

Rezoning Application: RZ-STD 22-1070 (REMAND)

Zoning Hearing Master Date: February 20, 2023

BOCC Land Use Meeting Date: April 11, 2023

1.0 APPLICATION SUMMARY

Applicant: Bremalie Homes, LLC

FLU Category: Residential-1 (R-1)

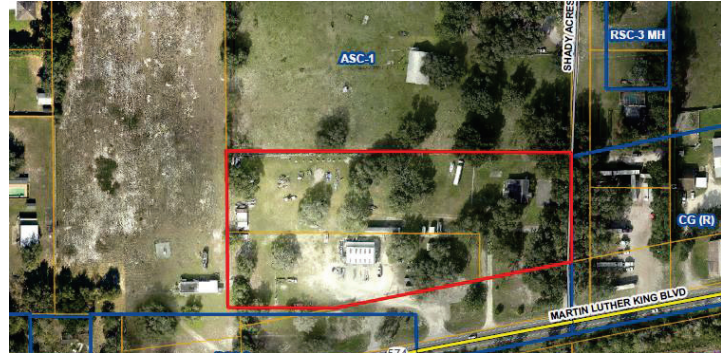
Service Area: Rural

Site Acreage: 4.45 MOL

**Community
Plan Area:** Seffner Mango

Overlay: None

Request: Rezone from Agricultural – Single-Family Conventional (ASC-1) to Commercial General Restricted (CG-R)



Introduction Summary:

The existing zoning is Agricultural – Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Commercial – General Restricted (CG-R) which allows Restricted General Commercial, Office and Personal Services uses pursuant to the development standards in the table below. The application was remanded at the November 3, 2022 Board of County Commissioner’s Land Use Meeting in order for the applicant to consider further clarifying proposed uses. In response, the applicant has offered restrictions limiting uses to business professional office and indoor recreation uses and limitations on operating hours (weekdays 8 am to 8 pm and weekends 10 am to 10 pm).

Zoning:	Existing	Proposed
District(s)	ASC-1	CG-R
Typical General Use(s)	Single-Family Residential/Agricultural	Restricted General Commercial, Office and Personal Services
Acreage	4.45 MOL	4.45 MOL
Density/Intensity	1 du / gross acre	0.27 F.A.R.
Mathematical Maximum*	4 units	52,337 sf

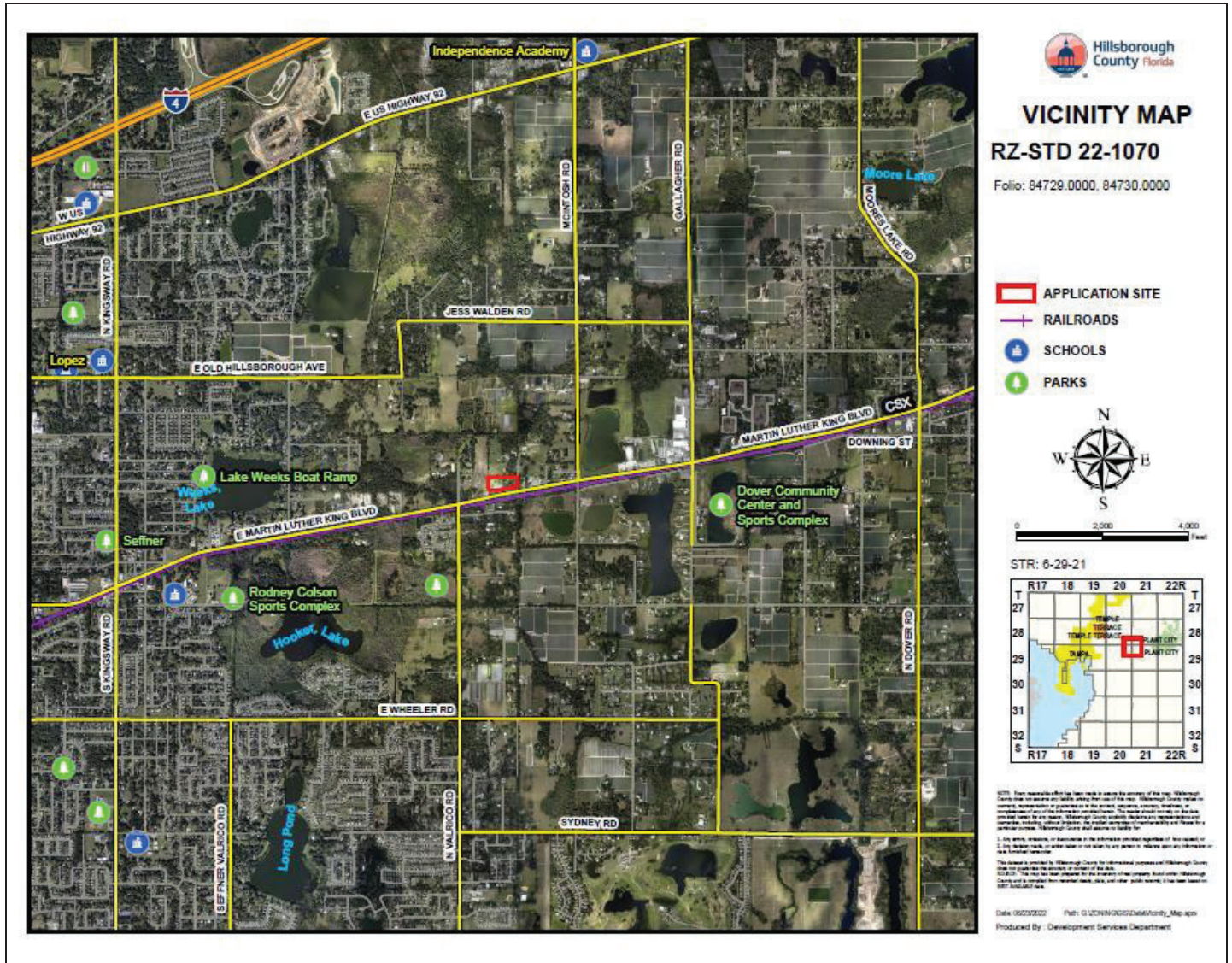
*number represents a pre-development approximation

Development Standards	Existing	Proposed
District(s)	ASC-1	CG-R
Lot Size / Lot Width	43,560 sf / 150'	10,000 sf / 75'
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	30' Front Buffer Rear Buffer Sides
Height	50'	50'

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

2.1 Vicinity Map

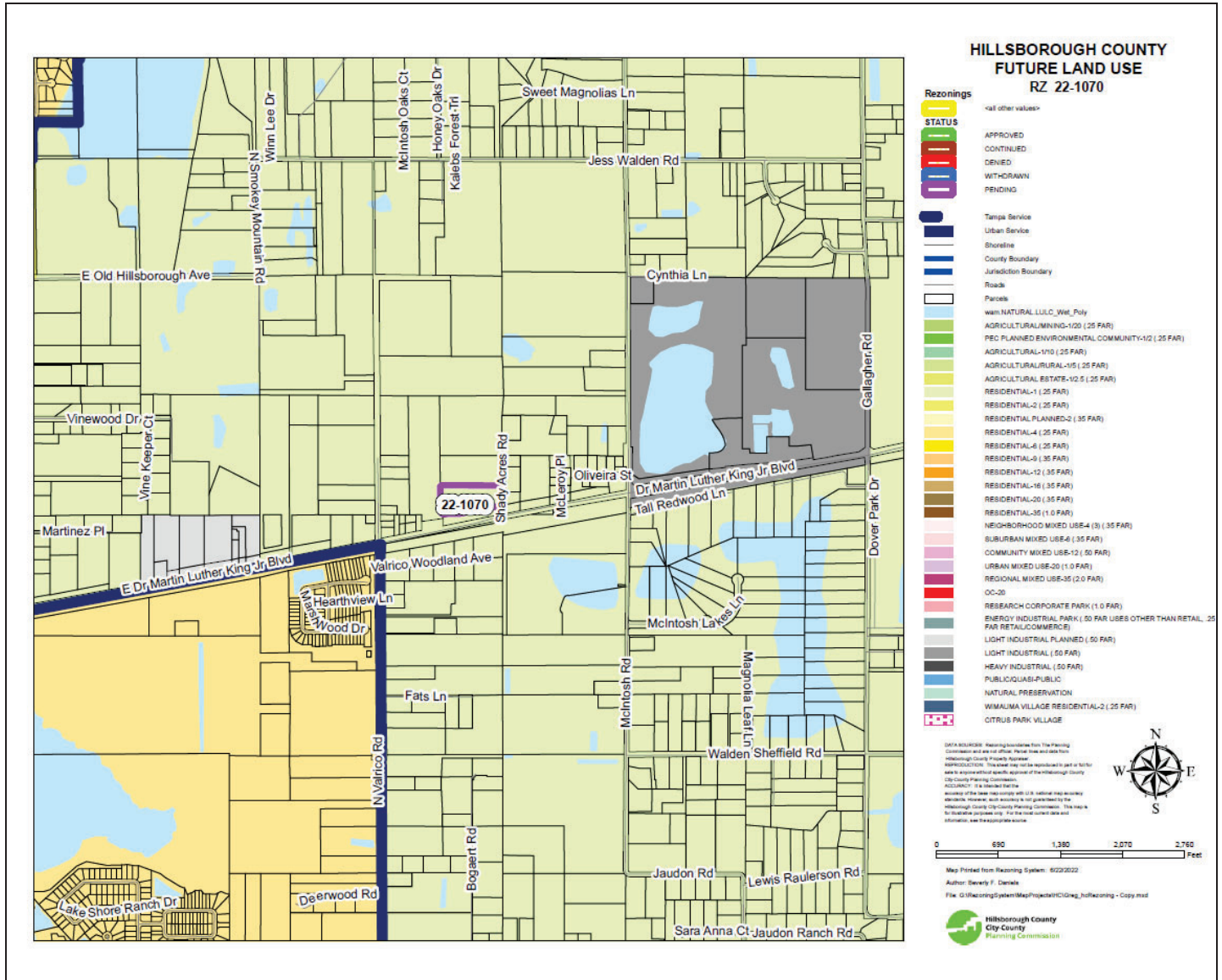


Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcels are directly adjacent to single-family residential zoned ASC-1 to the north. To the south the parcels are adjacent to vacant parcels zoned ASC-1 and RSC-6. To the east the parcels are adjacent to single-family residential zoned ASC-1 and CG-R. To the west the parcels are adjacent to a radio tower complex zoned ASC-1. Further south across State Road 574 (Martin Luther King Jr. Blvd) are CSX railroad tracks.

2.0 LAND USE MAP SET AND SUMMARY DATA

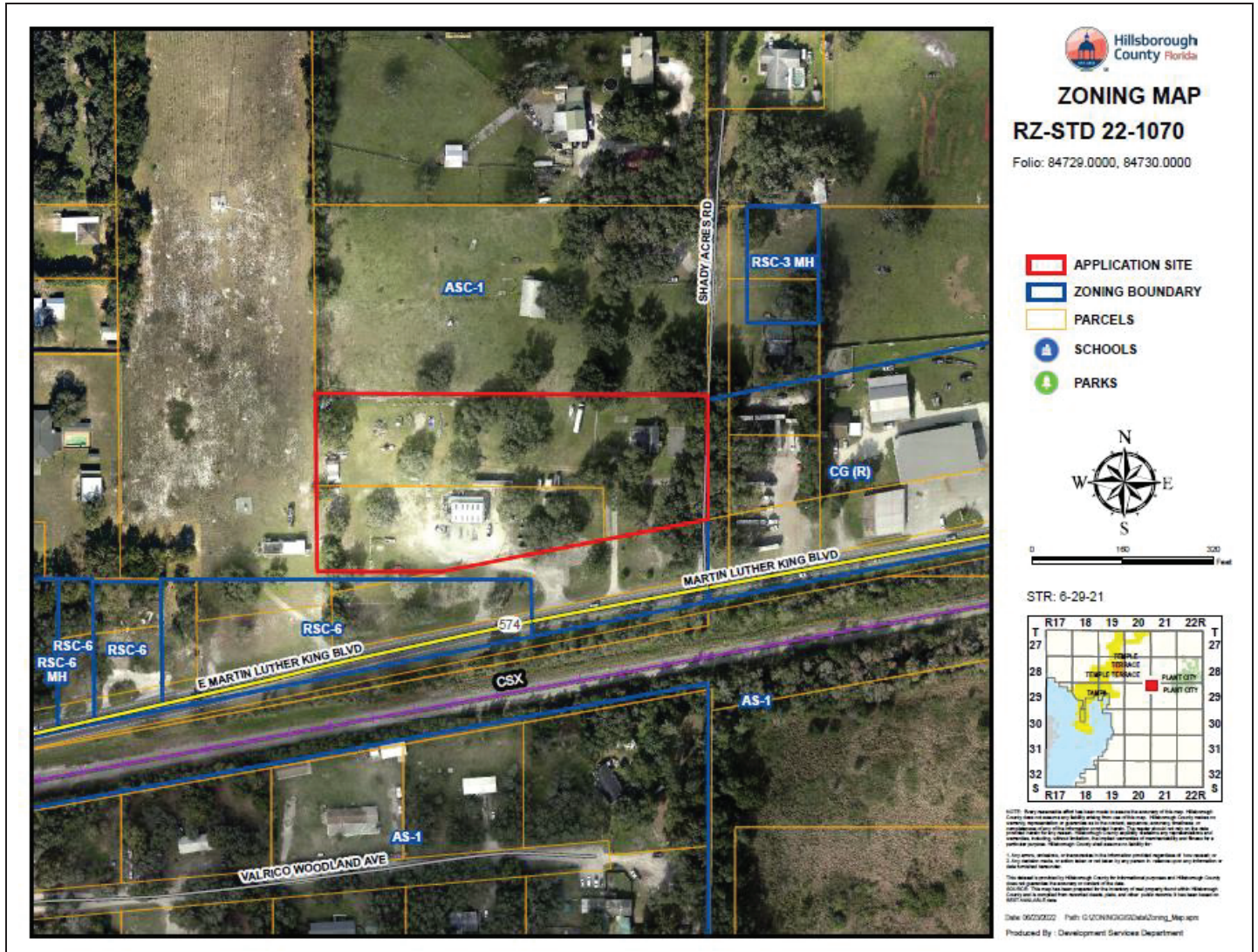
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-1 (RES-1)
Maximum Density:	1.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.

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	ASC-1	1 du / gross acre	Single-Family Residential/Agricultural	Single-Family Residential
South	ASC-1, RSC-6	1 du / gross acre, 6 du / gross acre	Single-Family Residential/Agricultural, Single-Family Residential (Conventional Only)	Vacant, State Right-of-way
East	ASC-1, CG-R	1 du / gross acre, 0.27 F.A.R.	Single-Family Residential/Agricultural, General Commercial, Office and Personal Services	Single-Family Residential
West	ASC-1	1 du / gross acre	Single-Family Residential/Agricultural	Radio Towers

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
Martin Luther King Blvd.	FDOT Principal Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Shady Acres 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	38	3	4
Proposed	N/A	68	179
Difference (+/-)	N/A	(+)65	(+)175

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

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 4.45-acre property is comprised of two parcels both zoned ASC-1 (Agricultural – Single-Family Conventional). The subject parcels are located 200 feet northwest of the intersection of Martin Luther King Junior Boulevard and Shady Acres Road. The area is comprised of single-family residential and commercial. The subject parcels are directly adjacent to single-family residential zoned ASC-1 to the north. To the south the parcels are adjacent to vacant parcels zoned ASC-1 and RSC-6. To the east the parcels are adjacent to single-family residential zoned ASC-1 and CG-R. To the west the parcels are adjacent to a radio tower complex zoned ASC-1. Further south across State Road 574 (Martin Luther King Jr. Blvd) are CSX railroad tracks. The subject property is designated Residential-1 (RES-1) on the Future Land Use map.

