

Variance Application: VAR 24-0190

LUHO Hearing Date: February 26, 2024

Case Reviewer: Sam Ball

**Hillsborough
County Florida**

Development Services Department

Applicant: Todd Pressman Zoning: PD

Address/Location: 5591 N US Highway 41/SE corner of N US Highway 41 and Brandermill Road; Folios:
54191.0110, 54191.0100**Request Summary**

The applicant is requesting three variances to accommodate the construction of three ground signs.

Requested Variances

LDC Section	LDC Requirement	Variance	Result
7.03.00.C.1.a	Maximum Height: No ground sign shall exceed 30 feet in height if located adjacent to an expressway or arterial highway or 15 feet in height if located adjacent to a collector or local street. Height shall be measured from the existing grade of the street which provides access to the premise, nearest the base of the sign to the highest point of the sign structure.	5 feet	A 20-foot-tall pole sign as a residential entry sign facing Brandermill Road (collector/local road).
7.03.00.C.2.b.1	Maximum Sign Area: the maximum allowable aggregate sign area for each ground sign shall not exceed one square foot for each lineal foot of public street frontage on the street where the sign is located or 100 square feet, whichever is less, and no single sign face shall exceed 50 square feet in aggregate sign area.	74 square feet	A monument sign with 174 square feet of aggregate sign area where 100 square feet is the maximum allowed on a ground sign facing Brandermill Road.
7.03.00.C.2.b.1	Maximum Sign Area: the maximum allowable aggregate sign area for each ground sign shall not exceed one square foot for each lineal foot of public street frontage on the street where the sign is located or 100 square feet, whichever is less, and no single sign face shall exceed 50 square feet in aggregate sign area.	124 square feet	A pole sign with 224 square feet of aggregate sign area where 100 square feet is the maximum allowed on a ground sign facing N US Highway 41.

Findings	<p>PD 06-1035 (MM 22-1228) condition of approval #7 reads: prior to or concurrent with the initial increment of development, the property owner shall dedicate and convey to Hillsborough County up to 29 feet of right-of-way along the project's northern boundary, or as otherwise sufficient to accommodate the required site access improvements described within zoning condition 8 and the future 4-laning of Leisey Rd. (to be completed by others) in accordance with the Hillsborough County Corridor Preservation Plan.</p> <p>The portion of Leisey Road that is cited in condition of approval #7 is shown as Brandermill Road on the site plan provided by the applicant, which will result in public right-of-way frontage adjoining the north boundary of the site prior to or concurrent with site development.</p>
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Zoning Administrator Sign Off:



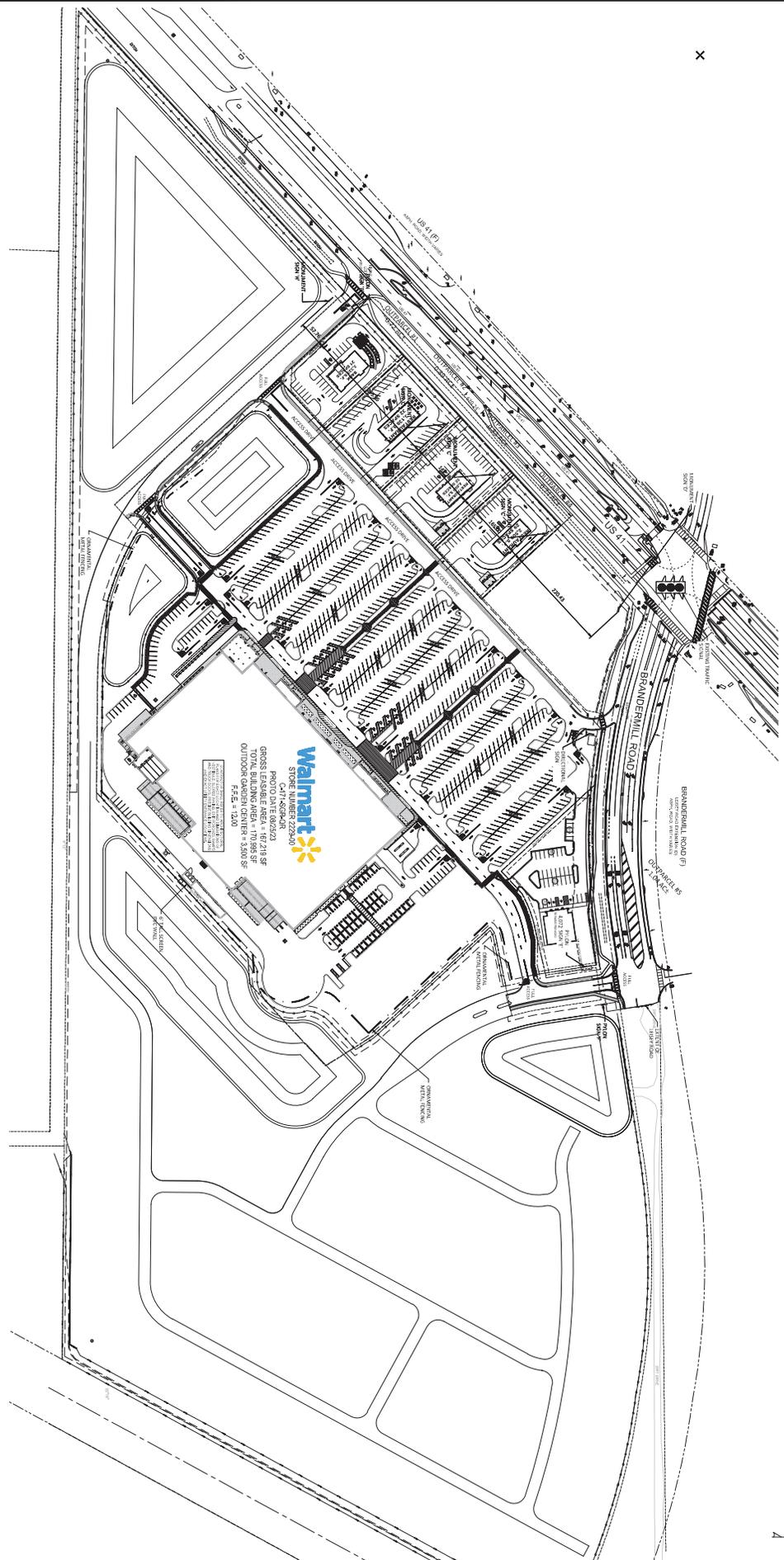
Colleen Marshall
Wed Feb 14 2024 10:17:47

DISCLAIMER:

The variance(s) 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.

