

Rezoning Application: RZ-STD 23-0552

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 07, 2023

**Hillsborough County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant:	Mike Schlechter
FLU Category:	R-1
Service Area:	Rural
Site Acreage:	5.4 +/-
Community Plan Area:	East Rural NA
Overlay:	None

**Introduction Summary:**

The applicant is requesting to rezone the property from the existing AR (Agricultural Rural) district to the proposed CI (Commercial, Intensive) district with restrictions to the use, setbacks, and hours of operation to accommodate additional inventory and storage of equipment. The property is located on the corner of Rain Frog Land and W state Road 60.

Zoning:	Existing	Proposed
District(s)	AR	CI-R
Typical General Use(s)	Agricultural	Commercial, Intensive
Acreage	5.41	5.41
Density/Intensity	1 DU per 5 GA/ FAR NA	DU per GA: NA/ FAR 0.30
Mathematical Maximum*	1 DU per GA/ GFA: NA	DU: NA / GFA: 70,697.88

*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	AR	CI-R
Lot Size / Lot Width	217,000 SqFt /150'	20,000 SqFt / 100'
Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	30' Front 10' & 11' Rear 10' & 11' Sides
Height	50'	50'

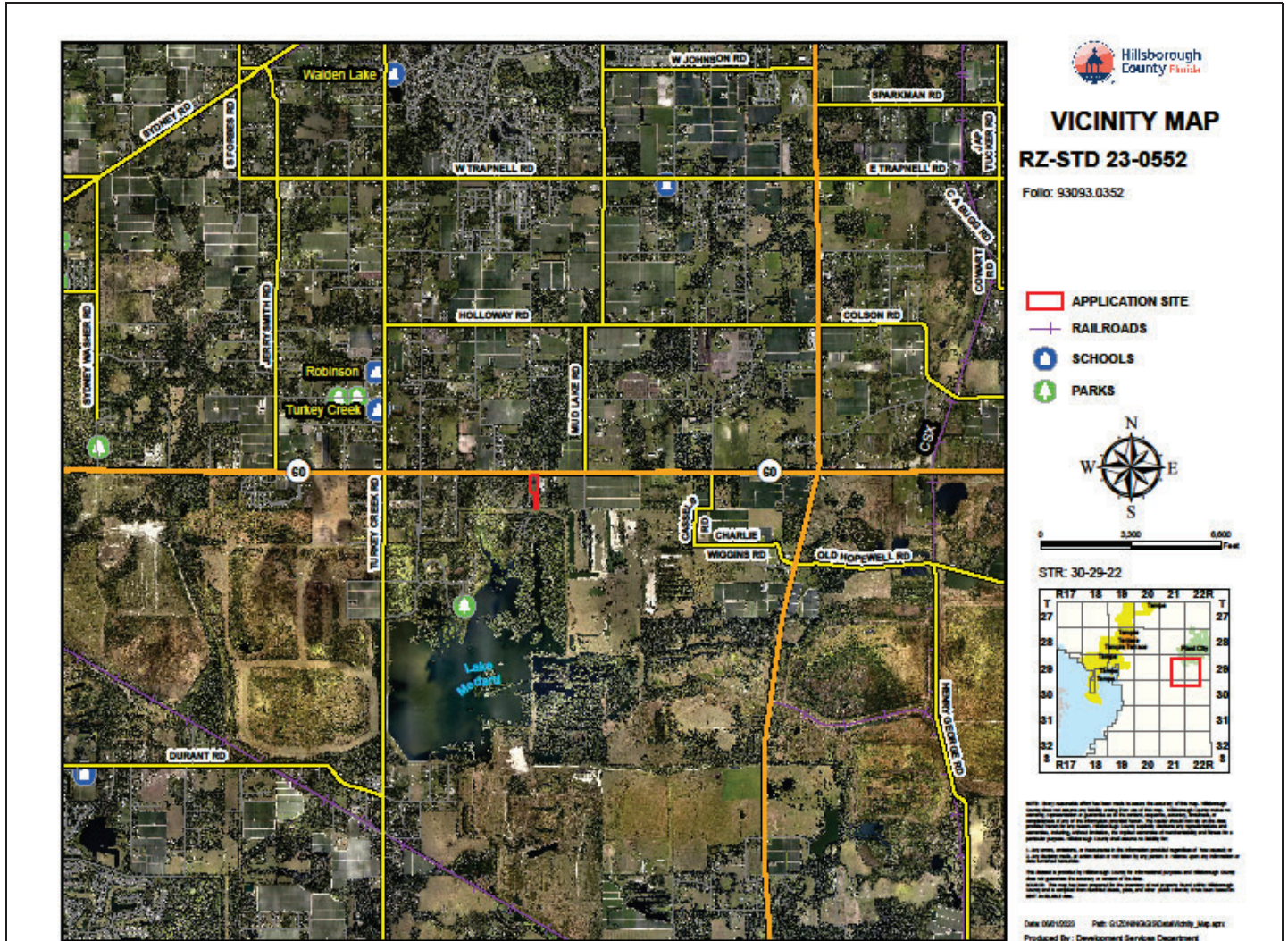
Additional Information:

PD Variation(s)	NA
Waiver(s) to the Land Development Code	NA

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable with restrictions
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2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

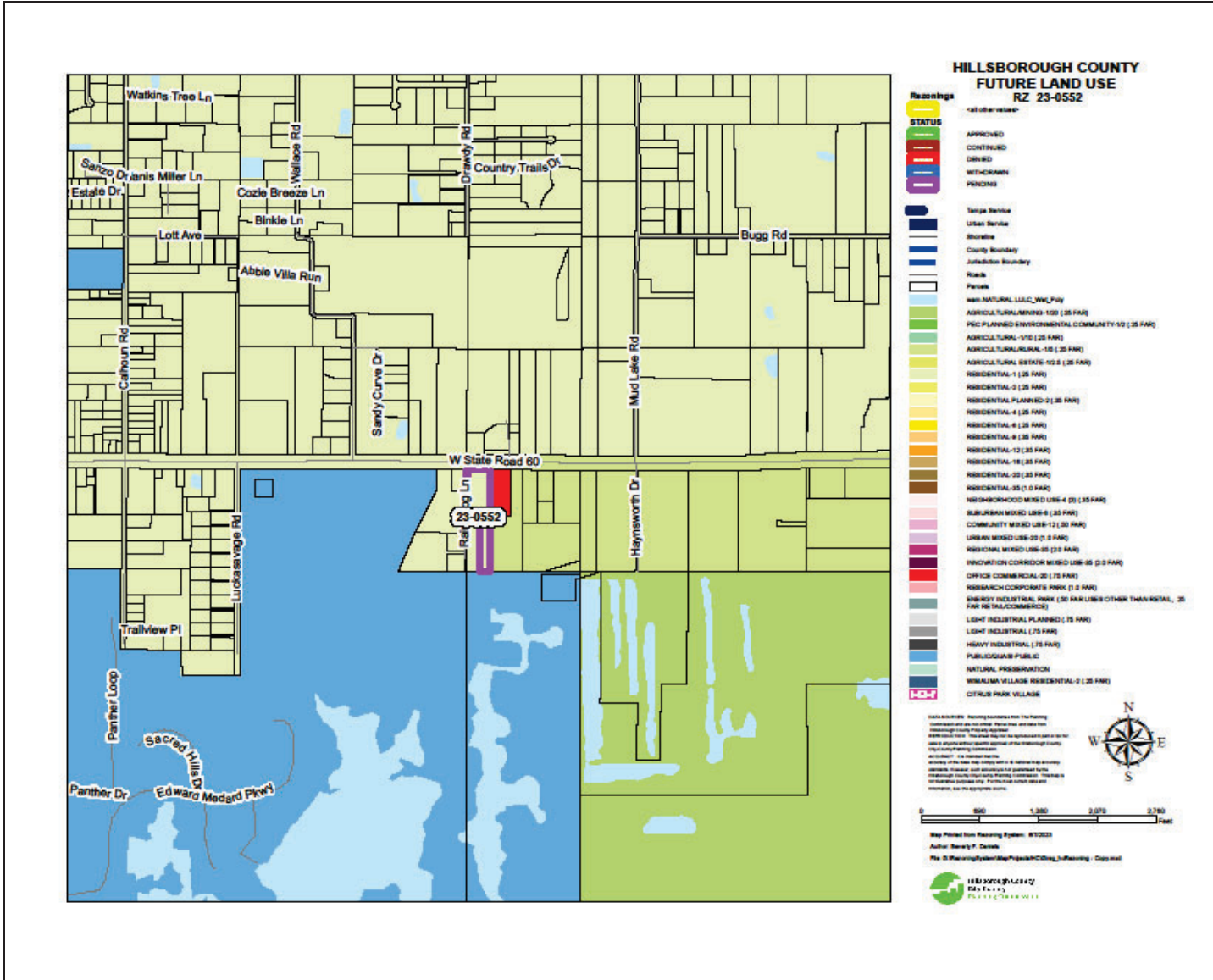


Context of Surrounding Area:

The subject parcel is separated from the North by W State Road 60 and to the West by Rain Frog Lane. The properties surrounding the parcel from the North, West, and South are all under residential uses. The property to the East which is owned by the applicant of the subject parcel is under the use of sales, rental and service of new or used farm, garden and turf equipment.

2.0 LAND USE MAP SET AND SUMMARY DATA

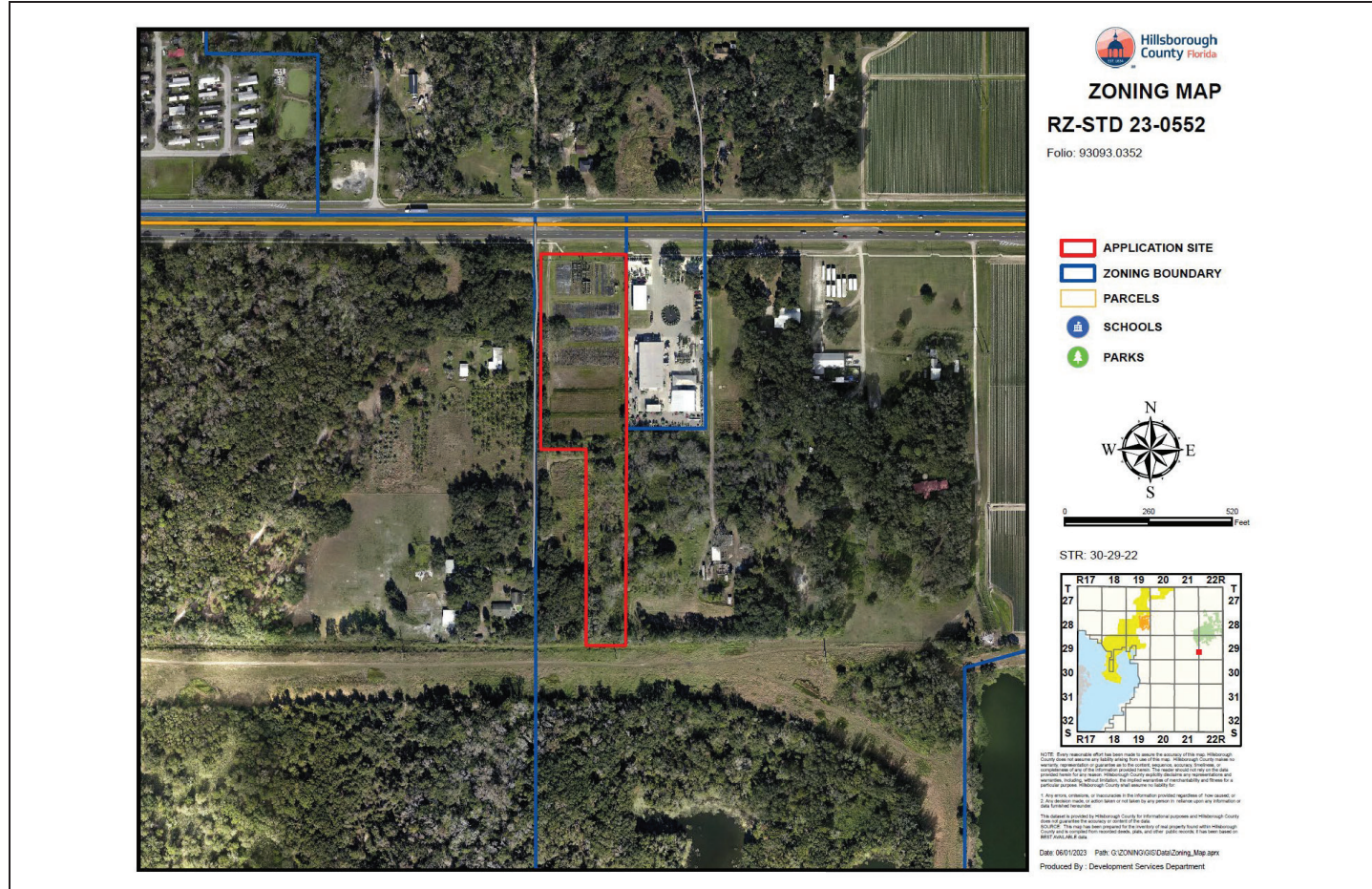
2.2 Future Land Use Map



Subject Site Future Land Use Category:	R-1
Maximum Density/F.A.R.:	1 per 5 acres / 0.25
Typical Uses:	<p>Farms, ranches, residual uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.</p> <p>Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.</p>

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1	1/NA	Agriculture, Single Family	SINGLE FAMILY R
South	AR	1/NA	Agriculture, Single Family	SINGLE FAMILY R, 8700 STATE
East	CI, AR	NA/0.30, 1/NA	Accessory Retail, Automotive Supply Store, Agriculture, Single Family	AUTO SALES C, VACANT RESIDENTIAL
West	AR	1/NA	Agriculture, Single Family	SINGLE FAMILY R, MH

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

N/A

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
	County Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	County Arterial - Urban	8 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Rain Frog Lane	County Local - Rural	3 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
SR 60	FDOT Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/1)			

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

Connectivity and Cross Access

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	SR 60	Vehicular	None	Meets LDC
South		Vehicular & Pedestrian	Pedestrian	Does Not Meet LDC
East		None	Vehicular	Does Not Meet LDC
West	Rain Frog Lane	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC

Notes:

Design Exception/Administrative Variance

Road Name/Nature of Request	Type	Finding
	Administrative Variance Requested	Approvable
	Design Exception Requested	Previously Approved

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input checked="" type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS**5.1 Compatibility**

The immediate adjacent properties are zoned AR to the south, west, east, and AS -1 to the north separated by W State Road 60. From the west the parcel is separated from residential parcels by Rain Frog Road. As the road is less than 50 feet in width a required 20-foot buffer with type B screening is required in accordance with LDC Sec. 6.06.06. The northern most adjacent parcel to the east of the subject parcel is zoned CI, owned by the applicant with the use of sales, rental and service of new or used farm, garden and turf equipment. Furthermore, the site is bordered by a mixture of residential uses. To mitigate compatibility issues with the residential properties the applicant has proposed restrictions on the use, setbacks, and hours of operation. Additionally, the subject site is surrounded by R – 1, AR, and OC-20 Future Land Use (FLU) categories which permits residential, community & neighborhood commercial, office, farms, ranches, and multi-purpose uses.

5.2 Recommendation

Based on the above considerations and proposed restrictions, staff finds the proposed CI zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request Approvable.

6.0 PROPOSED RESTRICTIONS

1. Hours of operation for the subject parcel will be limited to: Monday thru Friday from 8 am to 5 pm and Saturday from 8 am to 12 pm. The business will be closed on Sundays
2. The proposed building will be placed along the eastern side of the property with a minimum of 140-foot distance from the residential properties west of Rain Frog Lane.
3. Use shall be restricted to “sales, rental and service of new or used farm, garden and turf equipment”

Zoning Administrator Sign Off:



J. Brian Grady
Fri Sep 29 2023 12:51:45

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

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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

N/A

9.0 FULL TRANSPORTATION REPORT (see following pages)

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER:	RZ STD 23-0552
DATE OF HEARING:	September 18, 2023
APPLICANT:	Mike Schlechter
PETITION REQUEST:	The request is to rezone a parcel of land from AR to CI (R)
LOCATION:	West side of the Intersection of Simmons Rach Court and Simmons Loop
SIZE OF PROPERTY:	5.45 acres m.o.l.
EXISTING ZONING DISTRICT:	AR
FUTURE LAND USE CATEGORY:	RES-1
SERVICE AREA:	Rural

DEVELOPMENT REVIEW STAFF REPORT

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

1.0 APPLICATION SUMMARY

Applicant: Mike Schlechter

FLU Category: R-1

Service Area: Rural

Site Acreage: 5.4 +/-

Community Plan Area: NA

Overlay: None

Zoning: AR

Introduction Summary:

The applicant is requesting to rezone the property from the existing AR (Agricultural Rural) district to the proposed CI (Commercial, Intensive) district with restrictions to the use, setbacks, and hours of operation to accommodate additional inventory and storage of equipment. The property is located on the corner of Rain Frog Land and W state Road 60.

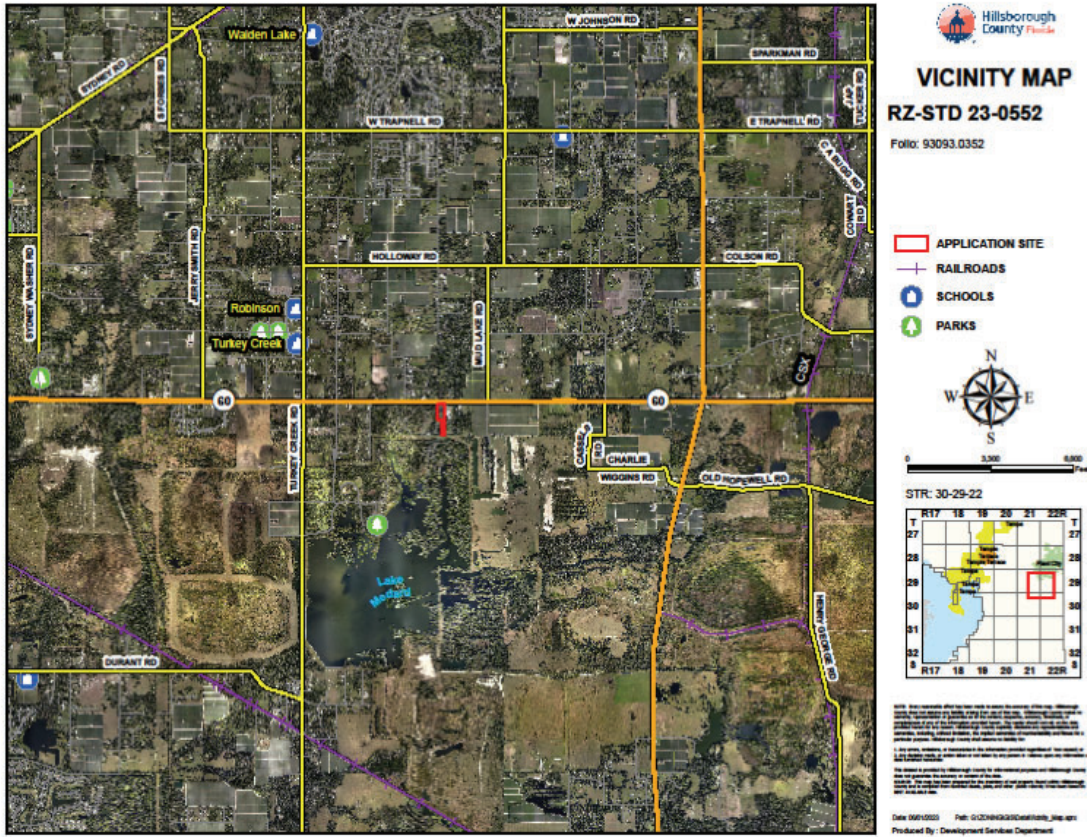
Development Services Recommendation: Approvable with restrictions

PD Variation(s): NA

Waiver(s) to the Land Development Code: NA

Planning Commission Recommendation: Consistent

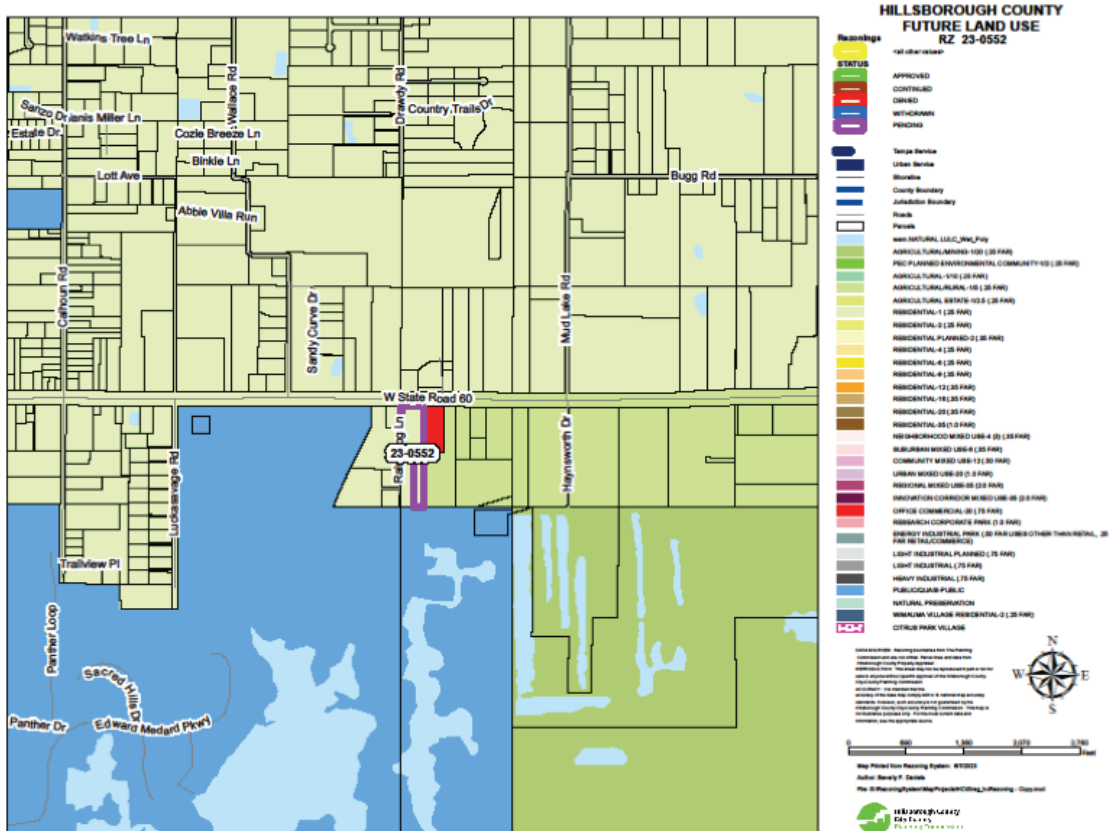
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

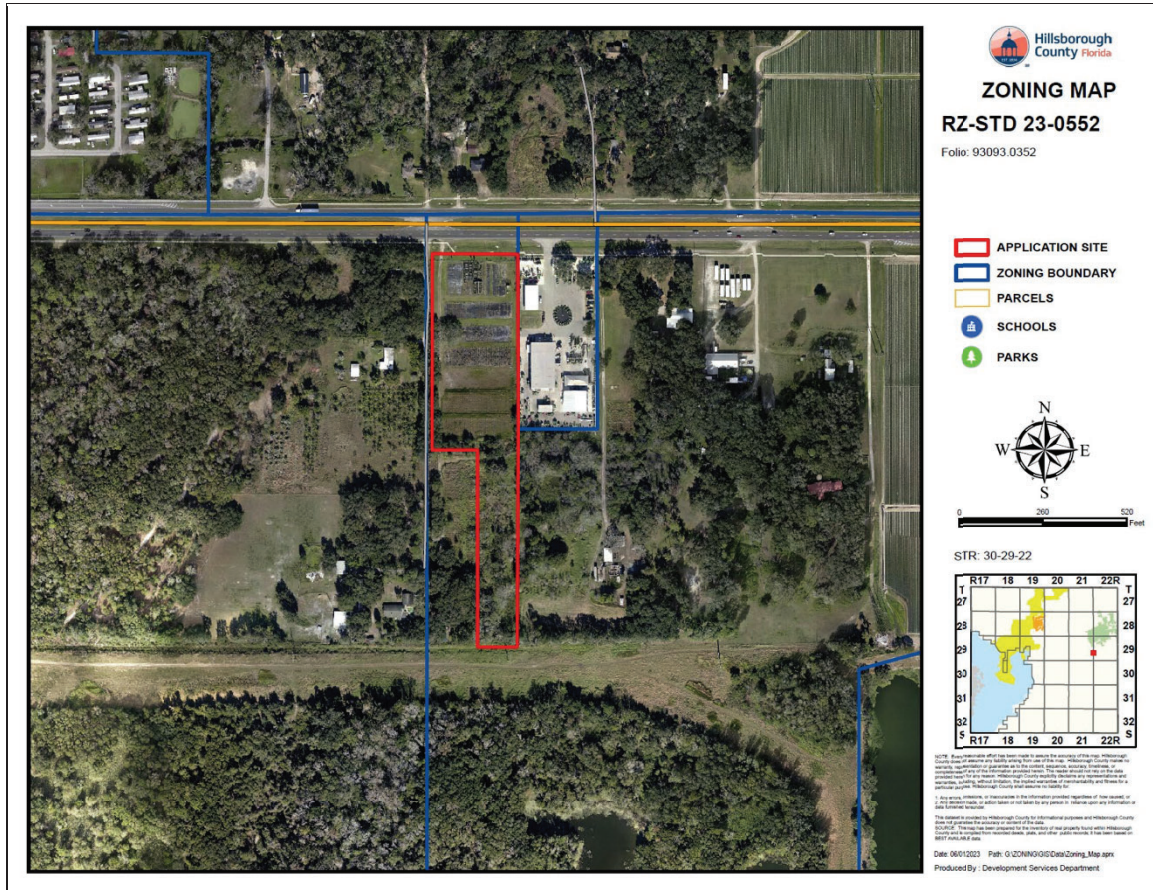
The subject parcel is separated from the North by W State Road 60 and to the West by Rain Frog Lane. The properties surrounding the parcel from the North, West, and South are all under residential uses. The property to the East which is owned by the applicant of the subject parcel is under the use of sales, rental and service of new or used farm, garden and turf equipment.

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



Subject Site Future Land Use Category:	R-1
Maximum Density/F.A.R.:	1 per 5 acres / 0.25
Typical Uses:	<p>Farms, ranches, residual uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.</p> <p>Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.</p>

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



2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

Classification Current Conditions Select Future Improvements

	County Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
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4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental Protection Commission Natural Resources
Conservation & Environ. Lands Mgmt. Check if Applicable:

- Wetlands/Other Surface Waters
- Use of Environmentally Sensitive Land Credit
- Wellhead Protection Area
- Surface Water Resource Protection Area
- Potable Water Wellfield Protection Area Significant Wildlife Habitat
- Coastal High Hazard Area
- Urban/Suburban/Rural Scenic Corridor Adjacent to ELAPP property
- Other _____

Public Facilities:

Transportation

Service Area/ Water & Wastewater

- Urban City of Tampa
- Rural City of Temple Terrace

Hillsborough County School Board

Adequate K-5 6-8 9-12 N/A Inadequate K-5 6-8 9-12 N/A

Planning Commission

- Meets Locational Criteria N/A Locational Criteria Waiver Requested
- Minimum Density Met N/A Density Bonus Requested Consistent
- Inconsistent

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The immediate adjacent properties are zoned AR to the south, west, east, and AS -1 to the north separated by W State Road 60. From the west the parcel is separated from residential parcels by Rain Frog Road. As the road is less than 50 feet in width a required 20-foot buffer with type B screening is required in accordance with LDC Sec. 6.06.06. The northern most adjacent parcel to the east of the subject parcel is zoned CI, owned by the applicant with the use of sales, rental and service of new or used farm, garden and turf equipment. Furthermore, the site is bordered by a mixture of residential uses. To mitigate compatibility issues with the residential properties the applicant has proposed restrictions on the use, setbacks, and hours of operation. Additionally, the subject site is surrounded by R – 1, AR, and OC-20 Future Land Use (FLU) categories which permits residential, community & neighborhood commercial, office, farms, ranches, and multi-purpose uses.