The Planning Commission in their previous report on this case for the September 19, 2022 ZHM hearing mentioned several compatibility concerns regarding the proposed rezoning:

- 1) The subject site does not meet Commercial Locational Criteria as the nearest qualifying node at McIntosh and Dr. Martin Luther King Junior Boulevard is located greater than 300 feet as per policy 22.2 of the Future Land Use Element of the Comprehensive Plan. The applicant has requested a waiver, which is in the record.
- 2) The Seffner Mango Community Plan discourages retail uses along Dr. Martin Luther King Junior Boulevard in the Rural Area and discourages commercial encroachment in residential areas between US 92 and Dr. Martin Luther King Junior Boulevard.

In response to these concerns, the applicant has offered the following mitigating restrictions:

- 1) Business and/or professional offices, including, but not limited to accountants, banks, lawyers, real estate and title companies as well as the County code definition of “Business Service”.
- 2) INDOOR USES ONLY as defined in the official County code definition of “Recreational Uses, General Indoor/Outdoor”: For profit or non-profit recreational uses and facilities providing sports or recreation opportunities within an enclosed building. Such uses shall include but not be limited to bowling alleys, skating rinks, movie theatres, gymnasiums, fitness centers, dance schools, miniature golf, volleyball, etc. located completely within an enclosed building.
- 3) The operating hours will be restricted to weekdays 8 am to 8 pm and weekends 10 am to 10 pm.


With the proposed restrictions, the Planning Commission finds the proposed rezoning CONSISTENT with the Comprehensive Plan. Development Services concurs with that assessment. The proposed restrictions limit retail and lowers the intensity of the potential uses, which provides a transition to the residential neighborhood. The proposed office and indoor uses meet the intent of the Seffner Mango Community Plan. Also, the restricted operating hours provide noise and traffic congestion relief to the neighboring residential area.

Based on the above considerations staff finds the requested CG-R zoning district COMPATIBLE with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request APPROVABLE. As noted, the applicant has offered the following restrictions:

1. Business and/or professional offices, including, but not limited to accountants, banks, lawyers, real estate and title companies as well as the County code definition of "Business Service".
2. INDOOR USES ONLY as defined in the official County code definition of "Recreational Uses, General Indoor/Outdoor": For profit or non-profit recreational uses and facilities providing sports or recreation opportunities within an enclosed building. Such uses shall include but not be limited to bowling alleys, skating rinks, movie theatres, gymnasiums, fitness centers, dance schools, miniature golf, volleyball, etc. located completely within an enclosed building.
3. The operating hours will be restricted to weekdays 8 am to 8 pm and weekends 10 am to 10 pm.

<p>Zoning Administrator Sign Off:</p>	 <p>J. Brian Grady Fri Feb 10 2023 09:31:06</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

6.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

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

DATE: 02/09/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 22-1070

- 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 65 trips in the a.m. peak hour, and 175 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 two parcels totaling +/- 4.45 acres from Agricultural Single Family Conventional – 1 (ASC-1) to Commercial General - Restricted (CG-R). The site is located +/- 100 feet northwest of the intersection of Martin Luther King Blvd and Shady Acres Road. The Future Land Use designation of the site is Residential – 1 (R-1).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 4 Single Family Dwelling Unit (ITE Code 210)	38	3	4

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 52,000 sf Health/Fitness Club (ITE Code 492)	N/A*	68	179

*ITE does not provide a daily trip count for ITE Code 492

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	N/A	+65	+175

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Martin Luther King Blvd is a 2-lane, undivided, Florida Department of Transportation (FDOT) maintained, Principal Arterial roadway with +/- 12-foot travel lanes. Martin Luther King Blvd has bike lanes on both side but no sidewalks or curb and gutter on either side of the roadway within the vicinity of the project. Shady Acres Road is private, substandard, local roadway with +/- 10 feet wide pavement. Shady Acres Road does not have sidewalk, bike lanes or curb and gutter on either side of the road within the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Martin Luther King Blvd is shown as a 4-lane road in the Hillsborough County Corridor Preservation Plan. Additional Right of Way may need to be preserved on the subject property for the planned improvement.

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd. During the site review process, any access from the subject site to Shady Acres Road shall be closed, as it is a private residential roadway. 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

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	VALRICO RD	MCINTOSH RD	D	D

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

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

Application number:	RZ-STD 22-1070 (Remand)
Hearing date:	February 20, 2023
Applicant:	Bremalie Homes, LLC
Request:	Rezone to CG-R
Location:	2922 Shady Acres Road and 12780 Dr. Martin Luther King Jr. Boulevard, Dover 200 feet northwest of the intersection of Dr. Martin Luther King Jr. Boulevard and Shady Acres Road
Parcel size:	4.45 acres +/-
Existing zoning:	ASC-1
Future land use designation:	Res-1 (1 du/ga; 0.25 FAR)
Service area:	Rural Services Area
Community planning area:	Seffner-Mango Community Plan

A. APPLICATION REVIEW

**DEVELOPMENT SERVICES STAFF REPORT
APPLICATION REVIEW SUMMARY AND RECOMMENDATION**

Rezoning Application: RZ-STD 22-1070 (REMAND)

Zoning Hearing Master Date: February 20, 2023

BOCC Land Use Meeting Date: April 11, 2023

1.0 APPLICATION SUMMARY

Applicant: Bremalie Homes, LLC

FLU Category: Residential-1 (R-1)

Service Area: Rural

Site Acreage: 4.45 MOL

**Community
Plan Area:** Seffner Mango

Overlay: None

Request: Rezone from Agricultural – Single-Family Conventional (ASC-1) to Commercial General Restricted (CG-R)



Introduction Summary:

The existing zoning is Agricultural – Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Commercial – General Restricted (CG-R) which allows Restricted General Commercial, Office and Personal Services uses pursuant to the development standards in the table below. The application was remanded at the November 3, 2022 Board of County Commissioner’s Land Use Meeting in order for the applicant to consider further clarifying proposed uses. In response, the applicant has offered restrictions limiting uses to business professional office and indoor recreation uses and limitations on operating hours (weekdays 8 am to 8 pm and weekends 10 am to 10 pm).

Zoning:	Existing	Proposed
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Typical General Use(s)	Single-Family Residential/Agricultural	Restricted General Commercial, Office and Personal Services
Acreage	4.45 MOL	4.45 MOL
Density/Intensity	1 du / gross acre	0.27 F.A.R.
Mathematical Maximum*	4 units	52,337 sf

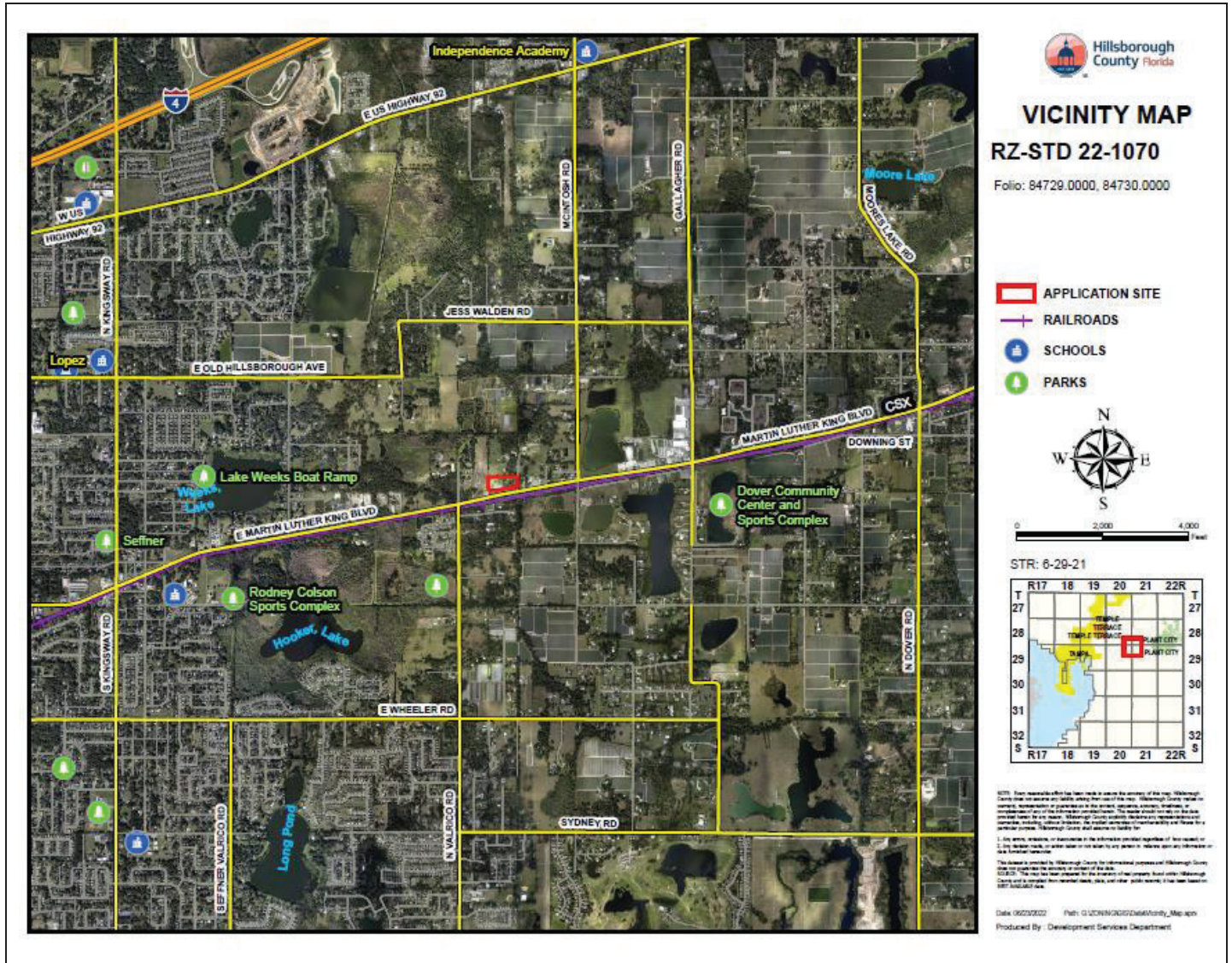
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Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	30' Front Buffer Rear Buffer Sides
Height	50'	50'

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable
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2.1 Vicinity Map

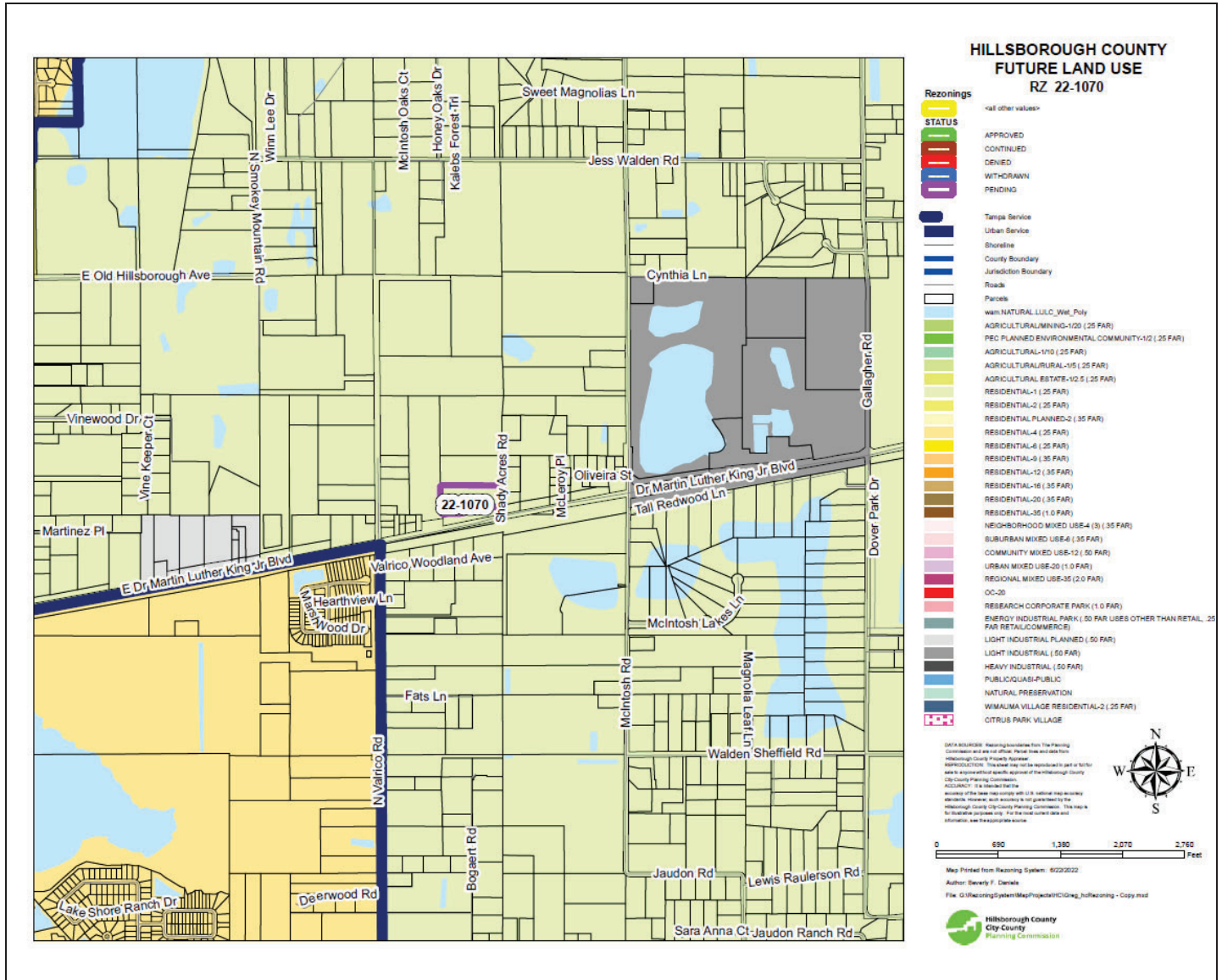


Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcels are directly adjacent to single-family residential zoned ASC-1 to the north. To the south the parcels are adjacent to vacant parcels zoned ASC-1 and RSC-6. To the east the parcels are adjacent to single-family residential zoned ASC-1 and CG-R. To the west the parcels are adjacent to a radio tower complex zoned ASC-1. Further south across State Road 574 (Martin Luther King Jr. Blvd) are CSX railroad tracks.