8.0 SURVEY/SITE PLAN

(see following page)





 STORE NUMBER 229240

 PROPOSITIVE DESIGN

 GROSS LEASABLE AREA = 167,218 SF

 TOTAL BUILDING AREA = 170,985 SF

 OUTDOOR F.E.S. = 3,588 SF

 F.E.S. = 1,300

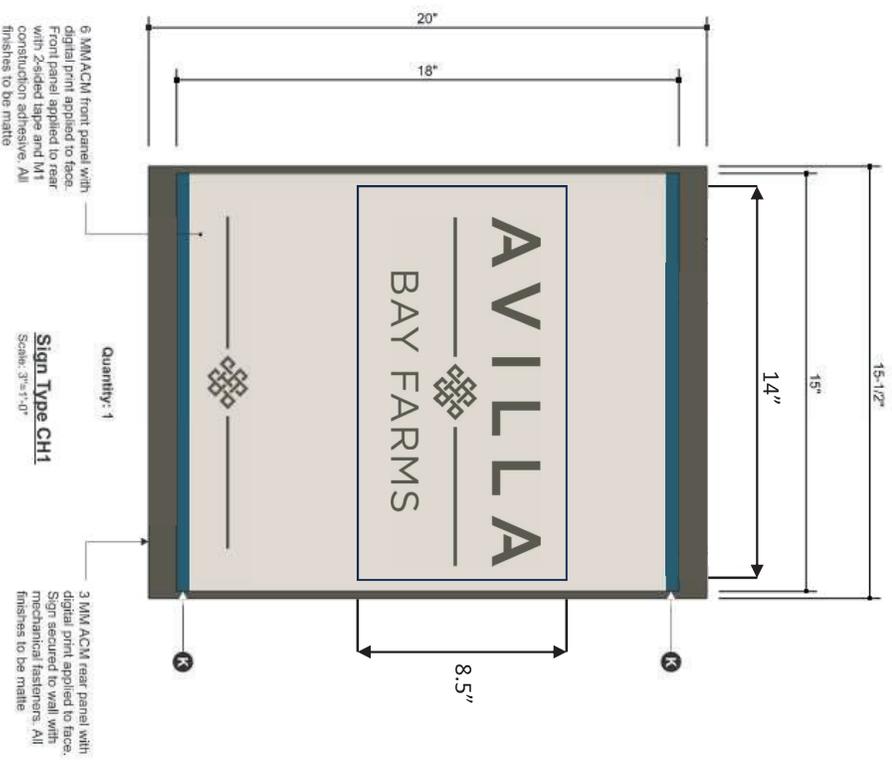
SITE DEVELOPMENT PLAN
 SCALE: 1" = 100'-0"

THIS PLAN IS FOR DISCUSSION PURPOSES
 ONLY AND SUBJECT TO FINAL SURVEYS,
 DESIGN, ENGINEERING, AND REGULATORY
 REVIEW.

<p>PROJECT</p> <p>RETAIL STORE ARCADIA BEACH, IL 39572</p> <p>1-28-2023</p> <p>W.C.P.</p> <p>SD5</p>	<p>TITLE</p> <p>SITE DEVELOPMENT PLAN</p>	<p>REDSTONE CONSTRUCTION INC.</p> <p>3050 BELMONT AVE. YOUNGSTOWN, OHIO, 44505 PHONE: (330) 759-4000 FAX: (330) 759-2134 WWW.REDSTONEINVESTMENTS.COM</p> <p>A REDSTONE INVESTMENTS COMPANY</p>	<p>ARCHITECT:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION																															<p>ARCHITECT:</p> <p></p>
NO.	DATE	DESCRIPTION																																			

