

**Rezoning Application:** RZ-STD 23-0203

**Zoning Hearing Master Date:** June 20, 2023

**BOCC Land Use Meeting Date:** August 8, 2023

**1.0 APPLICATION SUMMARY**

**Applicant:** Maan Capital Management LLC

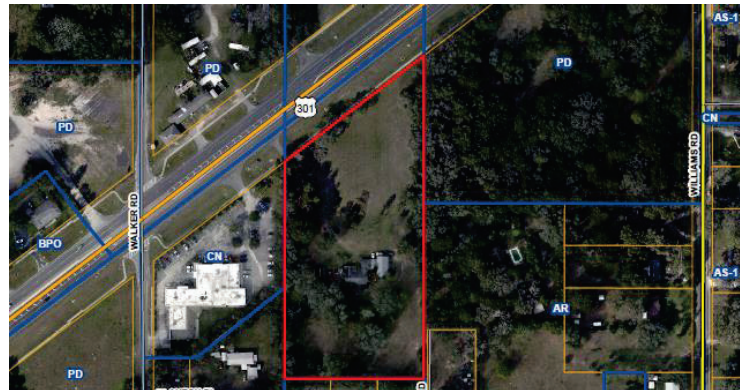
**FLU Category:** Residential-4 (RES-4)

**Service Area:** Urban

**Site Acreage:** 5.0 MOL

**Community  
Plan Area:** Thonotosassa

**Overlay:** None



**Request:** Rezone from Agricultural Rural (AR) to Commercial Neighborhood (CN)

**Introduction Summary:**

The existing zoning is Agricultural Rural (AR) which permits Single-Family Residential/Agricultural pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood (CN) which allows Neighborhood Commercial, Office and Personal Services uses pursuant to the development standards in the table below.

	Existing	Proposed
District(s)	AR	CN
Typical General Use(s)	Single-Family Residential/Agricultural	Neighborhood Commercial, Office and Personal Services
Acreage	5.0 MOL	5.0 MOL
Density/Intensity	1 du/ 5 ga	0.20 F.A.R.
Mathematical Maximum*	1 unit	43,560 sf

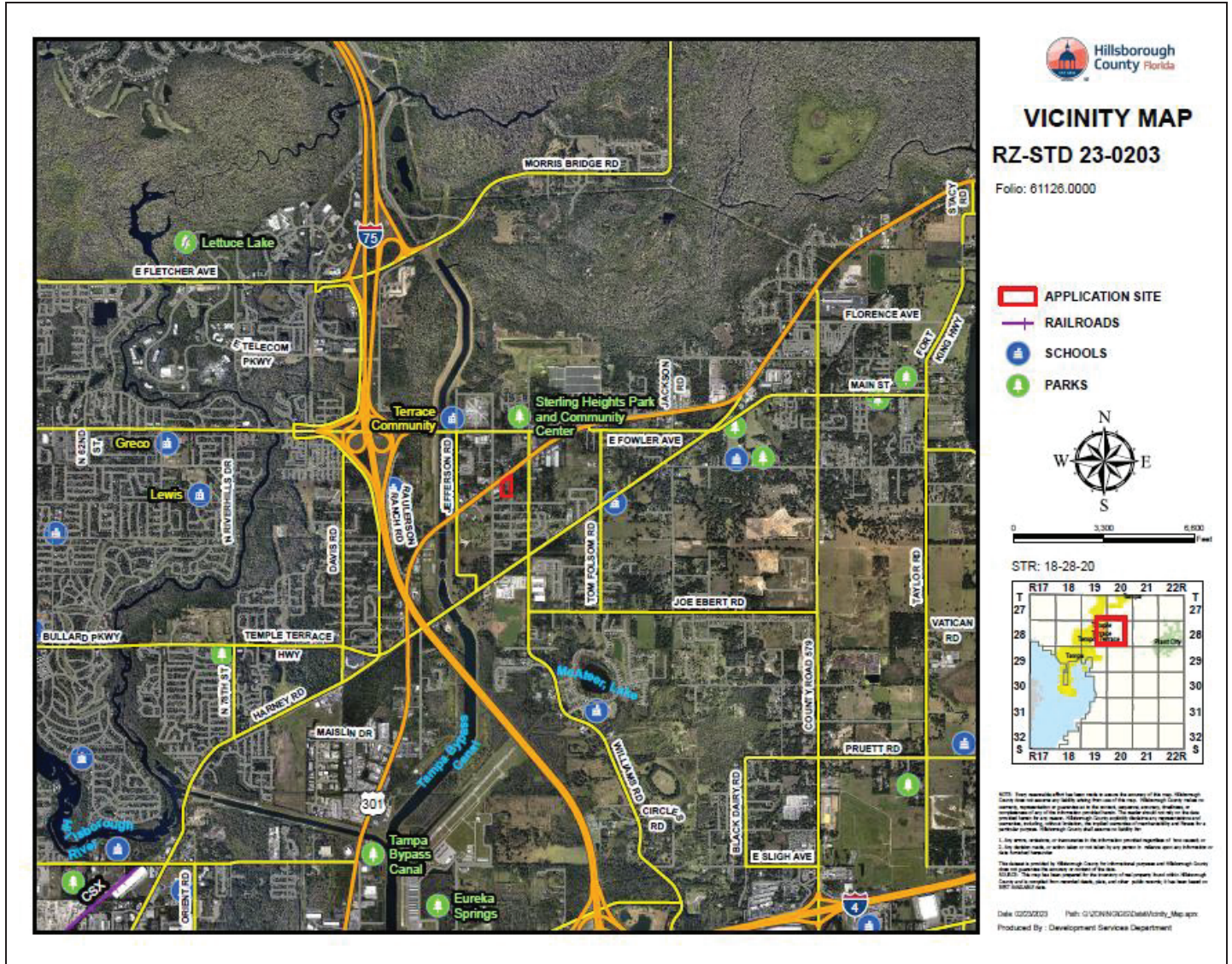
\*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	AR	CN
Lot Size / Lot Width	217,800 sf / 150'	7,000 sf / 70'
Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	30' Front Buffer Rear Buffer Sides
Height	50'	35'

<b>Planning Commission Recommendation:</b> Inconsistent	<b>Development Services Recommendation:</b> Not Supportable
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

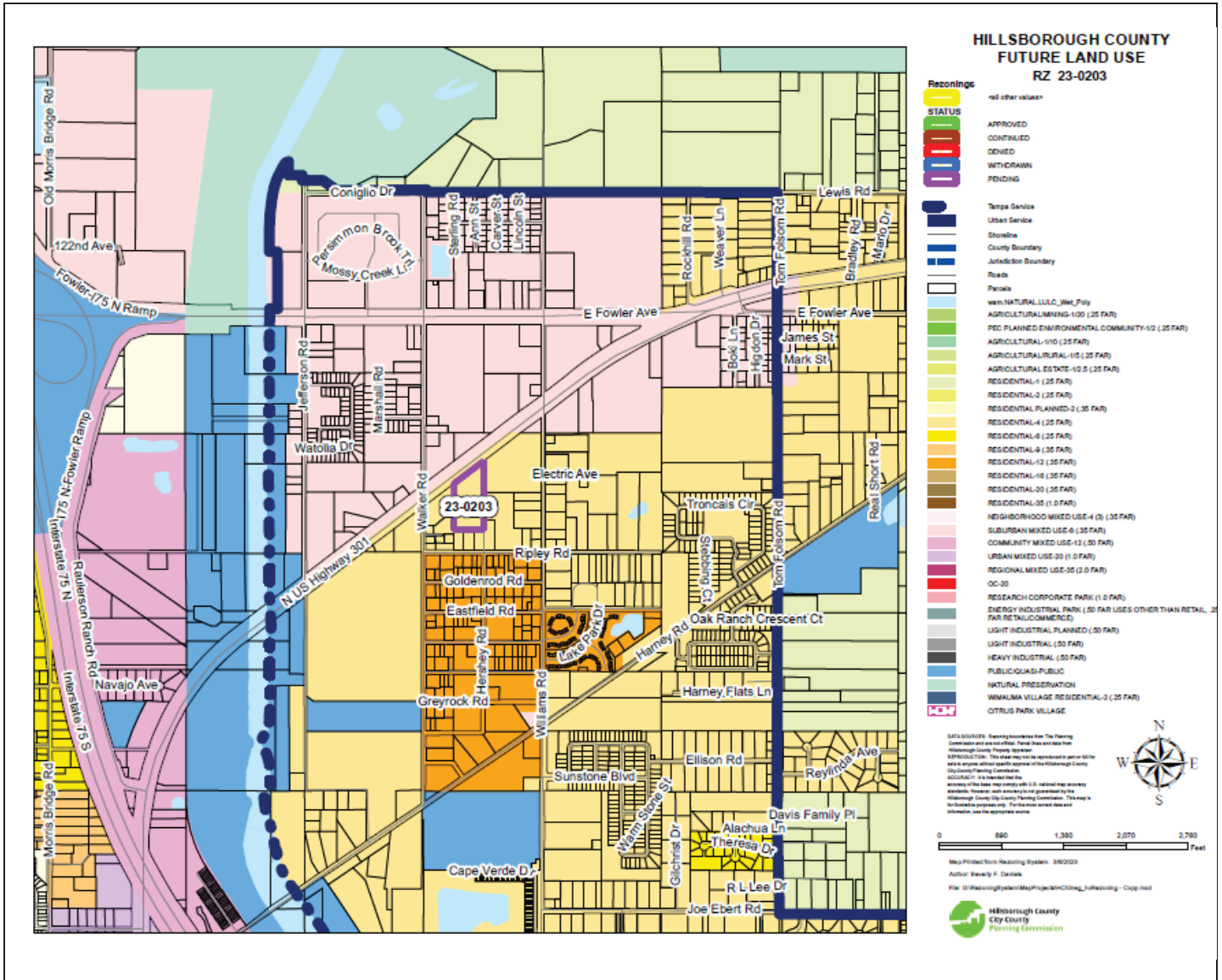


### Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215.

2.0 LAND USE MAP SET AND SUMMARY DATA

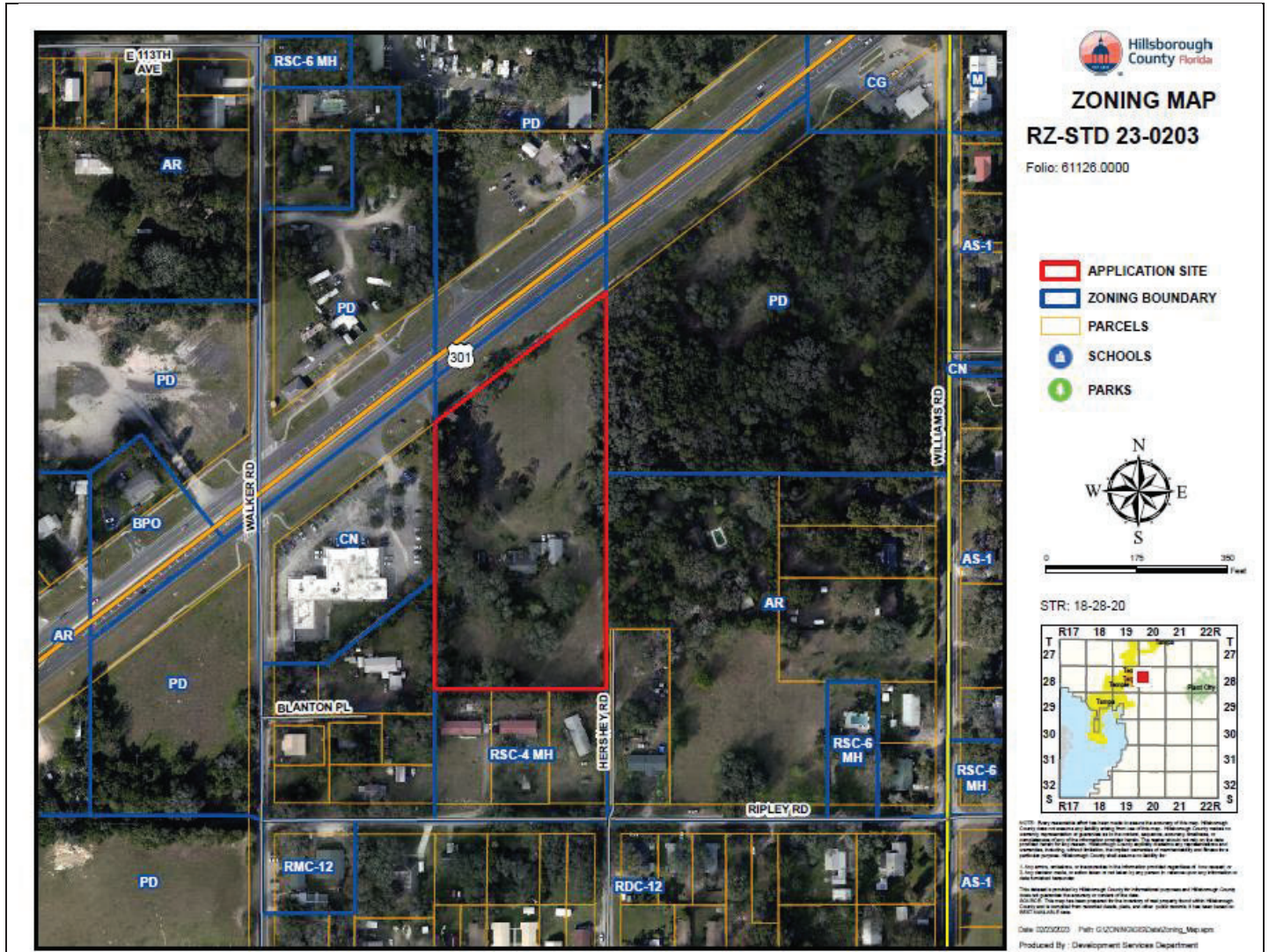
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-4 (RES-4)
Maximum Density:	4.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use.

## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.3 Immediate Area Map



#### Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 89-0052, PD 02-0215	Per PD 89-0052, Per PD 02-0215	Commercial	Commercial
South	RSC-4 MH	4 du / gross acre	Single-Family Residential (Conventional/Mobile Home)	Single-Family Residential
East	PD 02-0215, AR	Per PD 02-0215, 1 du / 5 ga	Commercial, Single-Family Residential/Agricultural	Vacant, Single-Family Residential
West	CN, AR	0.20 F.A.R., 1 du / 5 ga	Neighborhood Commercial, Office and Personal Services, Single-Family Residential/Agricultural	Commercial, Single-Family Residential

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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 301	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Hershey Road	Private	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	3,969	148	379
Difference (+/-)	+3,960	+147	+378

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

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

**Design Exception/Administrative Variance**  Not applicable for this request

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

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No Wetlands Present
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input checked="" type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input checked="" type="checkbox"/> Other: Airport Height Restriction 110' AMSL				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Submitted <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**5.0 IMPLEMENTATION RECOMMENDATIONS**

**5.1 Compatibility**

The approximate 5.0 -acre single-family residence parcel is zoned Agricultural Rural (AR). The subject property is located at 11315 N US Highway 301 Thonotosassa. The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215. The subject parcel is designated Residential-4 (RES-4) on the Future Land Use map.

Development Services has compatibility concerns with the single-family residential adjacent to the south, east and west. While the parcels to the east and west are both commercial as well, they do not encroach as far into the residential area. The subject parcel is surrounded on three sides by single-family residential. Therefore, the proposed zoning uses would extend potential impacts associated with the commercial district much further into the adjacent residential area than would occur with the adjacent existing commercial uses.