5.2 Recommendation

Based on the above considerations and proposed restrictions, staff finds the proposed CI zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request Approvable.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 18, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Ms. Linda Stewart 6997 Professional Parkway, Sarasota testified as a land use planner for the applicant. Ms. Stewart showed a PowerPoint presentation and stated that the property is located at 2903 West Highway 60 and is 5.4 acres in size. The property is zoned Agricultural Rural and designated RES-1. It is located in the Rural Service area. Ms. Stewart described the surrounding area and stated that the proposed Restrictions to the Commercial Intensive zoning district will restrict the use to sales, rental and service of new or used farm, garden and turf equipment only. She added that the hours of operation will be limited to Monday through Friday 8am to 5pm, Saturday 8am to Noon and closed on Sunday. Ms. Stewart testified that the proposed buildings will be placed on the eastern side of the property with a minimum of 140 feet from the existing residential properties to the west of Rain Frog Lane. The parcel will be accessed through the existing Everglades Farm Equipment property. Ms. Stewart stated that she met with FDOT regarding access to State Road 60 and agreed that the access will be from the existing property to the east. She stated that the prior use of the property was a neighborhood commercial use in the form of a berry farm and nursery. Ms. Stewart concluded her presentation by stating that the request serves as an expansion of the existing adjacent Everglades Farm

Equipment business located at 2805 Highway 60 and that staff supports the request.

Hearing Master Finch asked Ms. Stewart if the adjacent business is a John Deere dealership and if the subject property was being used for the storage of equipment which necessitates the rezoning to make the storage a permitted use. Ms. Stewart replied that was correct. Hearing Master Finch asked Ms. Stewart if the property was under Code Enforcement violation. Ms. Stewart replied no.

Ms. Carolanne Peddle, Development Services staff, testified regarding the County's staff report. Ms. Peddle stated that the applicant is requesting a rezoning to CI with Restrictions. She described the surrounding area and Future Land Use categories and stated that staff finds the request approvable with the proposed Restrictions.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Massey stated that the subject property is within the Residential-1 Future Land Use classification and the Rural Service Area. Ms. Massey described the surrounding land use categories and stated that the request is consistent with Objective 16 regarding the protection of existing neighborhoods and Objective 17 regarding compatibility with the existing development pattern. Ms. Massey stated that the request does not meet commercial locational criteria but does not require a waiver as agricultural related commercial within the Rural Service Area is not subject to locational criteria. She concluded her presentation by stating that the proposed Restrictions address the staff's compatibility concerns and that the Planning Commission finds the proposed rezoning consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. No one replied.

Hearing Master Finch asked for members of the audience in opposition to the application.

Ms. Mollie Usher 5513 Rain Frog Lane Plant City testified in opposition and detailed her background and research in microbiology and cell science. Ms. Usher discussed the impact of development on protected species. She added that the parcel was previously the subject of a rezoning application and that it is disrespectful and a waste of resources to reopen the case.

Mr. Jonathan Hoke 5513 Rain Frog Lane testified in opposition and stated that he is the Vice President of Rain Frog Ranch. He stated that he lives adjacent to the subject property and testified in opposition to the prior rezoning application. He added that agencies previously opposed a rezoning. Mr. Hoke stated that Everglades Equipment on its existing property was grandfathered in the

community however, the recent acquisition of the adjacent property has raised significant concerns. He believes that the most concerning fact is that Everglades Equipment had utter and blatant disdain for the law. They moved their 12-foot 7,000 volt fence to the edge of the subject property without asking neighbors how they felt about it. Mr. Hoke testified that a precedent will be set regarding the disregard for zoning regulations. He described issues pertaining to the high voltage fence and noise from burglar alarms in addition to deliveries that block State Road 60. Mr. Hoke concluded his remarks by stating that the rezoning would have a long lasting impact on the community.

Ms. Gretchen Genrich Hoke 5513 Rain Frog Lane testified in opposition. Ms. Hoke stated that she is the founder of Rain Frog Ranch which is a 503© non-profit organization for equine therapy and a certified wildlife habitat. She discussed issues regarding the future environmental wellbeing and her families history on-site. She stated that the Florida Panther has been confirmed in the vicinity of Medard Park and that the Everglades Equipment property owners should be held accountable for their disrespect and bullying behavior.

Ms. Mollie Genrich 5521 Rain Frog Lane testified in opposition. She stated that she has lived there for over five decades and attended a land use meeting three years ago that denied a request for CG zoning. She expressed concerns regarding the preservation of the rural character, property values and community input.

Ms. Margaret Thompson 5507 Rain Frog Lane testified in opposition and stated that the rezoning will affect the environment with the businesses bright light and late night deliveries. She discussed the 7,000 volt fence and the children that live the neighborhood. Ms. Thompson stated that a rezoning has previously been denied and that the Everglades rezoning after the fact should not be at the expense of the environment and the neighborhood.

Mr. Charles Genrich 5521 Rain Frog Lane testified in opposition and stated that Everglades moved on to the property illegally and stored equipment which is prohibited on the existing AR zoning district. He added that the property should remain zoned AR.

Ms. Heinrich of the Development Services Department testified that the prior rezoning request to CG was withdrawn by the applicant.

Hearing Master Finch asked Ms. Heinrich if the prior rezoning request went before the Board of County Commissioners. Ms. Heinrich replied that it did not.

Ms. Heinrich testified that the revised County staff report was due to a typographical error regarding the Community Planning Area which the subject property is not located within one.

Ms. Stewart testified during the rebuttal period that there has not been a protected species survey done on the property which is normally done during the development permitting stage. She stated that if there are protected species, the appropriate permits will be obtained. Ms. Stewart stated that the property was previously a farm and nurseery. The County requested a 20-foot wide Type B buffer to be placed along Rain Frog Lane which will be installed. She described the property retention area and stated that it will be in accordance with all SWFWMD regulations. Ms. Stewart concluded her testimony by stating that she would speak with the applicant about the deliveries and alarms and that the proposed Restrictions will limit the use to one specific use, with limits on the hours of operation and a building setback of 140 feet from Rain Frog Lane.

The hearing was then concluded.

EVIDENCE SUBMITTED

Ms. Heinrich submitted a copy of the revised County staff report into the record. Mr. Hoke submitted a copy of a prior rezoning application on the subject property and photos of the subject property and surrounding area into the record. Ms. Hoke submitted a study regarding the Florida Panther and photos of wildlife in the area into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject property is 5.45 acres in size and is currently Agricultural Rural (AR) and is designated Residential-1 (RES-1) by the Comprehensive Plan. The property is located within the Rural Service Area.
2. The applicant is requesting a rezoning to the Commercial Intensive-Restricted (CI-R) zoning district. The applicant has proposed to restrict the use of the parcel to permit the sales, rental and service of new or used farm, garden and turf equipment only. The applicant is also proposing to limit the hours of operation to Monday through Friday 8am to 5pm and Saturday from 8am to 12pm. The business will be closed on Sunday. A third Restriction is proposed to require the building to be placed along the n side of the property with a minimum setback of 140 feet from the residential properties west of Rain Frog Lane.

3. The Planning Commission staff supports the rezoning request. The Planning Commission found that the request is consistent with Objective 16 regarding the protection of existing neighborhoods and Objective 17 regarding compatibility with the existing development pattern. Staff testified that the request does not meet commercial locational criteria but does not require a waiver as agricultural related commercial within the Rural Service Area is not subject to locational criteria. The Planning Commission found that the proposed Restrictions address compatibility and that the application consistent with the Comprehensive Plan.
4. The subject property fronts State Road 60 and is adjacent to a parcel zoned CI to the east. The eastern parcel is an existing John Deere dealership. According to the applicant's representative, the subject property is intended to be used in association with the John Deere dealership and will not have direct access to State Road 60 but will instead be accessed through the existing John Deere dealership parcel.
5. Testimony in opposition was provided at the Zoning Hearing Master hearing by some residents who live along Rain Frog Lane. The concerns expressed focused on the possible environmental impact to the surrounding area and existing wildlife, a high voltage fence that borders the John Deere property, lighting, commercial equipment deliveries and the possible negative impact on property values. Residents also questioned the filing of the rezoning as a prior application for Commercial General (CG) was turned down.

In response to the neighbor's testimony, County staff testified that the prior rezoning request to CG was withdrawn by the applicant and not heard by the Board of County Commissioners.

The applicant's representative testified that a protected species survey had not yet been conducted but that if there are protected species, the appropriate permits will be obtained. The representative also stated that the County requested a 20-foot wide Type B buffer to be placed along Rain Frog Lane which will be installed in addition to the building setback of 140 feet from Rain Frog Lane. The representative testified that the proposed Restrictions limit the land use to one specific use and the hours of operation ensure compatibility with the residential homes.

6. The prior rezoning application (RZ STD 20-0868) which was withdrawn requested the full range of Commercial General (CG) zoning permitted uses and is not analogous to the subject Restricted rezoning application which is a limited use associated with the CI zoned parcel to the east.
7. The development of the subject property for a limited Commercial Intensive land use associated with the neighboring John Deere dealership which provides access to the parcel is a compatible use of the property given the frontage along State Road 60.
8. The applicant's commitment to a significant 140 foot building setback from the residential parcels along Rain Frog Lane and the limited hours of operation increases compatibility.
9. The proposed rezoning to CI-R is therefore consistent with the Land Development Code, Comprehensive Plan and compatible with the surrounding area.

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

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The applicant is requesting a rezoning to the CI-R zoning district. The property is 5.45 acres in size and is currently zoned AR and designated RES-1 by the Comprehensive Plan. The parcel is located within the Rural Service Area.

The applicant has proposed to restrict the use of the parcel to permit the sales, rental and service of new or used farm, garden and turf equipment only. The applicant is also proposing to limit the hours of operation to Monday through Friday 8am to 5pm and Saturday from 8am to 12pm. The business will be closed on Sunday. A third Restriction is proposed to require the building to be placed

along the n side of the property with a minimum setback of 140 feet from the residential properties west of Rain Frog Lane.

The Planning Commission supports the request and found it compatible with the surrounding development given the proposed Restrictions.

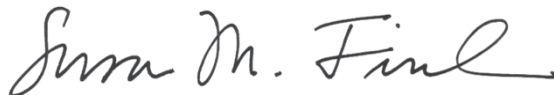
Testimony in opposition was provided at the Zoning Hearing Master hearing by some residents who live along Rain Frog Lane. The concerns expressed focused on the possible environmental impact to the surrounding area and existing wildlife, a high voltage fence that borders the John Deere property, lighting, commercial equipment deliveries and the possible negative impact on property values. Residents also questioned the filing of the rezoning as a prior application for Commercial General (CG) was turned down.

In response to the neighbor's testimony, County staff testified that the prior rezoning request to CG was withdrawn by the applicant and not heard by the Board of County Commissioners. The applicant's representative testified that a protected species survey had not yet been conducted but that if there are protected species, the appropriate permits will be obtained. The representative also stated that the County requested a 20-foot wide Type B buffer to be placed along Rain Frog Lane which will be installed in addition to the building setback of 140 feet from Rain Frog Lane. The representative testified that the proposed Restrictions limit the land use to one specific use and the hours of operation ensure compatibility with the residential homes.

The applicant's commitment to a significant 140 foot building setback from the residential parcels along Rain Frog Lane and the limited hours of operation increase compatibility. The proposed rezoning to CI-R is therefore consistent with the Land Development Code, Comprehensive Plan and compatible with the surrounding area.

RECOMMENDATION

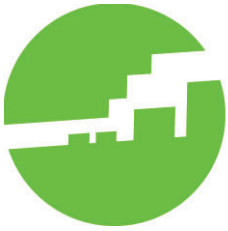
Based on the foregoing, this recommendation is for **APPROVAL** of the CI-R rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.



October 9, 2023

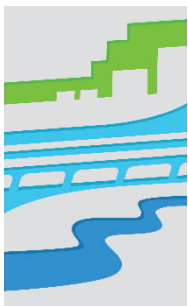
Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: September 18, 2023 Report Prepared: September 6, 2023	Petition: RZ 23-0552 2903 West State Road 60 <i>Southeast Corner of West State Road 60 and Rain Frog Lane</i>
Summary Data:	
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Residential-1 (1 du/ga; 0.25 FAR)
Service Area	Rural Area
Community Plan	N/A
Request	Rezoning from Agricultural Rural (AR) to Commercial Intensive (CI) to allow for the sales, rental, and service of new or used farm, garden, and turf related equipment.
Parcel Size	5.45 ± acres (237,402 sq. ft.)
Street Functional Classification	West State Road 60 - State Principal Arterial Rain Frog Lane - Local Haynesworth Drive – Local
Locational Criteria	Does not meet; waiver request submitted.
Evacuation Zone	None



Context

- The 5.45 ± acre subject property is located on the southeast corner of West State Road 60 and Rain Frog Lane.
- The site is located within the Rural Area and is not located within the limits of a community plan.
- The subject property is located within the Residential-1 (RES-1) Future Land Use category, which can be considered for a maximum density of up to 1 dwelling unit per gross acre and a maximum consideration of up to 0.25 Floor Area Ratio (FAR). The RES-1 Future Land Use category designates areas for rural residential uses. Typical uses within RES-1 include but are not limited to, farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.
- The subject site has a Future Land Use category designation of Residential-1 (RES-1). The area directly west and north of the property is also designated as RES-1. Directly east, there are the Office Commercial-20 (OC-20) and Agricultural/Rural-1/5 (AR-1/5) Future Land Use categories. To the south, there is Public/Quasi Public (P/QP). Further southeast is Agricultural/Mining-1/20 (AM-1/20).
- The subject site is currently vacant. To the east there are additional vacant uses accompanied by heavy commercial uses. The areas directly west of the site have a single-family residential land use designation, there is additional single family residential and vacant uses north past West State Road 60. South of the subject site are public/quasi-public institutional uses.
- The site is currently zoned as Agricultural Rural (AR). The AR zoning district extends to the east, south, and west. Also to the east of the subject site is Commercial Intensive (CI) zoning. North of the site is Agricultural, Single-Family-1 (AS-1).
- The applicant is requesting a rezoning of Agricultural Rural (AR) to Commercial Intensive (CI) to allow for the sales, rental, and service of new or used farm, garden, and turf related equipment.

Compliance with Comprehensive Plan:

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for a consistency finding.

FUTURE LAND USE ELEMENT

Rural Area

Rural areas will typically carry land use densities of 1 du/5 ga or lesser intense designations. The One Water Chapter outlines relevant language related to water, wastewater and septic in the Rural Area. Within the rural area there are existing developments that are characterized as suburban enclaves or rural communities. These are residential developments which have a more dense development pattern and character, usually 1 or 2 du/ga. These enclaves are recognized through the placement of land use categories that permit densities higher than 1 du/5 acres. New development of a character similar to the established community will be permitted to infill in a

limited manner, but not be permitted to expand into areas designated with lower land use densities. Rural communities, such as Lutz, Keystone and Thonotosassa will specifically be addressed through community-based planning efforts. These communities, and others like them, have historically served as centers for community activities within the rural environment.

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

Policy 4.1: Rural Area Densities Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned Development pursuant to the PEC ½ category, or rural community which will carry higher densities.

Relationship To Land Development Regulations

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

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

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

Neighborhood/Community Development

Objective 16: Neighborhood Protection The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

Policy 16.1: Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as: a) locational criteria for the placement of non-residential uses as identified in this Plan, b) limiting commercial development in residential land use categories to neighborhood scale; c) requiring buffer areas and screening devices between unlike land uses.

Policy 16.2: Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

Policy 16.3: Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

Policy 16.5: Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.

Neighborhood and Community Serving Uses

Objective 17: Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

Commercial Locational Criteria

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

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

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

Policy 22.2: The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short-range roadway improvements as well as other factors such as land use compatibility and environmental features of the site. In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five-year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

Policy 22.7: *Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements. The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.*

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

Agriculture-Retention

Objective 30: *Recognizing that the continued existence of agricultural activities is beneficial, the county will develop, in coordination with appropriate entities, economic incentives to encourage and expand agricultural activities.*

Policy 30.5: *Agriculture related commercial uses more intensive or heavy than neighborhood serving commercial, may be considered in the rural land use categories, provided it meets applicable policies of the comprehensive plan. These uses are not subject to the locational criteria for neighborhood serving commercial uses.*

4.1 RURAL RESIDENTIAL CHARACTER

Goal 7: *Preserve existing rural uses as viable residential alternatives to urban and suburban areas.*

Objective 7-1: *Support existing agricultural uses for their importance as a historical component of the community, their economic importance to the County and for the open space they provide.*

4.3 COMMERCIAL CHARACTER

Goal 9: *Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.*

Community Design Component

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

GOAL 12: *Design neighborhoods which are related to the predominant character of the surroundings.*

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

Staff Analysis of Goals, Objectives, and Policies:

The 5.45 ± acre subject property is located on the southeast corner of West State Road 60 and Rain Frog Lane. The site is located within the Rural Area and is not located within the limits of a Community Plan. The subject site's Future Land Use category on the Future Land Use Map (FLUM) is Residential-1 (RES-1). The applicant is requesting a rezoning from Agricultural Rural (AR) to Commercial intensive (CI) to allow for the sales, rental, and service of new or used farm, garden, and turf related equipment.

The Future Land Use Element permits new development within the Rural Area that is similar in character to the existing community. Objective 4 of the Future Land Use Element (FLUE) of the Comprehensive Plan notes that 20% of the growth in the region will occur within the Rural Service Area without the threat of urban or suburban encroachment. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential. The subject site is within the Rural Area and the proposed rezoning of the parcel from AR to CI is similar in character to the surrounding area as there is existing CI zoning to the east of the subject site.

The applicant is the owner of the adjacent property to the subject site, which is a John Deere dealership. The intention of the rezoning is to rezone the subject site for commercial uses that are similar to those already in use adjacent to the site. Objective 9 of the FLUE states that all existing and future land development regulations shall be made consistent with the Comprehensive Plan. Policies 9.1 and 9.2 allow for approving zoning that is consistent with the Comprehensive Plan and developments that meet the regulations established by Hillsborough County.

FLUE Objective 16 emphasizes the need for new developments to preserve, protect, and enhance existing neighborhoods and communities. Policy 16.1 restricts incompatible land uses through mechanisms such as locational criteria for non-residential uses and limiting development in residential land use categories to neighborhood scale. This Policy also requires buffer areas between unlike land uses. Policy 16.5 addresses the restriction of higher intensity non-residential land uses adjacent to established neighborhoods, to collectors and arterials, and to locations external to established and developing neighborhoods. The subject site is situated directly adjacent to single-family residential uses, and is located on West State Road 60, an arterial roadway. Objective 17 of the FLUE allows for certain non-residential land uses to be located and designed in a manner that is compatible to the surrounding residential development pattern. The proposed rezoning reflects a development pattern that is consistent with the surrounding area.

FLUE Objective 22 establishes Commercial Locational Criteria (CLC) for neighborhood serving commercial uses. Policy 22.1 states that non-residential uses provide a means to ensure appropriate neighborhood serving commercial development be consistent with the

surrounding residential character. It also emphasizes the need for a maximum square footage for each proposed neighborhood serving commercial intersection node to ensure that the scale of neighborhood serving commercial development, defined as convenience, neighborhood, and general types of commercial uses, is consistent with the surrounding residential uses. Policy 22.2 asserts that the maximum amount of neighborhood serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram located in the FLUE. Policy 22.7 states that neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development must be compatible with surrounding existing development. The proposed rezoning is consistent with this policy direction. The subject site is in the RES-1 FLU category and it does not meet locational criteria. It is located nearly 1900 feet from the nearest qualifying intersection node of West State Road 60 and Mud Lake Road and therefore does not meet Commercial Locational Criteria (CLC). Therefore, per FLUE Policy 22.8, the applicant is required to submit a waiver request.

The applicant submitted a waiver request into Optix on July 28, 2023. The applicant states that the proposed use is neighborhood-serving. FLUE Objective 30 states that the county will recognize the continued existence of agricultural activities as beneficial and will encourage and expand agricultural activities in coordination with appropriate entities. Policy 30.5 argues that agricultural related commercial activities uses may be more intensive than traditional neighborhood serving commercial uses. Thus, proposed uses may be considered in the rural area as long as they meet applicable policies of the comprehensive plan. Agricultural related commercial uses within the rural area are not subject to the locational criteria for neighborhood serving commercial uses. Therefore, a CLC waiver request was not needed. Planning Commission staff's main concern with the proposed rezoning was compatibility as it may be too intense to be adjacent to existing single-family residential uses. However, after various discussions with County staff, the applicant submitted a Conditions of Approval (COA) into Optix on September 1, 2023, in which the applicant agreed to limited hours of operation. The proposed site would be open Monday thru Friday from 8 am to 5 pm, and on Saturdays from 8 am to 12 pm. The business will be closed on Sundays. The applicant also agreed to restrict the proposed use to solely "sales, rental and service of new or used farm, garden and turf equipment". Planning Commission staff believes that the applicant has sufficiently addressed our concerns.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives, and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE RZ 23-0552

<all other values>

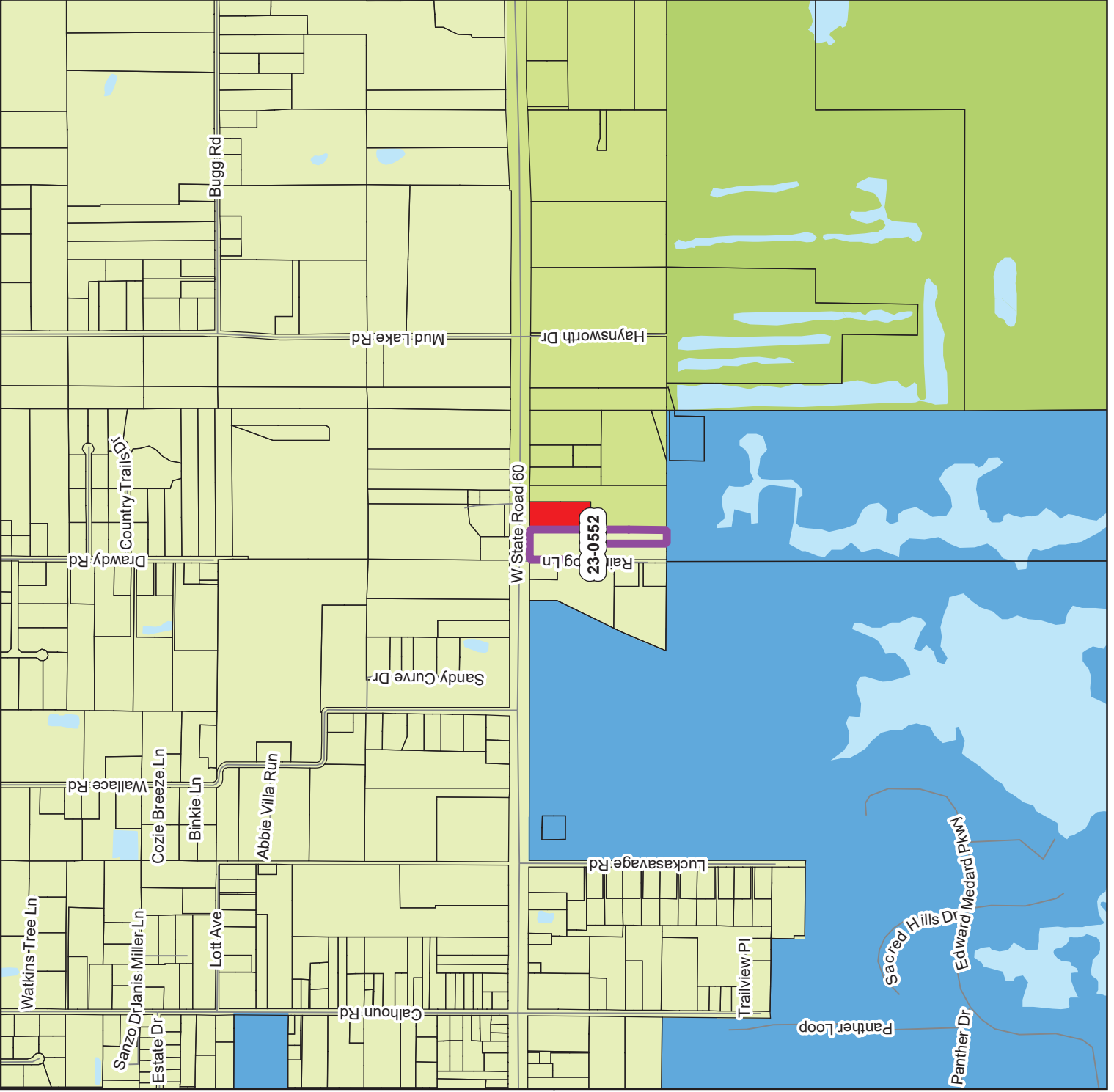
- Rezoning**
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- STATUS**
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- Tampa Service
 - Urban Service
 - Shoreline
 - County Boundary
 - Jurisdiction Boundary
 - Roads
 - Parcels
 - WATER NATURAL LULC_We_Poly
 - AGRICULTURAL/MINING-120 (.25 FAR)
 - PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
 - AGRICULTURAL-1/10 (.25 FAR)
 - AGRICULTURAL/RURAL-1/5 (.25 FAR)
 - AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
 - RESIDENTIAL-1 (.25 FAR)
 - RESIDENTIAL-2 (.25 FAR)
 - RESIDENTIAL PLANNED-2 (.35 FAR)
 - RESIDENTIAL-4 (.25 FAR)
 - RESIDENTIAL-6 (.25 FAR)
 - RESIDENTIAL-9 (.35 FAR)
 - RESIDENTIAL-12 (.35 FAR)
 - RESIDENTIAL-16 (.35 FAR)
 - RESIDENTIAL-20 (.35 FAR)
 - RESIDENTIAL-35 (1.0 FAR)
 - NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
 - SUBURBAN MIXED USE-6 (.35 FAR)
 - COMMUNITY MIXED USE-12 (.50 FAR)
 - URBAN MIXED USE-20 (1.0 FAR)
 - REGIONAL MIXED USE-35 (2.0 FAR)
 - INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
 - OFFICE COMMERCIAL-20 (75 FAR)
 - RESEARCH CORPORATE PARK (1.0 FAR)
 - ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
 - LIGHT INDUSTRIAL PLANNED (.75 FAR)
 - LIGHT INDUSTRIAL (.75 FAR)
 - HEAVY INDUSTRIAL (.75 FAR)
 - PUBLIC/QUASIPUBLIC
 - NATURAL PRESERVATION
 - WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
 - CITRUS PARK VILLAGE

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The Planning Commission staff has reviewed the rezoning application and staff has approved the rezoning application. The rezoning application is subject to approval of the Hillsborough County City/County Planning Commission.