ENTRY PLAQUE SIGN - A

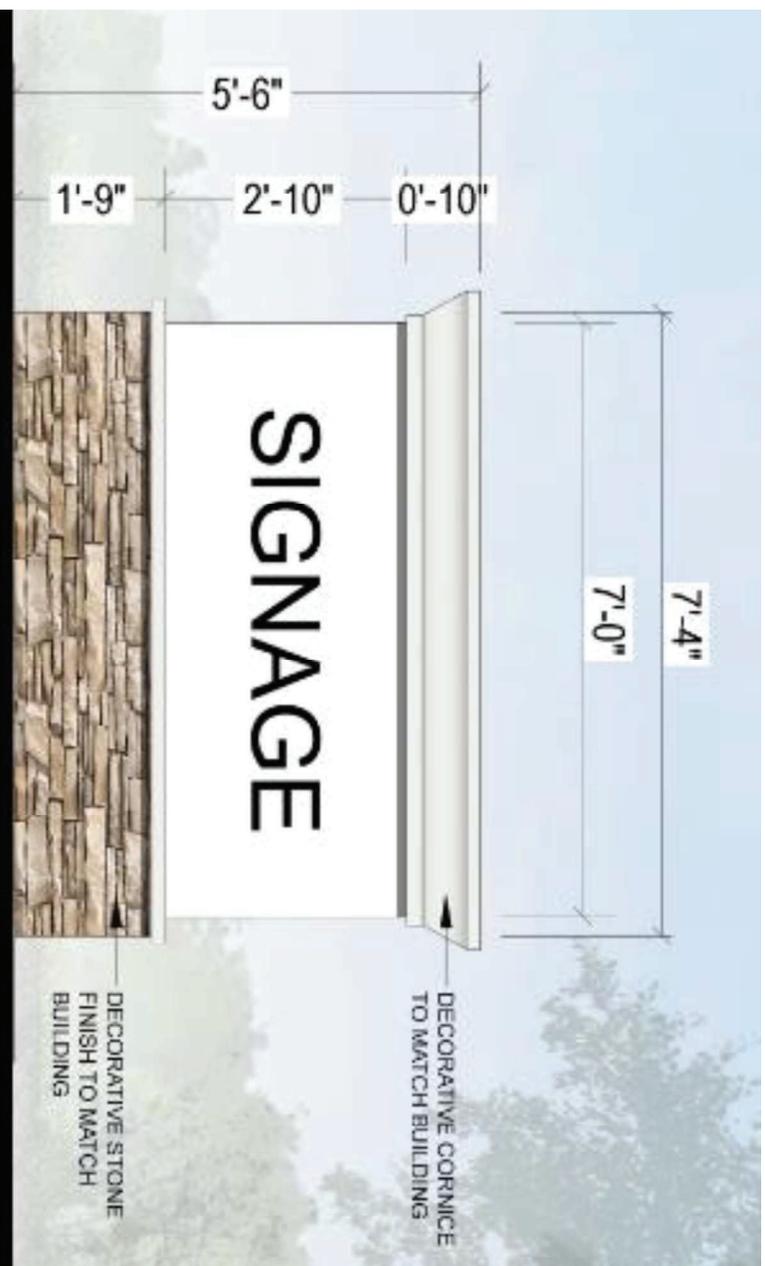
Sign Size = 10 SF



MONUMENT SIGN - C

Received January 12, 2024
Development Services

Sign Size = 20 SF



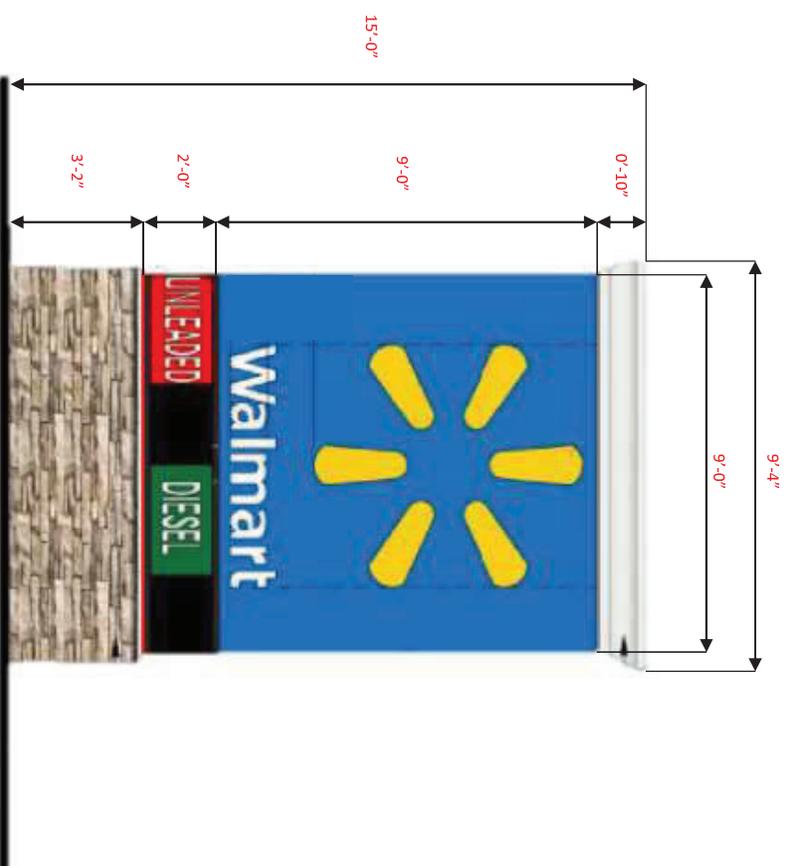
Proposed Monument Sign
7'-0" x 2'-10" = Approx. 20 SF Copy Area