Based on the above considerations staff finds the requested CN zoning district INCOMPATIBLE with the existing zoning and development pattern in the area.

**5.2 Recommendation**

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

<p><b>Zoning Administrator Sign Off:</b></p>	 <p>J. Brian Grady Wed Jun 7 2023 08:16:00</p>
<p><b>SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN &amp; BUILDING REVIEW AND APPROVAL.</b></p> <p>Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtaining all necessary building permits for on-site structures.</p>	

**6.0 FULL TRANSPORATION REPORT (see following pages)**

**AGENCY REVIEW COMMENT SHEET**

TO: Zoning Technician, Development Services Department  
 REVIEWER: Alex Steady, Senior Planner  
 PLANNING AREA/SECTOR: Thonotosassa/Northeast

DATE: 04/06/2023  
 AGENCY/DEPT: Transportation  
 PETITION NO.: STD 23-0203

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

**REPORT SUMMARY AND CONCLUSIONS**

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 3,960 average daily trips, 147 trips in the a.m. peak hour, and 378 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 4.85 acres from Agricultural Rural (AR) to Commercial Neighborhood (CN). The site is located on the south side of US Hwy 301, +/- 400 feet east of the intersection of Walker Road and US Hwy 301. The Future Land Use designation of the site is Residential-4 (RES-4).

*Trip Generation Analysis*

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11<sup>th</sup> Edition.

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 1 Single Family Dwelling Unit (ITE Code 210)	9	1	1

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 42,000 sf Shopping Plaza (ITE Code 821)	3,969	148	379

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+3,960</b>	<b>+147</b>	<b>+378</b>



**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on US Hwy 301 and Hershey Road. US Hwy 301 is a 4-lane, undivided, FDOT maintained, Principal Arterial roadway. US Hwy 301 lies within +/- 200 feet of Right of Way in the vicinity of the project. US Hwy 301 has sidewalks and bike lanes on both sides of the roadway within the vicinity of the project. Hershey Lane is a two lane, substandard local private roadway. Hershey Road is unpaved and has no sidewalks on either side of the roadway.

**SITE ACCESS**

It is anticipated that the site will have access to US Hwy 301. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

**ROADWAY LEVEL OF SERVICE**

Hershey Road is not a regulated roadway and was not included in the Level of Service Report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 301	HARNEY RD	CR 579	D	B

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

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ STD 23-0203

**DATE OF HEARING:** June 20, 2023

**APPLICANT:** Maan Capital  
Management, LLC

**PETITION REQUEST:** The request is to rezone a  
parcel of land from AR to  
CN

**LOCATION:** 11315 North Hwy. 301

**SIZE OF PROPERTY:** 5 acres m.o.l.

**EXISTING ZONING DISTRICT:** AR

**FUTURE LAND USE CATEGORY:** RES-4

**SERVICE AREA:** Urban

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 APPLICATION SUMMARY

Applicant: Maan Capital Management LLC

FLU Category: Residential-4 (RES-4)

Service Area: Urban

Site Acreage: 5.0 MOL

Community Plan Area: Thonotosassa

Overlay: None

Request: Rezone from Agricultural Rural (AR) to Commercial Neighborhood (CN)

#### Introduction Summary:

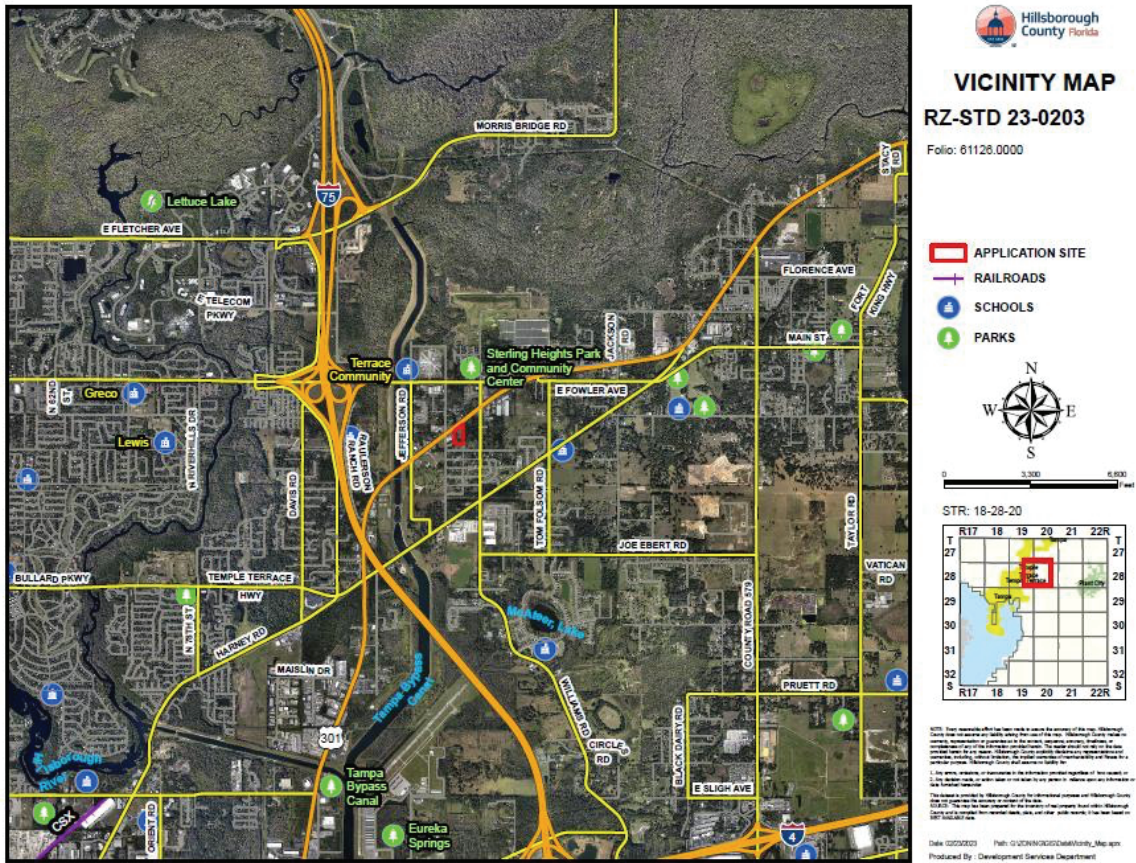
The existing zoning is Agricultural Rural (AR) which permits Single-Family Residential/Agricultural pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood (CN) which allows Neighborhood Commercial, Office and Personal Services uses pursuant to the development standards in the table below.

#### Existing Proposed

**Development Services Recommendation:** Not Supportable

**Planning Commission Recommendation:** Inconsistent

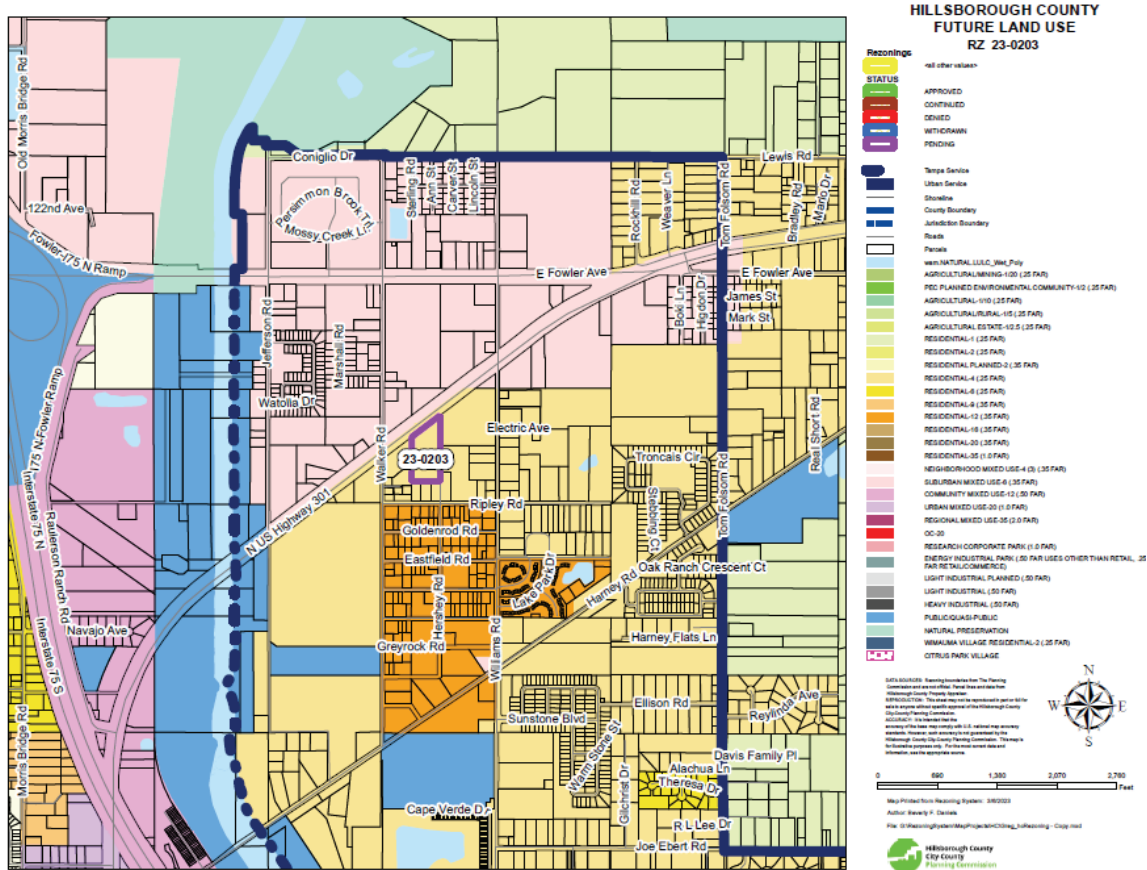
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

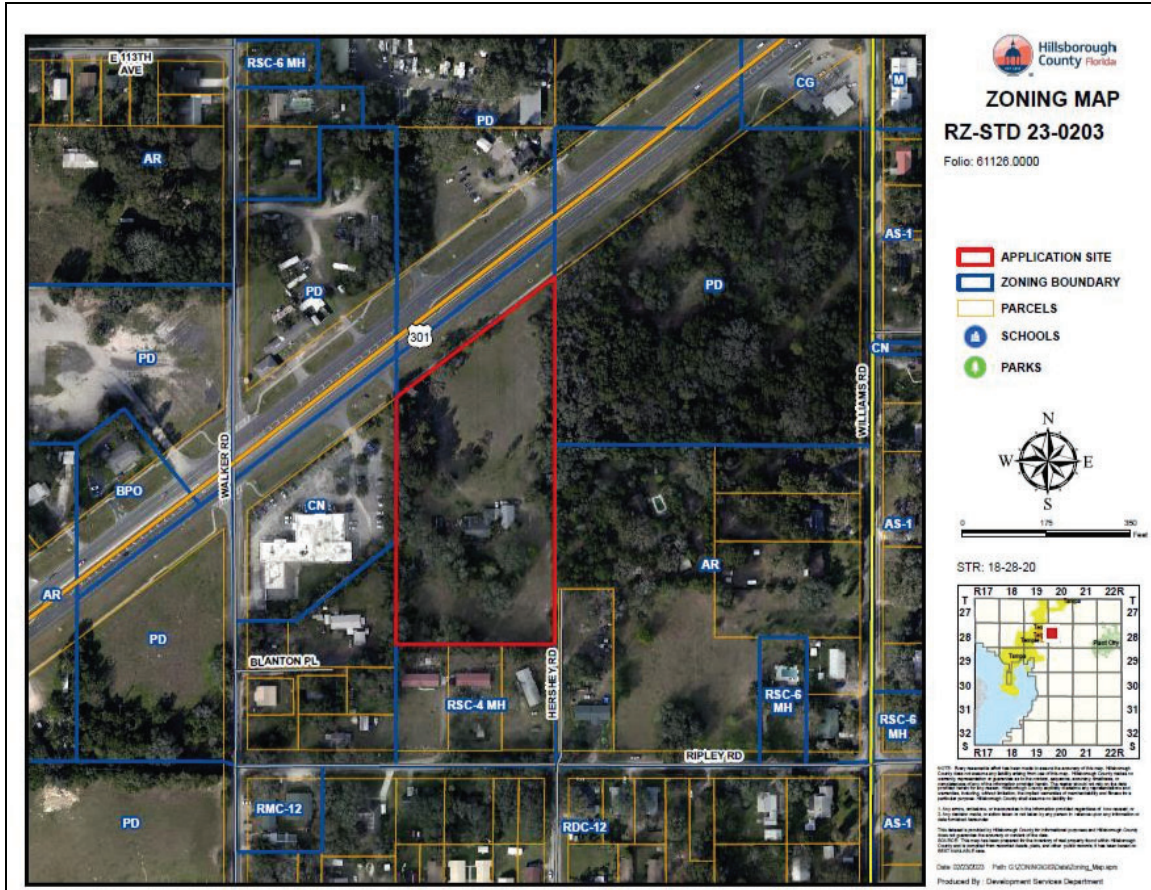
The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215.

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



Subject Site Future Land Use Category:	Residential-4 (RES-4)
Maximum Density:	4.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use.

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



### Adjacent Zonings and Uses

Location	Zoning	Maximum Density Permitted by Zoning District:	Allowable Use:	Existing Use:
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South	RSC-4 MH	4 du / gross acre	Single-Family Residential (Conventional/Mobile Home)	Single-Family Residential
West	CN, AR	0.20 F.A.R., 1 du / 5 ga	Neighborhood Commercial, Office and Personal Services, Single-Family Residential/Agricultural	Commercial, Single-Family Residential

**Classification Current Conditions Select Future Improvements**

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

**Adjoining Roadways (check if applicable)**

US Hwy 301	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Hershey Road	Private	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

**and Cross Access**  Not applicable for this request

**Design Exception/Administrative Variance**  Not applicable for this request

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

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

Check if Applicable:

- Wetlands/Other Surface Waters
- Use of Environmentally Sensitive Land Credit
- Wellhead Protection Area
- Surface Water Resource Protection Area

Potable Water Wellfield Protection Area  Significant Wildlife Habitat  
 Coastal High Hazard Area  
 Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property  
 Other: Airport Height Restriction 110' AMSL

<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Service Area/ Water &amp; Wastewater</b>  <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Comprehensive Plan:</b>	<b>Comments Received</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Submitted <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



## **5.0 IMPLEMENTATION RECOMMENDATIONS**

### **5.1 Compatibility**

The approximate 5.0 -acre single-family residence parcel is zoned Agricultural Rural (AR). The subject property is located at 11315 N US Highway 301 Thonotosassa. The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215. The subject parcel is designated Residential-4 (RES-4) on the Future Land Use map.

Development Services has compatibility concerns with the single-family residential adjacent to the south, east and west. While the parcels to the east and west are both commercial as well, they do not encroach as far into the residential area. The subject parcel is surrounded on three sides by single-family residential. Therefore, the proposed zoning uses would extend potential impacts associated with the commercial district much further into the adjacent residential area than would occur with the adjacent existing commercial uses.

Based on the above considerations staff finds the requested CN zoning district INCOMPATIBLE with the existing zoning and development pattern in the area.