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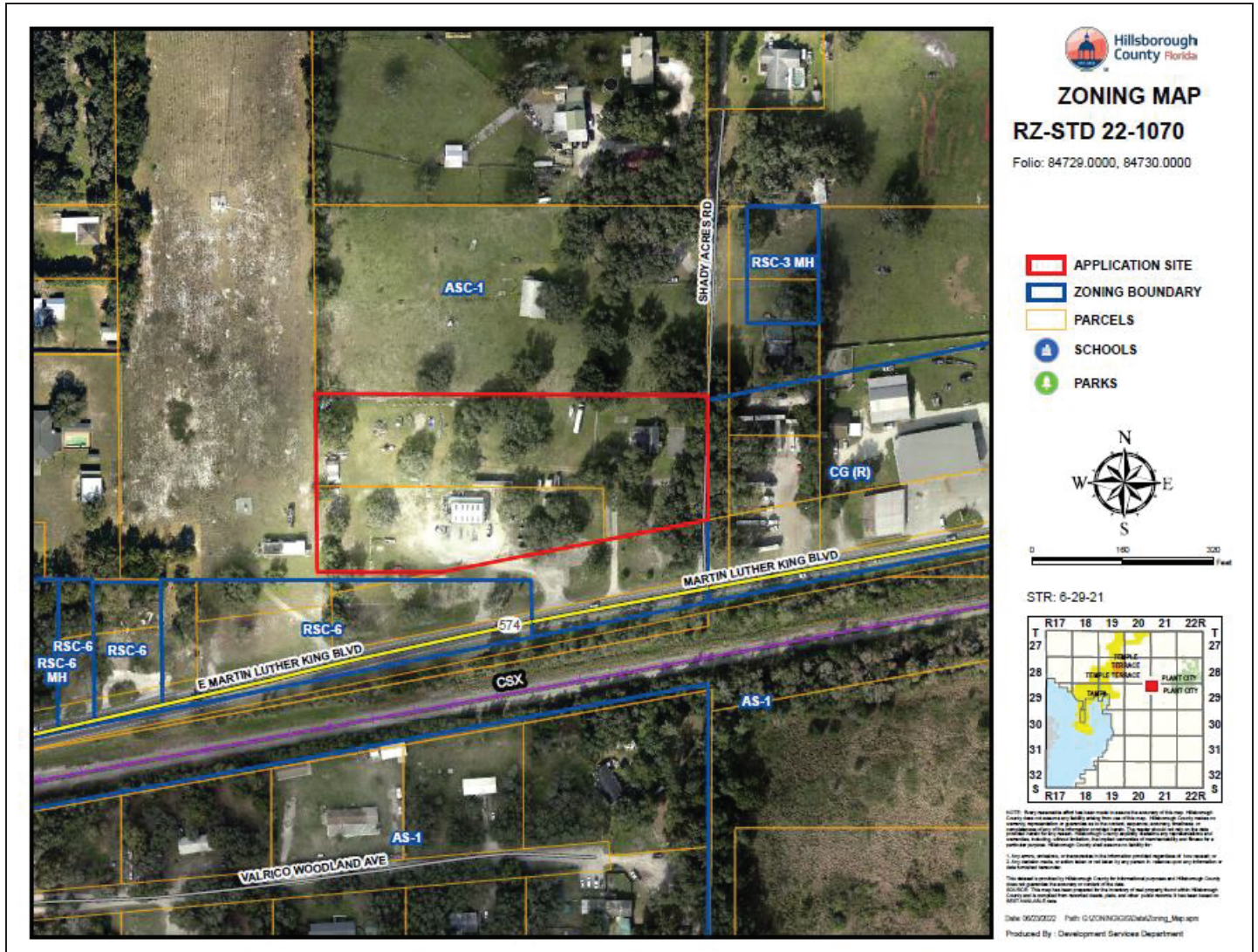
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-1 (RES-1)
Maximum Density:	1.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.

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	ASC-1	1 du / gross acre	Single-Family Residential/Agricultural	Single-Family Residential
South	ASC-1, RSC-6	1 du / gross acre, 6 du / gross acre	Single-Family Residential/Agricultural, Single-Family Residential (Conventional Only)	Vacant, State Right-of-way
East	ASC-1, CG-R	1 du / gross acre, 0.27 F.A.R.	Single-Family Residential/Agricultural, General Commercial, Office and Personal Services	Single-Family Residential
West	ASC-1	1 du / gross acre	Single-Family Residential/Agricultural	Radio Towers

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
Martin Luther King Blvd.	FDOT Principal Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Shady Acres 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	38	3	4
Proposed	N/A	68	179
Difference (+/-)	N/A	(+)65	(+)175

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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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Other				
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Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input 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
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 4.45-acre property is comprised of two parcels both zoned ASC-1 (Agricultural – Single-Family Conventional). The subject parcels are located 200 feet northwest of the intersection of Martin Luther King Junior Boulevard and Shady Acres Road. The area is comprised of single-family residential and commercial. The subject parcels are directly adjacent to single-family residential zoned ASC-1 to the north. To the south the parcels are adjacent to vacant parcels zoned ASC-1 and RSC-6. To the east the parcels are adjacent to single-family residential zoned ASC-1 and CG-R. To the west the parcels are adjacent to a radio tower complex zoned ASC-1. Further south across State Road 574 (Martin Luther King Jr. Blvd) are CSX railroad tracks. The subject property is designated Residential-1 (RES-1) on the Future Land Use map.

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In response to these concerns, the applicant has offered the following mitigating restrictions:

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- 3) The operating hours will be restricted to weekdays 8 am to 8 pm and weekends 10 am to 10 pm.


With the proposed restrictions, the Planning Commission finds the proposed rezoning CONSISTENT with the Comprehensive Plan. Development Services concurs with that assessment. The proposed restrictions limit retail and lowers the intensity of the potential uses, which provides a transition to the residential neighborhood. The proposed office and indoor uses meet the intent of the Seffner Mango Community Plan. Also, the restricted operating hours provide noise and traffic congestion relief to the neighboring residential area.

Based on the above considerations staff finds the requested CG-R zoning district COMPATIBLE with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request APPROVABLE. As noted, the applicant has offered the following restrictions:

1. Business and/or professional offices, including, but not limited to accountants, banks, lawyers, real estate and title companies as well as the County code definition of "Business Service".
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<p>Zoning Administrator Sign Off:</p>	 <p>J. Brian Grady Fri Feb 10 2023 09:31:06</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on February 20, 2023. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition. Mr. Grady stated the Board of County Commissioners remanded this case with the direction that the applicant clarify the range of uses being proposed for the project.

Applicant

Mr. Todd Pressman spoke on behalf of the applicant. Mr. Pressman presented the rezoning request and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation. He stated the applicant has provided specific restrictions for the range of uses they are proposing and those restrictions were submitted into the record and are in the Development Services staff report.

Development Services Department

Mr. Chris Grandlienard, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted to the record.

Planning Commission

Ms. Carla Llanos, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record. Ms. Llanos stated Planning Commission staff noted the Florida Department of Transportation owns the adjacent parcel south of the Subject Property.

Proponents

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

Opponents

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

Development Services Department

Mr. Grady stated the Development Services Department had nothing further.

Applicant Rebuttal

Mr. Pressman stated the applicant had nothing further.

The hearing officer closed the hearing RZ-STD 22-1070.

C. EVIDENCE SUBMITTED

Mr. Pressman submitted into the record at the hearing a copy of the applicant's presentation slides.

D. FINDINGS OF FACT

1. The Subject Property consists of two parcels totaling approximately 4.45 acres at 2922 Shady Acres Road and 12780 Dr. Martin Luther King Jr. Boulevard in Dover, located 200 feet northwest of the Dr. Martin Luther King Jr. Boulevard and Shady Acres Road intersection.
2. The Subject Property is designated Res-1 on the Future Land Use Map and is zoned ASC-1. The Subject Property's existing zoning allows single-family residential and agricultural uses with density at one dwelling unit per gross acre.
3. The Subject Property is located within the boundaries of the Seffner-Mango Community Plan and is within the Rural Services Area.
4. The Subject Property is improved with a single-family home constructed in 1962 and prefabricated metal building.
5. The area surrounding the Subject Property consists of single-family residential and commercial uses. Directly adjacent to the Subject Parcel to the north is a property zoned ASC-1 and in single-family residential and pasture use; to the west is a property zoned ASC-1 and in use as a radio tower complex; to the south is a vacant parcel zoned ASC-1 and RSC-6 that is owned by the Florida Department of Transportation; further south is Dr. Martin Luther King Jr. Boulevard, a railroad track, and properties zoned AS-1 and developed in single-family residential use; to the east of the Subject Property is Shady Acres Road and properties zoned CG-R; to the north east are properties zoned RSC-3 MH and ASC-1.
6. The applicant is requesting to rezone the Subject Property to Commercial General-Restricted.
7. The Subject Property does not meet Commercial Locational Criteria, and the applicant has requested a waiver. Planning Commission staff reviewed the applicant's waiver justifications and found the restricted uses are in the nature of CG uses and are more in line with BPO uses. Planning Commission staff recommended the Board of County Commissioners grant the Commercial Locational Criteria waiver request.
8. At the November 3, 2022 land use meeting, the Board of County Commissioners remanded the proposed rezoning for the applicant to consider further clarifying proposed restrictions limiting the allowable uses. In response, the applicant offered

restrictions limiting allowable uses to business and professional offices including uses in the LDC definition of “Business Services,” uses within the LDC definition of “Recreational Uses, General Indoor/Outdoor,” and restricting operating hours to 8:00 a.m. to 8:00 p.m. on weekdays and 10:00 a.m. to 10:00 p.m. on weekends.

9. With the proposed restrictions on uses and operating yours, Development Services Department staff found the requested rezoning approvable and compatible with the existing zoning and development pattern in the surrounding area.
10. With the proposed restrictions on uses and operating hours, Planning Commission staff found the proposed rezoning consistent with the comprehensive plan and the Seffner-Mango Community Plan.

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

The record evidence demonstrates the proposed rezoning request is in compliance with, and does further the intent of the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2022). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and complies with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant is requesting to rezone the Subject Property to Commercial General-Restricted. The applicant is offering restrictions limiting allowable uses to business and professional offices including uses in the LDC definition of “Business Services,” uses within the LDC definition of “Recreational Uses, General Indoor/Outdoor,” and restricting operating hours to 8:00 a.m. to 8:00 p.m. on weekdays and 10:00 a.m. to 10:00 p.m. on weekends. The Subject Property does not meet Commercial Locational Criteria, and the applicant has requested a waiver.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **APPROVAL** of the rezoning request with the following restrictions:

1. Business and/or professional offices, including, but not limited to accountants, banks, lawyers, real estate and title companies, as well as the County code definition of "Business Service."
2. INDOOR USES ONLY as defined in the official County code definition of "Recreational Uses, General Indoor/Outdoor:" For profit or non-profit recreational uses and facilities providing sports or recreation opportunities within an enclosed building. Such uses shall include but not be limited to bowling alleys, skating rinks, movie theatres, gymnasiums, fitness centers, dance schools, miniature golf, volleyball, etc. located completely within an enclosed building.
3. The operating hours will be restricted to weekdays 8 am to 8 pm and weekends 10 am to 10 pm.

Pamela Jo Hatley
Pamela Jo Hatley PhD, JD
Land Use Hearing Officer

March 13, 2023
Date:

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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IN RE:)
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ZONE HEARING MASTER)
HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, February 20, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 8:11 p.m.

LOCATION: Hillsborough County Planning
Commission Board Room-2nd Floor
601 East Kennedy Boulevard
Tampa, Florida 36602

Reported via Cisco Webex Videoconference by:
Samantha Kozlowski, CER

1 MR. GRADY: The next item is agenda item B.1 rezoning
2 standard 22-1070. This is a request to rezone from ASC-1 to
3 commercial general with restrictions. Madam Hearing Officer,
4 this case was remanded by the Board with -- with the direction
5 of the applicant to look at verifying the range of uses they
6 were proposing for this project. They haven't had restrictions.
7 Chris Grandlienard will provide the staff -- the staff
8 recommendation after presentation of the applicant.

9 HEARING MASTER: All right. Thank you.

10 MR. PRESSMAN: Good evening, Hearing Officer. Todd
11 Pressman 21 (inaudible) South, Saint Petersburg. As staff has
12 indicated, we work closely with the staff to bring the case back
13 on remand from the prior commission, which comes now forward
14 with a staff recommendation support from both the AC and the
15 department. So I will go through this quickly. And I enter
16 this on the record.

17 This is 22107. We're located in the -- Dover general
18 area. This is a little closer view of it and this is the
19 project site outlined in red by the property appraiser. There's
20 actually two parcels that compose of the site. This is the
21 existing site. We're seeking rezoning from ASC-1 to CG. again,
22 this is a remand from the November 3rd clarifying restricted
23 uses. Planning Commission Development Services support. These
24 are the specific restrictions they're, of course, part of the
25 staff report. And I've also entered this into the record, but

1 primarily it's business professional offices with some specifics
2 and clarification. Indoor uses, also specifically more clearly
3 defined and operating hours.

4 Zoning map along the roadway is commercial in nature
5 in manufacturing. Existing uses include trucks and rentals both
6 in the CG and CN. The PDC is recorded from 1988 plan
7 development, which I have the record here for you as well.
8 Abutting on the west is antenna and antenna farm. There are
9 three specific antennas that I have visualized for you here.
10 That's abutting on the west. Existing as CG on the east is this
11 use. Existing on the CG is this use. And those are the zoning
12 categories layout along the roadway. Opposite side of the
13 roadway is CSX railroad tracks, they parallel the roadway
14 throughout that part of the county. This is just a quick
15 visualization of -- of that roadway or railway. The traffic --
16 it is an arterial roadway. Per the county records, it carries
17 anywhere from 14,300 vehicles per day to 11,200 vehicles per
18 day, depending upon what side you take to count. And the
19 roadway is also a specific designated truck route in -- in the
20 county. Planning Commission notes, they support the locational
21 waive, meets intent of the Seffner Mango Community Plan. And
22 they find it consistent. Under Seffner Mango Community Plan it
23 notes that commercial developments should be directed to US 19
24 Martin Luther King Boulevard corridors. It encourages advisor
25 revitalization in redevelopment of older existing commercial

1 areas and uses. And this is just visualization that the site
2 has had activity over many years, at least by the year 1999. So
3 with that, we ask for your consideration and approval request.
4 Thank you. Thank you. I'm happy to answer any questions you
5 might have.

6 HEARING MASTER: Don't have any for your right now,
7 Mr. Pressman. Thank you. All right. Development Services.

8 MR. GRANDLIENARD: Good evening. Chris Grandlienard
9 with Development Services. We're here to present application
10 22-1070, the remand. The application was remanded at the
11 November 3rd Board of County Commissioners land use meeting. In
12 order for the applicant to consider for further clarifying
13 proposed uses as he mentioned.

14 The applicant is proposing a rezone from existing
15 ASC-1 to commercial general restricted. The approximate 4.45
16 acre property's comprised of two parcels both zoned ASC-1,
17 agricultural single-family conventional. The subject parcels
18 are located 200 feet northwest of the intersection of Martin
19 Luther King Junior Boulevard and Shady Acres Road. The subject
20 property is designated Residential-1 on the future land use map.
21 And regarding to compatibility -- previous compatibility
22 concerns that Development Services had -- and Planning
23 Commission had -- had -- the subject site did not -- does not
24 mention -- meet commercial location criteria, as the nearest
25 qualifying note is at Macintosh and Martin Luther King

1 Boulevard. That is located greater than two -- 300 feet as per
2 Policy 22.2 of the Future Use -- Land Development Element of a
3 comprehensive plan. The applicant has requested a waiver, which
4 is in the record.

5 Also, another compatibility concern about the Seffner
6 Mango Community Plan discourages retail uses along MLK Boulevard
7 in the rural area. And it discourages commercial encroachment
8 in residential areas between US 92 and Dr. Martin Luther King.