MONUMENT SIGN - D

Received January 12, 2024
Development Services

Sign Size = 99 SF

Total Sign SF: $9' \times (9'+2') = 99 \text{ SF}$

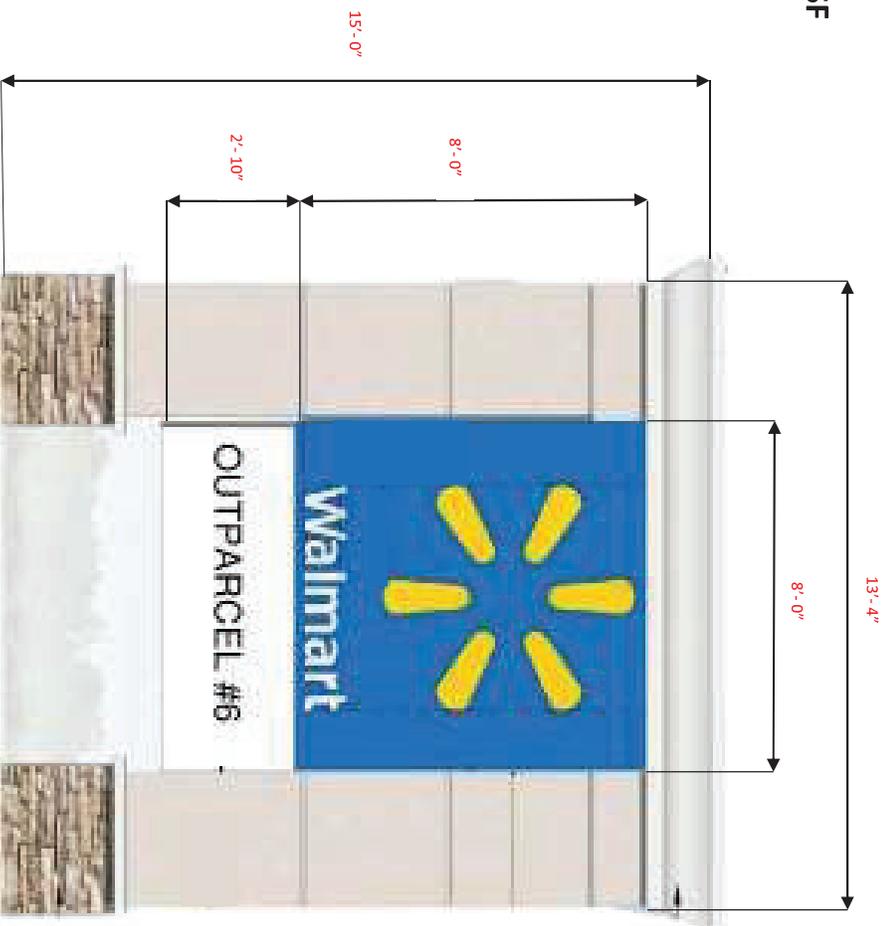


24-0190

PYLON SIGN - E

Received January 12, 2024
Development Services

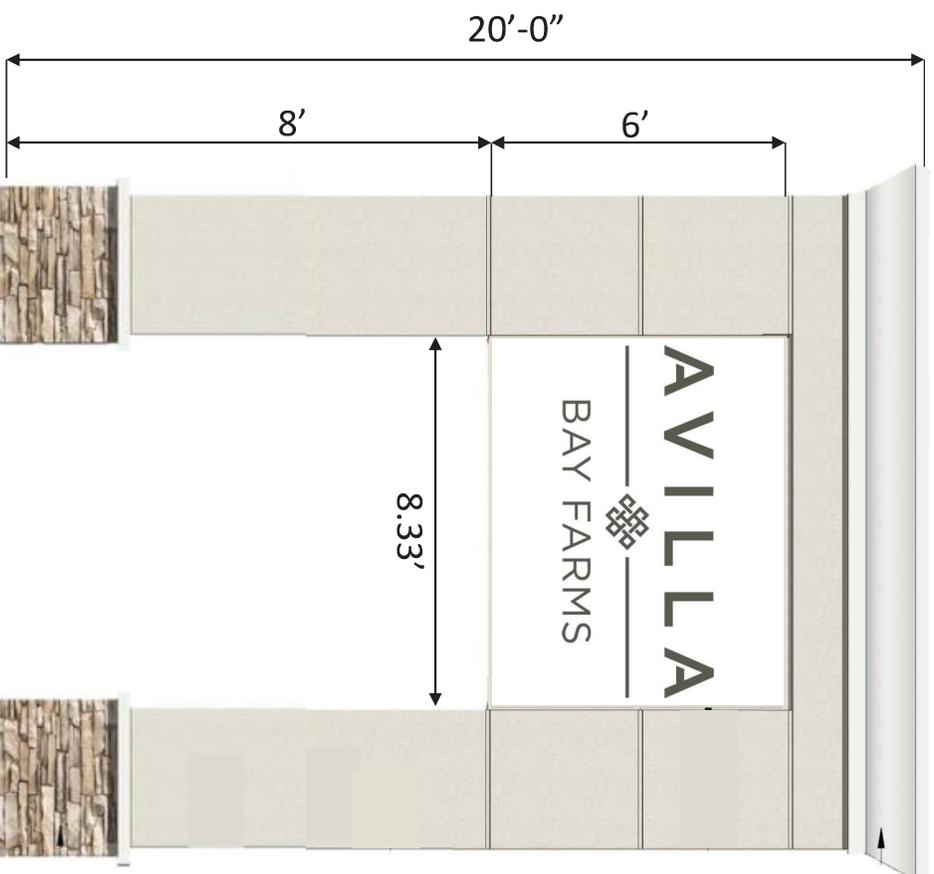
Sign Size = 87 SF



24-0190

PYLON SIGN - F

Sign Size = 50 SF



Full 50 SF panel will
be internally lit

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Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 24-0190	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: VAR 24-0190 Applicant's Name: nex metro & casto-leisy/Pressman, ager

Reviewing Planner's Name: Fred Ball Date: 1.12.24

Application Type:

- Planned Development (PD)
- Minor Modification/Personal Appearance (PRS)
- Standard Rezoning (RZ)
- Variance (VAR)
- Development of Regional Impact (DRI)
- Major Modification (MM)
- Special Use (SU)
- Conditional Use (CU)
- Other _____

Current Hearing Date (if applicable): 2/26/24

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

Will this revision remove land from the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with + on the last page.

Email this form along with all submittal items indicated on the next page in pdf form to:
ZoningIntake-DSD@hcflgov.net

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

1.12.24

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application VAR 24-0190

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: _____

(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
----------	----------------

- 1 **Cover Letter**** If adding or removing land from the project site, the final list of folios must be included
- 2 **Revised Application Form****
- 3 **Copy of Current Deed*** Must be provided for any new folio(s) being added
- 4 **Affidavit to Authorize Agent*** (If Applicable) Must be provided for any new folio(s) being added
- 5 **Sunbiz Form*** (If Applicable) Must be provided for any new folio(s) being added
- 6 **Property Information Sheet****
- 7 **Legal Description of the Subject Site****
- 8 **Close Proximity Property Owners List****
- 9 **Site Plan**** All changes on the site plan must be listed in detail in the Cover Letter.
- 10 **Survey**
- 11 **Wet Zone Survey**
- 12 **General Development Plan**
- 13 **Project Description/Written Statement**
- 14 **Design Exception and Administrative Variance requests/approvals**
- 15 **Variance Criteria Response**
- 16 **Copy of Code Enforcement or Building Violation**
- 17 **Transportation Analysis**
- 18 **Sign-off form**
- 19 **Other Documents** (please describe):

application and sign diagram changes for sign "B" (all other remain the same)

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

**Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



**Hillsborough
County Florida**
Development Services

Application No: _____

Project Description (Variance Request)

- 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.

