



Hillsborough County Florida

SM STAFF REPORT

SUBJECT:	RZ 21-0371	PLANNING AREA:	Seffner Mango
REQUEST:	Rezone to Commercial – General Restricted (CG-R)	SECTOR:	Central
APPLICANT:	Moyer Alan C Trustee & Moyer Sherry S. Trustee		
Existing Zoning District:	Agricultural, Single-Family (AS-1) and Agricultural, Rural (AR)		Future Land Use Category:
			Residential-1 (RES-1)



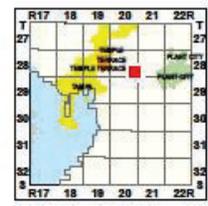
Immediate Aerial Zoning Map RZ-STD 21-0371

Folio: 61976.0100

- Application Site
- Zoning Boundary
- Parcels

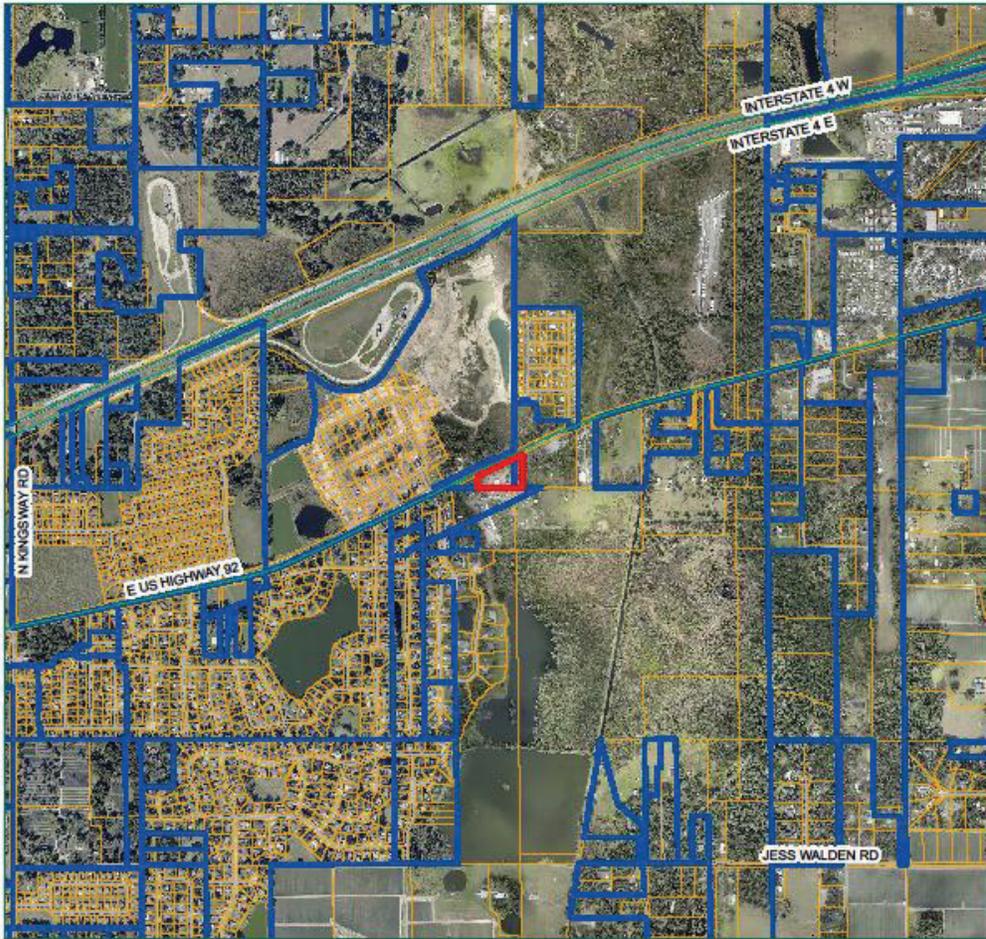


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**General Aerial
Zoning Map**

RZ-STD 21-0371

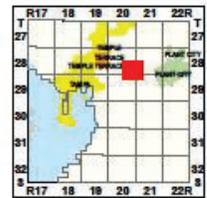
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Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone a 2.48-acre parcel from AS-1 (Agricultural, Single-Family) and AR (Agricultural, Rural) to CG-R (Commercial – General Restricted). The applicant proposes to restrict the use to Sales, Rental and Service of New and Used Farm and Garden Equipment with no open storage. The site is located at 1223 E. 92 Highway, which is at the south side of East US Highway 92 approximately 600 feet east of Darby Lake Street, within the Seffner Mango Community Area. The underlying future land use (FLU) category of the subject parcel is Residential-1 (RES-1). The purpose of the rezoning is to put the parcel into compliance with its current commercial use. There is an existing farm and garden equipment business on site.

1.2 Compliance Overview with Land Development Code and Technical Manuals

No variation or variances to the land development code are being requested at this time. The site will comply with and conform to applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code, Site Development and Technical Manuals.

1.3 Evaluation of Existing and Planned Public Facilities

The subject property 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.

Estimated impact and mobility fees are as follows:

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

LUC 810 - Tractor Supply

(Per 1,000 s.f.)

Mobility: \$2,717

Fire: \$313

Transportation staff has reviewed the application and offers no objections. This segment of US Highway 92 is a 2-lane, undivided, rural, substandard principal arterial roadway characterized by 12-foot wide travel lanes in average condition. The roadway lies within a variable width right-of-way (+/-110 of right-of-way exists along the project frontage. There are +/- 5-foot wide bike lanes and +/- 5-foot wide sidewalks along both sides of the roadway in the vicinity of the proposed project.

As this is a Euclidean zoning, project access will be reviewed at the time of plat/site/construction plan review; however, it is anticipated that primary access will be to be from US Highway 92, which is maintained by the Florida Department of Transportation (FDOT). The proposed rezoning is anticipated to increase the number of trips potentially generated by development of the subject parcel (261 Average Daily trips, 37 AM Peak hour trips, 36 PM Peak hour trips).

1.4 Comprehensive Plan Consistency

The Comprehensive Plan Designation for the parcel to be rezoned is Res - 1. The Planning Commission indicates the site does not meet Locational Criteria as defined in Objective 22,

Policy 22.2 in the Future Land Use Element of the Comprehensive Plan for Unincorporated Hillsborough County. Additionally, the Planning Commission indicates that the subject site is not recognized as an area targeted for commercial development and expansion as directed by the adopted Seffner Mango Community Plan in the Livable Communities Element of the Comprehensive Plan for Unincorporated Hillsborough County. The Seffner-Mango Community Plan discourages commercial development that is in the Rural Area portion of E Highway 92 to avoid strip commercial development. The site is in the Rural Area and therefore conflicts with the community's desired development pattern. Citing these concerns, the Planning Commission does not support the applicant's request for a waiver of locational criteria and indicates they find the proposed rezoning inconsistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County.

1.5 Environmental/Natural Resources

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.

1.6 Compatibility

The adjacent properties are comprised of residential PD (Planned Development), CG (Commercial General), AR (Agricultural, Rural) and AS-1 (Agricultural, Single-Family). To the north of the subject parcel across US 92 is an undeveloped single-family subdivision zoned PD (12-0512) and a vacant residential parcel zoned AR. To the east it is adjacent to a lounge and residential cottages zoned AR. To the south it is adjacent to a single-family residential home owned by the applicant zoned CG and AR. To the south and west it is adjacent to a construction equipment repair storage sales and maintenance business (Folio # 63679.1000) zoned AS-1, CG and AR. That business received a Non-Conforming Use approval 94-0799 in 1994, which is has been presented by the applicant as supporting evidence for compatibility of the subject parcel.

The surrounding uses in the area consist of single-family lots, mobile home parks, heavy machinery sales and repair and a lounge. Although similar commercial uses are adjacent to the subject parcel to the south, the neighboring lot received a Non-Conforming Use approval in 1994; over 27 years ago. The Seffner Mango Community Area has changed in that time. The Planning Commission emphasized in their report that the current plan for the area discourages commercial development that is in the Rural Area portion of E. Highway 92 to avoid strip commercial development. The subject site is in the Rural Area and therefore conflicts with the community's desired development pattern. Additionally, their report mentions that subject site does not meet Commercial Locational Criteria as defined in Objective 22, Policy 22.2 in the Future Land Use Element of the Comprehensive Plan for Unincorporated Hillsborough County.

The applicant has offered restrictions to mitigate conflicts with the Comprehensive Plan and the Seffner Mango Community Plan: 1) The use will be restricted to Sales, Rental and Service of New and Used Farm and Garden Equipment with no open storage. They also requested a waiver for Commercial Locational Criteria as outlined in Policy 22.8 of the Comprehensive Plan.

APPLICATION: RZ 21-0371

ZHM HEARING DATE: May 17, 2021

BOCC MEETING DATE: July 20, 2021

CASE REVIEWER: Chris Grandlienard

Based on the above considerations, including the inconsistencies with the Hillsborough County Comprehensive Plan, staff finds the requested CG-R zoning district incompatible with the existing zoning and development pattern in the area.

1.7 Agency/Department Comments

The following agencies and departments reviewed the request and offer no objections:

- Water Resource Services
- Environmental Protection Commission
- Transportation
- Impact & Mobility Fee Assessment

1.8 Exhibits

Exhibit 1: Project Aerial

Exhibit 2: Zoning Map

Exhibit 3: Future Land Use Map

2.0 Recommendation

Not supportable.

As noted, the applicant has offered the following restriction:

- 1) The use will be restricted to Sales, Rental and Service of New and Used Farm and Garden Equipment with no open storage.

Staff's Recommendation: Not Supportable	
Zoning Administrator Sign-off:	 J. Brian Grady Thu May 6 2021 12:50:48

EXHIBIT 1



Project Location Map
RZ-STD 21-0371

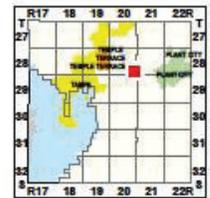
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- Application Site
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Date: 12/20/2021 File: G:\DND\GIS\CaseRz21.aprx

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

Application number:	RZ 21-0371
Hearing date:	May 17, 2021
Applicant:	Alan C. Moyer and Sherry S. Moyer, Trustees
Request:	Rezone a 2.48-acre parcel from AS-1 (Agricultural, Single-Family) and AR (Agricultural, Rural) to CG-R (Commercial-General Restricted).
Location:	1223 E. 92 Highway, south side of East US Highway 92 approximately 600 feet east of Darby Lake Street
Parcel size:	2.48 acres
Existing zoning:	AS-1, AR
Future land use designation:	Residential-1 (1 du/ga; 0.25 FAR)
Service area:	Rural
Community planning area:	Seffner Mango

APPLICATION REVIEW

A. DEVELOPMENT REVIEW STAFF REPORT



Hillsborough County Florida

SM STAFF REPORT

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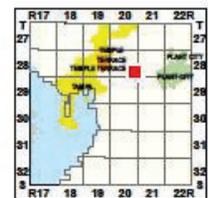
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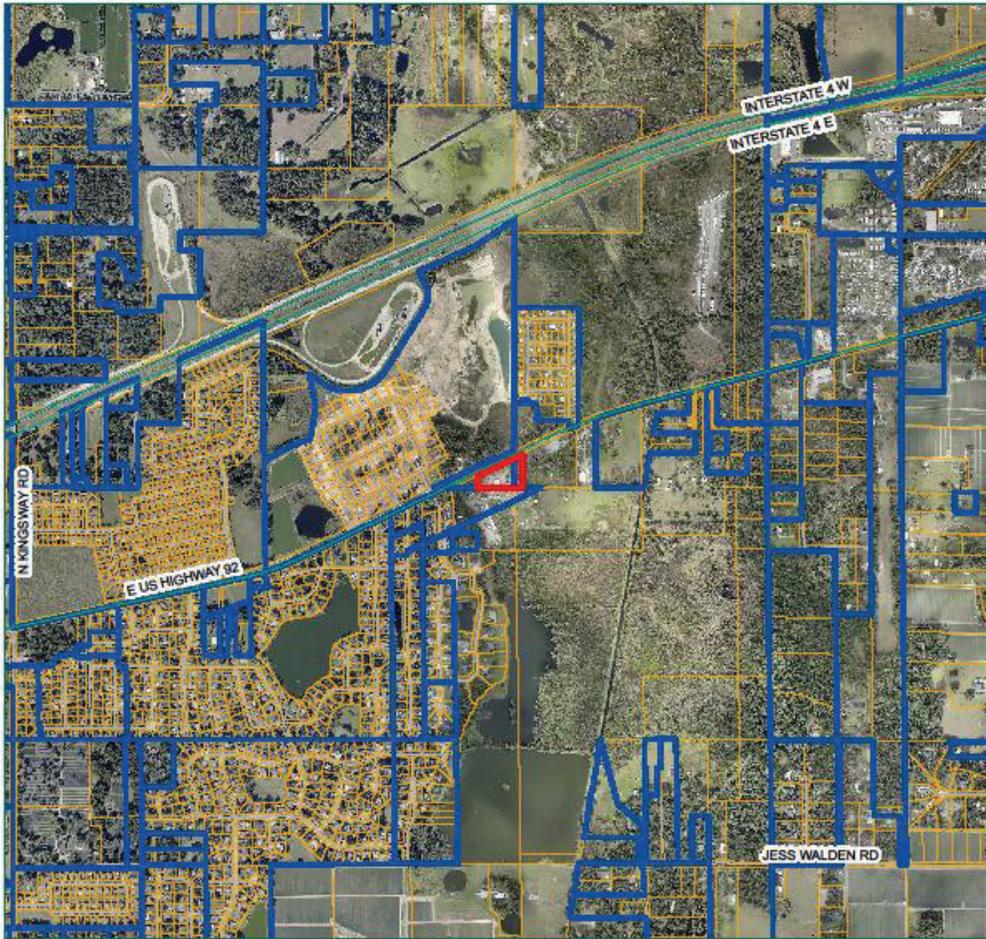


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RZ-STD 21-0371

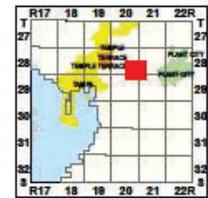
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Date: 03/09/21 File: G:\2019\GIS\MapData\Zoning_Areas.aprx

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Staff's Recommendation: Not Supportable	
Zoning Administrator Sign-off:	 J. Brian Grady Thu May 6 2021 12:50:48

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on May 17, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. Todd Pressman represented the applicants. Mr. Pressman introduced several members of the Moyer family. Mr. Pressman projected presentation slides showing the subject property and surrounding properties. He pointed out activity on surrounding properties such as equipment storage and similar uses.

Mr. Pressman stated the applicant requests rezoning to CG-R and restriction to sales, rental, and service of new and used farm and garden equipment with no open storage. Mr. Pressman stated the Moyer family has been in business since the 1970s and has had a longtime presence in the area. He stated the family patriarch has another property near the subject property. Mr. Pressman stated three and one-half generations of the Moyer family have operated the family business.

Mr. Pressman stated the area immediately south of the subject property is zoned CG. He stated across the street is a property zoned PD that has a commercial element. He stated a non-conforming use was approved for the adjacent property south of the subject property for the same use regarding the Moyer family's patriarch. Mr. Pressman stated he had the record of the nonconforming use.

Mr. Pressman stated commercial zoning has been approved directly across the street in PD 12-0512. He showed a slide with a site plan excerpt depicting the commercial tract surrounded by residential uses and access. Mr. Pressman pointed out the site plan identified the subject property and noted "Heavy Equipment Sales." He stated PD 12-0512 was approved for 9,000 square feet of commercial floor space for all CG uses excluding fast food. He stated the Planning Commission, zoning department, and Zoning Hearing Master all approved that use. He stated the Board of County Commissioners unanimously approved the rezoning directly across the street from the subject property.

Mr. Pressman showed a slide depicting zoning on US Highway 92 in the area west of the subject property. He stated the predominant zoning trend is CG. He pointed out US Highway 92 is a major arterial roadway with average daily vehicle trips of 10,200.

Mr. Pressman stated Objective 29 of the county's comprehensive plan provides for the recognition of the importance of agriculture as an industry and valuable economic resource and requires the county to protect the economic viability of agricultural activities by recognizing and providing for its unique characteristics in land use planning and land development regulations. He stated the applicant is restricting the use of the subject property to an agriculture support use.

Mr. Pressman stated comprehensive plan Policy 29.6 requires agriculture and agricultural-related uses shall be permitted in nonrural land use categories. He stated Policy 30.5 provides that agricultural-related commercial uses more intensive or heavy than neighborhood-serving commercial uses may be considered in rural land use categories and are not subject to locational criteria for neighborhood-serving commercial uses.