ACCURACY: It is intended that this map be used for informational purposes only. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose.



Map Printed from Rezoning System: 6/7/2023
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Gis\ReZoning_Copy.mxd





AGENCY COMMENTS

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AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 9/07/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: EAST RURAL

PETITION NO: RZ 23-0552

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone the +/- 4.45-acre subject parcel from Agricultural Rural (AR) to Commercial Intensive (CI) with the use restricted to “sales, rental and service of new or used farm, garden and turf equipment”. The applicant is proposing additional restrictions on hours of operation and building placement. The future land use designation is Residential 1 (R-1).

Since the proposed applicant seeks a Euclidean zoning district, no transportation analysis is required to process this request per the development review procedures manual.

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff’s opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did not identify any concerns that would require a more detailed staff report be filed. Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
SR 60	TURKEY CREEK RD	CR 39	D	C

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
SR 60	FDOT Principal Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	420	42	42
Difference (+/-)	+411	+41	+41

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

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

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

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



Florida Department of Transportation

RON DESANTIS
GOVERNOR

2822 Leslie Road
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.
SECRETARY

August 8th, 2023

Vacant Commercial Development Pre App Meeting

2903 W SR 60, Plant City

SR 60

10 110 000

MP 17.504

Class 3 @ 60 MPH

Connection/signal spacing – 660'/2640'

Directional/full median opening spacing – 1320'/2640'

Folio # 093093-0352

RE: Pre-Application Meeting

THIS DOCUMENT IS NOT A PERMIT APPROVAL

**THE COMMENTS AND FINDINGS FROM THIS PRE-APPLICATION MEETING MAY BE SUBJECT TO CHANGE AND
MAY NOT BE USED AS A BASIS OF APPROVAL AFTER 2/8/2024**

Attendees:

Guests: Matt Morris, Linda Stewart

FDOT: Mecale' Roth, Allison Carroll, William Gregory, Nancy Porter, Genesis Zambrano, Leanna Schail, Caroline Cation-Smith, Lindsey Mineer, Antonius Lebrun, and Ahmad Chehab

Proposed Conditions:

The applicant proposes to use the vacant parcel to expand storage facilities for the adjoining agricultural equipment business, and proposes to utilize the same driveway to the facility.

The project also proposes to modify the existing median opening to **SR 60**, a **class 3** roadway with a posted speed limit of **60 MPH**. Florida Administrative Code, Rule Chapter 14-97, requires **660'** driveway spacing, **1320'** directional, **2640'** full median opening spacing, and **2640'** signal spacing requirements.



Florida Department of Transportation

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2822 Leslie Road
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SECRETARY

FDOT Recommendations:

1. The proposed access connection to the state roadway does not meet spacing standards and would be considered non-conforming. Since the eastern adjacent property, under contiguous ownership, has access that can be used via internal connectivity, the proposed additional access to SR 60 will not be permitted.
2. As the proposed changes in land use constitute "Significant Change", the Department will require the provision of an access permit to document the changes to the vacant parcel.
3. Please provide pre and post site plans, existing and proposed trip generations, and narrative explaining the proposed scope of work.
4. Please clarify if the vacant parcel portion of the property will be fenced in the proposed conditions.
5. If the County was amenable, and proper upgrades were done, access could be taken via Rain Frog Lane.
6. Any proposed improvements to Rain Frog Lane will be required to be submitted to the Department for review.
 - a. Hillsborough County would need to apply for a permit for the upgraded changes to Rain Frog Lane where it connects to SR 60.
7. As the existing median openings do not meet the minimum spacing standards per Florida Administrative Code 14-97 the Department will not permit the full median opening to remain. Impacts to the existing full median will require the development to bring the median into compliance with current standards.
 - a. This would be done under a separate construction agreement permit.
8. The provision of pedestrian facilities will be required in the event the additional parcel is not fenced in.
9. Proposing to keep the existing drainage pattern that drains away from the state ROW,
 - a. This would be done under a drainage exemption.
10. Show drainage outfall on plans.
11. Provide existing and proposed drainage maps.
12. Please note there are existing FDOT Projects in design for this section of SR 60. Please reach out to the FDOT Project Manager directly to obtain the most recent information on these projects.
 - a. FPID 446051-1 Michael Ojo, Michael.Ojo@dot.state.fl.us, 813-975-6266
 - b. FPID 435750-2 Kevin Lee, Kevin.Lee@dot.state.fl.us, 813-975-6426
13. If a utility permit is needed, please refer to the Utility Accommodation Manual (UAM) or contact William Gregory at william.gregory@dot.state.fl.us or 813-612-3200.



Florida Department of Transportation

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2822 Leslie Road
Tampa, FL 33612-6456

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SECRETARY

14. Contact Leanna Schaille or Tammer Al-Turk for any traffic or access related questions at leanna.schaille@dot.state.fl.us, tammer.alturk@dot.state.fl.us, or at 813-975-6000.
15. Contact Nancy Porter or Mecale' (makayla) Roth for permit, pre app, or general questions at nancy.porter@dot.state.fl.us, mecale.roth@dot.state.fl.us, or 813-612-3200.

Summary:

After reviewing and discussing the information presented in this meeting, the Department has determined we are

- in favor (considering the conditions stated above)
- not in favor
- willing to revisit a revised plan

The access, as proposed in this meeting, would be considered

- conforming
- non-conforming
- N/A (no access proposed)

in accordance with the rule chapters 1996/97 for connection spacing. The following state permits will need to be applied for by visiting our One Stop Permitting website (osp.fdot.gov):

- access-category A or B
- access-category C, D, E, or F
 - traffic study required
- access safety upgrade
- drainage
 - or
 - drainage exception
 - construction agreement
 - utility
 - general Use
 - other _____

Thank you for allowing us the opportunity to review and discuss this project in advance. Please feel free to contact me with any questions. We look forward to working with you again.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

2822 Leslie Road
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.
SECRETARY

Respectfully,

Nancy Porter

Permit Coordinator II
2822 Leslie Rd.
Tampa, Fl. 33619
Office - 813-612-3205
M-F 7:30 AM – 4:00 PM





Florida Department of Transportation


RON DESANTIS
GOVERNOR

2822 Leslie Road
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.
SECRETARY

Additional Comments/Standard Information:

(These comments may or may not apply to this project, they are standard comments)

1. Document titles need to reflect what the document is before it is uploaded into OSP, and please do not upload unnecessary documents.
2. Documents need to be signed and sealed or notarized.
3. Include these notes with the application submittal.
4. Permits that fall within the limit of a FDOT project must contact project manager, provide a work schedule, and coordinate construction activities prior to permit approval. Ask Mecale' for information if not provided in the notes.
5. Plans shall be per the current Standard Plans and FDM.
6. All the following project identification information must be on the Cover Sheet of the plans:
 - a. all associated FDOT permit #'s
 - b. state road # (& local road name) and road section ID #
 - c. mile post # and left (Lt) or right (Rt) side of the roadway (when facing north or east)
 - d. roadway classification # and posted speed limit (MPH)
7. All typical driveway details are to be placed properly:
 - a. 24" thermoplastic white stop bar equal to the lane width placed 4' behind crosswalk or a minimum of 25' in front of it
 - b. 36" stop sign mounted on a 3" round post, aligned with the stop bar
 - c. if applicable, a "right turn only" sign mounted below the stop sign (FTP-55R-06 or FTP-52-06)
 - d. double yellow 6" lane separation lines
 - e. 6' wide, high emphasis, ladder style crosswalk straddling the detectable warning mats
 - f. warning mats to be red in color unless specified otherwise
 - g. directional arrow(s) 25' behind the stop bar
 - h. all markings on concrete are to be high contrast with black border (white
 - i. all striping within and approaching FDOT ROW shall be thermoplastic
8. Maintain 20' x 20' pedestrian sight triangles and draw the triangles on the plans to show there are no obstructions taller than 24" within the triangles. Also, no parking spaces can be in these triangles Measure 20' up the sidewalk and 20' up the driveway from the point at which the sidewalk meets the driveway. Here is an example of what these triangles look like and how they are positioned.

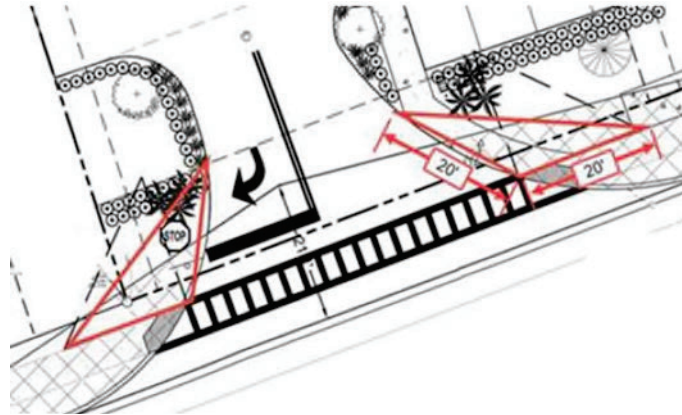


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9. Any relocation of utilities, utility poles, signs, or other agency owned objects must be coordinated with the Department and the **existing and proposed location** must be clearly labeled on the plans. Contact the Permits Department for more details and contact information.
10. Make note on plans that it is the responsibility of the contractor to not only restore the ROW, but they are also responsible for maintaining the ROW for the duration of the project.

Context Classification:

Here is the link to find information about context classification to see what class standards the proposed project needs to be built to. Below is the standard table for sidewalk width for each class:

<https://kai.maps.arcgis.com/apps/webappviewer/index.html?id=b5ecc163fe04491dafeb44194851ba93>



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Tampa, FL 33612-6456

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Topic #625-000-002
FDOT Design Manual

January 1, 2020

Table 222.1.1 Standard Sidewalk Widths

Context Classification	Sidewalk Width (feet)
C1 Natural	5
C2 Rural	5
C2T Rural Town	6
C3 Suburban	6
C4 Urban General	6
C5 Urban Center	10
C6 Urban Core	12

Notes:

- (1) For C2T, C3 and C4, sidewalk width may be increased up to 8 feet when the demand is demonstrated.
- (2) For C5 and C6, when standard sidewalk width cannot be attained, provide the greatest attainable width possible, but not less than 6 feet.
- (3) For RRR projects, unaltered sidewalk with width 4 feet or greater may be retained within any context classification.
- (4) See **FDM 260.2.2** for sidewalk width requirements on bridges.

Provide the following minimum unobstructed sidewalk width (excluding the width of the curb) when there is no practical alternative to placing a pole within the sidewalk:

- 36 inches for aboveground utilities. This 36 inch width may be reduced to 32 inches, not exceeding 24 inches in length, when there is no practical alternative available to avoid an obstruction.
- 48 inches for signal, light, sign poles

When used for plantings and street furniture, the area between the back of curb and the sidewalk should be 5 feet or greater in width. Consider providing treewells in areas where on-street parking is provided.

Lighting:

Lighting of sidewalks and/or shared paths must be to current standards (FDM section 231). Newly implemented FDOT Context classifications updated the required sidewalk widths (FDM section 222.2.1.1). Where sidewalk is being added and/or widened, the lighting will be analyzed to ensure sidewalks are properly lit per FDOT FDM standards. Reference the following link and table for details:

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf_2



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GOVERNOR

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Tampa, FL 33612-6456

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SECRETARY

Topic #625-000-002
FDOT Design Manual

January 1, 2020

Table 231.2.1 Lighting Initial Values

Roadway Classification Or Project Type	Illumination Level Average Foot Candle		Illumination Uniformity Ratios		Veiling Luminance Ratio
	Horizontal (H.F.C.)	Vertical (V.F.C.)	Avg./Min.	Max./Min.	$L_{V(MAX)}/L_{AVG}$
Conventional Lighting					
Limited Access Facilities	1.5	N/A	4:1 or Less	10:1 or Less	0.3:1 or Less
Major Arterials	1.5				
Other Roadways	1.0				
High Mast Lighting					
All Roadway Classifications	0.8 to 1.0	N/A	3:1 or Less	10:1 or Less	N/A
Signalized Intersection Lighting					
New Reconstruction	3.0	2.3	4:1 or Less	10:1 or Less	N/A
Lighting Retrofit	1.5 Std. 1.0 Min.	1.5 Std. 1.0 Min.			
Midblock Crosswalk Lighting					
Low Ambient Luminance	N/A	2.3	N/A	N/A	N/A
Medium & High Ambient Luminance		3.0			
Sidewalks and Shared Use Paths					
Facilities Separated from the Roadway	2.5	N/A	4:1 or Less	10:1 or Less	N/A
Sign Lighting					
Low Ambient Luminance	15-20	N/A	N/A	6:1	N/A
Medium & High Ambient Luminance	25-35				
Rest Area Lighting					
All Roadways and Parking Areas	1.5	N/A	4:1 or Less	10:1 or Less	N/A

231-Lighting

COMMISSION

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AGENCY COMMENT SHEET

REZONING	
HEARING DATE: July 24, 2023 PETITION NO.: 23-0552 EPC REVIEWER: Kelly M. Holland CONTACT INFORMATION: (813) 627-2600 X 1222 EMAIL: hollandk@epchc.org	COMMENT DATE: July 5, 2023 PROPERTY ADDRESS: West State Road 60 FOLIO #: 0930930352 STR: 30-29S-22E
REQUESTED ZONING: Standard rezoning	
FINDINGS	
WETLANDS PRESENT	YES
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Small pond in the SE corner of the property
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</p> <ul style="list-style-type: none"> • Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals. • The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. • Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The 	

Environmental Excellence in a Changing World

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

wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

INFORMATIONAL COMMENTS:

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- The subject property contains wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- Chapter 1-11 prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan. If you choose to proceed with the wetland impacts depicted on the plan, a separate wetland impact/mitigation proposal and appropriate fees must be submitted to this agency for review.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

kmh / app

ec: Andy Jones, Property Owner - andy@efe1963.com
Mike Schlechter, Applicant - mschlechter@efe1963.com

From: [Peddle, Carolanne](#)
To: tpopelier@morrisengineering.net
Cc: andy@efe1963.com
Subject: FW: Preliminary Comments for RZ 23-0552
Date: Friday, June 30, 2023 2:40:00 PM
Attachments: [image001.png](#)

Hello Teresa,

Below you will find Planning Commission (PC) staff's preliminary comments. **Please be advised that the PC staff has expressed some compatibility concerns at this time.** The review of the application is continuing, and other issues may arise that were not provided within this email. Any additional issues identified will be provided to you as soon as possible.

Please feel free to contact us if you have any follow-up questions.

Best,

Carolanne Peddle

Planner

Development Services Department
601 E. Kennedy Blvd., Tampa, FL 33602

O: (813) 274-6714

M: (813) 860-7932

E: peddleC@hillsboroughcounty.org

W: HCFLGov.net

From: Wally Gallart <gallartw@plancom.org>
Sent: Friday, June 30, 2023 2:01 PM
To: Peddle, Carolanne <PeddleC@hillsboroughcounty.org>
Subject: Preliminary Comments for RZ 23-0552

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

Good afternoon Carolanne,

Please forward Planning Commission staff's comments to the applicant for RZ 23-0552

- The 5.45 acre (237, 402 sq. ft.) subject site is located on 2903 W 60 Highway.
- The applicant is requesting a rezoning from Agricultural Rural (AR) to Commercial Intensive (CI)
- The subject site is located within the Residential-1 (RES-1) Future Land Use Category, which has a maximum of 1 dwelling units per gross acre. Rural scale neighborhood commercial, office multi-purpose projects limited to 30,000 sq. ft. or 0.25 FAR,

whichever is less intensive.

- The site is located in the Rural Area and is not within a community plan.
- Non-residential uses shall meet locational criteria for specific land use.
- Please note that the site does not meet Commercial Locational Criteria (CLC) per Future Land Use Objective 22, and per Policy 22.8 the applicant must submit a CLC waiver request.
- From a preliminary perspective, Planning Commission staff does have compatibility. The proposed change may be too intense as it abuts single-family residential uses nearby.
- **Planning Commission staff believes that the proposed standard rezoning would be more appropriate as a Plan Development. This will allow for Planning Commission staff to ensure that the applicant is taking appropriate measures to address and mitigate compatibility concerns.**
- Please be advised that since the application has been continued for the August cycle that any additional information and revisions should be submitted by the revised plan deadline (August 1st, 2023) in order for Planning Commission staff to have adequate time for review. Items submitted after this date may not be reviewed and may result in a finding of **Inconsistent** with the Comprehensive Plan

Thanks,

Wally Gallart

Planning Commission

Planner

813.210.9310 (O)

planhillsborough.org



All incoming and outgoing messages are subject to public records inspection.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 15 June 2023

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

APPLICANT: Andy Jones

PETITION NO: RZ-STD 23-0552

LOCATION: 2903 W. 60 Hwy, Plant City, FL 33567

FOLIO NO: 93093.0352

SEC: 30 TWN: 29 RNG: 22

- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.



VERBATIM TRANSCRIPT

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1 Zoning Hearing Master hearing.

2 Major Mod application 23-0518, this application is out
3 of order to be heard and is being continued to the October 16th,
4 2023, Zoning Hearing Master hearing.

5 Item A.10, PD Rezoning 23-0519, this application is
6 out of order to be heard and is being continued to the October
7 16th, 2023, Zoning Hearing Master hearing.

8 Item A.11, Major Mod application 23-0520, this
9 application is being continued by staff to the October 16th,
10 2023, Zoning Hearing Master hearing.

11 Item A.12, PD 23-0522, this application is being
12 continued by staff to the October 16th, 2023, Zoning Hearing
13 Master hearing.

14 Item A.13, PD application 23-0540, this application is
15 out of order to be heard and is being continued to the October
16 16th, 2023, Zoning Hearing Master hearing.

17 Item A.14, PD 23-0583, this application is out of
18 order to be heard and is being continued to the October 16th,
19 2023, Zoning Hearing Master hearing.

20 Item A.15, PD application 23-0584, this application is
21 being continued by the applicant to the October 16th, 2023,
22 Zoning Hearing Master hearing.

23 Item A.16, Standard Rezoning 23-0588, this application
24 is being continued by staff to the October 16th, 2023, Zoning
25 Hearing Master hearing.

1 rear, with a strong commercial use along 41, six-lane highway?

2 That's why we came forward with CG because we do
3 believe if you take all those elements into account, this is the
4 best use for the property. So we would ask you to consider your
5 analysis, your determination, your narrative on compatibility
6 issues, on the site being supportable by CG. We think those are
7 important comments for the Board of County Commissioners to see,
8 and we appreciate the consideration and the staff. Thank you.

9 HEARING MASTER: Thank you for that. I appreciate it.

10 And we'll close rezoning 23-0082 and go to the next
11 case.

12 MS. HEINRICH: Our next item is Item C.2, Standard
13 Rezoning 23-0552. The applicant is requesting a rezoning from
14 A-R to CI-R. Carolanne Peddle with Development Services will
15 provide staff findings after the applicant's presentation.

16 HEARING MASTER: All right. And I believe the
17 applicant is virtual; is that correct?

18 MS. STEWART: Yes, I am.

19 HEARING MASTER: All right. Good evening. If you
20 could start by giving us your name and address. And I don't
21 quite see you yet.

22 MS. STEWART: I'm up here in the --

23 HEARING MASTER: There you are. Go ahead. Thank you.

24 MS. STEWART: Hi. Sure. Good evening, Madam Hearing
25 Officer. My name is Linda Stewart. I'm a planner with Morris

1 Engineering representing the applicant and Everglades Farm
2 Equipment. My office address is 6997 Professional Parkway in
3 Sarasota, Florida. And I have been sworn.

4 We are -- I have a PowerPoint that I will share with
5 you. Can you see that okay?

6 HEARING MASTER: I can.

7 MS. STEWART: Okay. Case number RZ-STD 23-0552 is for
8 the property that's located adjacent to 2903 West 60 Highway
9 with the Folio number noted and the PIN number as well. The
10 size of the property is 5.4 acres. It's currently zoned
11 agricultural rural and a Future Land Use of R-1, residential
12 one. It is in the rural service area in the East Rural
13 Community Plan area. There are no overlays associated with this
14 parcel.

15 The zoning of the parcel, as I noted, is currently
16 agricultural, and the request is to commercial intensive. The
17 Future Land Use is R-1, which is compatible with the adjacent
18 properties to the west and the north. To the east is OC-20,
19 which is parcels already owned by the Everglades Farm Equipment.
20 And farther to the west as well as to the south is public lands
21 that are owned by Southwest Florida Water Management District.
22 And to -- also to the east is a Future Land Use of A-R.

23 The request from rezoning to C-I. It's located in the
24 East Rural Community Plan area. It's located in the rural
25 service area with no overlays, and we have no specific approval

1 requests for rezoning. We have discussed with planning staff as
2 well as the Planning Commission, and we agree to some use
3 restrictions on the property for compatibility. The use
4 restriction will be for sales, rental, and service of new or
5 used farm, garden, and turf equipment only. The hours of
6 operation will be limited Monday through Friday from 8:00 to
7 5:00, Saturday from 8:00 to noon, and closed on Sunday.

8 And any proposed buildings that are to be placed on
9 the property will be along the eastern property line with a
10 minimum of 140 feet from the existing residential properties to
11 the west of Rain Frog Lane. The property is going to have
12 access through the existing Everglades Farm Equipment property.
13 We did meet with FDOT and had discussions with them for access
14 out onto State Road 60, and we agreed that the access would be
15 utilized from the existing access to the property to the east.
16 State Road 60 is currently in design to be widened from
17 four-lane to six-lane.

18 The previous use of the property was for neighborhood
19 commercial use. It was for a berry farms and nursery. This use
20 will be an expansion of the existing adjacent Everglades Farm
21 Equipment property located at 2805 West 60 Highway in Plant
22 City. We believe that this is compatible with the land use and
23 the land development code, and staff has found this compatible
24 as well as Planning Commission. And we request your approval of
25 this application and are available for any questions that you

1 may have.

2 HEARING MASTER: Yes. Just to confirm for my
3 understanding, so as I read the backup for this, this is a --
4 next door is an existing John Deere dealership; is that correct?

5 MS. STEWART: Yes, it is.

6 HEARING MASTER: And this property was -- is being
7 used for the storage of equipment, and that's what necessitates
8 the rezoning to make that a permitted use on this property; is
9 that right?

10 MS. STEWART: Yes, absolutely.

11 HEARING MASTER: Okay. So was that just a -- are you
12 under code enforcement violation? How did this come to your
13 attention?

14 MS. STEWART: No, it is not my understanding that they
15 are under a code enforcement violation.

16 MS. PEDDLE: They area.

17 HEARING MASTER: All right. We'll get to you. Just a
18 second.

19 All right. Okay. That was my only question. Thank
20 you for that. I appreciate it.

21 We'll go to Development Services.

22 MS. STEWART: Thank you.

23 HEARING MASTER: Good evening.

24 MS. PEDDLE: Good evening. Carolanne Peddle,
25 Development Services. This is Standard Rezoning 23-0552. The

1 applicant requests to rezone the property from AR to CI with
2 restrictions. The property has a Future Land Use designation of
3 R-1, which permits residential densities up to one dwelling unit
4 per acre and nonresidential intensities up to a maximum FAR of
5 0.25.

6 The surrounding subject parcels -- or, excuse me.
7 Surrounding the subject parcels, the Future Land Use categories
8 are R-1, QP, OC-20, and AR. The properties in the immediate
9 vicinity are developed for residential and auto sales. The
10 adjacent parcel to the west abutting State Road 60 is owned by
11 the applicant in zone CI with the use of auto sales. Based on
12 the considerations and proposed restrictions regarding hours of
13 operation, setbacks, and uses, staff finds the proposed rezoning
14 district to CI with restrictions approvable.

15 HEARING MASTER: Thank you so much. I appreciate it.
16 Planning Commission.

17 MS. MASSEY: Jillian Massey, Planning Commission
18 staff. The subject property is in the residential one Future
19 Land Use category. It's in the rural area, and it is not
20 located within the limits of a community plan. Policy 4.1
21 characterizes the rural area as low density, large lot
22 residential. The subject site is in the rural area, and the
23 proposed rezoning of the parcel from AR to CIR is similar in
24 character to the surrounding area as there is an existing CI
25 zoning to the east of the subject site. The intention of the

1 rezoning is to rezone the subject site for commercial uses that
2 are similar to those that are already in use adjacent to the
3 site.

4 Future Land Use element Objective 16 emphasizes the
5 need for new developments to preserve, protect, and enhance
6 existing neighborhoods and communities. Objective 17 of the
7 Future Land Use element allows for certain nonresidential uses
8 to be located and designed in a manner that is compatible to the
9 surrounding residential development pattern. The proposed
10 rezoning reflects a development pattern that is consistent with
11 the surrounding area. Although the subject site does not meet
12 commercial-locational criteria, Policy 22.7 states that
13 neighborhood commercial activities that serve the daily needs of
14 residents in areas designated for residential development must
15 be compatible with the surrounding existing development. The
16 proposed rezoning is consistent with this policy direction.

17 Agricultural related commercial uses within the rural
18 area are not subject to locational criteria for neighborhoods
19 serving commercial uses; therefore, a waiver request is not
20 required.

21 Planning Commission staff's main concern with the
22 proposed rezoning was compatibility as it may be too intense to
23 be adjacent to existing single-family residential uses. The
24 sales, rental, and service of new or used farm, garden, and turf
25 equipment was added as a condition of approval, and Planning

1 Commission staff believes that the -- or, rather, it was added
2 as a restriction. My apologies. And the Planning Commission
3 staff believes that the applicant has sufficiently addressed the
4 compatibility concerns. And, based on these considerations,
5 Planning Commission staff finds that the proposed rezoning is
6 consistent with the Unincorporated Hillsborough County
7 Comprehensive Plan.

8 HEARING MASTER: Thank you so much. I appreciate it.

9 Is there anyone that would like to speak in support?
10 Anyone in favor? Anyone in support, either in the room or
11 online? All right. Seeing no one.

12 Now, anyone who would like to speak in opposition,
13 raise your hand. Let me get a count. So I have two in the
14 room. Is there anyone online that would like to --

15 THE CLERK: We have four people online.

16 HEARING MASTER: Four people online, so six. We'll
17 do -- we'll do three minutes apiece, Michael. Let's start with
18 the people in the room, unless you had an order in which you
19 wanted to give presentations.

20 THE CLERK: Can we do the young lady online because
21 she has a class to get to?

22 HEARING MASTER: Yes, absolutely.

23 THE CLERK: Mollie Usher.

24 HEARING MASTER: All right. Mollie Usher, it's your
25 turn. Good evening.

1 MS. USHER: Good evening. My name is Mollie Usher,
2 and my permanent residence is 5513 Rain Frog Lane, Plant City,
3 Florida, which is adjacent to the property this meeting is
4 about. I am currently a first-year student at the University Of
5 Florida studying microbiology and cell science on the premedical
6 track. Just recently I conducted a intrinsic sampling research
7 study on gopher tortoise population densities in central
8 Florida, which gained recognition by the Florida State Science
9 and Engineering Fair and provided me with a college and
10 major-specific full ride scholarship as well as recognition by
11 many researchers and environmentalists at the University of
12 Florida that are interested in further investigation. One of
13 the locations I analyzed was Medard Park, which is connected to
14 the parcel in question.

15 Upon completion of my research, it is evident that the
16 population of these native keystone species is abundant in
17 comparison to other central Florida parks and locations.
18 Through subjecting my results to both a T test and confidence
19 interval, it was identified the difference in the population is
20 statistically significant. With this being said, keystone
21 species are like the foundation to a house. Without them, our
22 ecosystems would crumble. The gopher tortoise shares its burrows
23 with over 350 other species, and, without them, there would be a
24 trophic cascade that would not only affect our native ecosystems
25 but the current state of our economy as well.