9 In response to the -- in response to these concerns,
10 the applicant has offered the following mitigating restrictions.
11 The business and/or profess -- business and/or professional
12 offices, including but not limited to, accounts -- accountants,
13 banks, lawyers, real estate and title companies, as well as the
14 county code definition of business service. Number two, indoor
15 uses only as defined in the official county code. The
16 definition of recreational uses, general indoor, outdoor. For
17 profit or nonprofit recreational uses and facilities providing
18 sports or recreation opportunities within an closed building.
19 Such uses shall include, but not be limited to bowling alleys,
20 skating rinks, movie theaters, gymnasium, fitness centers,
21 desks, schools, miniature golf, volleyball, etcetera, located
22 completely within an enclosed building. Number three, the
23 operating hours will be restricted to weekdays 8:00 a.m. to
24 8:00 p.m. and weekends 10:00 a.m. to 10:00 p.m. With these
25 proposed restrictions, the Planning Commission found the

1 proposed rezoning consistent with the comprehensive plan and
2 Development Services concurs with that assessment.

3 The proposed restrictions limit retail and lower the
4 intensity for the potential uses, which provides a transition to
5 the residential neighborhood. The proposed office and indoor
6 uses meet the intent of the Seffner Mango Community Plan. Also,
7 the restricted operating hours provided noise and traffic
8 congestion relief to the neighboring residential area.

9 Based on the above considerations, staff finds the
10 request to commercial general restricted zoning district
11 compatible with the existing rezoning -- existing zoning and
12 development patterns in the area. And we would find it
13 approvable for commercial general restricted. And I'm glad to
14 answer any questions you may have.

15 HEARING MASTER: All right. Thank you very much. No
16 questions this time. Thank you. All right. Planning
17 Commission.

18 MS. LLANOS: Karla Llanos with Planning Commission
19 Staff. Would you like me to do a full testimony or would you
20 like me to skip and go into the nitty gritty?

21 HEARING MASTER: Just -- yes. The nitty gritty.
22 Address the -- the remand and then -- that changed some of the
23 findings and the basis for that please.

24 MS. LLANOS: Understood.

25 HEARING MASTER: Thank you.

1 MS. LLANOS: So in response to the remand directly by
2 the Board of County Commissioners on November 3rd, the applicant
3 is restricting and allowable uses to business and professional
4 office and indoor recreational uses. Planning Commission Staff
5 did review the list of the proposed uses and they are in -- in
6 agreement. So Planning Commission Staff also reviewed a waiver
7 because the area has some presence of like CG zoning districts,
8 etcetera, which we found that it was kind of rezoned around 2014
9 from CM to CG uses and to CG existing uses in the area.

10 Now after we reviewed the waiver, we included in the
11 proposals mean we -- it has kind of restricted uses that are not
12 commercial general in nature, but more VPO uses, which is this
13 is professional office uses. And it's more than less intense
14 and traditional -- transitional in character. So with that,
15 Planning Commission Staff finds that the proposed list of uses
16 and the way the request is right now is consistent with a
17 comprehensive plan. In addition, it's -- it's consistent with
18 the Saffner Mango Community Plan Goals two and three. It
19 specifically calls out for residential, you know, encroachment
20 of commercial uses and residential areas between 92 and Dr.
21 Martin Luther King. It discourages strict commercial, which
22 again, the applicant's proposing this is for professional office
23 with some in indoor recreational uses. So it kind of goes away
24 from that retail strip idea. So on top of that -- overall, the
25 proposed rezoning, we've heard Development that it is consistent

1 objective with the goal's objectives and policies of
2 Unincorporated Hillsborough County Comprehensive Plan. And it
3 is compatible with the existing and plan development pattern
4 found within the surrounding area.

5 With that said, we did also look at the parcel in
6 front of the subject site. We did notice that it was -- for the
7 department of transportation. So that's a further indication of
8 how we want to keep that development and pattern as well.

9 So at this point, based upon those considerations,
10 Planning Commission Staff is again -- finding this request
11 consistent with the Unincorporated Hillsborough County
12 Comprehensive Plan, subject to the conditions proposed by
13 Development Services Department.

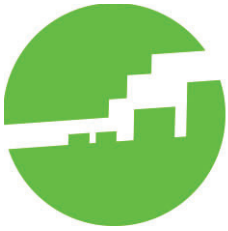
14 HEARING MASTER: All right. Thank you, Ms. --
15 Ms. Llanos.

16 All right. Is -- is there anyone here or online who
17 is just to speak in support of this application? I do not hear
18 anyone. Is there anyone here or online wishes just to speak in
19 opposition to this application? I do not not hear anyone?
20 Development Services, anything further?

21 MR. GRADY: Nothing further.

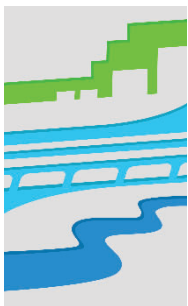
22 HEARING MASTER: Okay. Applicant, anything further?
23 Okay. Okay. Then this will close the hearing on rezoning
24 standard 22-1070.

25



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: February 20, 2023 Report Prepared: February 8, 2023	Petition: RZ 22-1070 12780 Dr Martin Luther King Junior Drive <i>On the north side of Dr Martin Luther King Junior Boulevard, west of Shady Acres Road</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-1 (1 du/ga; 0.25 FAR)
Service Area	Rural
Community Plan:	Seffner Mango
Requested Zoning:	Agricultural Single-Family Conventional-1 (ASC-1) to Commercial General (CG-R)
Parcel Size (Approx.):	4.45 acres +/- (193,842 square feet)
Street Functional Classification:	Shady Acres Road – Local Dr Martin Luther King Junior Boulevard - Principal Arterial
Locational Criteria	Does not meet; waiver has been requested
Evacuation Zone	None



Context

- The 4.45 +/- acre subject site is located north of Dr Martin Luther King Junior Drive and west of Shady Acres Road. The subject site is located within the Rural Area and is within the limits of the Seffner Mango Community Plan.
- The subject site's Future Land Use classification is Residential-1 (RES-1) on the Future Land Use Map. Typical uses of RES-1 include farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. RES-1 surrounds the subject site on all sides. Residential-4 (RES-4) is located to the southwest of the site. Light Industrial (LI) is located further east of the subject site.
- The northern portion of the subject site is currently developed with a single-family residential dwelling. The southern portion is developed with light industrial uses such as metal fabrication. To the north are agricultural uses. Public Utility uses are located to the west of the site. The CSX railroad tracks are located to the south of Dr Martin Luther King Junior Boulevard.
- The subject site is currently zoned as Agricultural Single-Family Conventional-1(ASC-1). ASC-1 is located to the north, south, and west of the site. Residential Single-Family Conventional-6 (RSC-6) is located to the southwest of the site. Commercial General (CG) is located to the east, across Shady Acres Road. Commercial Neighborhood (CN) is located next to the CG.
- The applicant is requesting to rezone the subject site from Agricultural Single-Family Conventional-1 (ASC-1) to Commercial General (CG-R), restricting the allowable uses to business and/or professional office and indoor recreational uses.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Rural Area

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

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

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

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

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

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

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

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

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

Community Planning

Objective 18: Hillsborough County is comprised of many diverse communities and neighborhoods, each with its own unique identity. While the comprehensive plan is effective in providing an overall growth management strategy for development within the entire County, it does not have detailed planning strategies for individual communities. The County shall develop strategies that ensure the long-range viability of its communities through a community and special area studies planning effort.

Policy 18.1: *The County shall assist the Hillsborough County City-County Planning Commission in developing community plans for each planning area that are consistent with and further the Comprehensive Plan. The community plans will be adopted as part of the Comprehensive Plan in the Livable Communities Element; these more restrictive community-specific policies will apply in guiding the development of the community.*

Additional policies regarding community planning and the adopted community plans can be found in the Livable Communities Element.

Commercial Locational Criteria

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

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

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

Policy 22.2: *The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.*

In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

Policy 22.7: *Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.*

The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts,

adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.

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

Community Design Component

4.3 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.*

LIVABLE COMMUNITIES ELEMENT: SEFFNER MANGO COMMUNITY PLAN

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

- *Within the Rural Service Area residential development shall reflect its rural future land use designation.*
- *Discourage commercial encroachment into the residential areas between US 92 and Martin Luther King Boulevard and south of Martin Luther King Boulevard.*

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

Strategies:

- *Recognize the commercial character of US 92 and Martin Luther King Boulevard within the Urban Service Area.*
- *Restrict retail development along US 92 and Martin Luther King Boulevard outside the Urban Service Area to existing commercial zoning districts.*
- *Discourage further strip retail development along those portions of US 92 and Martin Luther King Boulevard that are in the Rural Service Area.*
- *Non-residential development at intersections south of US 92 and north of Martin Luther King Boulevard that meet locational criteria as established in the Hillsborough County Comprehensive Plan as of June 18, 2009, for consideration of commercial uses, shall be limited to office uses and child care and places of worship. Buildings shall be residential in appearance with pitched roofs. Metal buildings shall not be allowed*

Staff Analysis of Goals, Objectives and Policies

The 4.45 acre subject site is located in the northwest quadrant of the Dr. Martin Luther King Junior Boulevard and Shady Acres Drive intersection. The subject site is in the Rural Area and is within the limits of the Seffner Mango Community Plan. The Future Land Use category of the subject site is Residential-1 (RES-1) on the Future Land Use Map. The applicant is requesting to rezone the subject site from Agricultural Single-Family Conventional-1 (ASC-1) to Commercial General (CG-R), restricting the allowable uses to business and/or professional office and indoor recreational uses.

According to Appendix A of the Future Land Use Element, the intent of the Residential-1 (RES-1) Future Land Use Category is to *“To designate areas for rural residential uses, compatible with short-term Agricultural Uses. Other uses including rural scale neighborhood commercial, office and multi-purpose projects may be permitted when complying with the Goals, Objectives and Policies of the Land Use Element and applicable development regulations and conforming to established locational criteria for specific land use”*. The subject site is surrounded by RES-1 on all sides. Light Industrial (LI) is further to the east and Residential-4 (RES-4) is located to the southwest of the subject site.

The subject site is located in the Rural Area which according to Objective 4 is reserved to provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment. Although located in the Rural Area, the applicant is proposing uses that are generally lower intensity and would not encroach onto the agricultural and large lot low density residential areas, particularly to the north of the site. Therefore, the proposal meets the intent of Objective 4 or Policy 4.1 of the Future Land Use Element.

The proposed rezoning meets the intent of the Neighborhood Protection policies modifying FLUE Objective 16 (FLUE Policies 16.1, 16.2, 16.3 and 16.5). The development pattern of the surrounding area has a concentration of the most intense uses that front on Dr. Martin Luther King Junior Boulevard, especially that portion that is in the Urban Service Area. The proposed restricted uses meet the intent of FLUE Policy 16.5 that seeks to restrict higher intensity uses to arterial roads and that are external to established neighborhoods. Although the site is not directly located on the arterial roadway, it is located only one relatively narrow parcel (approximately 100 feet) north of it. The proposed restricted uses in this area would be complementary as they would be limited to a 0.25 FAR that would limit the scale of any future use of the site. The proposed restricted uses would also serve as a transition to the rural residential character north of the site as per FLUE Policy 16.3.

The subject site does not meet Commercial Locational Criteria as per Objective 22 and Policy 22.2 of the Future land Use Element, as the nearest qualifying intersection node is located at McIntosh and Dr. Martin Luther King Drive Junior (greater than 300 feet away). Per FLUE Policy 22.8, the applicant has submitted a waiver request for review. The waiver request argues for the proposed use due to the presence of existing CG zoning districts to the east, which was rezoned in 2014 from CN to CG and to existing CG in the surrounding area. Planning Commission staff has reviewed the waiver and concluded that the proposal is unique in that the restricted uses are not Commercial, General in nature and are more in line with BPO uses, being less intense and more transitional in character. Furthermore, the Seffner Mango Community Plan also specifically notes that for those sites that meet Commercial Locational Criteria in this area, uses shall be limited to childcare, office uses, and places of worship only. The proposed rezoning limits the uses to

business/professional office and indoor recreational uses, which meets the intent of the type of uses that the Community Plan envisions for commercial nodes. Planning Commission staff recommends that the Board grants a waiver to Commercial Locational Criteria.

The Community Design Component (CDC) of the FLUE provides guidance on commercial developments. Goal 9 and Policy 9.1.2 specifically discourage the proliferation of a pattern of strip commercial development. The proposed restricted uses are not Commercial, General in nature and typically would not be designed as a pattern of strip development, therefore meeting the intent of the CDC.

The subject site meets the intent of the Seffner Mango Community Plan. Goal 2 of the Community Plan discourages the encroachment of commercial uses in the residential areas between US 92 and Dr. Martin Luther King Jr Boulevard. The proposed restricted uses would not encroach but would serve as a transition from the commercial on Martin Luther King Jr Boulevard and the residential uses to the north. The site also meets the intent of the strategies in Goal 3 of the Community Plan that restricts retail development along US 92 and Dr. Martin Luther King Boulevard outside the Urban Service Area to existing commercial zoning districts. The proposed restricted uses are not retail uses and would be limited in scale. Furthermore, the Community Plan specifically discourages further strip retail development along those portions of US 92 and Dr. Martin Luther King Boulevard that are in the Rural Service Area and as previously stated, the proposed restricted uses are not retail in nature and would not be developed with a strip pattern. Finally, any commercial uses that meet commercial locational criteria south of US 92 and north of Dr. Martin Luther King Junior Drive are to be limited to childcare, office, and place of worship, and Planning Commission staff believes that the proposed restricted uses meet the intent and facilitate the vision of the Seffner Mango Community Plan.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* and is compatible with the existing and planned development pattern found in the surrounding area.

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*, subject to the restrictions proposed by the Development Services Department.