Mr. Pressman stated comprehensive plan Policy 30.6 provides that agriculture and agricultural-support uses are preferred uses in rural areas. He stated there is a predominance of policies that refer to support of agriculture and agricultural support uses in the county.

Mr. Pressman stated the applicant has three neighbors who support the rezoning. He showed a slide depicting a support letter from a neighboring property owner to the south and asked that it be accepted into the record. Mr. Pressman noted the letter states the applicant has been a very good neighbor, kept the subject property in good repair, not created traffic or noise issues, and that the Moyers are a great asset and longtime family in the community with whom the letter-writer has had a longstanding relationship.

Mr. Pressman showed a slide depicting a support letter from a neighboring property owner to the east. He noted the letter states the applicant has been a very good neighbor, keep the subject property in good repair and cause no traffic or noise issues. Mr. Pressman stated he had a third support letter from the property owner directly across the street. He noted the letter states the applicant's business has been a very good neighbor.

Mr. Pressman stated in summary that there is a lot of similar activity in the immediate area, the applicant is restricting the uses to sales, rental, and service of farm equipment. He noted again that intensive commercial uses have been approved across the street, and that commercial uses are the focus of Highway 92. He stated there are comprehensive plan policies in support and neighbors in support. Mr. Pressman stated he would place a copy of his presentation into the record.

The hearing officer asked Mr. Pressman when the existing use began on the subject property. Mr. Pressman stated he had looked extensively at the record. He stated the Moyers applied for a nonconforming use, but the request was not approved. He stated the denial was based on there not being a continued presence of the use. He stated he had eight or nine affidavits of persons with knowledge of the site. He stated the nature of the business is that some things come and go so the aerial photographs are not the greatest element. Mr. Pressman stated the Moyers have had a presence on the subject parcel and other parcels for many decades. He stated he understood it to be from the 1970s, and that Mr. Moyer was shaking his head in agreement.

Development Services Department

Mr. Chris Grandlienard, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record, which is incorporated into this recommendation.

The hearing officer asked Mr. Grandlienard to confirm whether PD 12-0512, north of the subject property, is primarily residential but with a commercial component. Mr. Grandlienard stated PD 12-0512 is approved for mixed-use and is an undeveloped single-family subdivision with a commercial component.

Planning Commission

Ms. Melissa Lienhard, 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.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application.

Mr. Alan Moyer stated he would like to make the hearing officer aware that the business on the subject property is a family business that has been on the property since 1985. He stated the business has been through several generations and he hopes to extend it through generations to come. He stated the business is located on a major roadway, US Highway 92, that acts like a very busy highway with lots of trucks, big trucks, and fast vehicles. He stated an operation like his is well suited for the area it is in. He stated there is various commercial zoning right across the street and abutting the subject property. He stated his father-in-law has been in business since the middle 1970s. He stated no one has ever complained about the business or operation until now. He stated his family is considerate of neighbors around them and help their neighbors in times of need. Mr. Moyer stated his business supports the agricultural community, which has a large and strong presence in the eastern part of the county. He stated his business meets the needs of the community. He stated he has agricultural customers that date back for decades and he hopes to continue supporting them. Mr. Moyer stated the "whole thing" has been an absolute devastation for himself and his family.

Mr. David Schanz stated he is 86 years old and owns the adjoining property, which he bought approximately 40 years ago. He stated he and his family have worked on Alan Moyer's property and Mr. Schanz's property together for approximately 35 years. He stated he, then his son-in-law Alan, and now his granddaughter have worked everyday in the same business. Mr. Schanz stated he came to the meeting to ask for help and support for his family business. He stated the review has thrown his whole family into worries and stress. Mr. Schanz stated the location is a great spot and his family has successfully conducted business there and has not disturbed anyone for decades. Mr. Schanz stated when he looks around the area, he sees a highway and other operations like his family business and has seen such for decades. He stated it is a growing business and his family is involved every day. He asked the hearing officer to please consider the request and he asked for help and approval.

Ms. Stephanie Moyer Mortellaro stated she is the third generation to work in her family's business. She stated her father joined her grandfather in the business right after she was

born, and she has grown up her whole life around it. She stated she now works every day in the family's business. She stated the business has provided for her grandfather and his family, her father and his family, and now provides for her family. She stated she hopes to be the future owner of the business and pass it down to her three children. She stated the business is located along US Highway 92, surrounded by multiple commercial locations. She stated many farmers come to the business for their equipment needs. Ms. Mortellaro stated her family's business supports the neighbors and has a strong sense of community. She stated she is asking for help to continue the family business and preserve the ability to teach their children about hard work and perseverance and continue to provide for their families. She stated the business is their livelihood.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application.

Ms. Elizabeth Belcher stated the application is not consistent with the Seffner Mango plan and does not meet commercial locational criteria. She stated the applicant has repeatedly stated there will be no open storage. She asked whether the applicant was planning on building some type of storage garages, and if so why they are not included in the site plan. She stated the proposed building should be shown to ensure there is no impact on adjacent wetlands. Ms. Belcher asked how the applicant is going to handle toxic materials, gasoline and oils from the equipment. She asked whether the applicant is going to tear down the open storage building shown on the site map. Ms. Belcher said the application states there are other nonconforming parcels near the subject property. She stated these were grandfathered in the mid-1990s. She stated just because something years ago got an exception does not automatically bestow the same privilege on the applicant. She stated please review the Code Enforcement violation. Ms. Belcher stated the applicant has had since the mid-1990s to apply for a nonconforming approval and failed to do so until they were fined by Code Enforcement. Ms. Belcher referred to the applicant's statement there had been no complaints until recently. She stated that perhaps others as well as herself were not aware that this was three separate parcels. She said she thought they were all the same one. Ms. Belcher stated on March 3rd the zoning department filed an additional revised information sheet. She said on the sheet it states there must be a cover letter with explanations of what has been changed. She stated she cannot find the letter. Ms. Belcher stated the applicant's representative referred to the land abutting the subject property as being "NCU." She stated the subject property also has wetlands that must be protected. Ms. Belcher said when she first reviewed the zoning application it stated the owner was rezoning to be compliant with zoning enforcement and needed to connect with water and sewer. She stated since the subject property is outside the Urban Services Area it is not allowed to connect to water or sewer. She stated the application now states nothing about water and sewer. Ms. Belcher said she did not copy the initial application because she thought it was against the law to remove files. She stated Ms. McCormick, who will speak later, sent an e-mail that quoted the initial application statements about needing to connect to sewer and water. Ms. Belcher stated the applicant originally claimed that the rezoning was necessary because a code violation required connection to sewer and water. She stated this is a false statement. Ms. Belcher

stated the application has been altered. Ms. Belcher stated there is an application that states a corrected application was being filed but there is no letter in the file explaining that. She said the application is replete with problems and should be rejected. She stated the applicant needs to submit a complete and correct application.

The hearing officer asked Ms. Belcher to state her address. Ms. Belcher claimed she was a retired law enforcement officer and she requested to not state her exact address. The hearing officer asked Ms. Belcher to state her subdivision or the city or proximity. Ms. Belcher said Seffner, Florida. The hearing officer asked Ms. Belcher to state her proximity to the subject property. Ms. Belcher answered, "a mile maybe."

Ms. Grace McComas stated she is opposed to the application for all the reasons that were stated by the Planning Commission and staff, and the locational criteria. Ms. McComas stated the subject property will have commercial directly across the street. She stated PD 12-0512 took the commercial strip from 92 and relocated to a square so they would not have any commercial in front of their homes. She stated there are 96 homes going in there and phase one is almost all complete. She stated fast food is not the only restriction to that commercial. She stated there is also no gas station. She stated they can have sales of lawn equipment but no open storage. She stated that is a condition of the application and it was approved like that. Ms. McComas stated there is not a lot of intensive CG use on the east side of Kingsway, or the east side of Old Darby Lakes Road, which is near the entrance of the Schanz-Moyer property. Ms. McComas said she opposes the rezoning for the reasons being stated to make it sound good but are not true. She stated she oppose the commercial approval.

Development Services

Mr. Grady confirmed the site plan for the PD across the street from the subject property was the site plan Mr. Pressman showed in his slide presentation and there is a commercial component in that location as shown on the PD site plan. He added the rezoning on that property is 12-0512 and the record is in Optix so the hearing officer could review it for the commercial restrictions on that project.

Applicant Rebuttal

Mr. Pressman stated that public notices were sent out and the big yellow sign was posted, and of the two residents who raised concerns, one lives very far from the subject property. He stated that with the restrictions provided the rezoning is supported by the comprehensive plan specific to the use. He stated regarding the locational criteria the hearing officer should look at the major arterial Highway 92, which carries a lot of traffic every day and is very intensive. Mr. Pressman stated in the immediate area abutting across the street was an approval for zoning that was supported by all the planning agencies and the Board of County Commissioners unanimously for uses that would be more intensive than the applicant's use.

The hearing officer asked Mr. Pressman to clarify to what rezoning he was referring. Mr. Pressman confirmed he was referring to the PD across the street from the subject property. Mr. Pressman stated there is historical support and recent support by the county

of the location on Highway 92, and the comprehensive plan gives strong support for the rezoning request. The hearing officer asked Mr. Pressman whether he placed his slide presentation in the record. He confirmed he did so.

The hearing officer announced that would close the hearing on Rezoning 21-0371.

C. EVIDENCE SUBMITTED

The applicant's representative, Mr. Pressman, entered into the record at the hearing a letter from the owner of 714 E. US Highway 92 in support of the proposed rezoning; several presentation slides, photographs, and aerial views; a letter from the owner of properties at 941, 942, and 965 Darby Lake Street and 715 E. US Highway in support of the rezoning; a letter from the owner of 1425 E. US Highway 92 in support of the rezoning.

D. FINDINGS OF FACT

1. The subject property consists of 2.48 acres located at 1223 East US Highway 92, which is at the south side of East US 92 approximately 600 feet east of Darby Lake Street.
2. The subject property is designated RES-1 on the Future Land Use Map and is located within the boundaries of the Seffner Mango Community Plan.
3. The subject property is located outside the Urban Services Area, therefore public water and wastewater services are not available.
4. The subject property is zoned AS-1 and AR. The applicant has requested a rezoning to CG-R (Commercial-General, Restricted), and proposes to restrict the use to sales, rental, and service of new and used farm and garden equipment with no open storage.
5. There is currently a farm and garden equipment business on the subject property, which has been in operation as a family business since 1985. The subject property is currently in violation of its zoning and the applicant is seeking a more intense zoning designation to CG-R to remedy the zoning violation and to bring the subject property into compliance with its current commercial use.
6. The applicant has not requested variances to the Land Development Code. The subject property will comply with and conform to applicable county policies, regulations, and technical manuals.
7. The subject property does not meet Commercial Locational Criteria as defined in Objective 22, Policy 22.2 of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, Future Land Use Element. The applicant has requested a waiver for Commercial Locational Criteria as provided in Policy 22.8 of the comprehensive plan Future Land Use Element. Planning Commission staff

recommends the Hillsborough County Board of County Commissioners not approve the waiver to Commercial Locational Criteria.

8. The subject property is not located in an area targeted for commercial development and expansion as directed by the Seffner-Mango Community Plan. The subject property is in the Rural Area of East Highway 92, where the Seffner-Mango Community Plan discourages commercial development.
9. Properties adjacent to the subject property are zoned PD, CG, AR, and AS-1.
10. Land uses in the surrounding area consist of single-family lots, mobile home parks, heavy machinery sales and repair, and a beverage lounge. To the north of the subject property across US 92 is a vacant parcel zoned AR and a parcel zoned PD 12-0512, approved for a residential subdivision and 90,000 square feet of commercial space. To the east of the subject property is a beverage lounge and residential cottages zoned AR. To the south of the subject property is a single-family residence owned by the applicant on property zoned CG and AR. To the south and west of the subject property is a construction equipment repair, storage, sales, and maintenance business on property zoned AS-1, CG, and AR, which in 1994 was determined to be a nonconforming use.
11. The adjacent parcel south and west of the subject property, which in 1994 was determined to be a legal nonconforming use, cannot be relied on as grounds to support another use otherwise prohibited by the Hillsborough County Land Development Code (LDC). § 11.03.01 A. 1., LDC.
12. The applicant's representative and family members presented a compelling case in support of the rezoning to allow their family business to continue operating on the subject property. However, existing comprehensive plan policies, including the Seffner-Mango Community Plan, and LDC provisions do not support approval of the rezoning request as it has been presented.
13. The commercial use allowed under the proposed rezoning to CG-R would not provide for a proper transition of land use intensities between the adjoining rural residential and commercial general uses along East US Highway 92.
14. The proposed rezoning does not meet the intent of the Seffner-Mango Community Plan policies, which discourage commercial encroachment into residential areas between US Highway 92 and Martin Luther King Boulevard, and south of Martin Luther King Boulevard.
15. The proposed rezoning would promote strip commercial development along US Highway 92 outside the Urban Service Area and allow commercial encroachment into residential areas of Seffner Mango.

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

1. The LDC provides that nonconformities are incompatible with permitted uses, and nonconforming uses shall not be used as grounds for adding other uses otherwise prohibited by the LDC. § 11.03.01.A.1., 2., LDC.
2. The parcel to the south and west of the subject property, which in 1994 was determined to be a nonconforming use, cannot be relied on as grounds for adding another use otherwise prohibited by the LDC.
3. A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2020).
4. 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 inconsistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant has requested to rezone the 2.48-acre subject property from AS-1 and AR to CG-R to cure a code violation and conform the subject parcel’s zoning with its current commercial use. The applicant has proposed to restrict the commercial use to sales, rental, and service of new and used farm and garden equipment with no open storage.

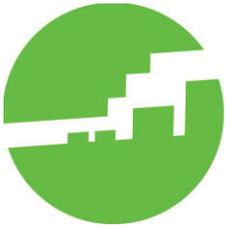
H. RECOMMENDATION

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


Pamela Jo Hatley PhD, JD
Land Use Hearing Officer

June 7, 2021

Date:



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: May 17, 2021 Report Prepared: May 7, 2021	Petition: RZ STD 21-0371 1223 East US Highway 92 <i>South of East US Highway 92 and east of N Kingsway Road and east of Old Darby Street</i>
Summary Data:	
Comprehensive Plan Finding:	INCONSISTENT
Adopted Future Land Use:	Residential-1 (1 du/ga; 0.25 FAR)
Service Area	Rural
Community Plan:	Seffner Mango
Requested Zoning:	Agricultural Rural (AR) and Agricultural Single Family-1 (AS-1) to Commercial General-Restricted (CG-R)
Parcel Size (Approx.):	2.48 +/- acres (108,246.6 square feet)
Street Functional Classification:	East US Highway 92 – State Principal Arterial North Kingsway Road – County Collector Old Darby Street – Local
Locational Criteria	Does not meet CLC, applicant has provided a waiver
Evacuation Zone	The site is not in an evacuation zone



Context

- The 2.48 +/- acre subject site is located south of East US Highway 92 and east of Darby Lake Street and west of Brady Lee Trail. The site is currently operating as an auto sales and farm equipment commercial business and is in violation of its current zoning designation. The site is in the Rural Area and it falls within the limits of the Seffner Mango Community Plan.
- The subject site is designated as Residential-1 (RES-1) on the Future Land Use Map. Typical allowable uses within the RES-1 Future Land Use category include 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. Properties designated RES-1 are north, east, south and west of the subject site. The area to the northeast is Residential-2 (RES-2) on the Future Land Use map. Properties to the south west have a Future Land Use category of Residential (RES-4).
- The subject site is currently zoned AR and AS-1. Immediately south and to the south west is a parcel that is zoned Commercial General (CG). Planned Development (PD) zoned parcels are located to the north with Planned Development (PD) and Residential Single Family Conventional-4 (RSC-4) and Agricultural Rural (AR) zoned parcels to the north east. AR and AS-1 is located directly to the east of the subject site. AR, AS-1 and Business Professional Office (BPO) are located to the south of the site. West of the subject site are PD and Residential Single Family Conventional-6 (RSC-6) zoned properties.
- Directly north of the site is a residential PD that is under construction. Adjacent and north east of this PD is an RSC-4 residential development and large vacant AR zoned tract. A vacant AR zoned property and an AS-1 development are to the east. Numerous and various commercial professional offices and businesses are directly adjacent and southeast of the parcel along East US Highway 92 which leads into the Darby Lake residential subdivision. There are Light Commercial uses to the east and west of the subject site. Further south and southeast are numerous single-family homes behind the commercial businesses that are zoned AR, Residential Single Family Conventional-3 (RSC-3) and PD.
- The subject property does not meet Commercial Locational Criteria due to its distance from the qualifying intersections of East US Highway 92 and North Kingsway Road or East US Highway 92 and MacIntosh Road.
- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) and Agricultural Single Family-1 (AS-1) to Commercial General-Restricted (CG-R). The applicant has proposed to restrict uses to the sales, rental and service of new and used farm and garden equipment with no open storage.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Rural Area

Objective 4: *The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban*

encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.¹

Community Development and Land Uses

Neighborhood/Community Development

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

Policy 16.1: *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; requiring buffer areas and screening devices between unlike land uses*

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

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

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

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

Policy 16.10: *Any density increase shall be compatible with existing, proposed, or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

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.