1 Now, this applies simply because this land is
2 currently zoned for agricultural use, however, the property
3 began to be used as commercial use. And I want to make it
4 clear, it was mainly used as commercial property while the
5 owners were aware it is zoned agricultural. There has been
6 documented proof of tractors and numerous other equipment being
7 parked on top of these gopher tortoise burrows. Now, these are
8 federally protected species in which it is illegal to touch a
9 gopher tortoise without a permit. Now, think about the fact
10 these tractors are being parked on their burrows.

11 Lastly, I would like to add there has already been a
12 previous hearing about the rezoning of this property, and I
13 believe it is disrespectful and a total waste of time and
14 resources to reopen an already recently addressed case. As a
15 young person in this community trying to make the world better,
16 I would hope you would do the same. Thank you very much for
17 your time, and I hope you have a blessed rest of your day.

18 HEARING MASTER: Thank you very much for your
19 testimony. I appreciate it.

20 All right. If you want to come forward.

21 Was that the only person that you wanted to go?

22 THE CLERK: Yes. She has to get to class.

23 HEARING MASTER: No problem.

24 Give us your name and address, please.

25 MR. HOKE: Hi. My name is Jonathan Hoke. I live at

1 5513 Rain Frog Lane. I'm the CEO of Fixer Upper LLC and Vice
2 President of Rain Frog Ranch. I stand before you here today as
3 a homeowner in the community that is adjacent to the property in
4 question. I am here in awe that three years to the day, I am
5 here again. Last time I was here to voice my strong opposition,
6 all agencies also opposed. And, if you want, you can see the
7 report.

8 HEARING MASTER: You can submit whatever documents you
9 like into the record when you're finished.

10 MR. HOKE: All right. So basically that report says
11 all agencies, three years ago when we did this with another
12 applicant, opposed this. So what has changed, you ask. Our
13 landscape has changed. Our peace of mind has changed.
14 Everglades Equipment bought the property just after the prior
15 owner failed at getting the zoning changed. However, this time,
16 the new owner, Everglades Equipment, just decided to operate
17 without proper zoning and illegally expanded, which has
18 encroached upon our land, decreased our peace, brought forth a
19 range of disturbances, and has the potential to cause
20 long-lasting harm to our community.

21 Everglades Equipment, with its existing property, was
22 grandfathered in to our community, and we respected their
23 presence as a responsible neighbor for many years. However,
24 their recent acquisition of adjacent agricultural and rural
25 lands and subsequent expansion has raised significant concerns.

1 The most concerning fact to me is that Everglades Equipment's
2 utter and blatant disdain of the laws that this community relies
3 on to ensure the safety and peace of mind of generations to
4 come.

5 Immediately after purchasing the parcel in question,
6 it was business as usual for John Deere. They moved their
7 12-foot, 7000 volt fence to the edge of the new property, graded
8 it, and started running a commercially intensive business on AR
9 zoned land. Environmental impact, abiding by the law, asking
10 the neighbors how they felt about it, nothing.

11 What's most troubling for me is the precedent this
12 sets. Our community has always valued responsible development
13 and adherence to zoning regulations. Everglades Equipment's
14 illegal expansion calls into question the commitments we have
15 made for our land use to preserve our community. One of the
16 most pressing issues we face is the construction of a towering
17 fence with 7000 volts of electricity running top to bottom,
18 further than I can reach. I have a 4-year-old daughter that can
19 actually reach 26 inches from the fence. Okay?

20 This fencing not only mars the natural beauty of our
21 community but it also possesses a significant safety risk. We
22 find it unacceptable having such an unsightly structure so close
23 to our homes and properties. Moreover, the noise generated by
24 Everglades Equipment's expanded operations is now uncomfortably
25 close. Constant beeping burglar alarms going off all weekend

1 and ground rumbling deliveries, not to mention the eyesore of
2 old machinery and tires. And I have pictures of all this.

3 What was once a peaceful and tranquil neighborhood in
4 which we watched deer grow up on this parcel has now been
5 disrupted by a constant rumble and commotion infringing upon our
6 peace and quiet and impacting our wellbeing.

7 Another serious concern is the safety of our roads due
8 to Everglades Equipment's activities. Deliveries often
9 haphazardly parked on the side of State Road 60 create dangerous
10 traffic situations for our community. I've had to fix the
11 mailboxes twice this year already. Employees drive the wrong
12 way on 60 to use the --

13 HEARING MASTER: If you could just wrap it up.

14 MR. HOKE: Okay. It is clear that Everglades
15 Equipment's expansion has crossed the line between responsible
16 growth and aggressive encroachment on our community's character
17 and safety. I respectfully request that you take action to
18 mitigate these issues and ensure Everglades Equipment complies
19 with our current zoning regulations and protect our community
20 from further encroachment. Our homes, our safety, and our
21 quality of life depend on it. Your decision and the precedent
22 set by this Board and you will have a long-lasting impact on our
23 community for generations. Thank you.

24 HEARING MASTER: Thank you for your testimony. If you
25 could please sign in. And when you do, you can submit your

1 written statements and photographs into the record.

2 Next, please. Good evening.

3 MS. G. Genrich: Hello. My name is Gretchen Genrich
4 Hoke. I reside at 5513 Rain Frog Lane. Ladies and gentlemen, I
5 am the founder of Rain Frog Ranch, a 501(c)(3) nonprofit for
6 equine therapy and a certified wildlife habitat. I stand before
7 you today because of a complaint that I made, not because of a
8 rezoning request filed by Everglades Equipment Group. I am here
9 to discuss a crucial issue that affects not only our beautiful
10 state of Florida but also the future of our environmental
11 wellbeing and a remarkable, but critically endangered species,
12 the Florida panther.

13 Okay. So my family has lived here for over five
14 decades, and I have personally seen the panther on the land in
15 question. And to see what has been allowed to the sensitive
16 agricultural land that surrounds this conservation area is
17 wrong. Ladies and gentlemen, we are under attack. I'm telling
18 you. Now, Everglades Equipment Group, a company that bought
19 agricultural land and operated it as a commercial property on
20 its accord after Hillsborough County had previously agreed it
21 should remain agricultural land has significant consequences, as
22 it disrupts the delicate balance of the ecosystem affecting the
23 surrounding plants and animals.

24 We must protect the sensitive ecosystems which are
25 crucial to the survival of our diverse wildlife. As you should

1 know, agricultural land does play a crucial role in preserving
2 our environment. It provides habitat for wildlife, including
3 the Florida panther. And recent studies conducted by the
4 University of Central Florida have confirmed the -- the presence
5 of the Florida panthers in this vicinity of Medard Park, to
6 which the parcel in question is adjacent, and the stormwater
7 runoff from this parcel flows directly into the conservation
8 area. These findings underscore the critical importance of
9 preserving this land for the continued survival of this
10 critically endangered species and many others.

11 In conclusion, I urge you all to support policies and
12 initiatives that prioritize the preservation of Plant City's
13 base agricultural heartland and the protection of our critically
14 endangered Florida panther. Hold Everglades Equipment for
15 accountable for their disrespect and bullying behavior. Let us
16 be stewards of our land, ensuring a bright and sustainable
17 future for our beloved city and its remarkable wildlife.

18 Thank you for your attention, and let us stand
19 together to safeguard Plant City's agricultural legacy, the
20 future of the Florida panther, and our precious state of
21 Florida.

22 HEARING MASTER: Thank you for coming down. Please
23 sign in.

24 All right. So we have three citizens left online to
25 testify. I don't know if anyone had a preference to go first.

1 I have Mollie Genrich, Charles Genrich, and Margaret Thompson, I
2 believe.

3 MS M. GENRICH: I can go now.

4 HEARING MASTER: All right. Give us your name and
5 address, please. Thank you.

6 MS. M. GENRICH: My name is Mollie Genrich. I live at
7 5521 Rain Frog Lane. I come before you as a native resident who
8 has proudly called this area home for over five decades. I'm
9 here to express my heartfelt opposition to the proposed rezoning
10 of our cherished agricultural land.

11 I don't understand this because, almost three years
12 ago to the day, we're attending a land use hearing that denied
13 the request to rezone to CG; yet, Everglades Equipment decided
14 to go ahead. In that time -- in the time that they have
15 acquired this land, our landscape, peace, and tranquility have
16 diminished. For generations, our community has thrived on the
17 rural character and natural beauty that define this area. We
18 have taken pride in our open spaces, our agricultural heritage,
19 and the tranquility that surrounds us.

20 This land, where we have put down roots and built our
21 lives, is more than just a piece of real estate. It is our
22 connection to our past, our present, and our future. My
23 opposition to this resulting is not based on fear of change but
24 on the genuine concern for the wellbeing of our community and
25 preservation of what makes it special. Here are some compelling

1 reasons why I think it is imperative that we deny this rezoning
2 proposal and restore this precious land from its current state
3 as a new and used car and tractor lot.

4 Preservation of rural character: Our community's
5 rural character is a source of pride for all of us. Rezoning
6 for intensive commercial use has dramatically altered the
7 landscape and destroyed the very essence of what makes our area
8 unique. There's noise and light pollution. The tranquillity we
9 have enjoyed for decades has been disrupted by noise and light
10 pollution, adversely affecting our quality of life.

11 Property values: For all of us, our homes are not
12 just places to live but also investments for our future. A
13 rezoning of this nature will have a negative impact on property
14 values, affecting our financial wellbeing.

15 Transparency and community input: The way this has
16 been done is not fair or transparent, and the voices of our
17 community members have not been heard or respected.

18 In conclusion, I implore you esteemed members of the
19 Planning Board to consider the profound and lasting impact this
20 rezoning decision has -- has on our community. I urge you to
21 take into account the concerns of those who have dedicated their
22 lives to this area and to work with us to find a more balanced
23 and sustainable approach that preserves our agricultural
24 heritage, our environment, and the quality of life we hold dear.
25 Thank you.

1 HEARING MASTER: Thank you for your testimony.

2 Next, please. Either Mr. Genrich or Ms. Thompson.

3 Ms. Thompson, are you available?

4 THE CLERK: Ms. Thompson, can you hear us? You are
5 muted.

6 MS. THOMPSON: Sorry about that. I thought Mr.
7 Genrich was gonna go.

8 Good evening. My name is Margaret Thompson. I'm at
9 5507 Rain Frog Lane. My husband and I have lived here for 24
10 years raising our family, and we moved here because we love the
11 country. We oppose the rezoning of the Everglades property
12 because, well, we don't like how this affects the environment,
13 the habitat. We don't like the bright lights, the late-night
14 deliveries. These huge trucks and machinery, they -- they
15 rattle our windows. Alarms go off at all hours.

16 And that 7000 volt fence you've already heard about,
17 there's only six inches between that hot electric -- those hot
18 electric wires in the fence. And we actually have five
19 grandchildren ranging in ages of two to ten years of age. I
20 suppose if one of them wandered down the road and put their
21 little hands through the fence, it would be irreversible
22 consequences.

23 So if you grant this rezoning, you're saying to anyone
24 that anyone could just buy property to expand their business,
25 whether it encroaches on protective land meant for the panther

1 or for the tortoise, various wildlife, agricultural use, and
2 ignore the laws. I don't know; just because they have a lot of
3 money and they can get away with it. In other words, the laws
4 are for thee and not for me. Or perhaps they weighed and
5 measured the law and decided it was better to ask forgiveness
6 rather than permission.

7 We're pro business, small business, entrepreneurship,
8 but this once former small business has become a leviathan. Did
9 you know that Everglades boasts a whopping 18 locations on their
10 website? They have governmental contracts with Hillsborough
11 County Sheriff's Association, the state of Florida, and
12 Sourcewell. Is this considered a possible conflict of interest?
13 Cui bono.

14 I honestly don't understand why we're doing this
15 today, because, as you're already heard, we've already gone
16 through this process. We have laws on the books that forbid
17 this. Not one person or agency considered the zoning change
18 advantageous to our community three years ago; yet, this goes
19 above and beyond the previous -- what the previous owner wanted.
20 Cui bono.

21 It's a classic case of David versus Goliath. And
22 who's -- who's considered here, beforehand, the impact on our
23 environment, neighbors, rule of law? No one. They just did it.
24 So this is forced upon us again. It's a slap in the face three
25 years to the day.

1 HEARING MASTER: Ma'am, if you could wrap it up.
2 That's past your time. If you could just wrap up.

3 MS. THOMPSON: Oh, sorry.

4 HEARING MASTER: That's okay.

5 MS. THOMPSON: Well, the growth and expansion of the
6 Everglades corporation by way of rezoning after the fact should
7 never be at the expense of the peace and happiness of the
8 environment, the habitat, or neighbor. Thank you very much.

9 HEARING MASTER: Thank you for your testimony. I
10 appreciate it.

11 All right. Last person is Mr. Genrich.

12 MR. GENRICH: Can you hear me?

13 HEARING MASTER: I can.

14 MR. GENRICH: Oh, good.

15 Good evening, everyone. I think you've heard
16 everything that I was gonna talk about. I do know that
17 Everglades Equipment moved onto agricultural designated
18 property.

19 THE CLERK: Sir, can you identify yourself for the
20 record and state your address?

21 MR. GENRICH: Oh. I can do that. My name is Charles
22 Genrich, 5521 Rain Frog Lane, Plant City, Florida. And I'm
23 trying to look into this thing, but it's just not doing right
24 for me.

25 But everything everyone else has said, I just don't

1 understand how Everglades could move into agricultural
2 designated land, but I know how they did it. They did it
3 illegally with no concern for our neighborhood. The property
4 they went to -- is wanting to change is currently AR. And,
5 according to Hillsborough County's table of land uses for zoning
6 districts, they are -- storage of equipment is prohibited.

7 So, yeah, we -- we have been putting up with the
8 noise, the -- the lights, the alarms, the delivery trucks, the
9 congestion at the end of our road, and all of that. I just
10 think this property is AR, it should remain AR, and should be
11 used in accordance with AR. And that's it.

12 HEARING MASTER: Thank you, sir. I appreciate your
13 testimony.

14 All right. That closes opposition portion of the
15 hearing. We'll go back to Development Services.

16 Ms. Heinrich, any comments?

17 MS. HEINRICH: The only thing I would add for you to
18 take into consideration, I looked and there was a previous
19 rezoning for this property. It was under 20-0868, and it was
20 withdrawn by the applicant.

21 HEARING MASTER: And that was for CG?

22 MS. HEINRICH: Correct.

23 HEARING MASTER: Yeah.

24 MS. HEINRICH: With no restrictions.

25 HEARING MASTER: All right. So it never went to the

1 Board; they withdrew it?

2 MS. HEINRICH: It did not.

3 HEARING MASTER: I see. Okay. Thank you.

4 And I forgot to ask Ms. Peddle while she was
5 testifying. There was a revised staff report for this case, and
6 if you could just point me to the revisions.

7 MS. HEINRICH: For this revised staff report, I
8 believe the community plan area was corrected to NA. It is not
9 in a community plan area.

10 HEARING MASTER: I see. Okay.

11 MS. HEINRICH: I think that's it.

12 MS. PEDDLE: That's it.

13 HEARING MASTER: All right. Thank you so much.

14 MS. HEINRICH: Yeah, Carolanne is saying yes.

15 HEARING MASTER: Okay. All right. Thank you very
16 much. All right. Perfect. Thank you very much.

17 All right. We'll go back to the applicant, who has
18 five minutes for rebuttal.

19 Ms. Stewart.

20 MS. STEWART: Yes. Again, this -- this is Linda
21 Stewart, for the record. We have not had a protected species
22 survey done on the property. That is normally done during the
23 development permitting time. And when a protected species
24 survey is completed, it will indicate whether or not there are
25 any turtles -- gopher tortoises on the property or if any

1 panthers happen to come across, if it's a known panther habitat
2 pathway. If there are any protected species, that would be
3 taken care of through the Florida Fish and Wildlife Commission
4 with appropriate permits that would be obtained at the time.

5 This property was a previous farm and nursery. It was
6 Berry Blue Farm [sic] that was located on the property. This
7 hasn't always been a vacant piece of property. The County has
8 asked for a 20-foot wide Type B buffer to be placed along Rain
9 Frog Lane, and that is located within the staff report. And the
10 applicant has no objection to this buffer being placed along
11 Rain Frog Lane.

12 Retention areas are part of the development process,
13 and they will be engineering and designing a retention area for
14 all onsite stormwater retention. They're required to maintain
15 and construct this, and they have to contain the first 20
16 percent of runoff on the site before anything is allowed to be
17 discharged. And that is permitted through the Southwest Florida
18 Water Management District, and that will be also taken care of
19 during design. Permitting, review, and engineering plans, and
20 calculations will be submitted to the County for review.

21 I understand that there are some concerns, and I will
22 speak with the applicant about deliveries and alarms. I am not
23 aware of any of these issues. I have not had any correspondence
24 from anybody prior to this hearing. And, with that, I hope I
25 have answered all of your questions.

1 Oh, and we were not -- one last thing. We were not
2 the previous applicant that came in -- that withdrawn. As you
3 stated, they were not asking for any restrictions. We have
4 restricted ourselves to one specific use. We've limited the
5 hours of operation, and we've limited any buildings to be
6 constructed to be, at a minimum, 140 feet from Rain Frog Lane.
7 And with that, thank you.

8 HEARING MASTER: All right. Thank you for that
9 clarification. I appreciate it.

10 With that, we'll close rezoning 23-0552 and go to the
11 next case.

12 MS. HEINRICH: Our next application is Agenda Item
13 C.3, Standard Rezoning 23-0571. This is a request to rezone
14 from BPO and RSC-6 to RSC-9. Isis Brown will present staff
15 findings after the applicant's presentation. And you should
16 have a revised staff report which corrected the community plan
17 area and also reference to an access condition, a restriction.

18 HEARING MASTER: Thank you for that. I appreciate it.

19 All right. Is the applicant here? Good evening.

20 MS. LONDONO: Good evening. Ruth Londono, 1502 West
21 Busch Boulevard, Tampa, Florida 33612. Okay. Let me -- okay.
22 The property -- we are rezoning today two properties. One is
23 that on the southeast corner of North Himes Avenue and River
24 Cove Drive. One of the properties is already zoned BPO, and the
25 second property is zoned RSC-6. We are requesting to rezone

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
 Land Use Hearing Master

DATE: Monday, August 21, 2023

TIME: Commencing at 6:00 p.m.
 Concluding at 8:43 p.m.

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

Reported by:
Diane DeMarsh, AAERT No. 1654

1 hearing.

2 Item A.14, Major Mod 23-0518. This application is out
3 of order to be heard and is being continued to the
4 September 18, 2023 ZHM hearing.

5 Item A.15, PD 23-0519. This application is out of
6 order to be heard and is being continued to the
7 September 18, 2023 ZHM hearing.

8 Item A.16, Major Mod 23-0520. This application is out
9 of order to be heard and is being continued to the
10 September 18, 2023 ZHM hearing.

11 Item A.17, PD 23-0522. This application is out of
12 order to be heard and is being continued to the
13 September 18, 2023 ZHM hearing.

14 Item A.18, Standard Rezoning 23-0552. This
15 application is out of order to be heard and is being continued
16 to the September 18, 2023 ZHM hearing.

17 Item A.19, Standard Rezoning 23-0573. This
18 application is being continued by Staff to the
19 September 18, 2023 ZHM hearing.

20 Item A.20, Major Mod 23-0578. This application is out
21 of order to be heard and is being continued to the
22 September 18, 2023 ZHM hearing.

23 Item A.21, Standard Rezoning 23-0588. This
24 application is out of order to be heard and is being continued
25 to the September 18, 2023 ZHM hearing.

1 is being continued by the applicant to the September 18, 2023
2 ZHM hearing.

3 Item A.19, Standard Rezoning 23-0552. This
4 application is out of order to be heard and is being continued
5 to the August 21, 2023 ZHM hearing.

6 Item A.20, Standard Rezoning 23-0571. This
7 application is being continued by the applicant to the
8 September 18, 2023 ZHM hearing.

9 Item A.21, Standard Rezoning 23-0573. This
10 application is out of order to be heard and is being continued
11 to the August 21, 2023 ZHM hearing.

12 And that concludes the continues.

13 HEARING MASTER: All right. Thank you very much.

14 All right. So the meeting procedures tonight, first
15 of all -- again, if you have any items that our noisemakers,
16 please turn those off or silence those at this time.

17 The agenda tonight consists of items that require a
18 public hearing by a hearing master before going to the Board of
19 County Commissioners for a final decision. I will conduct a
20 hearing on each item today and will submit a written
21 recommendation. My written recommendation will be filed with
22 the clerk of the Board within 15 working days after the
23 conclusion of today's public hearings.

24 The Board of County Commissioners will consider the
25 record of today's public hearing and my recommendation and will

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**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

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SIGN-IN SHEET: RFR, ZHM PHM, LUHO

PAGE 1 OF 6

DATE/TIME: 9/18/2023 6pm HEARING MASTER: Susan Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>23-0369</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>206 2nd Ave S. #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE _____
APPLICATION # <u>23-0203</u>	PLEASE PRINT NAME <u>SUSAN SWIFT</u> MAILING ADDRESS <u>607 S. Alexander St #101</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>335</u> PHONE <u>813 247 9100</u>
APPLICATION # <u>23-0082</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>727-524 1260</u>
APPLICATION # <u>23-0082</u>	PLEASE PRINT NAME <u>Michael Bernstein</u> MAILING ADDRESS <u>19537 Deer Lake Rd</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 293 1930</u>
APPLICATION # <u>23-0082</u>	PLEASE PRINT NAME <u>JAY A MUFFLY</u> MAILING ADDRESS <u>102 5TH AVE SE</u> CITY <u>LUTE</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 949-2224</u>
APPLICATION # <u>23-0552</u> <u>VS</u>	PLEASE PRINT NAME <u>Gloria Linda Stewart</u> MAILING ADDRESS <u>6997-B Professional Parkway East</u> CITY <u>Sarasota</u> STATE <u>FL</u> ZIP <u>34246</u> PHONE _____

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

PAGE 2 OF 6

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>23-0552</u> <u>VS</u>	PLEASE PRINT NAME <u>Mollie Usher</u> MAILING ADDRESS <u>5513 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____
APPLICATION # <u>23-0552</u>	PLEASE PRINT NAME <u>Jonathan Hoke</u> MAILING ADDRESS <u>5513 Rain Frog Ln</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813-7205151</u>
APPLICATION # <u>23-0552</u>	PLEASE PRINT NAME <u>Gretchen Genrich Hoke</u> MAILING ADDRESS <u>5513 Rain Frog Lane</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813-707-703981</u>
APPLICATION # <u>23-0552</u> <u>VS</u>	PLEASE PRINT NAME <u>Mollie Genrich</u> MAILING ADDRESS <u>5521 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____
APPLICATION # <u>23-0552</u> <u>VS</u>	PLEASE PRINT NAME <u>Margaret Thompson</u> MAILING ADDRESS <u>5507 Rain Frog Ln</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____
APPLICATION # <u>23-0552</u> <u>VS</u>	PLEASE PRINT NAME <u>Charles Genrich</u> MAILING ADDRESS <u>5521 Rain Frog Ln.</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE _____

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

PAGE 3 OF 6

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>23-0571</u>	PLEASE PRINT NAME <u>Ruth Londono</u> MAILING ADDRESS <u>1502 W. Busch Blvd</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33612</u> PHONE <u>(813) 919-7802</u>
APPLICATION # <u>23-0571</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> MAILING ADDRESS <u>1000 W. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 331-0976</u>
APPLICATION # <u>23-6640</u>	PLEASE PRINT NAME <u>Tu Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813) 962-6230</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Tu Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813) 962-6230</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Hung Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>813 962-6230</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Aleathea Hoskins</u> MAILING ADDRESS <u>2108 Siloam Springs Dr</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>813-431-9903</u>

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

PAGE 4 OF 6

DATE/TIME: 9/18/23 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Teri Wagner</u> MAILING ADDRESS <u>2108 Arch McDonald Dr</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33502</u> PHONE <u>8134346722</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Dana Wilson</u> MAILING ADDRESS <u>2102 Arch McDonald Drive</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>309-287-9739</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Th Mai</u> MAILING ADDRESS <u>14031 N. Dale Mabry Hwy</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813)962-6230</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Justin Tillman</u> MAILING ADDRESS <u>2106 Siloam Springs</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>32527</u> PHONE <u>813335-484</u>
APPLICATION # <u>23-0792</u>	PLEASE PRINT NAME <u>Jow Berry</u> MAILING ADDRESS <u>1620 S Dover Rd</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>8132307536</u>
APPLICATION # <u>23-08416</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-277-8421</u>

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

PAGE 5 OF 6

DATE/TIME: 9/18/23 6 PM HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>23-0846</u>	PLEASE PRINT NAME <u>Kathryn Barry</u> MAILING ADDRESS <u>3028 Colonial Ridge Dr</u> CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>540-419-5122</u>
APPLICATION # <u>23-0846</u>	PLEASE PRINT NAME <u>STEVE HENRY</u> MAILING ADDRESS <u>5023 W. LAMAR ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u>
APPLICATION # <u>23-0059</u>	PLEASE PRINT NAME <u>Mark Bentley</u> MAILING ADDRESS <u>401 E Jackson</u> CITY <u>TPA</u> STATE _____ ZIP _____ PHONE <u>813-225-2250</u>
APPLICATION # <u>23-0059</u>	PLEASE PRINT NAME <u>RYAN MANASSE</u> MAILING ADDRESS <u>401 E JACKSON ST</u> <u>STE 3100</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-225-2500</u>
APPLICATION # <u>23-0109</u> <u>VS</u>	PLEASE PRINT NAME <u>Steve Schmitt</u> MAILING ADDRESS <u>5545 Wildwood Dr.</u> CITY <u>Reno</u> STATE <u>NV</u> ZIP <u>89511</u> PHONE _____
APPLICATION # <u>23-0414</u>	PLEASE PRINT NAME <u>Kevin Reali</u> MAILING ADDRESS <u>401 E Jackson ST #2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-222-5059</u>

SIGN-IN SHEET: RFR, **ZHM** PHM, LUHO

PAGE 6 OF 6

DATE/TIME: 9/18/23 6 PM HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # 23-0578	PLEASE PRINT NAME <u>Alexandra Schaler</u> MAILING ADDRESS <u>400 N. Ashley Dr. Suite 1100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-319-0702</u>
APPLICATION # 23-0578	PLEASE PRINT NAME <u>KATHY REYES</u> MAILING ADDRESS <u>10433 ALDER GREEN DR</u> CITY <u>RIVERVIEW</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>815-598-7541</u>
APPLICATION # 23-0578	PLEASE PRINT NAME <u>ARMY ANTON</u> MAILING ADDRESS <u>10371 Scarlett Skimmer Dr.</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>706-410-7933</u>
APPLICATION # 23-0578 VS	PLEASE PRINT NAME <u>Cathy Aponte</u> MAILING ADDRESS <u>1340 Scarlett Skimmer Dr.</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE _____
APPLICATION # 23-0578	PLEASE PRINT NAME <u>STEVE HENRY</u> MAILING ADDRESS <u>5023 WILLOW ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-789-0039</u>
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____

HEARING TYPE:

ZHM, PHM, VRH, LUHO

DATE: September 18, 2023

HEARING MASTER:


Susan Finch

PAGE: 1 OF 1


APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 23-0203	Susan Swift	1. Applicant Presentation Packet	No
RZ 23-0082	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0082	Todd Pressman	2. Applicant Presentation Packet	No
RZ 23-0552	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0552	Jonathan Hoke	2. Opposition Presentation Packet	No
RZ 23-0552	Gretchen Hoke	3. Opposition Presentation Packet	No
RZ 23-0571	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0571	Ruth Londono	2. Applicant Presentation Packet	No
RZ 23-0573	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0573	Isabelle Albert	2. Applicant Presentation Packet	Yes (Copy)
RZ 23-0640	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0792	Aleathea Hoskins	1. Opposition Presentation Packet	No
RZ 23-0792	Tu Mai	2. Applicant Presentation Packet	No
RZ 23-0846	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0846	Kami Corbett	2. Applicant Presentation Packet	No
RZ 23-0059	Mark Bentley	1. Applicant Presentation Packet	Yes (Copy)
RZ 23-0109	Michelle Heinrich	1. Revised Staff Report – Email	No
MM 23-0414	Michelle Heinrich	1. Revised Staff Report- Email	No
MM 23-0414	Kevin Reali	2. Applicant Presentation Packet	No
MM 23-0578	Michelle Heinrich	1. Revised Staff Report – Email	No
MM 23-0578	Alexandra Schaler	2. Applicant Presentation Packet	No

SEPTEMBER 18, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, September 18, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

 Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduced Development Services (DS).