### **5.2 Recommendation**

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

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on June 20, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Ms. Susan Swift 607 South Alexander Street Plant City testified on behalf of the applicant Maan Capital Management, LLC. Ms. Swift showed an aerial photo and stated that her client requested a rezoning to commercial on property that fronts US 301 between the Interstate and Fowler Avenue. She added that she would not have thought that she would need a 20-slide presentation to convince anyone that the rezoning request should be approved. Ms. Swift stated that her client purchased the property after the hotel conference center was approved on the adjacent lot to the east. Her client originally requested CG but acknowledged that there were probably five or ten land uses that may not be best next to the

existing homes so the application was amended to request CN. Ms. Swift testified that despite the staff report, there are no CN uses that are not compatible with the surrounding land uses or zoning districts. She added that there are no objections for the transportation, utility or environmental reviewers. She stated that her presentation would focus on the application's consistency with the Comprehensive Plan and compatibility with the area. Ms. Swift showed a copy of the Future Land Use Plan and testified that the property is designated Residential-4 and there are lots designated RES-12 south of the subject property. She added that the lots on the north side of US 301 are designated SMU-6. She stated that the zoning is mixed in the general area from the Interstate to Fowler Avenue. There are many Planned Developments which are mostly RV lots and mobile home parks. Ms. Swift stated that there are no single-family parcels. Everything is non-residential or some kind of commercial uses. She stated that the subject property is the only lot not in a commercial use or district. Ms. Swift testified that she understood there are single-family lots to the south of the subject property. She described the Future Land Use categories in the area of Ripley Road. Ms. Swift stated that there are numerous protections in the form of setbacks and buffers that are built into the Code when CN abuts AR zoning therefore it was surprising to her to hear staff say that CN was not compatible with the external part of the neighborhood or a community. She discussed the consistency of the rezoning request with the RES-4 land use category as well as the compatibility of the zoning given the parcel's frontage on US 301. Ms. Swift testified that there are numerous Comprehensive Plan policies that support the rezoning request including policies that address economic development, compatibility and the availability of public utilities. Ms. Swift disputed the policies cited by the Planning Commission including Policy 1.4 regarding compatibility and Policy 9.2 which states that development must meet or exceed the Land Development Code as the project has not been designed yet. She also disputed the use of Policy 16.5 which states that development of a higher intensity non-residential use adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to the established neighborhood. She refuted that Policy by stating that CN is not a higher non-residential district as the property is located on an arterial and is external to the neighborhood. Ms. Swift testified that the property does not meet commercial locational criteria and that a waiver was requested. She stated that the site is within the 900 feet of a qualifying intersection but the parcel is not within the required 75 percent of the 900 feet from the intersection. She added that only 25 percent of the parcel is within the 900 feet. Ms. Swift discussed the commercial located across the street as well as the depth of the adjacent commercial parcel to the east as being comparable due to the angle of the parcels adjacent to US 301. She discussed the definition of agriculture and agricultural uses as not being residential zoning districts. The districts allow chicken farms, pig farms and more noxious uses. Ms. Swift concluded her presentation by stating that the adjacent PD which was approved for a 50-foot high hotel conference center is no different that the subject property.

Hearing Master Finch asked Ms. Swift about the intended use of the property and her mention of a future commercial use. Ms. Swift replied that with the adjacent hotel conference center, it seemed that the subject property would be some commercial use.

Hearing Master Finch asked Ms. Swift about staff's concern that the parcel encroaches into the residential area to the south and if she considered limiting the rezoning area consistent with the commercial parcel to the west. Ms. Swift replied that reducing the rezoning area would create a non-conforming AR lot to the south and it would place an AR lot next to the proposed commercial.

Hearing Master Finch asked Ms. Swift if she had considered restrictions of the list of CN uses. Ms. Swift replied no as she looked at what is allowed in the CN district and could not find any permitted uses that she thought were not appropriate next to residential or next to a farm. She added that it seems that the analysis from the staff report concludes that unless the request is a PD, then commercial cannot be considered compatible with residential with a conventional zoning district.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated the request is to rezone the property from Agricultural Rural to Commercial Neighborhood. He described the location of the property as well as the surrounding land uses. Mr. Grandlienard testified that while the parcels to the east and west are both commercial, they do not encroach as far into the residential area as the subject property. He added that therefore, the proposed zoning would extend the potential impacts associated with the commercial district much further into the adjacent residential area than the existing commercial uses. Mr. Grandlienard concluded his presentation by stating that staff finds the request not supportable based on the surrounding development pattern and zoning districts.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Residential-4 Future Land Use classification and the Urban Service Area and Thonotosassa Community Planning area. Ms. Papandrew described the surrounding land use categories and stated that the request does not meet the intent of Policy 1.4 of the Future Land Use Element regarding compatibility nor Objective 16 regarding neighborhood protection. She stated that staff recognizes the frontage of the parcel along US Highway 301 which is an arterial roadway but there are established residential properties that abut to the west, south and east which will allow the possibility of adverse impacts to the existing residential land uses. Ms. Papandrew testified that the site does not meet commercial locational criteria as the Plan requires that at least 75 percent of the frontage must be within the required 900 feet from the nearest qualifying intersection. She stated that the applicant submitted a waiver which emphasized the site's 415 feet of frontage on 301 and the surrounding commercial parcels.

The waiver request also mentions the regional roadways in the area that are planned for expansion. Planning Commission staff does not support the waiver as staff has compatibility concerns with the full range of CN uses next to existing residential areas. The uses include gas stations and drive-thru restaurants. Ms. Papandrew disputed the applicant's reference to Opportunity Zones which is not relevant to the rezoning request. She concluded her presentation by stating that the Planning Commission finds the proposed rezoning inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked Ms. Papandrew if the Planning Commission had reviewed the parcel as an infill parcel given the existing commercial zoning along US 301. Ms. Papandrew replied that she did not see anything in the staff report stating that the parcel qualified for the infill bonus or any of the infill policies.

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

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

Mr. Rodney Smith 9412 Ripley Road stated that he was not in opposition but wanted to make a correction to the record. He showed a copy of the plan and stated that he owns the property to the east of the subject property. Mr. Smith stated that his personal driveway crosses Ripley Road to the north and is not Hershey Road. Hearing Master Finch asked Mr. Smith to clarify the location which he did. Mr. Smith added that he would not fight or say anything for or against the rezoning application.

County staff and Ms. Swift did not have additional comments.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Ms. Swift submitted a copy of her PowerPoint presentation into the record.

### **PREFACE**

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

## FINDINGS OF FACT

1. The subject property is 5 acres in size and is currently Agricultural Rural (AR) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Urban Service Area and the Thonotosassa Community Planning Area.
2. The applicant is requesting a rezoning to the Commercial Neighborhood (CN) zoning district.
3. The Planning Commission staff does not support the rezoning request. The Planning Commission found that the property does not meet the commercial locational criteria as 75% of the front facing side does not lie within 900 feet of the closest qualifying intersection. Staff does not support the applicant's waiver request due to compatibility concerns with the full range of CN uses. Further, staff found that the rezoning may result in scattered unplanned retail or strip development. Finally, the Planning Commission stated that the proposed CN uses would not complement the residential character of the existing community to the west, south and east. The Planning Commission found the application inconsistent with both the Thonotosassa Community Plan and the Comprehensive Plan.
4. The Development Services Department also had compatibility concerns with the request for CN on the subject property given the single-family residential adjacent to the south, east and west. Development Services Department staff found that while there is commercially zoned property to the immediate east and west of the site, those adjacent parcels do not extend as far south as the subject parcel. Staff found the rezoning request to be not supportable.
5. The property is bordered along the US 301 frontage by properties zoned Planned Development to the east and approved for commercial, single-family residential and agricultural uses and CN to the west. The parcel directly across US 301 from the subject site is zoned PD with commercial land uses permitted. The parcels to the south are zoned RSC-4 MH and developed with single-family residential homes.
6. One person testified during the opposition portion of the Zoning Hearing Master hearing but stated that they did not object to the proposed rezoning but wanted to clarify the characterization of his parcel which is located to the southeast of the subject property.

7. The applicant's representative testified in response to the Hearing Master's question of whether they had considered limiting certain CN uses to address the compatibility concerns of staff that they did not believe that any CN permitted use would be incompatible with the surrounding development. Further, the applicant's representative stated that the parcel is comparable in depth to the adjacent parcels given the angle of US Highway 301 at the subject location.
8. The applicant's representative testified that the rezoning acreage could not be decreased in an effort to reduce the impacts of the proposed commercial to the residential homes to the south as the parcel is zoned AR which requires a 5 acre minimum lot size and the subject parcel is 5 acres in size which would leave a remainder that does not meet the AR zoning minimum lot size.
9. The applicant's representative testified that the uses permitted by the existing AR zoning district are far more objectionable than the requested CN land uses.
10. The applicant's representative testified that the subject property owner purchased the parcel after the hotel conference center was approved on the adjacent lot to the east.
11. It is emphasized that the hotel conference center parcel to the east meets commercial locational criteria.
12. The use of a site planned controlled zoning district could address both the potential objectionable commercial land uses and provide a buffer to the residential land uses to the south.
13. While the subject parcel fronts US Highway 301 and is bordered by commercially zoned property, the parcel does not meet commercial locational criteria and the impacts of all of the CN land uses could negatively impact the existing homes zoned RSC-4 MH to the south.
14. The rezoning request to CN is inconsistent with the Comprehensive Plan as it does not meet commercial locational criteria and is incompatible with the residential land uses to the south.

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

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

### **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is not substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

### **SUMMARY**

The applicant is requesting a rezoning to the CN zoning district. The property is 5 acres in size and is currently zoned AR and designated RES-4 by the Comprehensive Plan. The parcel is located within the Thonotosassa Community Plan.

The Planning Commission does not support the request as the parcel does not meet commercial locational criteria. Further, staff does not support the requested waiver of the commercial locational criteria due to compatibility concerns with the full range of CN uses. Staff testified that the rezoning may result in scattered unplanned retail or strip development. Finally, the Planning Commission stated that the proposed CN uses would not complement the residential character of the existing community to the west, south and east found the rezoning request inconsistent with the surrounding area, the Thonotosassa Community Plan and the Comprehensive Plan.

The Development Services Department also had compatibility concerns with the request for CN on the subject property given the single-family residential adjacent to the south, east and west. Development Services Department staff found that while there is commercially zoned property to the immediate east and west of the site, those adjacent parcels do not extend as far south as the subject parcel. Staff found the rezoning request to be not supportable.

Testimony was provided by one person during the opposition portion of the Zoning Hearing Master hearing but stated that they did not object to the proposed rezoning but wanted to clarify the characterization of his parcel which is located to the southeast of the subject property.

The applicant's representative testified in response to the Hearing Master's question of whether they had considered limiting certain CN uses to address the compatibility concerns of staff that they did not believe that any CN permitted use would be incompatible with the surrounding development. Further, the applicant's representative stated that the parcel is comparable in depth to the adjacent parcels given the angle of US Highway 301 at the subject location. The applicant's representative testified that the uses permitted by the existing AR zoning district are far more objectionable than the requested CN land uses. The applicant's representative testified that the subject property owner purchased the parcel after the hotel conference center was approved on the adjacent lot to the east.

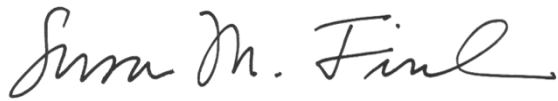
It is emphasized that the adjacent commercial property to the east meets commercial locational criteria and does not have existing residential homes to the south to the same extent as the subject property.

The use of a site planned controlled zoning district could address both the potential objectionable commercial land uses and provide a buffer to the residential land uses to the south.

The rezoning request to CN is inconsistent with the Comprehensive Plan as it does not meet commercial locational criteria and incompatible with the residential land uses to the south.

### **RECOMMENDATION**

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



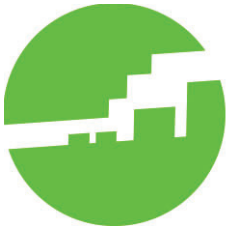
July 12, 2023

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**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

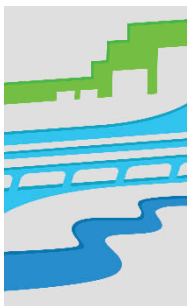
**Date**





**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> June 20, 2023  <b>Report Prepared:</b> June 8, 2023	<b>Petition: RZ 23-0203</b>  <b>11315 North US Highway 301</b>  <i>On the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use</b>	<b>Residential-4 (4 du/ga; 0.25 FAR)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan</b>	<b>Thonotosassa</b>
<b>Request</b>	Rezone from Agricultural Rural (AR) to Commercial Neighborhood (CN)
<b>Parcel Size (Approx.)</b>	5.0 acres +/- (217,800 square feet)
<b>Street Functional Classification</b>	North US Highway 301 – <b>Principal Arterial</b> Williams Road – <b>Collector</b> Walker Road – <b>Local</b> Hershey Road – <b>Local</b>
<b>Locational Criteria</b>	Does not meet; waiver requested
<b>Evacuation Zone</b>	None



## **Context**

- The approximately 5.0 +/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road.
- The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan.
- The subject site is located within the Residential-4 (RES-4) Future Land Use category, which can be considered for a maximum density of 4 dwelling units per gross acre and a maximum intensity of 0.25 FAR. The RES-4 Future Land Use category is intended to designate areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, office, multi-purpose and mixed-use projects serving the area may be permitted subject to the Goals, Objectives and Policies of the Future Land Use Element and applicable development regulations and conforming to established Commercial Locational Criteria for specific land uses. Typical uses include residential, suburban scale neighborhood commercial, office uses and multi-purpose projects. Non-residential uses are required to meet Commercial Locational Criteria for specific land uses and must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- The RES-4 Future Land Use category surrounds the subject site to the west, south and east. A pocket of Residential-12 (RES-12) is located further south across Ripley Road. Suburban Mixed Use-6 (SMU-6) is north of the subject site across North US Highway 301.
- The subject site currently contains single family residential homes. Single family and vacant land uses abuts the site on the east side. Vacant lands are located directly south followed by a mixture of single family, multi-family and duplex uses across Ripley Road. Light commercial and single-family uses abuts the site to the west. Light commercial uses are located north of the subject site across North US Highway 301. The northern area of the subject site along North US Highway 301 is commercial in nature. There is a notable variety of residential uses that are interspersed along the southwest, south and southeast ends of the subject site, reflecting a residential development pattern.
- The subject site is currently zoned as Agricultural Rural (AR). Commercial Neighborhood (CN) and Agricultural Rural (AR) zoning abuts the west side of the subject site. Residential Single Family Conventional (RSC-4) zoning is located directly south. AR zoning and a Planned Development (PD) abuts the east side of the subject site. The Planned Development (PD 19-0546) located east allows for the consideration of either a mini warehouse or a hotel conference center. There are additional Planned Developments located north of the subject site across North US Highway 301.
- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Commercial Neighborhood (CN).

## **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**

### **Urban Service Area (USA)**

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

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

### **Relationship to Land Development Regulations**

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

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

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

### **Neighborhood/Community Development**

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

**Policy 16.1:** Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:

- a) locational criteria for the placement of non-residential uses as identified in this Plan,
- b) limiting commercial development in residential land use categories to neighborhood scale;
- c) requiring buffer areas and screening devices between unlike land uses;

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

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

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

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

### **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.

### **Discouraging Strip Commercial Development**

**Objective 23:** To maintain the vehicular capacity of public roads, the County discourages linear ("strip") non-residential development patterns and the multiple access points which accompany such linear neighborhood serving commercial development.