Community Design Component

4.0 COMMUNITY LEVEL DESIGN

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.

Policy 7-1.1: Preserve natural areas in rural residential lot development.

Policy 7-1.2: Vary lot size in order to encourage diversity of housing product types and respect natural resources.

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.

Policy 9-1.2: Avoid "strip" development patterns for commercial uses.

Policy 9-1.3: New commercial zoning is encouraged to locate at activity centers and commercial redevelopment areas.

Livable Communities Element – Seffner-Mango Community Plan

IV. Goals

1. **Goal:** Enhance community character and ensure quality residential and nonresidential development.

Strategies:

- Within the Rural Service Area residential development shall reflect its rural future land use designation.
- Discourage commercial encroachment into the residential areas between US 92 and Martin Luther King Boulevard and south of Martin Luther King Boulevard.
- Prohibit "flex" provisions within and into the Seffner-Mango Community Plan Area.

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

Strategies:

- Recognize the commercial character of US 92 and Martin Luther King Boulevard within the Urban Service Area.

- *Restrict retail development along US 92 and Martin Luther King Boulevard outside the Urban Service Area to existing commercial zoning districts.*
- *Discourage further strip retail development along those portions of US 92 and Martin Luther King Boulevard that are in the Rural Service Area.*
- *Illegal non-conforming property that is rezoned for commercial or other non-residential uses shall be brought into compliance with all applicable Land Development Code requirements and be consistent with Community Plan.*

Staff Analysis of Goals, Objectives and Policies:

The applicant is requesting to rezone the subject site from Agricultural Rural (AR) and Agricultural Single Family-1 (AS-1) to Commercial General-Restricted (CG-R) on a 2.48-acre parcel. The applicant wishes to restrict uses to the sales, rental and service of new and used farm and garden equipment with no open storage. The subject site's Future Land Use category is Residential-1 (RES-1).

Objective 4 of the Future Land Use Element (FLUE) of the Future of Unincorporated Hillsborough County Comprehensive Plan envisions agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment for the Rural Area. The proposed use is currently in violation of its current zoning and is seeking a more intense zoning designation to CG-R to remedy the zoning violation. Planning Commission staff have reservations regarding the intensity of uses onsite, as the site is in the Rural Area and not located at an intersection.

FLUE Objective 16 and its accompanying policies in the FLUE require the protection of existing neighborhoods from new development and redevelopment of adjacent properties through various instruments, such as buffering, screening and site planning (Policies 16.1 and 16.3). Policy 16.1 includes language about limiting commercial development in residential land use categories to a neighborhood scale. The intent of this policy is to protect less intense uses, such as residential uses, and to locate more intensive uses in appropriate locations. This site is not near a commercial node and is located outside of the Urban Service Area where uses should be transitioning to less intense uses. This proposed rezoning does not meet the specific criteria of FLUE Policy 16.2 which identifies the use of gradual transitions of intensities between different land uses. A rezoning to CG-R would not provide for a proper transition of land use intensities between the adjoining rural residential and commercial general uses along East US Highway 92. Policy 16.5 restricts higher intensity uses along arterials, away from established neighborhoods. Though the site is located along a state principal arterial roadway, it is located south of rural residential properties which makes compatibility with the surrounding area a concern.

The subject site does not meet Commercial Locational Criteria as defined by Objective 22 and its Policy 22.2. Commercial Locational Criteria is based on the Future Land Use category of the property and the classification of the intersection of roadways as shown on the adopted 2040 Highway Cost Affordable Map. The two intersections that were evaluated to determine whether the subject property meets Commercial Locational Criteria were the East US Highway 92 and North Kingsway Road intersection and the East US Highway 92 and MacIntosh Road intersection, neither of which are 660 feet of the subject site.

Policy 22.2 does permit an applicant to request a waiver to Commercial Locational Criteria which the applicant has submitted. The waiver notes the presence of other non-conforming CG zoned parcels to the south of the site and that CG uses are permitted in

the general vicinity (PD 12-0512). It also states that the traffic pattern on US 92, an arterial roadway, is intensive and that the development pattern of the area is more suited to a commercial character. Planning Commission Staff recommends the Hillsborough Board of County Commissioners not approve the waiver to Commercial Locational Criteria. The southern adjacent CG use was approved specifically as a non-conforming use in 1994 prior to the adoption of the current Comprehensive Plan. Furthermore, the Seffner Mango community plan does not permit the flexing of adjacent land uses within its boundary. While nearby PD 12-0512 does permit commercial uses, the rezoning process was through a Planned Development district where there is greater oversight over site planning, mitigation and buffering measures to ensure compatibility. Planning Commission staff have informed the applicant that a highly restrictive PD rezoning would be the more appropriate process to evaluate the possibility of commercial uses in the rural area of Seffner Mango but the applicant has submitted this request through a standard rezoning district. Additionally, FLUE Policy 22.7 states that Commercial Locational Criteria is not the only factor to be considered. Factors such as land use compatibility must also be considered. Planning Commission Staff recognize the compatibility concerns with the proposed CG-R rezoning and the adjacent and surrounding residential properties.

Goal 7 and its accompanying policies in the Community Design Component (CDC) in the FLUE seeks to preserve the rural character of the Rural Area as an alternative to urban or suburban areas. Goal 9 of the Community Design Component of the FLUE calls for the creation of a commercial design standard in scale and design that complements the surrounding neighborhood. Policy 9-1.2 and Policy 9-1.3 of the Community Design Component specifically calls for the avoidance of any development of strip commercial and that any new commercial zoning be located at activity centers and commercial redevelopment centers. The subject parcel is located outside of the Urban Service Area along US Highway 92 and not at a designated commercial center and does not meet the intent of the policies in the CDC.

The proposed rezoning does not facilitate the vision of the Seffner-Mango Community Plan. Goal 1 of the Seffner-Mango Community Plan and its accompanying strategies specifically discourage commercial encroachment into the residential areas between US Highway 92 and Martin Luther King Boulevard and south of Martin Luther King Boulevard. Goal 3 recognizes US 92 North as a commercial corridor within the limits of the Urban Service Area and not the Rural Area where the subject site is located. The subject site is currently in violation of current zoning codes, and the Seffner-Mango community plan specifically requests that all illegal non-conforming uses be consistent with the Community Plan. The proposed rezoning to CG-R does not meet the intent of the policies as it would promote strip commercial development along US 92 outside of the Urban Service Area and allow commercial encroachment onto residential areas in Seffner Mango.

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

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ 20-0371

Rezonings
STATUS

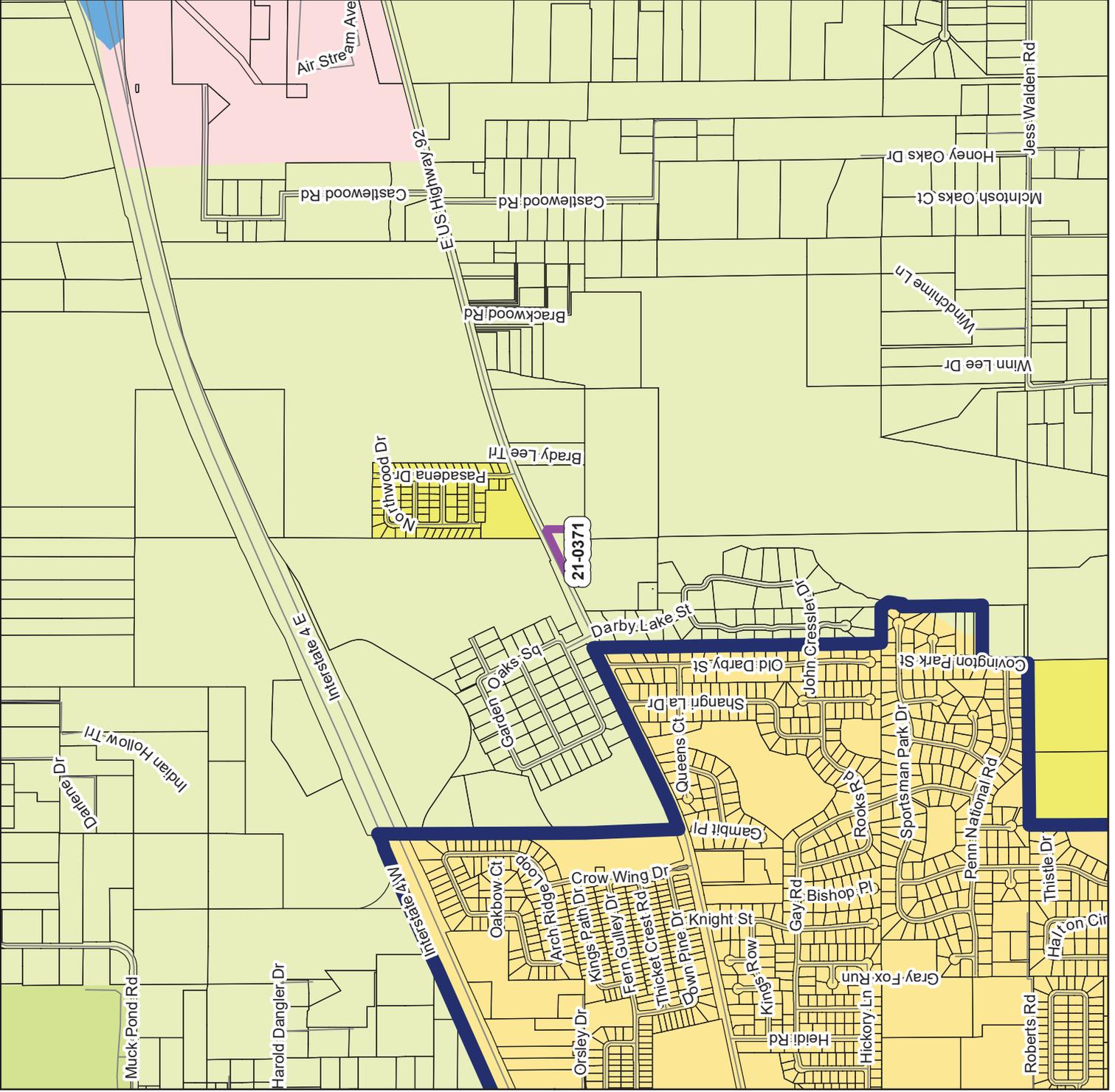
- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL-RURAL-1/5 (.25 FAR)
- AGRICULTURAL-ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

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

Map Printed from Rezoning System: 3/3/2021
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\Cases\Files\HC2020-0374\20-0374_FLU_Map_Zoom.mxd





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 05/04/2021

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: SM

PETITION NO: RZ 21-0371

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning is anticipated to increase the number of trips potentially generated by development of the subject parcel (261 Average Daily trips, 37 AM Peak hour trips, 36 PM Peak hour trips).
- Transportation Review Section staff has no objection to the proposed rezoning,

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone +/- 2.48 acres from AS-1 and AR to Commercial General - Restricted (CG -R). The zoning restriction will limit allowable uses to only Sales, Rental and Service of New and Used Farm and Garden Equipment with no open storage. Since the proposed applicant seeks a Euclidean zoning district, no transportation analysis is required to process this request per the development review procedures manual.

Staff has prepared a comparison of the maximum trip generation potential of the subject property under the existing and proposed zoning, utilizing a generalized worst-case scenario. Values reported are based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AS-1/AR; 2 Single-Family Dwelling Unit (ITE LUC 210)	19	1	2

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG -R; 27,007 S.F. Tractor Supply Store (ITE LUC 810)	380*	38*	38

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 361	(+) 37	(+) 36

*Note: Above table reports gross project trips. * Estimated. ITE does not provide 24 Hour or AM Peak trip generation for the proposed use.*

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

This segment of US Highway 92 is a 2-lane, undivided, rural, substandard principal arterial roadway characterized by 12-foot wide travel lanes in average condition. The roadway lies within a variable width right-of-way (+/- 110 of right-of-way exists along the project frontage. There are +/- 5-foot wide bike lanes and +/- 5-foot wide sidewalks along both sides of the roadway in the vicinity of the proposed project.

SITE ACCESS

As this is a Euclidean zoning, project access will be reviewed at the time of plat/site/construction plan review; however, it is anticipated that primary access will be to be from US Highway 92, which is maintained by the Florida Department of Transportation (FDOT).

ROADWAY LEVEL OF SERVICE

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

Source: Hillsborough County 2019 Level of Service Report.

COMMISSION

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AGENCY COMMENT SHEET

REZONING	
HEARING DATE: April 19, 2021 PETITION NO.: 21-0371 EPC REVIEWER: Abbie Weeks CONTACT INFORMATION: (813)627-2600 X1101 EMAIL: weeksa@epchc.org	COMMENT DATE: March 25, 2021 PROPERTY ADDRESS: 1223 E 92 Hwy, Seffner FOLIO #: 061976.0100 STR: 25-28S-20E
REQUESTED ZONING: AS-1 to CG	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	03/19/2021
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	N/A
INFORMATIONAL COMMENTS: Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel. Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.	

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AGENCY REVIEW COMMENT SHEET

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

TO: Zoning Review, Development Services

DATE: 04/30/2021

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Moyer Alan C Trustee & Moyer Sherry S Trustee

PETITION NO: 21-0371

LOCATION: 1223 E 92 Hwy

FOLIO NO: 61976.0100

Estimated Fees:

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

LUC 810 - Tractor Supply

(Per 1,000 s.f.)

Mobility: \$2,717

Fire: \$313

Project Summary/Description:

Rural Mobility, Northeast Fire - Commercial General - Sales, Rental and Service of New and Used Farm and Garden Equipment

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: PD21-0371 REVIEWED BY: Randy Rochelle DATE: 3/2/2021

FOLIO NO.: 61976.0100

This agency would (support), (conditionally support) the proposal.

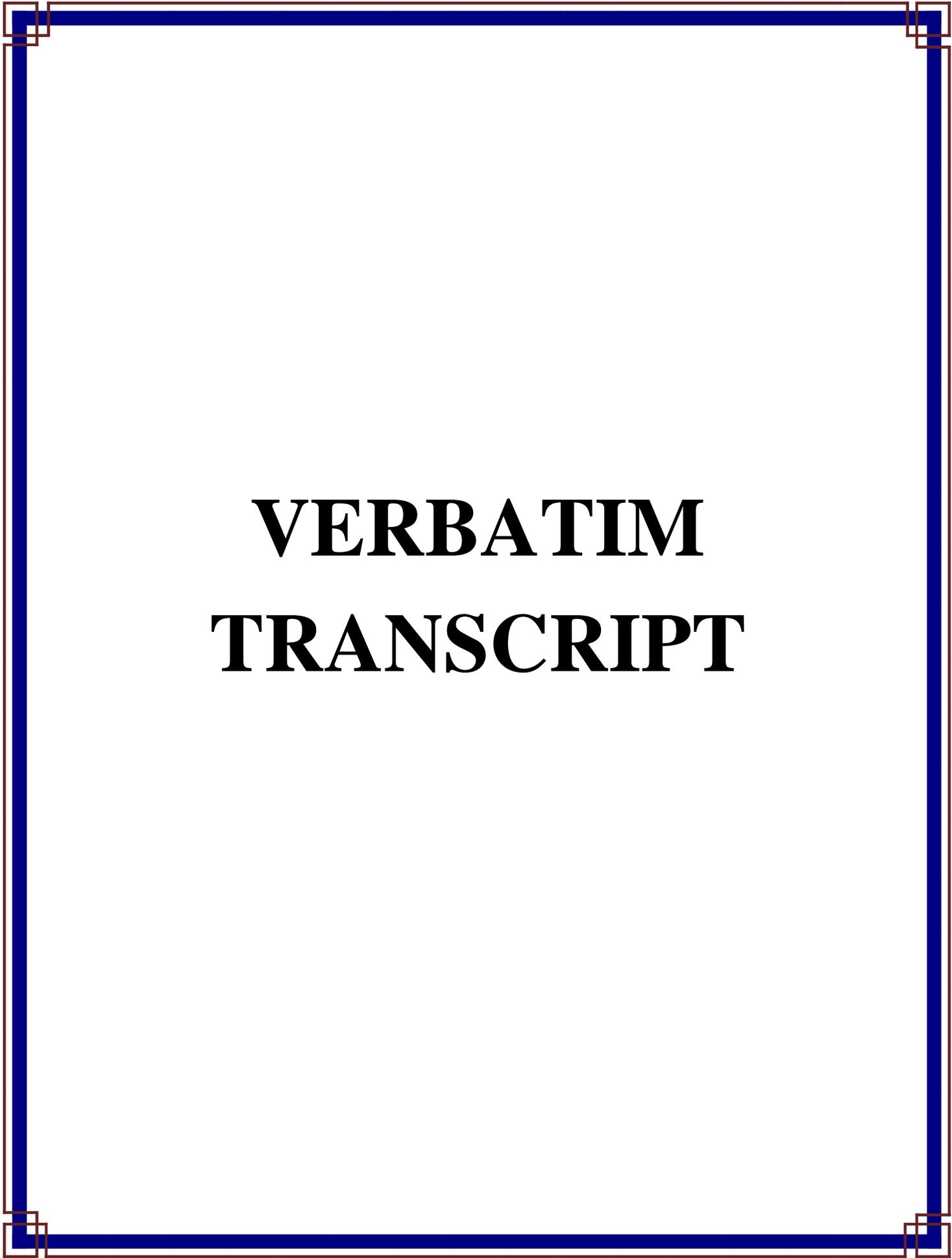
WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- No Hillsborough County water line of adequate capacity is presently available.
- A ___ inch water main exists (adjacent to the site), (approximately ___ feet from the site) _____.
- Water distribution improvements may be needed prior to connection to the County's water system.
- No CIP water line is planned that may provide service to the proposed development.
- The nearest CIP water main (____ inches), will be located (adjacent to the site), (feet from the site at ____). Expected completion date is _____.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- No Hillsborough County wastewater line of adequate capacity is presently available.
- A ___ inch wastewater force main exists (adjacent to the site), (approximately ___ feet from the site) _____.
- Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.
- No CIP wastewater line is planned that may provide service to the proposed development.
- The nearest CIP wastewater main (____ inches), will be located (adjacent to the site), (feet from the site at ____). Expected completion date is _____.