A. WITHDRAWALS AND CONTINUANCES

 Michelle Heinrich, DS, introduced staff, and reviewed changes/withdrawals/continuances.

 Susan Finch, ZHM, overview of ZHM process.

 Mary Dorman, Senior Assistant County Attorney, overview of oral argument/ZHM process.

 Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 23-0203

 Michelle Heinrich, DS, called RZ 23-0203.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0203.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 23-0082

 Michelle Heinrich, DS, called RZ 23-0082.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0082.

MONDAY, SEPTEMBER 18, 2023

C.2. RZ 23-0552

 Michelle Heinrich, DS, called RZ 23-0552.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0552.

C.3. RZ 23-0571

 Michelle Heinrich, DS, called RZ 23-0571.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0571.

C.4. RZ 23-0573

 Michelle Heinrich, DS, called RZ 23-0573.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0573.

C.5. RZ 23-0640

 Michelle Heinrich, DS, called RZ 23-0640.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0640.

C.6. RZ 23-0792

 Michelle Heinrich, DS, called RZ 23-0792.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0792.

MONDAY, SEPTEMBER 18, 2023

C.7. RZ 23-00846

 Michelle Heinrich, DS, called RZ 23-0846.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 23-0846.

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

D.1. RZ 23-0059

 Michelle Heinrich, DS, called RZ 23-0059.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0059.

D.2. RZ 23-0109

 Michelle Heinrich, DS, called RZ 23-0109.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0109.

D.3. RZ 23-0369

 Michelle Heinrich, DS, called RZ 23-0369.


 Testimony presented.

 Susan Finch, ZHM, continued RZ 23-0369 to November 13, 2023, ZHM.

D.4. MM 23-0414

 Michelle Heinrich, DS, called MM 23-0414.

 Testimony provided.


 Susan Finch, ZHM, closed MM 23-0414.

MONDAY, SEPTEMBER 18, 2023


D.5. MM 23-0578

 Michelle Heinrich, DS, called MM 23-0578.

 Testimony provided.

 Susan Finch, ZHM, closed MM 23-0578.

ADJOURNMENT

 Susan Finch, ZHM, adjourned meeting at 10:54 p.m.

Rezoning Application: RZ-STD 23-0552

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 07, 2023

**Hillsborough County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant:	Mike Schlechter	
FLU Category:	R-1	
Service Area:	Rural	
Site Acreage:	5.4 +/-	
Community Plan Area:	N/A	
Overlay:	None	

Introduction Summary:

The applicant is requesting to rezone the property from the existing AR (Agricultural Rural) district to the proposed CI (Commercial, Intensive) district with restrictions to the use, setbacks, and hours of operation to accommodate additional inventory and storage of equipment. The property is located on the corner of Rain Frog Land and W state Road 60.

Zoning:	Existing	Proposed
District(s)	AR	CI-R
Typical General Use(s)	Agricultural	Commercial, Intensive
Acreage	5.41	5.41
Density/Intensity	1 DU per 5 GA/ FAR NA	DU per GA: NA/ FAR 0.30
Mathematical Maximum*	1 DU per GA/ GFA: NA	DU: NA / GFA: 70,697.88

*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	AR	CI-R
Lot Size / Lot Width	217,000 SqFt /150'	20,000 SqFt / 100'
Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	30' Front 10' & 11' Rear 10' & 11' Sides
Height	50'	50'

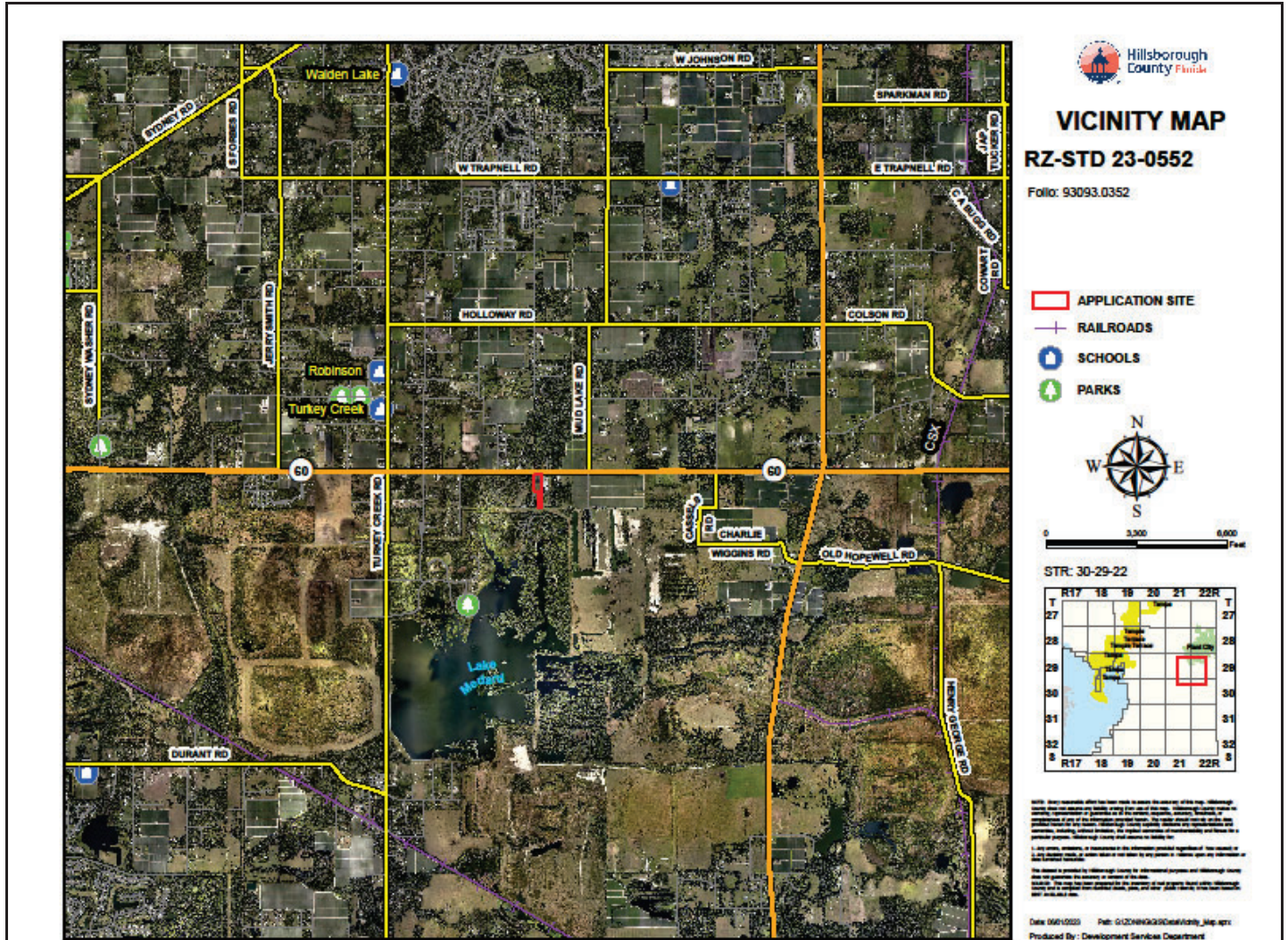
Additional Information:

PD Variation(s)	NA
Waiver(s) to the Land Development Code	NA

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable with restrictions
--	---

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

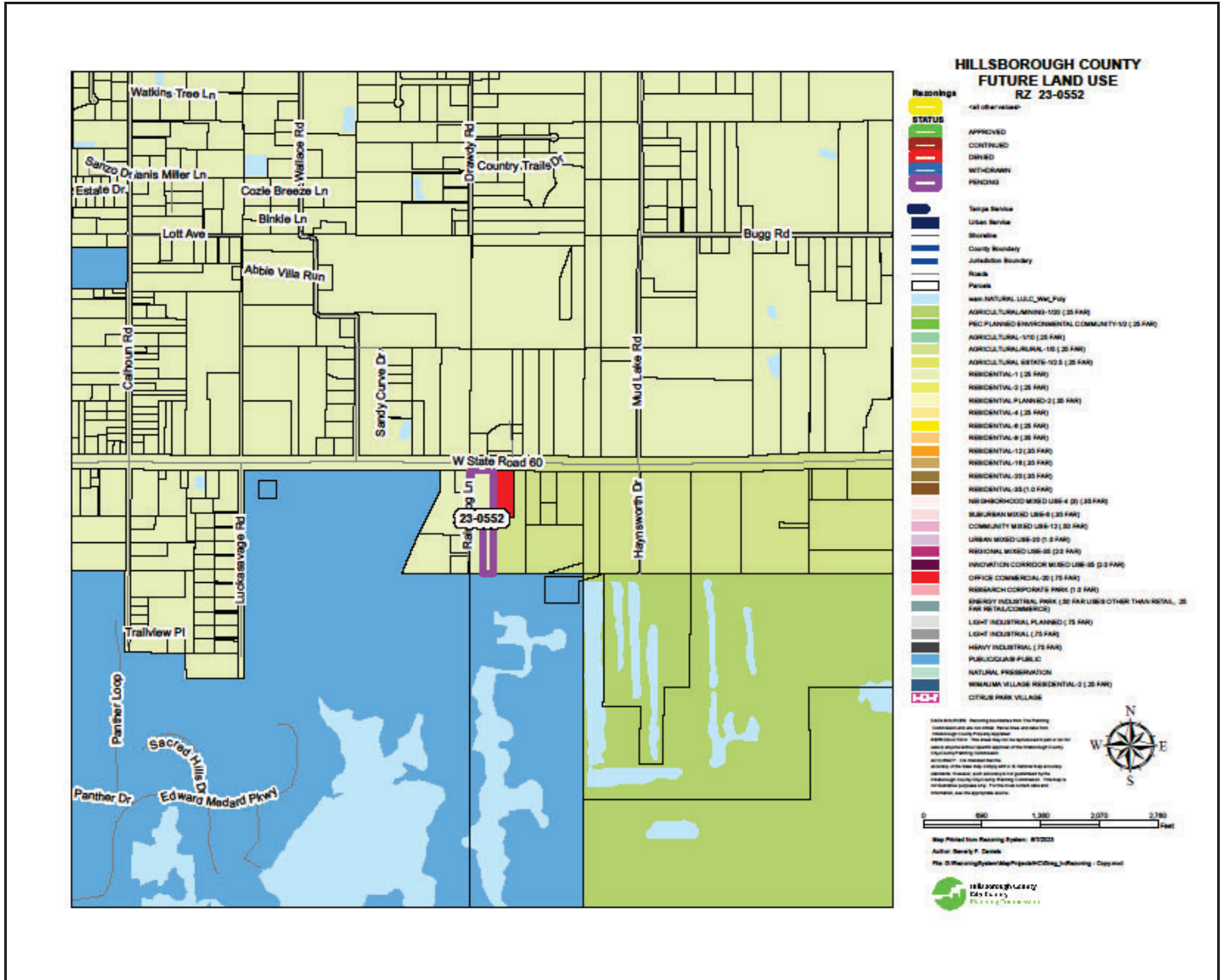


Context of Surrounding Area:

The subject parcel is separated from the North by W State Road 60 and to the West by Rain Frog Lane. The properties surrounding the parcel from the North, West, and South are all under residential uses. The property to the East which is owned by the applicant of the subject parcel is under the use of sales, rental and service of new or used farm, garden and turf equipment.

2.0 LAND USE MAP SET AND SUMMARY DATA

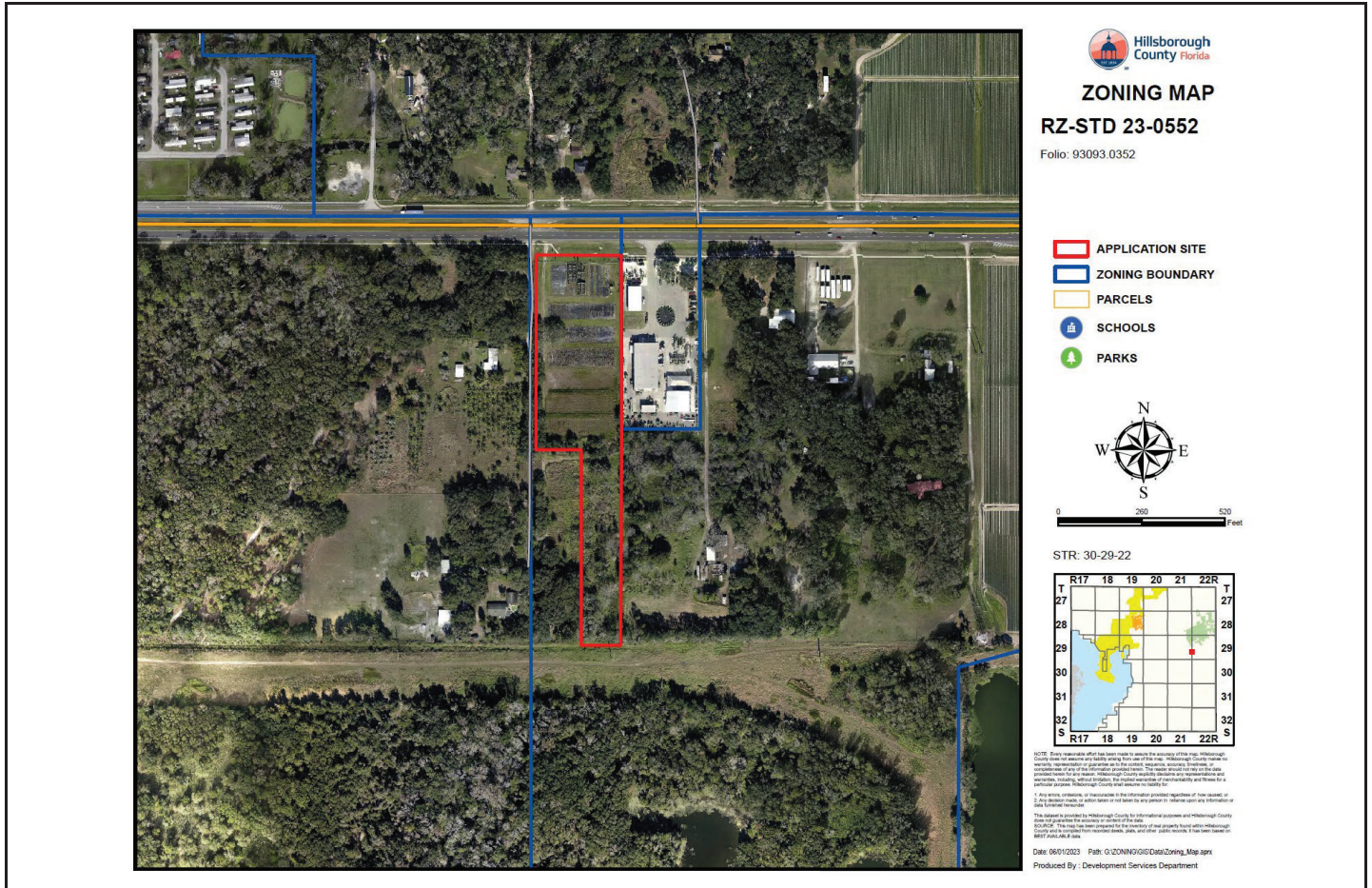
2.2 Future Land Use Map



Subject Site Future Land Use Category:	R-1
Maximum Density/F.A.R.:	1 per 5 acres / 0.25
Typical Uses:	<p>Farms, ranches, residual uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.</p> <p>Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.</p>

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1	1/NA	Agriculture, Single Family	SINGLE FAMILY R
South	AR	1/NA	Agriculture, Single Family	SINGLE FAMILY R, 8700 STATE
East	CI, AR	NA/0.30, 1/NA	Accessory Retail, Automotive Supply Store, Agriculture, Single Family	AUTO SALES C, VACANT RESIDENTIAL
West	AR	1/NA	Agriculture, Single Family	SINGLE FAMILY R, MH

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

N/A

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
SR 60	FDOT Principal Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	420	42	42
Difference (+/-)	+411	+41	+41

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

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

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input checked="" type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See report.
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility


The immediate adjacent properties are zoned AR to the south, west, east, and AS -1 to the north separated by W State Road 60. From the west the parcel is separated from residential parcels by Rain Frog Road. As the road is less than 50 feet in width a required 20-foot buffer with type B screening is required in accordance with LDC Sec. 6.06.06. The northern most adjacent parcel to the east of the subject parcel is zoned CI, owned by the applicant with the use of sales, rental and service of new or used farm, garden and turf equipment. Furthermore, the site is bordered by a mixture of residential uses. To mitigate compatibility issues with the residential properties the applicant has proposed restrictions on the use, setbacks, and hours of operation. Additionally, the subject site is surrounded by R- 1, AR, and OC-20 Future Land Use (FLU) categories which permits residential, community & neighborhood commercial, office, farms, ranches, and multi-purpose uses.

5.2 Recommendation

Based on the above considerations and proposed restrictions, staff finds the proposed CI zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request Approvable.

6.0 PROPOSED RESTRICTIONS

1. Hours of operation for the subject parcel will be limited to: Monday thru Friday from 8 am to 5 pm and Saturday from 8 am to 12 pm. The business will be closed on Sundays
2. The proposed building will be placed along the eastern side of the property with a minimum of 140-foot distance from the residential properties west of Rain Frog Lane.
3. Use shall be restricted to "sales, rental and service of new or used farm, garden and turf equipment"

<p>Zoning Administrator Sign Off:</p>	 <p>J. Brian Grady Fri Sep 8 2023 08:17:16</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

N/A

APPLICATION NUMBER: RZ-STD 23-0552

ZHM HEARING DATE: September 18, 2023

BOCC LUM MEETING DATE: November 07, 2023

Case Reviewer: Carolanne Peddle

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 9/07/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: EAST RURAL

PETITION NO: RZ 23-0552

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone the +/- 4.45-acre subject parcel from Agricultural Rural (AR) to Commercial Intensive (CI) with the use restricted to “sales, rental and service of new or used farm, garden and turf equipment”. The applicant is proposing additional restrictions on hours of operation and building placement. The future land use designation is Residential 1 (R-1).

Since the proposed applicant seeks a Euclidean zoning district, no transportation analysis is required to process this request per the development review procedures manual.

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff’s opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did not identify any concerns that would require a more detailed staff report be filed. Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
SR 60	TURKEY CREEK RD	CR 39	D	C

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
SR 60	FDOT Principal Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	420	42	42
Difference (+/-)	+411	+41	+41

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

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

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

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

**COUNTY OF HILLSBOROUGH
LAND USE HEARING OFFICER'S RECOMMENDATION**

Application number:	RZ STD 20-0868
Hearing date:	September 28, 2020
Applicant:	Waters Avenue Investments, Inc.
Request:	Rezone from Agricultural Rural (AR) to Commercial General (CG)
Location:	2903 W. 60 Hwy., Plant City, south of W. S.R. 60, east of Rain Frog Lane, west of Haynesworth Drive
Parcel size:	7.4 Acres
Existing zoning:	Agricultural Rural (AR)
Future land use designation:	Residential-1 (1 du/ga; 0.25 FAR)
Service area:	Rural
Community planning area:	N/A

Application No. 23-0552
 Name: Isabella Hoke
 Entered at Public Hearing: ZHM
 Exhibit # 2 Date: 9/18/23

A. APPLICATION REVIEW

DEVELOPMENT SERVICES STAFF REPORT APPLICATION REVIEW SUMMARY AND RECOMMENDATION

1. SUMMARY

1.1 Project Narrative

The request is to rezone approximately 7.4 acres from Agricultural Rural (AR) to CG (Commercial General).

1.2 Compliance Overview with Land Development Code and Technical Manuals

The site will comply with site development guidelines, no variation or variances are being requested.

1.3 Evaluation of Existing and Planned Public Facilities

This site is located outside of the Hillsborough County Urban Service Area, therefore Hillsborough County Water and/or Wastewater Service will not be available to serve the subject property.

1.4 Comprehensive Plan Consistency

The proposed rezoning would allow for development that is not consistent with the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan. The rezoning request is incompatible with the existing low density and agricultural development pattern in the area. The Planning Commission staff finds the proposed rezoning **INCONSISTENT** with the *Future of Hillsborough Comprehensive Plan*.

1.5 Compatibility

The subject property is located in a rural area containing several properties zoned AR (Agricultural, Rural), AS-1 (Agricultural, Single Family), and a mobile home area zoned PD 93-0128. The adjacent properties to the west are zoned AR (Agricultural Rural) and are occupied with conventional single-family dwellings and mobile homes. Adjacent to the south is a lot zoned AR (Agricultural Rural), containing 118 acres of Conservation land. To the southwest is the Edward Medard Park, a 1,163 acres lot with passive recreational uses and conservation areas. Both properties are owned by the Southwest Florida Management District.

The adjacent property to the west is zoned CI (Commercial Intensive) and is currently occupied by a John Deere equipment branch, with sales and rental of commercial vehicles and trucks and an open storage component. Staff considers the lots are not comparable in size; the size of the subject lot is approximately 7.4 acres, and is greater than the adjacent 3-acre commercial site. If the rezoning is approved for unrestricted CG uses, up to 76,230 square feet GFA of commercial uses, including retail, would be permitted in an agricultural and environmentally sensitive area.

Development Services and the Planning Commission staff are concerned that CG zoning would be incompatible with the residential lots located immediately to the west, and the predominantly agricultural rural development pattern in the surrounding area. While staff recognizes the parcel immediately to the east is designated Office Commercial-20 (OC-20) with Commercial Intensive (CI) zoning, commercial uses do not make up the predominant development pattern in the area. Compatibility concerns might be addressed more effectively through a Planned Development.

1.6 Agency Comments

This site is located outside of the Hillsborough County Urban Service Area, therefore Hillsborough County Water and/or Wastewater Service will not be available to serve the subject property.

1.7 Exhibits

- Exhibit 1: Aerial Map
- Exhibit 2: Zoning Map

1.8 Recommendation

Staff finds the proposed zoning district CG (Commercial General), is not compatible with the surrounding development and zoning patterns. Based on the above considerations, staff finds the request **not supportable**.

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on September 28, 2020. Mr. Brian Grady of the Hillsborough County Development Services Department Introduced the petition.

Applicant

Mr. Todd Pressman spoke for the applicant and presented slides depicting the rezoning request. Mr. Pressman stated the location of the subject property is on State Route 60 along Rain Frog Lane, in the Dover area towards Plant City. He stated the property is currently vacant. Mr. Pressman explained the critical element of the request is that the neighboring property is zoned very intensely and used as

a John Deere tractor business and facility for agricultural equipment. He stated the abutting property is designated OC-20 Future Land Use category, which is an intensive land use category, and is zoned Commercial Intensive, which is an intensive zoning category.

Mr. Pressman stated the subject property is located on a four-lane divided arterial highway that is on the official Hillsborough County truck route map, and that in 2017 the traffic count was 23,500 vehicles per day.

Mr. Pressman stated the request is supported by comprehensive plan policies related to agriculture and agriculture support uses in rural areas. He asserted the request would be an agricultural support property in terms of its use. Mr. Pressman stated policy 30.5, agriculture-related commercial uses more intensive or heavy than neighborhood serving commercial may be considered in the rural land use categories provided it meets applicable comprehensive plan policies.

Mr. Pressman spoke about the locational criteria waiver and stated that locational waiver should be looked at differently for agricultural support property in a rural area on an arterial roadway and truck route. Mr. Pressman stated the rezoning request is compatible with the intensely zoned abutting property. He stated there is good buffering on the west.

The hearing officer asked Mr. Pressman to speak further about the locational criteria waiver and the distance from the subject property to the nearest intersection that would meet locational criteria, or to identify what intersections would meet the locational criteria. Mr. Pressman did not have the distance measurement or intersections but stated he would take a quick look and address the questions on rebuttal.

Development Services Department

Tania Chapela, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record. Ms. Chapela concluded with staff's finding that the request is unsupportable because the proposed CG zoning district is not compatible with the surrounding development and zoning patterns.

Planning Commission

Jiwan Haley, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record. Ms. Haley added that the nearest intersection that would meet locational criteria would be James Redman Parkway and Highway 60. She stated the subject property is just under two miles away from that intersection, and since this property is designated RES-1 on the Future Land Use Map, it would need to be within 650 feet of that intersection to meet locational criteria. Ms. Haley concluded that the proposed rezoning would undermine the intent of Future Land Use objective 16 and policies 16.1, 16.2, 16.3, and 16.10.

Therefore, Planning Commission finds the proposed rezoning inconsistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application. There were several persons online who wished to speak in opposition.

1. Susan Ferrell said she owns property on Rain Frog Lane and Highway 60. She is against the rezoning and wants the area to remain residential.
2. Charles Genrich stated he is against the designation to Commercial General and spoke about the adjoining preserve and wildlife. He said he has been in the community for 47 years and described the community as quiet and agricultural. Mr. Genrich spoke about concerns with traffic and accidents.
3. Jonathan and Gretchen Hoke stated they are opposed to the rezoning and are concerned with increased congestion it would bring.
4. Margaret Thompson spoke for herself and her husband, Alex Thompson and stated they are opposed to the commercialization and other issues that it might bring. She is concerned for her teenage son and grandchildren. She described the farm animals and wildlife in the area. She spoke about the farm equipment use abutting the subject property and stated they have to contend with bright lights, PA system, and deliveries. She and her husband are concerned about the change, traffic, and noise the rezoning might bring.

Development Services Department

Brian Grady of Hillsborough County Development Services stated there was a typographical error in the compatibility section of the staff report, in the second paragraph and second sentence. The sentence was intended to state the CI zoned parcel was 3 acres and the proposed rezoning property is 7.4 acres, therefore the two properties are not comparable. He stated the report would be corrected and resubmitted with that correction. (This hearing officer's recommendation reflects the corrected staff report.)

Applicant Rebuttal

Mr. Todd Pressman presented rebuttal and reiterated that the subject property is adjacent to a very intensive use and located on a very busy arterial roadway. He stated he thought the CG use would be a good balance and use for the subject

property. In response to the hearing officer's early question about locational criteria, Mr. Pressman stated that Mud Lake Road is about 1,500 feet from the subject property and would be the closest intersection.