1) Sign B. Seeking 224 SF aggregate, where 100 SF aggregate is permitted. A variance of 100 SF aggregate.
 2) Sign E. Seeking 174 SF aggregate, where 100 SF aggregate is permitted. A variance of 74 SF aggregate is requested.
 3) Sign F: Seeking height of 20', where 15' is the maximum proposed. A variance of 5' of height requested.

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

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- 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): plat
- 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.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- Is the variance to allow a third lot on well 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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



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Office Use Only		
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- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 1/22/24

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Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

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10.18.23

Signature

Date



**Hillsborough
County Florida**
Development Services

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(Must be signed by applicant or authorized representative)

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15 **Variance Criteria Response**

16 **Copy of Code Enforcement or Building Violation**

17 **Transportation Analysis**

18 **Sign-off form**

19 **Other Documents** (please describe):

code # tweak and sign "B" variance response

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

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**Hillsborough
County Florida**
Development Services

Application No: _____

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

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- Do you have any other applications filed with Hillsborough County that are related to the subject property?
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- Is the variance to allow a third lot on well 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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

1) Sign B. Seeking 200 SF aggregate, where 100 SF aggregate is permitted. Received November 30, 2023
Development Services
variance of 100 SF aggregate.



**Hillsborough
County Florida**
Development Services

Application No: _____

Variance Criteria Response

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?

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.

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.

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*).

package.

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.

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.



Variance Criteria Response

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 overriding issues for these signage submittals is the vast area of the PD and the critical access elements of the only 2 access points. For sign B, it is critical that drivers on a high dense, fast traveling arterial highway, are able to see sign B and react to it for access prior to recognizing the center. Hwy 41 is a 55 MPH roadway with 2 lanes and a bike lane. It is critical to capture access at the private road access point, at sign B, for ALL of the commercial uses on the site. The result would be traffic would have to circle thru the major intersection, then traveling east on Brandermill to the only other access point on Brandermill. This would further hamper traffic at the major intersection, add traffic into the residential component and would create excessive and poor circulation of vehicles attempting to 'double back' thru the shopping center back to all of the commercial uses west and south.

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.

Being a very large development with only 2 critical widely located access points creates signage issues for the minimal ability to provides the directional aspect of signage, especially when located on a very fast, high dense arterial roadway, with all individual store/retail access interior to the development.

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 signage proposed is minimal over all compared to the vast size and number of uses on site and the variances requested are not substantial (in our opinion). US Hwy. 41 is a purely commercial roadway with no residential in the vicinity. We believe that the signage proposed is a positive aspect for the reasons cited above rather than any kind of negative impact on any property in the vicinity.

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 purpose and intent of the sign code is stated as: "The purpose of these Sign Regulations is to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Hillsborough County, Florida, by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that would detract from the aesthetic appeal of the county and lead to economic decline and blight"... The code recognizes signage for commercial centers to provide control of traffic and access and minimal advertising to the public, of which the signs proposed meet that standard. The signs are also designed with a similar architectural style and design to further the aesthetic appeal of the sign package.

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 large PD complex is not built at this time and there are no signs. The hardship that is created is caused by the allowable commercial development the topographical design of abutting roadways, vehicle travel requirements, prescribed access points and the capture of all separate commercial or retail stores access is internal.

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 recognize the hardships as stated above and provide the public reasonable, safe, efficient and informative signage along with a sign package that is nicely architecturally presented.

PREPARED BY AND RETURN TO:

Orlando L. Evora, Esq.
Greenberg Traurig, P.A.
450 S. Orange Avenue, Suite 650
Orlando, Florida 32801

Parcel Identification Number: 541910100 (portion)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, is made and entered into as of this 23 day of May, 2023, by **COUNCIL BAY FARMS, LTD.**, a Florida limited partnership, whose mailing address is 3 Dickson Island, Suite 100, Ruskin, Florida 33570 (the "Grantor"), to **NEXMETRO BAY FARMS, LP**, a Delaware limited partnership, whose mailing address is 2355 East Camelback Road, Suite 805 Phoenix, Arizona 85016 (the "Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by Grantor, by these presents, does hereby grant, bargain, sell, alien, remise, release, convey and confirm to Grantee all that certain land situated in Hillsborough County, Florida, more particularly described as follows, together with all improvements located thereon (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

TOGETHER with all the tenements, hereditaments and appurtenances belonging or in anywise appertaining to the Property, including, but not limited to, Seller's right, title, and interest, if any, in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining such Property, riparian and other water rights, and all minerals, oil, gas, other hydrocarbons and associated substances, sulphur, nitrogen, carbon dioxide, helium and other commercially valuable substances, if any, which may be in, under or produced from any part of the Property.

TO HAVE AND TO HOLD the same in fee simple, forever.

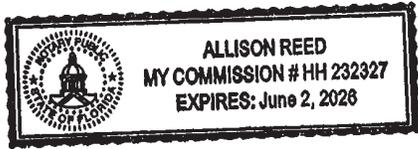
THE PROPERTY is subject to real property taxes accruing subsequent to December 31, 2022, and matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference (the "Permitted Encumbrances"); provided, however, reference to the Permitted Encumbrances shall not serve to reimpose the same.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple, that Grantor has good right and lawful authority to sell and convey the Property, and that except for the Permitted Encumbrances, Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through or under Grantor but against none other.

