



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 22-0381	
<b>LUHO HEARING DATE:</b> March 21, 2022	<b>CASE REVIEWER:</b> Carla Shelton Knight

**REQUEST:** The applicant is requesting a variance from the 30 foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on December 29, 2021, is to allow for construction of a portion of a structure, drive lane and retaining wall within the 30 foot Wetland Conservation Area setback.

**SUMMARY OF VARIANCE(S):**

**Wetland Setback**

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a portion of a car wash structure, drive lanes and a retaining wall within the 30-foot wetland conservation area setback. The applicant requests a 14.5-foot reduction of the setback to allow for a setback of 15.5 feet.

**Findings**

- 1) The applicant has submitted a Wetland Setback Compensation Planting Plan. This plan proposes 3000 square feet of remaining wetland setback area to be planted with native plant material. This proposal is double the amount of square footage of encroachment and is double the amount of compensation planting required.

**DISCLAIMER:**

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

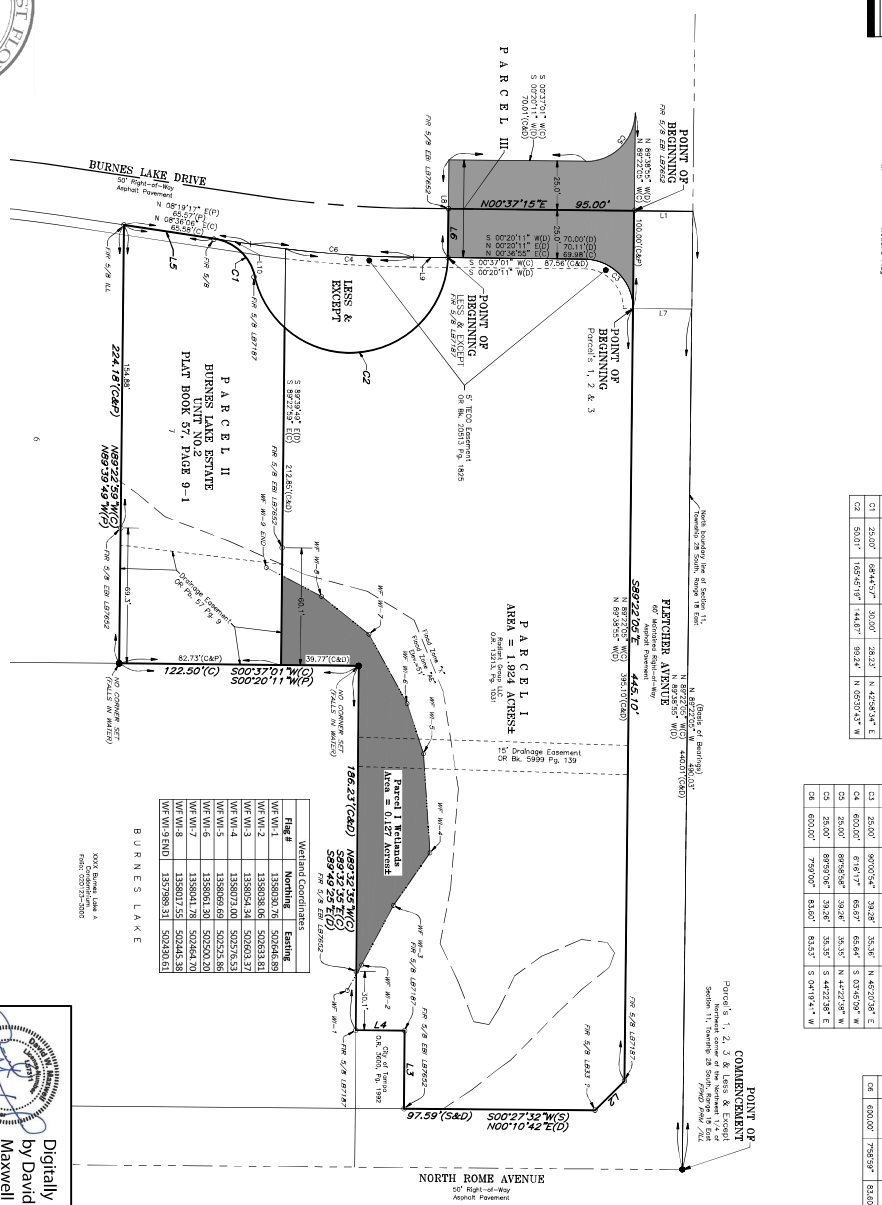
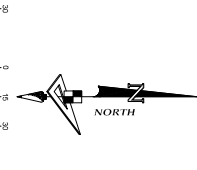
Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer’s acceptance and referral to the submitted site plan.

**Attachments: Site Plan**

**ADMINISTRATOR'S SIGN-OFF**

A handwritten signature in black ink, appearing to read "Chris Slater". The signature is written in a cursive style with a large initial "C".



**LEGEND**

- (C1) Survey Commission
- (C2) Water Commission
- (C3) Conservation Commission
- (C4) Critical Wetland
- (C5) Wetland

**LINE DATA TABLE (S)**

NO.	BEARING	LENGTH
L1	S 00°56'14" W	30.00'
L2	S 44°27'20" E	21.26'
L3	N 89°32'58" E	46.00'
L4	S 00°27'29" W	26.00'
L5	N 08°35'04" E	44.77'
L6	N 89°22'29" W	26.00'
L7	S 00°27'29" W	30.00'
L8	N 89°22'29" W	50.00'
L9	S 00°27'29" W	30.00'
L10	N 08°37'10" E	18.81'

**SURVYOR'S NOTES:**

- 1) Boundary information shown herein, was performed by Geospatial Surveying, Inc. Last date of Field Survey: 04-15-2021.
- 2) Bearings shown herein are based on the North Boundary Line of Section 11, Township 28 South, Range 18 East, having a Grid Bearing of N 88° 25' 55" W. The Grid Bearing is shown herein after Adjustment for the Mean Zone of Florida.
- 3) Approximately 250 Linear Feet of Wetland was established and located on Parcel I.

**WETLAND DATA TABLE (A)**

NO.	BEARING	LENGTH
L1	N 44°40'04" W	21.52'
L2	S 84°49'29" E	46.00'
L3	N 00°16'58" E	26.00'
L4	S 00°27'29" W	30.00'
L5	N 89°22'29" W	50.00'
L6	S 00°27'29" W	18.81'

**WETLAND DATA TABLE (D)**

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**Wetland Data Table (E)**

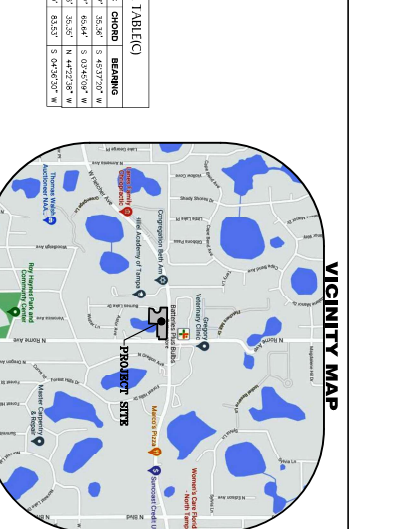
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**DESCRIPTION:** A parcel of land lying in section 11, Township 28 South, Range 18, Hillsborough County, Florida, and being more particularly described as follows:

**COMMENCE:** at the Northwest corner of the Northwest Quarter of East Section 11, one three six four feet and four tenths (3640.4') along the North Boundary Line of said Section 11, S. 00°27'29" W, a distance of 200.00 feet to a point on the North right-of-way of Burnes Lake Drive, S 00°27'29" W, a distance of 200.00 feet to the Point of Beginning.

**THENCE:** along said North right-of-way of Burnes Lake Drive, S 00°27'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said West right-of-way of Burnes Lake Drive, S 00°27'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning; Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning.