**Policy 23.2:** Scattered, unplanned retail commercial development shall be discouraged, and commercial/office concentration shall be encouraged.

### **Community Design Component**

#### **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.

#### **5.1 COMPATIBILITY**

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

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

#### **7.0 SITE DESIGN**

##### **7.1 DEVELOPMENT PATTERN**

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

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

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

## **LIVABLE COMMUNITIES ELEMENT: Thonotosassa Community Plan**

### **Goals**

**4. Diversity of People, Housing and Uses** – *Maintain the existing diversity of housing types and styles. Provide for commerce and jobs but protect the community identity and limit the location, type and size of new businesses to fit the surrounding area.*

### **Staff Analysis of Goals, Objectives and Policies**

The approximately 5.0+/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road. The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-4 (RES-4). The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Commercial Neighborhood (CN).

The subject site is located in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. In the process of directing new growth, the compatibility of the proposed uses must be considered in relation to the existing development patterns. Policy 1.4 of the FLUE defines compatibility as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development. Though there are several commercial uses along North US Highway 301, the full range of uses under the CN zoning district would not be compatible with the residential uses located directly to the west, south and east of the subject site. The proposed request would not allow for harmonious activities and uses adjacent to the surrounding area of the subject site and is inconsistent with this policy direction.

The proposed rezoning does not meet the intent of FLUE Objective 16 and FLUE Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. Planning Commission staff recognize that North US Highway 301 is an arterial roadway, however, there are established residential properties that abut the subject site to the west, south and east. There is a residential neighborhood that extends south across Ripley Road as well. CN uses would allow for the possibility of adverse impacts on these existing residential areas. Approximately 415 feet of the site abuts existing single family land use to the immediate east. Similarly, approximately 210 feet of the site abuts existing single family land use to the immediate west. The proposed rezoning of CN would not allow for a gradual transition of intensities between the residential land uses that currently surround the east and west sides of the subject site and is therefore not consistent with policy direction.

The subject site does not meet Commercial Locational Criteria as defined in FLUE Objective 22 and modifying FLUE Policies 22.1, 22.2 and 22.7, as it is not located within the required distance from an intersection node. The nearest qualifying intersection is

identified at North U.S. Highway 301 and Williams Road. Per FLUE Policy 22.2, At least 75% of the front facing side of the subject site must be within 900 feet of the qualifying intersection node. The front facing boundary along North US Highway 301 falls outside of the distance established by FLUE Policy 22.2. Since the site falls outside of the established boundary, it does not meet Commercial Locational Criteria.

FLUE Policy 22.8 allows for the consideration of CLC wavier requests for sites that do not meet locational criteria. The applicant submitted a Commercial Locational Criteria waiver request as part of a revised narrative on May 22, 2023. The waiver request's justification emphasizes that the site's 415 feet of frontage along North US Highway 301 provides ample distance for access to CN type uses and that the rectangular shape of the parcel makes the site appropriate for commercial development. The waiver request also provides insight to the development pattern of the area, noting that the sites block face and surrounding properties along North US Highway 301 are zoned to allow for commercial uses. Lastly, the waiver request states that regional roadways near the site are planned for expansion and that the adjacent segment of North US Highway 301 is on the 2040 Cost Affordable Map and the Corridor Preservation Plan.

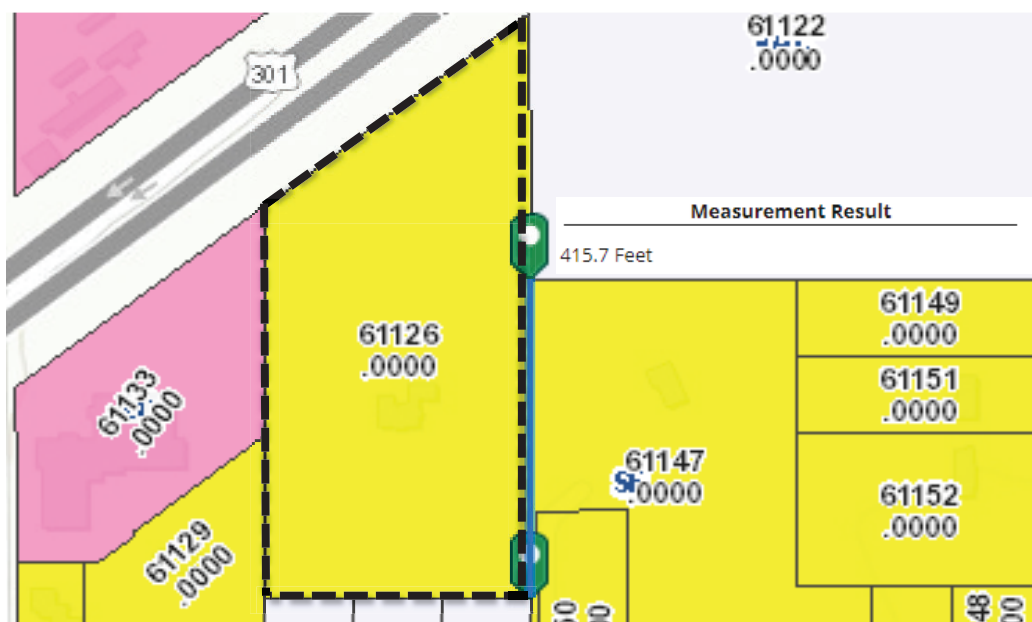
Planning Commission staff have reviewed the submitted materials and do not recommend that the Board of County Commissioners grant a waiver to the established Commercial Locational Criteria. Although the site is located in an area with several other commercial uses, Planning Commission staff have compatibility concerns with the full range of CN uses that would be allowed next to the established residential areas directly to the southwest and southeast. Some of these uses include (but are not limited to) gas stations and drive-through restaurants. Additionally, roadway location on the 2040 Cost Affordable Map does not automatically waive locational criteria requirements. Similarly, the Corridor Preservation Plan does not impact Commercial Locational Criteria. Planning Commission staff do not recommend that the BOCC approve the submitted waiver request due to the aforementioned compatibility concerns and conflicts.

As part of the written statement that was submitted on May 22, 2023, the applicant stated that the subject site is located within a designated Opportunity Zone on "several adopted Plan maps." The written statement also asserts that this designation serves as evidence that the Planning Commission has made policy changes to reflect the changing character of the area. These statements are inaccurate. Opportunity Zone incentives are a federal tax program designed to encourage long-term private investments in distressed communities. The designated zones are part of a federal program that is separate from the *Unincorporated Hillsborough County Comprehensive Plan* and its adopted Map Series, which includes the Future Land Use Map. Therefore, the site's location within the referenced Opportunity Zone was not taken into the formal consideration of the Planning Commission's review process for this application.

Goal 9 of the Community Design Component (CDC) evaluates the creation of commercial design standards. Similarly, Policy 9-1.2 discourages strip development patterns for commercial uses. Strip commercial is described under FLUE Objective 23 and Policy 23.2 as "scattered unplanned retail". The proposed rezoning may allow for strip development patterns along the south side of North US Highway 301. Additionally, the proposed CN uses would not complement the residential character of the existing community to the west, south and east.

Goal 12 and Objective 12-1 of the Community Design Component (CDC) encourage new developments to recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood. The subject site is surrounded by extended single-family to the east, west and south and multi-family to the south. Although there are light commercial uses adjacent to the northwest, the proposed rezoning to CN would allow for uses that are too intense for the existing residential community and is therefore not consistent with this policy direction.

CDC Goal 17 encourages developments that improve the ambiance of commercial development in the county. Objective 17-1, and Policy 17-1.4 seek to facilitate patterns of development that are organized and purposeful. Planning Commission staff recognize that there are other similar commercial uses that exist along North US Highway 301. However, the proposed CN zoning would allow for commercial uses that extend south beyond the existing commercial development pattern and established zoning line. The proposed rezoning to CN would extend the established zoning line significantly deeper away from US Highway 301, approximately 415 feet further, and create a compatibility concern given the surrounding residential land uses to the south and east (see diagram with subject site outlined below).



The Thonotosassa Community Plan establishes guidance on community identity protection. Goal 4 of the community plan seeks to provide for commerce and jobs in a manner that protects the community identity. The location, type and size of new businesses should fit to the surrounding area. Although the proposed rezoning would bring commerce to the area, its size and full range of allowable uses would threaten the existing community's identity and housing. A rezoning to CN would allow for development for commercial uses that are incompatible with the neighborhoods located directly west, south and east of the subject site and would therefore not be consistent with the goals of the adopted community plan.



**Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE

RZ 23-0203

Rezonings  
STATUS

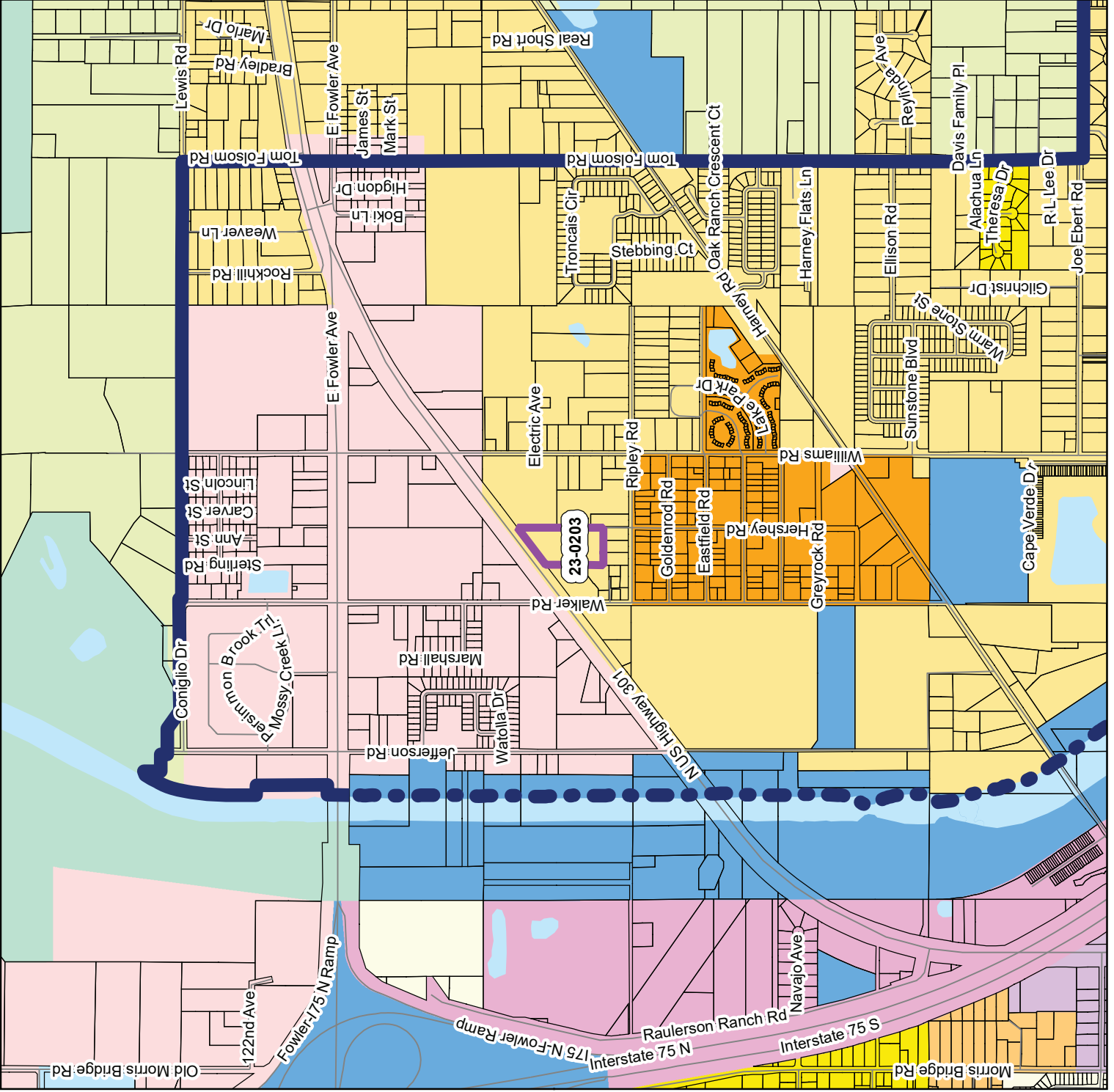
- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

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

- warm NATURAL LULC, Wet Poly
- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-RURAL-1/10 (.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/QUASIPUBLIC
- 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 source.

Map Printed from Rezoning System: 3/6/2023  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HillCo\Reg\_HillRezoning\_Copy.mxd





# **AGENCY COMMENTS**

## AGENCY REVIEW COMMENT SHEET

**TO:** Zoning Technician, Development Services Department  
**REVIEWER:** Alex Steady, Senior Planner  
**PLANNING AREA/SECTOR:** Thonotosassa/Northeast

**DATE:** 04/06/2023  
**AGENCY/DEPT:** Transportation  
**PETITION NO.:** STD 23-0203

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

### **REPORT SUMMARY AND CONCLUSIONS**

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 3,960 average daily trips, 147 trips in the a.m. peak hour, and 378 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

### **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 4.85 acres from Agricultural Rural (AR) to Commercial Neighborhood (CN). The site is located on the south side of US Hwy 301, +/- 400 feet east of the intersection of Walker Road and US Hwy 301. The Future Land Use designation of the site is Residential-4 (RES-4).

#### ***Trip Generation Analysis***

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11<sup>th</sup> Edition.

#### **Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 1 Single Family Dwelling Unit (ITE Code 210)	9	1	1

#### **Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 42,000 sf Shopping Plaza (ITE Code 821)	3,969	148	379

#### **Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+3,960</b>	<b>+147</b>	<b>+378</b>

## **TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on US Hwy 301 and Hershey Road. US Hwy 301 is a 4-lane, undivided, FDOT maintained, Principal Arterial roadway. US Hwy 301 lies within +/- 200 feet of Right of Way in the vicinity of the project. US Hwy 301 has sidewalks and bike lanes on both sides of the roadway within the vicinity of the project. Hershey Lane is a two lane, substandard local private roadway. Hershey Road is unpaved and has no sidewalks on either side of the roadway.

## **SITE ACCESS**

It is anticipated that the site will have access to US Hwy 301. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

## **ROADWAY LEVEL OF SERVICE**

Hershey Road is not a regulated roadway and was not included in the Level of Service Report.