[signatures on the following page]

STATE OF Florida
COUNTY OF HILLSBOROUGH

I hereby certify that the foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 16th day of May, 2023, by John R. Paulk, as General Partner of **COUNCIL BAY FARMS, LTD.**, a Florida limited partnership, on behalf of said limited partnership. He is personally known to me, or has produced Florida driver license as identification.



Affix Notary Stamp/Seal Below:

Allison Reed
Notary Public; State of Florida
Print Name: Allison Reed
My commission expires: 6/2/26

EXHIBIT "A"**LEGAL DESCRIPTION OF PROPERTY****FEE PARCEL B:**

A parcel of land being a portion of that certain property as described in Official Records Book 15135, Page 1789, of the Public Records of Hillsborough County, Florida, lying in Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida; thence the following two (2) courses along the South line of the of the Southeast 1/4 of said Section 28; (1) thence N89°28'33"W (being the basis of bearings for this legal description), for 869.92 feet to the point of intersection with the Northwesterly Right of Way line of CSX TRANSPORTATION, (formerly known as Seaboard Coastline Railroad), same being the POINT OF BEGINNING; (2) thence leaving said Northwesterly Right of Way line of CSX TRANSPORTATION, (formerly known as Seaboard Coastline Railroad), continue N89°28'33"W, for 1,778.21 feet to the South 1/4 corner of said Section 28; thence N89°17'18"W, along the South line of the Southwest 1/4 of said Section 28, for 1,042.42 feet to the point of intersection with the East Right of Way line of US HIGHWAY 41 N (STATE ROAD 45), according to that certain Florida Department of Transportation Right of Way Map, Section 10060-2211; thence leaving said South line of the Southwest 1/4 of Section 28, N47°17'25"E, along said East Right of Way line of US HIGHWAY 41 N (STATE ROAD 45), for 862.20 feet; thence leaving said East Right of Way line of US HIGHWAY 41 N (STATE ROAD 45), S42°44'51"E, for 327.37 feet; thence S55°25'38"E, for 97.84 feet; thence S42°44'49"E, for 31.88 feet; thence S37°34'04"E, for 99.75 feet to the point of intersection with a non-tangent curve, concave Northerly; thence Easterly along the arc of said curve, with a radial bearing of N40°57'26"E, having a radius of 579.50 feet, a central angle of 40°26'21", an arc length of 409.01 feet, and a chord bearing S69°15'45"E, for 400.57 feet to the point of tangent; thence S89°28'55"E, for 249.57 feet; thence N47°13'07"E, for 462.49 feet; thence N86°38'47"E, for 57.52 feet; thence N47°13'07"E, for 232.50 feet; thence N32°27'32"W, for 114.08 feet; thence N42°45'19"W, for 334.03 feet to the point of intersection with a non-tangent curve, concave Southeasterly; thence Northeasterly along the arc of said curve, with a radial bearing of S47°24'35"E, having a radius of 36.66 feet, a central angle of 35°19'44", an arc length of 22.60 feet, and a chord bearing N60°15'17"E, for 22.25 feet, to the point of intersection with a non-tangent line; thence N78°16'18"E, for 105.03 feet; thence N12°04'07"W, for 65.92 feet; thence N08°51'48"W, for 161.77 feet to the point of intersection with the South line of LEISEY ROAD EXTENSION, as described in Official Records Book 17261, Page 145, of the Public Records of Hillsborough County, Florida; thence the following five (5) courses along said South line of LEISEY ROAD EXTENSION; (1) thence N81°07'17"E, for 394.41 feet to the point of curvature of a curve concave Southerly; (2) thence Easterly along the arc of said curve, having a radius of 1,472.89 feet, a central angle of 19°23'24", an arc length of 498.46 feet, and a chord bearing S89°11'01"E, for 496.08 feet to the point of intersection with a non-tangent curve, concave Southerly; (3) thence Easterly along the arc of said curve, with a radial bearing of S07°24'58"W, having a radius of 1,482.03 feet, a central angle of 15°02'08", an arc length of 388.91 feet, and a chord bearing S75°03'58"E, for 387.80 feet, to the point of intersection with a non-tangent curve, concave Southwesterly; (4) thence Southeasterly along the arc of said curve, with a radial bearing of S25°30'41"W, having a radius of 1,493.89 feet, a central angle of 03°05'01", an arc length of

80.40 feet, and a chord bearing S62°56'49"E, for 80.39 feet, to the point of tangent; (5) thence S61°24'19"E, for 54.70 feet to the Southeast corner of said LEISEY ROAD EXTENSION, same being the point of intersection with said Northwesterly Right of Way line of CSX TRANSPORTATION, (formerly known as Seaboard Coastline Railroad); thence S28°37'14"W, along said Northwesterly Right of Way line of CSX TRANSPORTATION, (formerly known as Seaboard Coastline Railroad), for 1,180.53 feet to the POINT OF BEGINNING.

EASEMENT PARCEL:

Together with Easement Rights appurtenant to the Fee Parcel as granted by Declaration of Restrictive Covenant and Easement Agreement recorded in Official Records Book 22813, Page 1654, of the Public Records of Hillsborough County, Florida.

END OF EXHIBIT "A"

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Terms and Conditions of Declaration of Restrictive Covenant and Easement Agreement recorded in Official Records Book 22813, Page 1654, of the Public Records of Hillsborough County, Florida.
3. Terms and Conditions of Operating and Reciprocal Easement Agreement by and between Casto-Leisey, LLC, a Florida limited liability company, and NexMetro Bay Farms, LP, a Delaware limited partnership, recorded of even date herewith in the Public Records of Hillsborough County, Florida.
4. Matters as set forth on survey prepared by Florida Design Consultants, Inc., Job Number 2022-0025, dated April 17, 2023, last revised May 12, 2023.