**Point of Beginning:** a distance of 200.00 feet Thence along said East right-of-way of Burnes Lake Drive, N 89°22'29" W, a distance of 200.00 feet to the Point of Beginning.

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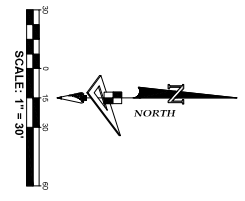
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**LEGEND**

- (S) Survey Station
- (D) Ditch
- (C) Culvert
- (R) Right-of-Way
- (P) Proposed
- (E) Existing
- (W) Wetland
- (W1) Wetland
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**CURVE DATA TABLE (S)**

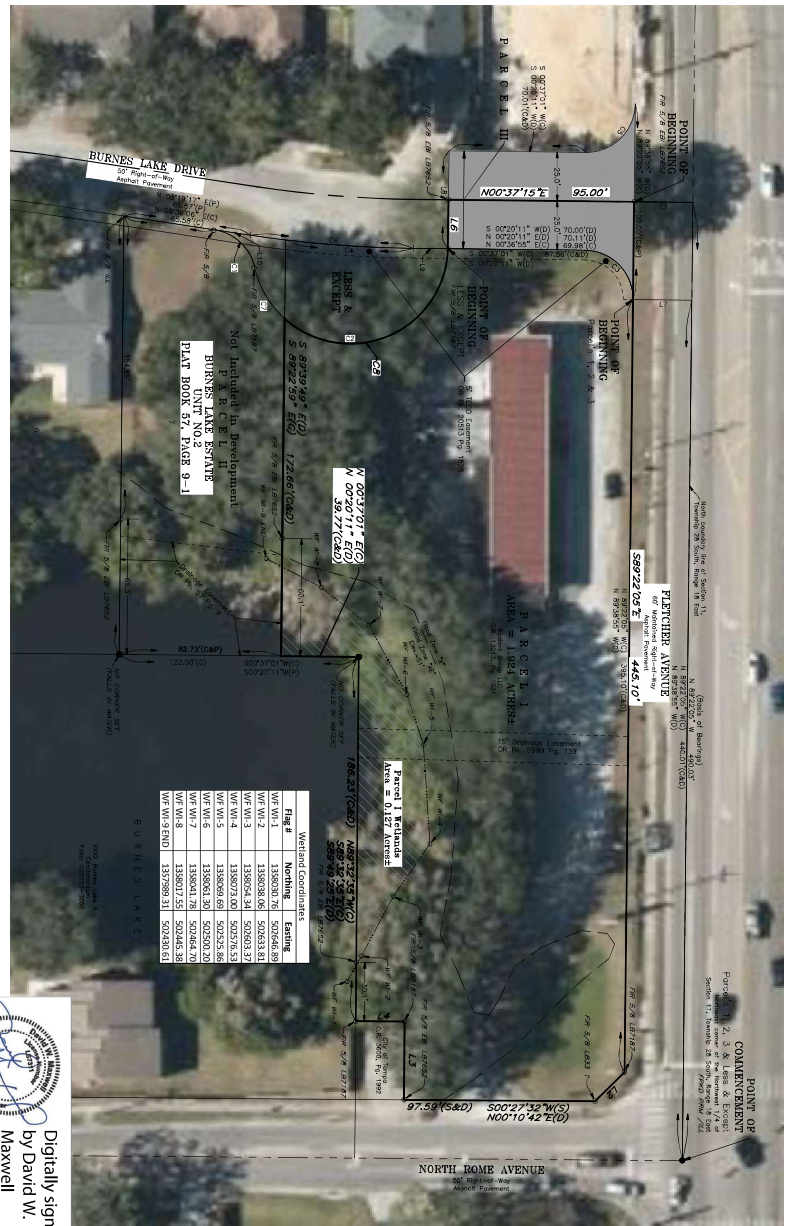
NO.	BEARING	LENGTH
L1	S 02°31'12" W	30.00'
L2	S 44°27'02" E	21.25'
L3	N 89°23'28" E	46.00'
L4	N 07°17'52" W	28.00'
L5	S 02°27'28" W	20.00'
L6	N 08°23'40" E	44.77'
L7	N 89°23'28" W	28.00'
L8	N 02°23'02" W	30.00'
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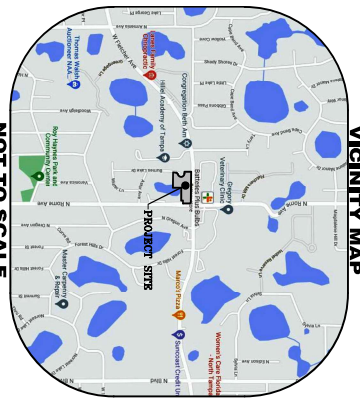
NO.	RADIUS	DELTA	ARC CHORD	BEARING
C1	25.00'	68°44'53"	30.00'	28.23°
C2	50.00'	136°89'46"	60.00'	56.46°
C3	25.00'	68°44'53"	30.00'	28.23°
C4	50.00'	136°89'46"	60.00'	56.46°
C5	25.00'	68°44'53"	30.00'	28.23°
C6	50.00'	136°89'46"	60.00'	56.46°
C7	25.00'	68°44'53"	30.00'	28.23°
C8	50.00'	136°89'46"	60.00'	56.46°
C9	25.00'	68°44'53"	30.00'	28.23°
C10	50.00'	136°89'46"	60.00'	56.46°



**Wetland Delineation Survey (Not a Boundary Survey)**

Section 11, Township 28 S, Range 18 E, Hillsborough County, Florida

**Geopoint Surveying, Inc.**  
213 Hobbs Street  
Tampa, Florida 33604  
Phone: (813) 248-8888  
Fax: (813) 248-2796  
SHEET NUMBER 01 of 01