COMMENTS: The subject site is located outside of the Hillsborough County Urban Service Area,therefor no County Water and/or Wastewtaer Service would be availabe. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.



VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER )
HEARINGS )
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, May 17, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 10:31 p.m.

PLACE: Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
May 17, 2021
ZONING HEARING MASTER: PAMELA JO HATLEY

C1:
Application Number: RZ-STD 21-0371
Applicant: Moyer Alan C. Trustee & Moyer
Sherry S. Trustee
Location: 1223 E. 92 Hwy
Folio Number: 61976.0100
Acreage: 2.48 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: AS-1 & AR
Request: Rezone to CG-R

1 MR. GRADY: The first item on tonight's
2 agenda is item C-1. It's Rezoning-Standard
3 21-0371. The applicant is Moyer Alan C. Trustee
4 and Moyer Sherry Trustee.

5 The request is to rezone from AS-1 and AR to
6 Commercial General with Restrictions. That's CG-R
7 with restrictions. Chris Grandlienard will provide
8 staff recommendation after presentation by the
9 applicant.

10 HEARING MASTER HATLEY: All right.
11 Applicant.

12 MR. PRESSMAN: Good evening. My name is
13 Todd Pressman, 200 2nd Avenue South, No. 451,
14 St. Petersburg, Florida.

15 I'm here today with the Moyer family.
16 They're right here. Mr. Moyer's wife -- or excuse
17 me, daughter, Stephanie, and the family patriarch,
18 Mr. Moyer, as well. So this is 21-0371. I have a
19 PowerPoint for you. Next slide, please.

20 It's located in the Seffner area on
21 Highway 92. Next slide, please. A little closer
22 view. Closer view, U.S. 92, by the property
23 appraiser as defined by his office.

24 And you'll notice, Hearing Officer, that
25 there's a lot of activity around the site. Next

1 slide, please. And to point that out to you
2 specifically, you'll see there's a lot of storage
3 equipment, things of that nature, in the immediate
4 area.

5 Next slide, please. So the issue is
6 rezoning to CG-R. The restriction is the sales,
7 rental, and service of new and used farm and garden
8 equipment with no open storage.

9 Next slide, please. The Moyer family has
10 been in business since the 1970s. The patriarch of
11 the family has had another property nearby. They
12 have a long-time presence here.

13 Next slide, please. Three and a half
14 generations of the Moyer family running the
15 business. The .5 refers to the little baby there.
16 He's next in line.

17 Next slide, please. On the zoning map,
18 you'll see that the site is in purple. You'll see
19 immediately to the south is a large area, CG.

20 Across the street is a PD, which has a
21 commercial element to it that'll make you more
22 aware of. Next slide, please. And an NCU was
23 approved abutting south for the exact same use,
24 which was in regard to the patriarch of the family,
25 Mr. Moyer, who is here.

1 Next slide, please. And I have a record of
2 that nonconforming use review which was approved by
3 the County. That is, again, abutting south of the
4 property before you tonight. Next slide, please.

5 Now, commercial zoning has been approved
6 directly across the street in PD 12-0512. Next
7 slide. And you'll see the commercial tract there,
8 residential surrounding, noting primary access, and
9 this is, of course, strictly from the PD plan.

10 Very interestingly -- next slide, please --
11 as you look a little closer, you'll see across the
12 street, they actually refer to Mr. Moyer, heavy
13 equipment sales -- next slide, please -- and just
14 to emphasize that, I want to make sure that you see
15 it as part of the record.

16 So PD 12-0512 was approved for 9,000 feet of
17 commercial floor space for all CG uses excluding
18 fast food. Next slide, please. The Planning
19 Commission, the zoning department, the ZHM all
20 approved. The BOCC unanimously approved that
21 intensive rezoning directly across the street.

22 Now, when you pull back and you look at
23 Highway 92, which, of course, is a highway and
24 called Highway 92, CG is the predominant trend.
25 You can see the heavy coloring of the reddish,

1 whatever color that is, that refers to the CG. Of
2 course, along a major arterial road.

3 Next slide, please. Of which average daily
4 vehicles trips is 10,200 trips per day. Next
5 slide, please. Now, there are Comprehensive Plans
6 that do support this use. And they are not Comp
7 Plans that all of the Planning Commission looked
8 at.

9 So Objective 29 refers to the recognition
10 importance of agriculture as an industry and a
11 valuable economic resource and shall protect
12 economic viability of agricultural activities by
13 recognizing and providing for its unique
14 characteristics in land use planning and land
15 development regulations.

16 So we have restricted this use -- I'm making
17 it very clear, restricting the use to an ag support
18 use. Next slide, please. Policy 29.6. This is an
19 important policy. Agricultural and
20 agricultural-related uses shall be permitted in
21 nonrural land use categories.

22 Next slide, please. Policy 30.5,
23 agricultural-related commercial uses more intensive
24 or heavy than neighborhood-serving commercial.
25 Maybe considering the rural land use category

1 provided these applicable policies of the
2 Comprehensive Plan.

3 These uses are not subject to the locational
4 criteria for neighborhood-serving commercial uses.
5 And Policy 30.6, agriculture and agricultural
6 support uses are the preferred uses in rural areas.

7 There's a predominance of these policies
8 that refer to the first policy and objective, which
9 is to support agriculture and agricultural support
10 uses in the county.

11 Next slide, please. Now, we do have three
12 neighbors in support. This is the one neighbor to
13 the south. Next slide. And that's his letter.
14 Asking you to accept this into the record as a
15 nearby owner who's fully in support of the
16 application.

17 They've been a very good neighbor. They
18 keep the site in good repair. No traffic issues or
19 noise. The Moyers are a great asset, long-time
20 family in the community. They've had a great,
21 long-time relationship. Next slide, please.

22 And then abutting to the east as well, that
23 property owner is in support. Next slide, please.
24 And the property notes that they are, of course,
25 abutting owner, fully support the application.

1 This has been a good neighbor. They keep the site
2 in good repair. Cause no traffic issues or noises.

3 I do have a third letter to put in the
4 record. This is from the property owner directly
5 across the street noting, again, that they're fully
6 in support. The business has been a very good
7 neighbor and again in support.

8 Next slide, please. So in summary, there
9 clearly is a lot of similar activity in the
10 immediate area. We're restricting the sales,
11 rental, service of farm equipment. Intensive
12 commercial has been approved across the street,
13 which commercial is the main focus of Highway 92.
14 There are Comp Plan policies in support and
15 neighbors in support.

16 So with that, I'll put a copy of the
17 PowerPoint and the record along with the record, if
18 I may.

19 HEARING MASTER HATLEY: Please. Thank you.

20 Mr. Pressman, I have a question for you.
21 When did you say this -- this use started on this
22 parcel?

23 MR. PRESSMAN: Well, I looked extensively.
24 The Moyers did apply for a nonconforming use. It
25 was not approved. I have looked at that record,

1 and the record is -- the record as I saw it, at
2 least at this point in time, I look at it deeper
3 was clearly, obviously, not distinctive.

4 So the direction of that denial, as I
5 perceived it, was that there was not a continued
6 presence by one over another. I had a large number
7 of affidavits. I'd say offhand eight or nine
8 separate affidavits of folks who can -- or who
9 presented their knowledge of the site.

10 But the nature of this business of things
11 move and go, they come and go. Some stay, some
12 don't stay. So aerial photos are not the greatest
13 element for it.

14 So it is another thing I'm looking at, but
15 they have had a presence on this parcel and the
16 other parcels for many decades. And I'm sure maybe
17 the Moyers will respond. I understand from the
18 '70s? Mr. Moyer is shaking his head from the '70s.

19 HEARING MASTER HATLEY: Okay. I guess for
20 the purpose of the rezoning question, that's not
21 all that relevant. That's all the questions I have
22 then. Thank you.

23 MR. PRESSMAN: Thank you.

24 HEARING MASTER HATLEY: All right. County
25 Development Services.

1 MR. GRANDLIENARD: Good evening. Chris
2 Grandlienard, Development Services.

3 Okay. The applicant is requesting to rezone
4 from AS-1 and AR to CG-R. The subject parcel is
5 located at 1223 East 92nd Highway, which is at the
6 south side of East U.S. Highway 92, approximately
7 600 feet east of the Darby Lake Street within the
8 Seffner Mango community area.

9 The property associated with 21-0371 has a
10 Future Land Use designation of Residential-1. The
11 Residential-1 category permits a consideration of
12 residential densities up to a maximum density of
13 one unit per acre and nonresidential intensities of
14 up to a maximum of FAR of .25.

15 Nearby future FLU categories include
16 Residential-1, Residential-2. The adjacent
17 properties are comprised of Residential, PD, CG,
18 AR, AS-1. To the north of the subject parcel
19 across U.S. 92 is an undeveloped single-family
20 subdivision zoned PD 12-0512 and a vacant
21 residential parcel zoned AR.

22 To the east, it is adjacent to a lounge and
23 residential cottage is zoned AR. To the south is
24 adjacent to a single-family residential home owned
25 by the applicant zoned CG and AR. To the south and

1 the west, it is adjacent to a construction
2 equipment repair, storage sales, and maintenance
3 business, folio 63679.1000. It's zoned AS-1, CG,
4 and AR.

5 That business received a nonconforming use
6 approval, 94-0799, in 1994, which has been
7 presented by the applicant as a supporting evidence
8 for the compatibility of the subject parcel.

9 The surrounding uses in the area consist of
10 single-family lots, mobile home parks, heavy
11 machinery sales and repair, and a lounge. Although
12 similar commercial uses are adjacent to the subject
13 parcel to the south, the neighboring lot received a
14 nonconforming use approval in 1994, over 27 years
15 ago.

16 The Seffner Mango community area has changed
17 in that time. The Planning Commission emphasized
18 in the report that the current plan for the area
19 discourages commercial development that is in the
20 Rural Area portion of East Highway 92 to avoid
21 strict commercial development.

22 The subject site is in the Rural Area and,
23 therefore, conflicts with the community desired
24 development pattern. Additionally, the report
25 mentions that subject site does not meet with

1 commercial locational criteria defined in
2 Objective 22, Policy 22.2 in the Future Land Use
3 Element of the Comprehensive Plan for
4 unincorporated Hillsborough County.

5 The applicant has offered restrictions to
6 mitigate conflicts with the Comprehensive Plan and
7 the Seffner Mango Community Plan.

8 The restriction offered is the use will be
9 restricted to sales, rental, and service of new and
10 used farm and garden equipment with no open
11 storage. They also requested a waiver for
12 commercial locational criteria as outlined in
13 Policy 22.8 of the Comprehensive Plan.

14 Based on these considerations, including the
15 inconsistencies with the Hillsborough County
16 Comprehensive Plan, staff finds the requested CG-R,
17 Commercial General-Restricted, zoning district
18 incompatible with the existing zoning and
19 development pattern in the area.

20 Staff finds the request not supportable.
21 That concludes my presentation, and I'm available
22 for any questions you may have.

23 HEARING MASTER HATLEY: Thank you. I just
24 want to confirm. You said the PD zoning to the
25 north and I believe it's 12-0512; is that correct?

1 MR. GRANDLIENARD: Yes.

2 HEARING MASTER HATLEY: And that is
3 residential?

4 MR. GRANDLIENARD: Oh, it's mixed-use
5 residential. It's undeveloped single-family --
6 it's a single-family subdivision with commercial.

7 HEARING MASTER HATLEY: Okay.

8 MR. GRANDLIENARD: It's undeveloped.

9 HEARING MASTER HATLEY: Okay. But is it
10 primary -- primarily single-family residential --

11 MR. GRANDLIENARD: Yes.

12 HEARING MASTER HATLEY: -- with a commercial
13 component?

14 MR. GRANDLIENARD: Yes.

15 HEARING MASTER HATLEY: Okay. Thank you
16 very much. I don't have any more questions for
17 you.

18 All right. Planning Commission.

19 MS. LIENHARD: Thank you. Melissa Lienhard,
20 Planning Commission staff.

21 The subject property is located in the
22 Residential-1 Future Land Use category. It is
23 located in the Rural Area and also in the limits of
24 the Seffner Mango Community Plan.

25 Future Land Use Element Objective 4 of the

1 Future of Hillsborough Comprehensive Plan envisions
2 agricultural uses and large lot, low density, rural
3 residential that can exist without the threat of
4 urban encroachment or suburban encroachment for the
5 rural area.

6 The Planning Commission staff has
7 reservations regarding the intensity of the
8 proposed uses as the site is in the Rural Area and
9 not located in an intersection.

10 Future Land Use Element Objective 16 adds
11 accompanying policies require the protection of
12 existing neighborhoods from new development and
13 redevelopment of adjacent properties through
14 various instrument, such as buffering, screening,
15 and site planning.

16 Policy 16.1 includes language about limiting
17 commercial development in residential land use
18 categories to a neighborhood scale. The intent of
19 this policy is to protect less intense uses, such
20 as residential uses, and to locate more intensive
21 uses to appropriate locations.

22 The site is not near commercial node and is
23 located outside of the Urban Service Area where
24 uses should be transitioning to less intense uses.
25 This proposed rezoning does not meet the specific

1 criteria for Future Land Use Element Policy 16.2,
2 which identifies the use of gradual transitions of
3 intensities between different Land Uses.

4 A rezoning to CG-Restricted would not
5 provide for a proper transition of land use
6 intensities between the adjoining rural residential
7 and Commercial General uses along this portion of
8 U.S. Highway 92.

9 The subject site does not meet commercial
10 locational criteria as defined in the Future Land
11 Use Element. Policy 22.8 does permit an applicant
12 to request a waiver to commercial locational
13 criteria, which the applicant has submitted.

14 The waiver notes the presence of other
15 nonconforming CG zoned parcels to the south of the
16 site, and the CG uses are permitted in the general
17 vicinity. It also states that the traffic patterns
18 on U.S. 92, an arterial roadway, is intensive and
19 that the development pattern of the area is more
20 suited to a commercial character.

21 Planning Commission staff recommends that
22 Hillsborough County Board of County Commissioners
23 not approve the waiver to locational criteria.
24 Policy 22.7 of the Future Land Use Element states
25 that commercial locational criteria is not the only

1 factor to be considered. Factors such as land use
2 compatibility must also be considered.

3 Planning Commission staff recognizes the
4 compatibility concerns with the proposed CG-R
5 rezoning and the adjacent and surrounding
6 residential properties.

7 The proposed rezoning does not facilitate
8 the vision of the Seffner Mango Community Plan.
9 Goal 1 of the plan and its accompanying strategies
10 specifically discourages commercial encroachment
11 into the residential areas between U.S. 92 and
12 Martin Luther King Boulevard and south of Martin
13 Luther King Boulevard.

14 Goal 3 recognizes U.S. 92 North as a
15 commercial corridor within the limits of the Urban
16 Service Area and not the Rural Area where the
17 subject site is located.