END OF EXHIBIT "B"

PREPARED BY AND RETURN TO:

Robert F. Greene, Esq.
Greene Hamrick Schermer & Johnson, P.A.
410 43rd Street West, Suite N
Bradenton, Florida 34209

Parcel Identification Number: 541910100 (portion)

SPECIAL WARRANTY DEED

THIS **SPECIAL WARRANTY DEED**, is made and entered into as of this 23 day of May, 2023, by **COUNCIL BAY FARMS, LTD.**, a Florida limited partnership, whose mailing address is 3 Dickson Island, Suite 100, Ruskin, Florida 33570 (the "Grantor"), to **CASTO - LEISEY, LLC**, a Florida limited liability company, whose mailing address is 1501 W. Cleveland Street, Suite 200, Tampa, Florida 33606 (the "Grantee").

W I T N E S S E T H:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by Grantor, by these presents, does hereby grant, bargain, sell, alien, remise, release, convey and confirm to Grantee all that certain land situated in Hillsborough County, Florida, more particularly described as follows, together with all improvements located thereon (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

TOGETHER with all the tenements, hereditaments and appurtenances belonging or in anywise appertaining to the Property, including, but not limited to, Seller's right, title, and interest, if any, in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining such Property, riparian and other water rights, and all minerals, oil, gas, other hydrocarbons and associated substances, sulphur, nitrogen, carbon dioxide, helium and other commercially valuable substances, if any, which may be in, under or produced from any part of the Property.

TO HAVE AND TO HOLD the same in fee simple, forever.

THE PROPERTY is subject to real property taxes accruing subsequent to December 31, 2022, and matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference (the "Permitted Encumbrances"); provided, however, reference to the Permitted Encumbrances shall not serve to reimpose the same.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple, that Grantor has good right and lawful authority to sell and convey the Property, and that except for the Permitted Encumbrances, Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through or under Grantor but against none other.

[signatures on the following page]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year first above written.

WITNESSES:

GRANTOR:

COUNCIL BAY FARMS, LTD., a Florida limited partnership

Allison Reed

Print Name: Allison Reed

Jonathan P. Jenkinson

Print Name: Jonathan P. Jenkinson

By: Gail C. Paulk

Name: Gail C. Paulk

Title: General Partner

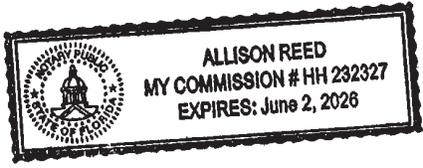
By: John R. Paulk

Name: John R. Paulk

Title: General Partner

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that the foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 16th day of May, 2023, by Gail C. Paulk, as General Partner of **COUNCIL BAY FARMS, LTD.**, a Florida limited partnership, on behalf of said limited partnership. She [] is personally known to me, or [] has produced Florida driver license as identification.

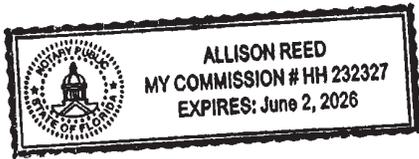


Affix Notary Stamp/Seal Below:
Allison Reed
Notary Public; State of Florida
Print Name: Allison Reed
My commission expires: _____

[acknowledgements continue on the following page]

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that the foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 16th day of May, 2023, by John R. Paulk, as General Partner of **COUNCIL BAY FARMS, LTD.**, a Florida limited partnership, on behalf of said limited partnership. He is personally known to me, or has produced Florida drivers license as identification.



Affix Notary Stamp/Seal Below:
Allison Reed
Notary Public; State of Florida
Print Name: Allison Reed
My commission expires: _____

Exhibit "A"

LEGAL DESCRIPTION**FEE PARCEL A:**

A parcel of land being a portion of that certain property as described in Official Records Book 15135, Page 1789, of the Public Records of Hillsborough County, Florida, lying in Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of the Section 28, Township 31 South, Range 19 East, Hillsborough County, Florida; thence N89°28'33"W, along the South line of the Southeast 1/4 of said Section 28 (being the basis of bearings for this legal description), for 2648.13 feet to the South 1/4 corner of said Section 28; thence N89°17'18"W, along the South line of the Southwest 1/4 of said Section 28, for 1,042.42 feet to the point of intersection with the East Right of Way line of US HIGHWAY 41 N (STATE ROAD 45), according to that certain Florida Department of Transportation Right of Way Map Section 10060-2211; thence the following three (3) courses along said East Right of Way line of US HIGHWAY 41 N (STATE ROAD 45); (1) thence leaving said South line of the Southwest 1/4 of Section 28, N47°17'25"E, for 862.20 feet to the POINT OF BEGINNING; (2) thence continue N47°17'25"E, for 411.52 feet; (3) thence N47°13'27"E, for 428.86 feet to the Southwest corner of LEISEY ROAD EXTENSION, as described in Official Records Book 17261, Page 145, of the Public Records of Hillsborough County, Florida; thence the following three (3) courses along the South line of said LEISEY ROAD EXTENSION; (1) thence leaving said East Right of Way line of US HIGHWAY 41 (STATE ROAD 45), S79°37'28"E, for 202.59 feet to the point of intersection with a non-tangent curve, concave Northerly; (2) thence Easterly along the arc of said curve, with a radial bearing of N10°22'33"E, having a radius of 1,582.89 feet, a central angle of 19°15'15", an arc length of 531.93 feet, and a chord bearing S89°15'05"E, for 529.43 feet, to the point of tangent; (3) thence N81°07'17"E, for 26.87 feet; thence leaving said South line of LEISEY ROAD EXTENSION, S08°51'48"E, for 161.77 feet; thence S12°04'07"E, for 65.92 feet; thence S78°16'18"W, for 105.03 feet to the point of intersection with a non-tangent curve, concave Southeasterly; thence Southwesterly along the arc of said curve, with a radial bearing of S12°04'51"E, having a radius of 36.66 feet, a central angle of 35°19'44", an arc length of 22.60 feet, and a chord bearing S60°15'17"W, for 22.25 feet, to the point of intersection with a non-tangent line; thence S42°45'19"E, for 334.03 feet; thence S32°27'32"E, for 114.08 feet; thence S47°13'07"W, for 232.50 feet; thence S86°38'47"W, for 57.52 feet; thence S47°13'07"W, for 462.49 feet; thence N89°28'55"W, for 249.57 feet to the point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 579.50 feet, a central angle of 40°26'21", an arc length of 409.01 feet, and a chord bearing N69°15'45"W, for 400.57 feet to the point of intersection with a non-tangent line; thence N37°34'04"W, for 99.75 feet; thence N42°44'49"W, for 31.88 feet; thence N55°25'38"W, for 97.84 feet; thence N42°44'51"W, for 327.37 feet to the POINT OF BEGINNING.