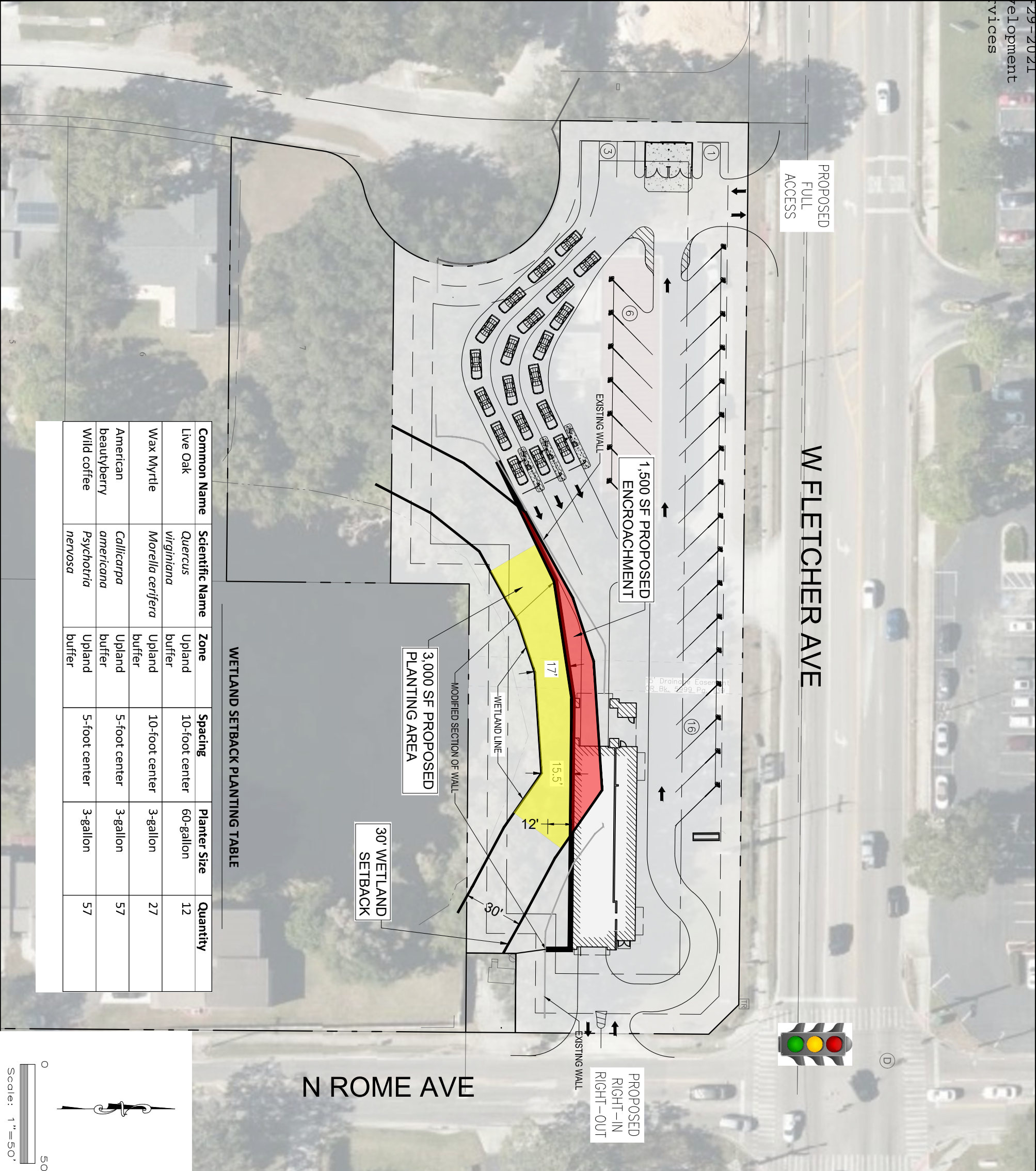
- SURVEYOR'S NOTES:**
- 1) Boundary information as shown herein, was performed by Geopoint Surveying, Inc., last date of Field Survey: 04-14-2021
  - 2) Boundary shown herein is based on the North boundary line of Section 11, Township 28 South, Range 18 East, having a Grid bearing of 148°25'05"W. The Grid Bearing is shown herein after Adjustment for the Mean Zone of Florida.
  - 3) Approximately 2011, the East Foot of Wetland was established and located on Parcel 1.

Flag #	Nothing	Easting
WF-W1-1	13398038.06	520246.95
WF-W1-2	13398038.06	520246.95
WF-W1-3	13398034.54	520283.31
WF-W1-4	13398033.00	520278.57
WF-W1-5	13398031.50	520273.83
WF-W1-6	13398031.50	520270.20
WF-W1-7	13398031.78	520246.70
WF-W1-8	13398017.55	520245.38
WF-W1-9 END	13397989.31	520280.51

**Specific Purpose Survey (Not a Boundary Survey)**

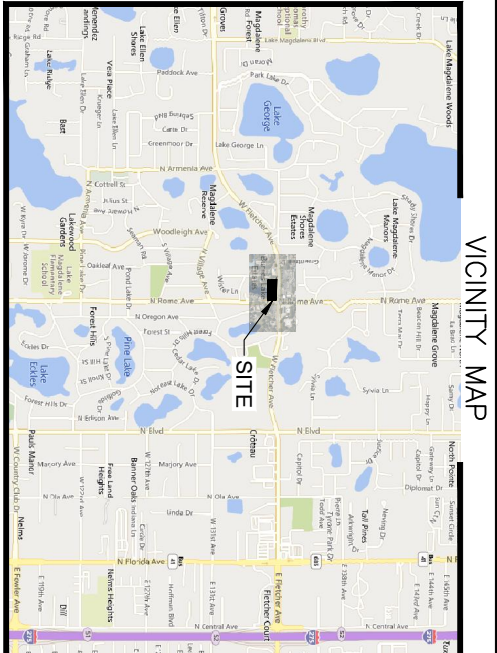
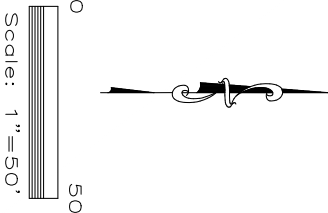
Section 11, Township 28 S, Range 18 E, Hillsborough County, Florida

**Geopoint Surveying, Inc.**  
213 Hobbs Street  
Tampa, Florida 33604  
Phone: (813) 248-8888  
Fax: (813) 248-2796  
SHEET NUMBER 01 of 01



WETLAND SETBACK PLANTING TABLE

Common Name	Scientific Name	Zone	Spacing	Planter Size	Quantity
Live Oak	<i>Quercus virginiana</i>	Upland buffer	10-foot center	60-gallon	12
Wax Myrtle	<i>Morella cerifera</i>	Upland buffer	10-foot center	3-gallon	27
American beautyberry	<i>Callicarpa americana</i>	Upland buffer	5-foot center	3-gallon	57
Wild coffee	<i>Psychotria nervosa</i>	Upland buffer	5-foot center	3-gallon	57



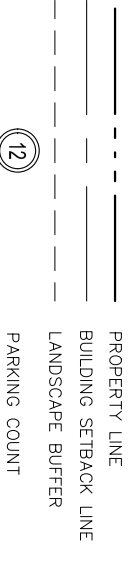
**SITE DATA TABLE**

**PROJECT NAME:** CAR WASH & VACUUM STALLS  
**PROJECT ADDRESS:** 1718 W FLETCHER AVE  
**PROPOSAL DESCRIPTION:** PROPOSAL FOR A NEW CAR WASH WITH ASSOCIATED VACUUM STALLS CONSISTING OF A 3,630 SF CAR WASH WITH (20) VACUUM STALLS  
**TOTAL PARCEL/SITE AREA:** 89,833 SF (2.08 AC)  
**EXISTING ZONING:** HILLSBOROUGH COUNTY U-11-28-18-22-00000-08810.0, U-11-28-18-02V-000000-00007.0  
**JURISDICTION:** HILLSBOROUGH COUNTY  
**PARCEL NUMBER:** N/A  
**MAX. BUILDING HEIGHT:** N/A  
**REQUIRED LANDSCAPE BUFFERS:** N/A  
**FRONT SIDE/REAR:** 10' / 10'  
**PARKING REQUIREMENTS:** 1 PER 1,000 SQFT GFA = 3,780 / 1,000 SQFT = 4 SPACES REQUIRED  
**TOTAL PARKING PROVIDED:** 5  
**STANDARD SPACES (9X18):** 22  
**STANDARD VACUUM STALL (17X20):** 1  
**ACCESSIBLE VACUUM STALL (17X20):** 1  
**TOTAL PROPOSED SPACES:** 28

