development, and source(s) for the data used to develop such estimates. Calculations showing the remaining number of available trips for each analysis period (i.e. average daily, a.m. peak and p.m. peak) shall also be provided.
- All existing project access connections shall be closed and removed. The project shall be restricted to a maximum of one (1) access on Sinclair Hills Rd., which shall align with the driveway serving folio 34642.0100.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary:
 - Bicycle and pedestrian access may be permitted anywhere along the PD boundaries;
 - Sidewalks shall be provided in accordance with LDC Sec. 6.02.08 and Sec. 6.03.02; and,
 - External sidewalks shall be spaced from the closest edge of the travel lane in accordance with Transportation Technical Manual (TTM) requirements. Where sidewalks are required to be placed within the subject site, an easement for public access and maintenance purposes shall be provided in accordance with LDC Sec. 6.03.02.D.
- Concurrent with each increment of development, the developer shall submit a trip generation and site access analysis which analyzes total project trips within the PD, and shall be used to determine whether turn lanes are required pursuant to Sec. 6.04.04.D. of the LDC. The analysis shall include existing development within the PD, proposed development within the specific increment of development, as well as any approved but undeveloped entitlements within the PD, to determine whether turn lanes may be needed with this increment or in the future. This may require the developer to preserve, dedicate and convey or otherwise acquire additional right-of-way where necessary to construct required turn lanes. Inability to construct or otherwise accommodate required turn lanes may result in the developer being unable to construct to its maximum entitlement.
- Consistent with the Hillsborough County Corridor Preservation Plan, the developer shall preserve sufficient right-of-way to accommodate a future 4-lane roadway along the project's Livingston Ave. frontage, currently anticipated to be up to +/- 26 feet of right-of-way. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
- As proposed, the project requires Sec. 6.04.02.B. Administrative Variances (AVs) and/or Transportation Technical Manual (TTM) Design Exceptions (DEs) before site/construction plans can be approved. Specifically, the developer shall be required obtain all required AVs and DEs,

which at a minimum, shall include the following an AV from the Sec. 6.04.07 LDC access spacing requirements relative to the Sinclair Hills Dr. project access.

- As Sinclair Hills Dr. is a substandard collector roadway, the developer shall improve the roadway network (between the project access and nearest roadway meeting an applicable standard) to current County standards or otherwise obtain a Section 6.04.02.B. Administrative Variance. Deviations from Transportation Technical Manual (TTM) or Transportation Design Manual (TDM) requirements may be considered in accordance with Sec. 1.7.2. and other applicable sections of the TTM.

Other Conditions

- Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:
 - On Sheets 2 of 3 and 3 of 3, correct the right-of-way preservation label and linework to reflect the requirement that 26 feet of right-of-way be preserved.



**GENERAL
SITE PLAN
FOR
CERTIFICATION**



**Hillsborough
County Florida**

DEVELOPMENT SERVICES

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

**HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

**BOARD OF COUNTY
COMMISSIONERS**

Chris Boles
Donna Cameron Cepeda
Harry Cohen
Ken Hagan
Christine Miller
Gwendolyn "Gwen" Myers
Joshua Wostal

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

COUNTY INTERNAL AUDITOR

Melinda Jenzarli

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Project Name: MM (24-1141)

Zoning File: RZ-PD (06-1564) Modification: MM (24-1141)

Atlas Page: None Submitted: 05/09/25

To Planner for Review: 05/09/25 Date Due: ASAP

Contact Person: PRESSMAN TODD Phone: 727-804-1760/Todd@Pressmaninc.com

Right-Of-Way or Land Required for Dedication: Yes ☐ No ☒

☐ The Development Services Department HAS NO OBJECTION to this General Site Plan.

☒ The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

The proposed modification in option 1 would allow 2 food trucks within close proximity to residential. In addition, the applicant has requested a variation that would reduce the 20-foot-wide required buffer next to a food truck to the west to a 5-foot-wide buffer and a 15-foot-wide buffer. These proposed reduced buffers are directly adjacent to a single-family residence zoned AS-1 to the south. The variation requested in option 2 also reduces the 20-foot-wide required buffer to the south residential to a 10-foot-wide buffer and 15-foot-wide buffer. This would not provide adequate buffering of possible noise and disruptions from the business to residential.

Reviewed by: Christopher Grandlienard Date: 05-09-25

Date Agent/Owner notified of Disapproval: _____

PLANNER:
ZONING QUEST
TO BE DETERMINED

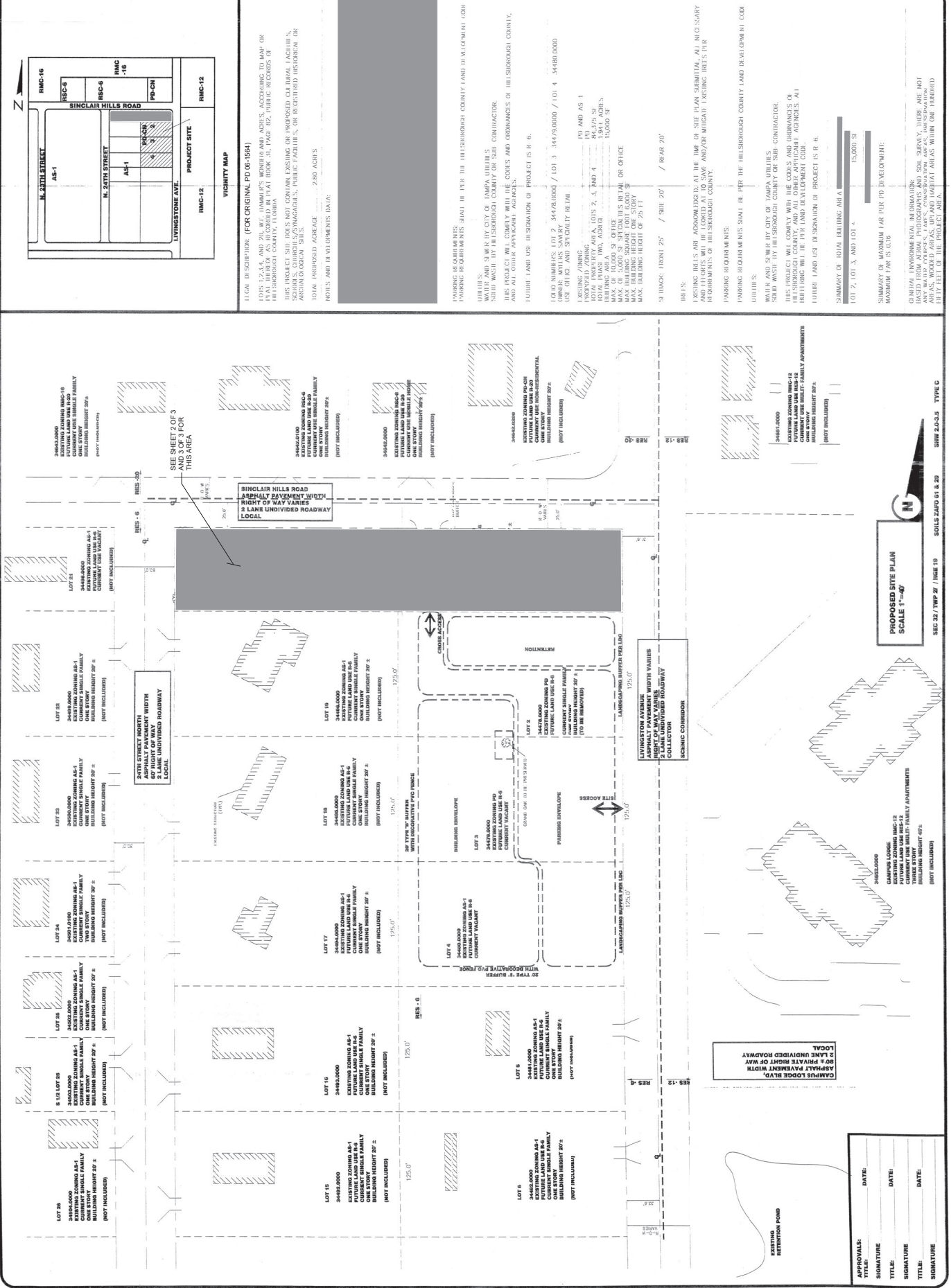
ARCHITECT:
TO BE DETERMINED

ENGINEER:
TO BE DETERMINED

REZONING TO PD
LOTS 2, 3, & 4: OWNER MYLES SAEVRY - CLEANER
LOTS 1 & 20: OWNER DIANNE FERWERDA - CLEANER

MARCH 11, 2008
SCALE 1"=40'
MYLES-DESIGN 1

1.3



PROPOSED SITE PLAN
SCALE 1"=40'

SEC 32 / TWP 27 / N 26 W 19
SCALE 2400 FT = 2.20
SHW 2.0-3.5 TYPE C

APPROVALS:	TITLE:	DATE:
SIGNATURE:	TITLE:	DATE:
SIGNATURE:	TITLE:	DATE:
SIGNATURE:	TITLE:	DATE:

[illegible]

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AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 02/12/2025

Revised: 4/4/2025

REVIEWER: James Ratliff, AICP, PTP, Principal Planner

AGENCY/DEPT: Transportation

PLANNING AREA: USF

PETITION NO: MM 24-1141

- ☐ 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.

RATIONALE FOR OBJECTION

1. The applicant attended the February ZHM hearing and attempted to change the land uses proposed while the hearing. The applicant was informed that they were unable to do so due to procedural issues.
2. On 2/18/25 at 8:58 p.m. staff emailed the applicant stating “At tonight’s hearing you continued the proposed rezoning with the intention of changing the proposed uses to add back some very trip intensive uses. I strongly recommend that you contact Eleonor de Leon to schedule a meeting with Chris McNeal, Mike Williams and myself for as soon as possible. You will have to amend your narrative, PD site plan and proposed Administrative Variances at a minimum. We also need to discuss whether the additional intensity is appropriate from a transportation perspective in the location, and we need to discuss how you are going to provide the turn lanes that are likely going to be triggered with the additional intensity and evaluate whether there is sufficient room accommodate additional right-of-way for turn lanes, queuing, and whether that has any impact on whether additional substandard road improvements may be appropriate given the additional traffic volume.

I think it’s only a one-month continuance you requested, and so I would point out you have very little time to pull a revised application together for a resubmittal by the revised plan deadline for that hearing cycle (including new findings for Administrative Variances and/or Design Exceptions), and so suggest you reach out to schedule the meeting ASAP.”

3. Staff held a meeting with the applicant on 2/28/2025 at 1:00 pm to discuss the above concerns, as well as changes to the AVs which would be needed. As of the date of the writing of this report, no responsive revisions have been received.
4. On April 4, 2025, the County Engineer withdrew the previously issued findings of approvability, given outstanding concerns regarding the project and that the proposed zoning was modified such that the proposed uses in the originally submitted AVs no longer match what is being proposed in the PD zoning.
5. Given the above, the originally filed AVs are out of order for consideration and cannot be considered as a part of this zoning review.
6. As currently designed, the project does not meet access spacing and substandard road requirements. With respect to the substandard roadway, the applicant is required to either propose to improve the public roadway network, between Sinclair Hills Rd. and the nearest

roadway meeting an applicable standard, seek a Section 6.04.02.B. Administrative Variance if it believes no improvements are necessary, or a Design Exception if it proposes some improvement (but to a standard less than the full requirements of the applicable Typical Section). With respect to access connection spacing, the applicant is required to redesign the project such that it complies with minimum standards or otherwise obtain a Sec. 6.04.02.B. Administrative Variance. No such documents or revised analyses have been submitted for this modified zoning request.

7. Staff has concerns regarding the trip impacts of the additional proposed uses, some of which are incredibly trip intensive. Staff notes that the February ZHM proposal (which staff supported) would increase the maximum trip generation potential as follows: average daily trips by 51.59%, a.m. peak hour trips by 7.53%, and p.m. peak hour trips by 31.82% (versus the existing approved zoning). This modified proposal (which staff does not support) would increase the maximum trip generation potential as follows: average daily trips by 281.07%, a.m. peak hour trips by 413.98%, and p.m. peak hour trips by 187.01% (versus the existing approved zoning).
8. It has not been demonstrated that further intensification is appropriate, that surrounding infrastructure can accommodate the Sec. 6.04.04.D. auxiliary turn lanes in the lengths necessary to accommodate such intensive uses, or that the uses can operate in a safe and effective manner given potential queue spillback issues from the adjacent Sinclair Hills Rd. and Livingston Ave. intersection.
9. Given the above, staff recommends denial of the proposed modification.

PROJECT SUMMARY AND TRIP GENERATION ANALYSIS

The applicant is requesting a Major Modification (MM) to a portion of an existing Planned Development (PD) #06-1564. The MM area consists of two parcels, totaling +/- 0.9 ac. The existing PD currently has approval for the following entitlements:

1. The project shall be limited to a 3,500 square-foot dry cleaners, a maximum of 10,000 square feet of BPO uses, and a maximum of 5,000 square feet of CN uses in accordance with the conditions contained herein. Unless otherwise specified herein, the project shall be developed in accordance with CN zoning district standards.
 - 1.1 A maximum of 12,000 square feet of the total development may be medical office uses.
2. The dry cleaners shall be located within the northeast portion of the site as shown on the plan. The land area to the west of the dry cleaners shall be reserved for retention areas and/or open space.
3. The following uses shall not be permitted within the land area located to the south of the dry cleaners:
 - Fast food restaurants
 - Vehicle sales/rental/ and/or service and/or the sale of vehicle parts
 - Convenience Stores (with or without gasoline sales)
 - Stand alone banking establishments
 - Drive-through facilities associated with any type of use
 - Billiard and pool parlors
 - Bars/laverns or nightclubs
 - Gun stores
 - Stand alone gas stations
4. The following conditions shall apply to all development located to the south of the dry cleaners:
 - 4.1 Free-standing CN uses shall be limited to a maximum of 3,000 square feet. The remaining 2,000 square feet must be located within a building with a minimum of 40% of its floor area containing BPO uses.
 - 4.2 Retail uses shall not be permitted within the southernmost building.
 - 4.3 Maximum building size shall be 6,000 square feet and maximum building height shall be 25 feet.
 - 4.4 Buildings shall have a residential appearance and pitched roof lines.
 - 4.5 Screening Standard B shall be provided along the western and southern project boundary to include a solid PVC fence, six feet in height with the finished side out.
 - 4.6 Hours of operation shall be from 6:00am to 10:00pm.

The portion of the site, which is currently in the PD modification process, hereafter referred to as the “subject area”, is approved for a 3,500 s.f. dry-cleaning establishment. The applicant is seeking to allow

two options within the subject area. The commercial component of both allows all Commercial General (CG) and Commercial Neighborhood (CN) uses except for the below list of excluded uses. These are collectively referred to as “Limited Commercial Uses” for the purposes of this report.

PROPOSED LAND USES (MM 24-1141):

ALL CG & CN USES, EXCEPT THE FOLLOWING:

- ANY/ALL VEHICULAR SALES OR RENTALS
- ADULT USES
- CONVENIENCE STORES WITH GAS PUMPS
- NEIGHBORHOOD, MINOR, OR MAJOR VEHICLE SERVICE AND/OR REPAIR
- BANK/CREDIT UNION
- BILLIARD AND POOL PARLORS
- BARS, TAVERNS, OR NIGHT CLUBS
- MARIJUANA DISPENSARY
- GUN STORES
- LIQUOR STORES
- SERVICE STATIONS
- VEHICLE PARTS SALES
- BUS TERMINAL
- BANQUET AND RECEPTION HALLS
- CAR WASH FACILITIES
- GASOLINE SALES AND SERVICE
- WEDDING CHAPEL
- PUBLIC, PRIVATE, OR CHARTER SCHOOLS
- CHURCH/SYNAGOGUE
- HOTELS AND MOTELS
- PUBLIC PARKS

The first option would allow 1,240 s.f. of Limited Commercial Uses, and two (2) food trucks. The second option would allow 6,328 s.f. of Limited Commercial Uses.

The applicant provided a trip generation analysis as required by the Development Review Procedures Manual (DRPM). Given the broad range of allowable uses within the CG and CN district, and considering the list of excluded uses above, the applicant utilized the Institute of Transportation Engineer's (ITE's) Land Use Code (LUC) 814, Variety Store, to estimate trip impacts from potential uses onsite. The food truck uses were analyzed using LUC 926, Food Cart Pod. In the second option, despite identical land uses, the applicant analyzed ITE LUC 720, Medical/Dental Office, as a worst-case scenario. Staff notes that the analysis presented by the applicant does not adequately analyze worst-case impacts. For example, Microbreweries generate 11.36 peak hour trips per 1,000 g.s.f. and Specialty Food Stores/Food Product Stores: Bakery, Candies & Nuts, Dairy, Delicatessens, Meat Seafood and Produce/ Supermarket/ Grocery Stores generate 8.95 peak hour trips per 1,000 g.s.f. vs. the 3.93 peak hour trips per 1,000 g.s.f. (for Health Practitioner's Office uses) and 6.7 peak hour trips per 1,000 s.f. (for Variety Store) assumed by the applicant as the worst case. Similar LUC issues were present for the existing approved portion of the PD which are not a subject of this modification request. Additionally, the total project square-footages analyzed did not match the proposed uses. The applicant used this analysis to seek a waiver of the trip generation and site access analysis.

Staff does not support such request; however, given recent policy changes which provide more flexibility in what is able to be analyzed at the plat/site/construction plan phase, staff was willing to move the project forward with a condition which requires a trip generation and site access analysis be prepared by the developer prior to or concurrent with redevelopment of the subject area; however, the proposed revisions to the applicant result in significantly higher trip generation that are unlikely to be safely or efficiently accommodated given adjacent roadway and geometry and access placement, and as such requested study waiver is not supported for the project as proposed.

It is important that future studies accurately analyze both the existing and proposed entitlements, since cross-connectivity requirements between the two portions of the PD will allow trips from both areas to impact project access location on each road. Staff notes that certain increments of development may not trigger a turn lane with an initial phase, but could with a subsequent phase (and so an accurate analysis is needed to identify whether turn lanes could be triggered in a later phase, and therefore right-of-way must be set aside for future use).

Staff has prepared a comparison of the potential number of peak hour trips generated under the existing and proposed uses if the subject modification is approved. Staff notes that the second option represents the worst-case scenario.

Existing Uses:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 3,500 s.f. Dry Cleaner (ITE Code 814)	222	11	23
Total:	1,638	93	154

Proposed Uses (Worst-case Scenario, Option 2, February ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 850/975)	1,067	18	72
Total:	2,483	100	203

Difference (Worst-case Scenario, Option 2, February ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Total:	(+) 845	(+) 7	(+) 49

Proposed Uses (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06-1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 851)	4,826	396	311
Total:	6,242	478	442

Difference (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Total:	(+) 4,604	(+) 385	(+) 288

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Sinclair Hills Rd. is a 2-lane, publicly maintained, undivided, substandard, rural collector roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 52-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide sidewalks located along the north side of Sinclair Hills Rd. in the vicinity of the proposed project.

Livingston Ave. is a 2-lane, publicly maintained, undivided, substandard, rural arterial roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 58-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide to +/- 5-foot-wide sidewalks located along portions of the east and west sides of Livingston Ave. in the vicinity of the proposed project.

Livingston Ave. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway along the project's frontage. The amount of right-of-way needed for a future 4-lane urban roadway is 110 feet, pursuant to Typical Section – 4 (TS-4) as found within the Hillsborough County Transportation Technical Manual (TTM). Given the existing right-of-way is 58 feet along the project frontage, per the LDC the developer is required to preserve one-half of the needed right-of-way along the project's frontage (i.e. the developer must preserve up to 26 feet of right-of-way).

SITE ACCESS CONSIDERATIONS

The PD is currently served by two access connections. The existing PD required removal of an existing Livingston Ave. driveway (which is not proposed to change), resulting in one (1) access to Livingston Ave. from that portion of the PD which is not the subject of this modification. The existing PD also permitted one (1) access to Sinclair Hills Rd., in a location slightly different than the existing access serving the site. The applicant proposing to shift this project access from aligning with the folio 34642.0000 driveway, to instead align with the driveway serving folio 34642.0100. This shift is necessary due to the presence of an eastbound to northbound left turn lane which serves the intersection of Livingston Ave. and Sinclair Hills Rd., as well as the volume of traffic which is anticipated to queue back from the intersection.

Since the applicant did not conduct an accurate trip generation and site access analysis, a determination of turn lanes was not possible.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway sections is reported below. Sinclair Hills Rd. was not included in the LOS report. As such, no data for this facility could be provided.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Livingston Ave.	Sinclair Hills Rd.	Vandervort Rd.	D	F
Livingston Ave.	Bearss Rd.	Sinclair Hills Rd.	E	F

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
Livingston Ave.	County Arterial - Rural	2 Lanes <input checked="" 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 checked="" type="checkbox"/> Other - TBD
Sinclair Hills Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,638	93	154
Proposed	6,242	478	442
Difference (+/-)	(+) 4,604	(+) 385	(+) 288

*Trips reported are based on gross 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	X	Pedestrian & Vehicular	None	Does Not Meet LDC
South		None	None	Meets LDC
East	X	Pedestrian & Vehicular	None	Meets LDC
West		None	None	Meets LDC
Notes: Access spacing Administrative Variance needed for Sinclair Hills Rd. access.				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes: Administrative Variances were previously submitted for the initial iteration of the project. The current iteration of request modifies proposed uses (and significantly intensifies maximum trip generation of the project). As such, revised requests were needed (or the issues dealt with in another manner); however, none were submitted by the applicant.		

Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Previously recommended conditions have been removed. Recommended conditions are not provided when an application is deemed not to be supportable.

COMMISSION

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Steffanie L. Wickham WASTE DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 11/12/2024	COMMENT DATE: 8/29/2024
PETITION NO.: 24-1141	PROPERTY ADDRESS: 15120, 15118, 15516 Livingston Ave, Lutz, FL 33559
EPC REVIEWER: Melissa Yañez	FOLIO #: 34476.0000, and 34497.0000
CONTACT INFORMATION: (813) 627-2600 X 1360	STR: 32-27-19
EMAIL: yanezm@epchc.org	
REQUESTED ZONING: Major modification to PD	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Desktop Review – Aerial review, soil survey and EPC file search
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.</p> <p>INFORMATIONAL COMMENTS:</p> <p>The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.</p> <p>EPC staff reviewed the above referenced parcel in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite/ within the proposed construction boundaries.</p> <p>Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.</p>	

My/cb

ec: todd@pressmaninc.com / hsullaiman@aol.com

Environmental Excellence in a Changing World

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

Grandlienard, Christopher

From: McMaugh, Andria
Sent: Monday, April 7, 2025 2:54 PM
To: Grandlienard, Christopher
Cc: Heinrich, Michelle
Subject: Re: MM 24-1141 Variations

I don't have a problem reducing the buffer width from a Natural Resource standpoint.

Get [Outlook for iOS](#)

From: Grandlienard, Christopher <GrandlienardC@hcfl.gov>
Sent: Monday, April 7, 2025 2:33:31 PM
To: McMaugh, Andria <McMaughA@hcfl.gov>
Cc: Heinrich, Michelle <HeinrichM@hcfl.gov>
Subject: RE: MM 24-1141 Variations

Good Afternoon,

Any information regarding the vehicular use buffer reduction request for MM 24-1141? The vehicular use buffer request is for Sinclair Hills only – asking to go from 8 feet to 6 feet.

Chris Grandlienard, AICP

Senior Planner

Community Development Section
Development Services Department

P: (813) 276-8372
E: <mailto:GrandlienardC@HillsboroughCounty.org>
W: HCFLGoc.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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From: Heinrich, Michelle <HeinrichM@hcfl.gov>
Sent: Friday, April 4, 2025 6:00 PM
To: McMaugh, Andria <McMaughA@hcfl.gov>
Cc: Grandlienard, Christopher <GrandlienardC@hcfl.gov>
Subject: FW: MM 24-1141 Variations

The vehicular use buffer request is for Sinclair Hills only – asking to go from 8 feet to 6 feet.

Thanks,

Michelle Heinrich, AICP

Executive Planner

Development Services Department

E: heinrichm@HCFL.gov

P: (813) 276-2167

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From: Chris McNeal <cmcneal@mcnealengineering.com>

Sent: Friday, April 4, 2025 3:36 PM

To: Grandlienard, Christopher <GrandlienardC@hcfl.gov>

Cc: Heinrich, Michelle <HeinrichM@hcfl.gov>; Carla Sansone <csansone@mcnealengineering.com>; Todd Pressman <todd@pressmaninc.com>

Subject: Re: MM 24-1141 Variations

External email: Use caution when clicking on links, opening attachments or replying to this email.

Chris,

The plan is correct. The PD Variation is for 326 feet along Sinclair Hills.

Thank you,

Christopher S. McNeal, M.Eng, PE

President/CEO

P: 813.968.1081

D: 813.563.4256

C: 813.205.2564

F: 813.961.5839

W: www.mcnealengineering.com

From: Grandlienard, Christopher <GrandlienardC@hcfl.gov>

Sent: Friday, April 4, 2025 3:14 PM

To: Carla Sansone <csansone@mcnealengineering.com>; Todd Pressman <todd@pressmaninc.com>; Chris McNeal <cmcneal@mcnealengineering.com>

Cc: Heinrich, Michelle <HeinrichM@hcfl.gov>

Subject: FW: MM 24-1141 Variations

Good Afternoon,

The PD Variation requests states a request to allow 6 ft instead of 8 ft for 242 linear feet. On the site plan, only Sinclair Hills is noted as the requested area, but it says 326 linear feet. Along Livingston, the plan states 8' buffer. Perhaps I'm overlooking something. PD Variation responses make it appear that the request is along Livingston because he mentions "a busy road with no property owners." Please confirm the request location.

Thanks.

Michelle Heinrich, AICP

Executive Planner

Development Services Department

E: heinrichm@HCFL.gov

P: (813) 276-2167

601 E. Kennedy Blvd., Tampa, FL 33602

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Hillsborough County Florida

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From: McMaugh, Andria <McMaughA@hcfl.gov>

Sent: Friday, April 4, 2025 8:53 AM

To: Heinrich, Michelle <HeinrichM@hcfl.gov>; Grandlienard, Christopher <GrandlienardC@hcfl.gov>

Cc: Williams, Michael <WilliamsM@hcfl.gov>

Subject: Re: MM 24-1141 Variations

Good morning,

It looks like the site is on Livingston Ave, which would be a [scenic roadway](#). Given the code, I don't think the requirements can be altered.

Do you know if we have allowed applicants to alter these in the past? I'm going to loop Mike Williams in as well, for his perspective on this.

 [Scenic Roadways.doc](#)

Andria McMaugh

Lead Natural Resources Protection Specialist

Natural Resources, Development Services Dept.

E: mcmaugh@hcfl.gov

P: (813) 274-6737

W: HCFL.gov

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

From: Heinrich, Michelle
Sent: Thursday, April 3, 2025 11:29 AM
To: McMaugh, Andria; Grandlienard, Christopher
Subject: RE: MM 24-1141 Variations

Thanks Andria. The applicant is also asking for vehicular use area buffer reductions (which is reviewed by NR staff at site). We've already reviewed the zoning buffering/screening reduction requests.

Michelle Heinrich, AICP

Executive Planner

Development Services Department

E: heinrichm@HCFL.gov

P: (813) 276-2167

601 E. Kennedy Blvd., Tampa, FL 33602

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Hillsborough County Florida

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From: McMaugh, Andria <McMaughA@hcfl.gov>
Sent: Thursday, April 3, 2025 11:20 AM
To: Grandlienard, Christopher <GrandlienardC@hcfl.gov>

Cc: Heinrich, Michelle <HeinrichM@hcfl.gov>

Subject: Re: MM 24-1141 Variations

Good morning,

I double-checked with the Commercial review folks, as they deal with buffers more often than I do on the residential side.

Natural Resources doesn't have any comment regarding changing the buffer type, for incompatible land use. If they wanted to change the type of vegetation use (for example, reduce the spacing between or type of trees being used) we would be able to provide an assessment. But the overall width, we leave it in Zoning's capable hands!

Let me know if you have any questions.

Andria McMaugh

Lead Natural Resources Protection Specialist

Natural Resources, Development Services Dept.

E: mcmaugha@hcfl.gov

P: (813) 274-6737

W: HCFL.gov

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

From: Grandlienard, Christopher <GrandlienardC@hcfl.gov>

Sent: Thursday, April 3, 2025 9:49 AM

To: McMaugh, Andria <McMaughA@hcfl.gov>

Cc: Heinrich, Michelle <HeinrichM@hcfl.gov>

Subject: MM 24-1141 Variations

Good Morning,

I'm just double checking with you regarding the requested buffer and screening variations for MM 24-1141. I've attached the current site plan and narrative for review.

Please let me know if you intend to make any revisions to your report. Thank you.

Chris Grandlienard, AICP

Senior Planner

Community Development Section

Development Services Department

P: (813) 276-8372

E: <mailto:GrandlienardC@HillsboroughCounty.org>

W: [HCFLGoc.net]HCFLGoc.net

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AGENCY COMMENT SHEET

TO: **Zoning/Code Administration, Development Services Department**

FROM: **Reviewer:** Andria McMaugh **Date:** 02/06/2025

Agency: Natural Resources **Petition #:** 24-1141

- ☐ This agency has **no comment**
- ☐ This agency has **no objections**
- ☒ This agency has **no objections, subject to listed or attached conditions**
- ☐ This agency **objects, based on the listed or attached issues.**

1. Natural Resources staff identified a number of significant trees on the site including potential Grand Oaks. Every effort must be made to avoid the removal of and design the site around these trees. The site plan may be modified from the Certified Site Plan to avoid tree removal. **This statement should be identified as a condition of the rezoning.**
2. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
3. The construction and location of any proposed environmental impacts are not approved by this correspondence but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
4. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.



AGENCY REVIEW COMMENT SHEET

NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services

DATE: 02/06/2025

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Todd Pressman

PETITION NO: 24-1141

LOCATION: 15120 15118 15516 Livingston Ave

FOLIO NO: 34476.0000 34497.00000

Estimated Fees:

(Various use types allowed. Estimates are a sample of potential development)

Retail - Shopping Center

(Per 1,000 s.f.)

Mobility: \$13,562.00

Fire: \$313.00

Discount Store, Free standing

(Per 1,000 s.f.)

Mobility: \$13,530.00

Fire: \$313.00

Home Improvement

(Per 1,000 s.f.)

Mobility: \$8,242.00

Fire: \$313.00

Gen Office

(Per 1,000 s.f.)

Mobility: \$8,336.00

Fire: \$158.00

Mini-Warehouse

(Per 1,000 s.f.)

Mobility: \$725.00

Fire: \$32.00

Project Summary/Description:

Urban Mobility, Northwest Fire - Opt 1) 1236 sq ft comm retail and food carts (x2) (food carts, if assessable, need to verify, would be at shopping center rates and associated with relevant building permits tied to development, or in Site Review if no permit is required)

Opt 2) 6328 sq ft comm

All Comm development is limited per application request



Agency Review Comment Sheet

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

TO: Zoning Review, Development Services **REQUEST DATE:** 8/7/2024

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 8/21/2024

PROPERTY OWNER: Saed Investments LLC **PID:** 24-1141

APPLICANT: Todd Pressman

LOCATION: 15120 Livingston Ave. Lutz, FL 33549 and Folio located immediately west

FOLIO NO.: 34497.0000, 34476.0000

AGENCY REVIEW COMMENTS:

At this time, according to the Hillsborough County BOCC approved maps adopted in the Comprehensive Plan, the site does not appear to be located within a Wellhead Resource Protection Area (WRPA), Potable Water Wellfield Protection Area (PWWPA) and/or Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

Hillsborough County EVSD has no recommended conditions and no request for additional information associated with wellhead protection.

WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETITION NO.: MM 24-1141 **REVIEWED BY:** Clay Walker, E.I. **DATE:** 8/16/2024

FOLIO NO.: 34476.0000, 34497.0000

WATER

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

WASTEWATER

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

COMMENTS: _____.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 7 Aug. 2024

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

APPLICANT: Todd Pressman

PETITION NO: MM 24-1141

LOCATION: Livingston Ave., Lutz, FL 33549

FOLIO NO: 34476.0000, 34497.0000

SEC: 32 TWN: 27 RNG: 19

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

COMMENTS: _____.



VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Zoning Hearing Master

DATE: TUESDAY, APRIL 15, 2025

TIME: Commencing at 6:00 p.m.
Concluding at 8:42 p.m.

LOCATION: HILLSBOROUGH COUNTY BOCC
DEVELOPMENT SERVICES DEPARTMENT
601 EAST KENNEDY BOULEVARD, 2ND FLOOR
TAMPA, FLORIDA 33601

Reported by:
CRYSTAL REYES, AAERT No. 1660

1 MS. HEINRICH: Our next item is Item D.2 major mod 24-
2 1141. The applicant is requesting a major modification to PD
3 06-1564. Chris Grandlienard with Development Services has
4 reviewed this project, and in his absence tonight I'll provide
5 staff findings after the applicant's presentation.

6 HEARING MASTER: All right. Is the applicant here?
7 Good evening.

8 MR. PRESSMAN: Good evening, Hearing Officer. Todd
9 Pressman, 200 2nd Avenue South, Number 451, in St. Petersburg.
10 This is MM 24-1141.

11 What we're seeking to do is split the original PD and
12 seeking two different options. We're located in the Lutz area,
13 0.90 acres. As you can see, it's located in the general
14 vicinity of 275 and 581 on Sinclair Road and Livingston Avenue,
15 on the corners. This is the current '06 approval, 06-1564.

16 Before you tonight is just the upper portion. The
17 rear portion is not included. So just this top portion along
18 Sinclair Road is today's PD. The rest of the original PD, there
19 are no changes. So it's comprised of two parcels before you.

20 The original approval was for 3,500 square feet for
21 dry cleaners, which is located at the corner, so there's less
22 intensity as you move away from the corner in both directions.

23 So the proposed PD plan, option one, would be a one-
24 story commercial, 1,236 square feet of CN and CG uses, and two
25 food trucks. That would be option number one.

1 Option number two would be a one-story commercial at
2 6,238 square feet with CN and CG uses. However, we have
3 restricted a long list of uses that would not be permissible
4 under those two options.

5 This is a look at the site at the intersection of
6 Sinclair Hills Road. Site is to your left. You see there's a
7 convenience store and gas station across Sinclair. And this
8 would be the site as it currently exists.