C. EVIDENCE SUBMITTED

The applicant's representative submitted the following evidence during the hearing:

- Slide presentation

D. FINDINGS OF FACT

1. The subject site consists of approximately 7.4 acres located at 2903 W. Highway 60, Plant City, east of Rain Frog Lane and west of Haynesworth Drive. The property is in the Rural Service Area and is currently zoned Agricultural Rural (AR) and designated Residential-1 on the Future Land Use Map.
2. The applicant is requesting to rezone the property to Commercial General.
3. If the subject property is rezoned to CG, all uses permitted in the zoning district would be allowed, including over 76,230 square feet of commercial and retail. These uses would be incompatible with the residential uses located immediately west of the property and the predominantly agricultural rural development pattern in the surrounding area.
4. The parcel is in the Rural Area, which is intended for low agricultural uses and large lot rural residential uses with densities no greater than 1 dwelling unit per 5 gross acres, which can exist without the threat of urban or suburban encroachment.
5. The subject property does not meet Commercial Locational Criteria because it is not located at a qualifying intersection as required by Future Land Use Policy 22.2.
6. While the adjacent property to the west is zoned Commercial Intensive and is currently occupied by a farm equipment business, the surrounding properties are predominately conventional single-family residential, mobile home, and conservation uses. The single parcel zoned for commercial use does not reflect the development pattern in the surrounding area.
7. The proposed CG zoning allows commercial uses that would be out of character for the surrounding area, and that would result in urban or suburban encroachment in the Rural Area. The rezoning would not be complementary to the surrounding area or provide a gradual transition of uses.

E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH COMPREHENSIVE PLAN

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

F. CONCLUSIONS OF LAW

Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant's testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is not consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough Avenue*, and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant is requesting to rezone the subject parcel to Commercial General. The property is 7.4 acres in area and is currently zoned Agricultural Rural and designated Residential-1 on the Future Land Use Map. The request is not consistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, does not comply with the applicable requirements of the Hillsborough County Land Development Code, and is not compatible with the surrounding agricultural and residential development pattern.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for DENIAL of the rezoning request.



Land Use Hearing Officer

October 15, 2020

Date



ZONING HEARING MASTER LETTER OF NOTICE

To: Surrounding Property Owner
and/or Any Registered Neighborhood
Organization or Civic Association

APPLICATION NUMBER: 20-0868
APPLICATION FILING DATE: 5/15/2020

You are hereby notified that the undersigned is requesting a Re-Zoning before the Zoning Hearing Master of Hillsborough County at a public hearing. You have received notice of this requested action because you are a property owner or the designated representative of a Registered Neighborhood Organization and/or Civic Association within the required distance of the subject site.

PUBLIC HEARING DATE: 1/19/2020 **TIME:** 6:00 PM

LOCATION OF PUBLIC HEARING: Robert W. Saunders, Sr. Public Library, Ada T. Payne Community Room*
1505 N Nebraska Ave, Tampa, FL 33602
(*Virtual participation in this public hearing is available through communications media technology, as described in the "About the Hearing" section, below.)

NATURE OF REQUEST: (Provide a general description of the request)

Re-Zoning to CG-R

Note: The PD application and approval process creates its own customized zoning district and may be used to obtain variations from the non-district regulations as set forth in Section 5.03.06.C.6 of the Land Development Code.

LOCATION OF THE PROPERTY: (Address and/or General Location) 90 ft. South of intersection: Rain Frog LN/W State Road 60
2903 W. State Road 60

CURRENT ZONING: AR **PROPOSED ZONING:** CG-R

Copies of the application and department reports are kept by the Administrator and are open to public inspection in the offices of the Clerk of the Board and the County Administrator. The application may be reviewed online through the Hillsborough County Development Services Department webpage located at: <http://hcflgov.net/pgmstore>.

Additional information concerning this application may be obtained by calling the Hillsborough County Development Services Department at: (813) 307-4739.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the proceeding, and those seeking an interpreter, should contact the Customer Service Center at telephone number (813) 272-5600 or Hearing/Voice Impaired Call 711 no later than 48 hours prior to the proceedings. This meeting is closed captioned for the hearing impaired.

Para información en Español, favor de llamar al (813) 307-4739

Applicant / Representative

Name: Todd Pressman

Address: 200 2nd Ave., South #451, St. Petersburg, FL 33701

Phone: 727-804-1760

Email: todd@Pressmaninc.com

Send Written Comments or Evidence, along with your physical address and email address to:

DSD - Community Development Division, PO BOX 1110, Tampa, FL 33601; or Email to Hearings@HCFLGov.net

Additional information may be obtained or a neighborhood meeting may be requested by contacting the applicant or the applicant's representative at the number listed above.

PLEASE USE ORIGINAL FORM - DO NOT RETYPE

Submitting testimony and/or evidence:

All interested parties wishing to submit testimony or other evidence for the record in this matter must submit such in at least one of the following manners:

- 1) In writing to the office of the Zoning Administrator at least 14 days prior to the hearing in order to be given consideration in the preparation of Development Services Staff's Final Report to the Zoning Hearing Master;
or
- 2) In writing to the office of the Zoning Administrator at least 2 business days prior to the hearing in order to be included as part of the record of the hearing;
or
- 3) Spoken or in writing* during the public hearing before the Zoning Hearing Master. (**Parties opting to participate virtually who also wish to submit written or documentary evidence must submit their written or documentary evidence prior to the public hearing, pursuant to (1) or (2), above.*)

Testimony or evidence submitted prior to the hearing should be addressed to the attention of the Zoning Hearing Master and delivered as follows:

- 1) Hand delivered to County Center, 601 E. Kennedy Blvd. in downtown Tampa.
- 2) Mailed to P. O. Box 1110, Tampa, FL 33601
- 3) Via e-mail using the Development Services webpage located at: <http://hcflgov.net/pgmstore>
Click on "Email" button (under "Contact Info"), attach testimony and/or evidence documents to e-mail, and send to Hearings@hillsboroughcounty.org.

All documentation submitted should reference the application number as listed at the top of page 1 of this notice.

About the Hearing:

The staff report of the Development Services Department must be filed six (6) days prior to the hearing. The participants before the Zoning Hearing Master shall be the County staff, the applicant (and/or the applicant's agent(s)), and the public. The order of presentation will be:

- 1) The applicant and the applicant's witnesses shall present their case.
- 2) The Staff of the Development Services Department will give a summary of the request, and present the County Staff's findings and recommendations.
- 3) The Staff of the Planning Commission shall state whether the request is in compliance or non-compliance with the Comprehensive Land Use Plan.
- 4) You and other witnesses shall present their case.
- 5) County Staff will have the opportunity to make additional comments.
- 6) The applicant will have the opportunity for rebuttal and summations.

The Zoning Hearing Master may question witnesses as he/she deems necessary and appropriate and may permit responses to evidence or testimony received. Time will be allowed for a reasonable amount of questioning of the witnesses for the applicant, public agencies and opposition, but questioning should be limited to direct testimony already presented.

Each side will be given 15 minutes to present its case, however, the Zoning Hearing Master may grant additional time for good cause. The public as a whole is considered as one participant, so large groups may wish to designate a spokesperson. The staffs of each separate County agency are considered individual participants.

PARTICIPATION OPTIONS: In response to the COVID-19 pandemic, Hillsborough County is making it possible for interested parties to participate in this public hearing virtually by means of communications media technology or in person.

Virtual Participation: Virtual participation is highly encouraged. **In order to participate virtually, you must have access to a communications media device (such as a tablet or a computer equipped with a camera and microphone) that will enable you to be seen (video) and heard (audio) by the Zoning Hearing Master during the public hearing.** Additionally, should you opt to participate virtually in this public hearing, you will be able to provide oral testimony to the Zoning Hearing Master, but you will be unable to submit documentary evidence during the public hearing. Therefore, if you opt to participate virtually in this public hearing, you must submit any documentary evidence you wish to be considered by the Zoning Hearing Master to the staff of the Development Services Department at least two business days prior to the Zoning Hearing Master hearing.

Anyone who wishes to participate virtually in this public hearing will be able to do so by completing the online Public Comment Signup Form found at: HillsboroughCounty.org/SpeakUp. You will be required to provide your name and telephone number on the online form. This information is being requested to facilitate the audio conferencing process. The Zoning Hearing Master will call on speakers by name in the order in which they have completed the online Public Comment Signup Form, depending on the application(s) to which each speaker signed up to speak. An audio call-in number will be provided to participants that have completed the form after it is received by the County. All callers will be muted upon calling and will be unmuted in the submission order after being recognized by the Zoning Hearing Master by name. Call submissions for the public hearing will close 30 minutes prior to the start of the hearing. Public comments offered using communications media technology will be afforded equal consideration as if the public comments were offered in person.

In Person: While virtual participation is encouraged, standard in-person participation is still available. The format and procedures for in-person participation may differ from a traditional hearing. For the safety of participants and staff, social distancing will be properly adhered to at all times. For planning purposes, parties wishing to participate in person are encouraged to sign up ahead of time at HCFLGov.net/SpeakUp.

Anyone wishing to view and listen to the public hearing live, without participating, can do so in the following ways:

- Hillsborough County's Facebook page: [HillsboroughFL](https://www.facebook.com/HillsboroughFL)
- The County's official YouTube channel: [YouTube.com/HillsboroughCounty](https://www.youtube.com/HillsboroughCounty)
- The County's HTV channels on cable television: Spectrum 637 and Frontier 22
- The HCFLGov.net website by going to HCFLGov.net/newsroom and selecting the "Live Meetings" button
- Listening to the hearing on smart phones by going to the above Facebook or YouTube link.

If you have any questions or need additional information for providing public input you may call (813) 307-4739.

The recommendation of the Zoning Hearing Master will be filed with the Clerk of the Board of County Commissioners (BOCC) within 15 working days after the conclusion of the public hearing.

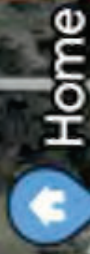
Review of the application by the Board of County Commissioners is restricted to the record as created at the hearing before the Zoning Hearing Master, inclusive of the documentation submitted prior to the hearing. In order to present testimony to the Board, you must be a party of record, and you must file a Request for Oral Argument within ten (10) days following the filing of the hearing officer's recommendation.

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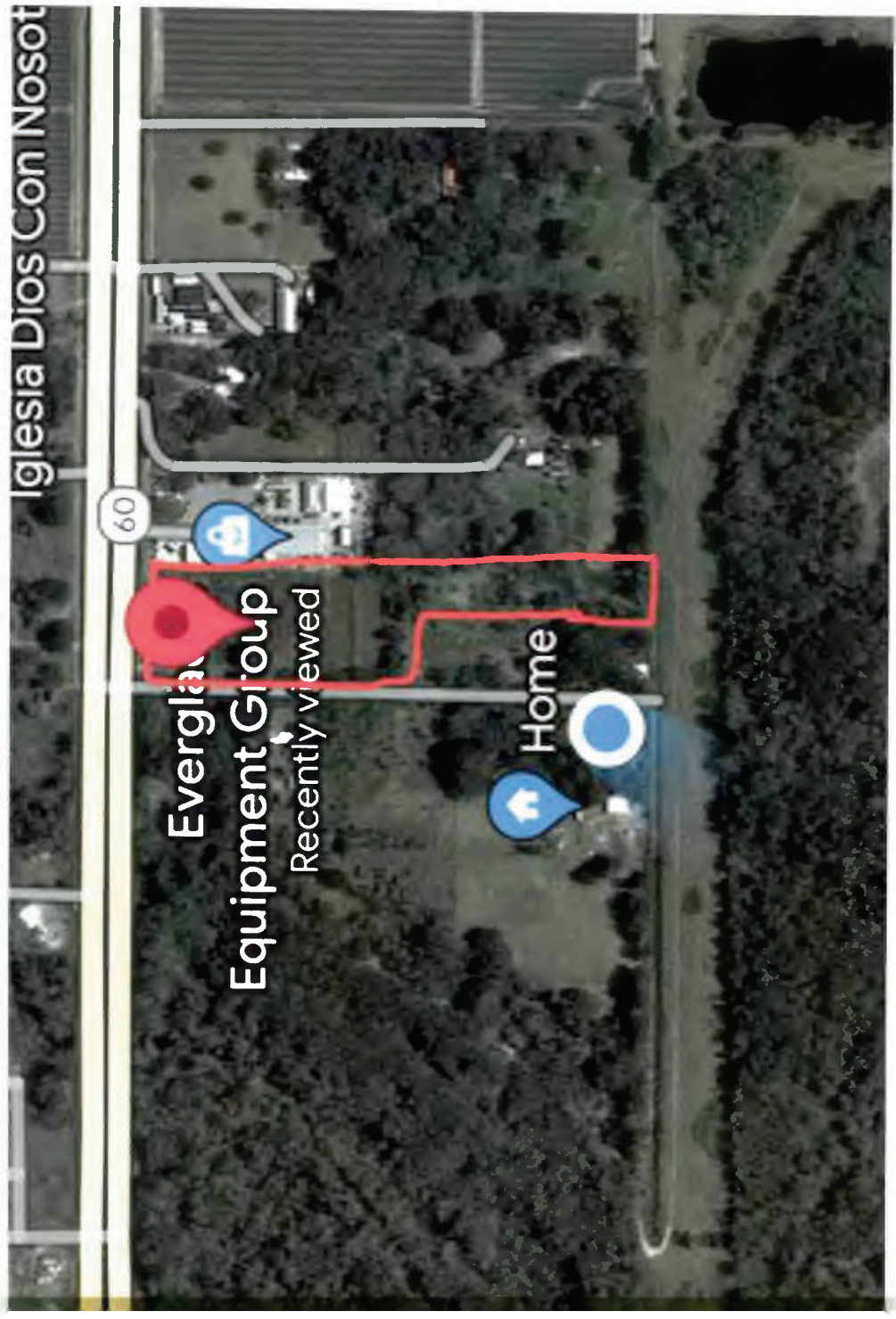
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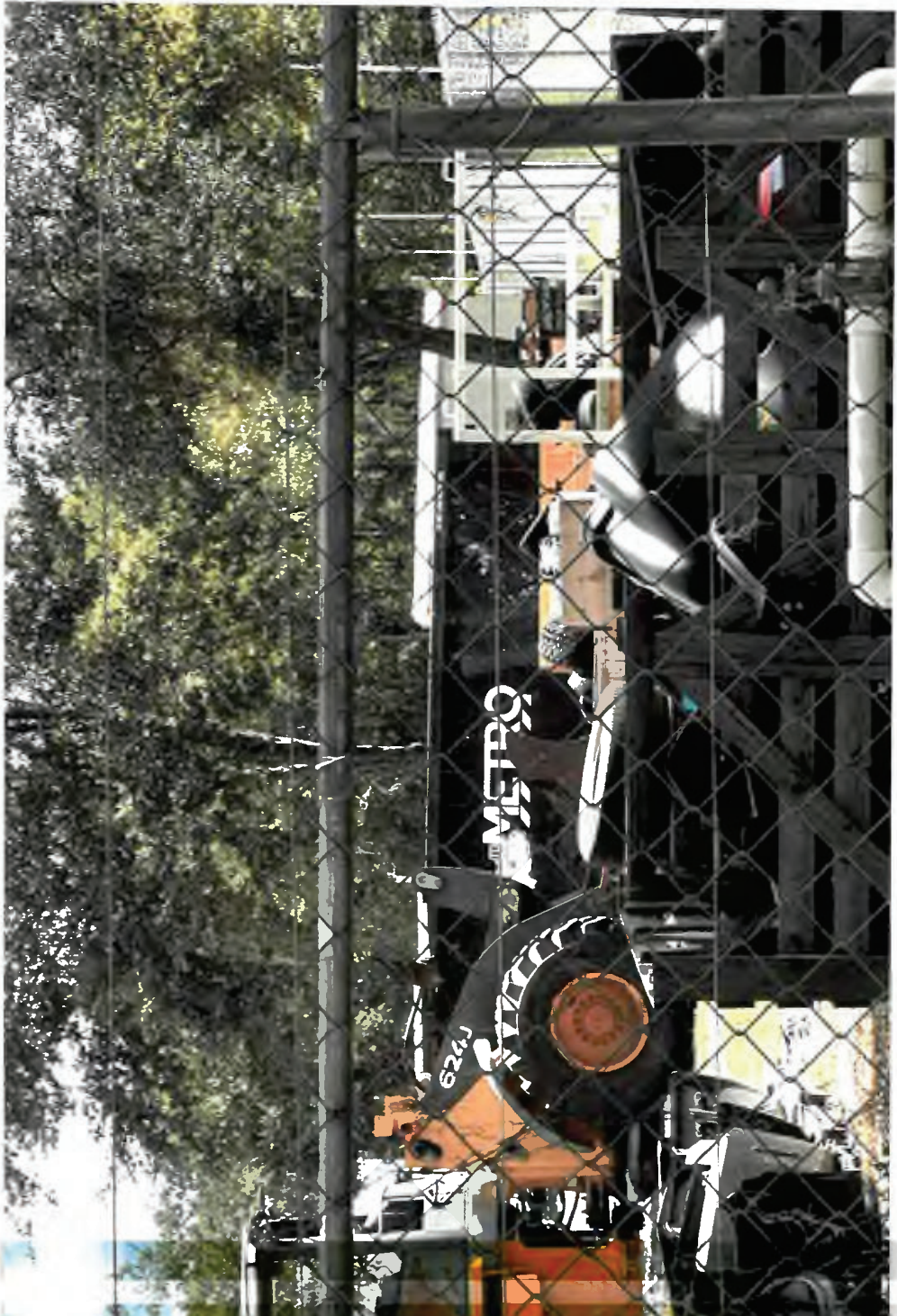
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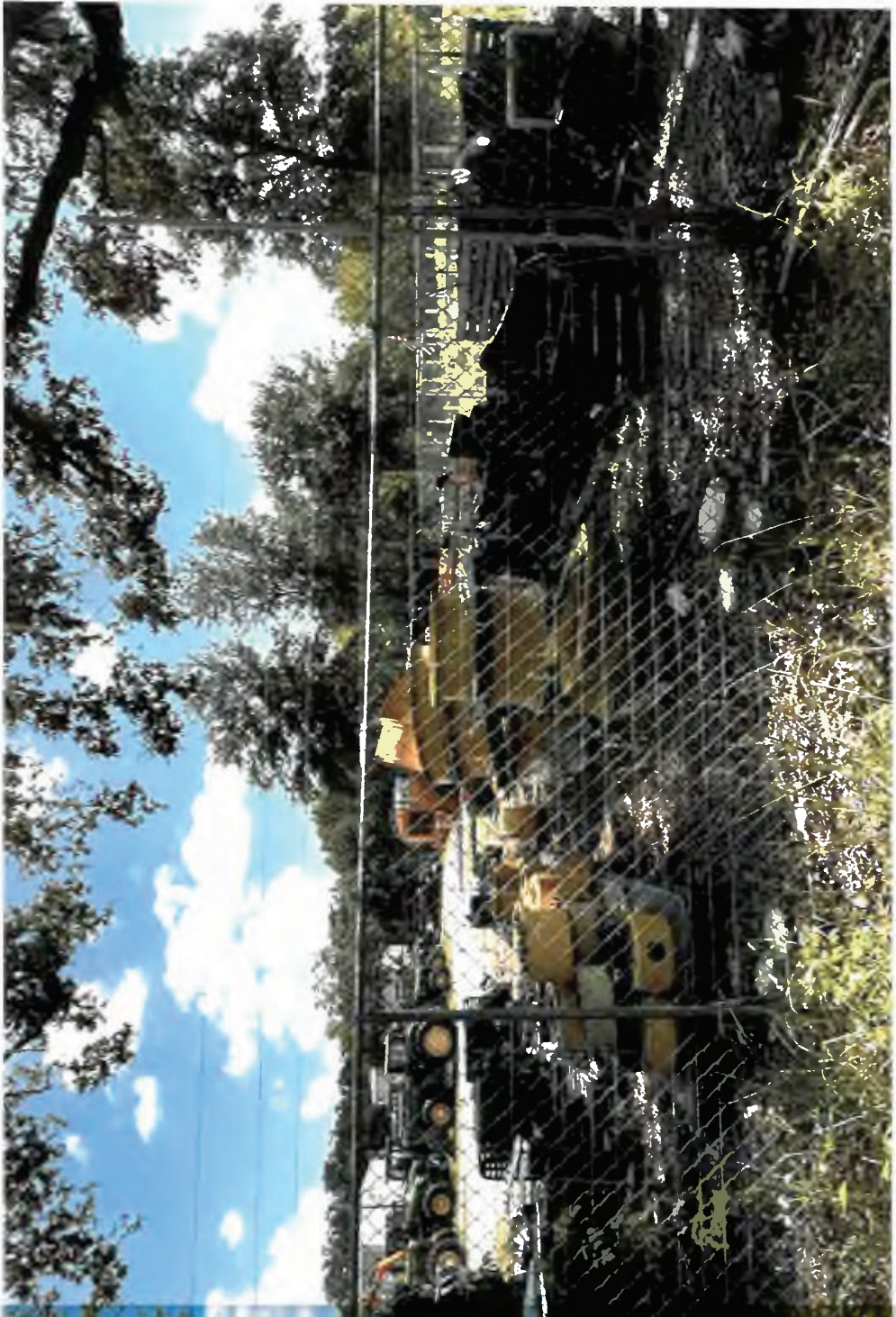














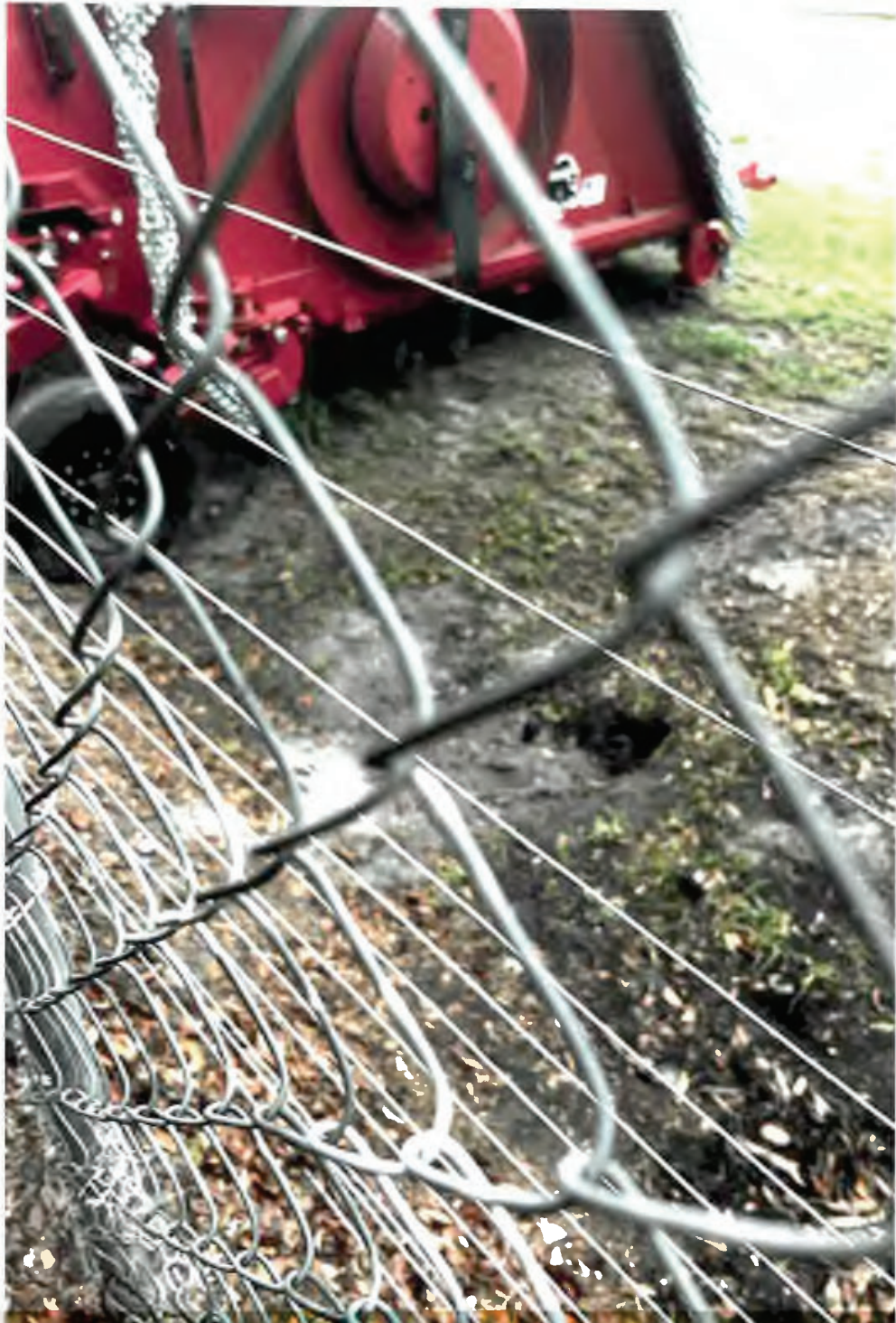

















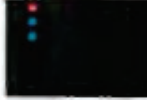




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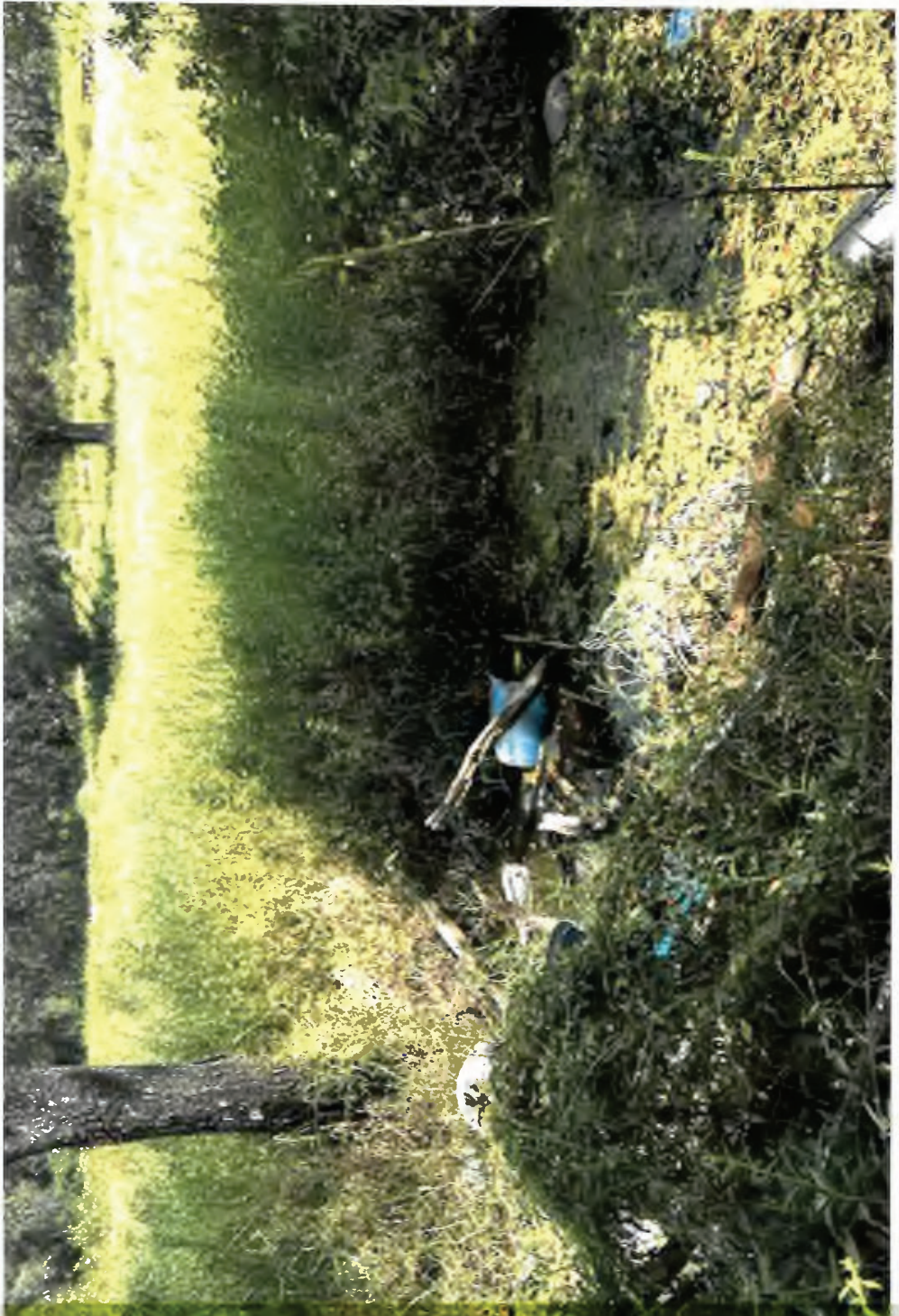
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Application No. 23-0552
Name: Gretchen Hoke
Entered at Public Hearing: ZHM
Exhibit # 3 Date: 9/18/23

Identifying Least-Cost Paths and Corridors for Florida Panther within South-Central Florida

Summary Report

12/22/22



Prepared by Daniel J. Smith, Ph.D., Research Scientist,
Dept. of Biology, University of Central Florida

for

U.S. Fish and Wildlife Service,
Florida Panther Recovery Implementation Team,
Transportation Subteam

**U.S. Fish and Wildlife Service, Florida Panther Recovery Implementation Team,
Transportation Subteam**

Chair: Amber Crooks, Conservancy of Southwest Florida

Members:

Meredith Budd, Florida Wildlife Federation (interim member)

Katasha Cornwell, Florida Department of Transportation

Elizabeth Fleming, Defenders of Wildlife (Florida Panther Recovery Implementation Team Liaison)

Terry Gilbert, Florida Fish and Wildlife Conservation Commission

Darrell Land, Florida Fish and Wildlife Conservation Commission

Nancy Payton, Florida Wildlife Federation (former chair)

Carol Rizkalla, Florida Fish and Wildlife Conservation Commission (interim member)

Brent Setchell, Florida Department of Transportation

Don Scott, Lee County Metropolitan Planning Organization

Daniel Smith, University of Central Florida

John Wrublik, U.S. Fish and Wildlife Service

Florida Panther Coordinator: David Shindle, U.S. Fish and Wildlife Service

For more information about this project, please contact:

technical questions: Daniel J. Smith, daniel.smith@ucf.edu

planning and policy inquiries: David Shindle, david_shindle@fws.gov or Katasha Cornwell, katasha.cornwell@dot.state.fl.us

Copies of the project data layers can be obtained at: Florida Geographic Data Library, <https://fgdl.org/>, search keyword - panther

Identifying Least-Cost Paths and Corridors for Florida Panther within South-Central Florida

Summary Report

Our aim was to identify potential pathways and corridors that panthers are likely to use under existing land cover/land use conditions from the current species core range (south of the Caloosahatchee River) to potentially suitable large habitat hubs north of Interstate 4 (The Green Swamp and Ocala National Forest). The focus being on predicted panther movements and natural range expansion within the south-central Florida region.