**GENERAL SITE NOTES:**

- SIGNS REQUIRE A SEPARATE PERMIT.
- DUMPSTERS AND MECHANICAL EQUIPMENT WILL BE SCREENED FROM THE PUBLIC.
- WALLS OVER 6' HIGH APPROVED BY SEPARATE PERMIT.
- PARKING WILL BE PAVED.
- PARKING WILL BE WITHIN 600' OF BUILDING.
- THERE SHALL BE NO OBSTRUCTION OF SITE SIGNAGE BY LANDSCAPE PLANT MATERIAL, AND SUCH MUST BE RELOCATED/CORRECTED BEFORE THE FIELD INSPECTION WILL ACCEPT/PASS.
- ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO OR GREATER THAN THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
- SOLID MASONRY WALLS AND GATES EQUAL TO OR GREATER THAN THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL GROUND MOUNTED MECHANICAL EQUIPMENT.
- ALL SITE IMPROVEMENTS, INCLUDING LANDSCAPE AND SITE CLEANUP, MUST BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN A PHASE.
- THE FIRE DEPT. DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH ADJACENT WALL COLOR.
- ALL EXTERNAL LIGHTING SHALL BE LOCATED AND DESIGNED TO PREVENT RAYS FROM BEING DIRECTED OFF OF THE PROPERTY UPON WHICH THE LIGHTING IS LOCATED.
- CONDITIONS/LAWS EXIST THAT COULD RESTRICT THE DEVELOPMENT OF THIS SITE AS SHOWN. THIS DRAWING IS INTENDED TO BE CONCEPTUAL ONLY AND ADDITIONAL RESEARCH AND DESIGN WOULD BE REQUIRED FOR THE PREPARATION OF A SITE PLAN THAT MEETS LOCAL JURISDICTIONAL CODES. BOG DOES NOT PURPORT THAT THIS SITE CAN BE DEVELOPED AS SHOWN. THE PURCHASE OF THIS SITE SHALL BE AT THE OWNER/DEVELOPER'S SOLE EXPENSE.
- STORMWATER MANAGEMENT FACILITY SHOWN ON THIS PLAN ARE PURELY CONCEPTUAL AND IS SUBJECT TO CHANGE UPON FINAL CIVIL DESIGN. BOG DOES NOT PURPORT THAT WHAT IS SHOWN IS ADEQUATE TO MEET ALL JURISDICTIONAL REQUIREMENTS.
- NO SITE VISITS HAVE BEEN PERFORMED TO ENSURE THE ACCURACY OF THE AERIAL IMAGE SHOWN HEREON.
- THIS EXPERT IS NOT INTENDED TO BE USED AS A CONSTRUCTION DOCUMENT, AND SHOULD NOT BE CONSTRUED IN ANYWAY TO BE USED FOR CONSTRUCTION PURPOSES.

**PROPOSED LEGEND**



<p>CONCEPTUAL DESIGN</p> <p><b>HILLSBOROUGH CAR WASH</b></p> <p>1718 W FLETCHER AVE TAMPA, FLORIDA</p>	<p>Bowman Consulting Group, Ltd.</p> <p>1410 N Westshore Blvd Suite 111 Tampa, FL 33607 Phone: (813) 474-7424</p> <p>www.bowmanconsulting.com © Bowman Consulting Group, Ltd.</p>
<p><b>Bowman CONSULTING</b></p> <p>Certificate of Authorization License No. 30462</p>	<p>VERSION <b>7B</b></p> <p>ALW ALW VB                  DSSN DRAWN CHKD                  010603-01-006                  PROJECT NUMBER                  SCALE 1" = 50'</p>

## VARIANCE REQUEST

1. Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

\_\_\_\_\_

The subject property is irregularly shaped and includes a substantial wetland area. The property has also been subject to right of way acquisitions for Rome Avenue and Fletcher Avenue, and is also subject to the County's scenic corridor requirements relative to Fletcher Avenue. The Applicant is seeking a minor encroachment into the wetland setback area consisting of 1,498 square feet. The proposed mitigation planting consists of 2,940 square feet which is double the LDC's required amount. Based on the limitations imposed on the property, coupled with LDC requirements, and required project design for a functional car wash, the property would not be developable without the minor encroachment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

\_\_\_\_\_

Section 4.01.07(B)(1)

\_\_\_\_\_

## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No  Yes \_\_\_\_\_  
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property? No  Yes \_\_\_\_\_ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): \_\_\_\_\_
3. Is this a request for a wetland setback variance? No \_\_\_\_\_ Yes   
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water  Public Wastewater  Private Well \_\_\_\_\_ Septic Tank \_\_\_\_\_
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No  Yes \_\_\_\_\_ If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from **19<sup>th</sup> floor County Center**).

## VARIANCE CRITERIA RESPONSE

*You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.*

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The practical difficulties are unique to the subject property which is subject to LDC buffering and setbacks for roads on 3 sides and the wetland setback to the south. The site is extremely compressed due to its small upland portion and LDC setback requirements.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Imposition of the literal requirements would deprive the owner from reasonable use of its property vis a vis the general public. Proposed mitigation offsets imposition of the LDC's literal application to this unique and singular property.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

The variance will not interfere with or injure the rights of others as other owners to the south would not be affected with the minimal encroachment and the vegetation would actually be increased as a result of the proposed mitigation.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

The variance serves the intent of the LDC which encourages reasonable, controlled, compatible development and protection of natural resources.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The variance does not result from an illegal act or result from the actions of the applicant. The applicant is simply seeking reasonable commercial use of its property as allowed under the current zoning and comprehensive plan land use designation.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The variance will result in substantial justice being done as the public will now benefit from the improvement of a natural wetland through the planting of desirable species, while removing significant nuisance species. The property will be significantly improved and provide employment opportunities and tax revenues for the County.



An Equal  
Opportunity  
Employer

# Southwest Florida Water Management District

**Bartow Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Office**  
78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
WaterMatters.org

**Tampa Office**  
7601 U.S. 301 North (Fort King Highway)  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

November 15, 2021

The Radiant Group  
Attn: Frank Capitano  
1320 E 9th Avenue, Suite 211  
Tampa, FL 33605

Subject: **Notice of Intended Agency Action - Approval**  
Petition for Formal Determination of Wetlands and Other Surface Waters  
Petition No.: 824444/42007377.001  
Project Name: 1718 W. Fletcher  
County: Hillsborough  
Sec/Twp/Rge: S11/T28S/R18E

Dear Permittee:

The Southwest Florida Water Management District (District) has completed its review of the petition for Formal Determination of Wetlands and Other Surface Waters. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the petition.

The File of Record associated with this application can be viewed at [www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx](http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx) and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact Lauren Greenawalt at the Tampa Service Office, extension 2324.

Sincerely,

David Kramer, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

cc: FDEP Formal JD's  
FDEP Southwest District  
Naylor Environmental Solutions





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# Southwest Florida Water Management District

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
TDD only: 1-800-231-6103 (FL only)  
On the Internet at [WaterMatters.org](http://WaterMatters.org)

November 15, 2021

The Radiant Group  
Attn: Frank Capitano  
1320 E 9th Avenue, Suite 211  
Tampa, FL 33605

Subject: **Notice Agency Action Letter - Approval**  
Petition for Formal Determination of Wetlands and Other Surface Waters  
Petition No.: 824444/42007377.001  
Project Name: 1718 W. Fletcher  
County: Hillsborough  
Sec/Twp/Rge: S11/T28S/R18E

Dear Permittee:

The Southwest Florida Water Management District (District) is in receipt of your petition for Formal Determination of Wetlands and Other Surface Waters. Based upon a review of the information you submitted, the petition is approved. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the petition described in this letter.

Approved surveys are available for viewing or downloading through the District's Application and Permit Search Tools located at [www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx](http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx).

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, is available from the District's website at [www.WaterMatters.org/permits/noticing](http://www.WaterMatters.org/permits/noticing). If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, Lauren Greenawalt at the Tampa Service Office, extension 2324.

Sincerely,

David Kramer, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

Enclosures:   Approved Formal Determination of Wetlands and Other Surface Waters  
                  Notice of Rights  
cc:             FDEP Formal JD's  
                  FDEP Southwest District  
                  Naylor Environmental Solutions

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS  
No. 824444/42007377.001**

**EXPIRATION DATE:**

**November 15, 2026**

**FORMAL DETERMINATION ISSUED DATE**

**November 15, 2021**

This Formal Determination of Wetlands and Other Surface Waters No. 824444/42007377.001 is issued under the provisions of Section 373.421, Florida Statutes, (F.S.), and 62-330.201, Florida Administrative Code, (F.A.C.). This Formal Determination consists of the District's determination of the locations on the property of the landward extent (boundaries) of wetlands and other surface waters based on the documentation consisting of a certified survey submitted by the Petitioner. This Formal Determination does not authorize any construction activities or constitute conceptual approval of any anticipated projects. Construction, alteration, operation, removal or abandonment of a surface water management system requires a permit from the District pursuant to Rule 62-330.020, Florida Administrative Code, (F.A.C.), and Section 373.413, Florida Statutes, (F.S.), unless exempt pursuant to 62-330.051 or 62-330.0511, F.A.C., or 373.406, F.S. This Formal Determination does not in any way establish boundaries of sovereign submerged lands.