9 Currently, the site on the Future Land Use is R-6, R-
10 20 across the street, which contains the gas and C store, R-12
11 across Livingston. And under zoning, gas and C store, RSC-6,
12 RSC-12.

13 Livingston Avenue is a busy roadway. It carries
14 almost 14,000 vehicles per day. And we have worked with
15 Transportation Department to work out conditions on
16 transportation. Chris McNeal's here, our engineer, he can refer
17 to those more, but we've been able to work with them to move
18 forward with conditions that are acceptable.

19 Under the Lutz Community Plan, under Commercial
20 Character, the Lutz community desires to maintain existing and
21 encourage new commercial uses geared to serving the daily needs
22 of residents in a scale and design that complements the
23 character. So we think that this is a plan that does meet that
24 commercial character direction. Also, to improve design
25 esthetics, to make the physical development of the community

1 more attractive, this would be an improvement of the existing
2 uses and would be an expansion, but it would be a improved look
3 over what is there today.

4 In terms of buffers, option number one is a 6' B where
5 8' B is required along Sinclair Hills, and 15' B or 20' B is
6 required to the rear, noting 5' B where 20 foot B is required
7 along the rear. And importantly, all business activity is
8 focused to the front to Sinclair Hills Road.

9 Option number two includes buffer 6' B where 8' B is
10 required along Sinclair, 15' B where 20 foot B is required to
11 the rear, along with a 10 foot B where 20 foot B is required.
12 And again business activity is focused towards Sinclair Hills.

13 Under the locational waiver, we believe that the
14 placement of the uses towards the intersection further from the
15 residential and the remaining existence and uses of the split PD
16 and located at busy intersection and the restricted uses meet
17 and define the purposes for the request for the locational
18 waiver.

19 It is important to note that one of the reasons behind
20 this is that there has been some type of dispute between the two
21 owners of the PD. They were here at the last hearing. They may
22 be here again tonight, but I think it's important to make you
23 aware that the owners of the existing PD that are not under the
24 review tonight have raised objections to what's proposed before
25 today.

1 And under that current PD the rear port would include
2 retention and a parking area again under the original approved
3 PD. So with that, we appreciate your attention, happy to answer
4 your questions, and here to provide any other information you
5 may need.

6 HEARING MASTER: Thank you. I do have a couple of
7 questions. So let me start from the base. So the PD currently
8 permits a dry cleaner at a certain square footage; is that
9 correct?

10 MR. PRESSMAN: That's correct.

11 HEARING MASTER: Is there any other use permitted?

12 MR. PRESSMAN: As indicated in the staff report, and
13 before, that is the use proposed or use that is permitted.

14 HEARING MASTER: Okay. And there are currently food
15 trucks on the property operating?

16 MR. PRESSMAN: That's correct. And it is under code
17 enforcement.

18 HEARING MASTER: Okay. So I did see the letters in
19 opposition in the file. And they talk about the food trucks and
20 the issues with that. And people talk about the lighting and
21 that they're a problem overall. And you seem to -- well, you
22 don't seem to, you have recommendations that don't support it
23 from both planning staffs. And I have, unless they've updated
24 their comments, I have Transportation's agency report that
25 objects to it. So you mentioned that you seem to have worked

1 something out with Transportation?

2 MR. PRESSMAN: Correct. I don't know if Mr. Perez
3 or -- Chris McNeal is here. He knows that better than I.

4 HEARING MASTER: All right.

5 MR. MCNEAL: Chris McNeal, McNeal Engineering, 15957
6 North Florida Avenue, on behalf of the applicant. We were able
7 to work -- after we received the Transportation recommended for
8 not approval, we were able to work with them and work through
9 some conditions that they found it would be approval had that
10 been at the time. And so they submitted those. We have a copy
11 of them. I believe you probably have a copy of them in the
12 record as well.

13 HEARING MASTER: They may be in the record, but I
14 don't have them. The latest one I have, they object to the
15 application.

16 MR. MCNEAL: Okay.

17 HEARING MASTER: So they have issued -- I mean, I'll
18 ask Mr. Perez obviously, but -- if they issued a revised
19 comment. Okay. Thank you so much. If you could please sign
20 in, Mr. McNeal.

21 I think that's it, Mr. Pressman, I think those are my
22 only questions at the moment. Thank you. I appreciate it.

23 Development Services.

24 MS. HEINRICH: Michelle Heinrich, Development
25 Services. As you saw, this site is located in the northern 0.9

1 acre area of PD 06-1564. The area of modification is approved
2 for a 3,500 square foot dry cleaner with drive-thru. And as you
3 saw in the applicant's presentation, the approved site plan
4 locates the use within the northeast portion closest to the
5 intersection. And the northwest area, which abuts residential
6 uses, is to be used for retention.

7 The remaining portion of the PD is approved for 10,000
8 square feet of BPO uses and 5,000 square feet of limited
9 commercial neighborhood uses.

10 Under this modification, the applicant requests two
11 development options. The first one would be the two food trucks
12 and the smaller limited commercial use building. And under
13 option two, one larger limited commercial use building. Under
14 both options, those commercial uses include those allowed in the
15 CG and CN zoning district, with a list of prohibited uses that
16 the applicant has provided and is located in the staff report.

17 As you saw under option one, the applicant is
18 proposing to not provide the 20-foot wide buffer with type B
19 screening along the southern boundary and instead provide a 5 to
20 15-foot wide buffer with the type B screening.

21 And under option two along the same boundary, provide
22 a 10 to 15-foot wide buffer with type B screening in lieu of the
23 20' B that's required.

24 Property to the south is zoned AS-1 and developed with
25 a single-family home located approximately 20 feet from the

1 common boundary line. Under both development options, the
2 applicant also proposes to reduce the eight-foot wide right-of-
3 way buffer along the north to be six feet in width.

4 Staff does not support the request given the proposed
5 intensity within a residential area, despite the prohibited
6 uses. The activity area, which includes parking, the commercial
7 operations, and circulation areas, is proposed to be located
8 further west from the currently approved area. Additionally,
9 the project's request did not meet minimum buffering and
10 screening requirements, which are the baseline for compatibility
11 for staff's analysis. Therefore, we do not support the request.
12 And I'm available for any questions you may have.

13 HEARING MASTER: Just one. I understand. I read the
14 staff report and see that the Development Services' objections
15 are based on the buffer and the proximity to residential of the
16 use. So if the Transportation comments have changed, that
17 doesn't affect your recommendation; is that correct?

18 MS. HEINRICH: No, ma'am.

19 HEARING MASTER: Okay. Thank you so much.

20 Planning Commission?

21 MR. ROYAL: Good afternoon. Tyrek Royal, Planning
22 Commission staff. The site is an urban service area within the
23 Residential 6 Future Land Use category, and not within the
24 limits of the Community Plan. FLU Policy 16.2 states that
25 gradual transitions of intensities between different land uses

1 shall be provided for as new development is proposed and
2 approved through the use of professional site planning,
3 buffering, and screening techniques, and control of specific
4 land uses. There should be a gradual transition of intensities
5 between the different land uses, given the residential uses
6 around the subject site.

7 FLU Policy 16.5 directs development of higher
8 intensities and nonresidential land uses to be restricted to
9 locations external to establish and develop neighborhoods. The
10 major modification would cause development that is not
11 compatible with the surrounding area, rendering the request
12 inconsistent with this adopted policy direction.

13 The subject site does not meet commercial locational
14 criteria. According to FLU Policy 22.2, a site in the
15 Residential 6 Future Land Use category must be within 300 feet
16 of a qualifying intersection, that includes a two-lane roadway.
17 The closest qualifying intersection of the subject site is
18 Livingston, a two-lane county arterial roadway, and Bearss
19 Avenue, a two-lane county arterial roadway. The distance from
20 the subject site and the closest qualifying intersection is
21 roughly 3,900 feet, as opposed to the required 300 feet, and
22 therefore the site does not meet CLC.

23 FLU Policy 22.7 notes that meeting commercial
24 locational criteria is not the only factor to be taken into
25 consideration when granting approval of an application.

1 Considerations involving land use compatibility, adequacy, and
2 available public services, environmental impact, adopted service
3 levels of affected roadways, and other policies of the
4 Comprehensive Plan and Zoning Regulations would carry more
5 weight than the locational criteria in the approval of a
6 potential commercial use.

7 Commercial locational criteria only designates
8 locations that can be considered, and they no way guarantee the
9 approval of a particular nonresidential use. The 300 foot
10 measurement requirement demonstrates the scale of development
11 expected in a rural area, and the proposed major modification
12 would not be in scale with this area.

13 Overall, staff finds that the proposed modification is
14 not compatible with existing development pattern found within
15 the surrounding area and does not meet CLC. The proposed major
16 modification would allow for development that is not consistent
17 with the goals, objectives, and policies of the Unincorporated
18 Hillsborough County Comprehensive Plan. Thank you.

19 HEARING MASTER: Thank you. I appreciate it.

20 Before we move to in favor or against, let me ask Mr.
21 Ratliff to -- from the county's transportation review section to
22 go over the comments provided by Mr. McNeal.

23 MR. RATLIFF: Yes. Good evening. For the record,
24 James Ratliff, Transportation Review Section, Development
25 Services.

1 HEARING MASTER: Nice to see you in person.

2 MR. RATLIFF: You as well. The staff report that was
3 prepared that is in the record was based on the request that was
4 of record when we wrote it. And so it is a recommendation of
5 denial. There's nothing that's changed about that. There were
6 additional discussions that occurred after we prepared our staff
7 report about things that we could support. And so we talked
8 about a trip cap for 64 a.m. and p.m. peak hour trips on the
9 development within the modification area that would kind of pull
10 back to be similar to what was -- what we had supported the
11 first iteration of the project before it continued.

12 So we were not able to change our recommendation
13 because, again, those things had not occurred in the record.
14 But we did develop a set of conditions that said if the
15 applicant supported that could, you know, that that would be
16 supportable to us, it would be something that we would have
17 supported if it had been in the record.

18 So there was a little bit of a misunderstanding. I
19 think they thought I was putting that in the record, but I
20 thought they were putting it in the record. So I think they may
21 have a request for you here shortly about how they can take a
22 pause to make sure we get that in the record, but I'll let Mr.
23 McNeal and Mr. Pressman, speak to that.

24 But you know, with that said, if they make that
25 request and you grant it, I can run upstairs and print something

1 out so that they can submit it into the record, although, of
2 course, it doesn't sound like it's changing the overall
3 recommendation from Development Services.

4 HEARING MASTER: So officially, your recommendation
5 has not changed, but you've worked out verbally some trip
6 capture limit that would be acceptable to you if it was
7 acceptable to them?

8 MR. RATLIFF: Yeah, essentially it's the full set of
9 conditions that were modified to address this new proposal. And
10 essentially it would be a full set of transportation conditions
11 that if you were to find it approvable or the Board were to
12 approve it, that that we would, you know, find supportable and
13 that would be done the way that we would have done it.

14 HEARING MASTER: Okay. All right. Thank you so much,
15 I appreciate it.

16 MR. RATLIFF: Sure.

17 HEARING MASTER: All right. Then with that, we'll go
18 to testimony in support.

19 Is there anyone in the room or online that would like
20 to speak in favor of this application? All right. I see one
21 hand, two people, two people. Don't be shy. Just one. Okay.
22 All right. And I don't think there's anyone online. All right.
23 So could you please come forward? With only one person, you
24 have 15 minutes, but feel free not to take the entire time. You
25 can start by giving us your name and address, please.

1 MR. BOUSQUET: My name is Kenneth Bousquet. My
2 address is 14719 Daybreak Drive, Lutz, Florida 33559. I live
3 approximately five minutes away from here. Let me start. My
4 background, I'm a 100 percent disabled vet, service connected.
5 I own four businesses. I got into the food truck business about
6 two years ago. I love it. Who doesn't love good food, right?
7 Some of us are afraid of food trucks, but this food truck is
8 amazing. It blew my mind the type of customer base that they
9 have that keep coming over and over and over again.

10 HEARING MASTER: Sir, I'm sorry to interrupt, but
11 you're on the record, so you have to speak to me on the
12 microphone.

13 MR. BOUSQUET: Sure. Okay. That's not a problem.

14 HEARING MASTER: Thank you. I appreciate it. We want
15 to make sure we hear everything.

16 MR. BOUSQUET: It brings a sense of community. After
17 COVID, everybody is stuck in their house all the time. The
18 kids, they can't play, they can't have enjoyment. They can't do
19 anything. This is an Indian food truck business. The Indian
20 culture, they love it. They come multiple times a week, the
21 same people. I see them all the time.

22 My background, the reason why I'm here is I've
23 actually been hired on to kind of help manage the property on a
24 part-time basis. And what I have seen personally owning four
25 businesses, the type of respect that they have for their

1 customers, they wash their hands constantly, they wear gloves.
2 I watch, trust me, because I'm pretty picky when it comes to my
3 food and my family's food. I brought this food home to my
4 family and they adored it. They absolutely adore it.

5 The customer base that comes there, they adore it.
6 They smile, they laugh. The kids are playing. They enjoy
7 themselves. I am absolutely for this food truck business to be
8 here. I've met both owners. One of them is here. His name is
9 Robbie. The other one is Chetan. They're both college
10 students. Three years ago, they started this business and it is
11 tremendous. Out of all the trucks I've seen in all of Tampa
12 Bay, and I manage 30 of them, this is the one I was most
13 interested in being a part of. And there's so much future for
14 this business.

15 It creates great revenue for the City of Tampa and
16 Hillsborough County. It's -- I can't even imagine what they do
17 as far as tax revenue. They have great property. They have
18 ample parking, the correct lumens as far as lighting, so nobody
19 hits each other at night. I've watched them grow. I've watched
20 them solve problems. I've helped them solve problems. I've
21 helped them to make sure their problems don't arise. And I am
22 100 percent for this.

23 If I had more time -- you don't want me to have more
24 time -- I would have brought probably 80 to 100 people of the
25 Indian background. But that's another thing. I've actually

1 talked to these folks, and I explained to them we need to get
2 other cultures here, not just the Indian population, but other
3 cultures. And I've helped bring in and draw more crowds. And
4 I've had multiple people come here, in the neighborhood, in the
5 neighbor -- across the street, around. The people I've spoke
6 to, all the neighbors, and I love doing that, I love to meet the
7 people around me, they are completely for having this food
8 truck.

9 To me -- and I've met the owner of the gas station.
10 He's a great guy. He really is, him and his brothers, they're
11 the only one opposing it, no offense. Everybody else is for it.
12 I do hear comments of people in the neighborhood yelling out
13 their window obscenities to these folks, horrible things that
14 come out of their mouths. And I am totally against that. And
15 it's not fair.

16 So what we should be doing is finding locations like
17 this in other communities, not just this one, that we have an
18 area like this where people can get together and have fun.
19 There's nothing wrong with this food truck being there. There's
20 absolutely nothing wrong with this food truck being here. It's
21 a great business to have, you know. It promotes positivity,
22 community, camaraderie, family, friends where they could talk
23 about things and enjoy themselves. I wish you would come there
24 and see it yourself Friday and Saturday night. It's just -- it
25 blows my mind.

1 I pass by it on purpose every day to go to my house
2 just to see what they're doing, and I have so many videos on my
3 phone, it'd blow your mind. So I am absolutely 100 percent for
4 this property to be a food truck park, even if it's only
5 temporary for the Future Land Use and development of what's
6 going to happen here.

7 And they understand what's happening, and we'll find
8 another place and we'll be prepared when that time comes. I say
9 yes, I say absolutely yes. And if we have a continuance or we
10 have to come back here again, trust me, you're going to have a
11 lot of people behind me. I'll make sure of it. Okay? That's
12 it. That's what I got to say.

13 HEARING MASTER: Thank you, sir. I really appreciate
14 you coming down. If you could please sign in with the clerk's
15 office.

16 Just to make sure, is there no one else that would
17 like to speak in support? All right. Seeing no one.

18 Who would like to speak in opposition to this request?
19 All right. I see one hand, two, two hands. Anybody online?
20 Don't think so.

21 All right. If you both could come forward, we'll
22 split the time 7.5 minutes apiece if that works for you. And
23 start by giving me your name and address for the record, please.

24 MS. HINES: My name's Debbie Hines.

25 HEARING MASTER: Into the microphone so we can hear

1 you.

2 MS. HINES: My name's Debbie Hines.

3 HEARING MASTER: Thank you.

4 MS. HINES: I live at 15123 North 24th Street, Lutz,
5 Florida 33549.

6 HEARING MASTER: And if you could tell us, if you'd
7 like, why you're in opposition to this request?

8 MS. HINES: Because they stay open 'til 3:00 or 4:00
9 or 5:00 in the morning. I don't get no sleep. My neighbor's
10 dogs bark all the time. It's -- something ain't right over
11 there, but who am I to say?

12 The land ain't much bigger than this. And how are
13 they going to put all those food trucks in a retention pond?
14 The mosquitoes are going to eat us alive. And there's a smoke
15 shop there, not a dry cleaners. It's not a dry cleaners. Where
16 they're saying there's a dry cleaners, it's a smoke shop.

17 HEARING MASTER: All right. Did you have anything
18 else you wanted to add before we move on?

19 MS. HINES: I could go on and on, but. Come on,
20 Nishat, you get you a little more --

21 HEARING MASTER: All right. Thank you for coming
22 down. Ma'am, if you could please sign in with the clerk's
23 office, I appreciate it.

24 Good evening, sir.

25 MR. SOUFAN: How you doing?

1 HEARING MASTER: Good. Thank you.

2 MR. SOUFAN: My name's Nishat Soufan, my property is
3 15118 Livingston Avenue. I'm right next to -- between me and
4 them is the gate, that's it, the fence.

5 And I know Kevin talk about these good people and all
6 the stuff about the food truck. But he didn't tell you the
7 truth. The truth is everything they've done in the food truck,
8 they've done it after 1:00 in the morning. They built
9 everything after 1:00 in the morning 'til 5:00, 6:00 in the
10 morning, every night. Everything they've done is against the
11 law. If they want to follow the law, they need to do everything
12 with permit. Like the power line, they put it themselves. The
13 water tank underground, they done it themselves. There's trash
14 all over the place. They have two john for bathrooms, which all
15 the customers come to our store to use our bathroom all the
16 time.

17 And second of all -- and these guys, they're so close
18 to my fence, we have no privacy whatsoever. I mean, we can't
19 even go to our backyard. Either they're using the bathroom over
20 our fence or they sit there and the lights is on all night long
21 'til 3:00, 4:00 in the morning. Noises, cars, I sent some
22 pictures, a lot of pictures to show how many people are there.

23 And they talk about for the community. None of these
24 people from the community. None of them. Which, you know, we
25 welcome everybody in our community, but none of these people

1 from the community who come there to eat. So the traffic --
2 there's a lot of traffic there.

3 And second of all, they said they want to be close to
4 my fence. Imagine they are closer than they are already, I
5 don't want it to be close to my fence. I want them to go by the
6 law. What's the law say 20 feet or 25 feet? I want them to be
7 25 feet away from us.

8 You know, they're not above the law. Because they
9 have lawyers and they have money and stuff like this, they can
10 come and do all this. Nobody above the law.

11 But everything, like they brought two shed there on
12 the weekend two. And the two sheds have rocks, concrete, slab
13 of concrete. And now every time it rains, my property get
14 flooded, it get flooded.

15 MS. HINES: Mine too.

16 MR. SOUFAN: And they have two piece of land. Neither
17 one have retention one on them, neither side. And it's always
18 because their land is higher now because the slab of concrete
19 that they built on the weekend and all the water come to our
20 house, even the road got flooded and we can't even leave the
21 house 'til all the water settles down. And that's not me,
22 that's lot of my neighbor.

23 And one more thing. I had another witness last time,
24 he came in, you know why he didn't come today? Because the food
25 owner truck he followed him to his house last time we came here

1 in the hearing. He follow -- he was waiting for him front of
2 his house.

3 MS. HINES: Yes.

4 MR. SOUFAN: Yes. And that's why the guy he didn't
5 show up today.

6 MS. HINES: Yeah.

7 MR. SOUFAN: For the good people, the food truck guy,
8 he followed the guy. He was waiting for him when he got home
9 last -- was February 18th.

10 MS. HINES: Yeah.

11 MR. SOUFAN: You know, that's not fair for us. Why
12 they -- and the only reason they doing all the zoning thing
13 because they broke the law and they going to court for the last
14 year and a half for the code enforcement stuff. That's why
15 they're doing this. That's the only reason we are here, because
16 they broke the law. And they shouldn't get rewarded for
17 rewarded for breaking the law. They should not. Thank you
18 ma'am.

19 HEARING MASTER: Thank you for coming down, I
20 appreciate it. If you could please sign in.

21 All right. Seeing no one else in opposition, we'll go
22 back to Development Services.

23 Ms. Heinrich, anything further?

24 MS. HEINRICH: the only thing I needed to add for the
25 applicant is the site plan that you'll be submitting for

1 certification, just be sure to remove the prohibition of gun
2 sales due to the Florida state statute on that.

3 HEARING MASTER: All right. That was it?

4 All right. Mr. Pressman, we'll go back to you. You
5 have five minutes for a rebuttal.

6 MR. PRESSMAN: Thank you, Madam Hearing Master. It's
7 my understanding Mr. Ratliff ran upstairs to get that printed
8 out for you.

9 HEARING MASTER: Mr. Ratliff is in the back of the
10 room.

11 MR. PRESSMAN: Oh. So we want to be sure we include
12 that in the record. We appreciate his extra effort, which he
13 and the Transportation Department always do.

14 I think it's important to recognize that we did notice
15 300 feet in a radius throughout the whole community. And the
16 one gentleman who just spoke, as I understand it, is the owner
17 of the remaining of the PD, and as I understand it, is the owner
18 of the C store across the street. So there's definitely is a
19 competitive element involved from that perspective. Great
20 respect for his comments and what he had to say, but I think
21 that perspective is important.

22 And what the applicant is trying to do is trying to
23 address the uses on the site through zoning that have been
24 cited, and to be able to move the site forward in a much better
25 posture, much better position, and with a lot of improvement.

1 So with that, we appreciate your attention and consideration.

2 HEARING MASTER: All right. Thank you so much. Then
3 with that we'll close Major Modification --

4 MR. MCNEAL: Can I say something?

5 HEARING MASTER: No, I'm sorry, that portion of the
6 testimony is over. We've closed that.

7 MR. MCNEAL: We have it for you.

8 HEARING MASTER: Ah, okay. And so you're going to
9 submit that into the record, Mr. McNeal. Thank you. Then with
10 that, we'll close Major Modification 24-1141 and go to the next
11 case.

Zoning Hearing Master Hearing
March 24, 2025

HILLSBOROUGH COUNTY, FLORIDA
Board of County Commissioners

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IN RE:)
ZONE HEARING MASTER)
HEARINGS)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch and
Pamela Jo Hatley
Land Use Hearing Master

DATE: Monday, March 24, 2025

TIME: Commencing at 6:02 p.m.
Concluding at 11:24 p.m.

LOCATION: Hillsborough County Commission
601 East Kennedy Boulevard,
Second Floor
Tampa, Florida 33602

Reported by:
Diane DeMarsh, AAERT No. 1654
DIGITAL REPORTER

Zoning Hearing Master Hearing
March 24, 2025

1 April 15, 2025 ZHM Hearing.

2 Item A.2, PD 24-0921. This application is out of
3 order to be heard and is being continued to the April 15, 2025
4 ZHM Hearing.

5 Item A.3, PD 24-0924. This application is being
6 continued by the applicant to the April 15, 2025 ZHM hearing.

7 Item A.4, PD 24-1013. This application is out of
8 order to be heard and is being continued to the April 15, 2025
9 ZHM Hearing.

10 Item A.5, PD 24-1116. This application is out of
11 order to be heard and is being continued to the May 19, 2025 ZHM
12 Hearing.

13 Item A.6, Major Mod 24-1141. This application is out
14 of order to be heard and is being continued to the
15 April 15, 2025 ZHM Hearing.

16 Item A.7, Major Mod 24-1152. This application is out
17 of order to be heard and is being continued to the
18 April 15, 2025 ZHM Hearing.

19 Item A.8, PD 24-1155. This application is out of
20 order to be heard and is being continued to the April 15, 2025
21 ZHM Hearing.

22 Item A.9, PD 24-1202. This application is being
23 continued by the applicant to the May 19, 2025 ZHM Hearing.

24 Item A.10, PD 24-1240. This application is out of
25 order to be heard and is being continued to the May 19, 2025 ZHM

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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IN RE:)
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ZONE HEARING MASTER)
HEARINGS)
)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Pamela Jo Hatley
Land Use Hearing Master

DATE: Tuesday, February 18, 2025

TIME: Commencing at 6:00 p.m.
Concluding at 9:02 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard
Tampa, Florida 33601

Reported by:
Crystal Reyes, AAERT No. 1660

1 MS. HEINRICH: Our next application is Item D.4, Major
2 Mod 24-1141. The applicant is requesting a major modification
3 to PD 06-1564. Chris Grandlienard with Development Services
4 will present staff findings after the applicant's presentation.

5 MR. PRESSMAN: Good evening, Madam Hearing Officer.
6 Todd Pressman, 200 2nd Avenue South, Number 451 in Saint
7 Petersburg.

8 This is Major Mod 24-1141. I'm here with Hashim who
9 is the property owner for the site under review.

10 This is a little unusual because we're seeking a split
11 of the original PD and seeking two PD options, which I'm going
12 to go through with you, so it's very clear for you. We're
13 located in the Lutz area 0.90 acres located on Livingston at the
14 intersection is Sinclair.

15 This is the current 06 approval, which is 06-1564.
16 And we are in -- in before you this evening on just the portion
17 at the top. The other portion of the PD is not included. So
18 today's application is only that north part that spans Sinclair.
19 The other part of PD is original PD. There's no changes.

20 The -- the concern as that's been made me -- as I've
21 been made aware, is that there's been difficulties or difference
22 of opinions or different directions of where the original owners
23 felt it should go. Hashim has been cited by code enforcement
24 for PD violations, but he was not able to move forward for PD
25 changes because the other owners would not sign off, as I've

1 been told.

2 So we work very closely with the staff. And I credit
3 with the staff because this was difficult to do, was to split
4 the PD so Hashim could move forward on his own and address the
5 PD issues and at the same time bring it up to a -- to a better
6 standard.

7 So these are the two parcels that are before you this
8 evening. The original parcel was 3,500 square foot of a dry
9 cleaners. And this is that plan. And the cleaners was located
10 at the intersection of Sinclair and Livingston, where the
11 intensity was put at the intersection. There is stormwater
12 further out on Sinclair to the south, as you can see, is
13 retention parking and building or a building. So less
14 intensive -- it was designed for less intensive from the
15 intersection.

16 So proposed PD plan, option number one is to allow two
17 food trucks and one story commercial, 1,236 square foot, which
18 would be CM and CG uses. Proposed plan two would be just the
19 one-story commercial, 6,238 square foot CG and CN uses. Now,
20 many uses were originally restricted. And I'm here to modify
21 those conditions. So let me go back. It was a long list of
22 conditions that were restricted because they were trying to make
23 it as compatible as possible. So from that list, we want to
24 pull out and keep as potential uses as a convenience store
25 without gas, restaurant, pharmacy, coffee shop, donut shop,

1 daycare center and shopping center, which would obviously have
2 to be very small. So the proposed restricted uses of the ZHM is
3 this list and I'll put this in the record in writing so you have
4 that as well, specifically, make sure that you can easily
5 clarify and understand what these uses are. And I'll put that
6 on the record as well.

7 So this is the intersection. On the left side is the
8 site, and to the north is a gas station and convenience. And
9 looking a little -- again at the site, two food trucks and the
10 small commercial use is as shown. Zoning R-2, R-20 across
11 street with the gas and sea store R-12 across the street. I'm
12 sorry, that was a future land use. And zoning as indicated.
13 Traffic counted on Livingston was 13,993 vehicles per day.

14 And I think one thing that -- that did catch my eye on
15 the Lutz community plan is that the Lutz -- Lutz community plan
16 desires to retain existing, encouraged new commercial uses,
17 geared to serve in the daily needs of area residents in a scale
18 and design that complements the character of the community. And
19 we believe that this plan does that either by just a single
20 store use, which I suppose could be a couple of multi tenants
21 and then also a couple of food truck uses, which is a new
22 commercial use which serve the daily needs of the community and
23 are kind of a more open air fun kind of foodservice.

24 Also noted as improved design, aesthetics, makes the
25 physical development of the community more attractive and

1 provide for individual expression, which we think the food truck
2 element does.

3 Now looking at buffers proposed. We're looking at the
4 same orientation, along Sinclair Road. In the rear is a 15-foot
5 B where 20 foot B is required. And also five type B where 20
6 foot B is required. And then on the front on Sinclair is a six
7 foot B where eight foot B is required.

8 Now, importantly, the PD uses below the PD site, which
9 are not on the table and not under consideration. I want to
10 emphasize this for retention of parking and then there would be
11 commercial building further to the south. All business activity
12 is focused towards the intersection and is focused towards
13 Sinclair Road. Looking at option number two buffers, 15 B -- 15
14 foot B where 20 foot B is required, ten foot B where 20 foot B
15 is required. And again, along Sinclair, a six foot B where an
16 eight foot B is required. And again, the business activity
17 would be here and focused towards Sinclair.

18 HEARING MASTER: I have a question for you,
19 Mr. Pressman.

20 The commercial building that is basically on the
21 corner of Sinclair Hills and is that Livingston?

22 MR. PRESSMAN: Correct.

23 HEARING MASTER: Is that the build -- the existing
24 building?

25 MR. PRESSMAN: No. Option -- option number -- option

1 number one is 1,256 square feet and that would be the same
2 building, yes.

3 HEARING MASTER: That's existing building.

4 MR. PRESSMAN: On option one. Under option --

5 HEARING MASTER: Is that the one that was approved or
6 is that the area approved for a dry cleaners?

7 MR. PRESSMAN: Yes. So that would be the area -- yes.

8 HEARING MASTER: So the current --

9 MR. PRESSMAN: You can see there's a drive-thru --

10 HEARING MASTER: -- the current approve --

11 MR. PRESSMAN: -- coming through -- drive-thru coming
12 through, which would be in coordination with the building at
13 that location.

14 HEARING MASTER: Okay. Because the reason I ask is, I
15 thought one of your photographs showed there's a smoke shop
16 there.

17 MR. PRESSMAN: Shows what?

18 HEARING MASTER: Shows a smoke shop. So is there not
19 a dry cleaners?

20 MR. SULLAIMAN: The dry cleaner's not there.

21 MR. PRESSMAN: There is no dry cleaners. There is --

22 HEARING MASTER: Okay.

23 MR. PRESSMAN: -- a smoke shop. And --

24 HEARING MASTER: Okay.

25 MR. PRESSMAN: -- the citation was for PD conditions,

1 which we're working.

2 HEARING MASTER: Okay.

3 MR. PRESSMAN: I've -- I've been interacting with code
4 enforcement. We've not been to the code enforcement board.
5 Hashim was cited. And as we've been working with code
6 enforcement towards making changes and corrections, they've held
7 it for us to go through the process.

8 HEARING MASTER: Okay. Thank you.

9 MR. PRESSMAN: There is a location waiver which I have
10 based upon placement of uses towards the intersection further
11 from the residential. The remaining existing PD, which has
12 intensity and the uses of the split PD located a busy
13 intersection and the many restricted uses.

14 We did get one letter in the record that I saw. I
15 didn't check for the last couple of days, which I should have,
16 but this was the neighbor to the south. And, again, that's part
17 of the original PD. I've explained why we've had to come
18 forward and what the uses are in that PD. So with -- with that,
19 I do want to mention that and place emphasis that, again, we
20 tried to work through the system to make the changes and be able
21 to move forward this PD so that we can improve it and bring it
22 up to a good little of speed.

23 HEARING MASTER: All right.

24 MR. PRESSMAN: Thank you.

25 HEARING MASTER: Since your client did speak up in

1 response to my question a moment ago, if he would please put his
2 name and address on the record and both of you sign in.

3 MR. SULLAIMAN: Hashim Sullaiman.

4 HEARING MASTER: Thank you.

5 MR. SULLAIMAN: 16411 Burniston Drive, Tampa, Florida
6 33647.

7 HEARING MASTER: Thank you so much. And be sure and
8 sign in.

9 All right. Development Services.

10 MR. GRANDLIENARD: Good evening. Chris Grandlienard,
11 Development Services here to present Major Modification 24-1141.

12 The applicant consists of -- application consists of
13 two parcels totaling 0.9 acres within PD 06-1564. The applicant
14 requests a modification of the use to allow two options. Number
15 one, two food trucks and a 1,236 square foot commercial building
16 with use exclusions. And two -- option two, would be a maximum
17 of 6,328 square feet commer -- for commercial building with some
18 use exclusions. The proposed commercial uses for both options
19 include all CG and CN uses. I'm not going to go in and -- it's
20 a long list of excluded uses unless you want me to. They're in
21 the record.

22 HEARING MASTER: No. I see it in the report. That's
23 fine. Thank you.

24 MR. GRANDLIENARD: Yeah. Yeah, it's in the records,
25 ma'am.

1 The remaining three parcels on PD 06-1564 will have no
2 changes to their entitlements. The property is comprised of two
3 parcels. Is generally located at the southwest corner of
4 Livingston Avenue and Sinclair Hills Road. The property is in
5 the urban service area and it's not within the limits of any
6 community plan. The surrounding area is predominantly a mixture
7 of single-family and multifamily residential and commercial.

8 The subject property is designated residential six on
9 the future land use map. The Planning Commission found the
10 proposed use inconsistent with the comprehensive plan. The
11 proposed modification, option one would allow two food trucks
12 within close proximity to residential. In addition, the
13 applicant has requested a variation that would reduce the
14 20-foot wide required buffer next to a food truck to the west to
15 a five-foot wide buffer and a 15-foot wide buffer. These
16 proposed reduced buffers are directly adjacent to a single
17 family residence zoned AS-1 to the south.

18 Also, the variation for option two reduces the 20-foot
19 wide required buffer to the south residential to a ten-foot wide
20 buffer and a 15-foot wide buffer. This would not provide
21 adequate buffering and Development Services' opinion of possible
22 noise and disruption from the business to residential. Staff
23 finds that request not supportable.

24 Please note, the -- the applicant, after we filed the
25 report, made some changes to his requested uses, allowed uses.