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ 22-1070

Rezonings
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

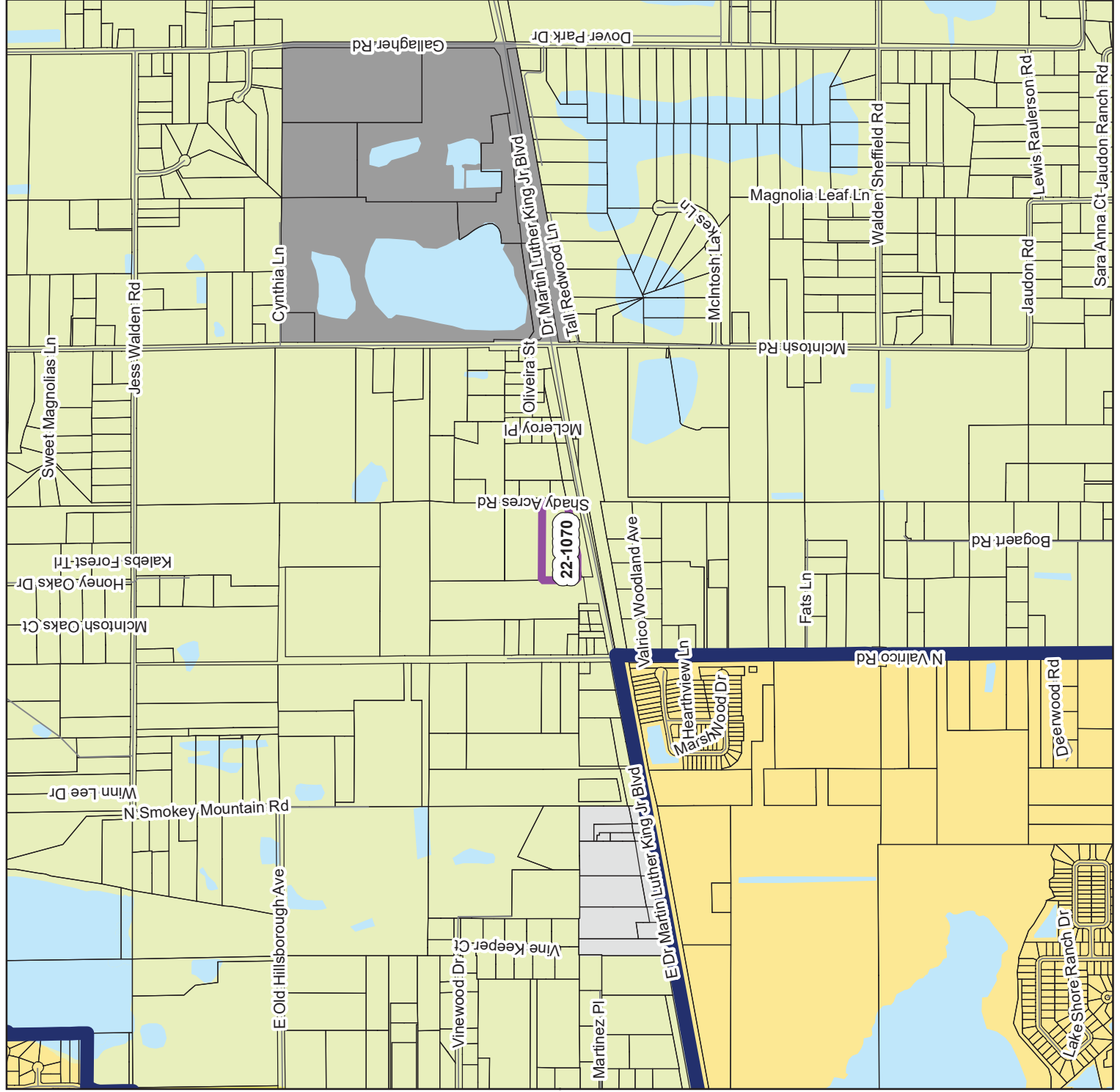
- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- WATER
- 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 USE OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

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



Map Printed from Rezoning System: 6/22/2022
 Author: Beverly F. Daniels
 File: G:\Rezonings\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: Seffner Mango/ Northeast

DATE: 02/09/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 22-1070

- 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 65 trips in the a.m. peak hour, and 175 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 two parcels totaling +/- 4.45 acres from Agricultural Single Family Conventional – 1 (ASC-1) to Commercial General - Restricted (CG-R). The site is located +/- 100 feet northwest of the intersection of Martin Luther King Blvd and Shady Acres Road. The Future Land Use designation of the site is Residential – 1 (R-1).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 4 Single Family Dwelling Unit (ITE Code 210)	38	3	4

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 52,000 sf Health/Fitness Club (ITE Code 492)	N/A*	68	179

*ITE does not provide a daily trip count for ITE Code 492

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	N/A	+65	+175

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Martin Luther King Blvd is a 2-lane, undivided, Florida Department of Transportation (FDOT) maintained, Principal Arterial roadway with +/- 12-foot travel lanes. Martin Luther King Blvd has bike lanes on both side but no sidewalks or curb and gutter on either side of the roadway within the vicinity of the project. Shady Acres Road is private, substandard, local roadway with +/- 10 feet wide pavement. Shady Acres Road does not have sidewalk, bike lanes or curb and cutter on either side of the road within the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Martin Luther King Blvd is shown as a 4-lane road in the Hillsborough County Corridor Preservation Plan. Additional Right of Way may need to be preserved on the subject property for the planned improvement.

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd. During the site review process, any access from the subject site to Shady Acres Road shall be closed, as it is a private residential roadway. 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

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	VALRICO RD	MCINTOSH RD	D	D

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Martin Luther King Blvd.	FDOT Principal Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Shady Acres 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 <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	38	3	4
Proposed	N/A	68	179
Difference (+/-)	N/A	(+)65	(+)175

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		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 <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	

COMMISSION

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 Sterlin Woodard, P.E. WETLANDS DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: 08/15/2022</p> <p>PETITION NO.: 22-1070</p> <p>EPC REVIEWER: Chantelle Lee</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1358</p> <p>EMAIL: leec@epchc.org</p>	<p>COMMENT DATE: 07/26/2022</p> <p>PROPERTY ADDRESS: 2922 Shady Acres Rd, Dover, FL 33527 & 12780 Dr Martin Luther King Blvd, Dover, FL 33527</p> <p>FOLIO #: 084729-0000 & 084730-0000</p> <p>STR: 06-29S-21E</p>
<p>REQUESTED ZONING: ASC-1 to CG</p>	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	07/21/2022
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	N/A
<p>INFORMATIONAL COMMENTS:</p> <p>Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.</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>	

CI/mst

Environmental Excellence in a Changing World

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

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

PETITION NO.: STD22-1070 REVIEWED BY: Randy Rochelle DATE: 7/21/2022

FOLIO NO.: 84729.0000 & 84730.0000

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A ___ inch water main exists (adjacent to the site), (approximately ___ feet from the site) _____. 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 ___ inch wastewater gravity main exists (adjacent to the site), (approximately ___ feet from the site) _____. 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 site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service is not generally allowed. if the site is required or otherwise allowed to connect to the potable water and/or wastewater systems, there will be offsite improvements required that extend beyond a connection to the closest location with existing infrastructure. These points-of-connection will have to be determined at time of application of service as additional analysis will be required to make the final determination .

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 28 June 2022

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

APPLICANT: Todd Pressman

PETITION NO: RZ-STD 22-1070

LOCATION: _____

FOLIO NO: 84730.0000 & 84729.0000

SEC: _____ TWN: _____ RNG: _____

- 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: The subject application is adjacent to the Town-N-Country Preserve. Per LDC 4.01.11, compatibility of the development with the preserve will be ensured with a compatibility plan that addresses issues related to the development such as, but not necessarily limited to, access, prescribed fire, and landscaping. The compatibility plan shall be proposed by the developer, reviewed and approved by the Conservation and Environmental Lands Management Department, and shall be required as a condition of granting a Natural Resources Permit.



VERBATIM TRANSCRIPT

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: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, February 20, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 8:11 p.m.

LOCATION: Hillsborough County Planning
Commission Board Room-2nd Floor
601 East Kennedy Boulevard
Tampa, Florida 36602

Reported via Cisco Webex Videoconference by:
Samantha Kozlowski, CER

1 MR. GRADY: The next item is agenda item B.1 rezoning
2 standard 22-1070. This is a request to rezone from ASC-1 to
3 commercial general with restrictions. Madam Hearing Officer,
4 this case was remanded by the Board with -- with the direction
5 of the applicant to look at verifying the range of uses they
6 were proposing for this project. They haven't had restrictions.
7 Chris Grandlienard will provide the staff -- the staff
8 recommendation after presentation of the applicant.

9 HEARING MASTER: All right. Thank you.

10 MR. PRESSMAN: Good evening, Hearing Officer. Todd
11 Pressman 21 (inaudible) South, Saint Petersburg. As staff has
12 indicated, we work closely with the staff to bring the case back
13 on remand from the prior commission, which comes now forward
14 with a staff recommendation support from both the AC and the
15 department. So I will go through this quickly. And I enter
16 this on the record.

17 This is 22107. We're located in the -- Dover general
18 area. This is a little closer view of it and this is the
19 project site outlined in red by the property appraiser. There's
20 actually two parcels that compose of the site. This is the
21 existing site. We're seeking rezoning from ASC-1 to CG. again,
22 this is a remand from the November 3rd clarifying restricted
23 uses. Planning Commission Development Services support. These
24 are the specific restrictions they're, of course, part of the
25 staff report. And I've also entered this into the record, but

1 primarily it's business professional offices with some specifics
2 and clarification. Indoor uses, also specifically more clearly
3 defined and operating hours.

4 Zoning map along the roadway is commercial in nature
5 in manufacturing. Existing uses include trucks and rentals both
6 in the CG and CN. The PDC is recorded from 1988 plan
7 development, which I have the record here for you as well.
8 Abutting on the west is antenna and antenna farm. There are
9 three specific antennas that I have visualized for you here.
10 That's abutting on the west. Existing as CG on the east is this
11 use. Existing on the CG is this use. And those are the zoning
12 categories layout along the roadway. Opposite side of the
13 roadway is CSX railroad tracks, they parallel the roadway
14 throughout that part of the county. This is just a quick
15 visualization of -- of that roadway or railway. The traffic --
16 it is an arterial roadway. Per the county records, it carries
17 anywhere from 14,300 vehicles per day to 11,200 vehicles per
18 day, depending upon what side you take to count. And the
19 roadway is also a specific designated truck route in -- in the
20 county. Planning Commission notes, they support the locational
21 waive, meets intent of the Seffner Mango Community Plan. And
22 they find it consistent. Under Seffner Mango Community Plan it
23 notes that commercial developments should be directed to US 19
24 Martin Luther King Boulevard corridors. It encourages advisor
25 revitalization in redevelopment of older existing commercial

1 areas and uses. And this is just visualization that the site
2 has had activity over many years, at least by the year 1999. So
3 with that, we ask for your consideration and approval request.
4 Thank you. Thank you. I'm happy to answer any questions you
5 might have.

6 HEARING MASTER: Don't have any for your right now,
7 Mr. Pressman. Thank you. All right. Development Services.

8 MR. GRANDLIENARD: Good evening. Chris Grandlienard
9 with Development Services. We're here to present application
10 22-1070, the remand. The application was remanded at the
11 November 3rd Board of County Commissioners land use meeting. In
12 order for the applicant to consider for further clarifying
13 proposed uses as he mentioned.

14 The applicant is proposing a rezone from existing
15 ASC-1 to commercial general restricted. The approximate 4.45
16 acre property's comprised of two parcels both zoned ASC-1,
17 agricultural single-family conventional. The subject parcels
18 are located 200 feet northwest of the intersection of Martin
19 Luther King Junior Boulevard and Shady Acres Road. The subject
20 property is designated Residential-1 on the future land use map.
21 And regarding to compatibility -- previous compatibility
22 concerns that Development Services had -- and Planning
23 Commission had -- had -- the subject site did not -- does not
24 mention -- meet commercial location criteria, as the nearest
25 qualifying note is at Macintosh and Martin Luther King

1 Boulevard. That is located greater than two -- 300 feet as per
2 Policy 22.2 of the Future Use -- Land Development Element of a
3 comprehensive plan. The applicant has requested a waiver, which
4 is in the record.

5 Also, another compatibility concern about the Seffner
6 Mango Community Plan discourages retail uses along MLK Boulevard
7 in the rural area. And it discourages commercial encroachment
8 in residential areas between US 92 and Dr. Martin Luther King.

9 In response to the -- in response to these concerns,
10 the applicant has offered the following mitigating restrictions.
11 The business and/or profess -- business and/or professional
12 offices, including but not limited to, accounts -- accountants,
13 banks, lawyers, real estate and title companies, as well as the
14 county code definition of business service. Number two, indoor
15 uses only as defined in the official county code. The
16 definition of recreational uses, general indoor, outdoor. For
17 profit or nonprofit recreational uses and facilities providing
18 sports or recreation opportunities within an closed building.
19 Such uses shall include, but not be limited to bowling alleys,
20 skating rinks, movie theaters, gymnasium, fitness centers,
21 desks, schools, miniature golf, volleyball, etcetera, located
22 completely within an enclosed building. Number three, the
23 operating hours will be restricted to weekdays 8:00 a.m. to
24 8:00 p.m. and weekends 10:00 a.m. to 10:00 p.m. With these
25 proposed restrictions, the Planning Commission found the

1 proposed rezoning consistent with the comprehensive plan and
2 Development Services concurs with that assessment.

3 The proposed restrictions limit retail and lower the
4 intensity for the potential uses, which provides a transition to
5 the residential neighborhood. The proposed office and indoor
6 uses meet the intent of the Seffner Mango Community Plan. Also,
7 the restricted operating hours provided noise and traffic
8 congestion relief to the neighboring residential area.

9 Based on the above considerations, staff finds the
10 request to commercial general restricted zoning district
11 compatible with the existing rezoning -- existing zoning and
12 development patterns in the area. And we would find it
13 approvable for commercial general restricted. And I'm glad to
14 answer any questions you may have.

15 HEARING MASTER: All right. Thank you very much. No
16 questions this time. Thank you. All right. Planning
17 Commission.

18 MS. LLANOS: Karla Llanos with Planning Commission
19 Staff. Would you like me to do a full testimony or would you
20 like me to skip and go into the nitty gritty?

21 HEARING MASTER: Just -- yes. The nitty gritty.
22 Address the -- the remand and then -- that changed some of the
23 findings and the basis for that please.

24 MS. LLANOS: Understood.

25 HEARING MASTER: Thank you.

1 MS. LLANOS: So in response to the remand directly by
2 the Board of County Commissioners on November 3rd, the applicant
3 is restricting and allowable uses to business and professional
4 office and indoor recreational uses. Planning Commission Staff
5 did review the list of the proposed uses and they are in -- in
6 agreement. So Planning Commission Staff also reviewed a waiver
7 because the area has some presence of like CG zoning districts,
8 etcetera, which we found that it was kind of rezoned around 2014
9 from CM to CG uses and to CG existing uses in the area.

10 Now after we reviewed the waiver, we included in the
11 proposals mean we -- it has kind of restricted uses that are not
12 commercial general in nature, but more VPO uses, which is this
13 is professional office uses. And it's more than less intense
14 and traditional -- transitional in character. So with that,
15 Planning Commission Staff finds that the proposed list of uses
16 and the way the request is right now is consistent with a
17 comprehensive plan. In addition, it's -- it's consistent with
18 the Saffner Mango Community Plan Goals two and three. It
19 specifically calls out for residential, you know, encroachment
20 of commercial uses and residential areas between 92 and Dr.
21 Martin Luther King. It discourages strict commercial, which
22 again, the applicant's proposing this is for professional office
23 with some in indoor recreational uses. So it kind of goes away
24 from that retail strip idea. So on top of that -- overall, the
25 proposed rezoning, we've heard Development that it is consistent

1 objective with the goal's objectives and policies of
2 Unincorporated Hillsborough County Comprehensive Plan. And it
3 is compatible with the existing and plan development pattern
4 found within the surrounding area.

5 With that said, we did also look at the parcel in
6 front of the subject site. We did notice that it was -- for the
7 department of transportation. So that's a further indication of
8 how we want to keep that development and pattern as well.

9 So at this point, based upon those considerations,
10 Planning Commission Staff is again -- finding this request
11 consistent with the Unincorporated Hillsborough County
12 Comprehensive Plan, subject to the conditions proposed by
13 Development Services Department.

14 HEARING MASTER: All right. Thank you, Ms. --
15 Ms. Llanos.

16 All right. Is -- is there anyone here or online who
17 is just to speak in support of this application? I do not hear
18 anyone. Is there anyone here or online wishes just to speak in
19 opposition to this application? I do not not hear anyone?
20 Development Services, anything further?