**PROJECT NAME:**

1718 W. Fletcher

**GRANTED TO:**

The Radiant Group  
Attn: Frank Capitano  
1320 E 9th Avenue, Suite 211  
Tampa, FL 33605

**ABSTRACT:**

The landward extent of wetlands and/or other surface waters was established by Abbey Naylor of Naylor Environmental Solutions. These boundaries were identified by applying the rule criteria of Chapter 62-340, F.A.C. Agency review of the site for the potential presence of wetlands and surface waters and verification of the wetland and surface water boundaries was conducted by Environmental Scientists, Lauren Greenawalt (SWFWMD) and Nikki Ross (FDEP), during site visits with Abbey Naylor of Naylor Environmental Solutions on July 19, 2021 and September 14, 2021, respectively. A certified survey, dated August 6, 2021, signed and sealed by David M. Maxwell, Professional Surveyor and Mapper, License #7311, State of Florida, which depicts the wetland and surface water boundaries, was received on October 1, 2021. To view the survey, please visit <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> to locate the formal determination record and view the documents associated with this file. The 1.92-acre site contains 0.13 acre of wetlands and surface waters.

**COUNTY:**

Hillsborough

**SEC/TWP/RGE:**

S11/T28S/R18E

**PROJECT ACRES:**

1.92

**WETLAND AND OTHER  
SURFACE WATER ACRES:**

**0.13**

**CURRENT LAND USE:**

COMMERCIAL

**DATE PETITION FILED:**

May 04, 2021

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Documents depicting the landward extent (boundaries) of wetlands and other surface waters are hereby incorporated into this petition by reference and the Petitioner shall comply with them. These documents are available for viewing or downloading at [www.WaterMatters.org](http://www.WaterMatters.org).

**David Kramer, P.E.**

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Authorized Signature

## **Notice of Rights**

### **Administrative Hearing**

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of sovereignty submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C., can be viewed at [www.flrules.org](http://www.flrules.org) or at the District's website at [www.WaterMatters.org/permits/rules](http://www.WaterMatters.org/permits/rules).
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 US Hwy 301, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at [www.WaterMatters.org/about](http://www.WaterMatters.org/about).

## **Judicial Review**

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

APPLICATION FOR EPC APPROVAL OF SWFWMD WETLAND SURVEY

This Environmental Protection Commission (EPC) application is for a wetland delineation survey approval pursuant to a wetland line established through a formal determination by staff of the Southwest Florida Water Management District (SWFWMD) or Florida Department of Environmental Protection (FDEP) as provided in Section 1-11.04(4) Wetlands, Rules of the EPC. A fee for this application is not required. PLEASE COMPLETE ALL APPLICABLE SECTIONS. Incomplete applications will not be processed until all missing information is provided. Return completed applications to EPC ATTN: Wetlands Division, 3629 Queen Palm Drive, Tampa, FL 33619.

The following information and materials required for this application are enclosed:

- Current Aerial Photograph
SWFWMD Surveys (minimally 3 Copies) (digital)
Legal Description (Attached)
SWFWMD Approval Letter (copy of original) (digital)

1. Property Owner Information

First Name: Frank Last Name: Capitano
Company Name (if applicable): Radiant Group LLC
Street Address: 1320 E 9th Ave Ste 211 City: Tampa State: FL Zip: 33605
Telephone Number: 813.424.1874 Fax:
E-mail: rraley@radiant.com

2. Agent Information (if applicable)

First Name: Abbey Last Name: Naylor
Company Name (if applicable): Naylor Environmental Solutions LLC
Street Address: 14706 Tudor Chase City: Tampa State: FL Zip: 33626
Telephone Number: 727-207-5525 Fax:
E-mail: anaylor@naylorenv.com

3. Site Information

Project Name (if different than owner): 1718 W. Fletcher Ave
Folio # (s) of Site: 020064-00DD
Section/Township/Range: 11, 28, 18

**APPLICANT ACKNOWLEDGEMENT, AUTHORIZATION TO ACCESS  
PROPERTY, and DESIGNATION OF AUTHORIZED AGENT**

Instructions: For multiple applicants please provide a separate signature section for each applicant. For corporations/partnerships, the application must be signed by a person authorized to bind the corporation/partnership. A person who has sufficient real property interest is required to authorize access to the property.

**A. APPLICANT ACKNOWLEDGEMENT:**


By signing this application form, I am applying for the permit(s), according to the information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval may be a violation. I understand that this application and any permit issued thereto, does not relieve of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of activities. I agree to operate and maintain the proposed activity in compliance with permits and laws, unless the EPC authorizes transfer of the permit to a different responsible entity. I understand that my application will not be processed if there is any missing, insufficient, or invalid information or insufficient fees. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance of evidence to show that the proposed project will comply with applicable water quality standards or other environmental standards/laws. I agree that upon written concurrence, the EPC may make changes to the application based on revised drawings and/or additional information provided by agent or applicant. I further agree EPC can unilaterally change non-substantive typographically errors. I understand that knowingly making any false statement or representation in this application is a violation of EPC Act and rules, and may result in among other things, revocation of the permit or denial of the application.

<u>Abbey Naylor</u>	<u>[Signature]</u>	<u>12/6/21</u>
Typed/Printed Name of Applicant or Applicant's Authorized Agent	Signature of Applicant or Applicant's Authorized Agent	Date
<u>Principal, Naylor Environmental Solutions</u>		
(Corporate Title if applicable)		



**B. CERTIFICATION OF SUFFICIENT REAL PROPERTY INTEREST AND AUTHORIZATION FOR STAFF TO ACCESS TO THE PROPERTY:**

*With my signature below, I certify that I possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the EPC to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application. I authorize EPC, its agents, and assigns to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, I agree to provide entry to the project site for such agents or personnel to monitor and inspect permitted work if a permit is granted.*


Frank Capitano	 <small>Frank David Capitano (Dec 6, 2021 18:38 EST)</small>	Dec 6, 2021
Typed/Printed Name	Signature	Date

Manager  
(Corporate Title if applicable)

**C. DESIGNATION OF AUTHORIZED AGENT (IF APPLICABLE):**

I [or my business entity] possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed. I authorize the agent listed below to act on my behalf, or on behalf of my corporation, as the agent in the processing of this attached application for the permit; to negotiate revisions; to accept or agree to conditions or stipulations; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that my application will not be processed if there is any missing, insufficient, or invalid information or insufficient fees. I understand that knowingly making any false statement or representation in this application is a violation of EPC Act and rules, and may result in among other things, revocation of the permit or denial of the application.