<b>FDOT Generalized Level of Service</b>				
<b>Roadway</b>	<b>From</b>	<b>To</b>	<b>LOS Standard</b>	<b>Peak Hr Directional LOS</b>
US HWY 301	HARNEY RD	CR 579	D	B

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

Transportation Comment Sheet

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

<b>Adjoining Roadways (check if applicable)</b>			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 301	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Hershey Road	Private	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	3,969	148	379
Difference (+/-)	+3,960	+147	+378

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

<b>Connectivity and Cross Access</b> <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

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

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

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 Sterlin Woodard, P.E. WETLANDS DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> 4/17/2023</p> <p><b>PETITION NO.:</b> 23-0203</p> <p><b>EPC REVIEWER:</b> Melissa Yanez</p> <p><b>CONTACT INFORMATION:</b> (813) 627-2600 X 1360</p> <p><b>EMAIL:</b> <a href="mailto:yanezm@epchc.org">yanezm@epchc.org</a></p>	<p><b>COMMENT DATE:</b> 3/28/2023</p> <p><b>PROPERTY ADDRESS:</b> 11315 N 301 Hwy, Thonotosassa, FL</p> <p><b>FOLIO #:</b> 061126-0000</p> <p><b>STR:</b> 18-28S-20E</p>
<p><b>REQUESTED ZONING:</b> From AR to CG</p>	
FINDINGS	
<b>WETLANDS PRESENT</b>	NO
<b>SITE INSPECTION DATE</b>	NA - Desktop Review
<b>WETLAND LINE VALIDITY</b>	NA
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	NA - Desktop Review via Aerial Review, Soil Survey and EPC File Search
<p><b>INFORMATIONAL COMMENTS:</b></p> <p>Wetlands Management Division staff of the Environmental Protection Commission of Hillsborough County (EPC) conducted an aerial review of 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. The review revealed that no wetlands or other surface waters were apparent within the above referenced parcel.</p> <p>Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.</p>	

My/cb

**AGENCY REVIEW COMMENT SHEET**

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**TO: ZONING TECHNICIAN, Planning Growth Management**

**DATE: 11 April 2023**

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

**APPLICANT: Susan Swift**

**PETITION NO: RZ-STD 23-0203**

**LOCATION: 11315 N. US 301 HWY, Thonotosassa, FL 33592**

**FOLIO NO: 61126.0000**

**SEC: 18 TWN: 28 RNG: 20**

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

COMMENTS: \_\_\_\_\_.



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

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PETITION NO.: RZ-STD 23-0203    REVIEWED BY: Clay Walker    DATE: 4/5/2023

FOLIO NO.: 61126.0000

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**WATER**

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 8 inch water main exists  (adjacent to the site),  (approximately 1550 feet from the site) and is located northeast of the subject property within the south Right-of-Way of North US Highway 301. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

**WASTEWATER**

- The property lies within the \_\_\_\_\_ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 4 inch wastewater force main exists  (adjacent to the site),  (approximately 950 feet from the site) and is located northeast of the subject property within the south Right-of-Way of North US Highway 301. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.



**VERBATIM  
TRANSCRIPT**



1 MR. AGARWAL: Let me --

2 HEARING MASTER FINCH: Give us your name just  
3 to start.

4 MR. AGARWAL: Yes. Dilip Agarwal, 5817  
5 Theresa Street. I mean, I did look at the area  
6 where the gentleman said he's talking about on the  
7 backend side. I did drive through the area  
8 yesterday and there were like two townhouses on  
9 both sides.

10 And as the gentleman said, the road was  
11 sufficient for only one vehicle. But this has  
12 nothing to do with this project. This project is  
13 on the other side with King Port Homes. The  
14 developer built a private road inside the two sides  
15 of the townhouses. And I think that's what he's  
16 referring to.

17 This project is on the Theresa Street side on  
18 the other side. That's all I've got to say.

19 HEARING MASTER FINCH: All right. Thank you  
20 so much. I appreciate it.

21 Then with that we'll close Rezoning 23-0115  
22 and go to the next case.

23 MS. HEINRICH: Our next item is Agenda Item C-  
24 3. This is a standard rezoning 23-0203. The  
25 applicant is requesting to rezone property from AR

1 to CN. And Chris Grandlienard with Development  
2 Services will provide staff findings after the  
3 applicant.

4 HEARING MASTER FINCH: All right. Is the  
5 applicant here?

6 Good evening.

7 MS. SWIFT: Good evening. I hope I know how  
8 to work this. Is it one at a time?

9 HEARING MASTER FINCH: Yes. Yeah. It's just  
10 like an overhead. And if you can bring the  
11 microphone over to you if you're going to talk from  
12 there it allows us to hear you.

13 There you go.

14 MS. SWIFT: Not the easiest. Okay. Bear with  
15 me and I'll try to make it all work.

16 Thank you very much. My name is Susan Swift.  
17 I'm a certified planner with Boggs Engineering,  
18 L.L.C. Our address is 607 South Alexander Street,  
19 Plant City, Florida.

20 I'm representing the applicant Mann Capital  
21 Management, L.L.C. And this is an aerial of the  
22 general area. When our client asked us to apply  
23 for a commercial rezoning on this site on US-301  
24 between the interstate and Fowler, the intersection  
25 of 301 and Fowler, I would not have thought that I

1 needed a 20-slide presentation to convince anyone that  
2 this should be approved, but here I am.

3 Our client purchased the property after the  
4 hotel conference center was approved on the  
5 adjacent lot to the east, the forested site, with  
6 no specific use in mind, but anticipating from the  
7 conference center that it would be an appropriate  
8 future commercial use.

9 We initially requested CG, but acknowledged  
10 after talking to the staff that there probably were  
11 five or ten uses that may not be the best next to  
12 the existing homes, so we amended the application  
13 to neighborhood commercial, CN.

14 Despite the staff report, we do not believe  
15 that there are any permitted uses in CN, really any  
16 uses that are not compatible with the surrounding  
17 uses or the surrounding districts.

18 There are no objections from either the  
19 transportation, utilities, or environment  
20 departments. So my presentation is going to focus  
21 on plan consistency and compatibility, which were  
22 the concerns raised by the Planning Commission and  
23 Development Services.

24 This is the future land use plan, which south  
25 of 301 is generally R-4, Residential-4. There is

1 R-12 just -- one set of lots south of this. The lots  
2 to the south of this site are R-4. Everything to  
3 the north, on the north side of 301, is SMU-6.

4 As you can see the zoning is very mixed in  
5 this general area all the way from the interstate  
6 up to Fowler all along 301. Our site -- there are  
7 a lot of PDs here, but the PDs are mostly -- either  
8 RVs, RV lots, mobile home parks.

9 Essentially all along 301 there are no  
10 conventional or mobile home -- I mean single-family  
11 parcels. Everything is nonresidential or some kind  
12 of commercial use. I think almost -- perhaps just  
13 our site might be the only one not in a commercial  
14 use or district.

15 We certainly understand there are existing  
16 lots that are single family just to the south of  
17 us. As I mentioned, north of Ripley there are --  
18 this is Ripley. North of Ripley is -- four units  
19 an acre south of Ripley is 12 units an acre by land  
20 use.

21 I'll show you that numerous setbacks and  
22 buffer protections are already built into the code  
23 in our opinion, and show you that CN abuts  
24 residential and AR zoning throughout the county.  
25 So it was kind of surprising to hear that CN was

1 not compatible at the external part of a neighborhood  
2 or a community. But I'll get back to that later.

3 Just to summarize, as I said, I'll focus on  
4 consistency with the comprehensive plan and  
5 compatibility with the surrounding uses. I won't  
6 read everything. Residential-4 is what our land  
7 use is. The policies in our opinion support  
8 commercial neighborhood uses.

9 Actually, at even a high potential FAR then  
10 CN. And I'll come back to these. It's in an urban  
11 service area. There are a lot of policies in the  
12 plan. And we did apply for a waiver to the  
13 locational criteria, although we meet almost all  
14 aspects of it.

15 Again, we think we can prove that CN in  
16 general is compatible, especially when it's on 301  
17 and at the edge of neighborhoods. And we can also  
18 show that the CN setbacks, height, buffers, will  
19 protect the surrounding uses.

20 As I mentioned, it is in the urban service  
21 area. It has water and sewer facilities nearby.  
22 It's also in the county's opportunity zone. And  
23 there are several policies in the plan that  
24 encourage economic development in this area. It's  
25 also in the Thonotosassa Community Plan.



1           In terms of consistency, the intent statements  
2           for the Residential-4 land use category speaks to  
3           neighborhood commercial being appropriate as long  
4           as it meets the locational criteria. We meet all  
5           aspects of the locational criteria except partially  
6           don't meet one, which I'll get to later.

7           And, as you can see, it does allow .25 FAR,  
8           when CN maximum is only .2. Also, the CN district  
9           speaks very particularly to -- in many ways  
10          supportive uses, retail uses, neighborhood  
11          commercial uses for residential.

12          The -- as I mentioned, this was on the cost  
13          affordable plan, it is a principle arterial  
14          according to the plan on US-301. It's four-lane  
15          divided. It is 800 feet from Williams Road on the  
16          east, which is a collector, and also on the cost  
17          affordable plan. It's in the urban service area.  
18          It's served consistent with the Thonotosassa plans  
19          which really just says to balance -- when it  
20          applies to this, balancing commercial and  
21          residential uses.

22          And, as I mentioned, there are a lot of  
23          policies in the plan to support this. I will not  
24          read these, but these are just a sampling of the  
25          policies that we thought support this in terms of

1 economic development, in terms of being consistent  
2 with the surrounding uses, availability of public  
3 facilities, and the market.

4 Reducing trip distances by mixing uses  
5 adjacent to each other or near each other. And  
6 then speaking to this, I would ask that you look  
7 especially at the policies in the Planning  
8 Commission report. I don't have enough time to  
9 rebut them, but I'll give you a few examples for  
10 the record where I don't think those policies are  
11 applicable to this rezoning.

12 1.4, the policy specifically says the  
13 compatibility does not mean the same as, yet there  
14 are many times in the report that speak to that and  
15 use that as the reason to say this is not  
16 compatible.

17 Policy 9.2 says developments must meet or  
18 exceed the land development code. And this -- the  
19 report says this doesn't meet it. Well, the  
20 project hasn't even been designed yet. So I think  
21 we should give them the benefit of the doubt that  
22 it will meet the land development code, because  
23 there's nothing here that says it doesn't.

24 And, again, these are just examples. Policy  
25 16.5, which says developments of higher intensity

1 nonresidential land uses, which this is not a higher  
2 intensity category, CN, that are adjacent to  
3 established neighborhoods shall be restricted to  
4 collectors and arterials and to locations external  
5 to established and developing neighborhoods.

6 So that policy was used to say this was  
7 inconsistent with the plan. It's not a higher  
8 intensity, nonresidential district. It is on an  
9 arterial and it is external to the neighborhood.

10 So I would ask that you take a close look at the  
11 policies that we think apply and that the Planning  
12 Commission thinks applies.

13 We admit that the locational -- one aspect of  
14 the locational criteria waiver -- I mean needs a  
15 waiver. It complies with the roads being on the  
16 cost affordable plan. It's right near the  
17 intersection of the 301 and Williams Road. The  
18 site is within 900 feet of a qualifying  
19 intersection. But then there is a footnote that  
20 says 75 percent of the subject property must fall  
21 within the 900 feet.

22 Seventy-five (75) percent of this site does  
23 not. Only about 25 percent does. So we do request  
24 the waiver to that one criterion. The applicant's  
25 property has 415 feet of frontage on Highway 301.

1 It's 750 feet from Williams. It's 385 feet from  
2 another two-lane road that is not on the cost  
3 affordable plan, but it intersects with 301.

4 And as I mentioned, the north side of the  
5 highway in this segment is virtually all  
6 commercial. It is a different land use, but it's  
7 all commercial. This side doesn't seem to be any  
8 different. It's a 5-acre rectangular site, very  
9 appropriate. There is no environmental concerns  
10 that anybody knows of or has seen on this site.

11 There are regional roadways in close  
12 proximity. And, actually, DOT is studying the  
13 widening of the next 13 miles north of here just  
14 past Fowler.

15 I'm not sure you can see all the numbers, but  
16 we analyzed the site and showed all the existing  
17 setbacks from the existing homes on all of the  
18 surrounding sites. And I didn't mention, there's  
19 an office here. And I'll get to what's on this  
20 vacant site in a minute.

21 We believe that there are substantial setbacks  
22 from the existing homes. The staff also mentioned  
23 that this site stretches too far into the AR and  
24 residential area. And from this angle it looks it,  
25 but it's no different than the PD that was approved

1 on this site, the vacant site.

2 It's just because the angle of 301. So our  
3 depth is actually 750 feet. And that parcel is  
4 actually 860 feet deep from 301. And we do believe  
5 that the existing CN and the land development code  
6 provide enough sufficient protections when  
7 residential is next to a CN use.

8 There are -- although the side setback and  
9 rear setbacks are zero by code, the code also  
10 builds in if the building is longer than a hundred  
11 feet you need to have increased setbacks. If you  
12 build walls -- there's 6-foot and 8-foot walls for  
13 different options for buffers.

14 So there are additional things for the side  
15 and rear setbacks that would be built in. Also,  
16 the AR zoning allows 50-foot heights. The CN only  
17 allows 35-foot height. It actually has a smaller  
18 building coverage than the AR. And there actually  
19 aren't any impervious surface requirements for the  
20 other two zones.

21 So it's really not incompatible with the two  
22 zoning districts that are next to it. And I think  
23 the most surprising thing is to see the definition  
24 of agriculture and agricultural uses.

25 So two of these properties adjacent to it are

1 AR. They're really not residential zones. They're AR  
2 zones. And they allow chicken farms, pig farms.  
3 They allow a lot of not so -- I mean somewhat  
4 noxious uses, which CN does not.

5 And last, believe it or not, with my three  
6 seconds, the PD next to it was approved with a 50-  
7 foot-high building hotel conference center that I  
8 had mentioned before and an option of many  
9 warehouses next to two existing homes and this site  
10 is certainly no different than the one that was  
11 just recently approved.

12 So we respectfully request that you take a  
13 look at the policies and look at our report and  
14 show that they are -- this parcel seems to be  
15 treated differently than the ones on the north side  
16 of 301, the ones on the adjacent properties, and  
17 that they are compatible with the surrounding uses  
18 and the two districts that abut them.

19 Thank you very much.

20 HEARING MASTER FINCH: Thank you. I just had  
21 a couple of questions. You've actually covered  
22 several that I had. First was the proposed use.  
23 You said it's just a future commercial use, you had  
24 nothing identified?

25 MS. SWIFT: Right. The applicant -- the

1 project next to it hasn't been started yet. And it's  
2 a hotel and conference center with the option of a  
3 mini warehouse. It just seems that there's going  
4 to be some commercial use and they have no idea  
5 right now and have not designed anything.

6 HEARING MASTER FINCH: And, second, you  
7 address the depth of the parcel and the staff's  
8 concern that the property encroaches into that  
9 residential area to the south. Did you ever  
10 consider limiting the area consistent with the  
11 parcel perhaps to the west for your rezoning  
12 boundary?

13 MS. SWIFT: Well, it actually would create a  
14 nonconforming AR lot because it's a 5-acre  
15 requirement. So we discussed that with the staff  
16 and pointed that out.

17 HEARING MASTER FINCH: Okay.

18 MS. SWIFT: And not to mention that it would  
19 also put those -- even if it was an AR lot, then  
20 that AR or home or RSC, whatever it would be, would  
21 be next to CN. So somebody -- if it's really  
22 perceived as being incompatible and inconsistent,  
23 then you're just creating it one lot over.

24 So it really didn't make logical sense.

25 HEARING MASTER FINCH: I see. And then my

1 last question is if you ever considered restrictions  
2 on those uses, on the CN uses, in terms of limiting  
3 any use?

4 MS. SWIFT: Not really, because we discussed  
5 with the staff what uses they thought in the CN  
6 were egregious or incompatible. And after looking  
7 at what's allowed in the AR, we couldn't find any  
8 permitted uses that we thought were not appropriate  
9 next to residential or next to a farm on 301.