21 MR. GRADY: Nothing further.

22 HEARING MASTER: Okay. Applicant, anything further?
23 Okay. Okay. Then this will close the hearing on rezoning
24 standard 22-1070.

25

Zoning Hearing Master Hearing
January 17, 2023

1 The first item's Item A.1, major mod application
2 22-0671. This application is out of order to be heard and is
3 being continued to the February 20, 2023 Zoning Hearing Master
4 Hearing.

5 Item A.2, R -- Rezoning PD 22-0853. This application
6 is being with -- withdrawn from the Zoning Hearing Master
7 process.

8 Item A.3, RZ-PD 22-0856. This application is out of
9 order to be heard and is being continued to the
10 February 20, 2022 Zoning Hearing Master Hearing.

11 Item A.4, Rezoning PD 22-0865. This application is
12 being withdrawn from the Zoning Hearing Master process.

13 Item A.5, major mod application 22-0884. This
14 application's being continued by the application to
15 February 20, 2023 Zoning Hearing Master Hearing.

16 Item A.6, Rezoning Standard 22-0945. This
17 application's being withdrawn from the Zoning Hearing Master
18 process.

19 Item A.7, Rezoning PD 22-0948. This application is
20 being continued by the applicant to the February 20, 2023 Zoning
21 Hearing Master Hearing.

22 Item A.8, Rezoning Standard 22-1070. This application
23 is being continued by staff to the February 20, 2023 Zoning
24 Hearing Master Hearing.

25 Item A.9, Rezoning PD 22-1082. This application is

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
September 19, 2022
ZONING HEARING MASTER: PAMELA JO HATLEY

C3:
Application Number: RZ-PD 22-1070
Applicant: Bremalie Homes, LLC
Location: 200' NW of Martin Luther King
Blvd. & Shady Acres Rd.
intersection
Folio Number: 084729.0000 & 084730.0000
Acreage: 4.45 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: ASC-1
Request: Rezone to CG

1 MR. GRADY: The first case is agenda item
2 C-3. Again, C-1 and C-2 were continued as part of
3 the changes at the beginning of the agenda. So the
4 first item on tonight's agenda is item C-3,
5 Rezoning-Standard 22-1070.

6 The applicant is Bremalie Homes, LLC. The
7 request is to rezone from ASC-1 to Commercial
8 General. Chris Grandlienard will provide staff
9 recommendation after presentation by the applicant.

10 MR. PRESSMAN: Good evening, Hearing
11 Officer. Todd Pressman, 200 Second Avenue South,
12 No. 451, St. Petersburg. I have a PowerPoint for
13 you.

14 We're located, roughly, to the Seffner area.
15 Next slide, please. That's fine. We're located on
16 574. This is one of two parcels, but just to give
17 you an idea of the location. Next slide, please.

18 This is the property indicated in the red on
19 Martin Luther King Boulevard. Next slide, please.
20 And, again, it is two separate parcels coming in
21 together. Next slide, please.

22 This is the existing site. As you can see,
23 it's quite busy. Next slide, please. The issue is
24 rezoning from AS-1 to CG. Next slide, please. So
25 looking at the zoning map, which I think is one of

1 the critical factors here, is that there's a clear
2 trend for intense zoning.

3 From the site, it is virtually abutting a
4 CG, then CN, PD-C, which is older, and two Ms. So
5 there is a lot of intensity by zone-wise on the
6 roadway. Next slide, please.

7 CG contains trucks and CN contains rentals.
8 Next slide, please. This is from 1988. The PD-C
9 is older but approvable for commercial. Next
10 slide, please. This is what's existing on the CG.
11 Next slide, please.

12 And this is -- actually, this should be
13 existing on the CN. That would be my error. So
14 let me clarify that for the record. Next slide,
15 please.

16 Now, along with what I've shown you in the
17 intensity on the south side is the CSX Railroad
18 track that runs throughout the region. Next slide,
19 please. The arrow is so you can see how it runs.
20 Next slide, please. And this would be on the
21 ground. You can see Martin Luther King on the
22 right and the railroad tracks. Next slide, please.

23 Now, in terms of traffic counts, this is --
24 MLK is an arterial roadway in terms of traffic
25 counts. One count on one side of the property on

1 MLK is 14,300 vehicles per day. On the other side
2 is 11,200 vehicles per day. That's an intense
3 roadway, but there's another dimension to the
4 roadway. Next slide, please.

5 And that is, it is one of the official truck
6 routes in Hillsborough County. So we know that we
7 have a high volume of traffic. We know that we
8 have an intensity of traffic in terms of what's
9 travelling on that roadway. Next slide, please.

10 Now, the difference between the Planning
11 Commission and their characterization as rural is
12 compared -- and that's, of course, my impression of
13 their position to you -- that along the major
14 roadways is simply not rural in any way, shape, or
15 form.

16 With respect to Planning Commission, they're
17 not recognizing the intensity of the immediate area
18 of the MLK. Not recognizing the roadway usage.
19 Not recognizing directed truck traffic as truck
20 route. Not recognizing the railroad. Not
21 recognizing the zoning trend, and not recognizing
22 the intense uses in the immediate area.

23 That's what I would say, Hearing Officer,
24 the difference between the reports and our view of
25 property. Next slide, please. So they promote a

1 rural -- a remote rural residential use on a high
2 volume route -- high volume road that is loud, high
3 traffic, truck traveled, railroad traveled,
4 arterial roadway. Intensive use is already
5 present.

6 And those are the elements of the locational
7 waiver that's also been submitted into the record.
8 Next slide, please. When you look at the
9 Seffner-Mango Community Plan Goal No. 3 very
10 clearly, starkly does note commercial should be
11 directed to the U.S. 92 and Martin Luther King
12 Boulevard.

13 Now, I think it's fair to say that there are
14 other policies that look at differences between the
15 Rural Area and the Urban Area, but I do want to put
16 this goal out specifically because it is a clear
17 goal and is a major part of this Seffner Community
18 Plan. Next slide, please.

19 Other goal is to encourage revitalization
20 and redevelopment of older, existing commercial
21 areas and uses, which is clearly what's happening
22 here. Mr. Kappaz will be upgrading and improving
23 the site from what it has been operating as. Next
24 slide, please.

25 It's also been will there for quite a long

1 time. 1999 had some activity. I believe that's
2 2004 that's blanked out, what you can see the
3 current site and current activity. So back to 2004
4 and somewhere between '99 and '04, it was
5 established and was in the dynamic or configuration
6 it is now. Next slide, please.

7 And that would be it. So in summary, I
8 think I've been very clear. The stark difference
9 between the staff reports and their opinions and
10 their direction and their stance as what ours is.
11 Be happy to answer any questions.

12 HEARING MASTER HATLEY: I don't have any for
13 you yet, Mr. Pressman. Thank you.

14 MR. PRESSMAN: And just as an aside, I have
15 a copy of the PowerPoint in my car. I'm going to
16 run out real quick and put it in the record if I
17 may.

18 HEARING MASTER HATLEY: Yes.

19 MR. PRESSMAN: Thank you.

20 HEARING MASTER HATLEY: Thank you.

21 All right. Development Services.

22 MR. GRANDLIENARD: Good evening. Chris
23 Grandlienard, Development Services, here to present
24 application Standard Rezoning 22-1070.

25 The applicant is proposing to rezone from the

1 existing ASC-1, Agricultural Single-Family
2 Conventional, to Commercial General, CG.
3 Approximate 4.5-acre property, it's comprised of
4 two parcels both zoned ASC-1, Agricultural
5 Single-Family Conventional.

6 Subject parcels are located 200 feet
7 northwest of the intersection of Martin Luther King
8 Jr. Boulevard and Shady Acres Road. The area is
9 comprised of single-family residential and
10 commercial.

11 The subject parcels are directly adjacent to
12 single-family residential zoned ASC-1 to the north.
13 To the south, the parcels are adjacent to vacant
14 parcels zoned ASC-1 and RSC-6. To the east, the
15 parcels are adjacent to single-family residential
16 zoned ASC-1 and CG-Restricted. To the west, the
17 parcels are adjacent to a radio tower complex zoned
18 ASC-1.

19 Further south across State Road 574 are CSX
20 Railroad tracks. The parcel is located in the
21 Rural Service Area. The subject property is
22 designated Residential-1, RES-1 on the Future Land
23 Use Map.

24 The Planning Commission in the report
25 mentions several compatibility concerns regarding

1 the proposed rezoning. Number one, the subject
2 site does not meet commercial locational criteria
3 as the nearest qualifying node at McIntosh and
4 Dr. Martin Luther King Jr. Boulevard is located
5 greater than 300 feet as per Policy 2.22.2 of the
6 Future Land Use Element of the Comprehensive Plan.

7 The applicant has requested a waiver, which
8 is in the record. Number two, the Seffner-Mango
9 Community Plan discourages retail uses along
10 Dr. Martin Luther King Jr. Boulevard and the Rural
11 Area and discourages commercial encroachment in
12 residential areas between U.S. 92 and Martin Luther
13 King Jr. Boulevard.

14 Development Services concurs with this
15 assessment by Planning Commission. The further
16 encroachment of commercial into the residential
17 area raises compatibility issues concerns with the
18 neighboring lots.

19 Based on the above considerations, including
20 the inconsistencies of the Hillsborough
21 Comprehensive Plan, the staff finds the requested
22 CG zoning district incompatible with the existing
23 zoning and development pattern in the area and not
24 supportable.

25 That concludes my staff report. Glad to

1 answer any questions you may have.

2 HEARING MASTER HATLEY: I don't have any
3 questions for you. Thank you.

4 We'll hear from the Planning Commission.

5 MS. MASSEY: Good evening, Madam Hearing
6 Officer. This is Jillian Massey with Planning
7 Commission staff.

8 The subject site is located in the Rural Area
9 and within the limits of the Seffner-Mango
10 Community Plan. It's located within the
11 Residential-1 Future Land Use Category.

12 The subject site is surrounded by
13 Residential-1 on all sides. Light Industrial is
14 further to the east and Residential-4 is located to
15 the southwest of the subject site.

16 The applicant is proposing a zoning district
17 that will allow uses that would encroach into the
18 agricultural and large lot, low density residential
19 areas, particularly to the north of the site and
20 thus does not meet the intent of Objective 4 or
21 Policy 4.1 of the Future Land Use Element.

22 Proposing to expand CG uses in this area
23 would not be complementary to the rural residential
24 character to the north of the site as per
25 Policy 16.3.

1 A rezoning to CG would further a pattern of
2 strict commercial encroaching onto residential
3 areas in the Rural Area and does not reflect a
4 development pattern that concentrates the most
5 intense uses towards the intersection but rather,
6 introduces more intense uses where uses should be
7 transitioning to a lower intensity as per
8 Policy 16.2.

9 The subject site does not meet commercial
10 locational criteria as per Objective 22 of -- and
11 Policy 22.2 of the Future Land Use Element as the
12 nearest qualifying intersection node is located at
13 McIntosh and Dr. Martin Luther King Drive Jr. [Jr.
14 Boulevard] is located greater than 300 feet away.

15 Planning Commission staff has reviewed the
16 waiver and concluded that it is inconsistent with
17 the explicit direction of the Seffner-Mango
18 Community Plan that specifically states restrict
19 retail development along U.S. 92 and Martin Luther
20 King Jr. Boulevard outside the Urban Service Area
21 to the existing commercial zoning districts.

22 Goal 2 of the community plan discourages the
23 encroachment of commercial uses in the residential
24 areas between U.S. 92 and Dr. Martin Luther King
25 Jr. Boulevard, and the subject site is located

1 within this area.

2 Moreover, any commercial uses that meet
3 locational criteria south of U.S. 92 and north of
4 Martin Luther King Jr. Drive are to be limited to
5 childcare, office, and place of worship; none of
6 which are identified in this rezoning.

7 And thus the rezoning to CG would not
8 facilitate the vision of the Seffner-Mango
9 Community Plan.

10 And based upon these considerations,
11 Planning Commission finds that the proposed
12 rezoning is inconsistent with the Future of
13 Hillsborough Comprehensive Plan for unincorporated
14 Hillsborough County. Thank you.

15 HEARING MASTER HATLEY: All right. Thank
16 you, Ms. Massey.

17 Is there anyone here or online who wishes to
18 speak in support of this application? All right.
19 I don't hear anyone.

20 Is there anyone here or online who wishes to
21 speak in opposition to this application? I do not
22 hear anyone.

23 All right. Development Services, anything
24 further?

25 MR. GRADY: Nothing further.

1 HEARING MASTER HATLEY: Applicant, you have
2 five minutes for rebuttal or summation, if you
3 wish.

4 MR. PRESSMAN: Thank you. That's all.

5 HEARING MASTER HATLEY: All right. Thank
6 you.

7 That will close the hearing on
8 Rezoning-Standard 22-1070.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, August 15, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 10:09 p.m.

PLACE: Robert W. Saunders, Sr. Public
Library
Ada T. Payne Community Room
1505 N. Nebraska Avenue
Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

1 Item A-31, Rezoning-Standard 22-1070. This
2 application is out of order to be heard and is
3 being continued to the September 19, 2022, Zoning
4 Hearing Master Hearing.

5 That concludes all withdrawals and
6 continuances.

7 HEARING MASTER FINCH: Thank you, Mr. Grady.
8 I appreciate it.

9 Just to make sure that the record is clear
10 and the information to the audience that if you are
11 here for D-4, D as in dog, Major Modification
12 22-0109, that application has been withdrawn and
13 will not be heard at tonight's hearing.

14 All right. So let me start by going through
15 our hearing procedures. Our hearing today consists
16 of agenda items that require a public hearing by a
17 Zoning Hearing Master.

18 I'll conduct a hearing on each agenda item
19 and will file a recommendation within 15 business
20 days following tonight's hearing. That
21 recommendation is then sent to the Board of County
22 Commissioners who will make the final decision.