AUTHORIZED AGENT NAME and E-MAIL:  
Abbey Naylor anaylor@naylorenv.com

Frank Capitano	 <small>Frank David Capitano (Dec 6, 2021 18:38 EST)</small>	Dec 6, 2021
Typed/Printed Name of Applicant/Owner	Signature of Applicant/Owner	Date

Manager  
(Corporate Title if applicable)

# Wetland approval form EPC

Final Audit Report

2021-12-06

Created:	2021-12-06
By:	Renee Raley (rraley@radiant.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAse93Rus_imfGmuHJXwXlspFPyAO7MGnx

## "Wetland approval form EPC" History

-  Document created by Renee Raley (rraley@radiant.com)  
2021-12-06 - 11:30:07 PM GMT- IP address: 65.35.234.248
-  Document emailed to Frank David Capitano (fcapitano@radiant.com) for signature  
2021-12-06 - 11:32:02 PM GMT
-  Email viewed by Frank David Capitano (fcapitano@radiant.com)  
2021-12-06 - 11:38:23 PM GMT- IP address: 174.211.171.123
-  Document e-signed by Frank David Capitano (fcapitano@radiant.com)  
Signature Date: 2021-12-06 - 11:38:53 PM GMT - Time Source: server- IP address: 174.211.171.123
-  Agreement completed.  
2021-12-06 - 11:38:53 PM GMT

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8096.20  
28.50

**INSTR # 2003440678**

**O BK 13213 PG 1031**

**Pgs 1031 - 1036: (6pgs)**

RECORDED 10/15/2003 01:32:27 PM

RICHARD AKE CLERK OF COURT

HILLSBOROUGH COUNTY

DOC TAX PD(F.S. 201.02) 8,096.20

DEPUTY CLERK Y Roche

This instrument prepared by:

D. R. Fullerton, Esq.  
ExxonMobil Oil Corporation  
3225 Gallows Road  
Fairfax, VA 22037-0001

RECORD AND RETURN TO:

RETURN TO: *JWC*

**STEWART TITLE GUARANTY CO**  
**3402 WEST CYPRESS, SUITE 100**  
**TAMPA, FL 33607**  
**FILE NO. 03-2186**

-SPACE ABOVE THIS LINE FOR RECORDER'S USE -

SPECIAL WARRANTY DEED

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

KNOW ALL MEN BY THESE PRESENTS:

THAT EXXONMOBIL OIL CORPORATION, formerly known as Mobil Oil Corporation, a New York corporation, having an office at 3225 Gallows Road, Fairfax, Virginia, 22037-0001, ("Grantor") for and in consideration of the sum of One Million One Hundred Fifty Six Thousand Six Hundred AND NO/100 DOLLARS (\$1,156,600.00) cash to it in hand paid by THE RADIANT GROUP, LLC, a Florida limited liability company, located at 1302 N. 19<sup>th</sup> Street, Suite 300, Tampa, Florida 33605, ("Grantee"), the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, subject to the further provisions of this Deed, all that certain tract or parcel of land (the "Property") in the City of Tampa, County of Hillsborough, State of Florida, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

This conveyance is made by Grantor and accepted by Grantee subject to Grantor's right to re-enter as described herein and all valid and existing leases, easements, encumbrances, rights-of-way, covenants, restrictions, reservations and exceptions of record, including all building and zoning ordinances, laws, regulations and restrictions by municipal or other governmental authority applicable to the Property.

Grantee acknowledges that the Property has been used as an automobile service station for the storage, sale, transfer and distribution of products, including, without limitation, motor vehicle fuel and petroleum products which contain petroleum hydrocarbons and used oil and that such substances may have been released or discharged on the Property.

Grantor has conducted an environmental site assessment to determine the presence of petroleum hydrocarbons in the soil, water, or groundwater on and under the Property. The written reports setting forth the results of such assessment has been provided to Grantee. The report reflects the reported levels of petroleum hydrocarbons in the soil and groundwater on the Property as of the date of the report. As used in this Deed, the term "Baseline Condition" in reference to the Property means the levels of petroleum hydrocarbons established in the most recent report setting forth the results of Grantor's environmental assessments, as such levels may be reduced by Grantor's remediation activities. If further testing or remediation of petroleum hydrocarbons is required by any governmental authority with jurisdiction over the environmental condition of the Property, the Baseline Condition shall be modified as Grantor reasonably deems appropriate based on the results of such additional testing.

Grantor will undertake remediation of the Baseline Condition as necessary at its sole cost and expense as required under applicable laws, regulations or government orders. Grantor will have no obligation for remediation or investigation of the Baseline Condition beyond that which is required by applicable Governmental Authorities. Grantee will be responsible for investigation and remediation of any petroleum hydrocarbons or other contamination released or discharging or migrating the Property after the date of this Deed. If, after the date of this Deed but before Grantor has completed its remediation of the Baseline Condition a release or discharge of petroleum hydrocarbons or other contaminants occurs beyond the Baseline Condition on the Property Grantee shall

BEST IMAGES AVAILABLE

6

promptly notify Grantor and the appropriate governmental authorities. Grantee will pay to Grantor its prorata share of Grantor's increased cost of remediation attributable to such release or discharge.

Grantee will assign to Grantor any and all right, claim or interest which the Grantee or the Property may have to payment or reimbursement by any third party or any governmental authority in connection with remediation of the Baseline Condition.

Grantor reserves the exclusive right to negotiate with any third party or governmental authority regarding any investigation or remedial work by Grantor pursuant to this Deed or which a third party or governmental authority may require.

During the period in which Grantor is performing remediation or monitoring activities on the Property, Grantor and Grantee will provide to each other copies of all reports, correspondence, notices and communications sent to or received from any governmental authority regarding the environmental condition of the Property and any remediation of the Property.

Grantor's remediation responsibilities shall inure to the benefit of the Grantee and the lending institution holding the first mortgage to finance Grantee's purchase of the Property, but not to subsequent purchasers, assigns, or successors of Grantee or its lender; provided, however, Grantor's remediation responsibilities may be assigned by Grantee and its lender with the consent of Grantor which will not be unreasonably withheld.

Grantor reserves the right of access to the Property, at no cost to Grantor, for Grantor, Grantor's employees, agents, and contractors for the purpose of conducting investigation and remediation operations. Grantor will not be liable to Grantee, its successors, assigns, tenants or users for any direct or consequential damage, injury, or loss resulting from such access. Grantee shall be responsible for the expense of repairing and replacing Grantor's investigation and remediation equipment damaged by Grantee or by its contractors, invitees or employees.

In consideration of this Deed, the conveyance of the Property to Grantee, and the promises of Grantor to remediate the Baseline Condition of the Property and to indemnify Grantee as provided in Sections 10 and 20 of the Terms and Conditions of Sale dated April 27, 2003, ("Grantor's Obligations"), Grantee agrees to accept the conveyance of the Property in its present condition and, if Grantor fulfills its obligations, to make no claim regarding the environmental condition of the Property. Grantee and its successors and assigns hereby release Grantor from any and all known claims, demands, liabilities and causes of action (including claims under the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended, (CERCLA) and the Resource Conservation and Recovery Act of 1976, as amended (RCRA) and other environmental laws) (collectively, "Claims") for injury, death, destruction, loss or damage to the person or property of Grantee, its employees and agents, and its successors and assigns, arising out (i) the environmental condition of the Property and the improvements and the equipment on the Property, and (ii) releases or discharges of petroleum hydrocarbons on the Property caused by Grantor or Grantor's operations on the Property before the date of this Deed. This release does not include:

- (a) Grantor's Obligations; and
- (b) Claims by third parties and Governmental Authorities relating to releases or discharges of petroleum hydrocarbons on the Property caused by Grantor or by Grantor's operations before the date of this Deed and releases or discharges included in the definition of Baseline Condition.

Grantee shall indemnify Grantor from all Claims asserted by any third party or Governmental Authority for injury, death, destruction, loss or damage to persons, property, or natural resources, arising out of any release or discharge of hazardous substances on the Property after the date of this Deed which are not included in the definition of Baseline Condition.

The conditions, covenants and other provisions set out in this Deed shall be covenants running with the land and shall be binding upon and (except as expressly provided otherwise) shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns, as applicable.

Ad valorem taxes and special assessments, if any, against the Property for the year in which the Effective Date occurs will be pro-rated between Grantor and Grantee as of the Effective Date, and Grantee hereby assumes and agrees to pay same.

TO HAVE AND TO HOLD the Property, together with the appurtenances, estate, title and interest thereto, unto Grantee, Grantee's successors, heirs and assigns, forever, subject to the provisions hereof, and in lieu of all other warranties, express or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to the Property unto Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has signed this deed this 7<sup>th</sup> day of August, 2003, but EFFECTIVE as of this 1<sup>st</sup> day of October, 2003, ("Effective Date").