Methods

To perform the Least-Cost Path (LCP) and Corridor (LCC) analyses, we used the Florida Fish and Wildlife Conservation Commission (FWC) cooperative land cover v3.4 polygon data layer. First, we performed manual revisions to update coding inaccuracies and land use changes in the study area that occurred up to the Fall of 2021 (using Google Earth imagery for comparison). Second, we used the US Fish and Wildlife Service's 2012 Panther Habitat Assessment Methodology Classification for calculating Panther Habitat Unit (PHU) valuations to lump land cover classes for use in the LCP/LCC models. We adapted the original FWC land cover classes (192 found within the study area) by consolidating them into 17 classes closely corresponding to the FWS methodology classification categories (Table 1). In addition, special designations were made for wildlife crossing structures (base score=1.0) and wildlife fencing (base score=40).

The LCP/LCC analyses were performed using ArcGIS Desktop 10.8. The **first step** was to create a cost surface from the manually updated FWC existing land cover layer. The original polygons were converted to raster at 10 m resolution. Next, the raster layers were reclassified based on the values in Table 1 and converted to integers by multiplying by 10. The result was the base (original) cost surface layers consisting of values (x) ranging from 1 to 400 (Note that the value zero cannot be processed in the algorithm so it was changed to the value 1).

We also created a second set of cost surface layers consisting of the inverse ($1/x$) of the base values. The two cost surface algorithms (x ; $1/x$) generate somewhat different results that are useful in evaluating "alternative" pathways that panthers might select. Two factors interplay in determining the least-cost path: habitat quality and distance between target locations that the pathway is plotted. The base cost surface layers consisting of integer values places somewhat greater emphasis on higher quality habitat, while the inverse function (a floating decimal value) places somewhat greater emphasis on shorter distance. We ran least-cost path on both cost surfaces. Least-cost corridor was only run on the inverse ($1/x$) cost surface.

The **second step** was to identify target locations to plot least-cost pathways and corridors between. We identified 34 target locations of protected conservation lands within the Florida Ecological Greenways Network [FEGN, 2021] (Table 2; figs. 1 and 2). These included larger conservation reserve areas or hubs that could potentially support breeding populations and smaller "stepping-stone" conservation areas and linkages that would serve as functional habitat

connections for dispersing individuals. Location and size of the target area polygon within each respective conservation area was selected to generate multiple, optional pathways emerging from within each conservation area.

In the **third step** for the LCP process, we created cost backlink (neighboring cell and path direction functions) and cost distance (accumulative costs) raster layers necessary to create the least cost paths. Next, we used the cost path polyline option to plot line features connecting the various target locations.

The cost distance raster layers created for the third step in the LCP process were also required in the LCC process to create predictive, connecting corridors. The corridor tool was used to calculate the accumulated cost of the two cost distance raster layers associated with the source and destination target locations. The resulting raster layer was then sliced into 7 graduated classes using Jenks Natural Breaks. Next, we applied an exclusion threshold that only retained the narrowest range of values while maintaining the 7 graduated classes. We chose the 3 lowest value classes to represent primary, secondary and tertiary corridors. These were converted to polygon features.

Results

The least-cost path analysis resulted in the creation of 76 separate pathways between the 34 target conservation areas (fig. 3). The total length of the pathways was 2,284.4 mi, average length was 30 mi, minimum length was 2.6 mi and maximum length was 93.3 mi. Location of pathways in relation to existing and proposed conservation areas (FNAI 2021) include: 28% in protected conservation areas, 59% in FEGN priority 1-3 (note: conforms to the Florida Wildlife Corridor), 7% in FEGN priority 4-5 and 6% undesigned.

The results of the least-cost corridor analysis are shown in fig. 4. A total of 54 corridors were created between the 34 target conservation areas. The table below provides a breakdown of the extent that the corridors (as split into three levels of value) are within existing conservation lands or the FEGN.

	total acres	%	primary ac	%	secondary ac	%	tertiary ac	%
Protected Lands*	844,717	26%	347,781	32%	298,154	25%	198,782	21%
FEGN# cat 1-3	1,729,554	54%	618,879	57%	661,951	56%	448,723	48%
FEGN# cat 4-5	188,638	6%	57,554	5%	67,861	6%	63,223	7%
out	443,791	14%	61,515	6%	161,752	14%	220,524	24%
	3,206,698		1,085,728		1,189,718		931,252	

*Florida Natural Areas Inventory, 2021

#Florida Ecological Greenways Network, 2021

Overall, 86% of the predicted corridors overlap with existing conservation lands or the FEGN. The primary level corridors consist of 94% existing conservation lands or the FEGN. In many cases the secondary and tertiary areas function as buffers to the primary corridor area. For comparison, fig. 5 overlays the least-cost pathways and least-cost corridors.

We calculated basic figures of road elements associated with the least-cost paths and least-cost corridors. Values were based on roads with more than 200 vehicles/day on average for 2021 (source: FDOT). For the least-cost paths, there were 236 crossings with roads, 41 bridges that intersected cost paths and 227 bridges within ½ mile of cost paths. These figures provide insight as to possible existing conflicts (roadways) with the least-cost paths, and opportunities (bridges) that could either already be suitable or possibly adapted to function as wildlife crossings).

For the least cost corridors, centerline road miles and bridges occurring within the four categories of the corridor analysis are shown below:

<u>Centerline road miles</u>		
within:	Miles*	%
Protected conservation target areas	102	7%
Primary corridor	257	18%
Secondary corridor	572	39%
Tertiary corridor	531	36%
Total	1,462	

* applies to roads with AADT of 200 or greater.

<u>Bridges</u>	
contained within:	#
Protected conservation target areas	28
Primary corridor	141
Secondary corridor	118
Tertiary corridor	99
Total	386

We also compared recorded telemetry locations from dispersing panthers and bears to the corridor analysis results. Two stipulations related to the calculated values presented below: only telemetry locations north of the Caloosahatchee River and within 0.5 miles of the corridor model results were included. This data comparison is also shown in figs. 6a and 6b.

Number of telemetry locations found within 0.5 mi of the panther corridor model results:

	Recorded Locations	Percent
panther telemetry (GPS; n=2) -	2688	55%
panther telemetry (VHF; n=4) -	592	12%
panther telemetry (All; n=6) -	3280	67%
bear telemetry (GPS; n=2) -	2988	84%

Note: - total # of locations recorded from telemetry subjects- 4,913 (panther), 3,574 (bear).

Note: panther data provided by FWC; bear data provided by Joe Guthrie and Daniel Smith.

An overlap of 67% on the panther telemetry locations and 84% on the bear telemetry locations is reasonable given that these collared animals were generally dispersing in directions and areas at random. Conversely, the least cost paths and corridors are plotted with predetermined sources and destinations. Another notable weakness with this comparison is that only data from 6 individual, collared, male panthers were available from north of the Caloosahatchee River. In addition, bears, while wide-ranging, have somewhat different habitat selection preferences than panthers and often are either indifferent or more willing to encroach into human-oriented, land use types in search of food. The model presented here is based on habitat selection preference of panthers (see Table 1.).

Lastly, we examined relation of known panther-vehicle collisions north of the Caloosahatchee R. and St. Lucie Canal to just north of Interstate 4 (Source: FWC, December 2022; Note: three of the mortalities were of unknown cause, all others were listed as vehicle trauma). We found that 25 of 30 mortalities were within 0.5 mi of the corridor model; nineteen of these were within predicted corridors and targeted conservation areas (fig. 7). Twelve of 30 mortalities were located within 1 mi of the least-cost paths.

Table 1. Valuations of land cover classes for use in LCP/LCC analyses.

Category Rank	Base Score	Description
1	0.0	Pinelands
2	0.3	Forested Wetlands
3	0.5	Upland Hardwood Forests
4	3.2	Dry Prairie
5	3.8	Rural Semi-forested/Unimproved Pasture/Tree Plantation/Mine Reclamation
6	4.0	Shrub/Brush Lands
7	4.3	Rural Open/Improved Pasture
8	4.4	Mining/Utilities Open Space
9	4.6	Orchards/Groves/Trees/Vineyards
10	4.8	Non-forested Wetlands/Natural Streams and Rivers
11	5.0	Xeric Scrub
12	6.5	Barren/Grass/Open Space/Urban Parks/Coastal/Exotic
13	8.5	Row and Field Crops/Seasonal Rotation/Sod Farms
14	9.5	Lo Intensity Built Env/Institutional/Industrial Ag/Artificial Water Features
15	12.5	Med-Hi Intensity Built Env/Mining
16	15.0	Open Water
17	20.0	Roads

Note: Original land cover classes from the Florida Fish and Wildlife Conservation Commission (FWC) cooperative land cover v3.4 adapted to the US Fish and Wildlife Service's 2012 Panther Habitat Assessment Methodology Classification for calculating Panther Habitat Units (PHUs).

Table 2. Target Locations for LCP/LCC Models.

Id	Target Location
1	Florida Panther NWR
2	North Belle Meade
3	Big Cypress NP (west)
4	Corkscrew Swamp Sanctuary
5	Big Cypress NP (east)
6	Okoalacoochee Slough SF
7	CREW
8	Spirit of the Wild (WMA)
1	Fisheating Creek WMA
2	Archbold Biological Station
3	Babcock Ranch Preserve
4	Myakka Conservation Area
5	Avon Park Bombing Range/Kissimmee Prairie SP
6-a	3 Lakes WMA/Whaley Conservation Easement
6-b	Bull Creek WMA/Triple N Ranch
7	Tosohatchee WMA
8	Longleaf Preserve/Port Orange City Forest
9	Hilochee WMA Osprey Unit/Lake Lowery Marsh
10	Disney Wilderness Preserve/Southport Ranch CE
11	Bright Hour Watershed
12	Duette Preserve
13	Alafia River Conservation Area
14	Teneroc Fish Management Area
15	Hillsborough SP/Lower Hillsborough Flood Reserve
16	Green Swamp WMA
17	Lake Louisa SP/Hilochee WMA
20	Tiger Bay SF/Plum Creek CE
21	Wekiwa Springs SP/Rock Springs SP
22	Seminole Ranch Preserve
23	Hal Scott Regional Preserve and Park
30	Babcock-Webb WMA
31	Dupuis/Corbett WMA
32	St. Sebastian River Preserve
33	Ocala National Forest

Notes: blue indicates source areas located south of the Caloosahatchee River; yellow indicates destination areas to the north of the Caloosahatchee River.

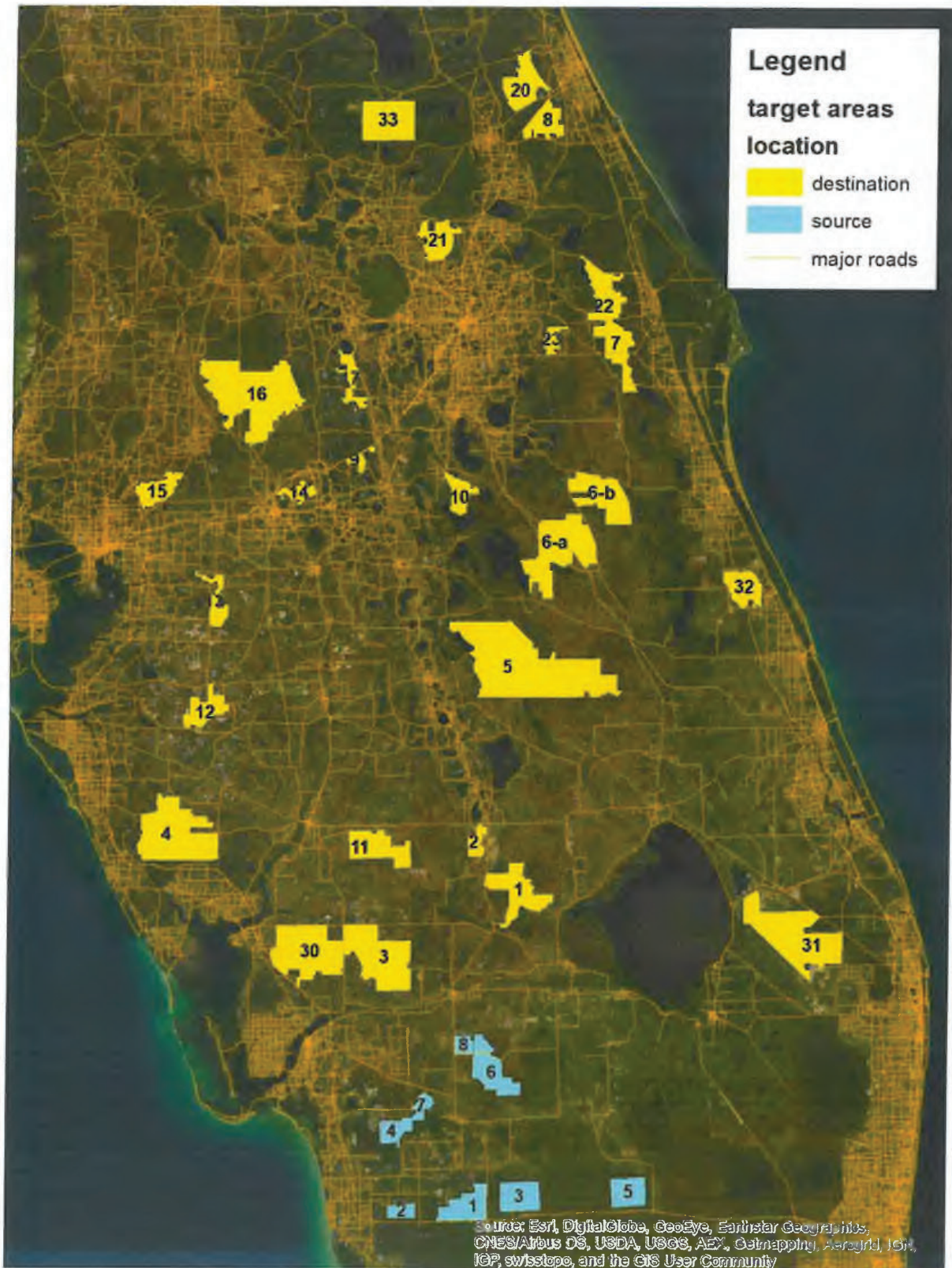


Figure 1. Location of Target Areas for Least-Cost Path/Corridor Analysis (numbers represent different conservation areas, see Table 2 for description).

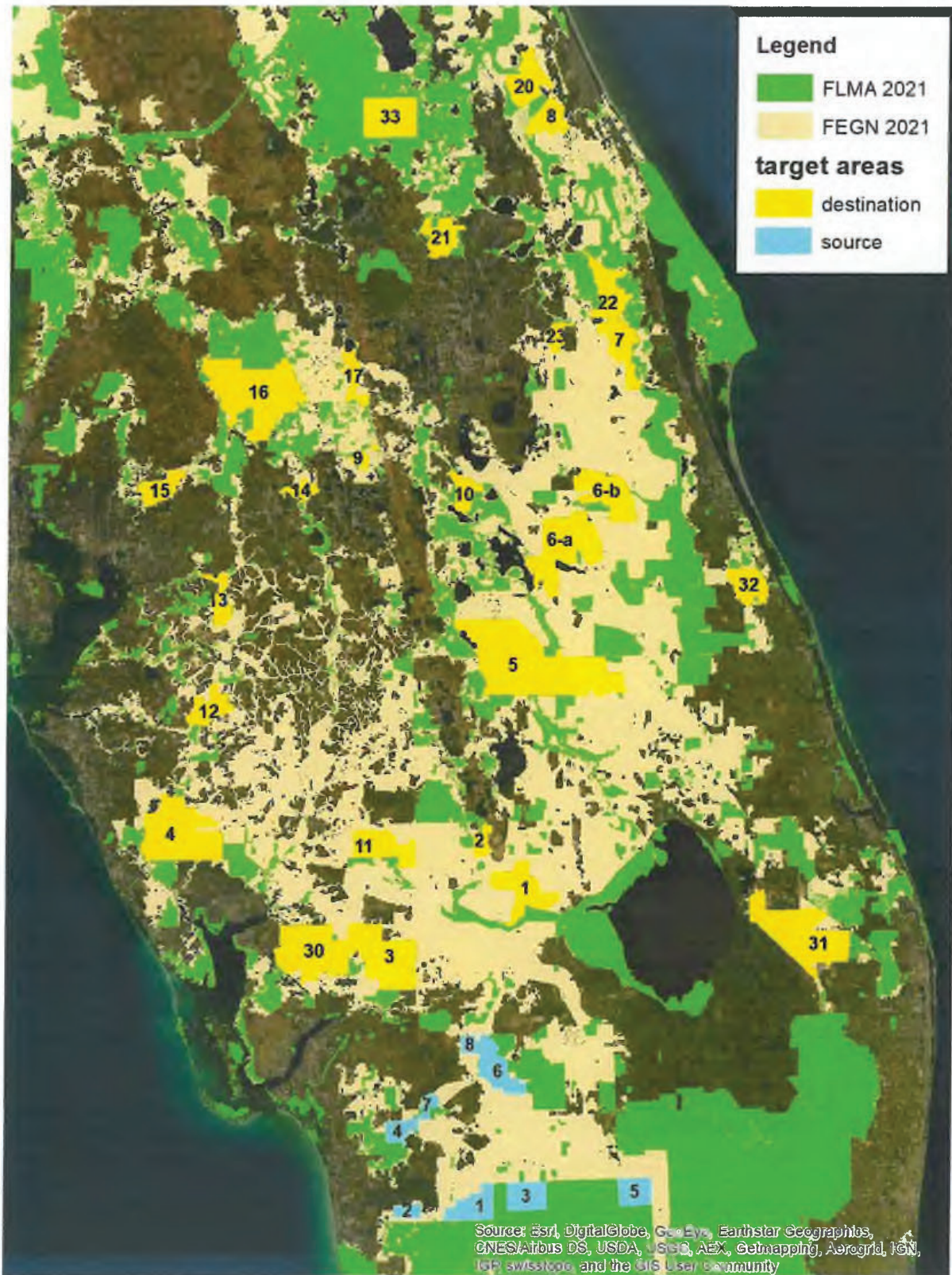


Figure 2. Location of Target Areas with Existing Managed Conservation Areas (FLMA) and the Florida Ecological Greenways Network in background (numbers represent different conservation areas, see Table 2 for description).

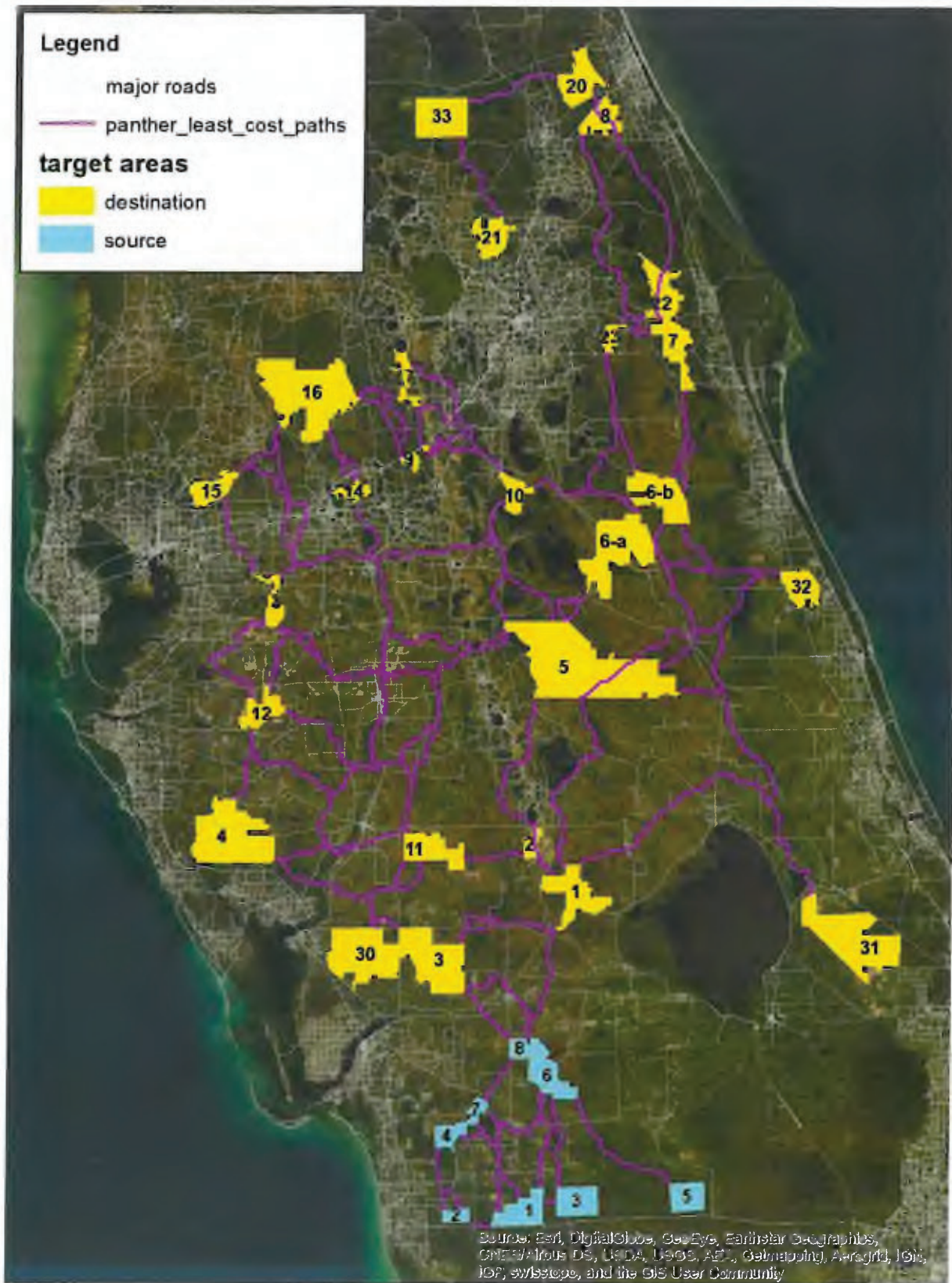


Figure 3. Least-Cost Path Analysis Results (numbers represent different conservation areas, see Table 2 for description).