23 Our hearing tonight is informal. I'll ask
24 questions related to the scope of direct testimony.
25 I may call and question witnesses as I deem



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

DATE/TIME: 9/19/2022

HEARING MASTER: Pamela Jo Hatley

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

APPLICATION # RZ 22-0461 VS	PLEASE PRINT NAME Addie Clark MAILING ADDRESS 400 N. Ashley Dr. #1100 CITY Tampa STATE FL ZIP 33602 PHONE
APPLICATION # RZ 22-0688 VS	PLEASE PRINT NAME David Wright MAILING ADDRESS P.O. Box 273417 CITY Tampa STATE FL ZIP 33688 PHONE
APPLICATION # RZ 22-0927	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 200 2 nd Ave S. #451 CITY St. Pete STATE FL ZIP 33701 PHONE 804-4760
APPLICATION # RZ 22-1670	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 200 2 nd Ave S. #451 CITY St Pete STATE FL ZIP 33701 PHONE 804-4760
APPLICATION # RZ 22-1105	PLEASE PRINT NAME John LaRocca MAILING ADDRESS 101 E. Kennedy Blvd. St 2420 CITY Tampa STATE FL ZIP 33602 PHONE 813-695-0469
APPLICATION # RZ 22-1240 VS	PLEASE PRINT NAME Rhea Lopes MAILING ADDRESS 4762 Del Sol Blvd. CITY Sarasota STATE FL ZIP 34243 PHONE

DATE/TIME: 9/19/2022HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # MM 22-0313	PLEASE PRINT NAME <u>Patricia Ortiz AICP</u> MAILING ADDRESS <u>2810 N Central Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>8138178492</u>
APPLICATION # RZ 22-0437	PLEASE PRINT NAME <u>David Wright</u> MAILING ADDRESS <u>P.O. Box 273417</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33688</u> PHONE _____
APPLICATION # RZ 22-0684	PLEASE PRINT NAME <u>Jake Cremer</u> MAILING ADDRESS <u>401 E Jackson St #2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-222-5051</u>
APPLICATION # RZ 22-0684	PLEASE PRINT NAME <u>Justin Wright</u> MAILING ADDRESS <u>13421 Glen Harwell Rd</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>813-391-6088</u>
APPLICATION # RZ 22-0684	PLEASE PRINT NAME <u>Amanda Wright</u> MAILING ADDRESS <u>13421 Glen Harwell Rd</u> CITY <u>Dover</u> STATE <u>FL</u> ZIP <u>33527</u> PHONE <u>813-385-9012</u>
APPLICATION # RZ 22-0684	PLEASE PRINT NAME <u>Janet D. Lorton</u> MAILING ADDRESS <u>12722 Flint Lake Drive</u> CITY <u>Thonotosassa</u> STATE <u>FL</u> ZIP <u>33592</u> PHONE <u>813-382-5709</u>

DATE/TIME: 9/19/2022HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ 22-0692</u>	PLEASE PRINT NAME <u>David M. Smith</u> MAILING ADDRESS <u>401 E. Jackson Street Ste 2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222-5011</u>
APPLICATION # <u>RZ 22-0692</u>	PLEASE PRINT NAME <u>DIANA Keene</u> MAILING ADDRESS <u>16207 Tamlier Rd</u> CITY <u>TAMPAH</u> STATE <u>FL</u> ZIP <u>33610</u> PHONE <u>813 786-0723</u>
APPLICATION # <u>RZ 22-0864</u>	PLEASE PRINT NAME <u>William J. Mollay</u> MAILING ADDRESS <u>885 S Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE _____
APPLICATION # <u>RZ 22-0864</u>	PLEASE PRINT NAME <u>Isabelle Albent</u> MAILING ADDRESS <u>1000 W. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE ⁸¹³ <u>331-0976</u>
APPLICATION # <u>RZ 22-0864</u>	PLEASE PRINT NAME <u>Marilyn Beavers</u> MAILING ADDRESS <u>14215 RR Magdalene Rd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE ⁴²⁵⁸ <u>813 245-4258</u>
APPLICATION # <u>RZ 22-0864</u>	PLEASE PRINT NAME <u>Suzette Murphree</u> MAILING ADDRESS <u>13805 Cherry Creek Drive</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>813-695-3971</u>

DATE/TIME: 9/19/2022HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>Jarrad Bragg</u> MAILING ADDRESS <u>801 E Chapman Rd.</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-731-2513</u>
APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>SAVANNAH GROOMS</u> MAILING ADDRESS <u>14225 Lake Magdalene Blvd.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33619</u> PHONE <u>813-466-8582</u>
APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>Hope Hamilton</u> MAILING ADDRESS <u>2413 Clark road</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>813</u> PHONE <u>766-1866</u>
APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>Brent Lawson</u> MAILING ADDRESS <u>116 Cashin (th Rd</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33546</u> PHONE _____
APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>Andrea Albert</u> MAILING ADDRESS <u>4510 3rd st CIR W #313</u> CITY <u>Bradenton</u> STATE <u>FL</u> ZIP <u>34207</u> PHONE <u>941-4650422</u>
APPLICATION # RZ 22-0864	PLEASE PRINT NAME <u>Samuel Amos</u> MAILING ADDRESS <u>3327 Tipoli Blvd</u> CITY <u>Punta Gorda</u> STATE <u>FL</u> ZIP <u>33950</u> PHONE <u>763-3600411</u>

SEPTEMBER 19, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, September 19, 2022, at 6:00 p.m., in the Ada T. Payne Community Room, Robert W. Saunders Sr. Public Library, Tampa, Florida, and held virtually.

▶ Pamela Jo Hatley, ZHM, calls the meeting to order and leads in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

▶ Brian Grady, Development Services, introduces staff and reviews changes/withdrawals/continuances.

D.3. RZ 22-0461

▶ Brian Grady, Development Services, calls RZ 22-0461.

▶ Addie Clark, applicant rep, requests continuance.

▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/continues RZ 22-0461.

C.1. RZ 22-0698

▶ Brian Grady, calls RZ 22-0698.

▶ David Wright, applicant rep, requests continuance.

▶ Pamela Jo Hatley, ZHM, calls for proponents/opponents/continues RZ 22-0698.

C.2. RZ 22-0927

▶ Brian Grady, Development Services, calls RZ 22-0927.

▶ Todd Pressman, applicant rep, requests continuance.

▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/continues RZ 22-0927.

C.4. RZ 22-1096

▶ Brian Grady, Development Services, calls RZ 22-1096 and requests continuance.

▶ Pamela Jo Hatley, ZHM, questions to Development Services.

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- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ Pamela Jo Hatley, ZHM, calls for proponents/opponents/continues RZ 22-1096.

D.7. MM 22-1112

- ▶ Brian Grady, Development Services, calls MM 22-1112 staff continuance
- ▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/continues MM 22-1112.
- ▶ Brian Grady, Development Services, continues changes/withdrawals/continuances.
- ▶ Pamela Jo Hatley, ZHM, overview of ZHM process.
- ▶ Cameron Clark, Senior Assistant County Attorney, overview of oral argument/ZHM process.
- ▶ Pamela Jo Hatley, ZHM, Oath.

B. REMANDS

C. REZONING STANDARD (RZ-STD):

C.3. RZ 22-1070

- ▶ Brian Grady, Development Services, calls RZ 22-1070.
- ▶ Todd Pressman, applicant rep, presents testimony.
- ▶ Chris Grandlienard, Development Services, staff report.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1070.

C.5. RZ 22-1105

- ▶ Brian Grady, Development Services, calls RZ 22-1105.
- ▶ John LaRocca, applicant rep, presents testimony.
- ▶ Chris Granlienard, Development Services, staff report.

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▶ Jillian Massey, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1105.

C.6. RZ 22-1240

▶ Brian Grady, Development Services, calls RZ 22-1240.

▶ Rhea Lopes, applicant rep, presents testimony.

▶ Isis Brown, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1240.

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

D.1. MM 22-0313

▶ Brian Grady, Development Services, calls MM 22-0313.

▶ Patricia Ortiz, applicant rep, presents testimony.

▶ Pamela Jo Hatley, ZHM, questions applicant rep.

▶ Patricia Ortiz, applicant rep, answers ZHM questions and continues testimony.

▶ Pamela Jo Hatley, ZHM, questions to applicant rep.

▶ Patricia Ortiz, applicant rep, answers ZHM questions and continues testimony.

▶ Tim Lampkin, Development Services, staff report.

▶ Pamela Ho Hatley, ZHM, questions to Development Services.

▶ Tim Lampkin, Development Services, answers ZHM questions.

▶ Jillian Massey, Planning Commission, staff report.

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

▶ Patricia Ortiz, applicant rep, provides rebuttal.

▶ Pamela Jo Hatley, ZHM, closes RZ 22-0313.

D.2. RZ 22-0433

▶ Brian Grady, Development Services, calls RZ 22-0433.

▶ David Wright, applicant rep, presents testimony.

▶ Tim Lampkin, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0433.

D.4. RZ 22-0684

▶ Brian Grady, Development Services, calls RZ 22-0684.

▶ Jacob Cremer, applicant rep, presents testimony.

▶ Justin Wright, applicant rep, presents testimony.

▶ Pamela Jo Hatley, ZHM, questions to applicant rep.

▶ Justin Wright, applicant rep, answers ZHM questions and continues testimony.

▶ Amanda Wright, applicant rep, presents testimony

▶ Jacob Cremer, applicant rep, continues testimony.

▶ Israel Monsanto, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls proponents.

▶ Janet Lorton, proponent, presents testimony.

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- ▶ Pamela Jo Hatley, ZHM, calls opponents/Development Services.
- ▶ Pamela Jo Hatley, ZHM, questions to Development Services
- ▶ Israel Monsanto, Development Services, answers ZHM questions.
- ▶ Jacob Cremer, applicant rep, answers ZHM questions.
- ▶ Pamela Jo Hatley, ZHM, statement for record.
- ▶ Jacob Cremer, applicant rep, answers ZHM statement for record.
- ▶ Pamela Jo Hatley, ZHM, closes RZ 22-0684.

D.5. RZ 22-0692

- ▶ Brian Grady, Development Services, calls RZ 22-0692.
- ▶ David Smith, applicant rep, presents testimony.
- ▶ Pamela Jo Hatley, ZHM, questions to applicant rep.
- ▶ David Smith, applicant rep, answers ZHM questions and continues testimony.
- ▶ Sam Ball, Development Services, staff report.
- ▶ Pamela Jo Hatley, ZHM, questions to Development Services.
- ▶ Sam Ball, Development Services, answers ZHM questions.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ Jillian Massey, Planning Commission, staff report.
- ▶ Pamela Jo Hatley, ZHM, calls proponents
- ▶ Diana Keene, proponent, presents testimony.
- ▶ Pamela Jo Hatley, ZHM, calls opponents/Development Services.
- ▶ Brian Grady, Development Services, statement for record.
- ▶ Pamela Jo Hatley, ZHM, questions to applicant rep.
- ▶ David Smith, applicant rep, answers ZHM questions and provides rebuttal.

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▶ Pamela Jo Hatley, ZHM, closes RZ 22-0692.

D.6. RZ 22-0864

▶ Brian Grady, Development Services, calls RZ 22-0864.

▶ William Molloy, applicant rep, presents testimony.

▶ Isabelle Albert, applicant rep, presents testimony.

▶ Michelle Heinrich, Development Services, staff report.

▶ Jillian Massey, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls proponents.

▶ Marilyn Bearss, proponent, presents testimony.

▶ Suzette Murphree, proponent, presents testimony.

▶ Jarrod Bragg, proponent, presents testimony.

▶ Savannah Grooms, proponent, presents testimony.

▶ Hope Hamilton, proponent, presents testimony.

▶ Barry Lawrence, proponent, presents testimony.

▶ Andrea Albert, proponent, presents testimony.

▶ Samuel Amos, proponent, presents testimony.

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

▶ Isabelle Albert, Development Services, provides rebuttal.

▶ Pamela Jo Hatley, ZHM, questions to applicant rep

▶ Isabelle Albert, applicant rep, answers ZHM questions and continues rebuttal.

▶ Pamela Jo Hatley, ZHM, questions to Development Services.

▶ Brian Grady, Development Services, questions to applicant rep.

MONDAY, SEPTEMBER 19, 2022

▶ Isabelle Albert, applicant rep, answers Development Services questions and continues rebuttal.

▶ Brian Grady, Development Services, statement for record.

▶ James Ratliff, Development Services Transportation, questions to applicant rep.

▶ Isabelle Albert, applicant rep, answers Development Services Transportation questions.

▶ James Ratliff, Development Services Transportation, statement for record.

▶ Isabelle Albert, applicant rep, continues rebuttal.

▶ James Ratliff, Development Services Transportation, statement for record.

▶ Isabelle Albert, applicant rep, continues rebuttal.

▶ Pamela Jo Hatley, ZHM, calls closes RZ 22-0864.

ADJOURNMENT

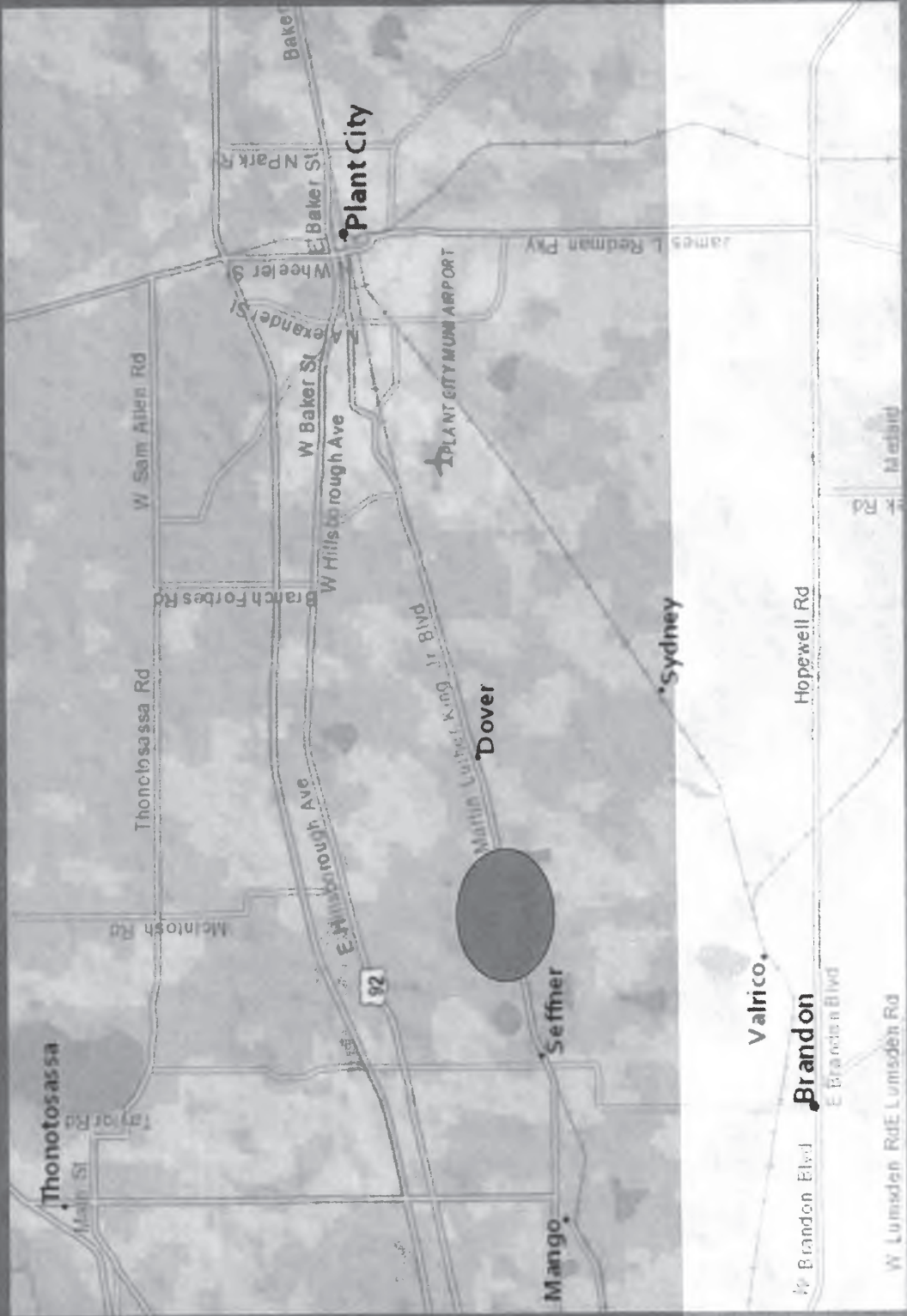
▶ Pamela Jo Hatley, ZHM, adjourns meeting.