GRANTOR:

EXXONMOBIL OIL CORPORATION,  
a New York corporation

WITNESSES:

[Signature]  
Print Name: A. C. [unclear]  
[Signature]  
Print Name: Clark C. Harer

By: [Signature] *agran*  
Name: FR Cramer  
Title: Vice President  
Date: 8/7/03

[Signature]  
Print Name: JOSEPH W. FREUND  
[Signature]  
Print Name: Cheryl Jacques

ATTEST:

By: [Signature]  
Name: BJ Fisher  
Title: Assistant Secretary  
Date: 8/7/03

WITNESSES:

[Signature]  
Print Name: PATRICIA WOOD  
[Signature]  
Print Name: Stephanie A. Petrucelli

GRANTEE:

THE RADIANT GROUP, LLC  
a Florida limited liability company

By: [Signature]  
Name: FRANCIS D. CAPRANO  
Date: 10/1/03

COMMONWEALTH OF VIRGINIA §  
§  
COUNTY OF FAIRFAX §

Before me the undersigned authority, this day personally appeared HR Cramer and DJ Fisher, to me well known and known to me to be a Vice President and Assistant Secretary, respectively, of the corporation named in the foregoing instrument, and they severally acknowledged to and before me that they executed said instrument on behalf of and in the name of said corporation as such officers; that the seal affixed to said instrument is the corporate seal of said corporation and that it was affixed thereto by due and regular corporate authority; that they are duly authorized by said corporation to execute said instrument and that said instrument is the free act and deed of said corporation. They are personally known to me or have produced \_\_\_\_\_ as identification and did not take an oath.

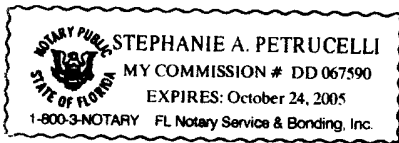
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 7<sup>th</sup> day of August, 2003

Bonnie M. Bogert  
Print Name: Bonnie M. Bogert  
Notary Public, Commonwealth of Virginia  
My Commission Expires: 11/30/06

I was originally commissioned as  
Bonnie M. Midlin, Notary Public

STATE OF FLORIDA §  
§  
COUNTY OF HILLSBOROUGH §

On this 1 day of OCTOBER, 2003, before me personally came FRANK D. CAPRANO to me known, who being by me duly sworn, did depose and say that he/she resides in TAMPA FL; that he/she is the MANAGING MEMBER of THE RADIANT GROUP, LLC, the limited liability company described in and which executed the foregoing instrument; that he/she was authorized to execute the same under the operative governing documents of the company; and that he/she executed the same in the name of said limited liability company intending it to be so bound thereby.



Stephanie A. Petrucci  
Print Name: Stephanie A. Petrucci  
Notary Public, State of Florida  
My Commission Expires: \_\_\_\_\_

## EXHIBIT "A"

### PARCEL I:

A parcel of land in the Northeast one-quarter of the Northwest one-quarter of Section 11, Township 28 South, Range 18 East, Hillsborough County, Florida, explicitly described as follows:

Commence at the Northeast corner of said Northeast one-quarter of the Northwest one-quarter of Section 11; thence North  $89^{\circ}38'55''$  West, on the North boundary thereof, a distance of 440.01 feet; thence South  $00^{\circ}21'05''$  West, a distance of 30.00 feet, to the Southerly right-of-way boundary of Fletcher Avenue and the Point of Beginning of the herein described parcel, said point being the beginning of a curve, concave Southeasterly, having a radius of 25.00 feet and a central angle of  $90^{\circ}00'54''$ , thence departing said Southerly right-of-way and on the Easterly right-of-way of Burns Lake Drive, proceed in a Westerly direction on the arc of said curve to the left, a distance of 39.28 feet, said arc subtended by a chord which bears South  $45^{\circ}20'38''$  West, a distance of 35.36 feet to the curve's end; thence South  $00^{\circ}20'11''$  West, a distance of 87.56 feet; to the beginning of a curve, concave Westerly, having a radius of 600.00 feet and a central angle of  $06^{\circ}16'16''$ , thence in a Southerly direction on the arc of said curve to the right, a distance of 65.67 feet, said arc subtended by a chord which bears South  $03^{\circ}28'19''$  West, a distance of 65.64 feet to the curves end and the point of intersection with a non-tangent line, said point also being the Northwest corner of Lot 7, Block D Burnes Lake Estates Unit No. 2 as recorded in Plat Book 57 page 9 of the Public Records of Hillsborough County, Florida; thence departing said Easterly right-of-way boundary and on the North boundary of said Lot 7, South  $89^{\circ}39'49''$  East, a distance of 212.85 feet; thence departing said North boundary, North  $00^{\circ}20'11''$  East, a distance of 39.77 feet; thence South  $89^{\circ}49'25''$  East, a distance of 186.23 feet; thence North  $00^{\circ}10'35''$  East, on the West boundary of a parcel of land described in Official Records Book 3600 page 1992, a distance of 25.00 feet; thence South  $89^{\circ}49'25''$  East, on the North boundary of the aforesaid land described in Official Records Book 3600 page 1992, a distance of 40.00 feet, to the Westerly right-of-way boundary of Rome Avenue; thence North  $00^{\circ}10'42''$  East on said Westerly right-of-way boundary, a distance of 97.59 feet to the Southerly corner of a parcel of land described in Official Records Book 4992 page 302; thence North  $44^{\circ}44'10''$  West, on the Westerly boundary of the aforesaid land described in Official Records Book 4992 page 302; a distance of 21.25 feet to the Southerly right-of-way boundary of the aforementioned Fletcher Avenue; thence North  $89^{\circ}38'55''$  West, on said Southerly right-of-way boundary, a distance of 395.10 feet to the Point of Beginning; Together with:

Continued on next page

CONTINUATION OF EXHIBIT "A"

PARCEL II

Lot 7, Block "D", BURNES LAKE ESTATES, UNIT NO. 2 according to the map or plat thereof recorded in Plat Book 57 page 9 of the Public Records of Hillsborough County, Florida. Together with:

PARCEL III

The Eastern one-half of the following described property:

That portion of the right-of-way of Burnes Lake Drive, BURNES LAKE ESTATES UNIT NO. 2, according to the map or plat thereof recorded in Plat Book 57 page 9 of the Public Records of Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of the Northwest quarter of Section 11, Township 28 South, Range 18 East; thence North  $89^{\circ}38'55''$  West along the North line of said Section 11 for 440.01 feet; thence South  $00^{\circ}21'05''$  West for 30.00 feet to the Southerly right-of-way line of Fletcher Avenue for a Point of Beginning; thence North  $89^{\circ}38'55''$  West along said Southerly right-of-way for 100.00 feet to a point of intersection with a curve concave to the East, said curve having a radius of 25.00 feet, a central angle of  $89^{\circ}59'06''$ , a chord of 35.35 feet and chord bearing of South  $44^{\circ}39'29''$  East; thence along the arc of said curve for 39.26 feet; thence South  $00^{\circ}20'11''$  West for 70.01 feet; thence South  $89^{\circ}39'49''$  East for 50.00 feet; thence North  $00^{\circ}20'11''$  East for 70.00 feet to a point of curvature of a curve concave to the North, said curve having a radius of 25.00 feet, a central angle of  $90^{\circ}00'54''$ , a chord of 35.36 feet and chord bearing of North  $45^{\circ}20'38''$  East; thence along the arc of said curve for 39.28 feet to the Southerly right-of-way line of said Fletcher Avenue and the Point of Beginning.

Less and Except from Parcels I, II and III above, those lands conveyed in Special Warranty Deed from Mobil Oil Corporation to Hillsborough County recorded November 13, 1990 in Official Records Book 6129 page 1258 of the Public Records of Hillsborough County, Florida.