EASEMENT PARCEL:

Together with Easement Rights appurtenant to the Fee Parcel as granted by Declaration of Restrictive Covenant and Easement Agreement recorded in Official Records Book 22813, Page 1654, of the Public Records of Hillsborough County, Florida.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Taxes for the year 2023 and subsequent years, which are not yet due and payable.
2. Terms and Conditions of Declaration of Restrictive Covenant and Easement Agreement recorded in Official Records Book 22813, Page 1654, of the Public Records of Hillsborough County, Florida.
3. Terms and Conditions of Operating and Reciprocal Easement Agreement by and between Casto-Leisey, LLC, a Florida limited liability company, and NexMetro Bay Farms, LP, a Delaware limited partnership, recorded of even date herewith in the Public Records of Hillsborough County, Florida.
4. Matters as set forth on survey prepared by Florida Design Consultants, Inc., Job Number 2023-0025, dated March 21, 2023, last revised May 12, 2023.

END OF EXHIBIT "B"



Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 24-0190	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: VAR 24-0190 Applicant's Name: nex metro & casto-leisy/Pressman, ager

Reviewing Planner's Name: Fred Ball Date: 1.12.24

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 2/26/24

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

Will this revision remove land from the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with + on the last page.

Email this form along with all submittal items indicated on the next page in pdf form to:

ZoningIntake-DSD@hcflgov.net

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

1.12.24

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application VAR 24-0190

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: _____

(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
----------	----------------

1 **Cover Letter**** If adding or removing land from the project site, the final list of folios must be included

2 **Revised Application Form****

3 **Copy of Current Deed*** Must be provided for any new folio(s) being added

4 **Affidavit to Authorize Agent*** (If Applicable) Must be provided for any new folio(s) being added

5 **Sunbiz Form*** (If Applicable) Must be provided for any new folio(s) being added

6 **Property Information Sheet****

7 **Legal Description of the Subject Site****

8 **Close Proximity Property Owners List****

9 **Site Plan**** All changes on the site plan must be listed in detail in the Cover Letter.

10 **Survey**

11 **Wet Zone Survey**

12 **General Development Plan**

13 **Project Description/Written Statement**

14 **Design Exception and Administrative Variance requests/approvals**

15 **Variance Criteria Response**

16 **Copy of Code Enforcement or Building Violation**

17 **Transportation Analysis**

18 **Sign-off form**

19 **Other Documents** (please describe):

application and sign diagram changes for sign "B" (all other remain the same)

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

+Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

Variance Application Package



**Hillsborough
County Florida**
Development Services

Instructions to Applicants for Requests Requiring Public Hearing:

I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email ZoningIntake-DSD@HCFLGov.net.

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting Sunbiz.org.
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at HCPAFL.org and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing gisdept@hcpafl.org. Include all folio numbers and the buffer area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property.

II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to ZoningIntake-DSD@HCFLGov.net. Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

IMPORTANT: Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the [cut-off day for your desired hearing](#) or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



**Hillsborough
County Florida**
Development Services

Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: Todd Pressman Phone: 727-804-1760

Representative's Email: todd@pressmaninc.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
1	<input type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org . 2 separate owner's see additional signer verification included
4	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

1) No address No address
 Address: 2) 5591 N. 41 City/State/Zip: Apollo Beach
 TWN-RN-SEC: 28/31/19 Folio(s): 54191.0110 Zoning: PD Future Land Use: SMU-6 Property Size: 28.58
 54191.0106 OC-20 36.50

Property Owner Information

Name: Nexmetro Bay Farms LP. Daytime Phone 813-556-9698
 Casto-Leisev, LLC Daytime Phone 813-254-6200
 2355 E. Camelback Rd, STE 805 Phoenix, AR 85016
 Address: 1501 W. Cleveland St. STE 200 City/State/Zip: Tampa, FL 33606
 myah@redstoneinvestments.com
 Email: william@nexmetro.com Fax Number _____

Applicant Information

Name: Todd Pressman Daytime Phone 727-804-1760
 Address: 200 2nd Ave., south, #451 City/State/Zip: St. Petersburg, FL 33701
 Email: todd@pressmaninc.com Fax Number _____

Applicant's Representative (if different than above)

Name: _____ Daytime Phone _____
 Address: _____ City/State/Zip: _____
 Email: _____ Fax Number _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Signature of the Applicant

Todd Pressman, Pres., Pressman & Assoc.

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Signature of the Owner(s) – (All parties on the deed must sign)

Todd Pressman, Pres., Pressman & Assoc.,
Authorized signer

Type or print name