10 HEARING MASTER FINCH: All right.

11 MS. SWIFT: And it seemed like from the  
12 analysis in the staff report that unless you're a  
13 PD, you can't be considered compatible with  
14 residential, everything seemed to speak to you  
15 can't rezone to a conventional district anymore.

16 HEARING MASTER FINCH: All right. Well, thank  
17 you very much. I appreciate it.

18 MS. SWIFT: Thank you.

19 HEARING MASTER FINCH: If you could, please  
20 sign in with the clerk's office.

21 Thank you so much.

22 We'll go to Development Services. Good  
23 evening.

24 MR. GRANDLIENARD: Good evening, Chris  
25 Grandlienard, the planner with Development



1 Services.

2 I'm here to present Rezoning 23-0203. The  
3 applicant is proposing to rezone from the existing  
4 AR, Agricultural Rural to Commercial Neighborhood.

5 The proximate 5.0-acre single family  
6 residential parcel is located at 11315 North US  
7 Highway 301 and Thonotosassa. The area consists of  
8 single-family residential and commercial. The  
9 subject process is directly adjacent to single-  
10 family residential zoned RSC-4 with mobile home  
11 overlay to the south.

12 To the east the parcel is adjacent to a vacant  
13 commercial property zoned PD 02-0215 and single-  
14 family residential zoned AR. To the west the  
15 parcel is adjacent to commercial zone CN and  
16 single-family residential zone AR.

17 To the north across US-301 is commercial zone  
18 PD 89-0052 and PD 02-0215. The subject parcel is a  
19 designated Residential-4 on the future land use  
20 map. Development Services has compatibility issues  
21 with the single-family residential adjacent to the  
22 south, east, and west.

23 While the parcels to the east and west are  
24 both commercial, as well, they do not encroach as  
25 far into the residential area. The subject parcel

1 is surrounded on three sides of a single-family  
2 residential.

3 Therefore, the proposed zoning uses would  
4 extend potential impacts associated with the  
5 commercial district much further into the adjacent  
6 residential area than would occur with the adjacent  
7 existing commercial uses.

8 Based on the Residential-4 future land use  
9 classification, the surrounding zoning and  
10 development pattern and the proposed uses for the  
11 commercial neighborhood district, staff finds the  
12 request not supportable.

13 That concludes my staff report. I'm glad to  
14 answer any questions you might have.

15 HEARING MASTER FINCH: No questions at this  
16 time, but thank you so much.

17 MR. GRANDLIENARD: Thank you.

18 HEARING MASTER FINCH: Planning commission?

19 MS. PAPANDREW: Andrea Papandrew Planning  
20 Commission staff.

21 The site is in the Residential-4 future land  
22 use category and is within the Thonotosassa  
23 Community Plan. The Residential-4 future land use  
24 category surrounds the site to the west, south, and  
25 east. Residential-12 is located further south

1 across Ripley Road and Suburban Mixed Use-6 is further  
2 north.

3 The proposed rezoning does not meet the intent  
4 of Policy 1.4 on compatibility and Objective 16 in  
5 its policies regarding neighborhood protection.

6 Planning commission staff recognized that  
7 North U.S. Highway 301 is an arterial roadway.  
8 However, there are established residential  
9 properties that abut the site to the west, south,  
10 and east. Commercial neighborhood uses will allow  
11 for the possibility of adverse impacts on these  
12 existing residential areas.

13 Approximately 415 feet of the site abuts  
14 existing single family to the east and 210 feet of  
15 the site to the west. The site does not meet  
16 commercial locational criteria. At least 75  
17 percent of the front facing side of the subject  
18 site must be within 900 feet of the nearest  
19 qualifying intersection node.

20 The applicant has submitted a commercial  
21 locational criteria waiver. The wavier emphasizes  
22 that the site's 415 feet of frontage on 301  
23 provides ample distance for access to commercial  
24 neighborhood-type uses, and that the shape of the  
25 parcel makes this site appropriate for commercial

1 development.

2 Their request also notes the development  
3 pattern of the area and that surrounding properties  
4 are zoned for commercial uses. And, lastly, the  
5 waiver submitted states that regional roadways near  
6 this site are planned for expansion and the  
7 adjacent segment of US-301 is on the 2040 Cost  
8 Affordable Map and the Corridor Preservation Plan.

9 Staff have reviewed and do not recommend the  
10 board of county commissioners grant a waiver to the  
11 established locational criteria. The site is  
12 located in an area with several other commercial  
13 uses. However, staff have compatibility concerns  
14 with the full range of CN uses that would be  
15 allowed directly next to the established  
16 residential areas.

17 Some of these uses would include gas stations  
18 and drive-through restaurants. Additionally,  
19 roadway location, the 2040 Cost Affordable Map does  
20 not automatically waive locational criteria  
21 requirements, and the Corridor Preservation Plan  
22 does not impact the locational criteria.

23 The applicant has stated that the site is  
24 within a designated opportunity zone. Opportunity  
25 zones are a federal tax program designed to

1 encourage long-term private investments in distressed  
2 communities. This is a federal program separate  
3 from the Unincorporated Hillsborough County  
4 Comprehensive Plan, which is why that was not taken  
5 into formal consideration during staff's review for  
6 the application.

7 The proposed CN zoning would not meet  
8 commercial development pattern criteria in our  
9 community design component. It would also -- the  
10 Thonotosassa Community Plan establishes guidance on  
11 community identity protection.

12 The proposed rezoning would bring commerce to  
13 the area, but its size and full range of allowable  
14 uses would threaten the existing community, its  
15 identity and housing.

16 Based on the above considerations, Planning  
17 Commission staff finds the proposed rezoning  
18 inconsistent with the Unincorporated Hillsborough  
19 County Comprehensive Plan.

20 HEARING MASTER FINCH: Let me ask you one  
21 question regarding review of this property given  
22 the proximity to existing commercially zoned  
23 parcels along 301. Was there ever a consideration  
24 for infill, classifying this as an infill parcel?

25 MS. PAPANDREW: I don't see anything on the

1 staff report that notes that the site qualified for  
2 the infill bonus or any of those policies.

3 HEARING MASTER FINCH: Okay. All right.  
4 Thank you so much. I appreciate it.

5 All right. We'll go to anyone that would like  
6 to speak in support. Anyone in favor of this  
7 application that would like to testify?

8 Seeing no one in the room and no one online,  
9 is there anyone that would like to speak in  
10 opposition to this request?

11 MR. SMITH: I'm not really in opposition, but  
12 I want a correction to it.

13 HEARING MASTER FINCH: All right. You'll have  
14 to come forward and give us your name and address  
15 on the record.

16 Good evening.

17 MR. SMITH: My name is Rodney Smith. I own  
18 the property at 9412 Ripley Road, which is just  
19 adjacent to the east of it. On their original  
20 property plan -- I don't know if you can see this.  
21 But it says --

22 HEARING MASTER FINCH: Sir, let me -- can I  
23 stop you just for a moment. I'm going to let you  
24 continue with that, but let me just say for anyone  
25 else in the audience on this case or any other

1 case, we typically do not allow people to show  
2 graphics from a tablet or a phone. But that  
3 clearly is a piece of the staff report or an agency  
4 comment, so I'll allow it.

5 But if you have pictures or something like  
6 that that you want to show from the phone, we don't  
7 allow that because they can't be submitted into the  
8 record. So just give you a heads up.

9 Go ahead.

10 MR. SMITH: They have on there that it is --  
11 where it says frontage on US-301 and Hershey Road  
12 there is no frontage on Hershey Road. Hershey Road  
13 stops at Williams Road. It dead ends into Williams  
14 Road.

15 What is adjacent that crosses Williams -- or  
16 Ripley Road to the north is my personal private  
17 driveway. And so it is not Hershey Road. It's  
18 never been Hershey Road. Even though the maps like  
19 to call it Hershey Road, it is not Hershey Road.

20 It is my private driveway. And there are  
21 signs on the road when you originally put up the  
22 zoning commission -- or zoning signs on my  
23 property, not on public property, but on my  
24 property, whoever did it, twice passed no  
25 trespassing signs and private drive signs to go 400

1 feet down my driveway and to put it on there.

2 So it is known and it has been brought up in  
3 front of this board before that this is a personal  
4 private driveway. It's not an easement. That  
5 property is owned by me.

6 HEARING MASTER FINCH: So let me just -- I'm  
7 looking at the aerial of the site. So your address  
8 is on Ripley Road and you front Ripley. That's  
9 your -- your home fronts Ripley Road, right?

10 MR. SMITH: Yes.

11 HEARING MASTER FINCH: And it extends as far  
12 back as to be just east of this subject property;  
13 is that correct? You extend -- your property goes  
14 --

15 MR. SMITH: I know you don't want the -- you  
16 said you don't do graphics, but if you pull up the  
17 graphics on the board, you'll see that this is from  
18 the --

19 HEARING MASTER FINCH: That's fine. That's  
20 from the staff report.

21 MR. SMITH: From the report. This property  
22 here is what they're looking at. Everything in red  
23 is mine.

24 HEARING MASTER FINCH: Oh, I see. You own the  
25 larger piece, as well. Okay.



1 MR. SMITH: Yeah, I own that 5 acres and I'm  
2 trying to clean it up. My --

3 HEARING MASTER FINCH: Okay.

4 MR. SMITH: My parents have passed away. It's  
5 now mine. I'm trying to prepare it to sell. But  
6 I'm just trying to straighten this up.

7 HEARING MASTER FINCH: Oh, I understand. So -  
8 - I understand your issue that that is not a public  
9 road and it is your property, that is your  
10 driveway.

11 MR. SMITH: Right.

12 HEARING MASTER FINCH: I totally understand  
13 that.

14 MR. SMITH: And I'm not going to fight or say  
15 anything for or against what they're going to do.  
16 There's changes coming. I can't stop that. I  
17 just --

18 HEARING MASTER FINCH: All right. That's what  
19 I wanted to ask you.

20 MR. SMITH: -- want to make clear that this  
21 here is shown that you don't have frontage at this  
22 time off of Hershey Road.

23 HEARING MASTER FINCH: All right. Understood.  
24 All right. Thank you for that testimony. I  
25 appreciate it. If you could, please sign in.

1 Thank you, sir. I really appreciate it.

2 Anyone else that would like to speak in  
3 opposition either in the room or online?

4 All right. Seeing no one, we'll go back to  
5 Development Services.

6 Ms. Heinrich, anything else?

7 MS. HEINRICH: No, ma'am.

8 HEARING MASTER FINCH: All right. Ms. Swift,  
9 you have five minutes for a rebuttal.

10 MS. SWIFT: Thank you. I have nothing else.

11 HEARING MASTER FINCH: All right. Thank you  
12 so much. I appreciate it. Then with that we'll  
13 close Rezoning 23-0203 and go to the next case.

14 MS. HEINRICH: Our next item is Item C-4  
15 Standard Rezoning 23-0330. The applicant is  
16 requesting to rezone property to BPO with  
17 restrictions.

18 Chris Grandlienard with Development Services  
19 will provide staff findings after the applicant's  
20 presentation.

21 HEARING MASTER FINCH: Good evening.

22 MR. PRESSMAN: Good evening, hearing officer,  
23 staff, Todd Pressman, 400 -- excuse me, 200 2nd  
24 Avenue South, Number 451, St. Petersburg.

25 This is RZ Standard 23-0330. We're located in

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 17, 2023

TIME: Commencing at 6:00 p.m.  
Concluding at 9:43 p.m.

Reported via Cisco Webex Videoconference by:  
Diane DeMarsh, CER No. 1654

1 MS. HEINRICH: Correct. The second one is Agenda page  
2 seven. This is Standard Rezoning 23-023 -- -203 and the  
3 applicant is requesting continuance to the June 20th Zoning  
4 Hearing Master Hearing.

5 HEARING MASTER: All right. Is the applicant here for  
6 that item?

7 MS. SWIFT: Good evening. My name is Sustan Swift,  
8 planning director or Boggs Engineering. And we would like to  
9 request also to the June 20th. So we will also re-advertise or  
10 re-notice for that time.

11 And we just need a little bit more time on a couple of  
12 items.

13 HEARING MASTER: All right. Let me see if there's  
14 anyone who would like to speak to that. Is there anyone in the  
15 audience or online who would like to speak to the continuance of  
16 Rezoning 23-0203, just the -- the continuous only, not the  
17 merits of the case. All right. I'm seeing no one. Then we'll  
18 continue Rezoning 23-0203 to June 20, 2023 Zoning Hearing Master  
19 Hearing.

20 MS. SWIFT: Thank you.

21 HEARING MASTER: Thank you.

22 MS. HEINRICH: And the remainder of changes to the  
23 agenda is Agenda page eight, Item D.2 PD Application 22-01204.  
24 This application has been withdrawn from ZHM process.

25 Also Agenda page nine, Item PD 22-1640, the Staff is



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

DATE/TIME: 6/20/2023 HEARING MASTER: Susan Finch  
6:00 pmPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  23-0115	PLEASE PRINT NAME <u>Dilip Agarwal</u> MAILING ADDRESS <u>301 WILLET ST</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>812-421-5719</u>
APPLICATION #  23-0115  VS	PLEASE PRINT NAME <u>James Paul</u> MAILING ADDRESS <u>8323 King Blossom Ct.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE _____
APPLICATION #  23-0203	PLEASE PRINT NAME <u>Susan Swift</u> MAILING ADDRESS <u>607 S. Alexander St #101</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33624</u> PHONE <u>813-747-9100</u>
APPLICATION #  23-0203	PLEASE PRINT NAME <u>Rodney Smith</u> MAILING ADDRESS <u>10016 Ohio Ave</u> CITY <u>Thalassas</u> STATE <u>FL</u> ZIP <u>33572</u> PHONE <u>813-494-5048</u>
APPLICATION #  23-0330	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 24th Ave S #451</u> CITY <u>T. Petersburg</u> STATE <u>FL</u> ZIP <u>33714</u> PHONE <u>727-824-1760</u>
APPLICATION #  23-0351	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 24th Ave S #451</u> CITY <u>T. Petersburg</u> STATE <u>FL</u> ZIP <u>33714</u> PHONE <u>727-804-1760</u>

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

PAGE 2 OF 3

DATE/TIME: 6/20/2023  
6:00pm

HEARING MASTER: Susan Finch

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

APPLICATION # <u>23-0351</u>	PLEASE PRINT NAME <u>Lynelle Creech</u> MAILING ADDRESS <u>2212 E College Ave</u> CITY <u>Riverview</u> STATE <u>FL</u> ZIP <u>33570</u> PHONE <u>813-525-8888</u>
APPLICATION # <u>23-0442</u>	PLEASE PRINT NAME <u>John LaRocca</u> MAILING ADDRESS <u>3225 S. MacDiill Ave #129-320</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE <u>813-695-0469</u>
APPLICATION # <u>23-0469</u>	PLEASE PRINT NAME <u>Dallas Evans</u> MAILING ADDRESS <u>3810 Northdale Blvd, Ste 100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33624</u> PHONE <u>813-949-7449</u>
APPLICATION # <u>23-0469</u>	PLEASE PRINT NAME <u>Margaret Tassone</u> MAILING ADDRESS <u>2810 Northdale Blvd Suite 100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33624</u> PHONE <u>813-949-7449</u>
APPLICATION # <u>22-1390</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd, Ste 3700</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION # <u>22-1390</u>	PLEASE PRINT NAME <u>Don Hampton</u> MAILING ADDRESS <u>16692 Carlton Road St.</u> CITY <u>Wintersville</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE _____