## **LEGAL DESCRIPTION**

**Per O.R. Book 13213, Page 1031**

### PARCEL I:

A parcel of land in the Northeast one-quarter of the Northwest one-quarter of Section 11, Township 28 South, Range 18 East, Hillsborough County, Florida, explicitly described as follows:

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Together with:

### PARCEL II

Lot 7, Block "D", BURNES LAKE ESTATES, UNIT NO. 2 according to the map or plat thereof recorded in Plat Book 57 page 9 of the Public Records of Hillsborough County, Florida. Together with:

PARCEL III

The Eastern one-half of the following described property:

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# VARIANCE APPLICATION

### IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: 1718 W Fletcher Ave. & 13292 Arena Ct. City/State/Zip: Tampa, FL 33612 TWN-RN-SEC: 28-18-11  
Folio(s): 020064-0000 & 020123-2084 Zoning: PD Future Land Use: R-4 Property Size: 2.06 acres.

### Property Owner Information

Name: Radiant Group LLC Daytime Phone: \_\_\_\_\_  
Address: 1320 East 9th Ave. City/State/Zip: Tampa, FL 33605  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

### Applicant Information

Name: Mark Bentley, Esq., B.C.S., AICP Daytime Phone: (813) 225-2500  
Address: 401 E Jackson St., Suite 3100 City/State/Zip: Tampa, FL 33602  
Email: markb@jpfirm.com FAX Number: \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: Same as Applicant above. Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City / State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

*Mark Bentley*  
Signature of Applicant

Mark Bentley  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

*Mark Bentley*  
Signature of Property Owner

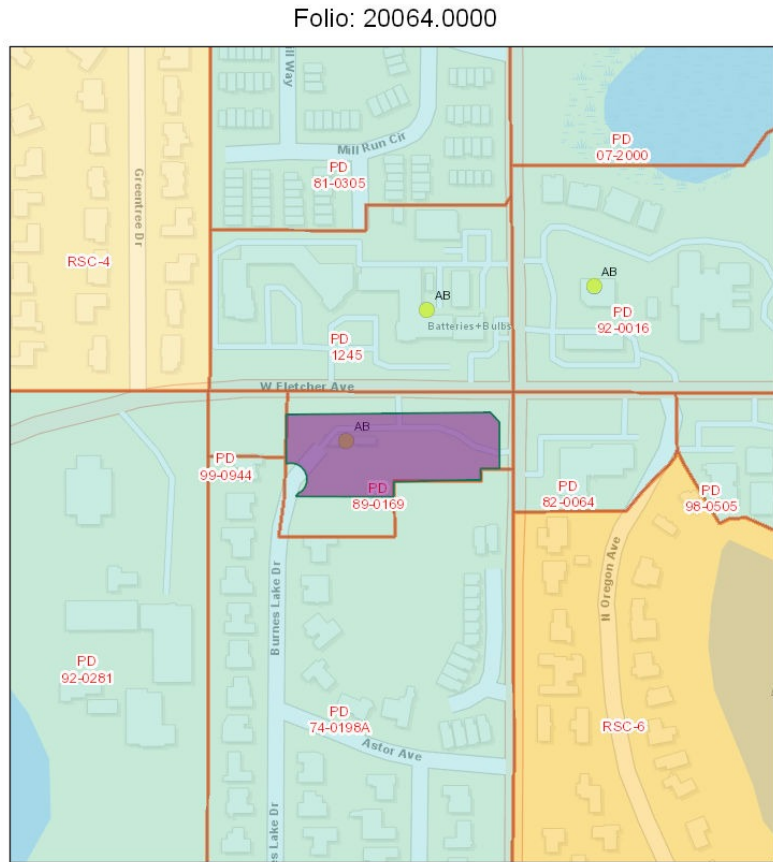
Mark Bentley ("Authorized Agent")  
Type or Print Name

Intake Staff Signature: *Clare Odell* Office Use Only Intake Date: 12-29-21  
Case Number: 22-0381 Public Hearing Date: 03/21/2022  
Receipt Number: 117533

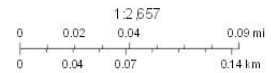


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	89-0169
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	74-0198A
Flood Zone:AE	BFE = 51.0 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0205H
FIRM Panel	12057C0205H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120205D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Major Modifications	13-0181
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011205 Block: 3000
Future Landuse	R-4
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



January 5, 2022



Hillsborough County, Florida

**Folio: 20064.0000**  
**PIN: U-11-28-18-ZZZ-000000-85810.0**  
**RADIANT GROUP LLC**  
**Mailing Address:**  
 1320 E 9TH AVE STE 211  
 TAMPA, FL 33605-3602  
**Site Address:**  
 1718 W FLETCHER AVE  
 TAMPA, FL 33612  
**SEC-TWN-RNG: 11-28-18**  
**Acreage: 1.63853002**  
**Market Value: \$420,922.00**  
**Landuse Code: 1000 VACANT COMM.**

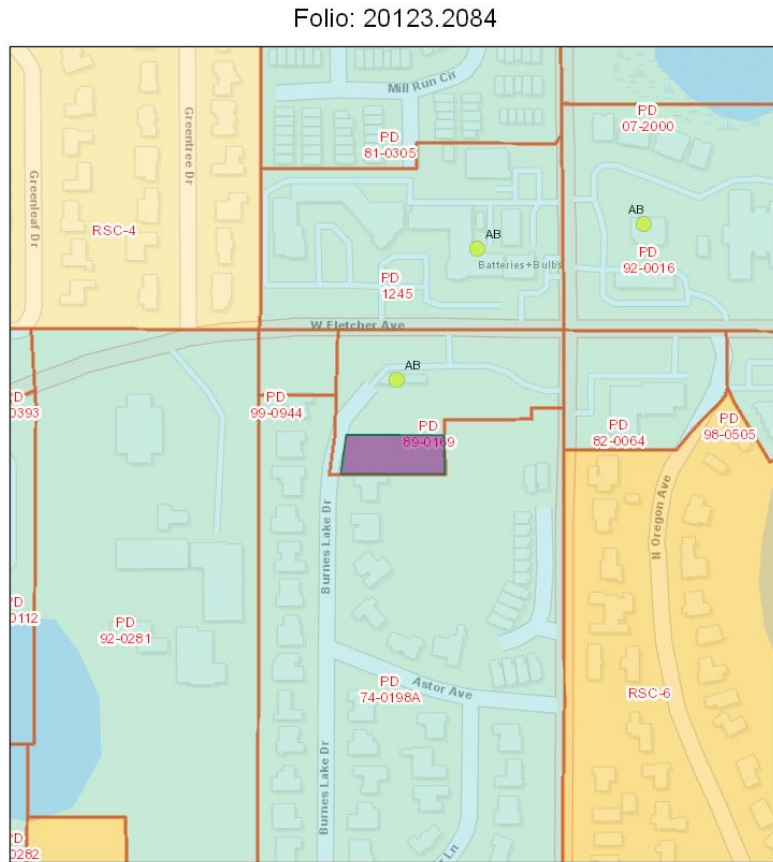
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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

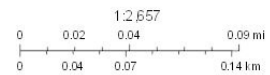


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

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Zoning	PD
Description	Planned Development
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Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
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Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Major Modifications	13-0181
Census Data	Tract: 011205 Block: 3000
Future Landuse	R-4
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



January 5, 2022



Hillsborough County Florida

**Folio:** 20123.2084  
**PIN:** U-11-28-18-0ZV-D00000-00007.0  
**RADIANT GROUP LLC**  
**Mailing Address:**  
 1320 E 9TH AVE STE 211  
 TAMPA, FL 33605-3602  
**Site Address:**  
 13292 ARENA CT  
 TAMPA, FL 33612  
**SEC-TWN-RNG:** 11-28-18  
**Acreage:** 0.42706701  
**Market Value:** \$99,660.00  
**Landuse Code:** 0000 VACANT RESIDENT

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