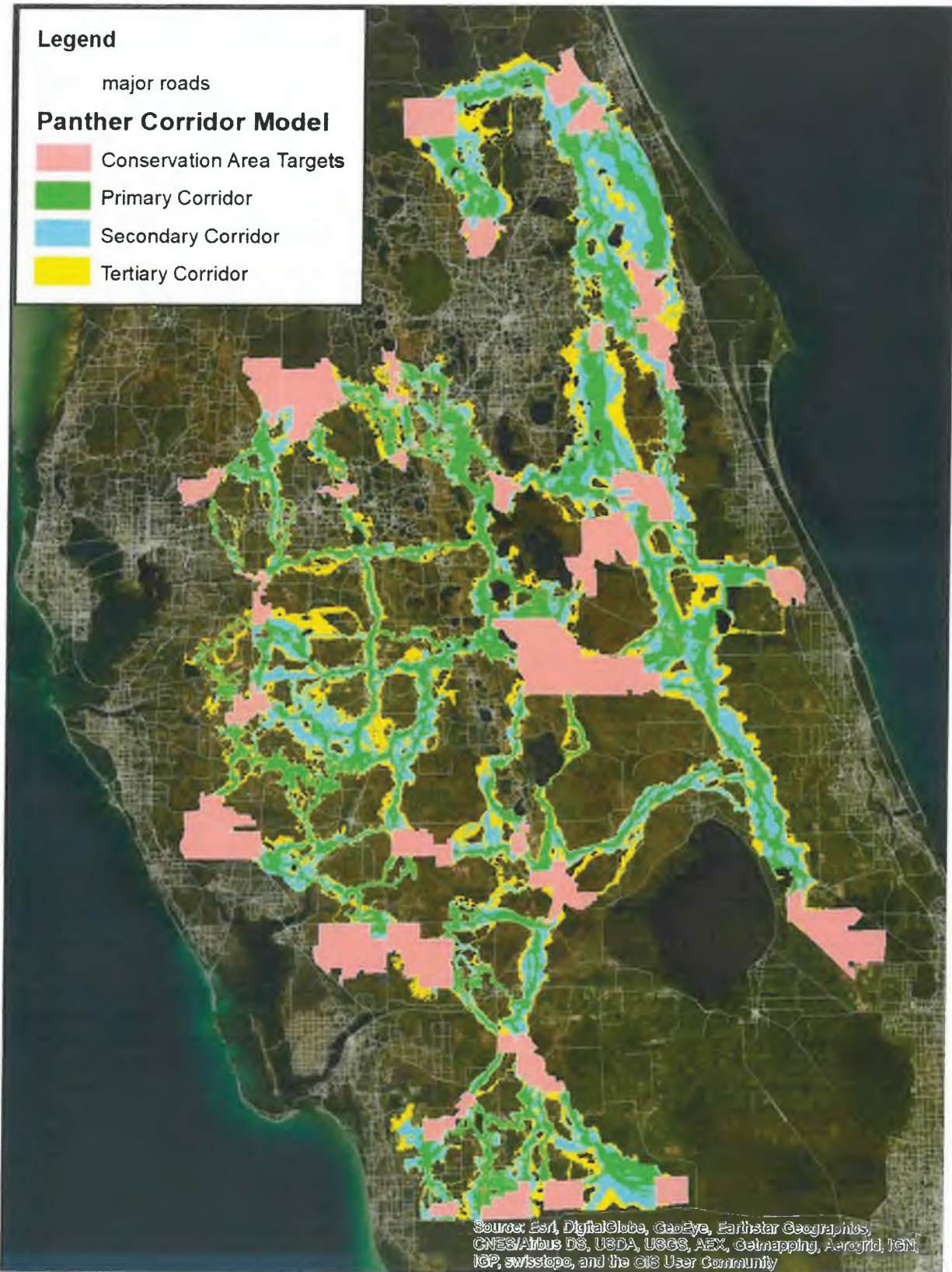


Figure 4. Least-Cost Corridor Analysis Results.

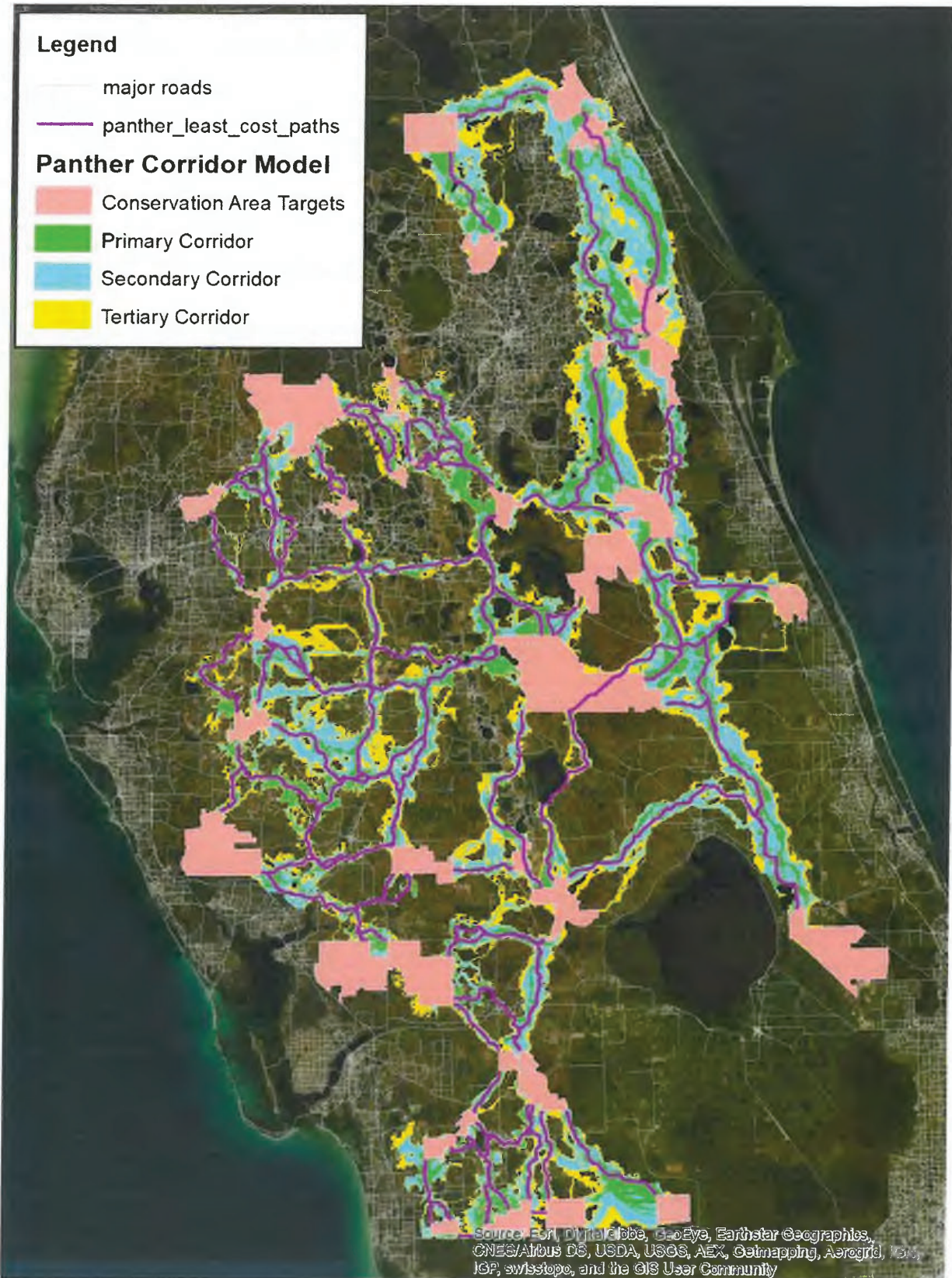


Figure 5. Least-Cost Path and Corridor Analysis Results.

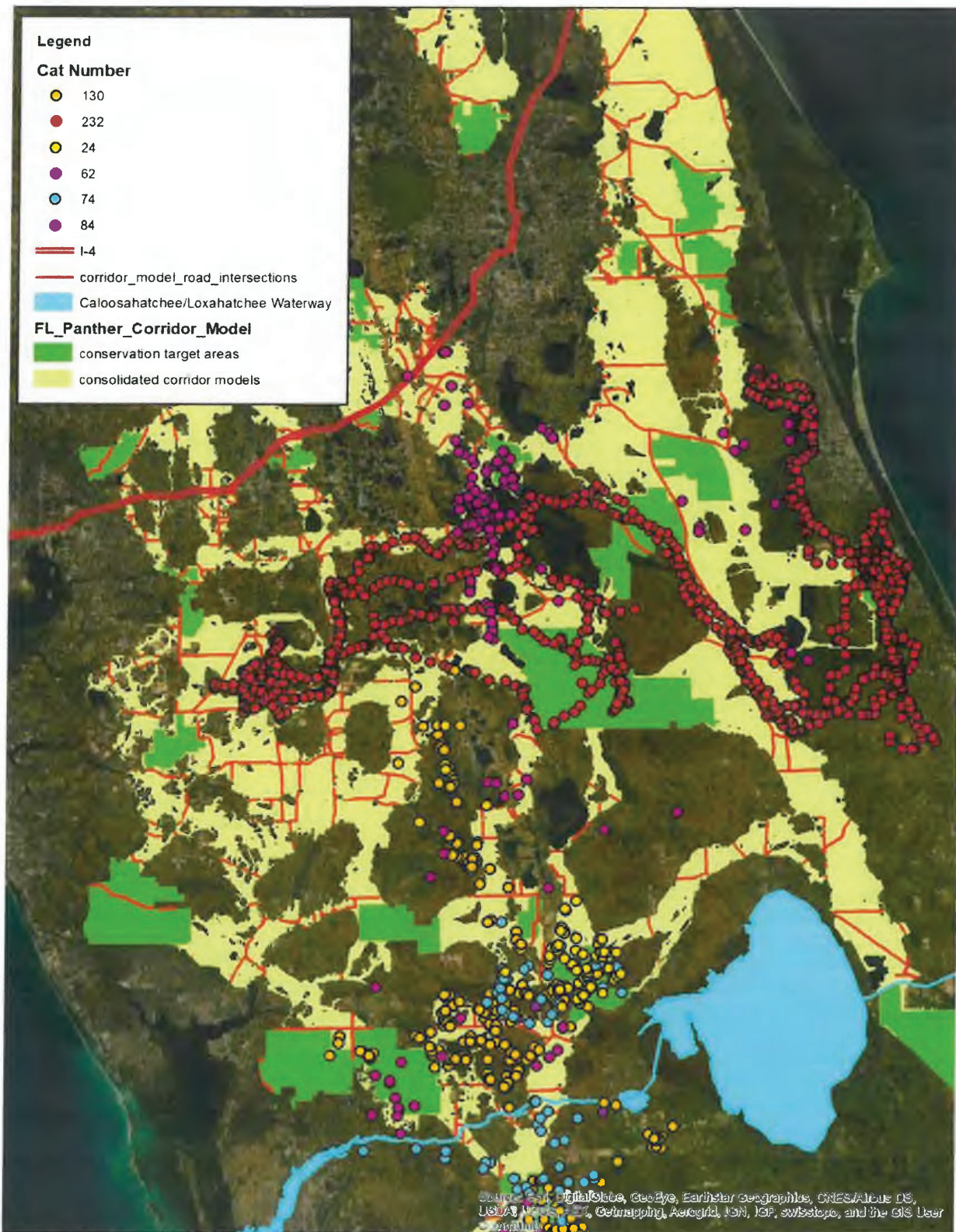


Figure 6a. Least-Cost Corridor Analysis Results and Panther Telemetry Locations.

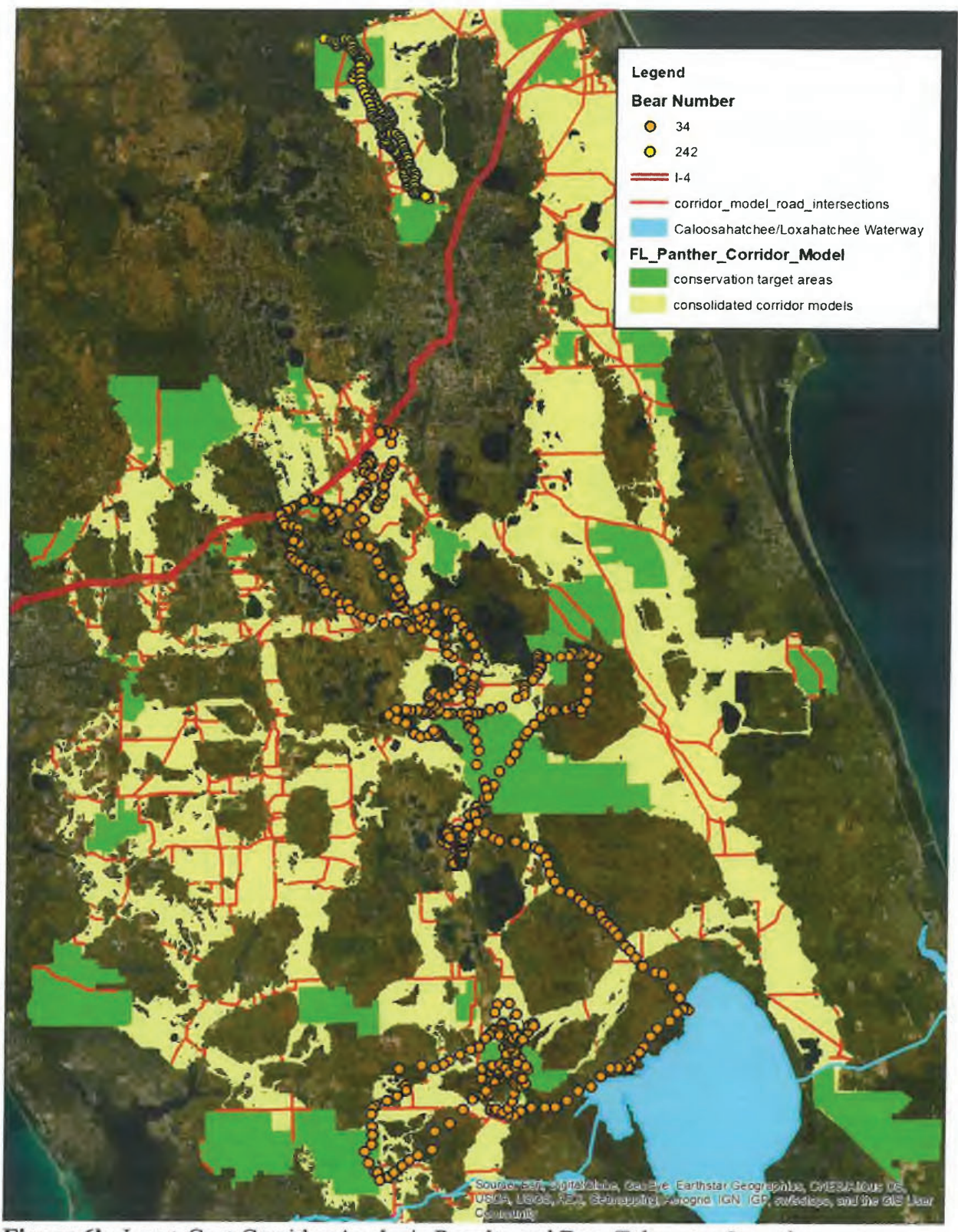


Figure 6b. Least-Cost Corridor Analysis Results and Bear Telemetry Locations.

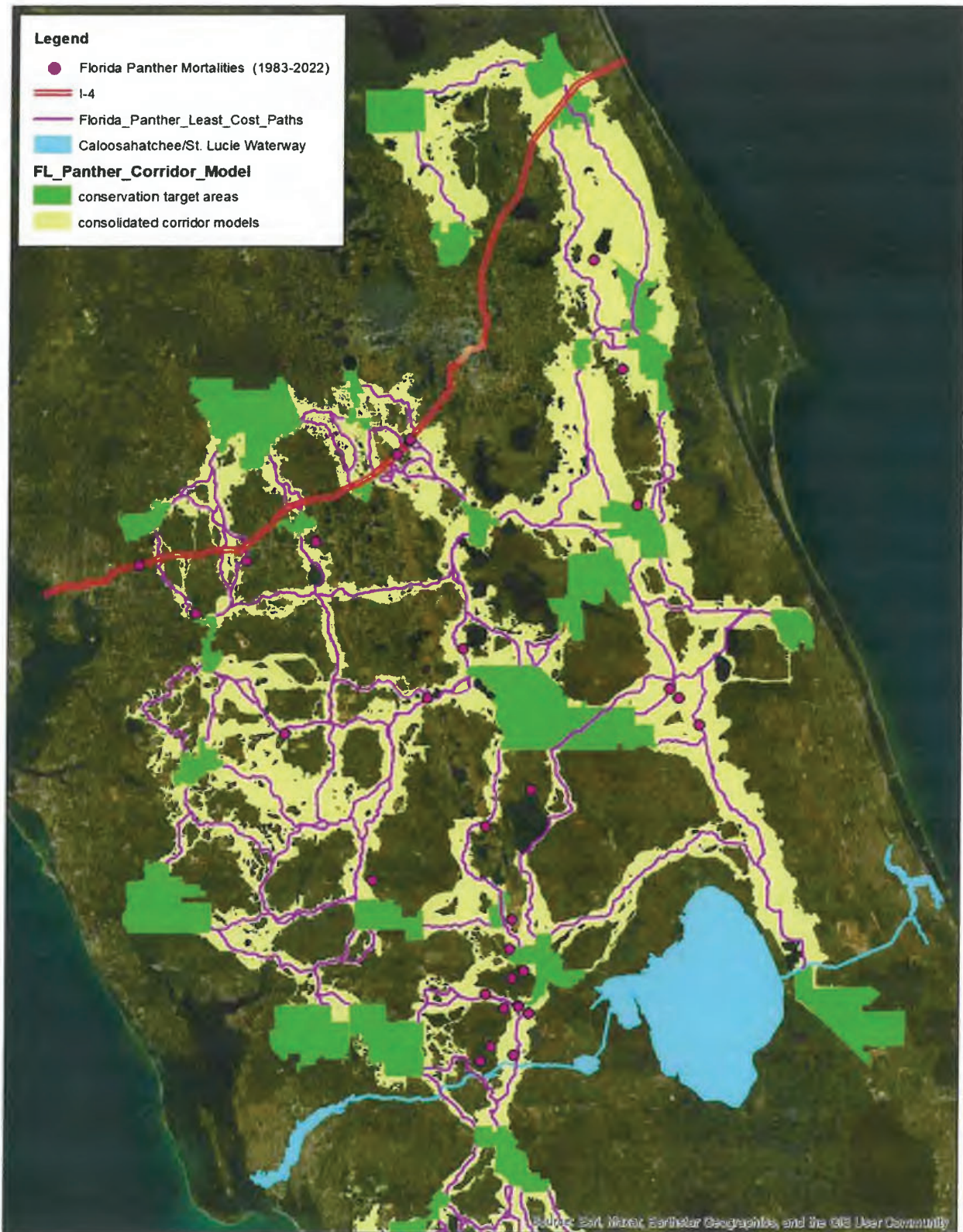


Figure 7. Florida Panther Mortalities (source: FWC) North of the Caloosahatchee River to just North of I-4 in Relation to Least-Cost Paths and Corridors (Note: 3 of the mortalities were of unknown cause, all others were listed as vehicle trauma).

A Florida panther is killed in Hillsborough for the first time in decades

WUSF Public Media - WUSF 89.7 | By [Steve Newborn](#)

Published December 6, 2022 at 7:09 PM EST



LISTEN • 1:09



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US Fish And Wildlife Service / Courtesy

An endangered Florida panther has been killed on a roadway in southeast Hillsborough County for the first time since 2003.

The last statewide census showed between 120 and 230 of

the endangered species remain.

An endangered Florida panther has been killed on a roadway in southeast Hillsborough County for the first time since 2003.

Many of the other animals are being pushed out of their territory by onrushing development.

The body of the 2-year-old male panther was found Dec. 1 along Keysville Road, near the Polk County line. It was the 26th panther killed so far this year on Florida roadways, and the farthest north.



But Carol Rizkalla, coordinator with the [Florida Panther management program](#), says the males need a lot of territory to roam.

"We know that there are some males that are ranging throughout Central Florida," Rizkalla said. "They appear to be limited by I-4. So anywhere between Lake Okeechobee and I-4, there may be a panther."

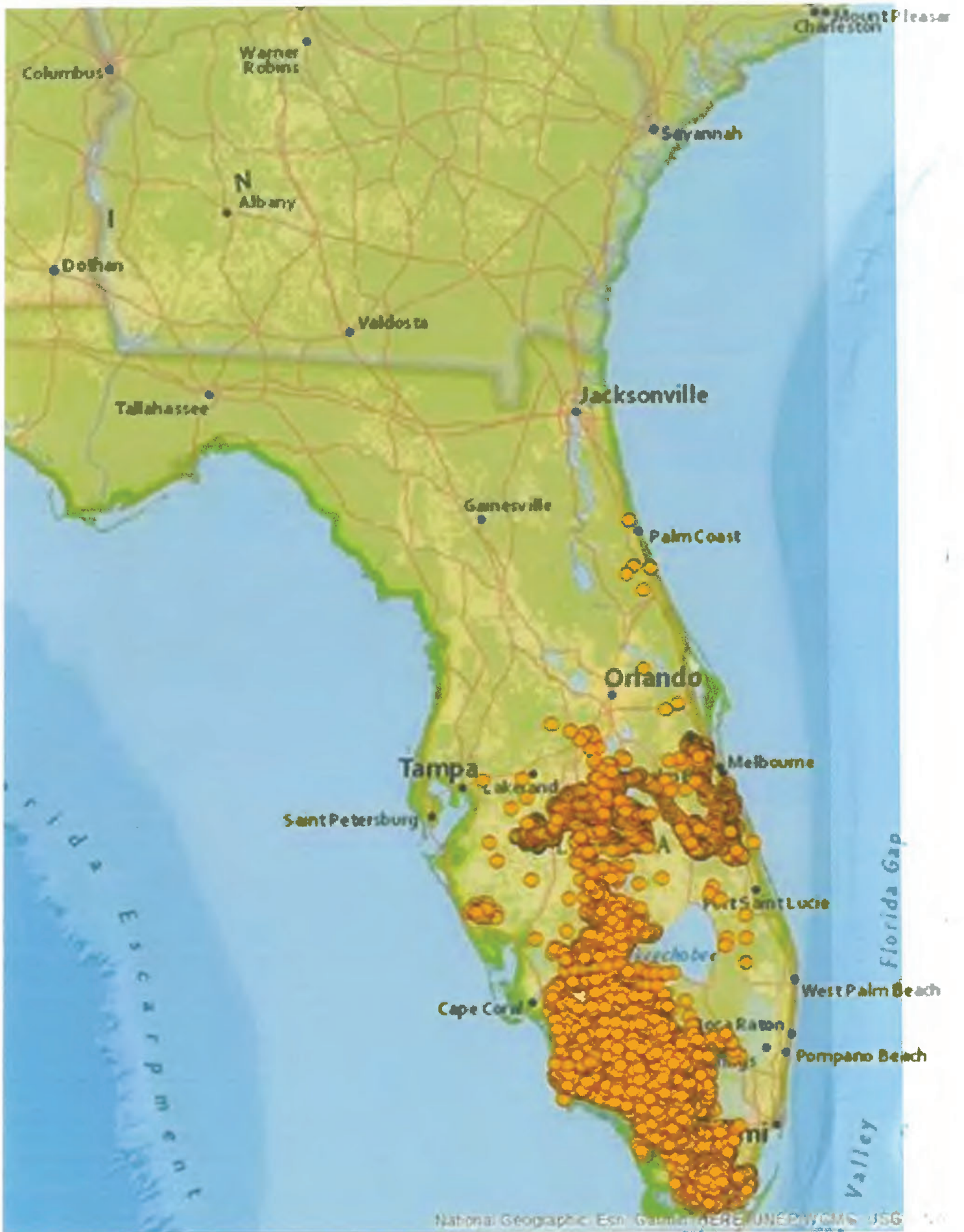
Rizkalla says development pressure in their home range north of the Everglades in Southwest Florida could be pushing many of them into more populated areas.

"Males have really large home ranges, and so there really isn't enough territory in southwest Florida alone for all of the males," Rizkalla said. "So it could be that they're getting squeezed out with all of this more recent development that's pushing more panthers north."

Or it could be the population is growing. The last state census showed between 120 to 230 panthers.

[Here's a list](#) of the panthers killed so far this year in Florida.





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Equine Therapy & Wildlife Habitat



Gretchen Hoke
Animal Advocate

813-720-3981
rainfrogranch@gmail.com

5513 Rain Frog Lane
Plant City, FL 33567

[Instagram.com/rainfrogranch](https://www.instagram.com/rainfrogranch)
<https://www.facebook.com/rainfrogranch>









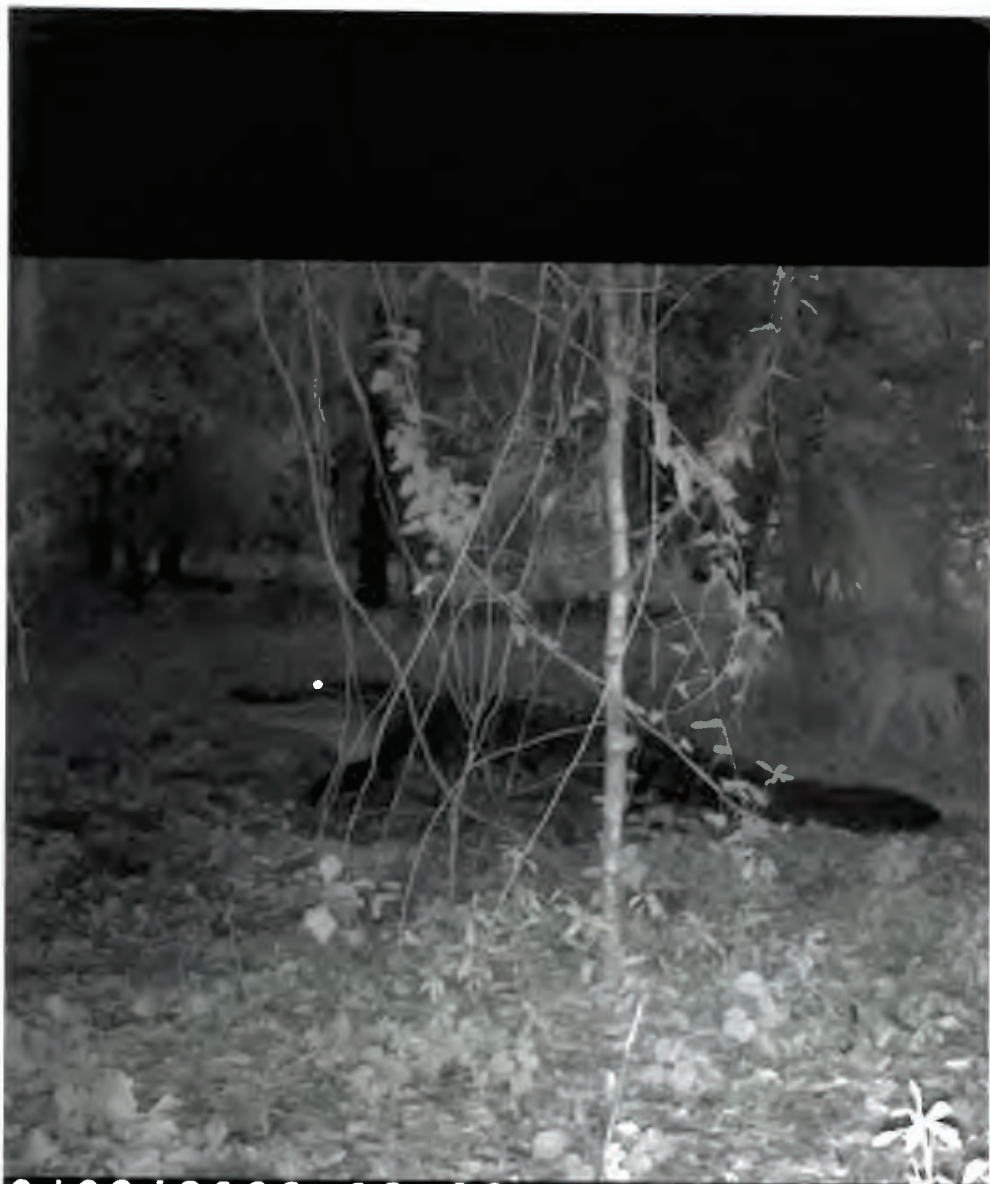
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SPYPOINT

12022 03.25 PM 75°F

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5/19/23

Tampa, FL

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Transcription

"Hey Gretchen serious _____ for
____ I just wanna let you know that I found
something out regarding the um Everglades
equipment that him and ___ really good time
but there's two parcels there in a partial
that is a long a girls laying there rain for
Lane him he's not actually zone for that and
there is no variance or anything as of yet
and so we're gonna work on getting the
cease-and-desist made a very start
something but there's nothing as of right
now _____ development services so that will
move forward him and the others will stay
move for like normal _____
questions give me a call back ___ back on
tomorrow at 8 AM have a good night thank
you..."

Was this transcription [useful](#) or [not useful](#)?

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