1 They are not reflected in our staff analysis.

2 That includes my staff report. I'm glad to answer any
3 questions you may have.

4 HEARING MASTER: I have no questions for you. Thank
5 you.

6 MR. GRANDLIENARD: Thank you.

7 HEARING MASTER: Planning commission.

8 MR. ROYAL: Good evening. Tyrek Royal, Planning
9 Commission staff.

10 The site is in the urban service area, not within the
11 limits of any community plans. The site -- the subject site
12 currently has a vacant land and light commercial uses. While
13 there are light commercial uses to the north across Sinclair
14 Hill Road, single-family uses surround the subject site on all
15 sides. Multifamily uses are to the east across Livingston
16 Avenue and to the north across Sinclair Hills Road. The
17 proposal will not be consistent with FLUE Objective one in FLUE
18 Policy 1.4. FLUE Policy 16.2 states that gradual transitions of
19 intensities and ten -- intensities between different land uses
20 shall be provided as new developments are proposed and approved.
21 Through the use of professional site plan, buffering and
22 screening techniques and control specific land uses. There
23 should be a gradual transition of intensities between the
24 differing land uses, given the residential uses across the
25 subject site.

1 FLUE Policy 16.5 directs development and higher
2 intensity nonresidential land use to be restricted to locations
3 external to establish and -- establish and develop
4 neighborhoods. The major -- major modification would cause
5 development that is not compatible with the surrounding area,
6 rendering the request inconsistent with this adopted policy
7 direction.

8 The subject site does not meet locational criteria.
9 According to FLUE Policy 22.2, the site in the RES-6 Future Land
10 Use Category must be within 300 feet of a qualifier
11 intersection, that includes a two-lane roadway. The closest
12 qualifying intersection to the subject site is Livingston, a two
13 lane county arterial roadway in Barris Avenue, a two lane county
14 arterial roadway. The distance from the subject site and the
15 closest qualifying intersection is roughly 3,900 feet, as
16 opposed to the required 300 feet. And therefore does not meet
17 CLC.

18 FLUE Policy 22.7 notes that meeting commercial
19 locational criteria is not the only factor to be taken into
20 consideration when grading approval for an application,
21 consideration involving land use compatibility, adequacy and
22 availability of public services, environmental impacts, adopted
23 services levels of -- of effective roadways and other policies
24 of the comprehensive plan and zoning regulations would carry
25 more weight than locational criteria and their approval of the

1 potential commercial use.

2 Based upon the above considerations and the following
3 goals, objectives and policies, Planning Commission staff finds
4 that proposed major modification inconsistent with the
5 Unincorporated Hillsborough County Comprehensive Plan. Thank
6 you.

7 HEARING MASTER: All right. Thank you. Okay. Is
8 there anyone here or online who wishes to speak in support of
9 this application? All right, I do not hear anyone.

10 Is there anyone here or online who wishes to speak in
11 opposition to this application?

12 MR. TAMARGO: Good -- good evening, everybody. My
13 name is Dennis Tamargo. I live at 151118 North 24th Street.

14 I'm here speaking on behalf of ten residents who live
15 on 24th Street and immediately across on Livingston. Some
16 concerns that have been talked about within the immediate
17 neighborhood is traffic. We get school buses and stuff that
18 pick up children early in the morning. I think you heard the
19 gentleman say about 13,000 cars pass through that intersection
20 every day. It can sometimes take 15 minutes to get to that
21 intersection from Bayers and 41. So the additional traffic or
22 rather, Bayers -- and for -- Bayers and Livingston, not 41,
23 sorry.

24 The additional traffic is a call -- is a cause of
25 concern for a lot of our immediate neighborhood. A lot of our

1 community is elderly right by the -- the area. So on a
2 consistent basis for the past six months, there's been loud
3 music to about two/three in the morning. They will put a -- an
4 inflatable -- an inflatable movie screen out on the grass,
5 blasting lights down Sinclair Hills to oncoming traffic. And as
6 somebody who works at night, that's not cool coming home from
7 work and getting blasted in the face with -- with lights just on
8 New Year's there was a fireworks stand that got a car ran
9 through it, as well as a -- the other concerns, the smoke shop
10 being there and not being zoned to actually be a smoke shop. We
11 do have a bad drug problem in the neighborhood. And right there
12 on that block, we do get a lot of transient walking traffic
13 through there by some unsavory characters. And that's been an
14 ongoing issue for the past six years since I've lived in the
15 neighborhood.

16 So I urge you guys to consider this not a good idea.
17 There are a lot of neighbors who are also concerned with
18 flooding. We have on Livingston and -- I'm sorry, on Sinclair
19 Hills and 41, there's a new TICO plant going in with a drainage
20 pond that flooded very bad during the hurricane. You also have
21 a (indiscernible) nature preserve and deer park nature preserve,
22 which flooded pretty bad. For me, that's going to be a problem
23 because I have a, I think the only drain in my easement on 24th
24 Street close to that intersection. So paving and new
25 construction, taking up green space that can help that watershed

1 is also a concern for a lot of our neighborhood, so I urge you
2 guys to considered to not change this -- this zoning. They're
3 giving options. I'd like to give them the option to put some
4 residences there as most lots down Sinclair Hills are the same
5 spot and it could be much better used as a residential area and
6 kept a residential area seeing how there's no commercial within
7 probably two miles other than the gas station. So thank you for
8 your time.

9 HEARING MASTER: Yes, sir. Thank you. Next speaker.

10 MR. SOAFAN: My name is Nashat Soafan. I live at
11 15 -- 15118 Livingston Avenue. And that's the property next to
12 that property.

13 And really since this is going on, we have no privacy
14 at all. I mean, I don't know what they do just follow the law.
15 Stay away from me as far as you can. Because really we have no
16 privacy at all over there. And he talk about a retention pond.
17 All the retention pond in the neighborhood is the one by the gas
18 station. There is no other retention pond in the are at all.
19 But by the front of the gas station, that's it.

20 And there's nothing else to say, but he just said
21 everything.

22 HEARING MASTER: Sir, could you -- you just said that
23 you have no privacy. Could you please explain what you mean by
24 that?

25 MR. SOAFAN: No privacy at all. I mean the -- the --

1 the people who cover the -- the -- the food trucks, they -- they
2 like in our backyard. I mean, this much between us. And we
3 can't sit in the backyard. You can't walk in your back --
4 the -- they -- they're there. And sometime people -- I hate to
5 say this, relieve themselves on our fence. You know, but that's
6 everyday, everyday thing going on. They have -- it wasn't like
7 this before. There's something all the new.

8 HEARING MASTER: Okay. Thank you, sir.

9 MR. SOAFAN: Thank you, ma'am.

10 HEARING MASTER: Be sure and sign in. You -- have
11 another comment?

12 MR. TAMARGO: Yes, ma'am.

13 HEARING MASTER: Okay. If there's time left. Make
14 sure that you put your name on the record again, please.

15 MR. TAMARGO: Yes, ma'am. I'd also like to note that
16 the structures that were built to have seating for the food
17 trucks were put up about three or four years ago with no permits
18 overnight. If you actually guys go out there, there's no run --
19 they have a drops -- a shop sink outside. Most neighbors are on
20 a well. So a lot of the drainage from saying for everybody's
21 washing their hands or using the restrooms going right into the
22 aquifer where we get our on our -- our water from. But we're
23 not on the city water system. So that's a concern, as well as
24 the trash. There's been an uptick in raccoons and other
25 environment. I had five armadillos that I shot on my property.

1 Most property here is zoned agricultural. So with the animals
2 that I have at my home, the -- the additional trash environment
3 that is coming from it is also a concern.

4 HEARING MASTER: Okay. Thank you, sir.

5 THE CLERK: Can you restate your name --

6 HEARING MASTER: Is there another speaker?

7 THE CLERK: -- for the record, sir?

8 MR. TAMARGO: Yes, ma'am. Dennis Tamargo, 15118 North
9 24th Street.

10 HEARING MASTER: All right. Thank you. Next speaker,
11 please.

12 MR. BRONTON: Good evening. Good evening, ma'am.
13 Good evening all. A very great opportunity. Thank you very
14 much.

15 I'm the tenant or the place right now and I own the
16 food trucks at the place.

17 HEARING MASTER: I'm sorry. Put your name and address
18 on the record, too, please.

19 MR. BRONTON: My name is Sree Bronton (phonetically).
20 I -- my address is 15120 Livingston, 502 apartment. So I'm --
21 I'm the current owner of the food trucks right now. I do have
22 two food trucks there. And thank you, gentleman, so everybody,
23 that put their things very, very effectively there. But I -- I
24 don't go and (indiscernible) with any of them because I do have
25 all the bills regarding my trash, my water, my oil, all the

1 dispensing, everything. And -- and I know that definitely what
2 I'm trying to do there. The city might be watching me. I'm
3 more conscious than anybody because I do the business there and
4 I'm trying to do in a very proper way. So I'm trying to
5 maintain the community order and trying to serve the food in a
6 best way with a -- in a -- in a neat and quiet way. So even
7 I -- I went for some of the neighborhoods and collected the
8 information. If -- if I'm having any trouble, if I'm being
9 there, was there any trouble with me?

10 So I collected -- I collected the information with
11 everybody and 99 percent each I really don't have any problem.
12 That's what I was taking your feedback every weekly. So it was
13 the most thing I was -- I'm here today to explain that I'm there
14 to do the business very quietly and very good and make sure
15 everything was under control and not going upon different limits
16 with the city -- city and trying to maintain the things very
17 posture there.

18 HEARING MASTER: Okay. And just to be clear, then,
19 you're not here to speak in opposition to this rezoning. You --
20 it sounds like you're speaking in support of this rezoning, is
21 that correct?

22 MR. BRONTON: Yes, ma'am. Right.

23 HEARING MASTER: Okay. Because you, as I understand,
24 you are the operator of the food trucks --

25 MR. BRONTON: That's correct.

1 HEARING MASTER: -- is that correct?

2 MR. BRONTON: Yes, ma'am.

3 HEARING MASTER: Okay. Thank you.

4 MR. BRONTON: I recently came there because I'm -- I
5 don't know how many, like the gentleman told the problems, but I
6 don't see any of there and I'm doing very differently. That's
7 what my point to control I was doing as I was supposed to.
8 Thank you very much.

9 HEARING MASTER: Yes, sir.

10 MR. BRONTON: Thank you, ma'am.

11 HEARING MASTER: Be sure you sign in right here with
12 the clerk. Okay.

13 MR. BRONTON: Thank you.

14 HEARING MASTER: Yes, sir.

15 All right. Is there anyone else here or online who
16 wishes to speak in opposition to this application? All right,
17 I -- I don't hear anyone.

18 Development Services, anything further?

19 MS. HEINRICH: Yeah. As you heard, the applicant has
20 presented a revision to what uses they want included and not
21 included in one of the development options. And I know that, as
22 you're aware, staff couldn't be able to consider that. Our
23 staff report has been filed. The same would go for
24 transportation with their transportation analysis that didn't
25 take that into account and any related AVs or design exceptions,

1 as well as the Planning Commission.

2 I also noted I pulled up and I see that those list --
3 those uses were listed as excluded on the site plan. And the
4 time to provide a revised site plan has passed. So if the
5 applicant wants to go forward with that request, we would need a
6 revised site plan. There's nothing we'd be able to do at this
7 time. So he may want to look at continuing or going forward
8 with the previous request.

9 HEARING MASTER: Okay. I understand. Thank you.

10 And we'll hear from the applicant then, please. So,
11 Mr. Pressman, I'm going to consider this application. If it
12 goes forward tonight, I'm going to consider it the way it was
13 filed and the way the site -- the staff reviewed it and analyzed
14 it without these last minute changes, unless you wish to request
15 a continuance to put those things in the record.

16 MR. PRESSMAN: Well, I -- I did raise this question to
17 the planner and I was told to bring these changes this evening,
18 which were three or four items that we're just pulling from
19 restricted uses. I don't see them as any material major
20 changes, but I'm just -- I'm just saying I came forward with as
21 I understood that it was permissible to do.

22 So, are we saying that it is not permissible to do?

23 HEARING MASTER: Yeah, I -- when I looked, I saw
24 they're on the site plan. And that's -- that's kind of what
25 makes it go into a kind of different area of the Land

1 Development Code. Most importantly, there's no changes one for
2 staff and two for anyone who wanted to come and speak to that.
3 What's filed in there in OPTIX now they may not have been
4 concerned about because the things you were excluding. However,
5 tonight, with it being changed and it passed the site plan
6 revision deadline, they -- they could possibly be here. And
7 also, it's not in any of staff's reviews.

8 MR. PRESSMAN: Well, I -- I certainly understand --

9 HEARING MASTER: Right.

10 MR. PRESSMAN: -- you know the -- the element of the
11 site plan and a quick discussion this afternoon. May I have one
12 minute just to talk to Hashim on this issue, please?

13 HEARING MASTER: Yes. The case will remain open and
14 I'll give you a minute.

15 MR. PRESSMAN: Okay.

16 HEARING MASTER: Thank you.

17 MR. PRESSMAN: Okay. So yes, we would like to
18 continue the case to next month and hoping that would be a staff
19 continuance that would not require notice.

20 MS. HEINRICH: Well, it would -- it would be going to
21 the 3/24 hearing.

22 MR. PRESSMAN: Right.

23 MS. HEINRICH: And the -- my concern with not doing it
24 as staff notice -- or staff continuance is because the notice is
25 not required. And I'm concerned that the people who would

1 receive notice would not be aware of this change because they
2 are not here tonight. So the -- the -- the chain is -- is
3 somewhat obscured in that they will not know because they won't
4 get another notice and they weren't here tonight.

5 So I do have concerns with doing it as a staff
6 continuance. I understand Mr. Pressman being concerned that
7 perhaps staff didn't give him the full picture. Unfortunately,
8 I wasn't aware that it was on the site plan. So --

9 HEARING MASTER: Okay.

10 MS. HEINRICH: I --

11 HEARING MASTER: All right.

12 MS. HEINRICH: -- I apologize.

13 MR. PRESSMAN: Well, no -- well, no, I have to say it
14 was a last minute thing. And there's a lot of gears of these
15 things. So there's no blame here or finger pointing. It's an
16 understandable element and it's just the many years that we
17 built into the bureaucracy so it's certainly understandable.

18 HEARING MASTER: Right.

19 MR. PRESSMAN: But I still would not have to do -- I
20 still would like to very much not have to do the notice. I -- I
21 guess I would just add that we -- we've done four notices on
22 this. This is not a major change. It's four simple items.
23 Neighbors are here.

24 HEARING MASTER: All right.

25 MR. PRESSMAN: Thank you.

1 HEARING MASTER: I understand. Okay. We're going --
2 you are requesting a continuance --

3 MR. PRESSMAN: Yes.

4 HEARING MASTER: -- is that correct?

5 MR. PRESSMAN: Thank you.

6 HEARING MASTER: And this -- the continuance date will
7 be March 24th?

8 MR. PRESSMAN: Yes.

9 HEARING MASTER: Okay. And I can't, you know, change
10 the code requirements for notice. So I'm going to grant the
11 continuance to March 24th. So this is Major Modification
12 24-1141 being continued to the March 24, 2025 Zoning Hearing
13 Master Hearing and --

14 MS. HEINRICH: With notice required.

15 HEARING MASTER: -- with notice required.

16 Yes, sir. I.

17 MR. PRESSMAN: May I ask a procedure?

18 So when we come back next month, what are we -- are
19 reviewing the whole thing again or are we going to review just
20 the change or how do you want to -- how is that to be handled?

21 HEARING MASTER: I believe the hearing has to be all
22 over again.

23 MR. PRESSMAN: Okay.

24 HEARING MASTER: So --

25 MR. PRESSMAN: Thank you.

1 HEARING MASTER: Okay.

2 MR. PRESSMAN: Thank you very much.

3 HEARING MASTER: All right. So this closes Major
4 Modification 24-1141.

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Zoning Hearing Master Hearing
January 14, 2025

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
IN RE:)
ZONE HEARING MASTER)
HEARINGS)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch
Land Use Hearing Master

DATE: Tuesday, January 14, 2025

TIME: Commencing at 6:00 p.m.
Concluding at 9:09 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard,
Second Floor
Tampa, Florida 33601

Reported by:
Crystal Reyes, AAERT No. 1660
DIGITAL REPORTER

1 Philippine Cultural Foundation Incorporated. This application
2 is out of order to be heard and is being continued to the
3 February 18, 2025 Zoning Hearing Master Hearing.

4 Item A.8, Rezoning 24-1135. The applicant is
5 Provident Partners Real Estate, LLC. This application is out of
6 order to be heard and is being continued to the February 18,
7 2025 Zoning Hearing Master Hearing.

8 Item A.9, Major Modification 24-1137. The applicant
9 is Eisenhower Property Group, LLC. This application is out of
10 order to be heard and is being continued to the
11 February 18, 2025 Zoning Hearing Master Hearing.

12 Item A.10, Rezoning 24-1139 -- 39. The applicant is
13 American I, LLC, American II, LLC. American Landings -- Land
14 Holdings, LLC. This application is continued by the applicant
15 to the February 18, 2025 Zoning Hearing Master Hearing.

16 Item A.11, Major Modification 24-1141. The applicant
17 is Todd Pressman. This application is out of order to be heard
18 and is being continued to the February 18, 2025 Zoning Hearing
19 Master Hearing.

20 Item A.12, Major Modification 24-1152. The applicant
21 is 17710 Highway 41, LLC. This application is out of order to
22 be heard and is being continued to the February 18, 2025 Zoning
23 Hearing Master Hearing.

24 Item A.13, Rezoning 24-1289. Applicant is Holly M.
25 Boyer. This application is out of order to be heard and is

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
)
IN RE:)
)
ZONE HEARING MASTER)
HEARINGS)
)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Pamela Jo Hatley
Land Use Hearing Master

DATE: Monday, December 16, 2024

TIME: Commencing at 6:00 p.m.
Concluding at 9:07 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard, Second
Floor
Tampa, Florida 33601

Reported by:
Crystal Reyes, AAERT No. 1660
Digital Reporter

1 Item A.16, PD 24-1139. This application is being
2 continued by the applicant to the January 14, 2025 ZHM Hearing.

3 Item A.17, Major Mod 24-1141. This application is out
4 of order to be heard and is being continued to the
5 January 14, 2025 ZHM Hearing.

6 Item A.18, PD 24-1147. This application, is out of
7 order to be heard and is being continued to the
8 February 18, 2025 ZHM -- 2025 ZHM Hearing.

9 Item A.19, Major Mod 24-1152. This application is
10 being continued by staff to the January 14, 2025 ZHM Hearing.

11 Item A.20, PD 24-1155. This application is out of
12 order to be heard and is being continued January 14, 2025 ZHM
13 Hearing.

14 Item A.21, PD 24-1169. This application is out of
15 order to be heard and is being continued to the
16 February 18, 2025 ZHM Hearing.

17 Item A.22, PD 24-1172. This application has been
18 withdrawn from the hearing process.

19 Item A.23, Standard Rezoning 24-1180. This
20 application is out of order to be heard and is being continued
21 to the January 14, 2025 ZHM Hearing.

22 Item A.24, PD Rezoning 24-1202. This application is
23 being continued by the applicant to January 14, 2025 ZHM
24 Hearing.

25 Item A.25, Standard Rezoning 24-1210. This

1 Item A.9. PD 24-1075. This application is out of
2 order to be heard and is being continued to the December 16th,
3 2024 ZHM hearing.

4 Item A.10. Major Mod 24-1110. This application is out
5 of order to be heard and is being continued to the December
6 16th, 2024 ZHM hearing.

7 Item A.11. PD 24-1116. This application is out of
8 order to be heard and is being continued to the December 16th,
9 2024 ZHM hearing.

10 Item A.12. PD 24-1135. This application is out of
11 order to be heard and is being continued to the December 16th,
12 2024 ZHM hearing.

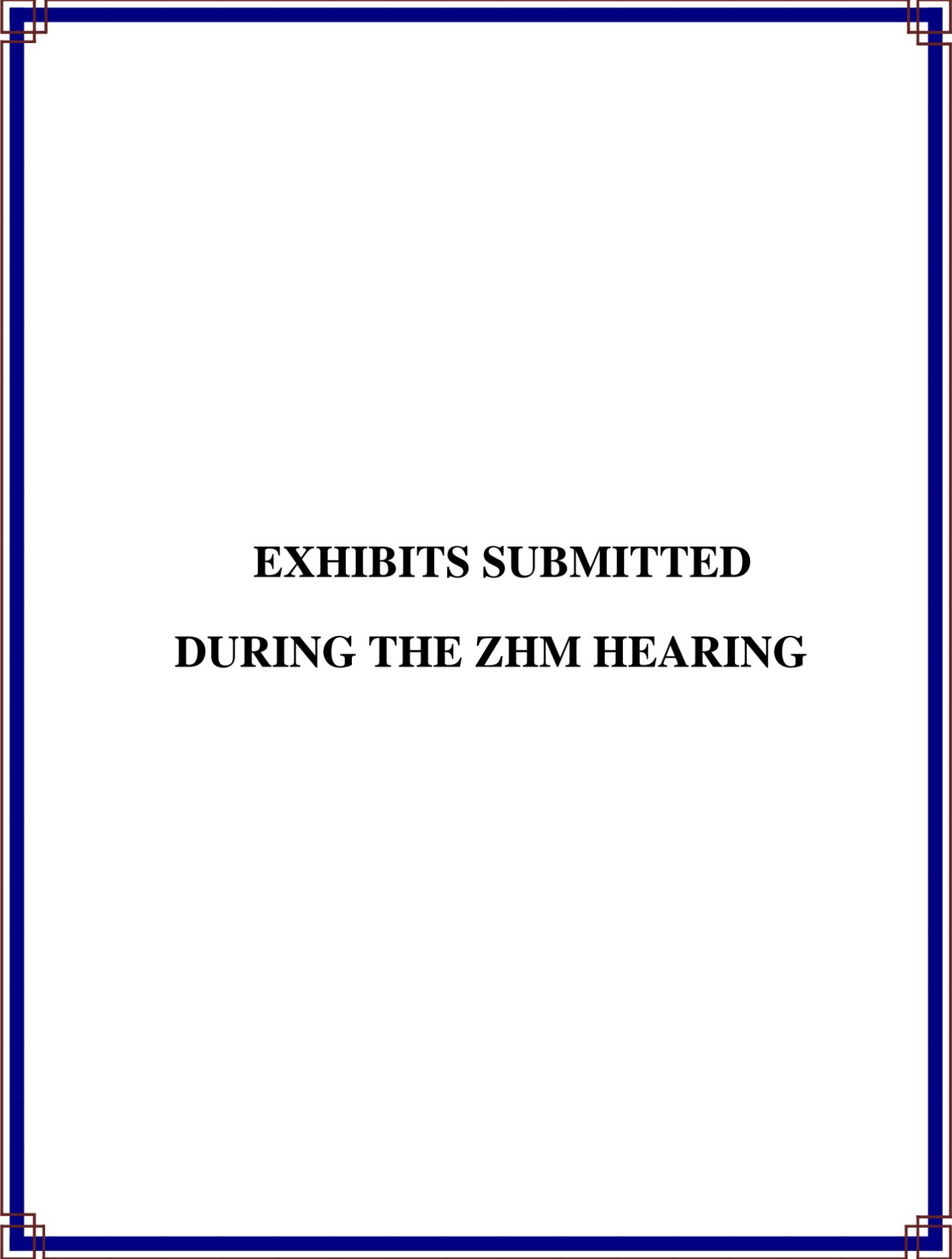
13 Item A.13. Major Mod 24-1137. This application is out
14 of order to be heard and is being continued to the December
15 16th, 2024 ZHM hearing.

16 Item A.14. PD 24-1139. This application is being
17 continued by the applicant to the December 16th, 2024 ZHM
18 hearing.

19 Item A.15. Major Mod 24-1141. This application is out
20 of order to be heard and is being continued to the December
21 16th, 2024 ZHM hearing.

22 Item A.16. PD 24-1147. This application is out of
23 order to be heard and is being continued to the December 16th,
24 2024 ZHM hearing.

25 Item A.17. Major Mod 24-1152. This application is



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

SIGN-IN SHEET: RFR, ZHM PHM, LUHOPAGE 1 OF 5DATE/TIME: 4/15/2025 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # mm24-1152	PLEASE PRINT NAME <u>Joe Moreda</u> MAILING ADDRESS <u>400 N. Ashley Dr</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813 392 9457</u>
APPLICATION # RZ 25-0270	PLEASE PRINT NAME <u>CHRIS MCNEAL</u> MAILING ADDRESS <u>15957 N FLORIDA AVE</u> CITY <u>WITZ</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 205 2564</u>
APPLICATION # RZ 25-0178	PLEASE PRINT NAME <u>Joe Moreda</u> MAILING ADDRESS <u>400 N. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813 392-9457</u>
APPLICATION # RZ 24-1013	PLEASE PRINT NAME <u>Patricia Ortiz</u> MAILING ADDRESS <u>2410 N Central Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813 817 8492</u>
APPLICATION # RZ 24-1013 VS	PLEASE PRINT NAME <u>Todd Medrano</u> MAILING ADDRESS <u>11906 Rhodine Rd</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33579</u> PHONE <u>813-267-0623</u>
APPLICATION # mm 24-1141	PLEASE PRINT NAME <u>Todd Peregud</u> MAILING ADDRESS <u>200 1st Ave S #151</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>727-841-1760</u>

DATE/TIME: 4/15/2025 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # mm 24-1141	PLEASE PRINT NAME <u>CITRIS McNEAL</u> MAILING ADDRESS <u>15051 N. FLORIDA AVE</u> CITY <u>LUTZ</u> STATE <u>FL</u> ZIP <u>33529</u> PHONE <u>813 205 2564</u>
APPLICATION # mm 24-1141	PLEASE PRINT NAME <u>Kenneth Baquet</u> MAILING ADDRESS <u>14719 DAYBREAK DR.</u> CITY <u>LUTZ</u> STATE <u>FL</u> ZIP <u>33539</u> PHONE <u>(813) 488-2277</u>
APPLICATION # mm 24-1141	PLEASE PRINT NAME <u>Debbie Hines</u> MAILING ADDRESS <u>15123 N. 24th St,</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-735-2803</u>
APPLICATION # mm 24-1141	PLEASE PRINT NAME <u>NASHAT SOAFAR</u> MAILING ADDRESS <u>15118 Livingston AVE</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33539</u> PHONE <u>813 462-5575</u>
APPLICATION # mm 24-1155	PLEASE PRINT NAME <u>Anthony Ruines Jr</u> MAILING ADDRESS <u>925 N Castle Ct #4</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33622</u> PHONE <u>(813) 869-1720</u>
APPLICATION # mm 24-1155	PLEASE PRINT NAME <u>Todd Pessing</u> MAILING ADDRESS <u>200 2nd Ave S #457</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727-869-1760</u>

SIGN-IN SHEET: RFR, ZHM, PHM, LUHOPAGE 3 OF 5DATE/TIME: 4/15/2025 6pmHEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>Dilip Agarwal</u> MAILING ADDRESS <u>301 W PLATT ST</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813 421 5719</u>
APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>Thomas J Adams</u> MAILING ADDRESS <u>6305 Theresa St</u> CITY <u>Tampa</u> STATE <u>FLA</u> ZIP <u>3365</u> PHONE <u>813-886-0301</u>
APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>Wayne Ballard</u> MAILING ADDRESS <u>8521 Robin Hood Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813-597-5171</u>
APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>DOMS Yoda</u> MAILING ADDRESS <u>8627 Jackson Springs</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813 928 7482</u>
APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>Angela Wolfgram</u> MAILING ADDRESS <u>8517 Robin Hood Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813-846-0276</u>
APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>Gloria Hobbards</u> MAILING ADDRESS <u>8627 JACKSON SPRING RD</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>3615</u> PHONE <u>(813) 765-5597</u>

SIGN-IN SHEET: RFR, ZHM, PHM, LUHOPAGE 4 OF 5DATE/TIME: 4/15/2025 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 24-1311	PLEASE PRINT NAME <u>John Zachery Canales</u> MAILING ADDRESS <u>8521 Robin Hood Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813-789-3079</u>
APPLICATION # MM 25-0133	PLEASE PRINT NAME <u>Michael I Drakes</u> MAILING ADDRESS <u>400 N. TAMPA ST / Ste 1910</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____
APPLICATION # MM 25-0133	PLEASE PRINT NAME <u>Michael Rayser</u> MAILING ADDRESS <u>19046 Bruce B. Downs Blvd #308</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33647</u> PHONE <u>813-625-1699</u>
APPLICATION # RZ 25-0144	PLEASE PRINT NAME <u>Jack Pressman</u> MAILING ADDRESS <u>2000 1st Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>727-804-1760</u>
APPLICATION # RZ 25-0261	PLEASE PRINT NAME <u>Angela Rauter</u> MAILING ADDRESS <u>101 E. Kennedy Blvd, Ste 3700</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33556</u> PHONE <u>813-222-8504</u>
APPLICATION # RZ 25-0261	PLEASE PRINT NAME <u>Andrew Lester</u> MAILING ADDRESS <u>9610 Oak Ridge</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33568</u> PHONE <u>813-484-1256</u>

SIGN-IN SHEET: RFR, ZHM, PHM, LUHOPAGE 5 OF 5DATE/TIME: 4/15/2025 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ 25-0261</u>	PLEASE PRINT NAME <u>Garrett Posken</u> MAILING ADDRESS <u>810 E main st Bartow FL</u> CITY _____ STATE _____ ZIP _____ PHONE <u>8639377901</u>
APPLICATION # <u>RZ 25-0308</u>	PLEASE PRINT NAME <u>Michael Costa</u> MAILING ADDRESS <u>765 Commerce Dr, Suite 200</u> CITY <u>Deerfield</u> STATE <u>CA</u> ZIP <u>92020</u> PHONE <u>714.815.2155</u>
APPLICATION # <u>RZ 25-0321</u>	PLEASE PRINT NAME <u>Elise Batsel</u> <u>401 E. Jackson St.</u> MAILING ADDRESS _____ <u>Suite 2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE <u>813.222.5057</u>
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____

ZHM, PHM, VRH, LUHO
Susan Finch

DATE: 4/15/2025

PAGE: 1 of 1

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APRIL 15, 2025 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, April 15, 2025, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

▶ Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduction.

A. WITHDRAWALS AND CONTINUANCES

▶ Michelle Heinrich, Development Services (DS), introduced staff and reviewed the changes to the agenda. ▶ Continued with the changes/withdrawals/continuances.

▶ Susan Finch, ZHM, overview of ZHM process.

▶ Assistant County Attorney Mary Dorman, overview of evidence/ZHM/BOCC Land Use process.

▶ Susan Finch, ZHM, Oath.

B. REMANDS - None.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 25-0178

▶ Michelle Heinrich, DS, called RZ 25-0178.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 25-0178.

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

D.1. RZ 24-1013

▶ Michelle Heinrich, DS, called 24-1013.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 24-1013.

D.2. MM 24-1141

▶ Michelle Heinrich, DS, called MM 24-1141.

TUESDAY, APRIL 15, 2025

▶ Testimony provided.

▶ Susan Finch, ZHM, closed MM 24-1141.

D.3. MM 24-1152

▶ Michelle Heinrich, DS, called MM 24-1152.

▶ Testimony provided.

▶ Susan Finch, ZHM, continued MM 24-1152 to May 19, 2025, ZHM Hearing.

D.4. RZ 24-1155

▶ Michelle Heinrich, DS, called RZ 24-1155.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 24-1155.

D.5. RZ 24-1311

▶ Michelle Heinrich, DS, called RZ 24-1311.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 24-1311.

D.6. MM 25-0133

▶ Michelle Heinrich, DS, called MM 25-0133.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed MM 25-0133.

D.7. RZ 25-0144

▶ Michelle Heinrich, DS, called RZ 25-0144.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 25-0144.

D.8. RZ 25-0261

TUESDAY, APRIL 15, 2025

▶ Michelle Heinrich, DS, called RZ 25-0261.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 25-0261.

D.9. RZ 25-0270

▶ Michelle Heinrich, DS, called RZ 25-0270.

▶ Testimony provided.

▶ Susan Finch, ZHM, continued RZ 25-0270 to May 19, 2025, ZHM Hearing.

D.10. RZ 25-0308

▶ Michelle Heinrich, DS, called RZ 25-0308.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 25-0308.

D.11. RZ 25-0321

▶ Michelle Heinrich, DS, called RZ 25-0321.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 25-0321.

E. ZHM SPECIAL USE - None.

ADJOURNMENT

▶ Susan Finch, ZHM, adjourned the meeting at 8:41 p.m.

MM 24-1141

Application No.