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

PAGE 3 OF 6

DATE/TIME: 6/20/2023  
6:00pm

HEARING MASTER: Susan Finch

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

<p>APPLICATION # <u>22-1390</u></p>	<p>PLEASE PRINT NAME <u>STEVEN J Henry</u></p> <p>MAILING ADDRESS <u>5023 W. LAMAR ST</u></p> <p>CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u></p>
<p>APPLICATION # <u>22-1639</u></p>	<p>PLEASE PRINT NAME <u>Jaime Maier</u></p> <p>MAILING ADDRESS <u>101 E. Kennedy Blvd. Ste 3700</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 506 5184</u></p>
<p>APPLICATION # <u>22-1639</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Matthew Norman</u></p> <p>MAILING ADDRESS <u>101 E. Kennedy Blvd. Ste 3700</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____</p>
<p>APPLICATION # <u>22-1639</u></p>	<p>PLEASE PRINT NAME <u>Mary Brigham</u></p> <p>MAILING ADDRESS <u>18050 S US 301</u></p> <p>CITY <u>Wimauma</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE <u>813-503-6530</u></p>
<p>APPLICATION # <u>22-1639</u></p>	<p>PLEASE PRINT NAME <u>Rina Tabak</u></p> <p>MAILING ADDRESS <u>4812 Bay Crest Dr</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>727-365-7239</u></p>
<p>APPLICATION # <u>22-1639</u></p>	<p>PLEASE PRINT NAME <u>Kathryn Burges S</u></p> <p>MAILING ADDRESS <u>16029 Goose Ribbon Pl</u></p> <p>CITY <u>Wimauma</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE <u>803-589-2659</u></p>



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

DATE/TIME: 6/20/2023  
6:00 pm

HEARING MASTER: Susan Finch PAGE 4 OF 6

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APPLICATION # <u>22-1639</u>	PLEASE PRINT NAME <u>John D Hooker</u> MAILING ADDRESS <u>John @ JohnDHooker.com</u> <u>8621 N Willow Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33604</u> PHONE <u>813-503-1802</u>
APPLICATION # <u>22-1639</u> <u>VS</u>	PLEASE PRINT NAME <u>Mike Alfieri</u> MAILING ADDRESS <u>13620 Metropolis Ave., Ste. 110</u> CITY <u>Fort Myers</u> STATE <u>FL</u> ZIP <u>33912</u> PHONE <u>(239) 264-5300</u>
APPLICATION # <u>22-1639</u>	PLEASE PRINT NAME <u>Eric Bae</u> MAILING ADDRESS <u>4914 SANDY STOKES</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33557</u> PHONE <u>8133103954</u>
APPLICATION # <u>22-1701</u>	PLEASE PRINT NAME <u>Colin Rice</u> MAILING ADDRESS <u>1000 W Cass</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>239 904 2771</u>
APPLICATION # <u>22-1701</u>	PLEASE PRINT NAME <u>Patricia Macatee</u> MAILING ADDRESS <u>3102 Thonotajassa Dr</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33565</u> PHONE <u>727-543-6134</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> MAILING ADDRESS <u>1000 W Oakley Dr #900</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813</u>

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

DATE/TIME: 6/20/2023  
6:00 pm

HEARING MASTER: Susan Finch

PAGE 5 OF 6

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APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>1019 Kennel Blvd 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>STEVEN Henry</u> MAILING ADDRESS <u>5023 W. LAMAR ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>STEVE LUCE</u> MAILING ADDRESS <u>111 S. ARMENIA</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33604</u> PHONE <u>813-267-5763</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>JOHN REGAN</u> MAILING ADDRESS <u>5051 SANDY BROOK CIR</u> CITY <u>WIMAUHA</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE <u>813-938-4058</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>Don Hampton</u> MAILING ADDRESS <u>16692 Carlton Road St</u> CITY <u>Geneva</u> STATE <u>FL</u> ZIP <u>33928</u> PHONE <u>86-286-0655</u>
APPLICATION # <u>23-0041</u>	PLEASE PRINT NAME <u>Bill Martinez</u> MAILING ADDRESS <u>Wimauma PSC</u> <u>5229 SR 674</u> CITY <u>Wimauma</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE <u>754-226-4773</u>

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

DATE/TIME: 6/20/2023  
6:00pm

HEARING MASTER: Susan Finch

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

<p>APPLICATION # <u>23-0041</u></p>	<p>PLEASE PRINT NAME <u>MIKE LAMARCA</u> MAILING ADDRESS <u>10759 STANDING STONE DR</u> CITY <u>WIMAUMA</u> STATE <u>FL</u> ZIP <u>33598</u> PHONE <u>813 3804890</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>

HEARING TYPE:

**ZHM**, PHM, VRH, LUHO

DATE: 06/20/2023

HEARING MASTER: Susan Finch

PAGE: 1 of 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0203	Susan Swift	1. Applicant Presentation Packet	No
RZ 23-0330	Todd Pressman	1. Applicant Presentation Packet	No
RZ 23-0351	Todd Pressman	1. Applicant Presentation Packet	No
RZ 23-0469	Dallas Evans	1. Applicant Presentation Packet	No
RZ 22-1390	Kami Corbett	1. Applicant Presentation Packet	No
RZ 22-1390	Steve Henry	2. Applicant Presentation Packet	No
MM 22-1639	Michelle Heinrich	1. Revised Staff Report	Yes (copy)
MM 22-1639	Jaime Maier	2. Applicant Presentation Packet	No
MM 22-1639	John D. Hooker	3. Opponent Presentation Packet	No
RZ 22-1701	Colin Rice	1. Applicant Presentation Packet	No
RZ 23-0041	Michelle Heinrich	1. Revised Staff Report	Yes (copy)
RZ 23-0041	Isabelle Albert	2. Applicant Presentation Packet	No
RZ 23-0041	John Regan	3. Proponent Presentation Packet	No
RZ 23-0041	Gil Martinez	4. Proponent Presentation Packet	No

JUNE 20, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, June 20, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

📄 Susan Finch, ZHM, after a delay, called the meeting to order at 6:31 p.m., led in the pledge of allegiance to the flag, and introduced Development Services.

A. WITHDRAWALS AND CONTINUANCES

📄 Michelle Heinrich, Development Services, introduced staff, and reviewed changes/withdrawals/continuances.

📄 Susan Finch, ZHM, overview of ZHM process.

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

📄 Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 22-0648

📄 Susan Finch, ZHM, announced the item was continued to the July 24, 2023, ZHM.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-1681

📄 Susan Finch, ZHM, announced the item was continued to the July 24, 2023, ZHM.

C.2. RZ 23-0115

📄 Michelle Heinrich, Development Services, called RZ 23-0115.

📄 Testimony provided.


📄 Susan Finch, ZHM, closed RZ 23-0115.

TUESDAY, JUNE 20, 2023

C.3. RZ 23-0203

 Michelle Heinrich, Development Services, called RZ 23-0203.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0203.

C.4. RZ 23-0330

 Michelle Heinrich, Development Services, called RZ 23-0330.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0330.

C.5. RZ 23-0351

 Michelle Heinrich, Development Services, called RZ 23-0351.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0351.

C.6. RZ 23-0442

 Michelle Heinrich, Development Services, called RZ 23-0442.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0442.

C.7. RZ 23-0469

 Michelle Heinrich, Development Services, called RZ 23-0469.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0469.


TUESDAY, JUNE 20, 2023

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

D.1. RZ 22-1390

 Michelle Heinrich, Development Services, called RZ 22-1390.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 22-1390.

D.2. MM 22-1639

 Michelle Heinrich, Development Services, called MM 22-1639.


 Testimony provided.

 Susan Finch, ZHM, closed MM 22-1639.

D.3. RZ 22-1701

 Michelle Heinrich, Development Services, called RZ 22-1701.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 22-1701.

D.4. RZ 23-0041

 Michelle Heinrich, Development Services, called RZ 23-0041.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0041.

ADJOURNMENT

 Susan Finch, ZHM, adjourned meeting at 10:28 pm.

Application No. RZ 23-0203  
Name: Susan Swift  
Entered at Public Hearing: ZHM  
Exhibit # 1 Date: 6/20/2023

# 11315 N. US Highway 301

Request to:  
**Rezone From AR to CN**  
**Locational Criteria Waiver**

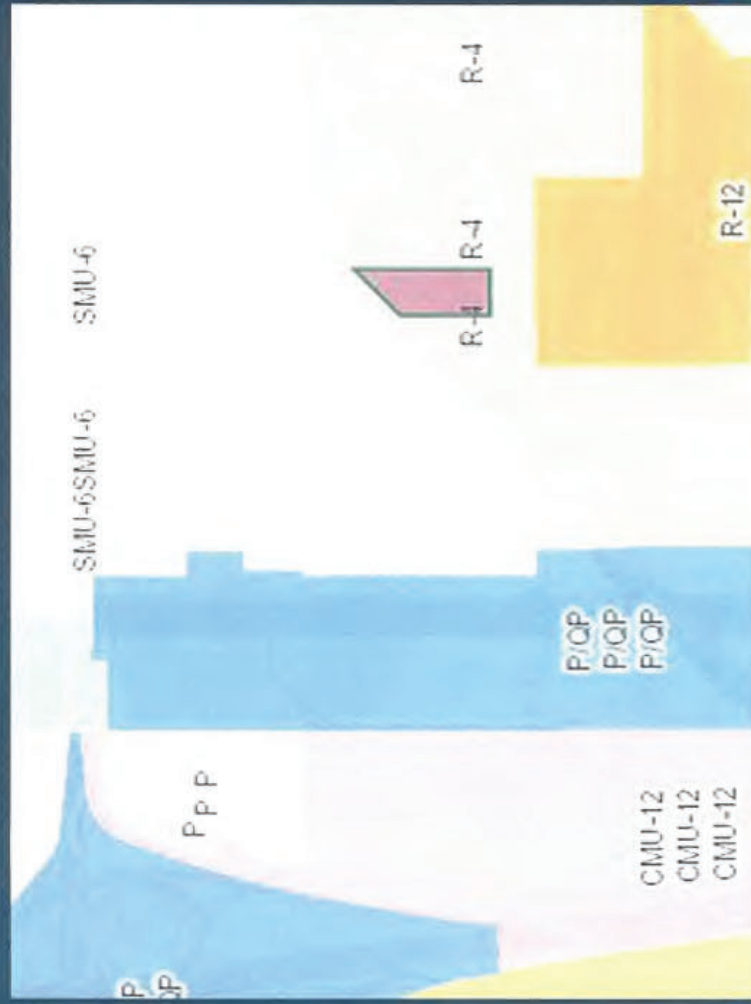
APPLICANT: MAAN CAPITAL MANAGEMENT LLC  
STD-RZ-23-0203  
ZONING HEARING MASTER: JUNE 20, 2023



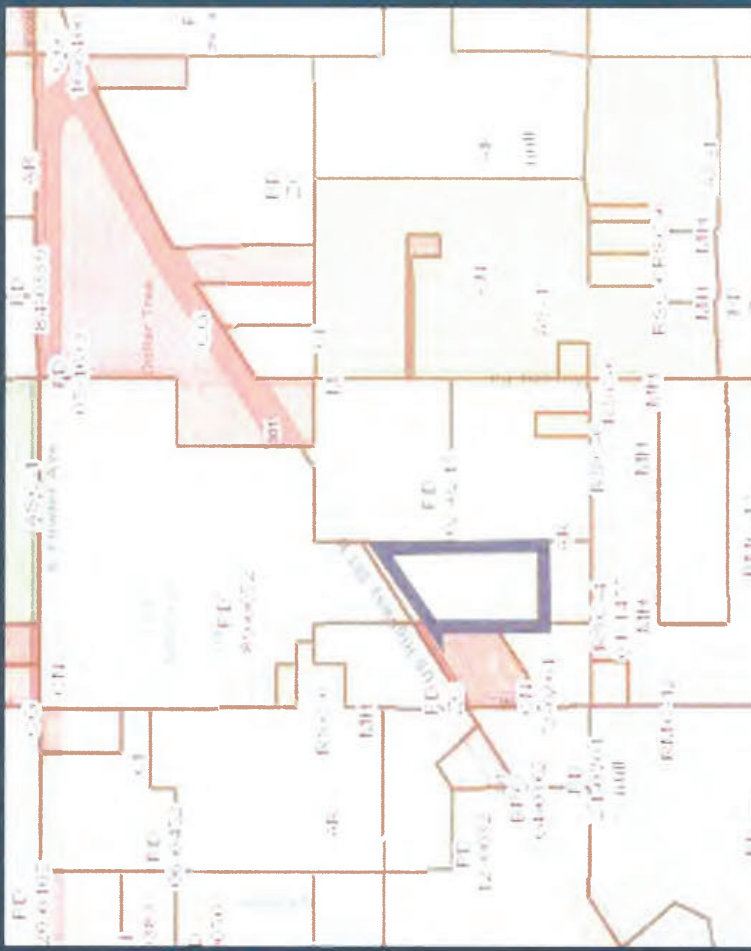




# FUTURE LAND USE PLAN



# ZONING



# SUMMARY: Findings of Fact

## CONSISTENCY WITH COMPREHENSIVE PLAN

- Residential-4 land use category supports neighborhood commercial uses
- Location on US Highway 301, a 4-lane divided Principal Arterial on the Plan
- Urban Service Area and Opportunity Zone designations
- Supported by Economic Development policies in plan
- Complies with Locational Criteria except for 75% frontage (see waiver request)

## COMPATIBLE WITH SURROUNDING USES

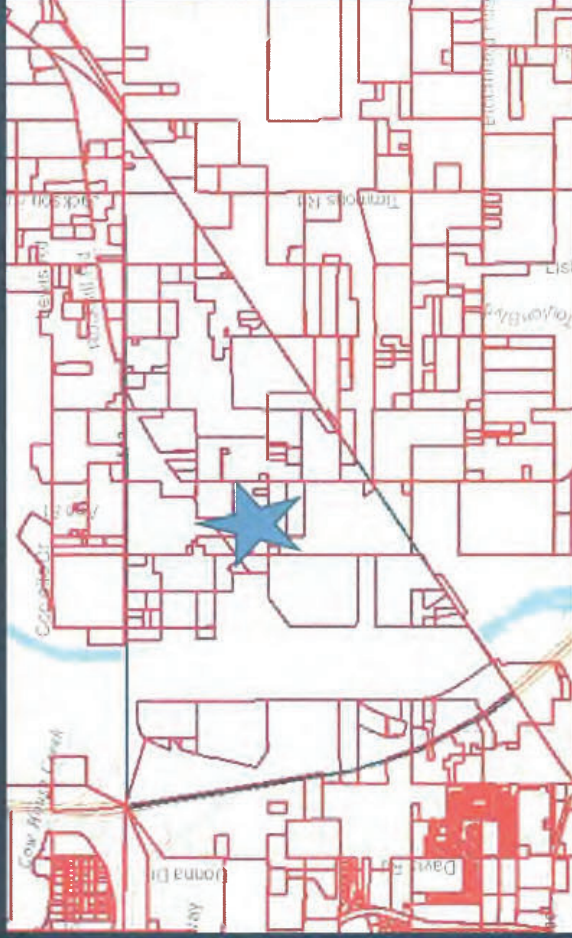
- CN *is* compatible with surrounding uses – including AR & RSC-4-MH uses – throughout the County
- AR is an agricultural district – not a residential district - with potential for more noxious uses adjacent to existing residences than CN
- Appropriate setbacks exist on-site and per the CN district & LDC buffer requirements
- A hotel and conference center was recently approved on adjacent lot
- This is the only property on this block face and this corridor that is not zoned for commercial uses
- Denial of the application will deny development rights enjoyed by similar parcels