18 The subject site is currently in violation
19 of current zoning codes, and the Seffner Mango
20 Community Plan specifically requests that all
21 illegal nonconforming uses be consistent with the
22 the community plan.

23 The proposed rezoning to CG-R does not meet
24 the intent of the policies as it would promote
25 commercial development along U.S. 92 outside the

1 Urban Service Area and allow commercial
2 encroachment into the residential areas of Seffner
3 Mango.

4 Based upon those considerations, Planning
5 Commission staff finds the proposed rezoning
6 inconsistent with the Future of Hillsborough
7 Comprehensive Plan for unincorporated Hillsborough
8 County. Thank you.

9 HEARING MASTER HATLEY: Thank you.

10 All right. Are there any persons here in the
11 room or online who wish to speak in support of this
12 proposal? This is 21-0371.

13 Yes, sir. Speak into the microphone and we
14 need your name and address first, please.

15 MR. MOYER: My name is Alan Moyer, 1223 U.S.
16 Highway 92 East, Seffner, Florida.

17 Good evening. What I would like to make you
18 aware of is that this business is a family
19 business. It has been here since 1985. It has
20 been through several generations. We hope to
21 extend it through generations to come.

22 We are located on a major roadway. It is
23 called U.S. Highway 92, and I believe it acts like
24 a busy highway, very busy highway. Lots of trucks,
25 really very fast vehicles, lots of big trucks,

1 very, very busy.

2 It seems to me that an operation like ours
3 is well suited -- well suited for the immediate
4 area we are in. Along with what Mr. Pressman
5 presented, various commercial zoning right across
6 the street and the same abutting me as my
7 father-in-law has been in business since the middle
8 of the '70s.

9 We have never had anyone complain about what
10 we do, how we operate until now. We are the type
11 of neighbors that is considerate of those around
12 us, and we help those in time of need.

13 We support the agricultural community which
14 has a very large and strong presence in the eastern
15 part of our county. We meet the needs of the
16 community. We have agricultural customers that
17 date back for decades, and we hope to continue to
18 support them.

19 Basically, this whole thing has been nothing
20 but absolute devastation for myself and my whole
21 family. We are here tonight to ask for your help,
22 ask for your consideration, and ask for your
23 support. Thank you.

24 HEARING MASTER HATLEY: Thank you,
25 Mr. Moyer.

1 Is there anyone here who wishes to speak in
2 to support of this?

3 MR. GRADY: Sir, you need to sign in.

4 HEARING MASTER HATLEY: Mr. Moyer, see the
5 clerk over here and sign in, please. Thank you.

6 MR. SCHANZ: Good evening.

7 HEARING MASTER HATLEY: Good evening, sir.
8 Can you pull the microphone down just a little bit,
9 please. Thank you. That's good and we need your
10 name and address first.

11 MR. SCHANZ: My name is David Schanz. My
12 address is 901 U.S. Highway 92 East, Seffner,
13 Florida 33584.

14 And my name is David Schanz. And I'm
15 86 years old, and I'm the owner of the adjoining
16 property which I bought approximately 40 years ago.
17 Myself and my family have worked on Alan's property
18 and my property together for approximately
19 35 years. First myself and then my son-in-law,
20 Alan, and now my granddaughter. We have worked --
21 we have worked every day in the same business.

22 I come here tonight to ask for your help to
23 support our family business. This review has
24 literally thrown our whole family into worries and
25 stress. As you have heard already, this location

1 is a great spot. We have successfully conducted
2 business here and have not disturbed anyone for
3 decades.

4 When I look around the area, I see a highway
5 and other operations like ours, and as I have seen
6 for decades and growing -- it is a growing business
7 and we're involved every day. So, again, please
8 consider the request and we ask for your help and
9 approval. Thank you.

10 HEARING MASTER HATLEY: Thank you,
11 Mr. Schanz. And please step right over here and
12 see the clerk to sign in.

13 Yes, ma'am.

14 MS. MORTELLARO: Hello. My name is
15 Stephanie Moyer Mortellaro. My home address is 705
16 Bryan Road, Brandon, Florida 33511. The address
17 I'm here for is 1223 East U.S. Highway 92, Seffner,
18 Florida 33584.

19 Good evening and thank you for your time.
20 I'm the third generation to work in our family
21 business. My father joined my grandfather in this
22 business right after I was born, and I have grown
23 up my whole life around it. I now work every day
24 in the family business.

25 This business has provided for my

1 grandfather and his family, my father and his
2 family, and now provides for my family. And I hope
3 to be the future owner of it and pass it down to my
4 three children.

5 We are located along Highway 92 surrounded
6 by multiple commercial locations. We have many
7 farmers who come to us for their equipment needs.
8 Our business supports our neighbors and has a
9 strong sense of community with those around us.

10 We are asking for your help. Help us to
11 continue our family business. Help us to preserve
12 the ability to teach our children about hard work
13 and perseverance. We seek your approval so that we
14 may continue to provide for our families. This is
15 our livelihood. Thank you.

16 HEARING MASTER HATLEY: Thank you.

17 Are there any other persons who wish to speak
18 in support of this application?

19 All right. Are there any persons here or
20 online who wish to speak in opposition to this
21 item?

22 MS. BELCHER: Yes.

23 MR. LAMPE: We have Elizabeth Belcher.

24 MS. BELCHER: Yes. Do you want me to speak
25 first?

1 MR. LAMPE: Ma'am, if you're listening on
2 another device, can you please turn down the volume
3 and listen on your headset?

4 MS. MCCOMAS: I also like to comment when
5 Elizabeth is done.

6 MR. LAMPE: So we have Elizabeth Belcher and
7 I believe Grace McComas. Okay. We have Elizabeth
8 Belcher first.

9 MS. BELCHER: All right. My name is
10 Elizabeth Belcher, Seffner, Florida.

11 First, the application is not consistent
12 with the Seffner Mango plan and does not meet
13 commercial locational criteria. The applicant has
14 repeatedly stated there will be no open storage.

15 Is this applicant planning on building some
16 type of storage garages? If so, why are they not
17 included in this site plan? The proposed building
18 should be shown to ensure that there's no impact on
19 the adjacent wetlands.

20 How is the applicant going to handle toxic
21 materials, the gasoline and oils from the -- the
22 equipment? Is the applicant going to tear down the
23 open storage building shown on the site map?

24 The application states that there are other
25 nonconforming parcels near his. These were

1 grandfathered in back in the mid '90s. Just
2 because something years ago got an exception does
3 not automatically bestow the same privilege on this
4 applicant. And might I add to please review the
5 Code Enforcement violation filed that is in the
6 documents.

7 This applicant has had since the mid '90s to
8 apply for a nonconforming and has failed to do so
9 until they were fined extensively by Code
10 Enforcement. He also states that there has been no
11 complaints until -- until just recently. Perhaps,
12 others as well as just as myself were not aware
13 that this was three separate -- these were separate
14 parcels. I thought they were all the same one.

15 On March 3rd, the zoning department filed
16 additional revised information sheet. On the sheet
17 it states there must be a cover letter with
18 explanations of what has been changed. I cannot
19 find this letter.

20 The representative has made many references
21 to the land abutting this property being NCU. This
22 land asking to be rezoned also has wetlands.
23 Something that is essential to our environment and
24 must be protected.

25 When I first reviewed the zoning

1 application, statements on the application were
2 that the owner meet the rezoning to be compliant
3 with the zoning enforcement so that they needed to
4 be connected with the water and sewer.

5 And just as a note, since they're outside
6 the Urban Service Area, they are not allowed to be
7 connected to the water or sewer. Look at the
8 application that is now shown on the initial -- as
9 the initial application. It says nothing about
10 connecting water and sewer.

11 I did not copy the initial application
12 because I thought it was against the law to remove
13 files. Mrs. McCormick, who's going to speak later,
14 sent an e-mail that quoted the initial application
15 statements needing to connect to sewer and water.
16 This e-mail was not initially included in the
17 correspondence file as Mrs. McCormick had
18 requested.

19 The correspondence file does not -- does
20 contain e-mails from me, but I spoke about the
21 issue but didn't quote anything. To be clear, the
22 applicant originally claimed that they needed to
23 rezone because they were code violation and they
24 needed to sign up for sewer and water.

25 They -- there was no need -- they cannot

1 sign up for sewer and water. And I had asked --
2 question why the zoning application could go
3 forward with such false statements on its face.

4 Let's see. To support my statement that the
5 application has been altered, item request
6 02-05-2021 filed on 2/11 at 15959 states
7 (unintelligible) existing use into compliance with
8 zoning code and item C states public water and
9 sewer.

10 Let's see. There also is -- there also is
11 an application that states that they're filing
12 corrected application, but they're required to file
13 an explanation on why they're doing so. There is
14 no letter in the file explaining that. This
15 application is replete with problems. It should be
16 rejected. The applicant needs to submit a complete
17 and correct application. Thank you.

18 HEARING MASTER HATLEY: Thank you,
19 Ms. Belcher.

20 Ms. Belcher, did you state your address?

21 MS. BELCHER: I am a retired law enforcement
22 officer. I don't -- I request to be -- not state
23 my exact address.

24 HEARING MASTER HATLEY: Could you tell us
25 your -- the subdivision or the city or your

1 proximity?

2 MS. BELCHER: I said Seffner, Florida.

3 HEARING MASTER HATLEY: And your proximity
4 to the subject property?

5 MS. BELCHER: A mile maybe.

6 HEARING MASTER HATLEY: Okay. Thank you
7 very much, Ms. Belcher.

8 All right. Anyone else here to speak in
9 opposition to this application?

10 MR. LAMPE: I believe we have Grace McComas.

11 MS. MCCOMAS: Am I on? I think I'm on.

12 MR. LAMPE: We're not seeing your video yet,
13 Grace. Could you enable your video? Yes, now we
14 can see it.

15 MS. MCCOMAS: Okay. I just want to say that
16 I am opposed to this application for all the
17 reasons that were stated by the Planning Commission
18 and staff. In addition, the locational criteria
19 requested the waiver -- did I go away?

20 HEARING MASTER HATLEY: We need to see your
21 video, Ms. McComas. Also, could you state your
22 address, please.

23 MS. MCCOMAS: Oh, I'm sorry. 805 Old Darby
24 Street, Seffner, Florida 33584.

25 HEARING MASTER HATLEY: Thank you. Go

1 ahead.

2 MS. MCCOMAS: Now I think I'm on it. I
3 opposed for the reasons stated by the Planning
4 Commission and staff. I also have some things to
5 say about the locational criteria waiver.

6 They state that the -- the property 12-0512
7 that will have its commercial directly across from
8 their property is true. They did take the
9 commercial strip from 92 and relocated to a square
10 so they wouldn't have any commercial in front of
11 their homes. There's 96 homes going in there. And
12 they're almost all complete. At least phase one.

13 But they -- the only -- the fast food is not
14 the only restriction to that commercial. There's
15 also no gas station. They can have sales of lawn
16 equipment but no open storage. That's a condition
17 of that application. And it was improved --
18 approved like that.

19 So the other thing on that same request for
20 the locational criteria waiver is R-3, he said that
21 along -- that along 92 there were lots of -- how to
22 say this -- there are existing and approved CG
23 commercial uses and more intense uses in the
24 immediate area all located on a very intensive
25 arterial roadway.

1 He's referring to the Urban Service Area
2 west of Kingsway. There is not a lot of intensive
3 CG use on the east side of -- yeah, Kingsway.
4 Actually, the east side of Old Darby Road, which
5 is -- Old Darby Lakes Road, which is next to his
6 property or next to the -- near the entrance of
7 this Schanz-Moyer property.

8 So I oppose it for those reasons that are
9 being stated to make it sound good, but they're not
10 true. So I do oppose this commercial approval.
11 Does that make sense, ma'am?

12 HEARING MASTER HATLEY: Is that all you
13 have, Ms. McComas?

14 MS. MCCOMAS: Yes.

15 HEARING MASTER HATLEY: All right. Thank
16 you.

17 Is there anyone else to speak in opposition
18 to this item? Anyone else online?

19 MR. PUTNAM: I'm not hearing anyone.

20 HEARING MASTER HATLEY: Okay. No one else
21 in the room? All right. Thank you.

22 Then we will return now to Development
23 Services. Any amended recommendations or other
24 comments from Development Services?

25 MR. GRADY: I just wanted to comment. I did

1 confirm that the site plan for the PD across the
2 street that Mr. Pressman showed is the site plan
3 for that PD, and there's a commercial component in
4 that location as shown on the PD site plan across
5 92 from this subject parcel.

6 I know you had a question about that. So I
7 just wanted to confirm that for the record.

8 HEARING MASTER HATLEY: Thank you very much.

9 MS. MCCOMAS: I don't argue with that,
10 but --

11 HEARING MASTER HATLEY: Wait a minute,
12 ma'am. Ma'am. Ms. McComas, we've gone on. Thank
13 you.

14 MS. MCCOMAS: Okay. I'm sorry.

15 HEARING MASTER HATLEY: So we'll hear from
16 the applicant. Rebuttal?

17 MR. GRADY: And I will note, Madam Hearing
18 Officer, that again that rezoning is 12-0512. And
19 since that is a record in Optix, you can certainly
20 review that PD and the conditions associated in
21 that regard and restrictions of commercial on that
22 project.

23 HEARING MASTER HATLEY: All right. Thank
24 you.

25 MR. PRESSMAN: Thank you. As much as the --

1 as much respect I have for the two women that
2 spoke, one woman said she lived a mile away. It
3 was difficult to hear where the other woman
4 resided. I don't know if she was near or not.

5 But the fact of the matter is that notices
6 have been sent out. The big yellow sign has been
7 out, and the two residents who had some concerns
8 raised, one who is very far away.

9 The fact of the matter is that with the
10 restrictions we're providing, it is supported by
11 the Comprehensive Plan specific to the use. We
12 believe in locational criteria that you need to
13 look at the major arterial Highway 92, which
14 carries a lot of traffic every day and is a very
15 intensive nature.

16 And the fact of the matter is that in the
17 immediate area abutting across the street was a
18 approval for zoning that was supported by all the
19 planning agencies and the Board of County
20 Commissioners unanimously for use that would be
21 much more intensive, at least in my opinion, here.

22 HEARING MASTER HATLEY: What rezoning was
23 that, Mr. Pressman?

24 MR. PRESSMAN: Across the street as I
25 presented in the --

1 HEARING MASTER HATLEY: That's the PD?

2 MR. PRESSMAN: Yes. Yes.

3 HEARING MASTER HATLEY: Okay.

4 MR. PRESSMAN: So there's historical
5 support. There's recent support by the County, the
6 location aspects on Highway 92, and the Comp Plan
7 elements we believe give strong support for this
8 request. And we appreciate your time and
9 consideration. Thank you.

10 HEARING MASTER HATLEY: Thank you,
11 Mr. Pressman. You did put your PowerPoint in the
12 record, didn't you?

13 MR. PRESSMAN: Yes, I did. Thank you.

14 HEARING MASTER HATLEY: Thank you.

15 All right. That will close the hearing on
16 Rezoning 21-0371.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, April 19, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 8:03 p.m.

PLACE: Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

1 being continued to the May 17th, 2021, Zoning
2 Hearing Master Hearing.

3 Item A-24, Rezoning-Standard 21-0371. This
4 application is out of order to be heard and is
5 being to the May 17th, 2021, Zoning Hearing Master
6 Hearing.

7 Item A-25, Rezoning-Standard 21-0430. This
8 application is being withdrawn from the Zoning
9 Hearing Master process.

10 Item A-26, Rezoning-Standard 21-0431. This
11 application is out of order to be heard and is
12 being continued to the May 17th, 2021, Zoning
13 Hearing Master Hearing.