MM 24-1141

Name:

Todd Pressman

Entered at Public Hearing:

ZHM

Exhibit #:

1

Date:

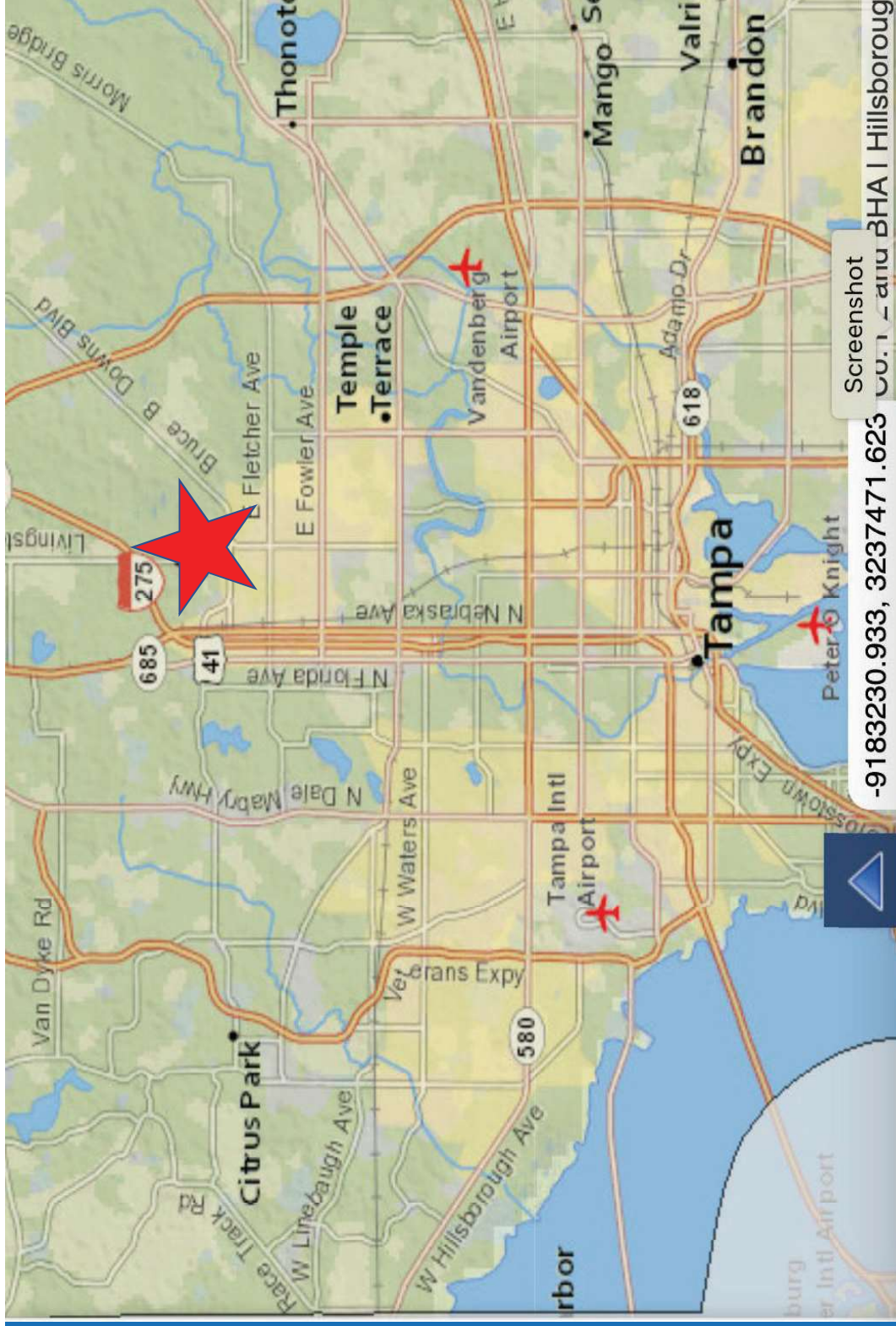
4/15/2025

Seeking 'split' of the original PD

Seeks 2 PD options

.90 acres

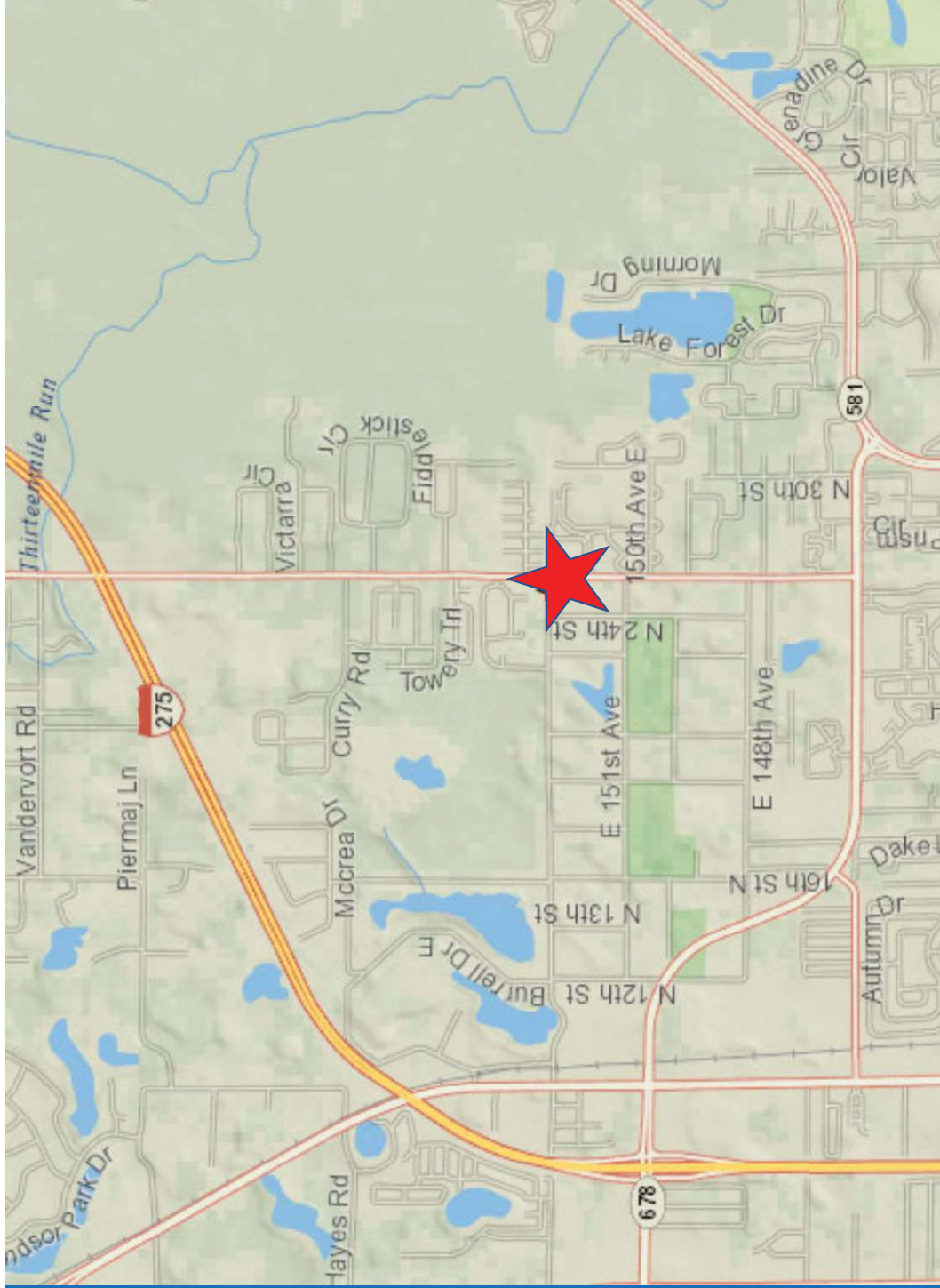
Lutz Area



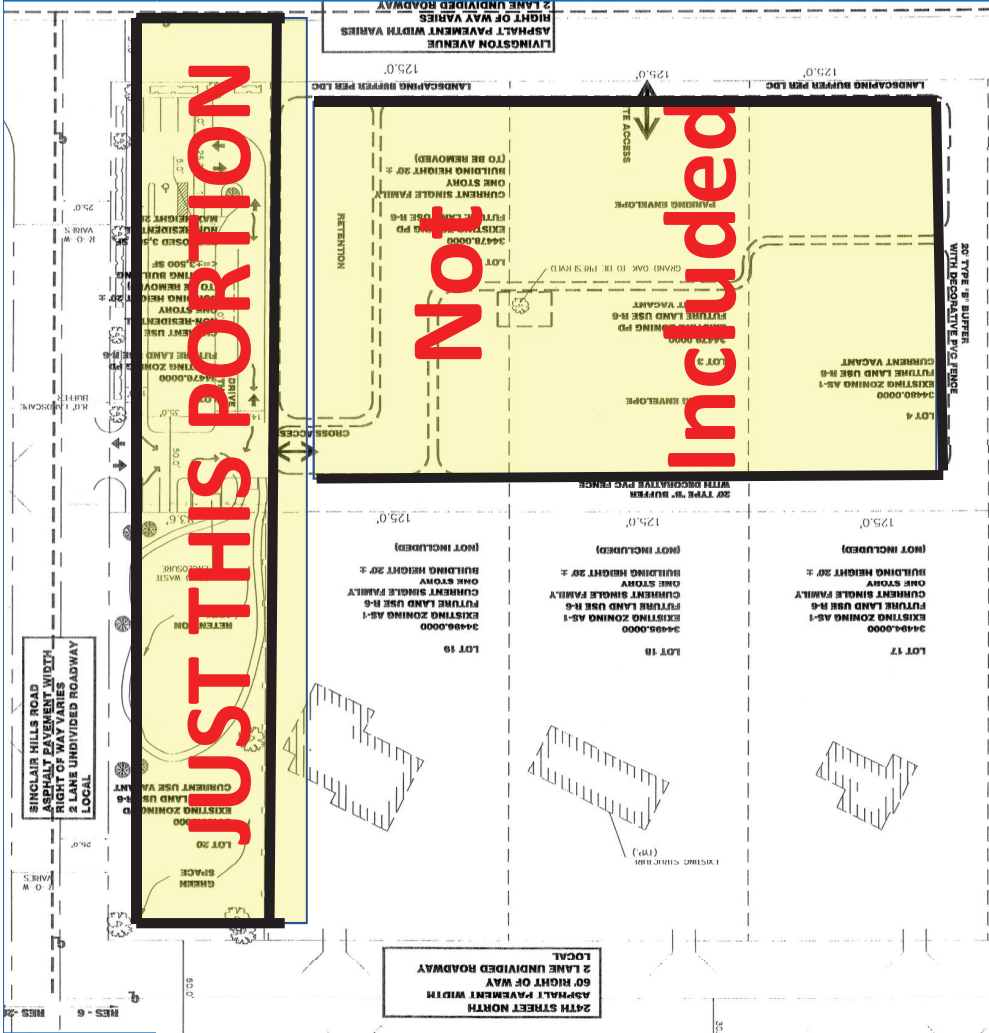
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-9183230.933, 3237471.625

CO.1 - and BHA | Hillsborough



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2 Parcels



FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: RZ 06-1564 USF
MEETING DATE: September 23, 2008
DATE TYPED: September 23, 2008

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 8, 2008.

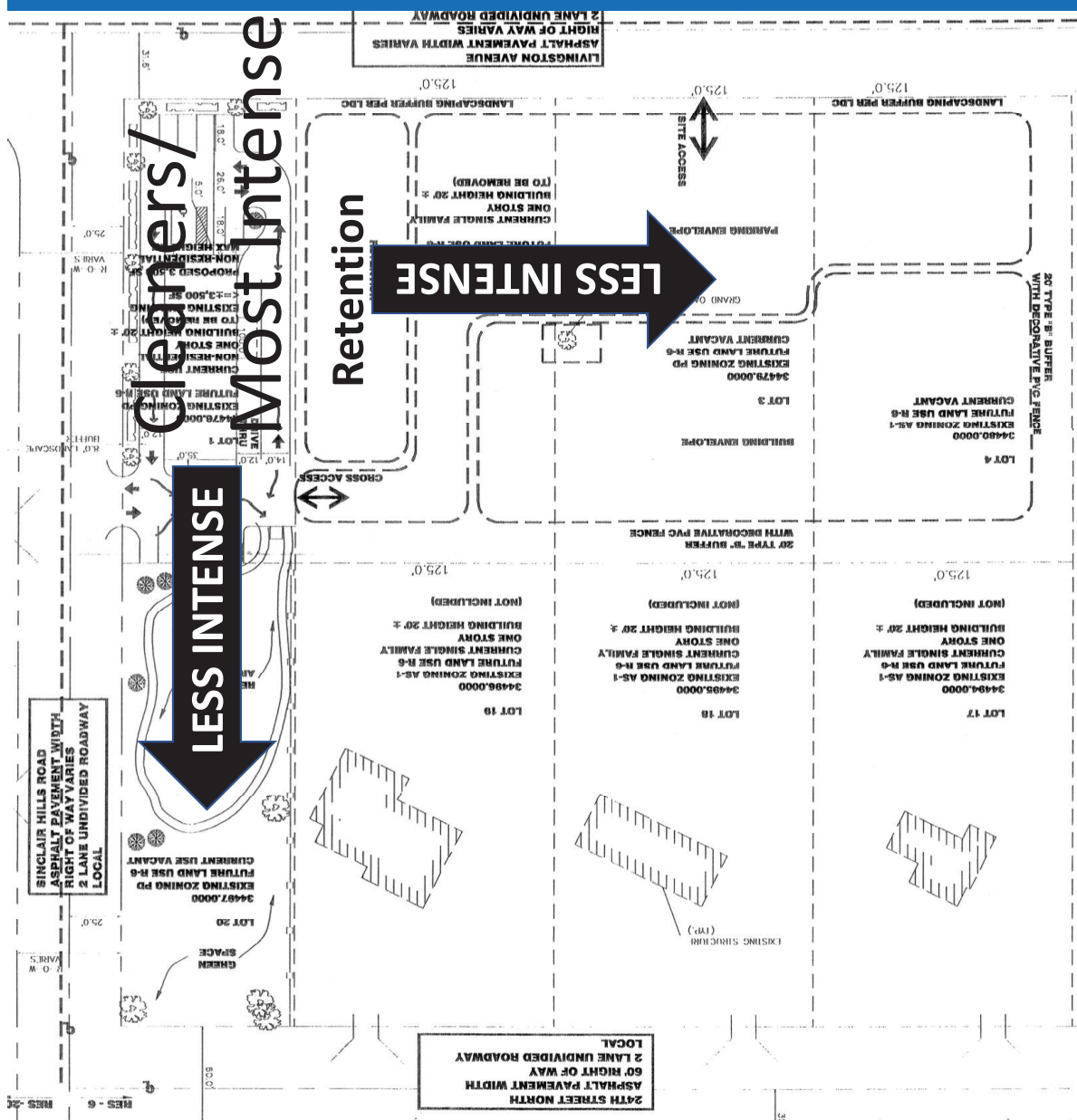
1. The project shall be limited to a 3,500 square-foot dry cleaners, a maximum of 10,000 square feet of BPO uses, and a maximum of 5,000 square feet of CN uses in accordance with the conditions contained herein. Unless otherwise specified herein, the project shall be developed in accordance with CN zoning district standards.

- 1.1 A maximum of 12,000 square feet of the total development may be medical office uses.

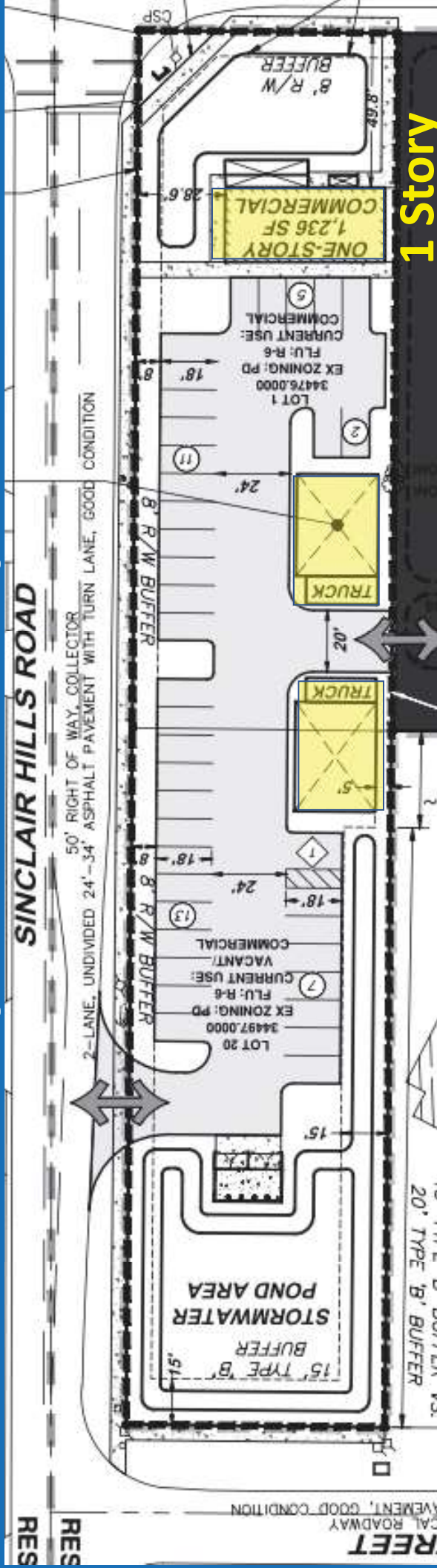
RZ 06-1564

3,500 SF dry cleaners

06-1564



Proposed PD Plan Option 1



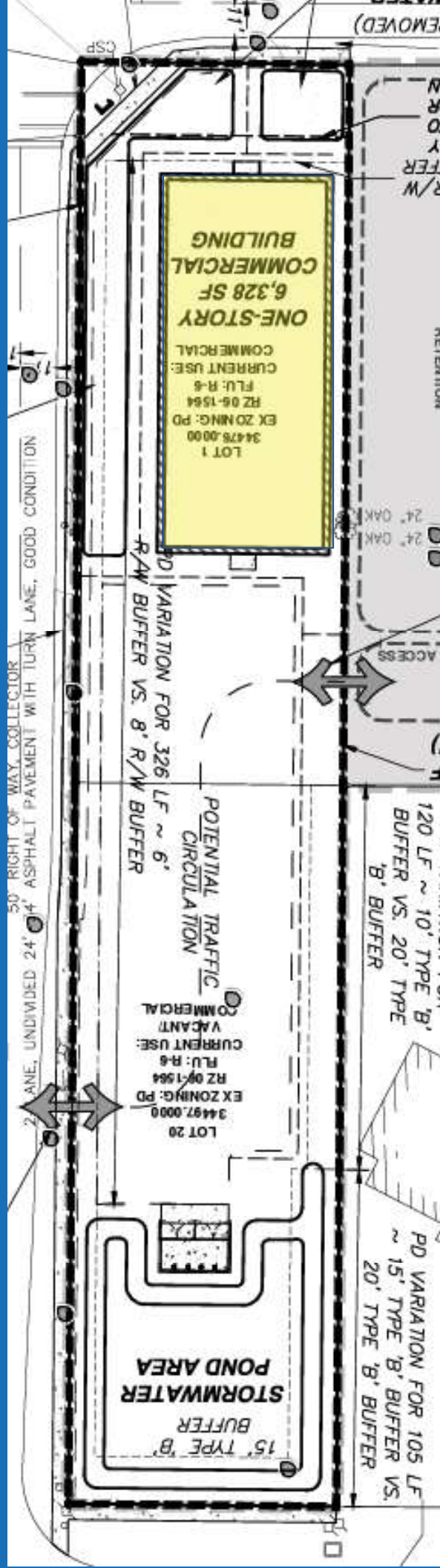
1 Story

Commercial
1,236 SF, CN
& CG uses

FOOD
TRUCK

FOOD
TRUCK

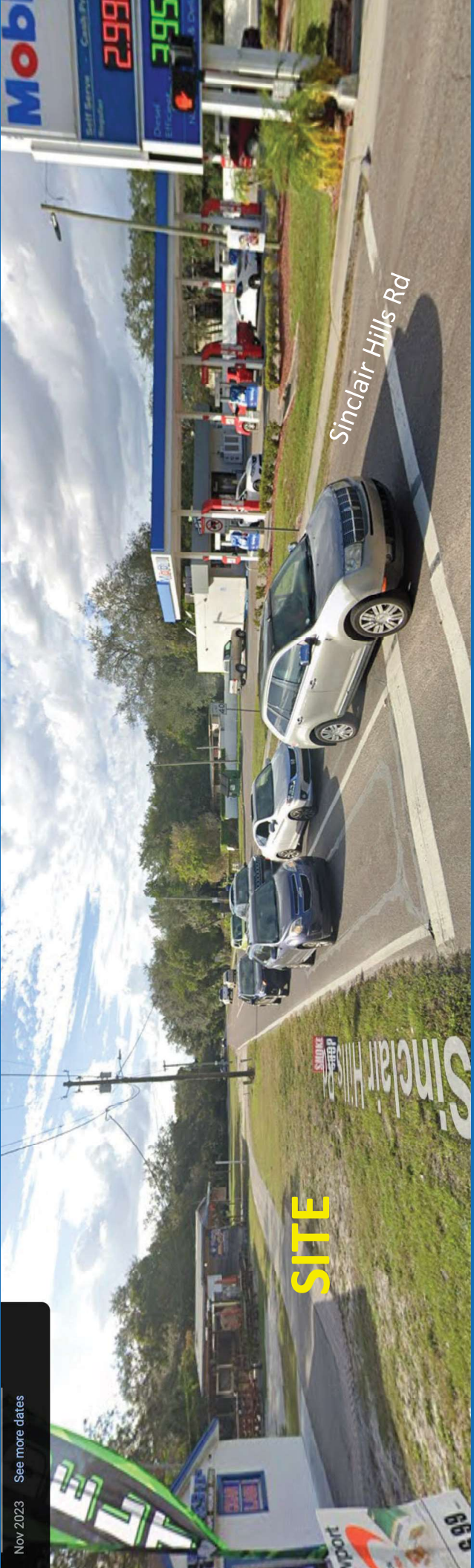
Proposed PD Plan Option 2



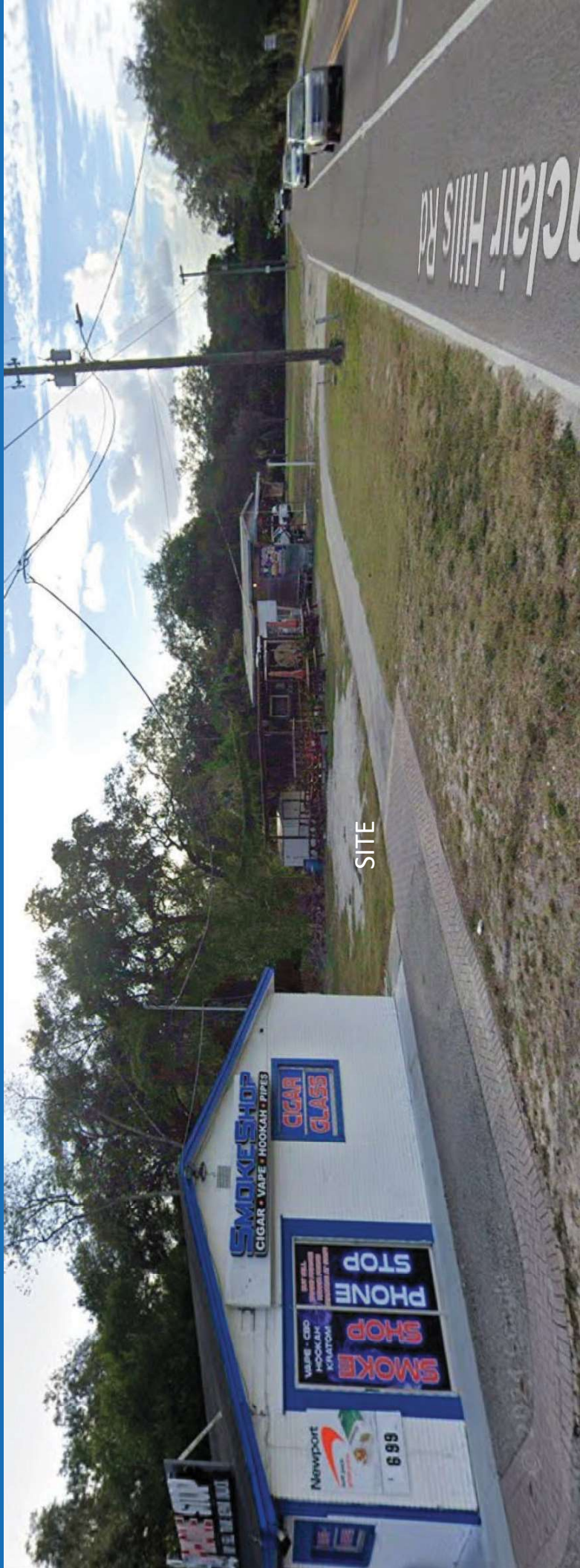
1 Story commercial
6,238 SF, CN & CG uses

Proposed Restricted Uses as of ZHM Hearing:

any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks.

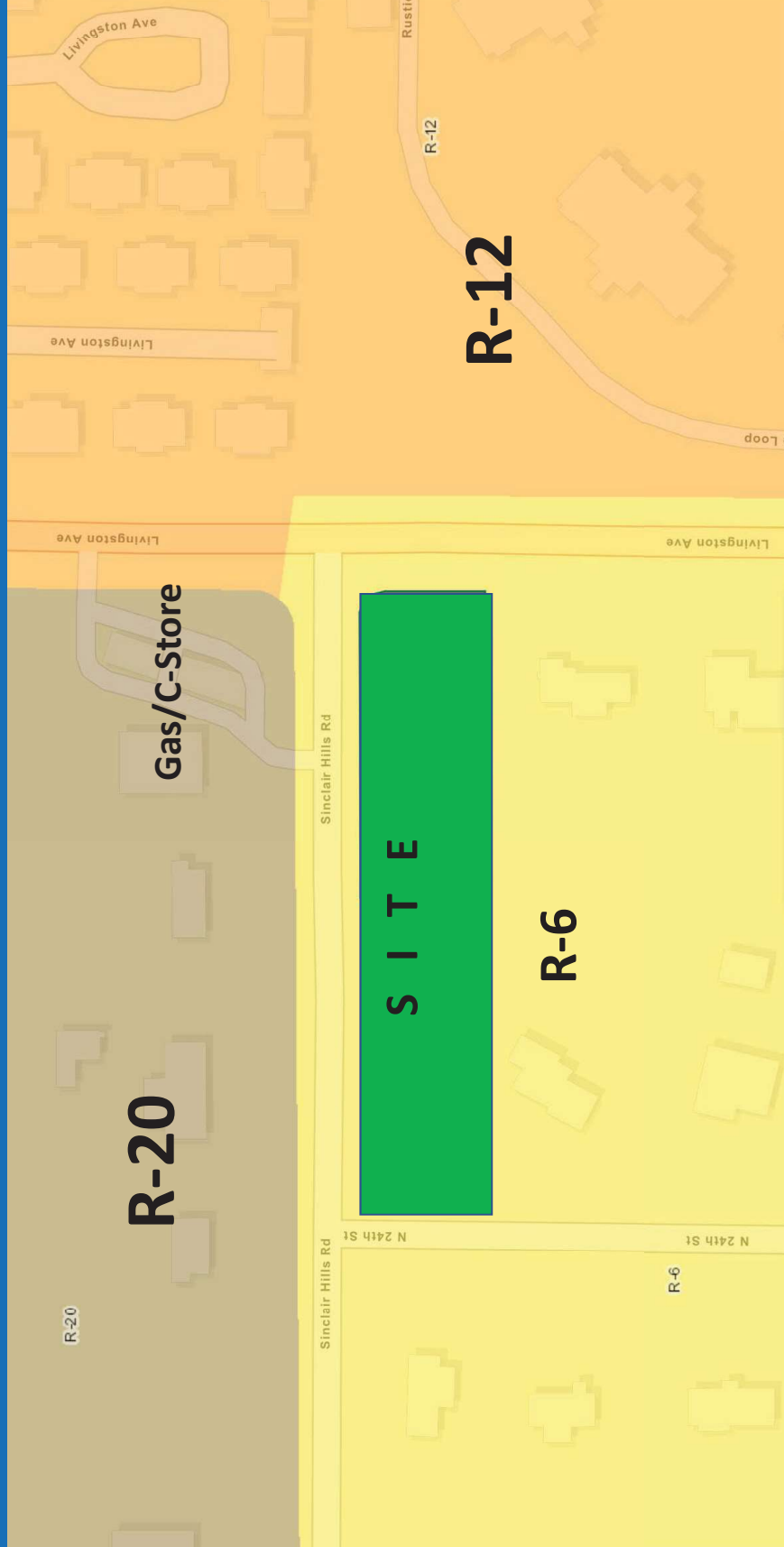


SITE





FLU

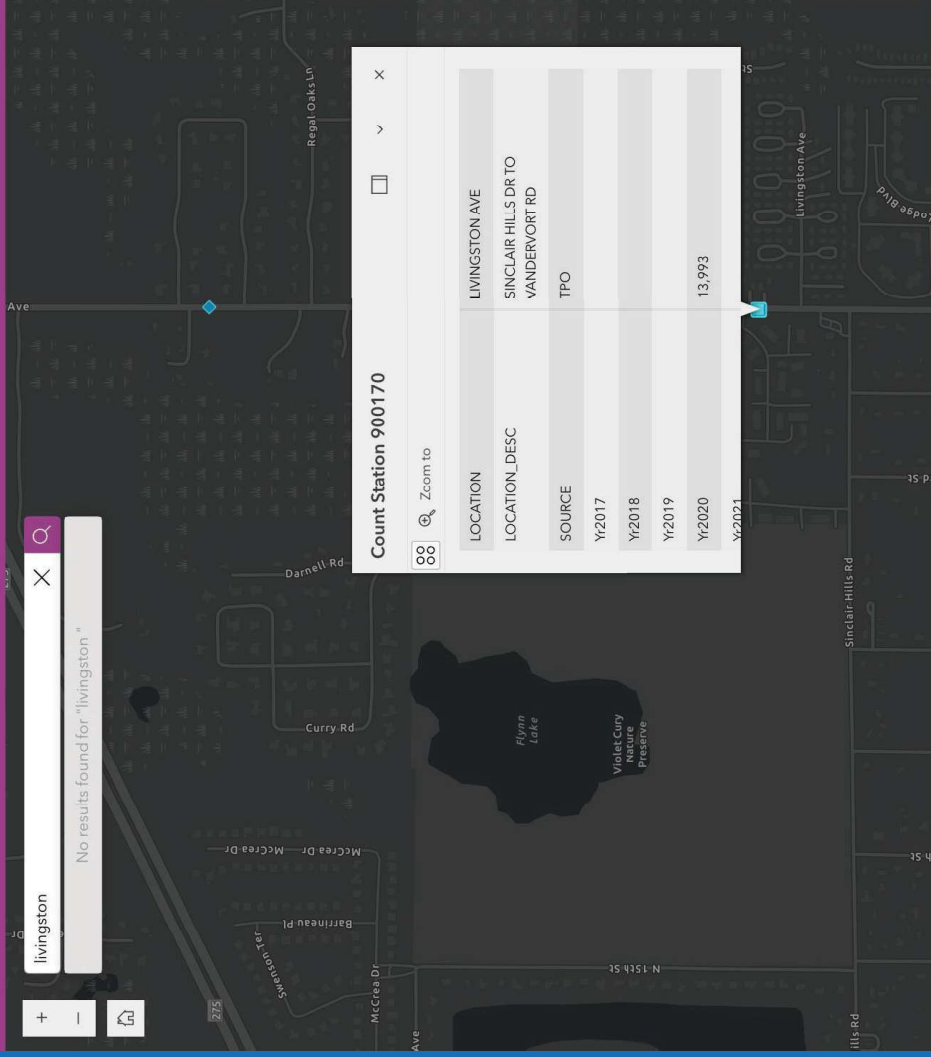


Zoning



livingston

No results found for "livingston"



2019 Traffic Count,
Livingston 13,993
vehicles/day

No development shall be permitted that causes cumulative development to exceed 64 gross a.m. peak hour trips, or 64 gross p.m. peak hour trips on the Sinclair Hills Road driveway.

LUTZ COMMUNITY PLAN

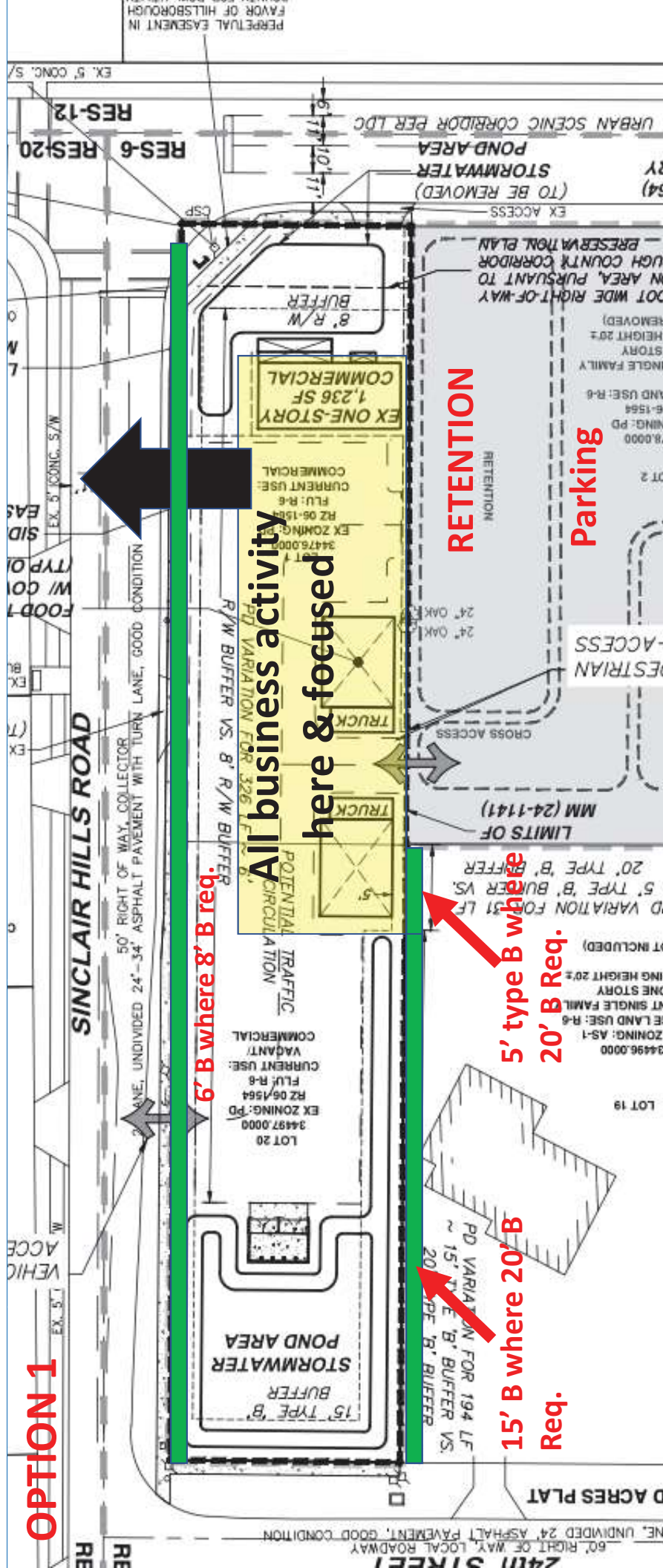
Commercial Character

The Lutz community desires to retain existing and encourage new commercial uses geared to serving the daily needs of area residents in a scale and design that complements the character of the community. Currently there is approximately 301,559 square feet of

- improve design aesthetics to make the physical development of the community more attractive and provide for individual expression;

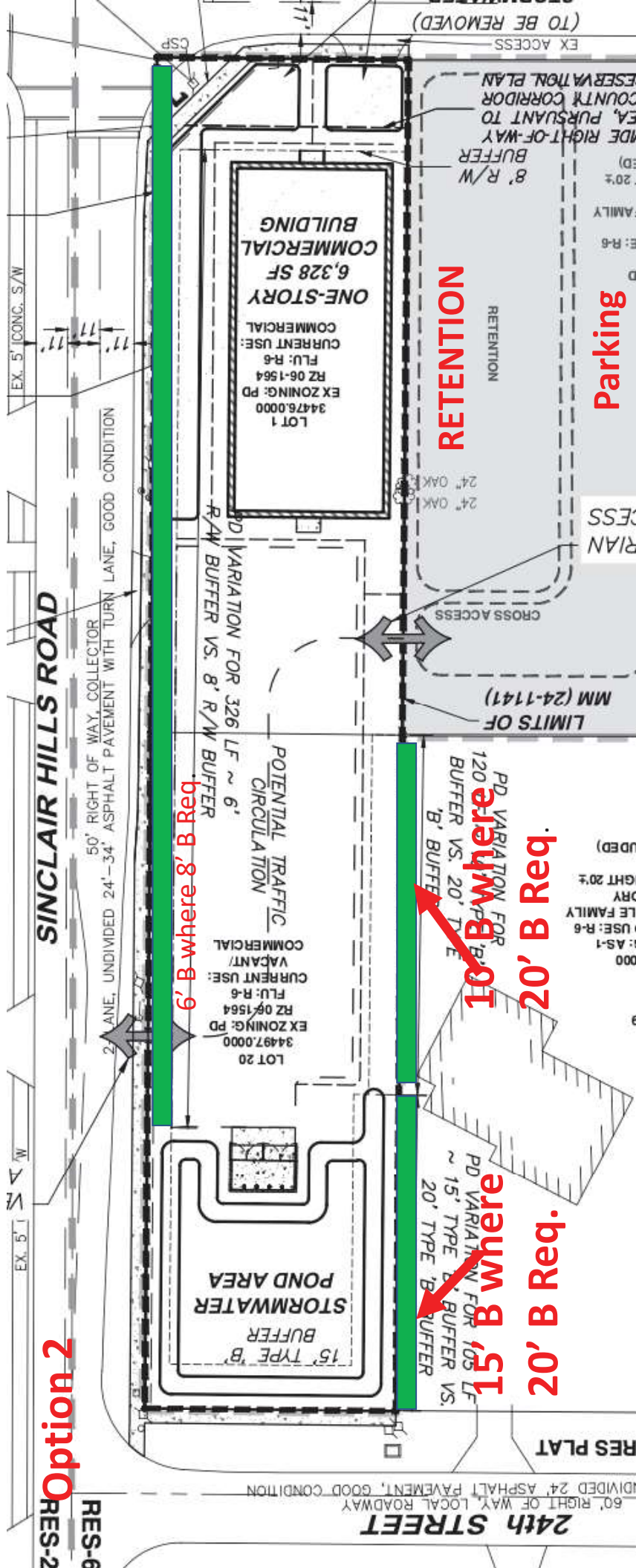
BUFFERS

OPTION 1



NOT TO SCALE

Option 2



SINCLAIR HILLS ROAD

RES-2

EX. 5'1

~~2-AI~~

6' B where 8' B req.