## URBAN SERVICE AREA

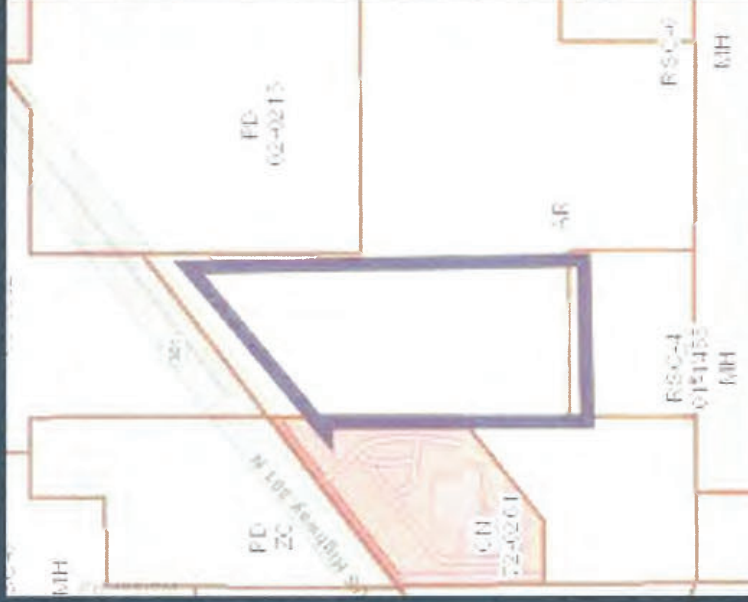


## OPPORTUNITY ZONE



## EXISTING CONDITIONS

Residential-4 (RES-4) Future  
Agriculture Residential (AR)  
Thonotosassa Area Plan  
Urban Service Area  
Opportunity Zone



# Consistent With County Plan



## RES-4 & CN Intent Statements

*RES-4 LAND USE: "To designate areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, office, multi-purpose and mixed use projects serving the area may be permitted subject to the GOP's of the Land Use Element and applicable regulations and conforming to established locational criteria for specific land use."*

*"...limited to 175,000 or .25 FAR, whichever is less...." vs. CN = .20 FAR*

*CN DISTRICT: "The purpose of this district is to provide for limited retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods. This district shall be applied at appropriate locations to supply the daily retail and service needs of such neighborhoods where it will not adversely impact the facilities and services of the County; and where it will not set a precedent for the introduction of inappropriate uses into an area."*



## **Justification: Consistent With Comprehensive Plan**

- RES-4 allows neighborhood commercial uses up to .25 FAR
- Located on US Highway 301 and on 2040 Cost Affordable Plan
- Locational Criteria: 800 ft from 301/Williams Rd (collector) intersection
- In Urban Service Area and served by public water/sewer
- In Opportunity Zone
- Consistent w. Thonotosassa Plan goals to balance commercial uses, respect property rights and rural character
- Neighborhood protection & economic development policies must be balanced – & the Plan has acknowledged trends here by expanding USA.





## Justification: Supported By Plan Numerous Plan Policies:

- Objective 22: New commercial development shall be consistent with surrounding areas, availability of public facilities and the market.
- Objective 36: Employment Centers shall be planned throughout the I-75 corridor and within one mile of the corridor.
- Policy 22.7: The Locational Criteria are not the only factors to be considered for approval of neighborhood serving commercial uses.
- Policy 26.2: Economic development areas should be within transit corridors, Urban Service Areas and accessible to disadvantaged populations.
- Policy 4.2.3: Ensure development is consistent with the Corridor Preservation Plan.
- Objective 5.3: New development shall mitigate its impacts on the multi-modal system.
- Policy 5.3.3: Implement measures to reduce average trip distances such as fostering commercial uses to support a mix of land uses.



# Locational Criteria Waiver

## **COMPLIES WITH CRITERIA IN POLICY 22.2:**

- US 301: 4-lane divided Principal Arterial on Cost Affordable Plan & Corridor Pres. Plan
- Williams Road is a 2-lane Collector on Cost Affordable Plan
- Site is within 900 ft of qualifying intersection
- 25% vs 75% of the subject property falls within the 900 ft distance from the intersection

## **REQUEST WAIVER OF 75% CRITERION BASED UPON :**

- 25% of the property falls within 900 ft
- Applicant's property has 415 ft of frontage on Highway 301
- Site is 750 ft from Williams Road and 385 ft from Walker Road
- The remaining block face is developed as or zoned for, commercial uses
- North side of Highway 301 is completely developed in commercial uses
- Site is a 5-acre rectangle, appropriate for commercial no environmental constraints
- Regional roadways are in close proximity to this site
- FDOT studying widening 13-miles of US 301 north of Fowler



# Compatible With Surrounding Uses



CN is  
Compatible  
With AR &  
RSC-4-MH

SETBACKS TO  
ABUTTING USES



	CN	AR	RSC-4-MH
Lot Size	7,000 SF	5 acres	10,000 SF
Front Setback	30'	50'	25'
Side Setback	0' PLUS Footnote 8: Buildings > 20 ft height Add setback of 2 ft per 1 ft over 20 ft. Footnote 11: Buildings > 100 ft long Add buffer of 1 ft per 10 ft over 100 ft length Footnote 11 Options: 6 or 8 ft wall plus additional plantings	25'	7.5'
Rear Setback	0' PLUS Footnote 8: Buildings > 20 ft height Add setback of 2 ft per 1 ft over 20 ft. Footnote 11: Buildings > 100 ft long Add buffer of 1 ft per 10 ft over 100 ft length Footnote 11 Options: 6 or 8 ft wall plus additional plantings	50'	25'
Height	35'	50'	35'
FAR Max.	.20 (RES-4 = .25)	n/a	n/a
Building Coverage Max.	20%	n/a	35%
Impervious Max.	60%	n/a	n/a
Buffer	20'/Type B	None or 20'/Type B*	None or 20'/Type B*

## ZONING DISTRICT COMPARISON



***AR is not a Residential District***

***CN is more compatible than AR***

**Agricultural District:** Any parcel zoned AM, A, AR, ASO.4, AS-1, ASC-1, AI, PD-A or any portion of a PD-MU District zoned for agricultural land uses by this Code, or any parcel zoned A, A-A, A-AR and any portion of a CU District zoned for agricultural uses by the Hillsborough County Zoning Regulations (adopted December 6, 1976) as amended.

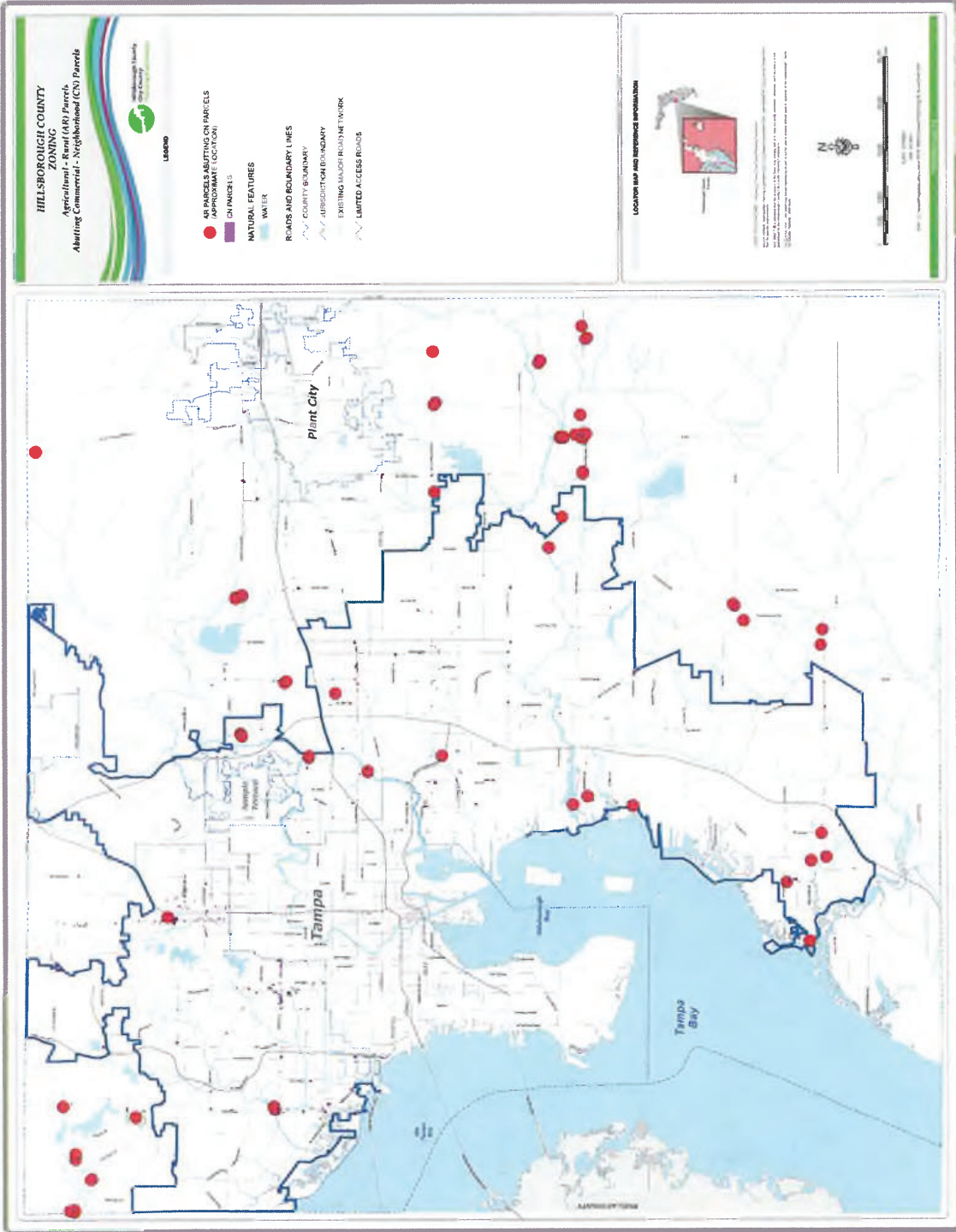
**Agriculture: The use of land for one or more of the following:**

1. Production of strawberries, tomatoes, and other vegetables; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output from the zoning lot;
2. Production of nut trees, citrus and other fruit trees, vines, and bushes; production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output from the zoning lot;
3. Pasture for cattle, horse, sheep or goats and other farm animals;
4. Forestry and other forms of food and fiber production for human and animal consumption;
5. Greenhouses, plant farms and ornamental horticulture;
6. Raising, breeding, working and use of animals, in accordance with Section 6.11.13 and 6.11.15;
7. **Aquaculture;** production shall include, as permitted accessory uses, the sorting, grading, cooling, washing or initial packing of the agricultural output from the zoning lot; and 8. Bee keeping;
9. **See also Animal Production Unit (Feed Lot, Hog Farm, Poultry Production Farm, and Egg Production Farm), Animals, Farm Labor Camp, and Agricultural Stand.**

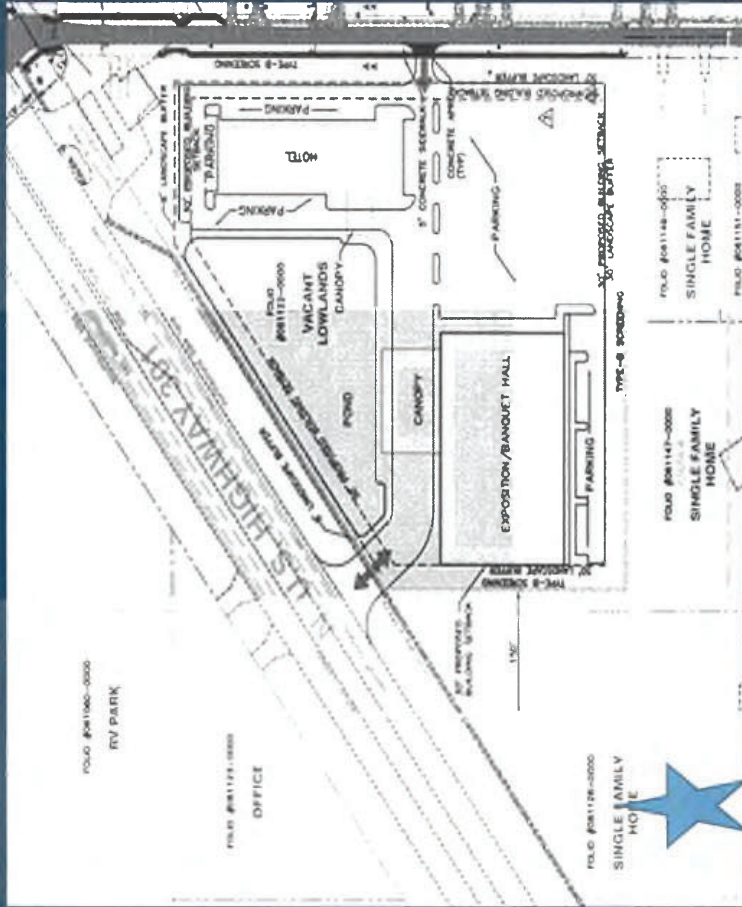


CN is  
Compatible  
with AR  
72 Sites

CN is  
Compatible  
with RSC-4-MH  
Countywide



# Abutting PD #19-0546



MAXIMUM IMPEROUS RATIO	0.75
MAXIMUM FLOOR AREA RATIO	SMU-6 - 0.35 RES-4 - 0.25
MAXIMUM BUILDING HEIGHT	50 FEET
EXPOSITION/BANQUET HALL	50 FEET
	35 FEET
AREAS IN FLU SECTORS:	
SMU 6 W/500 FT FLEX	254,573 SF    5.84 AC
RES-4	103,215 SF    2.37 AC
MAXIMUM ALLOWABLE BUILDING FLOOR AREA	
SMU 6 W/500 FT FLEX	89,101 SF    2.05 AC
RES-4	25,804 SF    0.59 AC
FLOOR AREA PER BUILDING	114,905 SF
MAXIMUM BUILDING AREA	64,905 - 74,905 SF
HOTEL(3 OR 4-STORY)	
EXPOSITION/BANQUET HALL	50,000 - 40,000 SF





## Conclusion: Justification for Approval of Rezoning to CN

- CN is consistent with County Plan policies and Residential-4 category
- A waiver to one criterion of the Locational Criteria is justified
- The site is in the USA, Opportunity Zone & served by public water/sewer
- Adjacent hotel & conference center (with option for mini-warehouse) – is more intense, higher and closer to homes than the proposed CN
- Agricultural uses are, by definition, more intense than Commercial Neighborhood (CN) uses
- CN height, setbacks, buffers and uses are appropriate adjacent to RSC-4-MH & AR
- This is the only property on this block face and this corridor that is not zoned for commercial uses
- Denial of the application will deny development rights enjoyed by similar parcels
- The notion that this lot at this location – is appropriate for one 5-acre single-family/agricultural lot or 4 RSC-4-MH lots - is not what the County's Comprehensive Plan intends on US 301.



**THANK YOU.**

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**PARTY OF  
RECORD**

**NONE**