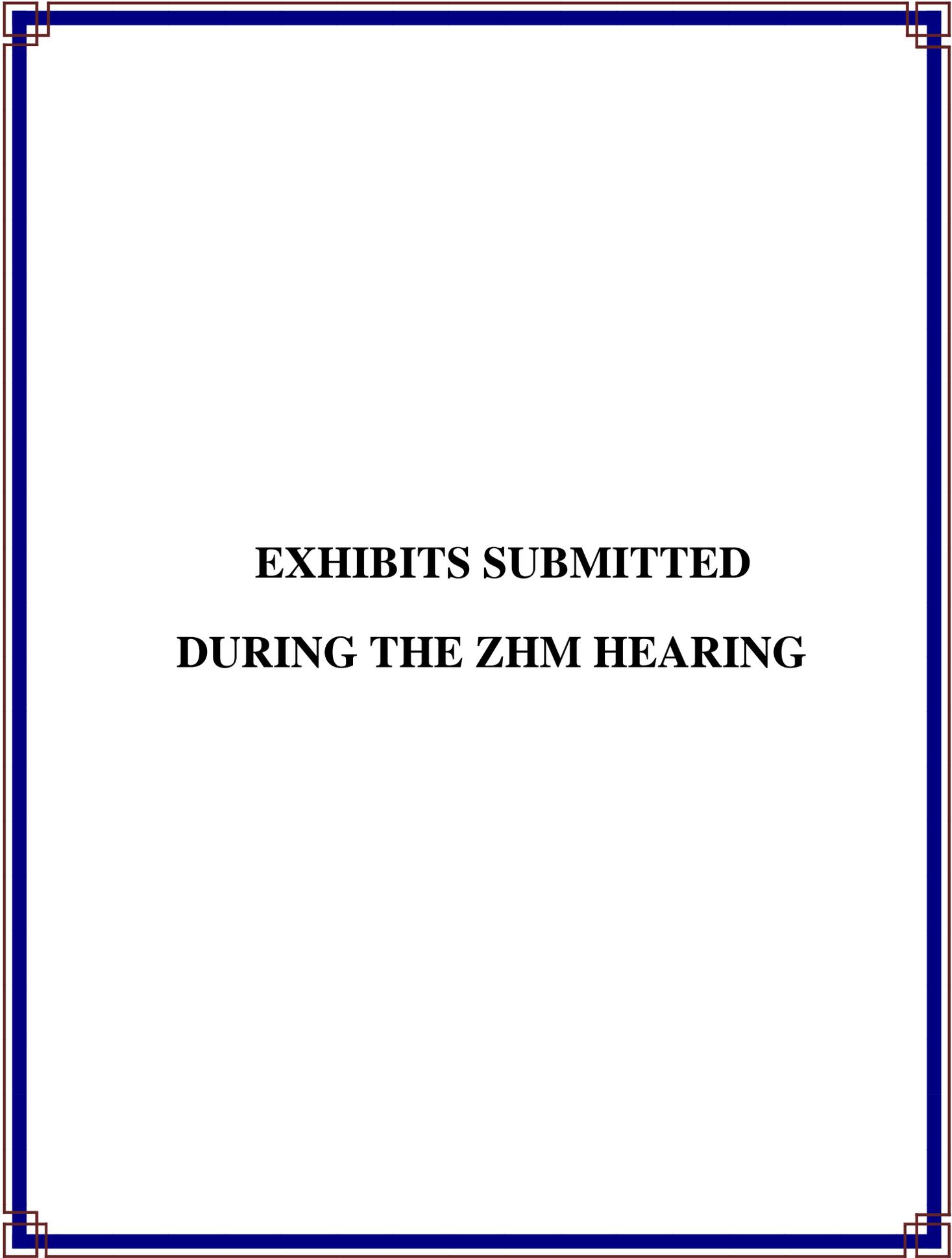
14 Item A-27, Rezoning-Standard 21-0432. This
15 application is being withdrawn from the Zoning
16 Hearing Master process.

17 And, finally, item A-28, Rezoning-Standard
18 21-0433. This application is out of order to be
19 heard and is being continued to the May 17, 2021,
20 Zoning Hearing Master Hearing.

21 That concludes all withdrawals and
22 continuances.

23 HEARING MASTER FINCH: All right. Thank you
24 so much, Mr. Grady. I appreciate it.

25 Let me start by going over tonight's



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

DATE/TIME: 5/17/21 6pm

HEARING MASTER: Pamela Jo Harley

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

APPLICATION # <u>RZ 21-0371</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>1000 Jay Ave S #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33706</u> PHONE <u>727-804-1760</u>
------------------------------------	--

APPLICATION # <u>RZ 21-0371</u>	PLEASE PRINT NAME <u>Alan Meyer</u> MAILING ADDRESS <u>1223 US Hwy 92 EAST</u> CITY <u>Soffen</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>813-299-4935</u>
------------------------------------	--

APPLICATION # <u>RZ 21-0371</u>	PLEASE PRINT NAME <u>DAVID SCHANZ</u> MAILING ADDRESS <u>901 US 92 E</u> CITY <u>Seffert</u> STATE <u>FL</u> ZIP <u>33592</u> PHONE <u>813-299-5038</u>
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APPLICATION # <u>RZ-21-0371</u>	PLEASE PRINT NAME <u>Stephanie Mortellaro</u> MAILING ADDRESS <u>705 Bryan Rd</u> CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>813-997-8675</u>
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APPLICATION # <u>RZ 21-0110</u>	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>1000 Jay Ave S #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33706</u> PHONE <u>727-804-1760</u>
------------------------------------	--

APPLICATION # <u>RZ 21-0110</u>	PLEASE PRINT NAME <u>Scott Fitzpatrick</u> MAILING ADDRESS <u>811-B Cypress Village Blvd.</u> CITY <u>Riskin</u> STATE <u>FL</u> ZIP <u>32577</u> PHONE <u>813-634-5425</u>
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DATE/TIME: 6:00pm 5/17/21

HEARING MASTER: Pamela Jo Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ-PD-21-0123	PLEASE PRINT NAME <u>Michael D. Horner</u> MAILING ADDRESS <u>14522 N. Dale Pass Dr.</u> CITY <u>T</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>962-2385</u>
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APPLICATION # RZ-PD-21-0123	PLEASE PRINT NAME <u>[Signature]</u> MAILING ADDRESS <u>2220 Bow Lane</u> CITY <u>Safety Harbor</u> STATE <u>FL</u> ZIP <u>34695</u> PHONE <u>727-638-3369</u>
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APPLICATION # RZ-PD-21-0123	PLEASE PRINT NAME <u>Greg Soutter</u> MAILING ADDRESS <u>1727 Anglers Ct</u> CITY <u>Safety Harbor</u> STATE <u>FL</u> ZIP <u>34695</u> PHONE <u>727-418-1475</u>
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APPLICATION # RZ-PD-21-0123	PLEASE PRINT NAME <u>Myrtle Carl</u> MAILING ADDRESS <u>811 Knowles Rd.</u> CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33571</u> PHONE <u>813-716-7689</u>
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APPLICATION # MM 21-0312	PLEASE PRINT NAME <u>Cannon Brickmeyer</u> MAILING ADDRESS <u>601 N. Astley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>(813) 229-7700</u>
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APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Rebecca Kert</u> MAILING ADDRESS <u>606 E Madison</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 368-3064</u>
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DATE/TIME: 5/17/21 6pm

HEARING MASTER: Pamela Jo Harley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Christie Barreiro</u> MAILING ADDRESS <u>5904-A Hampton Oaks Parkway</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33610</u> PHONE <u>813-253-5311</u>
APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Stanley OUSOL</u> MAILING ADDRESS <u>RuSoBo@gmail.com</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33608</u> PHONE <u>813-914-4828</u> <u>482 8160</u>
APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Pam Hannam</u> MAILING ADDRESS <u>13802 Orange Sunset Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>858-539-3121</u>
APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>MADONNA M'DERMOTT</u> MAILING ADDRESS <u>13322 MORAN DR</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>813-961-9103</u>
APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>ANDREW R LAVIN</u> MAILING ADDRESS <u>13322 MORAN DR.</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(913) 961-9103</u>
APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Steve Hanley</u> MAILING ADDRESS <u>5023 W. LAUREL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>33607</u>

DATE/TIME: 5/17/21 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 21-0314	PLEASE PRINT NAME <u>Michael Brooks</u> MAILING ADDRESS <u>606 E Madison Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>543-5900</u>
APPLICATION # RZ 21-0315	PLEASE PRINT NAME <u>Steve Haney</u> MAILING ADDRESS <u>5023 W. CANAL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u>
APPLICATION # RZ 21-0315	PLEASE PRINT NAME <u>Kami Corbett</u> 3500 MAILING ADDRESS <u>101 E Kennedy Blvd, Ste 3500</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION # RZ 21-0319	PLEASE PRINT NAME <u>CLAYTON BRECKENRIDGE</u> MAILING ADDRESS <u>601 N. Asher Dr</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>(813) 229-7200</u>
APPLICATION # RZ 21-0319	PLEASE PRINT NAME <u>Shameyiah Francis</u> MAILING ADDRESS <u>9501 Traboga Pkce Riverview, FL</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>813-504-9560</u>
APPLICATION # RZ 21-0319	PLEASE PRINT NAME <u>Andrea Waller</u> MAILING ADDRESS <u>9901 W. 20th St.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33612</u> PHONE <u>813-863-4693</u>

DATE/TIME: 5/17/21 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>RICK GNATOWSKY</u> MAILING ADDRESS <u>10445 RIVERCREST DRIVE</u> CITY <u>RIVERVIEW</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>561-632-9798</u>
APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>Edith Satter</u> MAILING ADDRESS <u>9606 Mathog Rd</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>813-611-0907</u>
APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>Carol Strachan</u> MAILING ADDRESS <u>9345 MATHOG RD</u> CITY <u>Rvw</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>727-422-5625</u>
APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>Michael SALTER</u> MAILING ADDRESS <u>9606 MATHOG Rd</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>803-404-2135</u>
APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>JAMES LADNER</u> MAILING ADDRESS <u>33578 9345 MATHOG RD</u> CITY <u>RIVERVIEW</u> STATE <u>FL</u> ZIP <u>33578</u> PHONE <u>813-319-3282</u>
APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>PETER PENSA, AICP, AVID GROUP</u> MAILING ADDRESS <u>2300 CURLEW RD, STE 201, PALM HARBOR 34683</u> CITY _____ STATE _____ ZIP _____ PHONE <u>727-234-8015</u>

DATE/TIME: 5/17/21 6am HEARING MASTER: Pamela Jo HurleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>21-0319</u>	PLEASE PRINT NAME <u>Steve Hawley</u> MAILING ADDRESS <u>503 W. LAUREL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>815-289-0039</u>
APPLICATION # <u>RZ</u> <u>21-0371</u>	PLEASE PRINT NAME <u>Elizabeth Belcher (virtual)</u> MAILING ADDRESS <u>617 Penn National Road</u> CITY <u>Seffner</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE _____
APPLICATION # <u>RZ</u> <u>21-0371</u>	PLEASE PRINT NAME <u>Grace McComas (virtual)</u> MAILING ADDRESS <u>805 Old Darby Street</u> CITY <u>Seffner</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE _____
APPLICATION # <u>RZ-PD</u> <u>21-0123</u>	PLEASE PRINT NAME <u>Edgardo Hernandez (virtual)</u> MAILING ADDRESS <u>971 Knowles Road</u> CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE _____
APPLICATION # <u>RZ 21-0577</u>	PLEASE PRINT NAME <u>Tyler Hudson (virtual)</u> MAILING ADDRESS <u>400 North Ashley Drive</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____
APPLICATION # <u>MM 21-0344</u>	PLEASE PRINT NAME <u>Tyler Hudson (virtual)</u> MAILING ADDRESS <u>400 North Ashley Drive</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____

MAY 17, 2021 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, May 17, 2021, at 6:00 p.m., held virtually.

 Pamela Jo Hatley, ZHM, called the meeting to order and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

 Brian Grady, Development Services, reviewed changes/withdrawals/continuances.

D.3. MM 21-0169

 Pamela Jo Hatley, ZHM, sought verification of continued agenda item D.3. MM 21-0169.

 Pamela Jo Hatley, ZHM, announced D.3 MM 21-0222 was continued to June 14, 2021.

 Brian Grady, Development Services, made comments on how to proceed.

 Pamela Jo Hatley, ZHM, calls proponents/opponents on MM 21-0169.

 Pamela Jo Hatley, ZHM, continued MM 21-0169 to June 14, 2021.

 Brian Grady, Development Services, reviewed withdrawals/continuances.

 Pamela Jo Hatley, ZHM, reviewed the meeting procedures.

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

 Pamela Jo Hatley, ZHM, oath.

B. REMANDS - Not Addressed.

C. REZONING STANDARD (RZ-STD):

C.1. RZ-STD 21-0371

 Brian Grady, Development Services, calls RZ 21-0371.

 Todd Pressman, applicant rep, presents testimony, submitted exhibits.

 Pamela Jo Hatley, ZHM, questions to applicant rep.

MONDAY, MAY 17, 2021

- 📄 Todd Pressman, applicant rep, answers questions and continues testimony.
- 📄 Christopher Grandlienard, Development Services, staff report.
- 📄 Melissa Lienhard, Planning Commission, staff report.
- 📄 Pamela Jo Hatley, ZHM, calls proponents.
- 📄 Alan Moyer, proponent, presents testimony.
- 📄 David Schanz, proponent, presents testimony.
- 📄 Stephanie Mortellaro, proponent, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, calls opponents.
- 📄 Elizabeth Belcher, opponent, presents testimony.
- 📄 Grace McComas, opponent, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, calls for Development Services.
- 📄 Brian Grady, Development Services, made remarks.
- 📄 Pamela Jo Hatley, ZHM, called for applicant rep.
- 📄 Brian Grady, Development Services, added comments.
- 📄 Todd Pressman, applicant rep, gave rebuttal.
- 📄 Pamela Jo Hatley, ZHM, closes RZ 21-0371

C.2. RZ-STD 21-0577

- 📄 Brian Grady, Development Services, calls RZ 21-0577.
- 📄 Tyler Hudson, applicant rep, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, questions to applicant rep.
- 📄 Tyler Hudson, applicant rep, answers questions and continues testimony.
- 📄 Christopher Grandlienard, Development Services, staff report.
- 📄 Melissa Lienhard, Planning Commission, staff report.

MONDAY, MAY 17, 2021

 Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 21-0577.

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

D.1. RZ-PD 21-0110

 Brian Grady, Development Services, calls RZ 21-0110.

 Todd Pressman, applicant rep, presents testimony.

 Michelle Heinrich, Development Services, staff report.

 Melissa Lienhard, Planning Commission, staff report.

 Pamela Jo Hatley, ZHM, calls for proponents/opponents.

 Scott Fitzpatrick, opponent, presents testimony.

 Pamela Jo Hatley, ZHM, calls for Development Services/applicant rep.

 James Ratliff, Development Services, transportation staff report.

 Brian Grady, Development Services, made remarks.

 Pamela Jo Hatley, ZHM, calls applicant rep.

 Todd Pressman, applicant rep, gave rebuttal.

 Pamela Jo Hatley, ZHM, closes RZ 21-0110.

D.2. RZ-PD 21-0123

 Brian Grady, Development Services, calls RZ 21-0123.

 Michael Horner, applicant rep, presents testimony.

 Scott Hinrichs, applicant rep, presents testimony.

 Gregory Soulliere, applicant rep, presents testimony.

 Kevie Defranc, Development Services, staff report.

 Melissa Lienhard, Planning Commission, staff report.

 Pamela Jo Hatley, ZHM, calls proponents/opponents

 Edgardo Hernandez, opponent, presents testimony.

MONDAY, MAY 17, 2021

Myrtle Cail, opponent, presents testimony.

Pamela Jo Hatley, ZHM, calls Development Services/applicant rep.

Michael Horner, applicant rep, gave rebuttal.

Pamela Jo Hatley, ZHM, closes RZ 21-0123.

ZHM Breaks

ZHM Resumes Hearing

D.4. MM 21-0312

Brian Grady, Development Services, calls MM 21-0312.

Clayton Bricklemyer, applicant rep, presents testimony.

Tania Chapela, Development Services, staff report.

Melissa Lienhard, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 21-0312.

D.5. RZ-PD 21-0314

Brian Grady, Development Services, calls RZ 21-0314.

Rebecca Kert, applicant rep, presents testimony.

Christie Barreiro, applicant rep, presents testimony.

Pamela Jo Hatley, ZHM, questions to applicant rep.

Rebecca Kert, applicant rep, answers ZHM questions.

Kevie Defranc, Development Services, staff report.

Melissa Lienhard, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls proponents/opponents.

Stanley O'Neal, opponent, presents testimony.

Pamela Hannam, opponent, presents testimony.

- 📄 Madonna McDermott, opponent, presents testimony.
- 📄 Andrew Lavin, opponent, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, call Development Services/applicant rep.
- 📄 Michael Brooks, applicant rep, gave rebuttal.
- 📄 Steve Henry, applicant rep, gave rebuttal.
- 📄 Michael Brooks, applicant rep, gave rebuttal.
- 📄 Pamela Jo Hatley, ZHM, closes RZ 21-0314.

D.6. RZ-PD 21-0315

- 📄 Brian Grady, Development Services, calls RZ 21-0315.
- 📄 Kami Corbett, applicant rep, presents testimony.
- 📄 Steve Henry, applicant rep, presents testimony.
- 📄 Kami Corbett, applicant rep, presents testimony.
- 📄 Israel Monsanto, Development Services, staff report.
- 📄 Melissa Lienhard, Planning Commission, staff report.
- 📄 Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- 📄 Kami Corbett, applicant rep, made rebuttal.
- 📄 Pamela Jo Hatley, ZHM, closes RZ 21-0315.