Business activity here and focused

POTENTIAL —
CIRCUIT —
VARIATION FOR 326 LF ~ 6'
BUFFER VS. 8' R/W BUFFER

LOT 20
3497.0000
EX ZONING: PD
RZ 06-1564
FLU: R-6
CURRENT USE:
VACANT/
COMMERCIAL

STORMWATER
BUFFER
POND AREA

PD VARIATION FOR 105 LF
~ 15' TYPE 'B' BUFFER VS.
20' TYPE 'B' BUFFER

PD VARIATION FOR
120' B where
BUFFER VS. 20' TIE
'B' BUFFER
10' B
20' B Req.

RETENTION

Parking

24th STREET
60' RIGHT OF WAY, LOCAL ROADWAY
DIVIDED 24' ASPHALT PAVEMENT, GOOD

RES PLAT

PD VARIATION FOR 105 LF
~ 15' TYPE 2 BUFFER VS.
20' TYPE 1 BUFFER

20' B Req.

~~10' Buffer~~

LIMITS OF
MM (24-1141)

 CROSS ACCESS

ESS
RIAN

RETENTION

8' R/W
BUFFER

DE RIGHT-OF-WAY
EA, PURSUANT TO
COUNTY CORRIDOR
RESERVATION PLAN

EX ACCESS

(TO BE REMOVED)

Locational Waiver

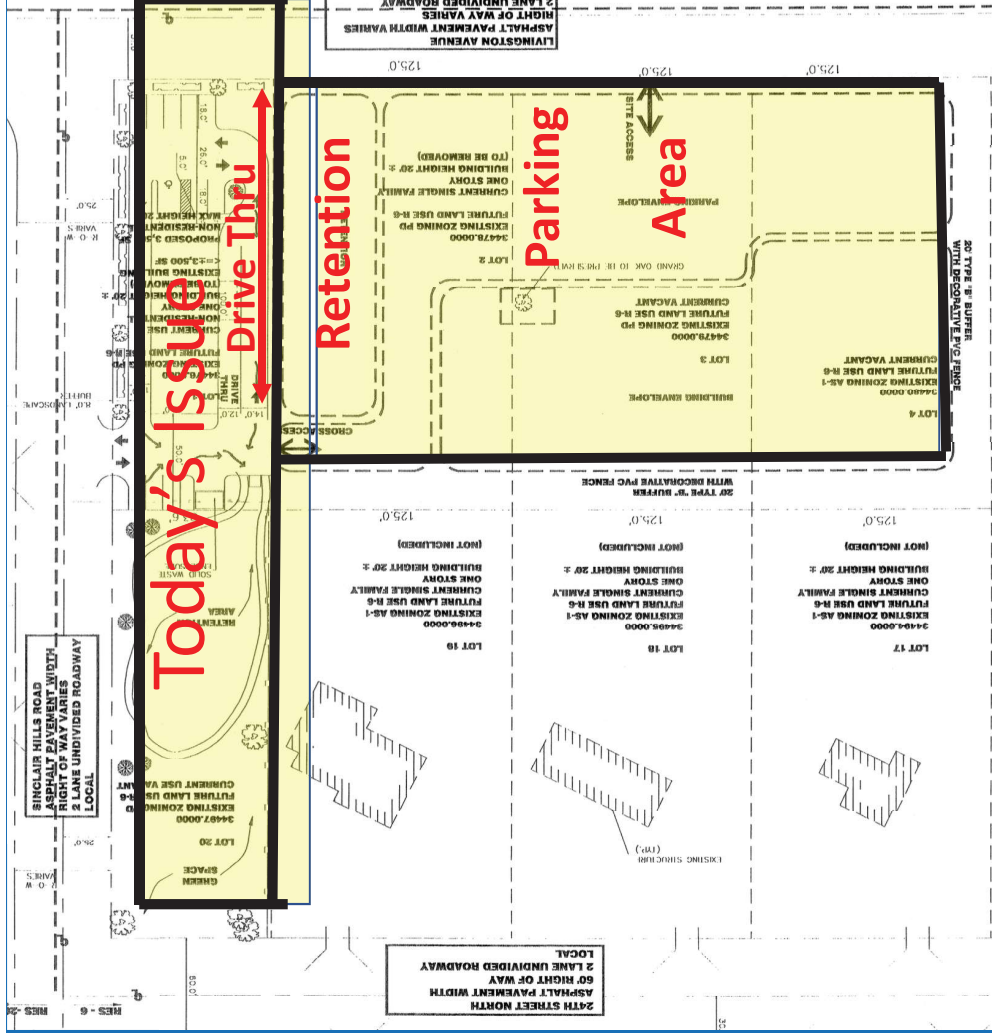
- Placement of the uses toward intersection, further from residential
 - Remaining existence & uses of the 'split' PD
 - Located at a busy intersection
 - - Restricted uses

MM 24-1141

My name is Nashat Soufan and my cousin Fahem Malkeya. Our properties are 15118 Livingston Ave, Lutz, FL 33559, 15116 Livingston Ave, Lutz, FL 33559, and 15106 Livingston Ave, Lutz, FL 33559. We have



Today's Issues



[illegible]

NEW CONDITIONS OF APPROVAL

All previous transportation related conditions shall carry forward. In addition:

New Conditions

The following additional conditions shall apply to folios 34476.0000 and 34497.0000, i.e. the area of modification for MM 24-1141:

- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, no development shall be permitted that causes cumulative development within the modification area to exceed 64 gross a.m. peak hour trips, or 64 gross p.m. peak hour trips. Additionally:
 - Concurrent with each increment of development, the developer shall provide a list of existing and previously approved uses within the PD. The list shall contain data including gross floor area, number of seats (if applicable), type of use, date the use was approved by Hillsborough County, references to the site subdivision Project Identification number (or if no project identification number exists, a copy of the permit or other official reference number), calculations detailing the individual and cumulative gross and net trip generation impacts for that increment of the development, and source(s) for the data used to develop such estimates. Calculations showing the remaining number of available trips for each analysis period (i.e. average daily, a.m. peak and p.m. peak) shall also be provided.
- All existing project access connections shall be closed and removed. The project shall be restricted to a maximum of one (1) access on Sinclair Hills Rd., which shall align with the driveway serving folio 34642.0100.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary:
 - Bicycle and pedestrian access may be permitted anywhere along the PD boundaries;
 - Sidewalks shall be provided in accordance with LDC Sec. 6.02.08 and Sec. 6.03.02; and,
 - External sidewalks shall be spaced from the closest edge of the travel lane in accordance with Transportation Technical Manual (TTM) requirements. Where sidewalks are required to be placed within the subject site, an easement for public access and maintenance purposes shall be provided in accordance with LDC Sec. 6.03.02.D.
- Concurrent with each increment of development, the developer shall submit a trip generation and site access analysis which analyzes total project trips within the PD, and shall be used to determine whether turn lanes are required pursuant to Sec. 6.04.04.D. of the LDC. The analysis shall include existing development within the PD, proposed development within the specific increment of development, as well as any approved but undeveloped entitlements within the PD, to determine whether turn lanes may be needed with this increment or in the future. This may require the developer to preserve, dedicate and convey or otherwise acquire additional right-of-way where necessary to construct required turn lanes. Inability to construct or otherwise accommodate required turn lanes may result in the developer being unable to construct to its maximum entitlement.
- Consistent with the Hillsborough County Corridor Preservation Plan, the developer shall preserve sufficient right-of-way to accommodate a future 4-lane roadway along the project's Livingston Ave. frontage, currently anticipated to be up to +/- 26 feet of right-of-way. Only those interim uses allowed by the Hillsborough County Land Development Code shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
- As proposed, the project requires Sec. 6.04.02.B. Administrative Variances (AVs) and/or Transportation Technical Manual (TTM) Design Exceptions (DEs) before site/construction plans can be approved. Specifically, the developer shall be required obtain all required AVs and DEs,

which at a minimum, shall include the following an AV from the Sec. 6.04.07 LDC access spacing requirements relative to the Sinclair Hills Dr. project access.

- As Sinclair Hills Dr. is a substandard collector roadway, the developer shall improve the roadway network (between the project access and nearest roadway meeting an applicable standard) to current County standards or otherwise obtain a Section 6.04.02.B. Administrative Variance. Deviations from Transportation Technical Manual (TTM) or Transportation Design Manual (TDM) requirements may be considered in accordance with Sec. 1.7.2. and other applicable sections of the TTM.

Other Conditions

- Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:
 - On Sheets 2 of 3 and 3 of 3, correct the right-of-way preservation label and linework to reflect the requirement that 26 feet of right-of-way be preserved.

SIGN-IN SHEET: RFR, ZHM, PHM, LUHOPAGE 1 OF 4DATE/TIME: 2/18/2025 6pm HEARING MASTER: Pamela J O HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>25-0123</u>	PLEASE PRINT NAME <u>Hanza Bouloudene</u> MAILING ADDRESS <u>1145 35th Ave N</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33014</u> PHONE <u>336-965-7785</u>
<u>RZ</u> APPLICATION # <u>25-0123</u>	PLEASE PRINT NAME <u>Fakir Hossain</u> MAILING ADDRESS <u>104 ORCH RIDGE AVE</u> CITY <u>Tam Pa</u> STATE <u>FL</u> ZIP <u>33617</u> PHONE <u>855-681072</u>
APPLICATION # <u>RZ</u> <u>24-1289</u>	PLEASE PRINT NAME <u>Holly Boyer</u> MAILING ADDRESS <u>17820 Dorman Rd</u> CITY <u>Lithia</u> STATE <u>FL</u> ZIP <u>33547</u> PHONE <u>813-730-3947</u>
APPLICATION # <u>RZ</u> <u>25-0177</u>	PLEASE PRINT NAME <u>Joe Morela</u> MAILING ADDRESS <u>400 W Kelly</u> CITY <u>Tam</u> STATE <u>FL</u> ZIP <u>33603</u> PHONE <u>813-392-9495</u>
APPLICATION # <u>RZ</u> <u>25-0178</u>	PLEASE PRINT NAME <u>Joe Morela</u> MAILING ADDRESS <u>400 W. Ashley</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33603</u> PHONE <u>813-392-9495</u>
APPLICATION # <u>RZ VS</u> <u>25-0178</u>	PLEASE PRINT NAME <u>Giselle moreno</u> MAILING ADDRESS <u>777 N ashley Dr</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u></u>

SIGN-IN SHEET: RFR, (ZHM), PHM, LUHO

PAGE 2 OF 4

DATE/TIME: 2/18/2025 6pm HEARING MASTER: Pamela Jo Hathay

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 25-0299	PLEASE PRINT NAME <u>DAVID Mechanik</u> MAILING ADDRESS <u>305 S. Blvd.</u> CITY <u>Pampa</u> STATE <u>TX</u> ZIP <u>79066</u> PHONE <u>813 216-1920</u>
APPLICATION # MM 24-1110	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave South #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727 909-7600</u>
APPLICATION # MM 24-1110	PLEASE PRINT NAME <u>Joe Elia</u> MAILING ADDRESS <u>6432 Sunset Bay Cir</u> CITY <u>Apollon Beach</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813 999-6802</u>
APPLICATION # MM 24-1110	PLEASE PRINT NAME <u>MIKE O'DELL</u> MAILING ADDRESS <u>12205 SHELBY DR</u> CITY <u>RIVERVIEW</u> STATE <u>FL</u> ZIP <u>33579</u> PHONE <u>813 765 2706</u>
APPLICATION # MM 24-1110	PLEASE PRINT NAME <u>Michelle Van Loan</u> MAILING ADDRESS <u>130 Eling Sky Dr</u> CITY <u>Seffner</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>813-748-2618</u>
APPLICATION # MM 24-1110	PLEASE PRINT NAME <u>Grece McComes</u> MAILING ADDRESS <u>805 Old Derby St</u> CITY <u>Seffner</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>813 240 3907</u>

SIGN-IN SHEET: RFR, (ZHM), PHM, LUHO

PAGE 3 OF 4

DATE/TIME: 2/18/2025 6pm HEARING MASTER: Pamela Jo Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # MM 24-1110	PLEASE PRINT NAME Michele Miles MAILING ADDRESS 412 Vine Keeper Ct CITY Seffner STATE FL ZIP 33584 PHONE 695-8770
APPLICATION # RZ 24-1135	PLEASE PRINT NAME Ben Dachepalli MAILING ADDRESS 1001 Water St, 10th Floor CITY Tampa STATE FL ZIP 33602 PHONE 813-559-5545
APPLICATION # RZ 24-1135	PLEASE PRINT NAME Ben Stewart MAILING ADDRESS 5013 Ortega Forest Dr CITY Jacksonville STATE FL ZIP 32210 PHONE 904-654-6440
APPLICATION # RZ 24-1137	PLEASE PRINT NAME Kami Corbett MAILING ADDRESS 101 E Kennedy Blvd Ste 3700 CITY TAMPA STATE FL ZIP 33604 PHONE 813-729-8421
APPLICATION # MM 24-1141	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 2002nd Ave South #451 CITY St Pete STATE FL ZIP 33707 PHONE 727-900-1760
APPLICATION # MM 24-1141	PLEASE PRINT NAME Hashim Sulaiman MAILING ADDRESS 16411 Burniston Dr CITY Tampa STATE FL ZIP 33647 PHONE 813 841 8712

SIGN-IN SHEET: RFR, (ZHM), PHM, LUHO

PAGE 4 OF 4

DATE/TIME: 2/18/2025 6pm HEARING MASTER: Pamela Jo Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # MM 24-1141	PLEASE PRINT NAME <u>Dennis Tamargo</u> MAILING ADDRESS <u>15118 N 24th St</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33544</u> PHONE <u>813 833 1185</u>
APPLICATION # MM 24-1141	PLEASE PRINT NAME <u>NASHAT SOAFAN</u> MAILING ADDRESS <u>15118 Livingston Ave</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33544</u> PHONE <u>813 941 5575</u>
APPLICATION # MM 24-1141	PLEASE PRINT NAME <u>Lee CBONG</u> MAILING ADDRESS <u>15120 Livingston Ave</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33544</u> PHONE <u>813 737 3548</u>
APPLICATION # RZ 25-0022	PLEASE PRINT NAME <u>Michael COSENTINO</u> MAILING ADDRESS <u>150 STATE STREET EAST</u> CITY <u>OLDENAR</u> STATE <u>FL</u> ZIP <u>32007</u> PHONE <u>813 323-3691</u>
APPLICATION # RZ VS 25-0353	PLEASE PRINT NAME <u>Kyle Lao</u> MAILING ADDRESS <u>333 Commerce St #1600</u> CITY <u>Nashville</u> STATE <u>TN</u> ZIP <u>37204</u> PHONE _____
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____

ZHM, PHM, VRH, LUHO

HEARING MASTER:

PAGE: 1 of 1

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FEBRUARY 18, 2025 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, February 18, 2025, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

📄 Pamela Jo Hatley, ZHM, called the meeting to order at 6:00 p.m. and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

📄 Michelle Heinrich, Development Services (DS), introduced staff and reviewed the changes/withdrawals/continuances. 📄 Michelle Heinrich continued with the changes/withdrawals/continuances.

📄 Pamela Jo Hatley, ZHM, overview of ZHM process.

📄 Chief Assistant County Attorney Cameron Clark, overview of evidence/ZHM/BOCC Land Use agenda process.

📄 Pamela Jo Hatley, ZHM, Oath.

B. REMANDS - None.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 24-1289

📄 Michelle Heinrich, DS, called RZ 24-1289.

📄 Testimony provided.

📄 Pamela Jo Hatley, ZHM, closed RZ 24-1289.

C.2. RZ 25-0123

📄 Michelle Heinrich, DS, called RZ 25-0123.

📄 Testimony provided.

📄 Pamela Jo Hatley, ZHM, continued RZ 25-0123 to March 24, 2025, ZHM Hearing.

C.3. RZ 25-0177

📄 Michelle Heinrich, DS, called RZ 25-0177.

📄 Testimony provided.

TUESDAY, FEBRUARY 18, 2025

 Pamela Jo Hatley, ZHM, closed RZ 25-0177.

C.4. RZ 25-0178


 Michelle Heinrich, DS, called RZ 25-0178.

 Testimony provided.

 Pamela Jo Hatley, ZHM, continued RZ 25-0178 to March 24, 2025, ZHM Hearing.

C.5. RZ 25-0299

 Michelle Heinrich, DS, called RZ 25-0299.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 25-0299.

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

D.1. MM 24-1110


 Michelle Heinrich, DS, called MM 24-1110.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed MM 24-1110.

D.2. RZ 24-1135


 Michelle Heinrich, DS, called RZ 24-1135.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 24-1135.

D.3. MM 24-1137

 Michelle Heinrich, DS, called MM 24-1137.


 Testimony provided.


 Pamela Jo Hatley, ZHM, closed MM 24-1137.

TUESDAY, FEBRUARY 18, 2025


D.4. MM 24-1141


 Michelle Heinrich, DS, called MM 24-1141.

 Testimony provided.

 Pamela Jo Hatley, ZHM, continued MM 24-1141 to March 24, 2025, ZHM Hearing.


D.5. RZ 25-0022

 Michelle Heinrich, DS, called RZ 25-0022.


 Testimony provided.

 Pamela Jo Hatley, ZHM, closed RZ 25-0022.

D.6. RZ 25-0147

 Michelle Heinrich, DS, RZ 25-0147 was continued to March 24, 2025, ZHM Hearing.

D.7. MM 25-0353


 Michelle Heinrich, DS, called MM 25-0353.

 Testimony provided.

 Pamela Jo Hatley, ZHM, closed MM 25-0353.

E. ZHM SPECIAL USE - None.

ADJOURNMENT

 Pamela Jo Hatley, ZHM, adjourned the meeting at 9:02 p.m.

Many Uses Restricted:

any/all vehicular sales or rentals, adult uses, convenience stores with or without gas pumps, neighborhood, minor, or major vehicle service and/or repair, all restaurants with or without drive-through facilities, pharmacy with drive-through facilities, coffee/donut shop with drive-through facilities, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, child care center, church/synagogue, hotels and motels, and public parks.

Application No. 24-1141
Name: Todd Pressman
Entered at Public Hearing: 24M
Exhibit # 1 Date: 2/18/25

KEEP AS USES (Remove from 'Uses Restricted'):

- Convenience store without gas
- Restaurant, pharmacy
- Coffee shop/donut shop
- Daycare center , 'shopping center'

Proposed Restricted Uses as of ZHM Hearing:

any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks.

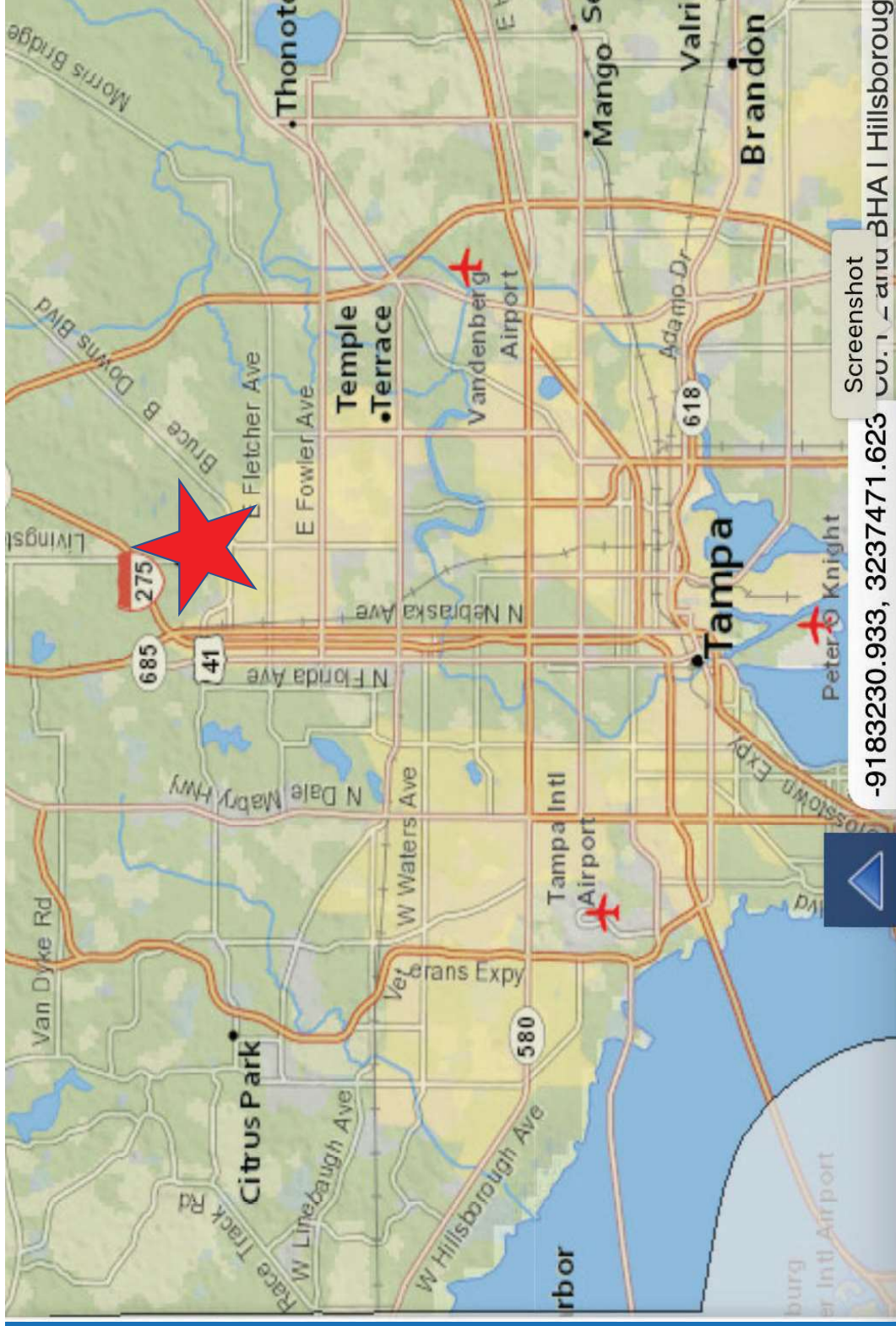
MM 24-1141

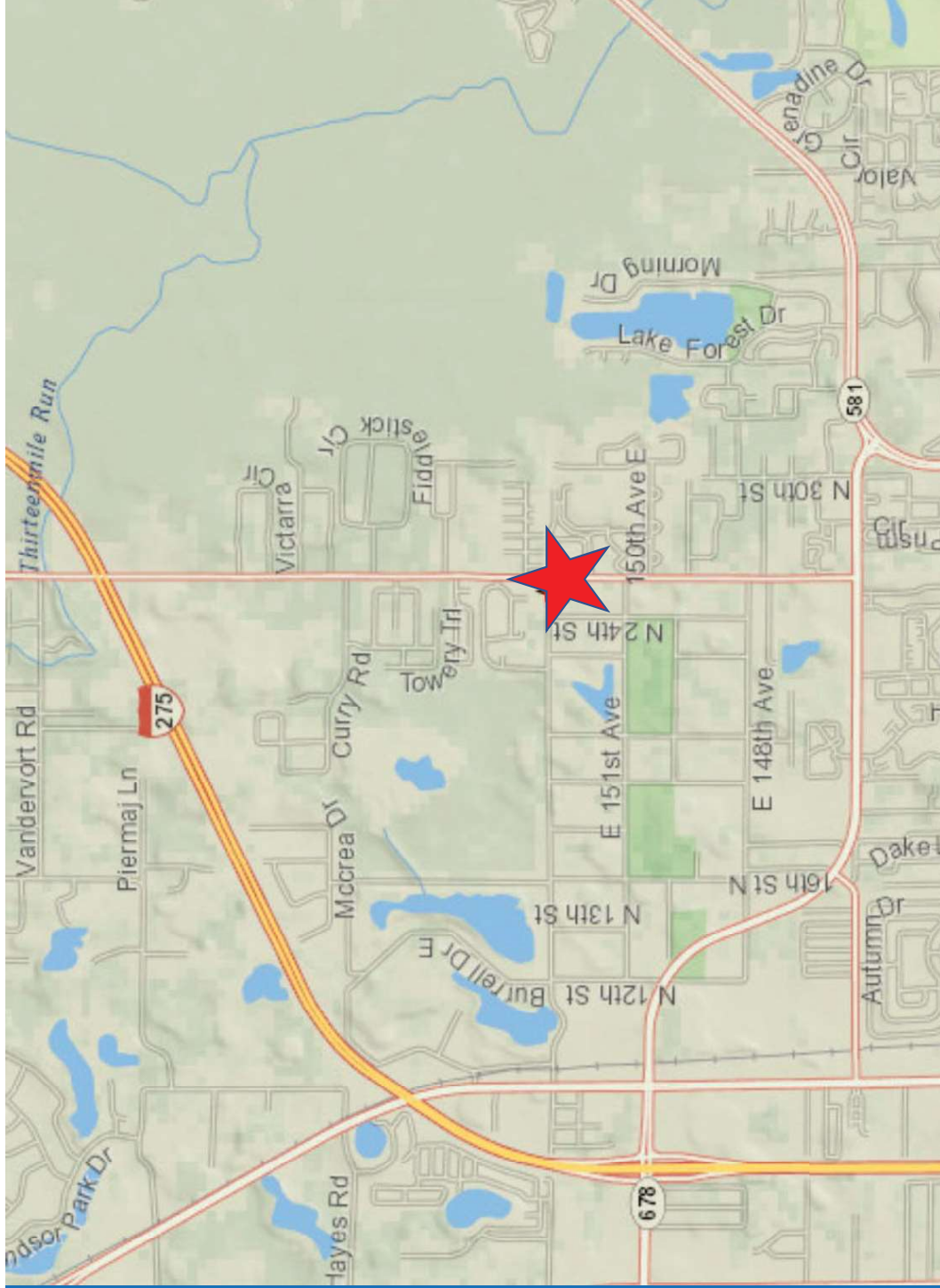
Seeking 'split' of the original PD

Seeks 2 PD options

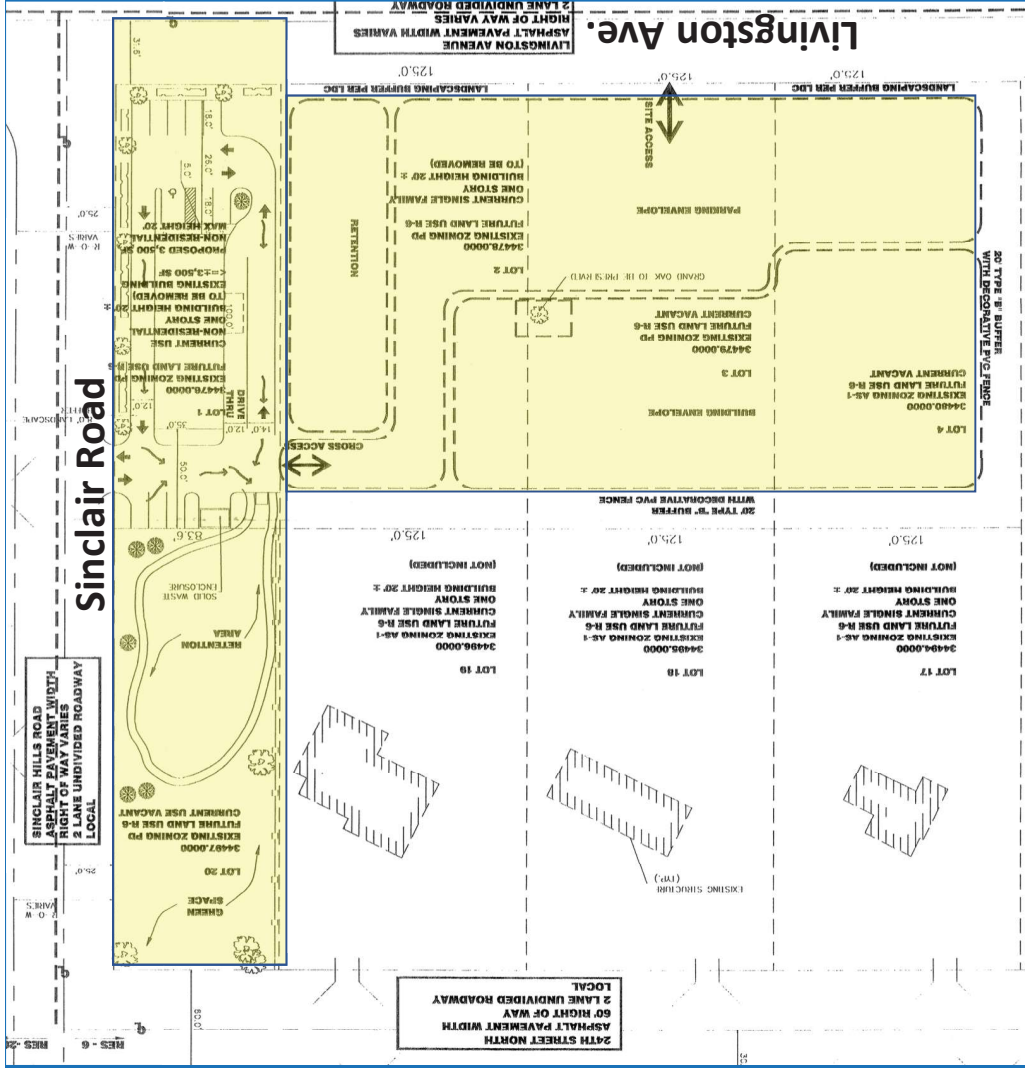
.90 acres

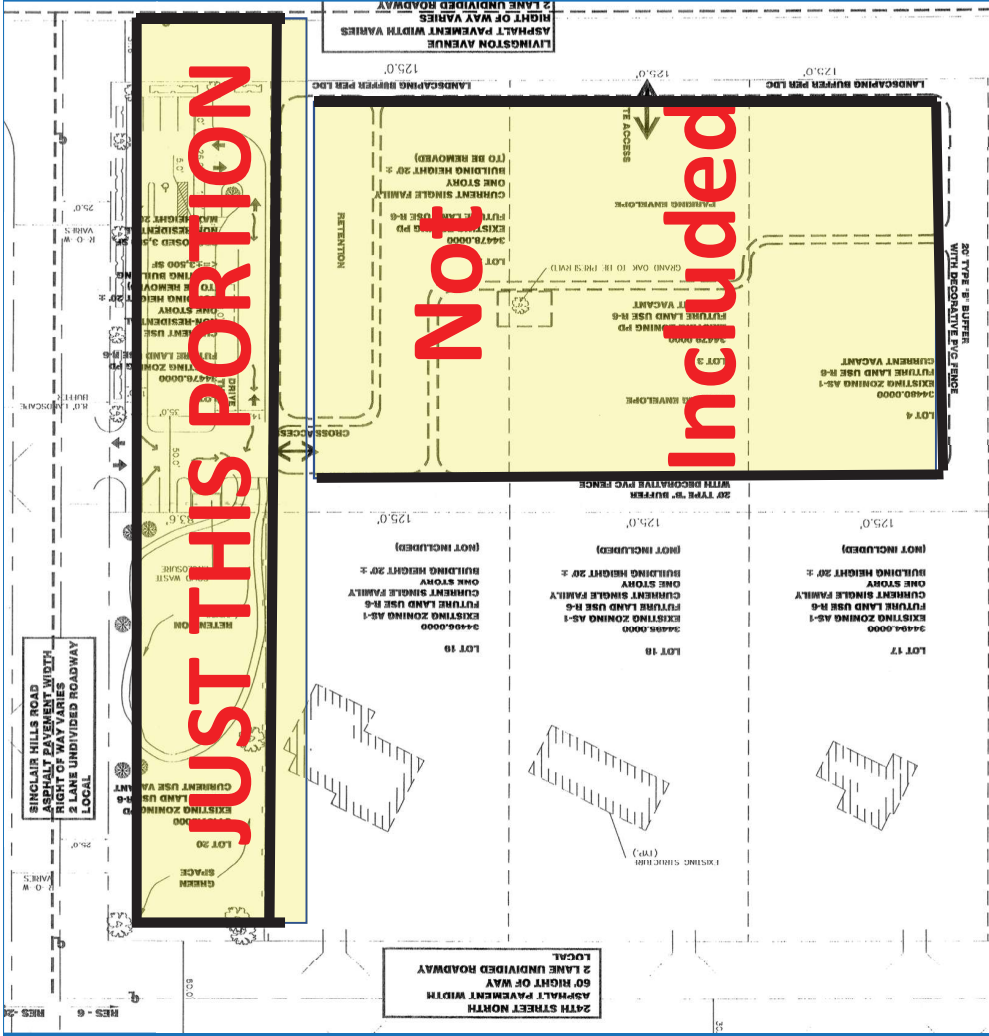
Lutz Area





Current '06 approval 06-1564



[illegible]

2 Parcels



FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: RZ 06-1564 USF
MEETING DATE: September 23, 2008
DATE TYPED: September 23, 2008

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 8, 2008.