D.7. RZ-PD 21-0319

- 📄 Brian Grady, Development Services, calls RZ 21-0319.
- 📄 Clayton Bricklemeyer, applicant rep, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, questions to application rep.
- 📄 Clayton Bricklemeyer, applicant rep, answers question.
- 📄 Michelle Heinrich, Development Services, staff report.

MONDAY, MAY 17, 2021

- 📄 Melissa Lienhard, Planning Commission, staff report.
- 📄 Pamela Jo Hatley, ZHM, calls for proponents/opponents
- 📄 Shameyah Francis, opponent, presents testimony.
- 📄 Andrea Waller, opponent, presents testimony.
- 📄 Brian Grady, Development Services, made comments.
- 📄 Rick Gnatowsky, opponent, presents testimony.
- 📄 Edith Salter, opponent, presents testimony.
- 📄 Carol Strachan, opponent, presents testimony.
- 📄 Michael Salter, opponent, presents testimony.
- 📄 Jim Ladner, opponent, presents testimony.
- 📄 Pamela Jo Hatley, ZHM, call Development Services
- 📄 James Ratliff, Development Services, transportation staff report.
- 📄 Pamela Jo Hatley, ZHM, calls applicant rep.
- 📄 Clayton Bricklemyer, applicant rep, gave rebuttal.
- 📄 Peter Pensa, applicant rep, gave rebuttal.
- 📄 Steve Henry, applicant rep, gave rebuttal.
- 📄 Pamela Jo Hatley, ZHM, closes RZ 21-0319.

D.8. MM 21-0344

- 📄 Brian Grady, Development Services, calls RZ 20-1282.
- 📄 Tyler Hudson, applicant rep, presents testimony.
- 📄 Steven Beachy, Development Services, staff report.
- 📄 Melissa Lienhard, Planning Commission, staff report.
- 📄 Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 20-1282

MONDAY, MAY 17, 2021

ADJOURNMENT

 Pamala Jo Hatley, ZHM, adjourns the meeting.

Application No. 21-0371
Name: Todd Pressman
Entered at Public Hearing: ZHM
Exhibit # 1 Date: 5-17-21

TO HILLSBOROUGH COUNTY:

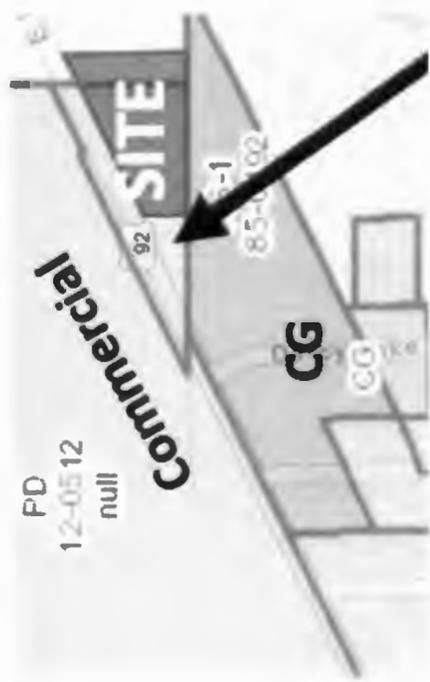
Please accept this email as a communication of support for RZ 21-0371, the Moyer owned parcel up for rezoning.

We are a nearby property owner and fully support this application. The business has been a very good neighbor, they keep the site in good repair. causes no traffic issues or noise and the Moyers are a great asset and longtime family in the community.

Thank you.



Charles E. Hawthorne, Jr.
12515 Lake Buynak Court
Windermere, FL 34786
Member of McCormick Tampa Properties LLC
714 E Highway 92
Seffner, FL 33584



21-0371





LMS

Lettuce Lake Park

City of Florida

ample terrace

Hard Rock Tampa

East Lake-Orient Park

ORIENT PARK

Expressway

301

75

301

92

75

4

92

92

Dinosaur World

1223 US-92, Seffner, FL 33584

Dover

Seffner

Mango

E.M.L.K.-Jr Blvd

Turkey Creek

Sydney

LIMONA IMPROVEMENT

Sydney Dover Trails

Vairico

Brandon

Knights

39A

4

W Bgkt

39A

Hop Gar

60

60

60

60



PEMBERTON
CREEK

Strawberry
High Schc

1223 US-92,
Seffner, FL 33584

TAYLOR ROAD

Armwood High School

SHANGRI LA

HICKORY HILL

LAKE WEEKS

PARSONS POINTE

N Kingsway Rd

S Kingswa

N Parsons Ave

S Parsons

W Old Hillsborough Ave

Gallagher Rd

Gallagher Rd

McIntosh Rd

McIntosh Rd

McIntosh

Muck Pond Rd

Muck Pond Rd

Muck Pond Rd

Pruett Rd

E Hillsborough Ave

400

600

92



Property Appraiser



Similar activity in immediate area



Issue

Re-Zoning to CG-R

**Restriction: Sales, Rental and Service of
New and Used Farm and Garden
Equipment with no open storage**

Moyer family business since 1970's



Alan Moyer & David Schanz



3.5 generations of the Moyer family running the business



Zoning Map



**NCU
Approved
abutting
South for
same use**



HILLSBOROUGH COUNTY

Florida

Office of the County Administrator
Frederick E. Karl



10 May 1994

Mr. David L. Southerland
1104 North Parsons Avenue
Brandon, Florida 33510

Subject: Non-Conforming Use Review # 94-0799 (Tax Folio #'s 063679.0100, 063679.0110, 063679.0300 and 063679.1000) for Mobile Home, Office Trailer, Commercial Trucks, Shipping and Receiving Farm Equipment, Construction Equipment, and Industrial Equipment (Storage and Maintenance of same), Outside Storage and Display of Equipment and Vehicles on Sales Lot.

Dear Mr. Southerland:

The Permit Services Center has completed its review of the use mentioned above. It has been found to be a Legal Non-Conformity, as provided for in the Hillsborough County Land Development Code, Section 1.9.

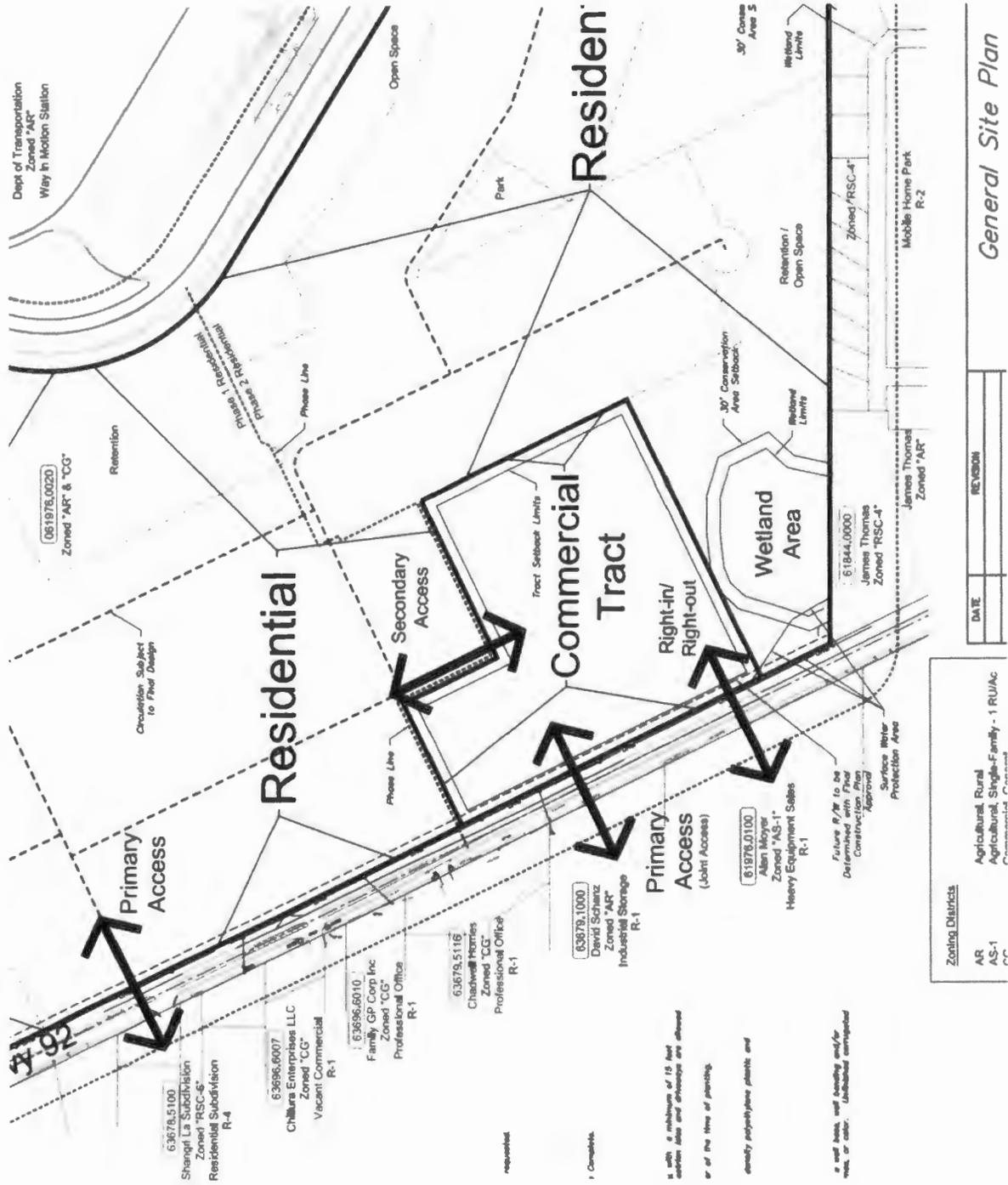
THE HILLSBOROUGH COUNTY COMMISSIONERS
County Board
County Administration Center
1000 North Dale Street
Tampa, Florida 33602
Phone: 813/261-2000
Fax: 813/261-2001

County Administrator
Frederick E. Karl
County Administration Center
1000 North Dale Street
Tampa, Florida 33602
Phone: 813/261-2000
Fax: 813/261-2001

Commercial Zoning
Approved directly across
the street in PD
12-0512

PD 12-0512

Commercial Tract



General Site Plan

DATE	REVISION

Zoning Districts	
AR	Agricultural, Rural
AS-1	Agricultural, Single-Family - 1 RU/AC
CG	Community General

It with a minimum of 15 feet
 within side and drainage are allowed
 or of the time of planting.
 density requirements plants and
 it will have well soddy and/or
 wet, or color. Unshaded unshaded

5116
Homes
"CG"
ial Office
1

63679.1000
David Schanz
Zoned "AR"
Industrial Storage
R-1

Primary
Access
(Joint Access)