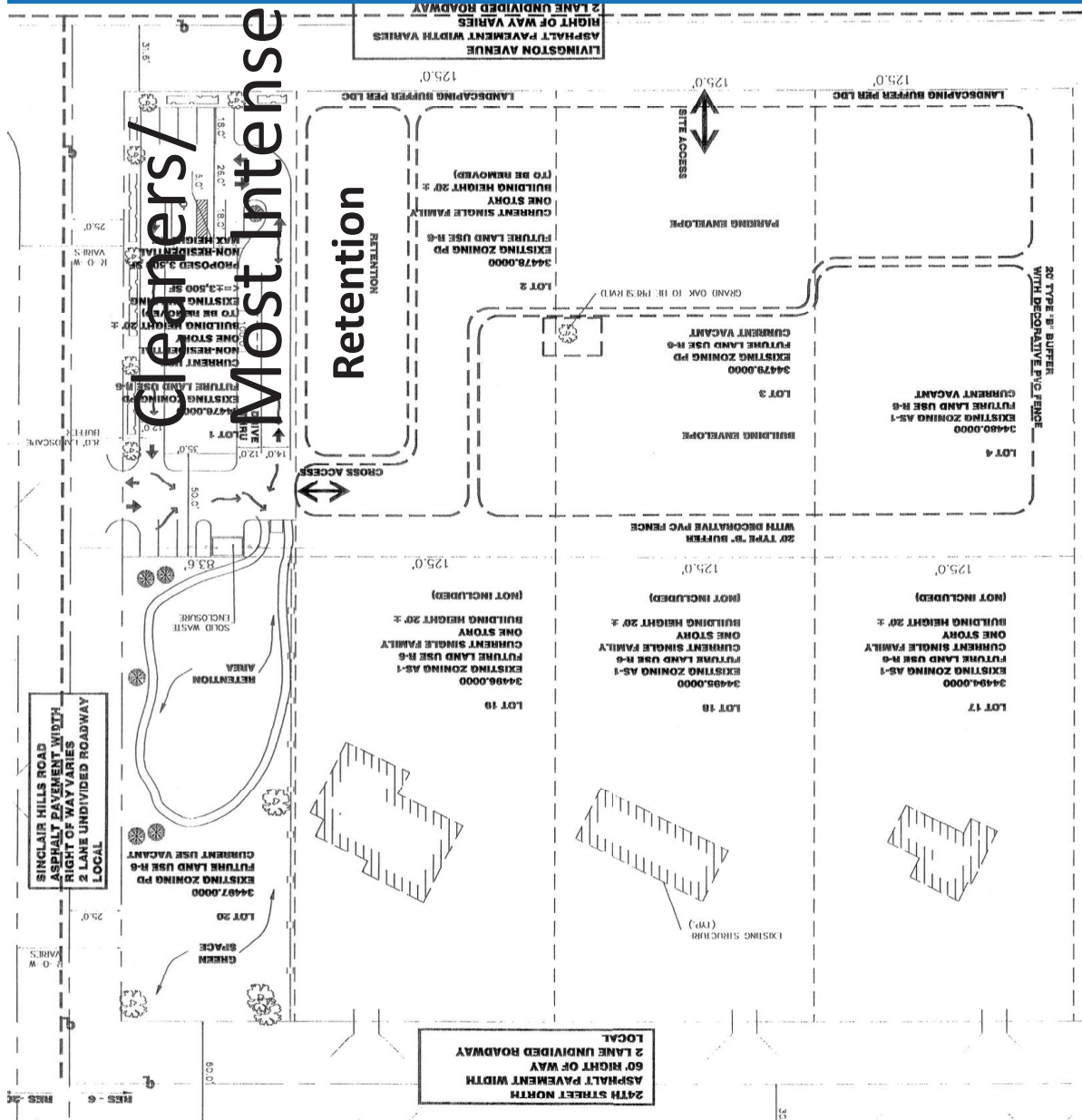
1. The project shall be limited to a 3,500 square-foot dry cleaners, a maximum of 10,000 square feet of BPO uses, and a maximum of 5,000 square feet of CN uses in accordance with the conditions contained herein. Unless otherwise specified herein, the project shall be developed in accordance with CN zoning district standards.

- 1.1 A maximum of 12,000 square feet of the total development may be medical office uses.

RZ 06-1564

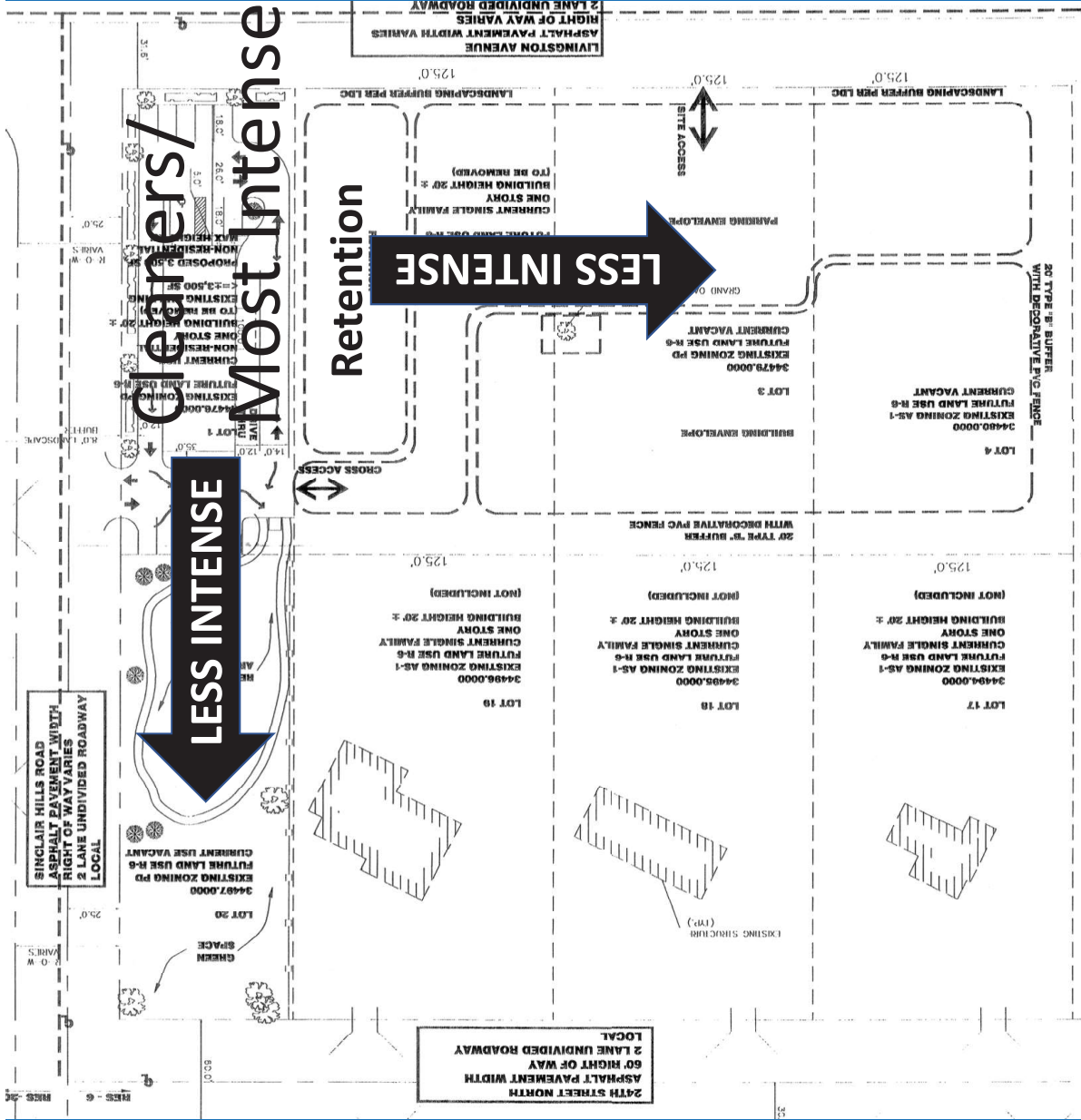
3,500 SF dry cleaners

06-1564

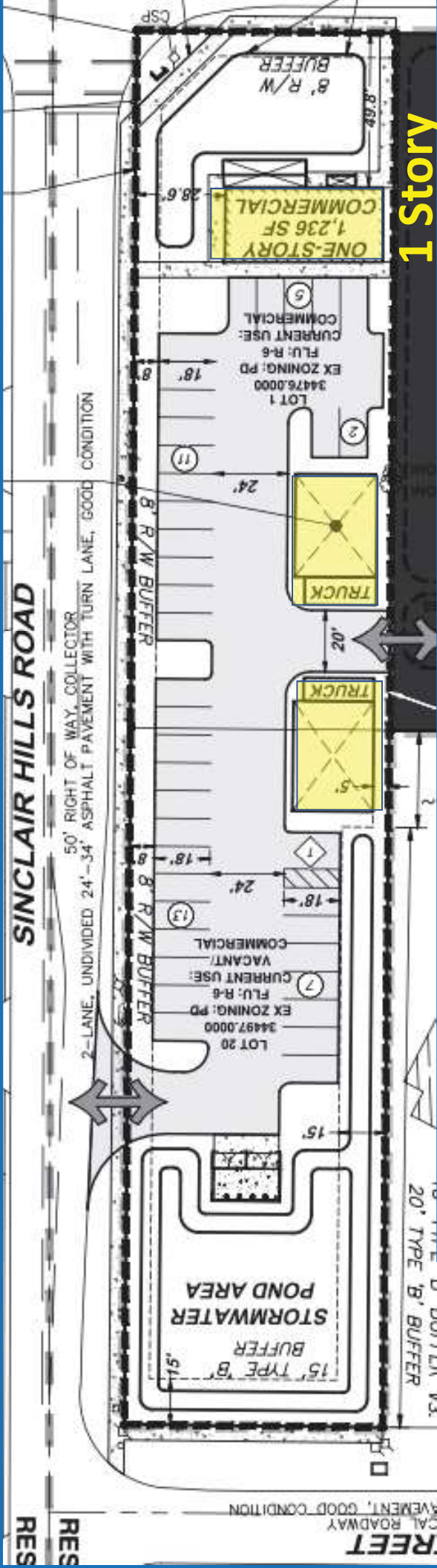


Current '06 approval

06-1564



Proposed PD Plan Option 1

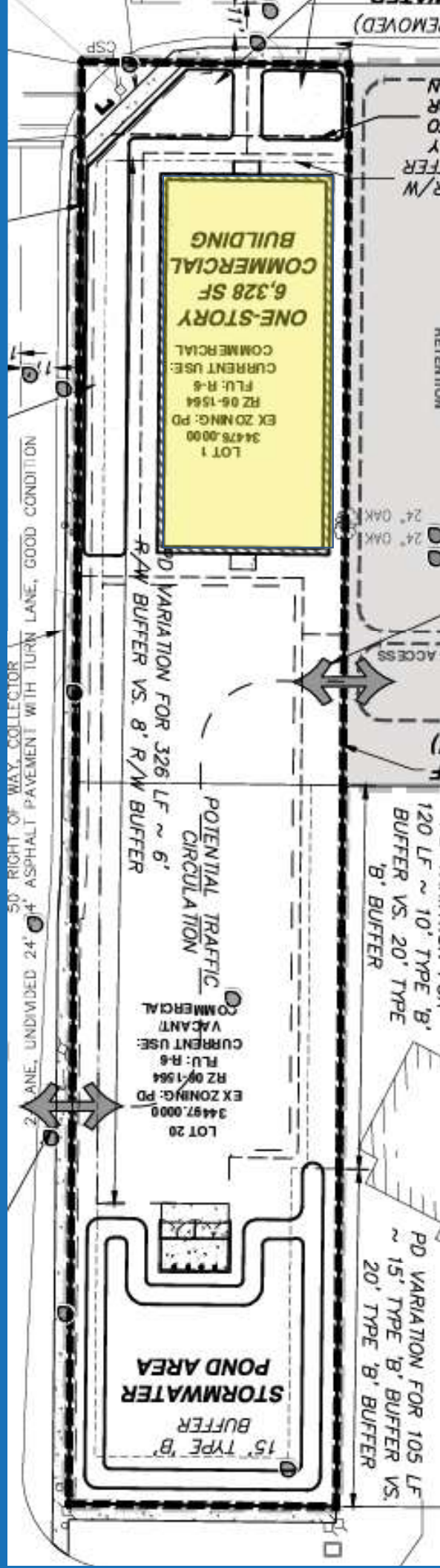


1 story

FOOD TRUCK **FOOD TRUCK** **Commercial**

FOOD TRUCK	FOOD TRUCK	Commercial 1,236 SF, CN & CG uses

Proposed PD Plan Option 2



1 Story commercial
6,238 SF, CN & CG uses

Many Uses Restricted:

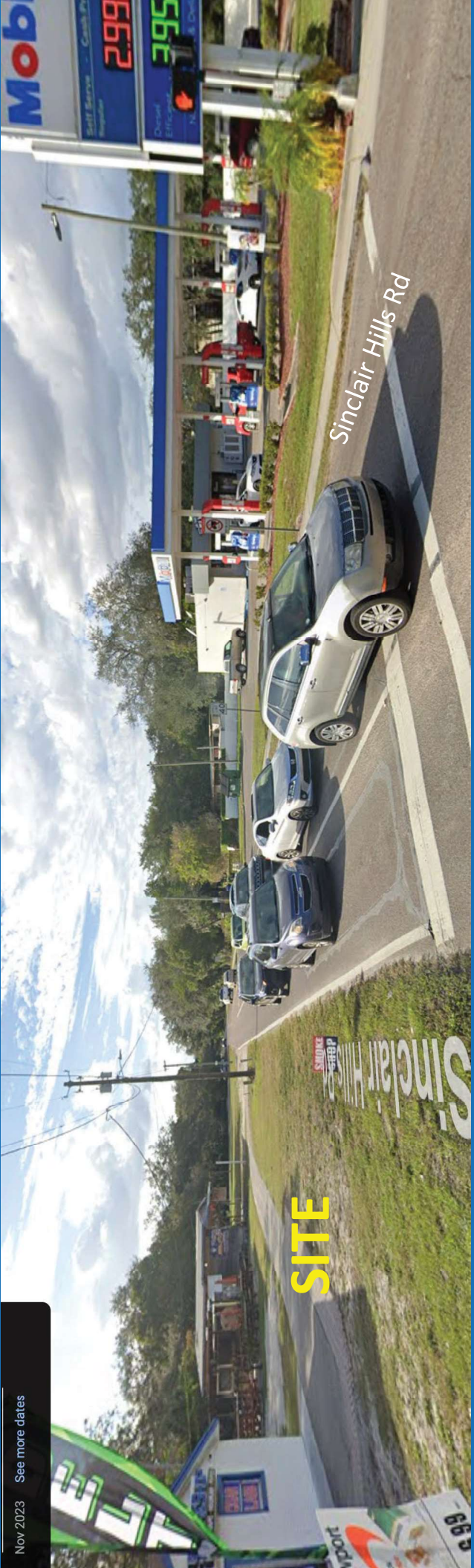
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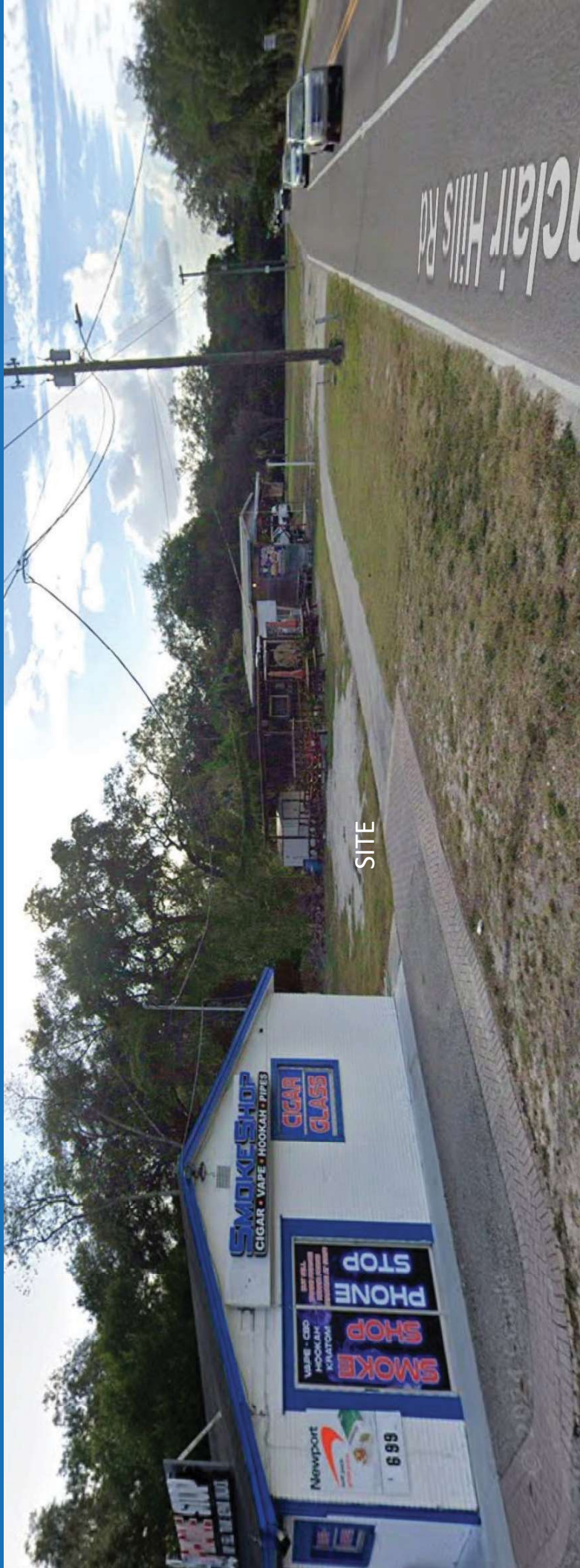
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SITE

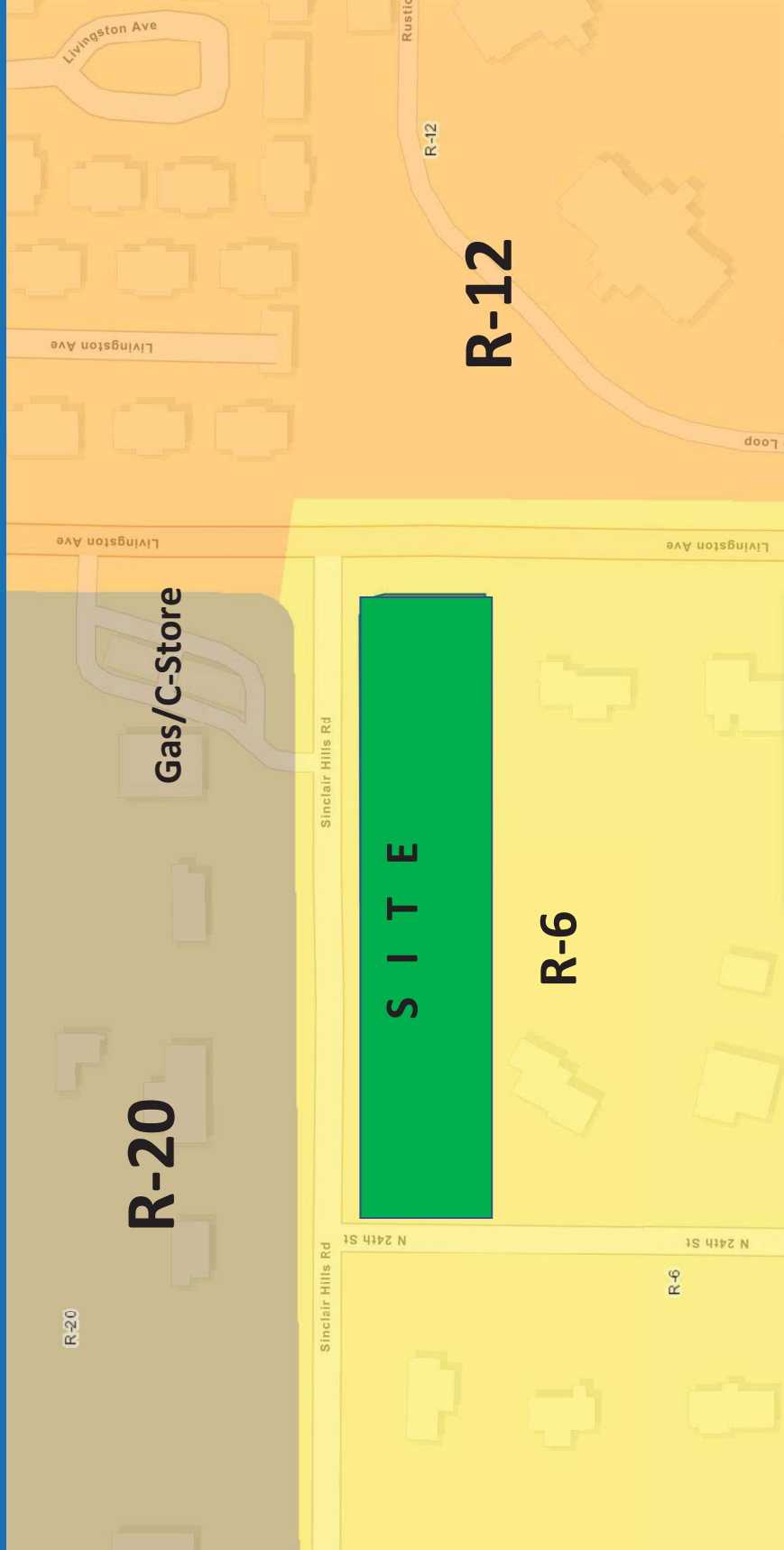
Sinclair Hills Rd



SITE



FLU



Zoning





2019 Traffic Count,
Livingston 13,993
vehicles/day

LUTZ COMMUNITY PLAN

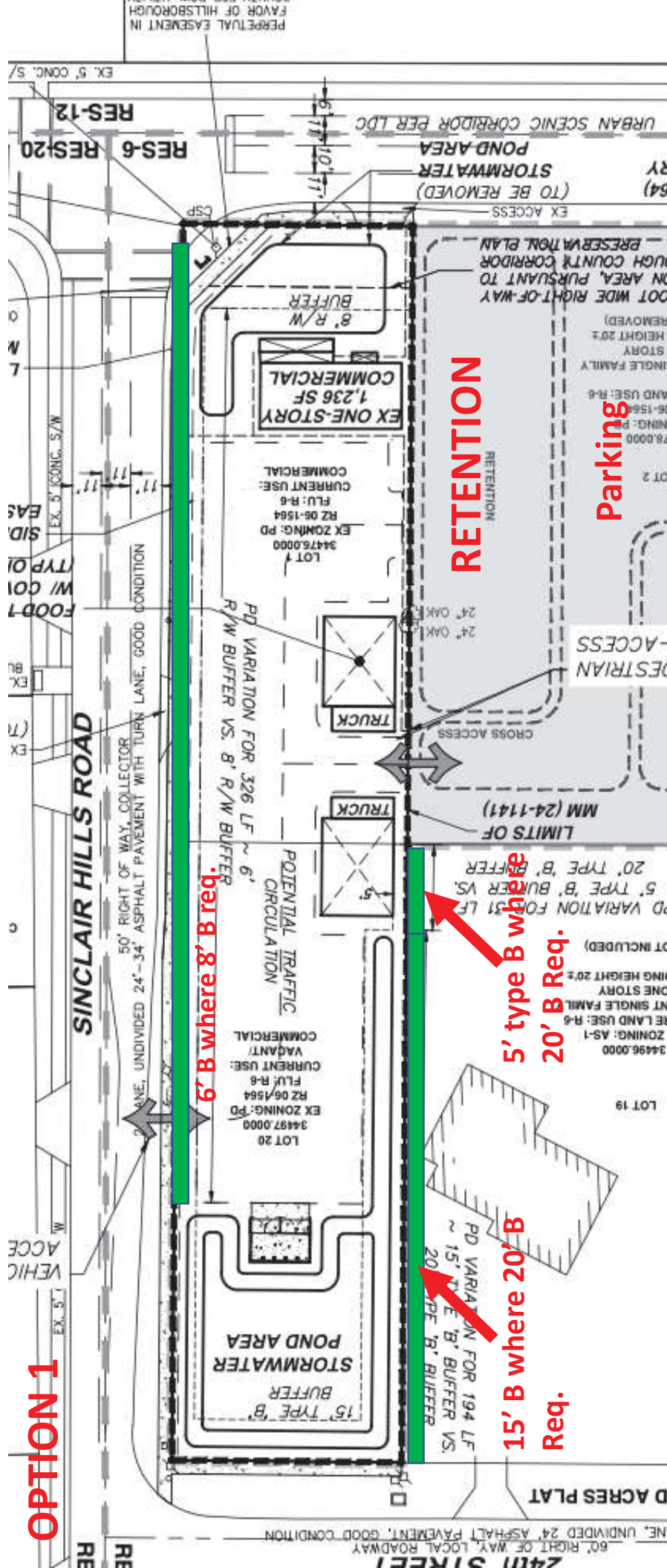
Commercial Character

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- improve design aesthetics to make the physical development of the community more attractive and provide for individual expression;

BUFFERS

RE

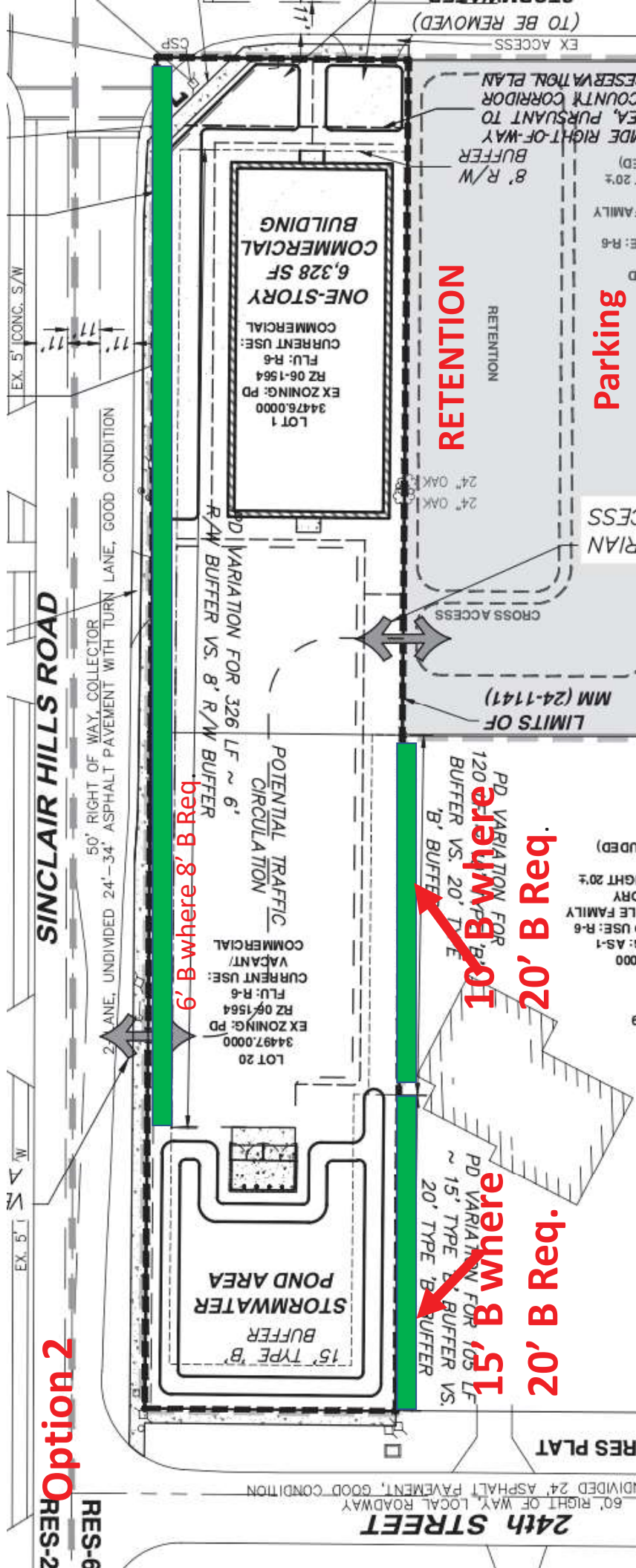


NOT TO SCALE



NOT TO SCALE

Option 2



SINCLAIR HILLS ROAD



Locational Waiver

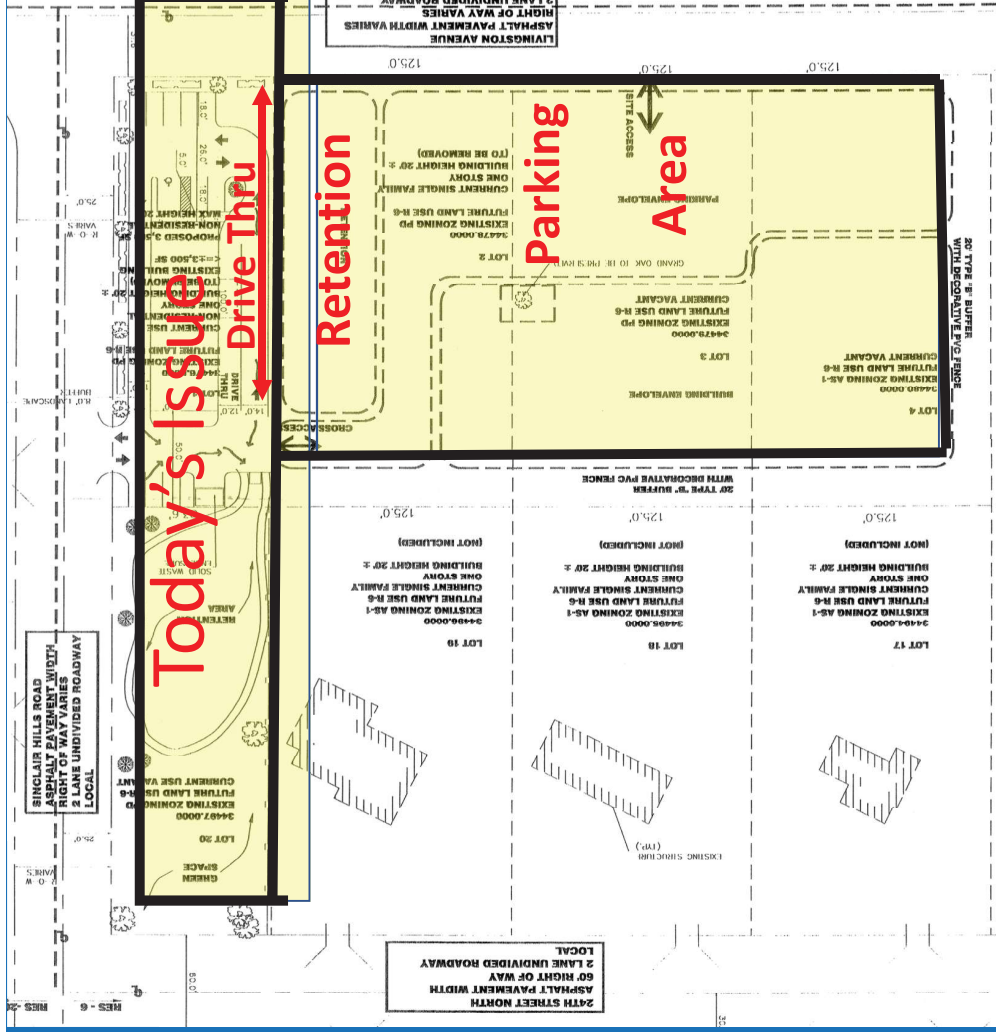
- Placement of the uses toward intersection, further from residential
 - Remaining existence & uses of the 'split' PD
 - Located at a busy intersection
 - - Restricted uses

MM 24-1141

My name is Nashat Soufan and my cousin Fahem Malkeya. Our properties are 15118 Livingston Ave, Lutz, FL 33559, 15116 Livingston Ave, Lutz, FL 33559, and 15106 Livingston Ave, Lutz, FL 33559. We have



Approved PD Owner & Neighbor



[illegible]



PARTY OF RECORD

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him Malkeya

MM 24-1141

MM 24-1141

MM 24-1141

Zoning Hearing Master
601 E. Kennedy Blvd
Tampa, FL 33602

him Malkeya

MM 24-1141

MM 24-1141

MM 24-1141

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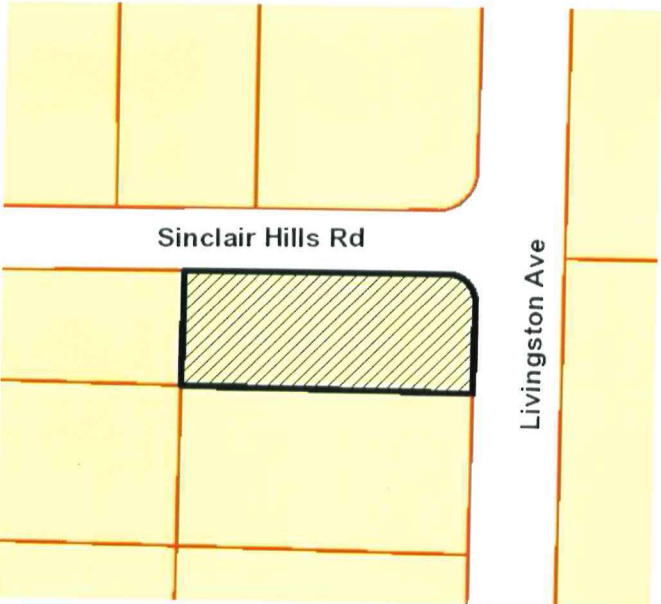
Livingston Ave
FL 33559

MM 24-1141
MM 24-1141

Zoning Hearing Master
601 E. Kennedy Blvd
Tampa, FL 33602



Folio: 034476-0000



Owner Inform

Owner Name

Mailing Address

Site Address

PIN

Folio

Prior PIN

Prior Folio

Tax District

Property Use

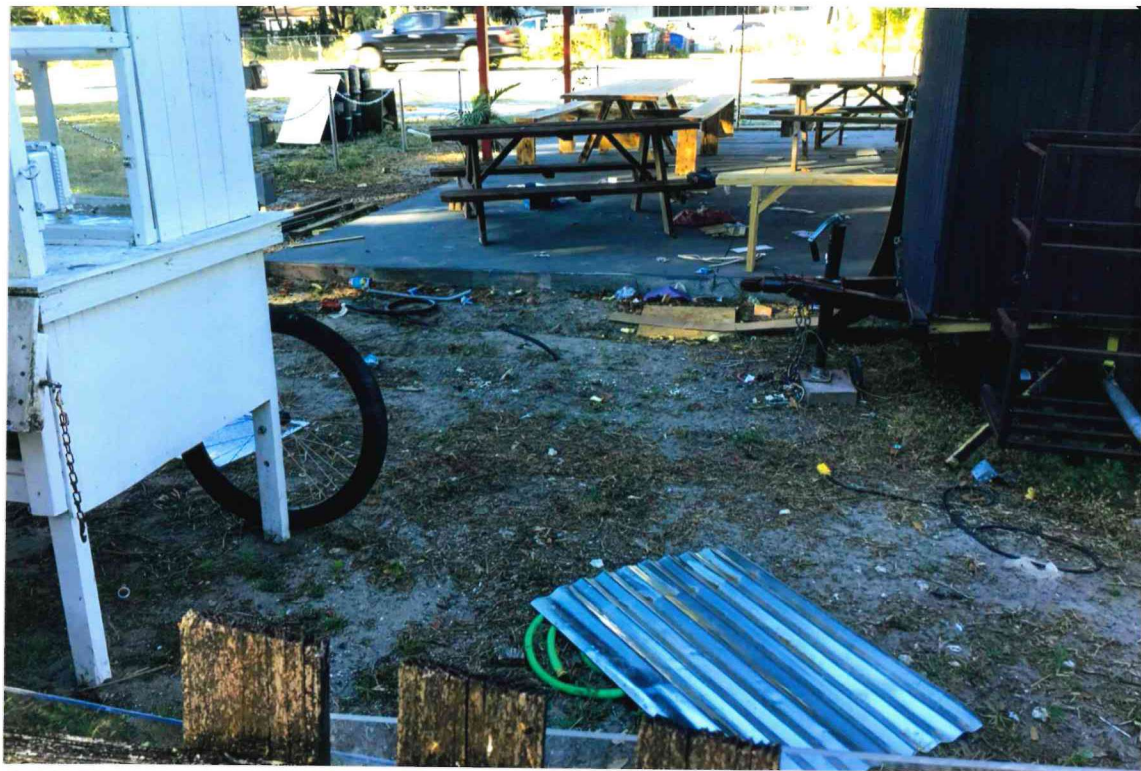
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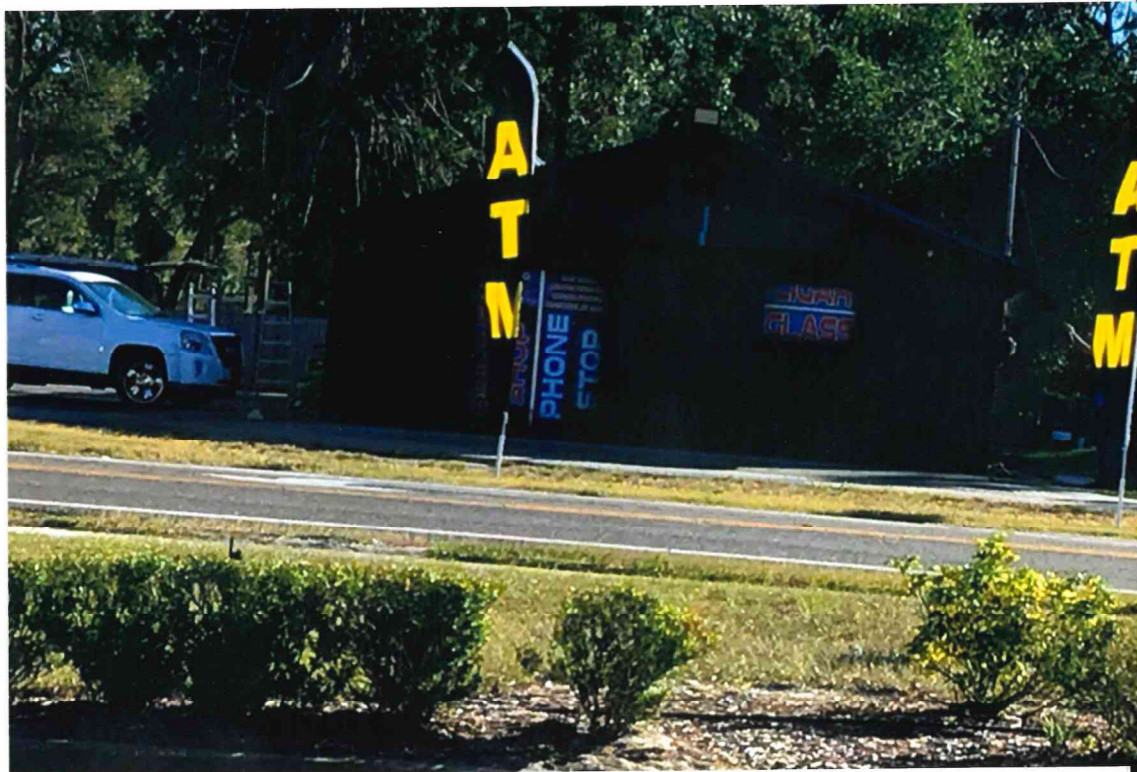
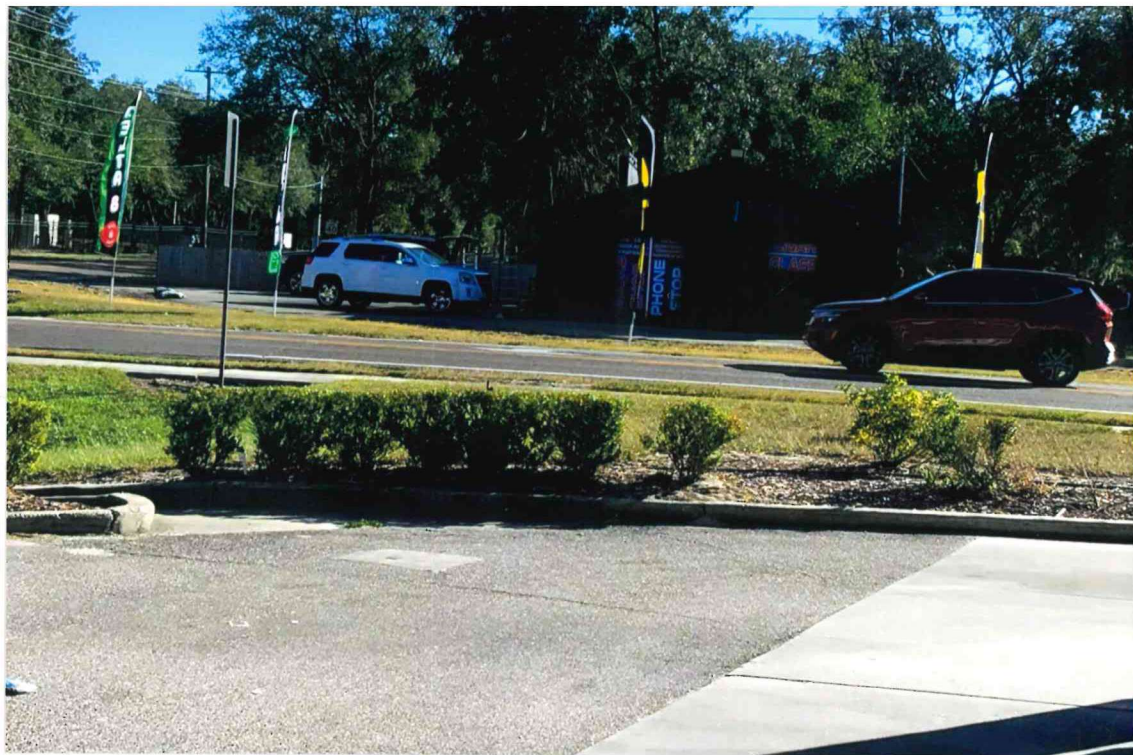
Neighborhood

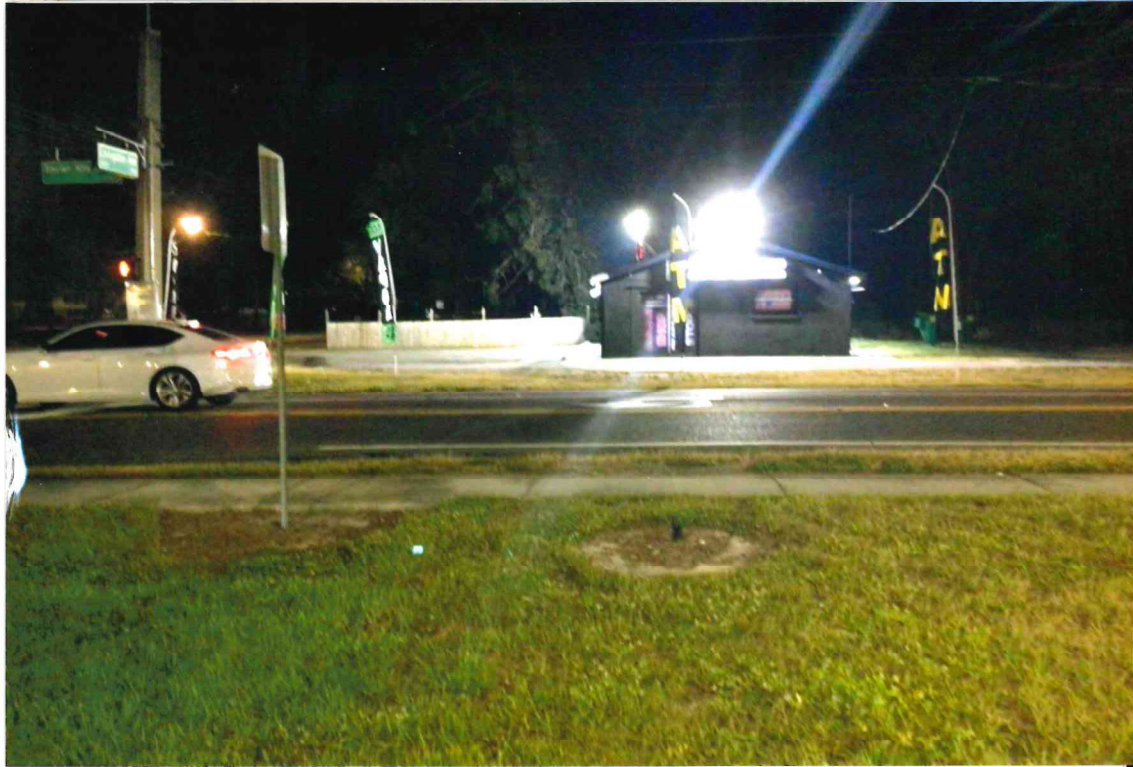
Subdivision

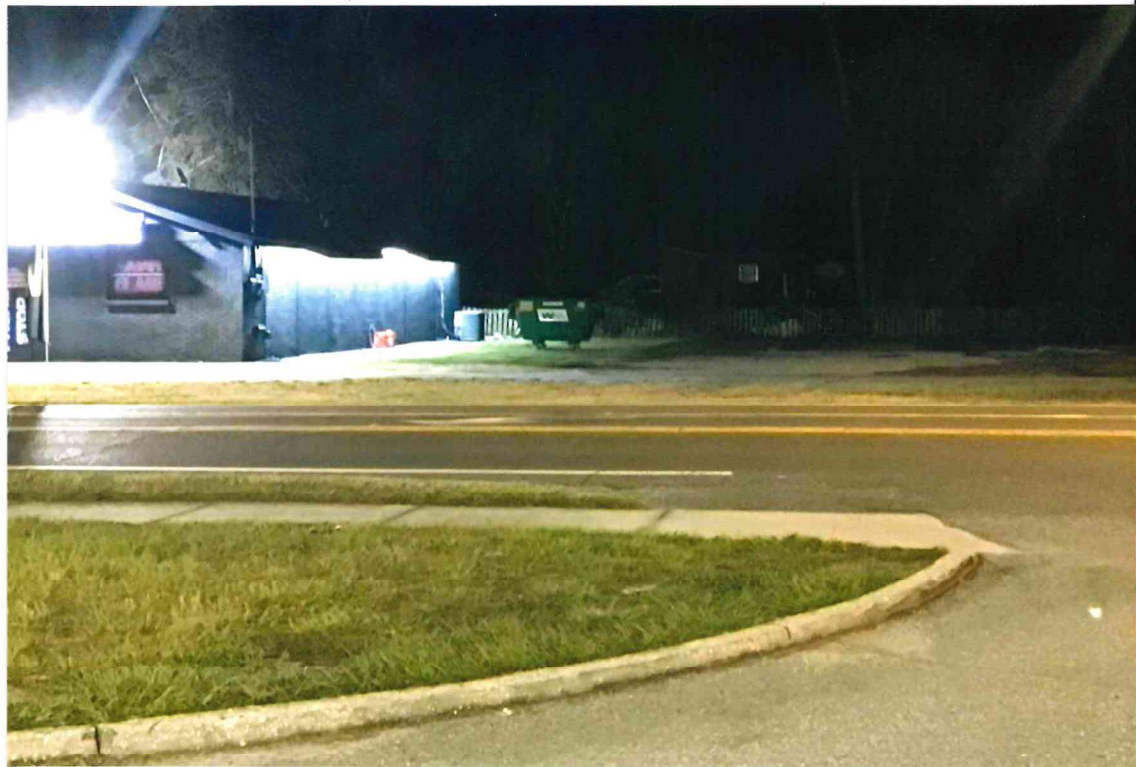


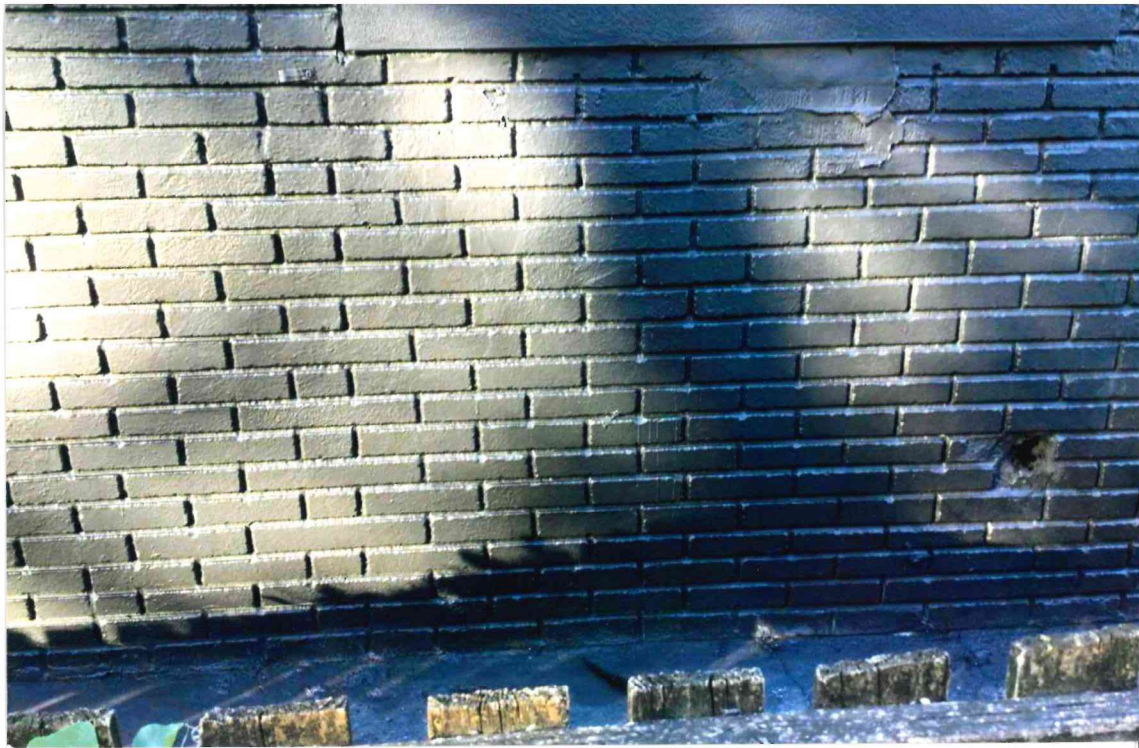




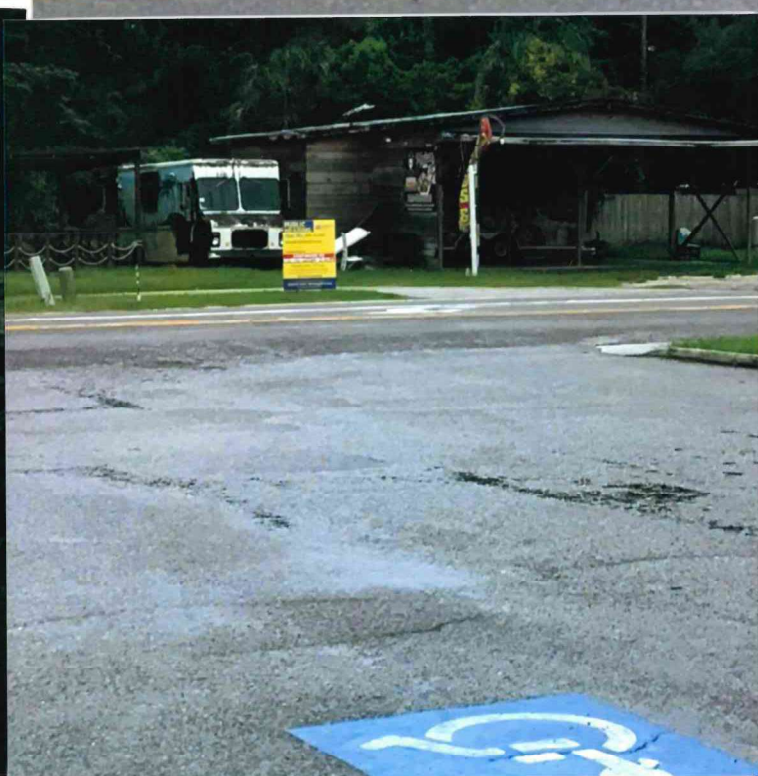
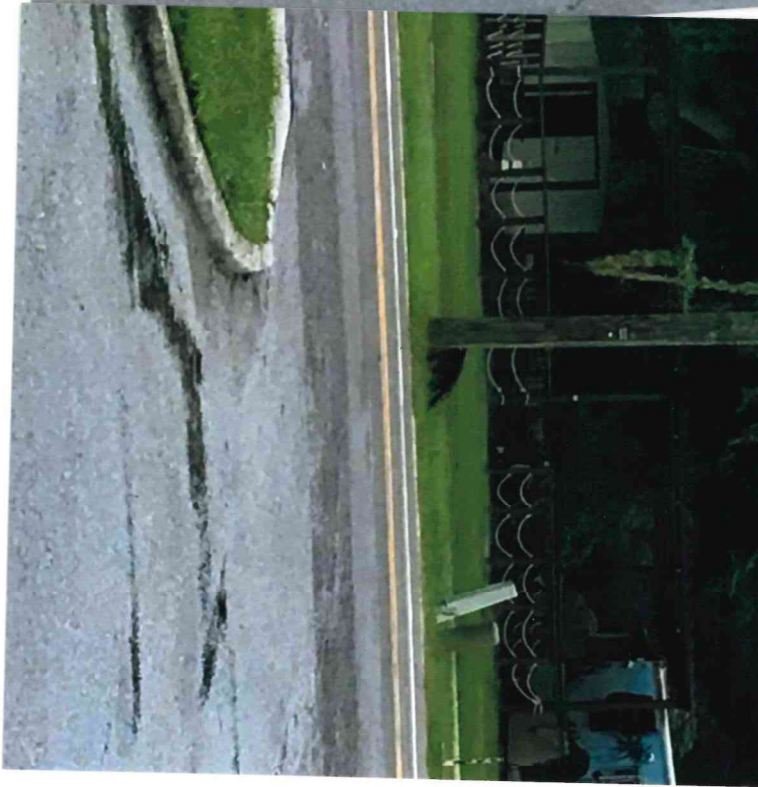
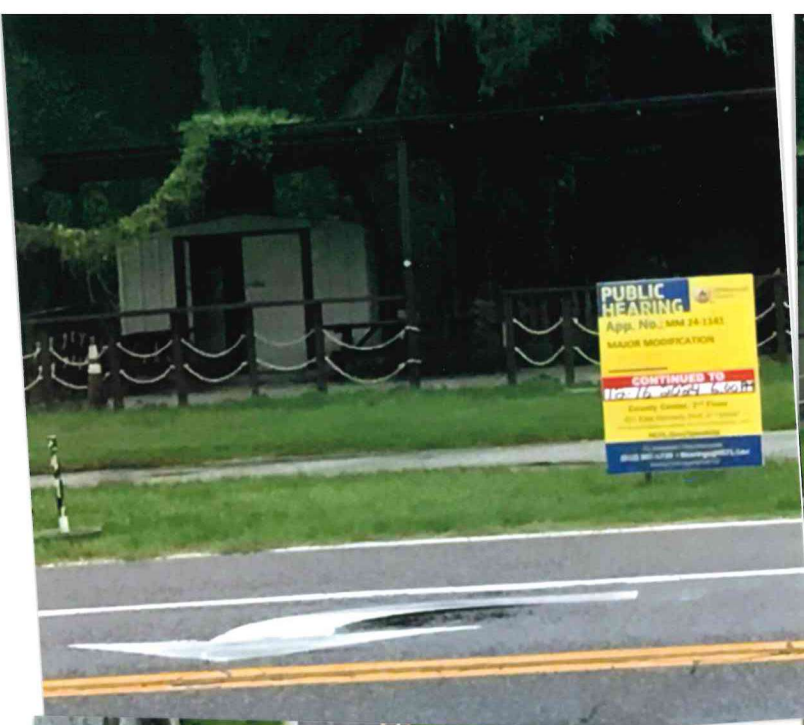












Case # MM24-1141

To whom it may concern,

My name is Stephanie M. Amzaldue, I reside at 15117 N. 24th St in Lutz, FL 33549. I am writing due to the proposal of adding food trucks to the corner of 24th St and Sinclair Hills Rd. The current food truck that is there is ~~already~~ already posing an issue due to noise and traffic. We are a small residential area and the street to 24th St is already a mess. The narrow road poses a risk for high traffic volume and accidents. The loud music and the groups of crowds are an issue. We would like for the court to please reconsider the allotment of food trucks in our area. I have 3 children and the amount of traffic and people is a huge concern for safety as well. We have already complained due to the loud music at 11:00pm.

Our complaints have been ignored and continued to play their loud music. The crowds coming in are not from our area. Please consider our voices as long standing residents of the area.

Sincerely,

Stephanie Amzaldue

(813) 723-9787

15117 N. 24th St.

Lutz, FL 33549.

Rome, Ashley

From: Hearings
Sent: Monday, April 7, 2025 1:19 PM
To: Rome, Ashley
Cc: Grandlienard, Christopher
Subject: FW: MM 24-1141
Attachments: IMG_4083.jpg

From: Burgos, Glorivee <BurgosG@hcfl.gov>
Sent: Monday, April 7, 2025 12:07 PM
To: Hearings <Hearings@hcfl.gov>
Subject: MM 24-1141

Please add to the record. We received this letter via USPS.

Thank you,
Glory

Get [Outlook for iOS](#)

Case # MM24-1141

To Whom it may concern,

My name is Stephanie M. Anzaldúa, I reside at 15117 N. 24th St in Lutz, FL 33549. I am writing due to the proposal of adding food trucks to the Corner of 24th St and Sinclair Hills Rd. The current food truck that is there is ~~already~~ already posing an issue due to noise and traffic. We are a small residential area and the street to 24th St is already a mess. The narrow road poses a risk for high traffic volume and accidents. The loud music and the groups of crowds are an issue. We would like for the court to please reconsider the allotment of food trucks in our area. I have 3 children and the amount of traffic and people is a huge concern for safety as well. We have already complained due to the loud music at 11:00pm.

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Sincerely,

Stephanie M. Anzaldúa

(813) 723-9787

15117 N. 24th St.

Lutz, FL 33549.

Rome, Ashley

From: Hearings
Sent: Tuesday, April 8, 2025 7:01 PM
To: Rome, Ashley; Grandlienard, Christopher
Subject: FW: Add to the record - Letters received via USPS
Attachments: Letter 2 MM 24-1141.pdf; Letter 1 MM 24-1141.pdf

From: Burgos, Glorivee <BurgosG@hcfl.gov>
Sent: Tuesday, April 8, 2025 2:44 PM
To: Hearings <Hearings@hcfl.gov>
Cc: Reidy, Richard <ReidyR@hcfl.gov>
Subject: Add to the record - Letters received via USPS

We received this letter through USPS.

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Norris, Marylou

From: formstack@hillsboroughcounty.org
Sent: Monday, March 31, 2025 6:45 PM
To: Hearings
Subject: BOCC Contact Form - Zoning Application Comment (MM 24-1141). Please add to hearing record.



Formstack Submission For: **BOCC Contact Form - NEW**

Submitted at 03/31/25 6:45 PM

Your Commissioner(s)

Please select the
Commissioner(s) you
wish to contact
(required)::

2 | Commissioner Ken Hagan (District 2)

Your Information

Your Name::

Barbara Fite

Address:

16102 E Lake Burrell Dr
Lutz, FL 33549

Your Phone Number::

(813) 246-1544

Your Email Address::

bfite1@tampabay.rr.com

Your Message

Your Subject (required)::

MM 24-1141

Your Message (required)::

While this rezoning seems to be a relatively minor modification, my concern is that there should be no loud outside noise (either

live or recorded) or bright lighting since there are single family homes directly behind and across the street from this property.

Is this comment related to an active zoning application?:

Yes, my comment is related to an active zoning application and should be added to the hearing record.

Rezoning Application Number:

MM 24-1141

Copyright © 2025 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

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MM 24-1141

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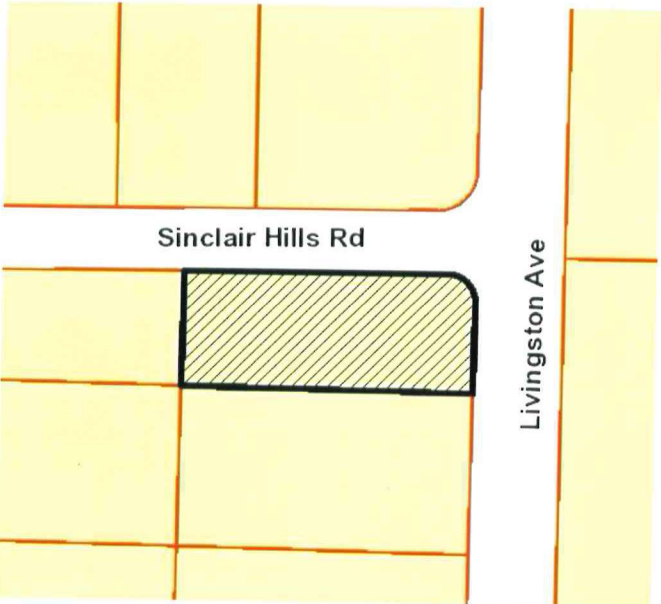
Livingston Ave
FL 33559

MM 24-1141
MM 24-1141

Zoning Hearing Master
601 E. Kennedy Blvd
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Folio: 034476-0000



Owner Inform

Owner Name

Mailing Address

Site Address

PIN

Folio

Prior PIN

Prior Folio

Tax District

Property Use

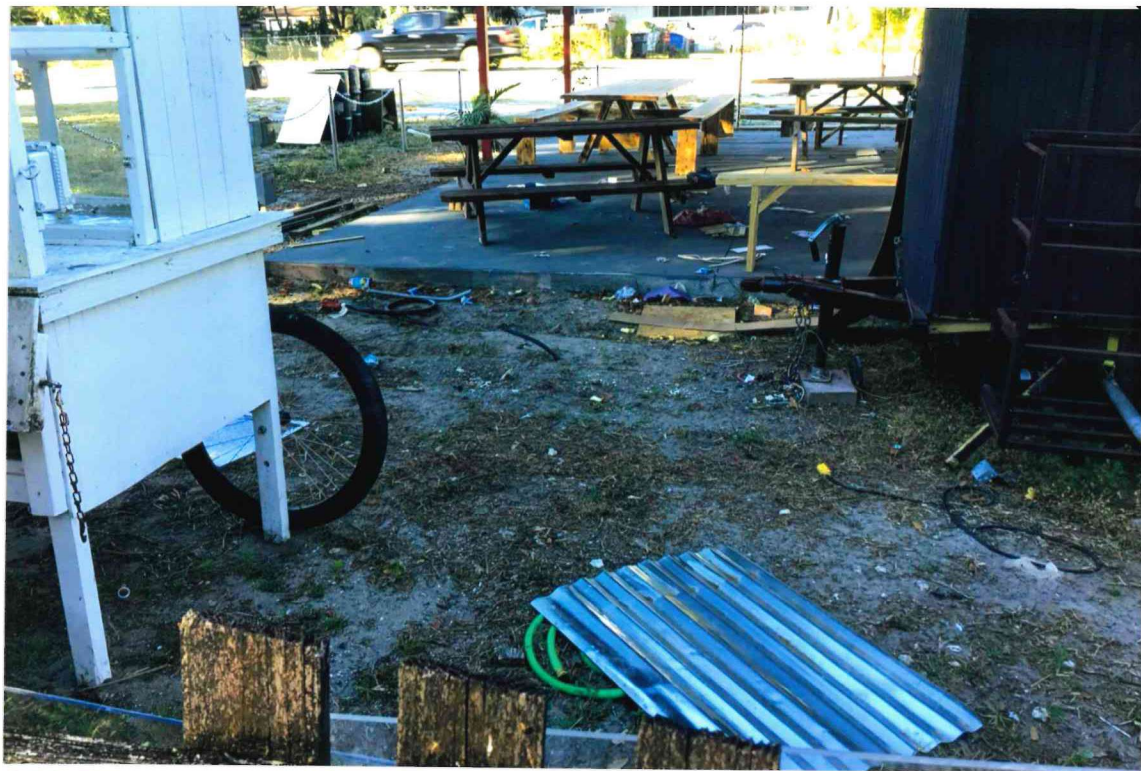
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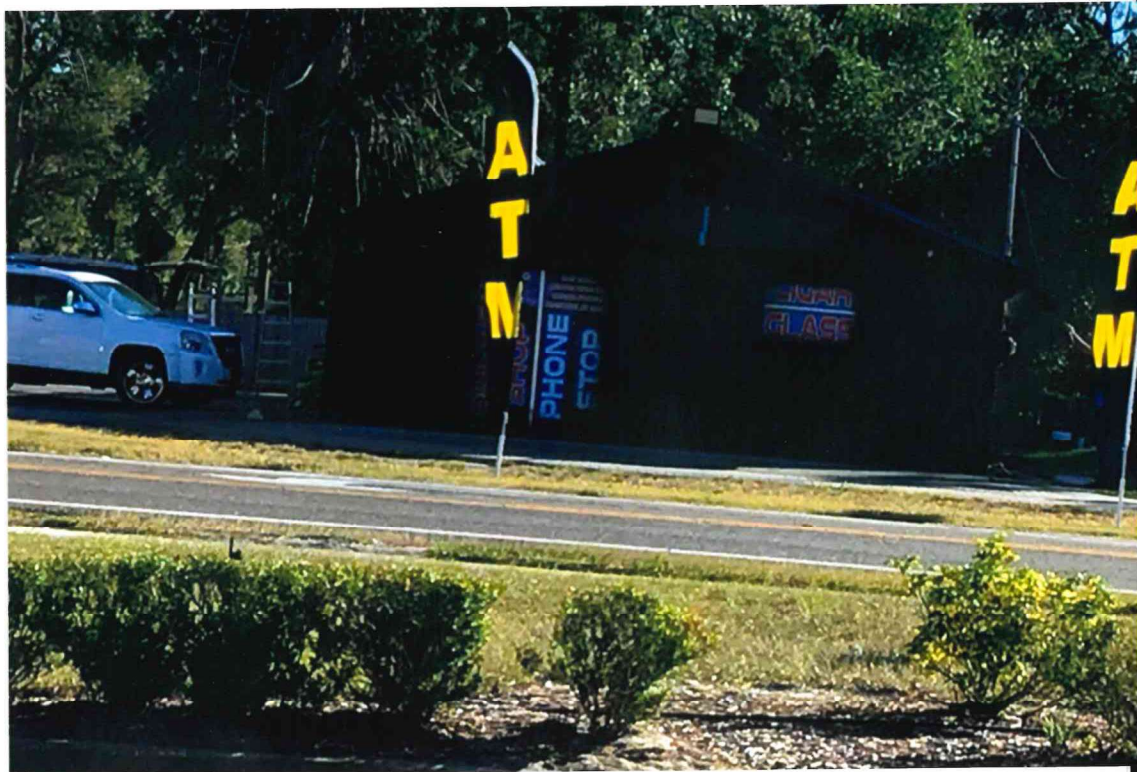
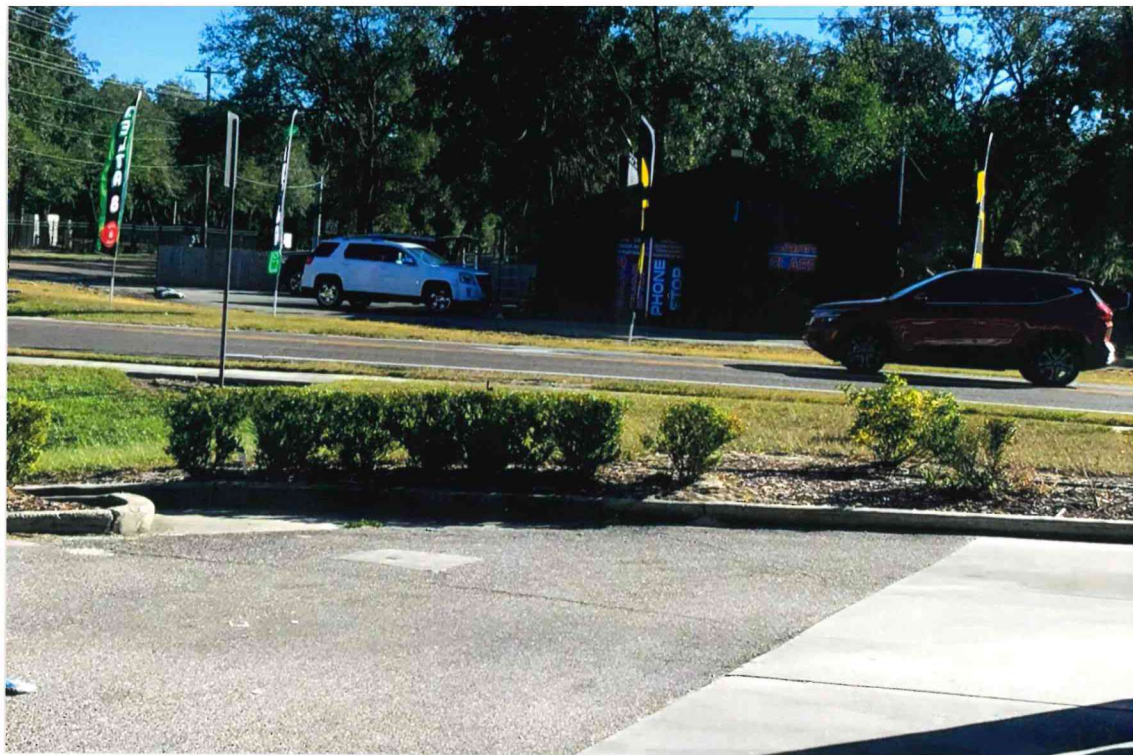
Neighborhood