61976.0100
Alan Moyer
Zoned "AS-1"
Heavy Equipment Sales
R-1

Future R/W to be

Commercial Tract

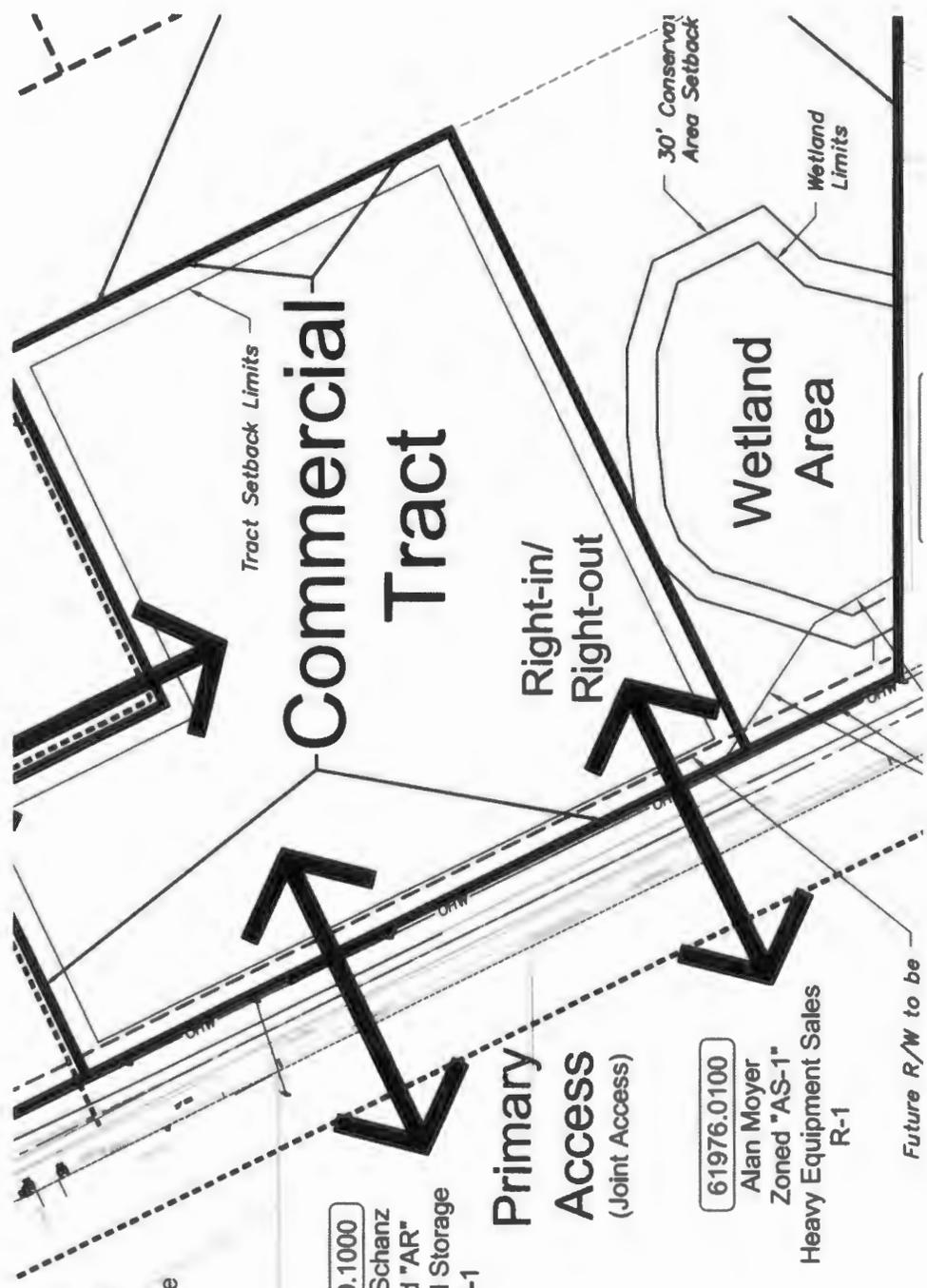
Tract Setback Limits

Right-in/
Right-out

Wetland
Area

30' Conserva
Area Setback

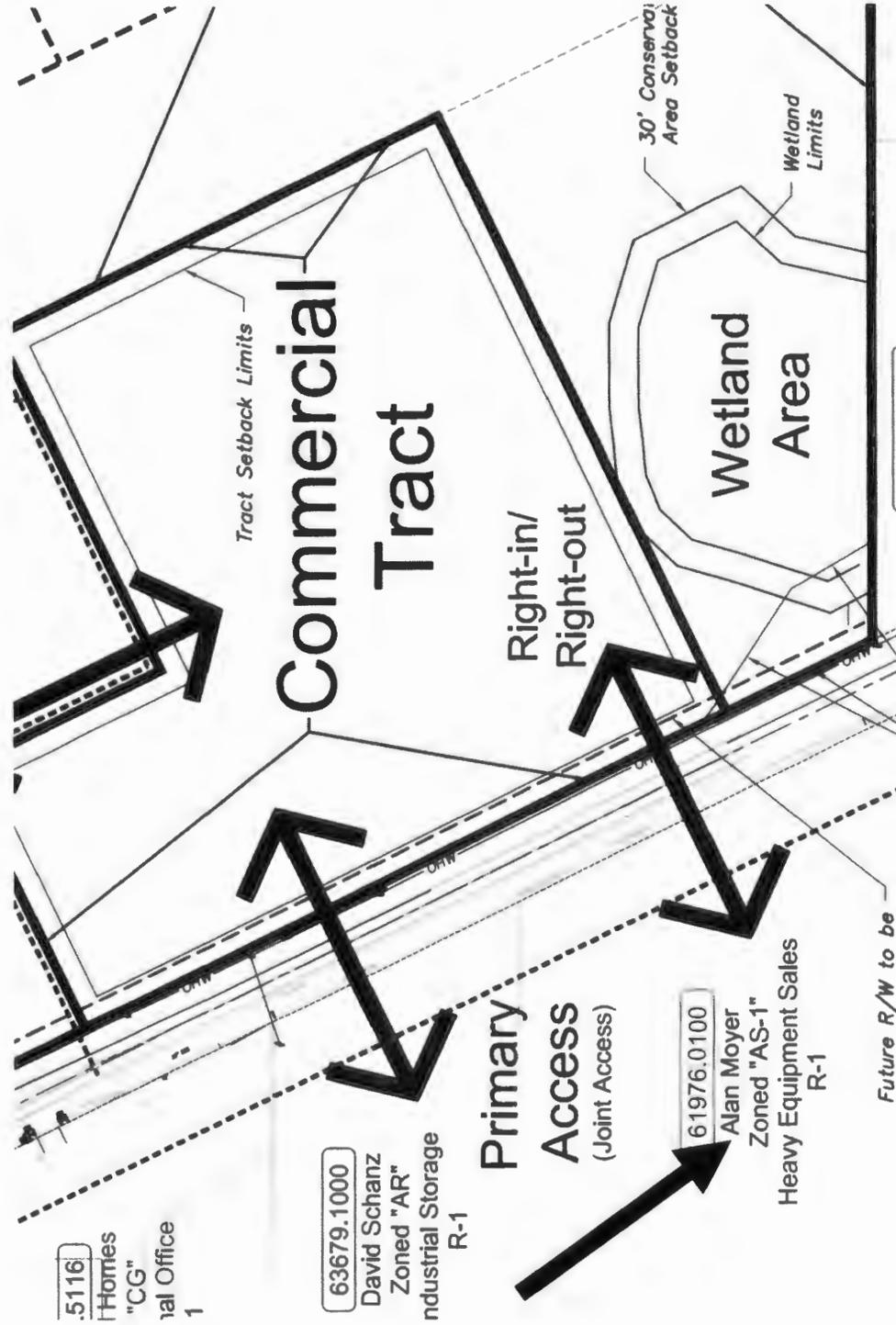
Wetland
Limits

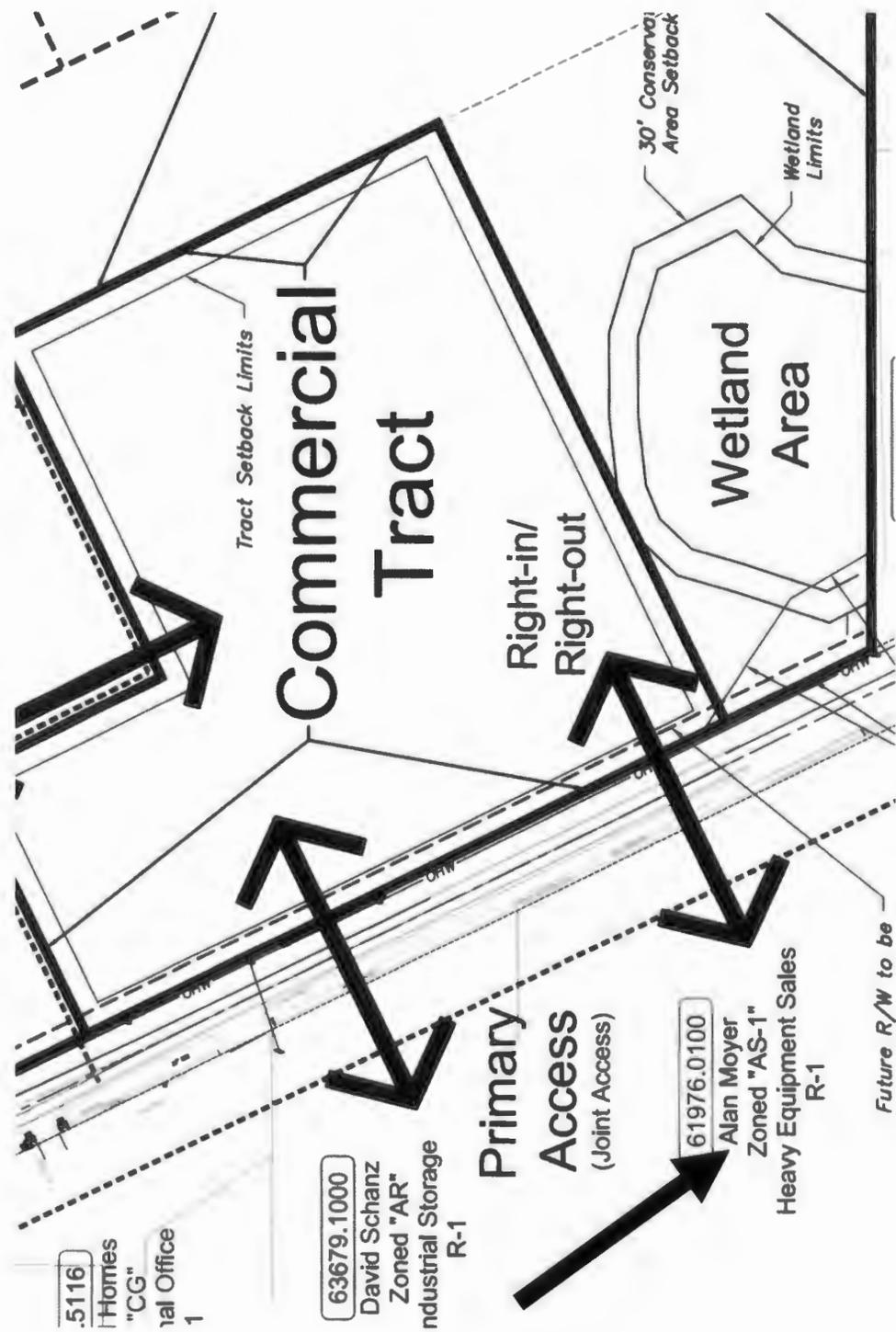


PD 12-0512

**90,000 SF of
commercial
floor space**

**All CG uses,
excluding fast
food**





**Plan
 Commission,
 Zoning Dept.,
 ZHM all
 approved.
 BOCC
 unanimously
 approved**

Future of Hillsborough

**Comprehensive Plan for
Unincorporated Hillsborough County
Florida**

Objective 29:

In recognition of the importance of agriculture, as an industry and valuable economic resource, Hillsborough County shall protect the economic viability of agricultural activities by recognizing and providing for its unique characteristics in land use planning and land development regulations.

Policy 29.6: Agricultural and agricultural related uses shall be permitted in non-rural land use categories.

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.

**Policy 30.6: Agriculture and
agricultural support uses are the
preferred uses in rural areas**

Neighbor in Support



Christopher Martin <CMartin@bralleworks.com>

to me, Alan

ago)

TO HILLSBOROUGH COUNTY:

Please accept this email as a communication of support for RZ 21-0371, the Moyer owned parcel up for rezoning.

We are a nearby property owner and fully support this application. The business has been a very good neighbor, they keep the site in good repair, causes no traffic issues or noise and the Moyers are a great asset and longtime family in the community. We have had a great long standing relationship with the Moyers for over 10 years and look forward to being continued neighbors.

Thank you.

Lou Fioritto
(Property Owner of addresses below)
941 Darby Lake St
942 Darby Lake St
965 Darby Lake St
715 Us Hwy 92 East
Seffner, Florida 33584

This email was sent on behalf of Lou Fioritto and with his direct permission. Please feel free to contact me directly is I can be of any further assistance.

Thank You,

Christopher Martin
Director of IT



TO HILLSBOROUGH COUNTY:

Please accept this email as a communication of support for RZ 21-0371, the Moyer owned parcel up for rezoning.

We are a nearby property owner and fully support this application. The business has been a very good neighbor, they keep the site in good repair, causes no traffic issues or noise and the Moyers are a great asset and long time family in the community.

Thank you.



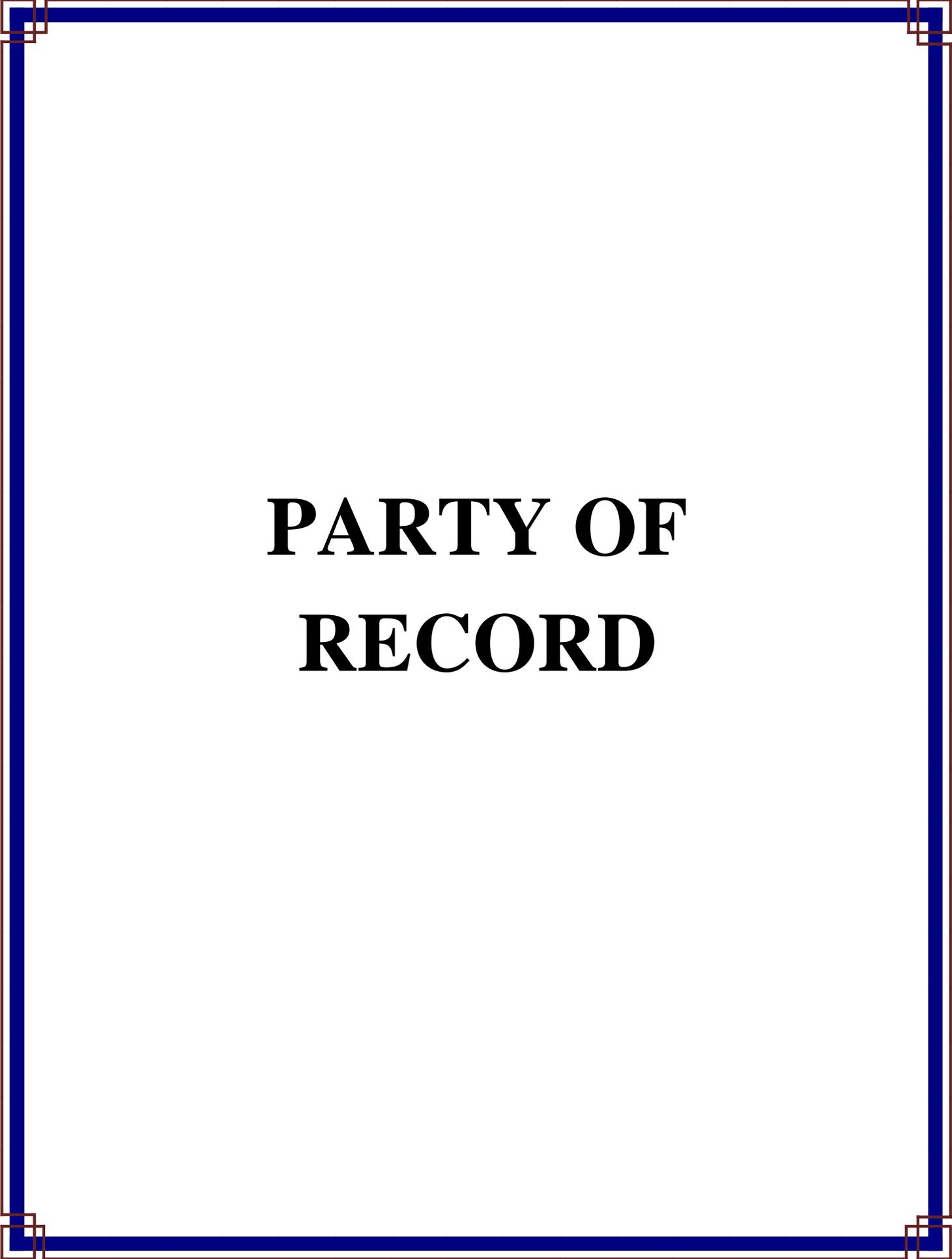
(Name)

1425 E US HWY 92

Seffner, FL 33584

In Summary:

- A lot of similar activity in the immediate area
- Restricted to sales, rental & service of farm equipment
- Commercial approved across the street; main focus of Hwy. 92
 - Comp Plan policies support
 - Neighbors in support



**PARTY OF
RECORD**

Rome, Ashley

From: Timoteo, Rosalina
Sent: Monday, March 1, 2021 11:03 AM
To: Rome, Ashley
Subject: FW: zoning 21-0371

Hi Ashley,

21-0371 Belcher

This is for the Party of Record to Onbase and Optix.

Thank you, Rosa

From: Elizabeth <ejbelcher@att.net>
Sent: Saturday, February 27, 2021 10:22 PM
To: Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Cc: Grace McCombs <bestemor2@aol.com>
Subject: Re: zoning 21-0371

[External]

I read more of the application. the code violation is using the property in violation of zoning. no where in the code enforcement report is there a discussion re water and sewer.

Elizabeth Belcher

On Saturday, February 27, 2021, 05:50:00 PM EST, Elizabeth <ejbelcher@att.net> wrote:

in re: 21-0371 application states applicant wants to bring business up to code. this land is outside urban service area. it is not required to be on sewer and water so why is it claiming it is a code violation?

Elizabeth Belcher

This email is from an **EXTERNAL** source and did not originate from a Hillsborough County email address. Use caution when clicking on links and attachments from outside sources.

Rome, Ashley

From: Medrano, Maricela
Sent: Wednesday, March 3, 2021 4:42 PM
To: Timoteo, Rosalina
Cc: Rome, Ashley
Subject: FW: zoning 21-0371

For the POR. Thank you.

From: Elizabeth <ejbelcher@att.net>
Sent: Saturday, February 27, 2021 5:50 PM
To: Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: zoning 21-0371

[External]

in re: 21-0371 application states applicant wants to bring business up to code. this land is outside urban service area. it is not required to be on sewer and water so why is it claiming it is a code violation?

Elizabeth Belcher

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**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received May 11, 2021
Development Services

Date Stamp Here

Application Number: 21-0371 Applicant's Name: Moyer/Pressman, agent

Reviewing Planner's Name: chris Grandlienard Date: 5/11/21

Application Type:

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

Current Hearing Date (if applicable): 5/17/21

The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter. **email of support**

An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

Mail or delivery. Number of Plans Submitted: Large _____ Small _____

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".
 For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.
 For Minor Change: 6 large copies.
 For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
 Development Services Department
 Community Development Division
 P.O. Box 1110
 Tampa, FL 33601-1110

Hand Deliver to:
 County Center
 Development Services Department
 19th Floor
 601 E. Kennedy Blvd., Tampa

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

5/11/21

Signature

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
 Scanned into OPTIX
 Transmittal Completed

In-Take Completed by: _____

1:06 PM (56 minutes
ago)

Christopher Martin <CMartin@brailleworks.com>

to me, Alan

TO HILLSBOROUGH COUNTY:

Please accept this email as a communication of support for RZ 21-0371, the Moyer owned parcel up for rezoning.

We are a nearby property owner and fully support this application. The business has been a very good neighbor, they keep the site in good repair, causes no traffic issues or noise and the Moyers are a great asset and longtime family in the community. We have had a great long standing relationship with the Moyers for over 10 years and look forward to being continued neighbors.

Thank you.

Lou Fioritto
(Property Owner of addresses below)
941 Darby Lake St
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715 Us Hwy 92 East
Seffner, Florida 33584

This email was sent on behalf of Lou Fioritto and with his direct permission. Please feel free to contact me directly is I can be of any further assistance.

Thank You,

Christopher Martin
Director of IT

21-0371

From: [Grady, Brian](#)
To: [Timoteo, Rosalina](#)
Cc: [Grandlienard, Christopher](#)
Subject: FW: RZ 21-0371
Date: Monday, May 17, 2021 8:00:23 AM
Attachments: [image001.png](#)

Please place in the file. Thanks.

J. Brian Grady

Executive Planner

Development Services Department

P: (813) 276-8343
E: GradyB@HCFLGov.net
W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

From: bestemor2@aol.com <bestemor2@aol.com>
Sent: Sunday, May 16, 2021 5:14 PM
To: Grandlienard, Christopher <GrandlienardC@hillsboroughcounty.org>; Grady, Brian <GradyB@HillsboroughCounty.ORG>
Subject: RZ 21-0371

[External]

Gentlemen, RZ 21-0371

I was reviewing the changes in this application and have a question.

Why was my party of record statement removed from this public record.?

I have re submitted the email below....

From: bestemor2@aol.com
To: gradyb@hillsboroughcounty.org

Sent: 3/3/2021 7:05:33 AM Eastern Standard Time
Subject: RZ 21-0371

I understand no one has been assigned this application. Hopefully precious resources in your department will not be wasted trying to make this app ready for the ZHM.

Good Morning Mr.Grady,
RZ 21-0371

Please allow this email to be part of the record on this rezoning.

The code violation he has been cited for is for misuse of his property, not water and sewer.
There have been complaints and issues with the family business.

To address his request on this application.....
Along HWY 92 all properties in the Rural Service Area are on Septic.
The Urban Service Area, East of Kingsway Rd, north and south of Hwy 92, is also on Septic.
Water in the RSA is on Well Water along Hwy 92.
No Code violation.

His statements " to bring the existing use into compliance with the zoning code" and "Locationally.....the use will be at a level consistent to the immediate area and uses in the area" are incorrect.

Thank you,
Grace McComas
805 Old Darby Street
Seffner,Fl,33584
bestemor2@aol.com

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