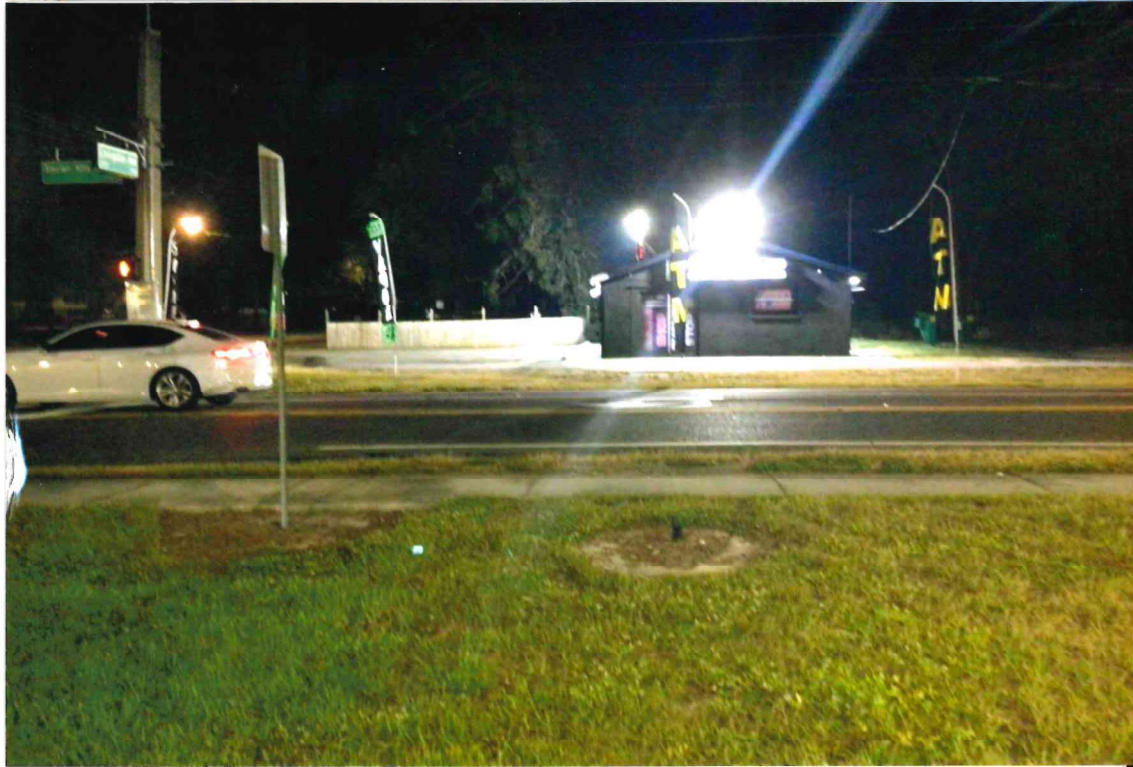
Subdivision

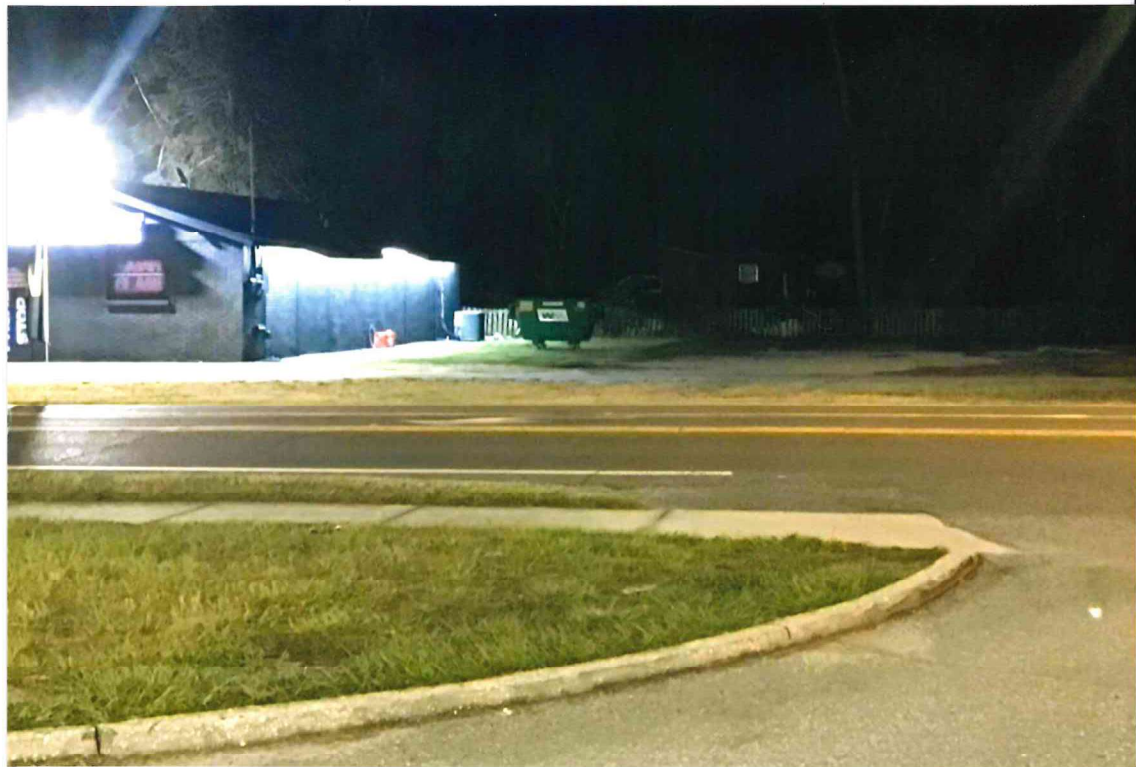


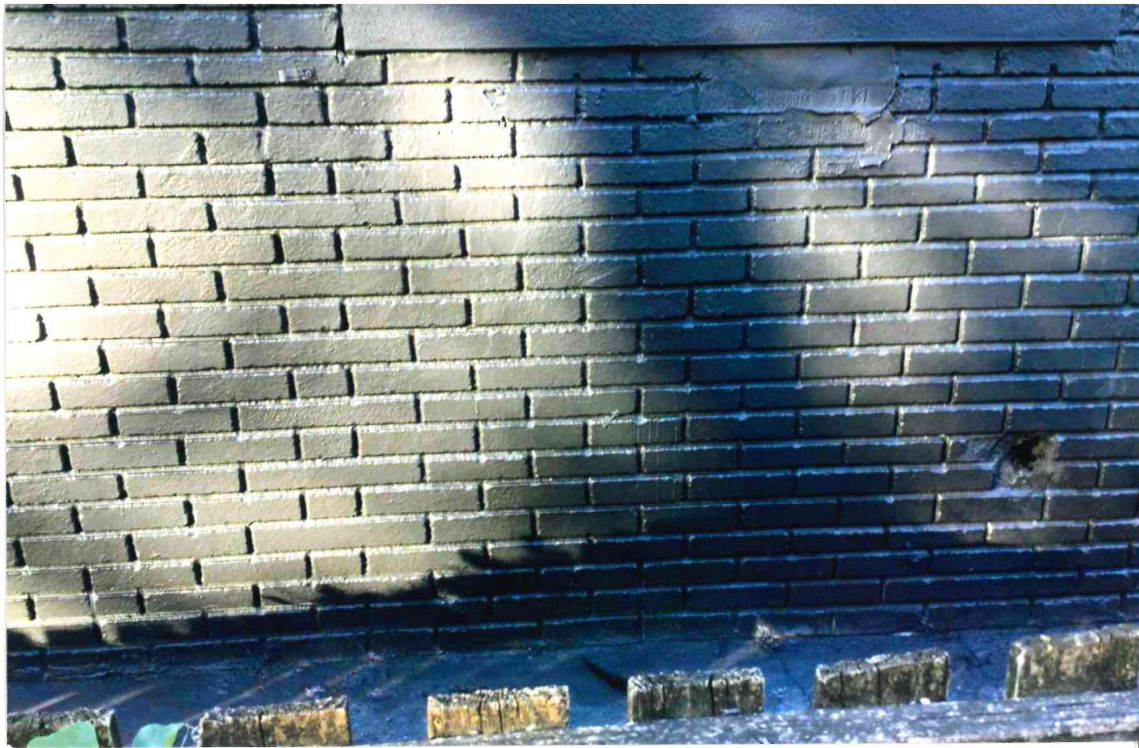




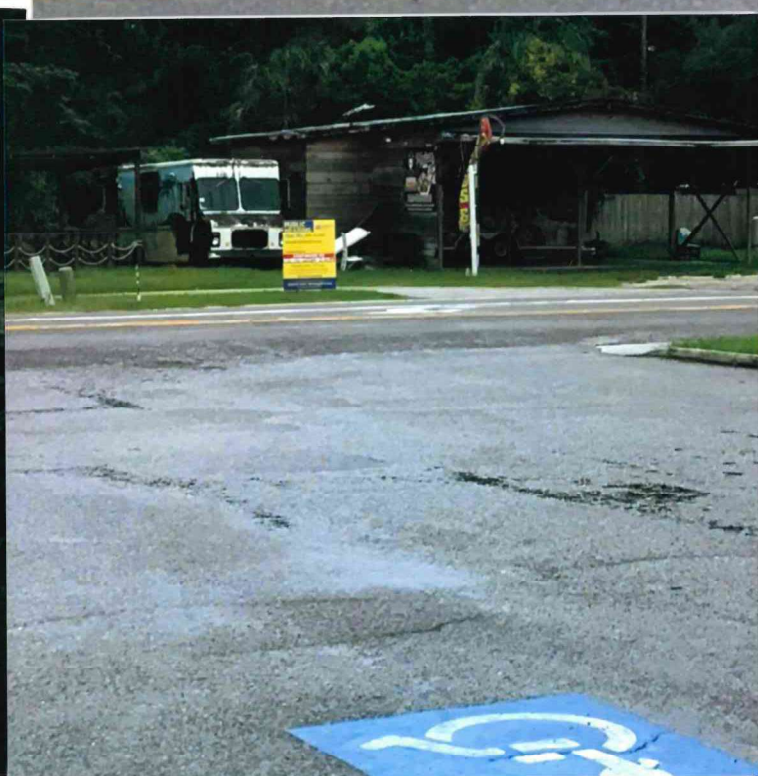
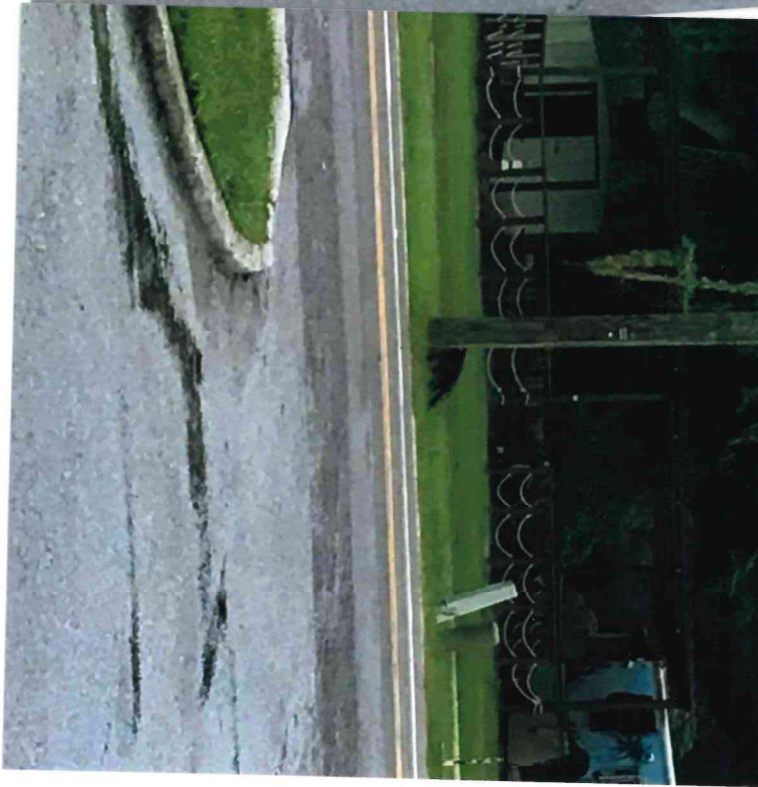
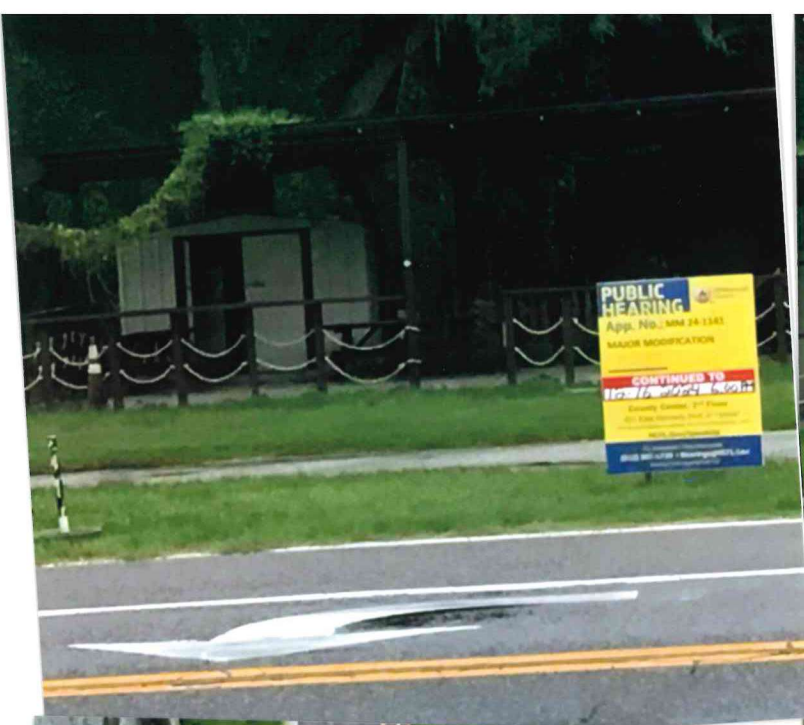










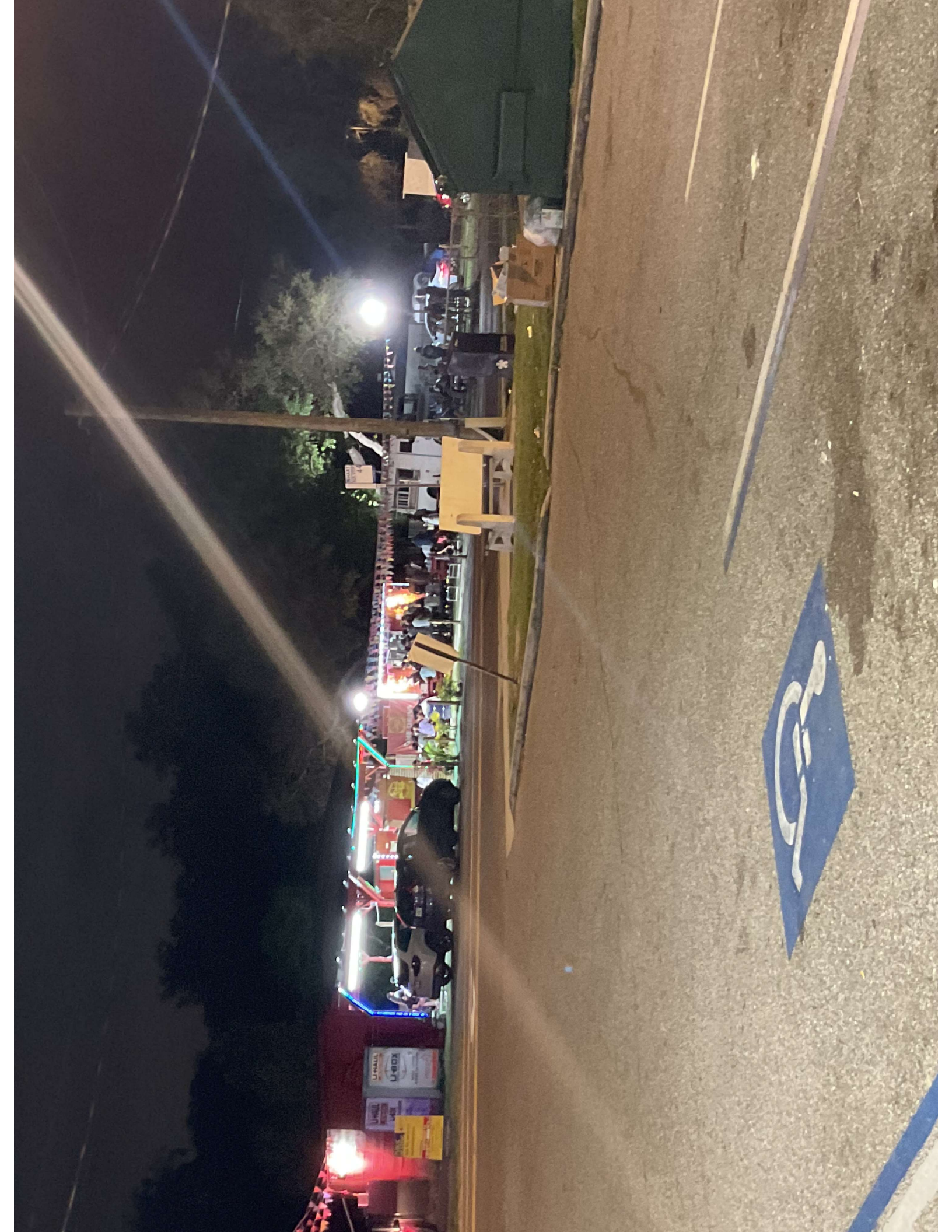


Norris, Marylou

From: Sean Salem <freep218@gmail.com>
Sent: Wednesday, April 9, 2025 10:01 PM
To: Hearings
Subject: MM24-1141 (813)4695575
Attachments: IMG_0040.jpeg; IMG_0038.jpeg; IMG_0039.jpeg; IMG_1168.jpeg; IMG_0031.jpeg

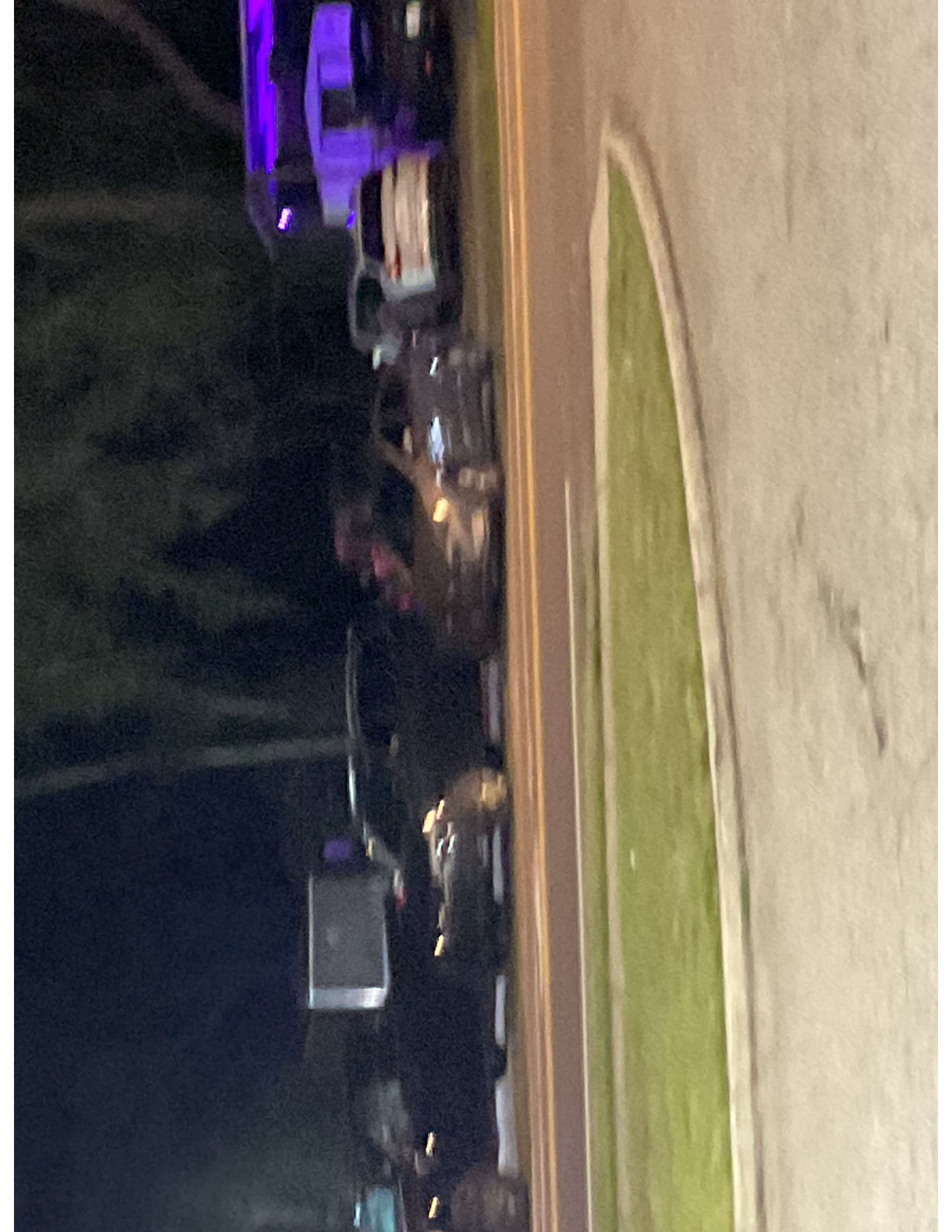
External email: Use caution when clicking on links, opening attachments or replying to this email.

Good afternoon my name is Nashat Soufan my property 15118 Livingston Ave is located next to the property they try to rezo it I'm a star by saying the only reason we are here because the owner broke the law and they have been going to court for the last year and a half and the only way they can get away with it is to rezon it really they wanna get rewarded for breaking the law the building, next to our house supposed to be driving through laundromat, but they have a smoke shop there then they build two structure between the first property and the second property without a permit on the weekend since they build the structure-and they don't have neither side of the property anywhere for the rain water to go so we always get flood in our side of the property every-time we have rain we don't have no privacy our window have to be covered all-time strangers always standing by our fence either talking or using the bathroom and a footed truck does not close till 3 o'clock in the morning, so please I want this guy to be as far for me as allowed under the law which I think 20 feet or 25 feet when we went, to the hearing on February 18, 2025 they and their lawyer show us and the committee old plan, but in that old plan, they're supposed to have a laundromat and the plan is show my property which they do not own that. is there water supposed to go there and place of my house did not show anybody new plan. I wish you guys drive by the property and see how it does it look like it's not safe for the traffic at all. People always sit outside and all these people not from this neighborhood they come from all over Tampa area and double the traffic in that area specially on night time used to be very quiet the old owner I think they are the same owner because the company is still under the same name after they bought it for \$100 they tried to zone the area before, and you guys deny them and- now they broke the law and they want to get rewarded for it This is a residential area is not supposed to have business like this. We cannot sleep at night and there's no privacy all day that's not fair And neither side of property have anywhere for the water to go. And they built under ground tank for dirty dishes, that is bad for the environment without a permit actually everything they're built without a permit and they have fence chain on it on the side of the road, so cars cannot park there in case of emergency and I'm sure they owe the county lot of money now for violation through the code enforcement. That's why they're doing all this. Thank you very much. And they cannot get rewarded for breaking the law.











Norris, Marylou

From: Sean Salem <freep218@gmail.com>
Sent: Sunday, April 13, 2025 1:38 PM
To: Hearings
Subject: Re: MM24-1141 (813)4695575
Attachments: IMG_1125.jpeg; IMG_1124.jpeg; IMG_1123.jpeg; IMG_0020.jpeg; IMG_0029.jpeg

External email: Use caution when clicking on links, opening attachments or replying to this email.

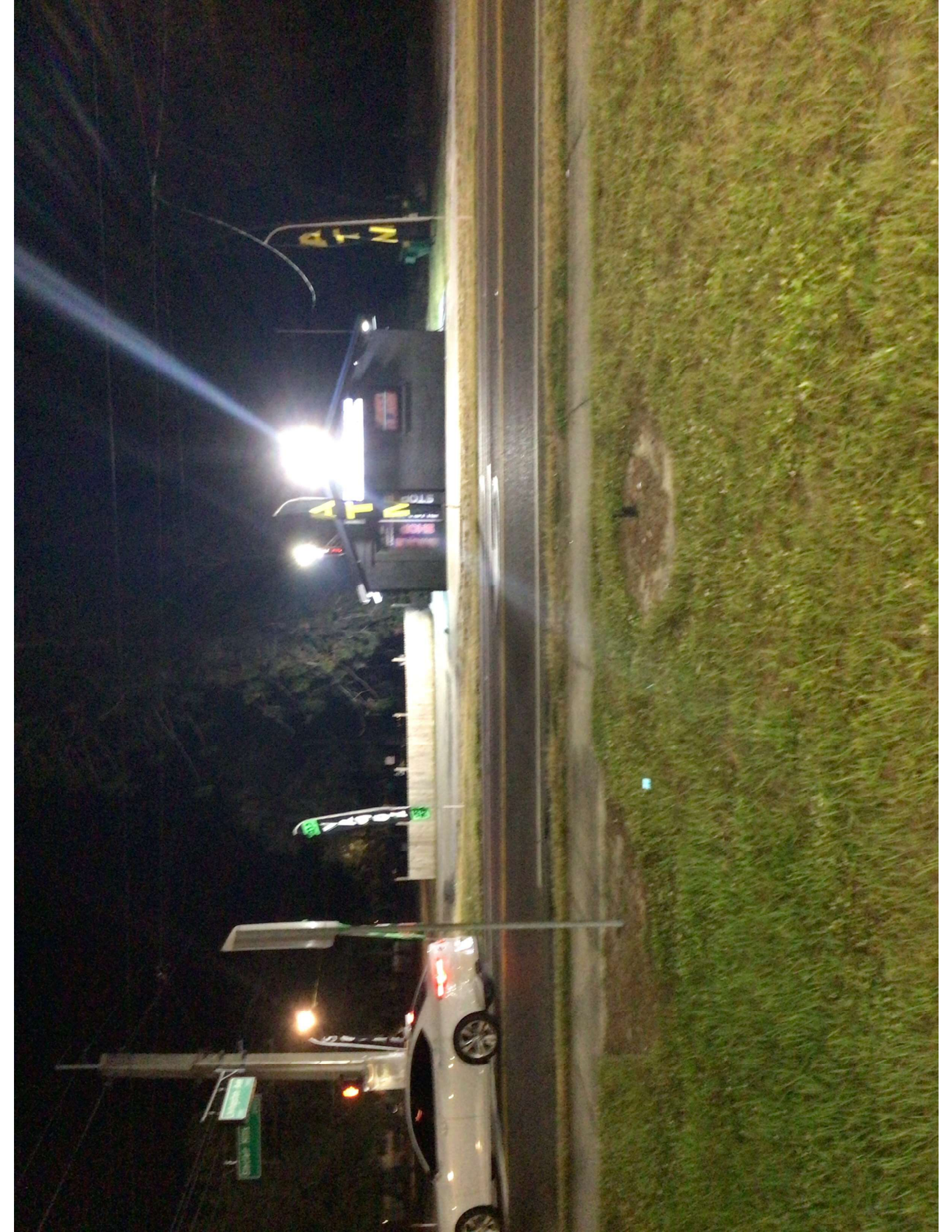
On Wed, Apr 9, 2025 at 10:00 PM Sean Salem <freep218@gmail.com> wrote:

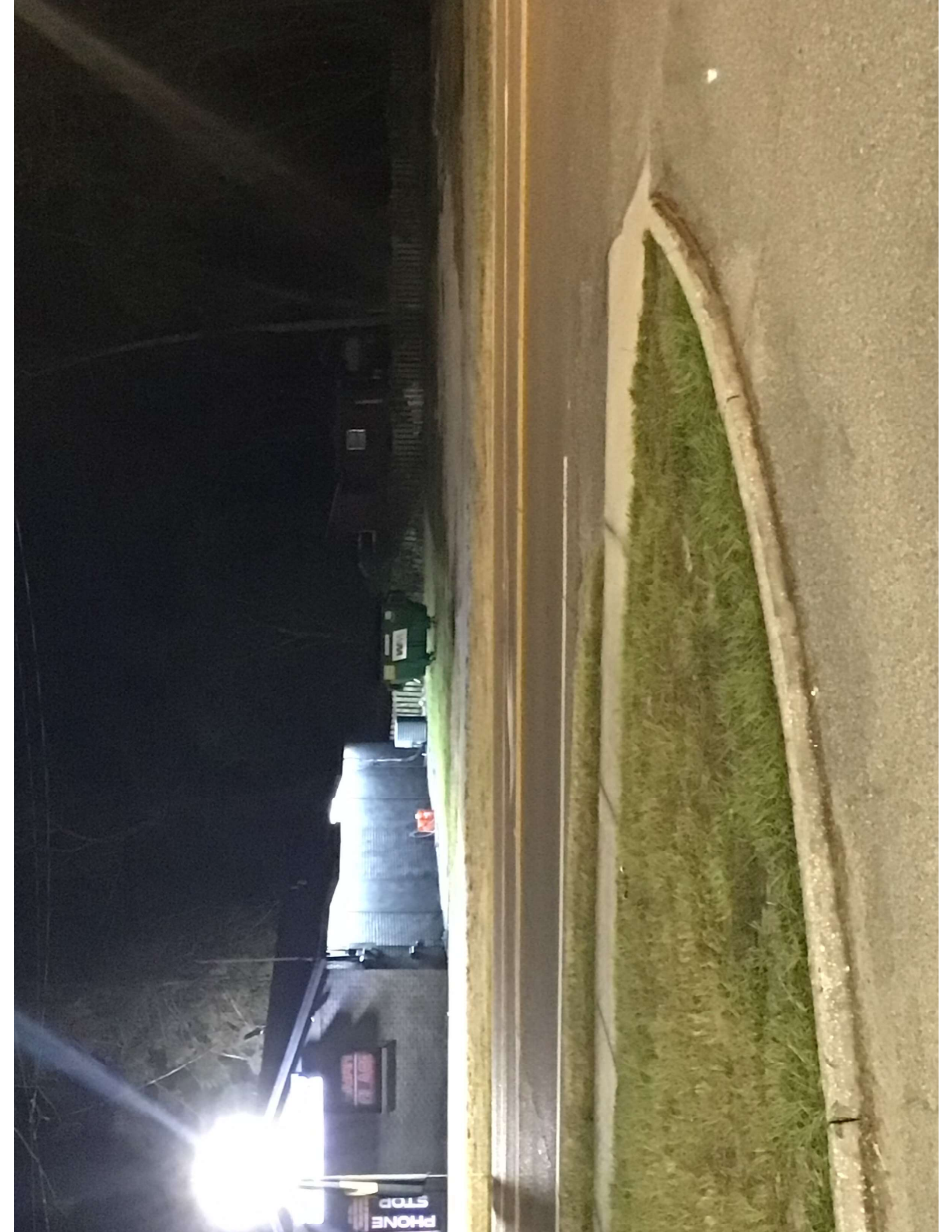
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Sent: Sunday, April 13, 2025 1:40 PM
To: Hearings
Subject: Re: MM24-1141 (813)4695575
Attachments: IMG_1178.jpeg; IMG_0040.jpeg; IMG_0041.jpeg; IMG_0038.jpeg; IMG_0024.jpeg

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