22-1070



Application No. RZ 22-1070
Name: Todd Pressman
Entered at Public Hearing: ZHM
Exhibit # 1 Date: 9/19/2022



Thonotosassa

Main St

Taylor Rd

McIntosh Rd

Thonotosassa Rd

Branch Forbes Rd

W Sam Allen Rd

W Baker St

Baker

W Baker St

W Hillsborough Ave

Plant City

Wheeler St

N Alexander St

PLANT CITY MUNICIPAL AIRPORT

James L. Redman Pkwy

Dover

Martin Luther King Jr Blvd

Seffner

Mango

Sydney

Valrico

Brandon Blvd

Brandon

E Brandon Blvd

Hopewell Rd

W Lumsden Rd E Lumsden Rd

Meberd

PK Rd

92



San Yra

Dr Martin

Dove District Park

Dover Park

Dynthia Ln

Mantosh Rd

Tan Ripwood Ln

Mantosh Lakes Ln

574

Vinico Rd

Fats Ln

Mars Wood Dr

Old Hillsborough Ave E

Vinewood Dr



RSC-3 MH

CG (R)

SHADY ACRES RD

ASC-1

MARTIN LUTHER KING BLVD

574

CSX

AS-1

RSC-6

E MARTIN LUTHER KING BLVD

RSC-6

SC-6

MH



RSC-3 MH

CG (R)

SHADY ACRES RD

MARTIN LUTHER KING BLVD

AS-1

ASC-1

SITE
SITE

52

CSX

RSC-6

E MARTIN LUTHER KING BLVD

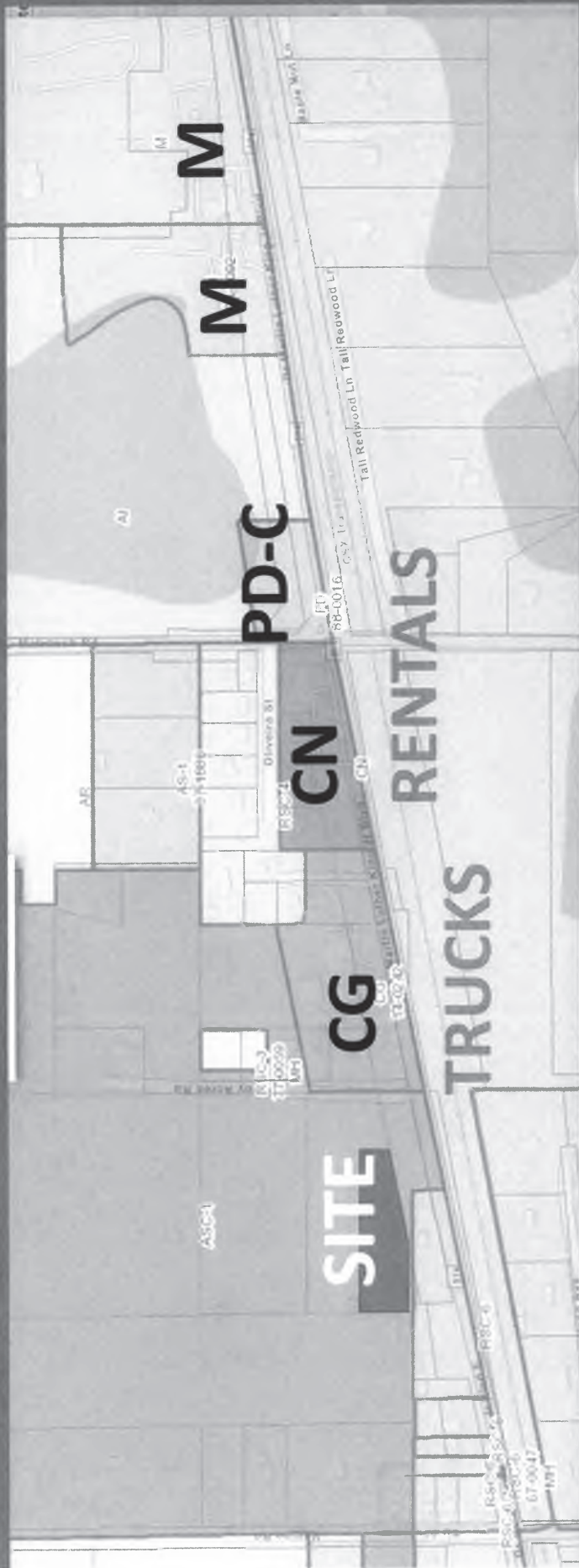
RSC-6
SC-6
MH

Existing Site



ISSUES: Rezoning from ASC-1 to CG

EXISTING USES



REVISED
FINAL CONDITIONS
OF
APPROVAL

MEETING OF: County Commissioners
MEETING DATE: March 29, 1988
PETITION NUMBER: 88-16
DATE TYPED: April 15, 1988

Approval With Conditions - Staff recommends approval of the PD-C(N) Zoning District request with the conditions listed below. Approval is based on the General Development Site Plan received February 1, 1988, and all data shown, defined, described, noted, referenced, and listed thereon.

1. The floor area ratio (FAR) for the proposed commercial project shall not exceed 0.20.
2. The maximum height of the PD-C(N) development shall be 35 feet.
3. The development in the PD-C district shall be limited to PD-C(N) uses.
4. Parking shall be provided in accordance with Section 10.6 of the Hillsborough County Zoning Code.

Existing on CG

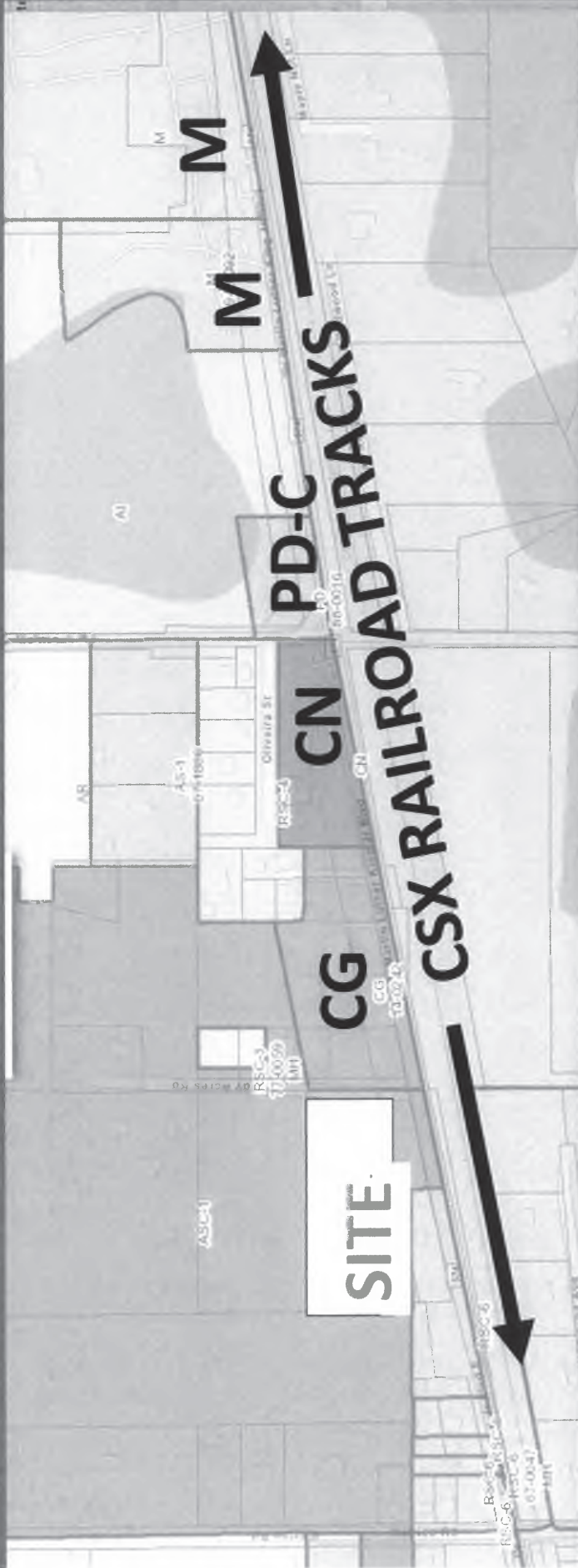


Street View - Feb 2022

Existing on CG



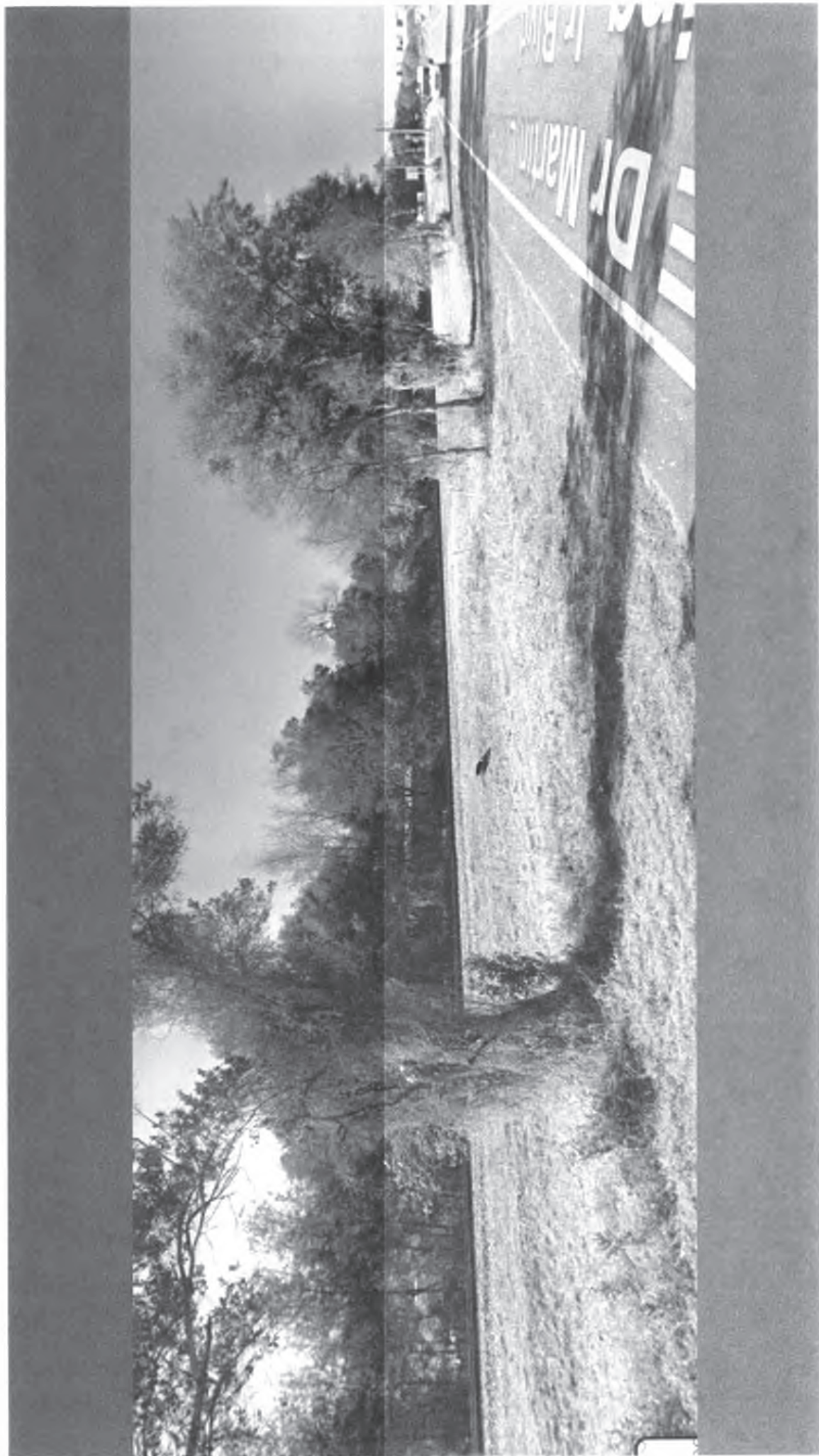
ZONING MAP



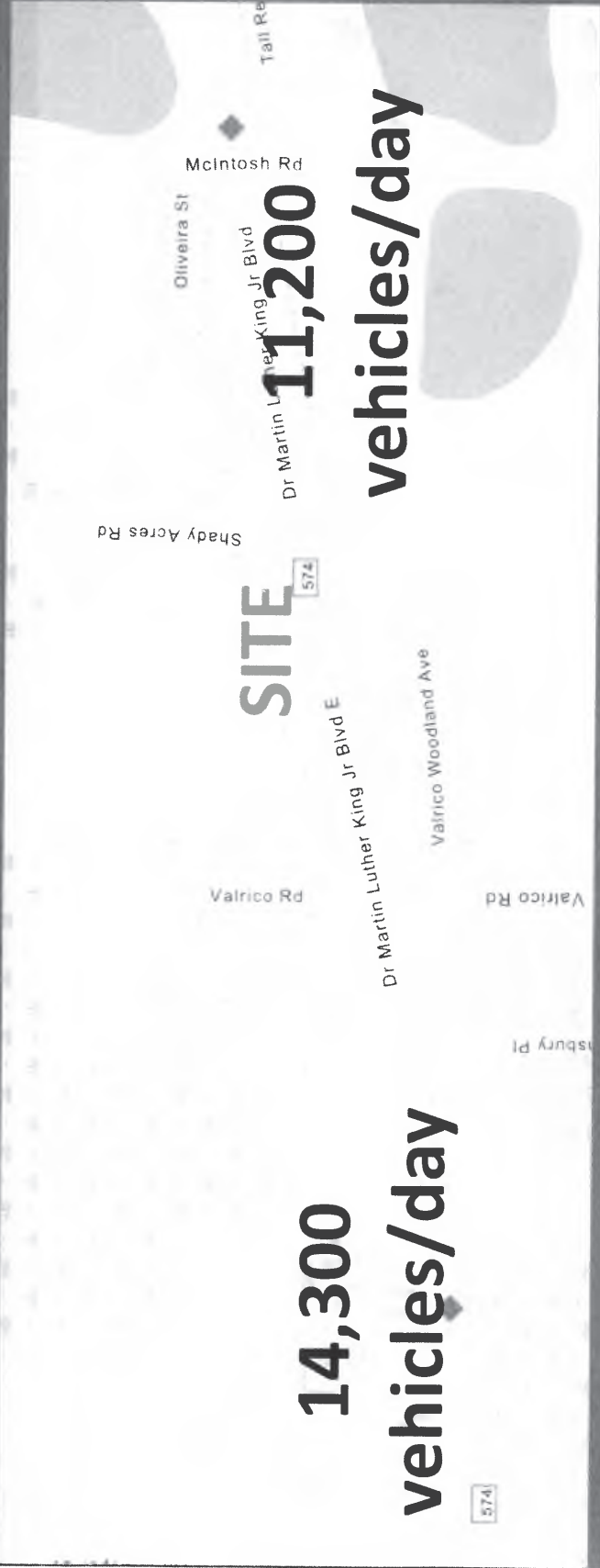


Community

1000
1000



TRAFFIC COUNTS, ARTERIAL ROADWAY



2017 traffic counts

Planning Commission sees and characterizes this area as rural.

Along the major roadways, it is not rural

- Not recognizing the intensity area
- Not recognizing the roadway usage
- Note recognizing directed the truck traffic
 - Not recognizing the railroad
 - Not recognizing the zoning trend
 - Not recognizing uses in immediate area

**Plan Comm. promotes remote rural residential uses
on a:**

- **high volume**
- **loud**
- **high traffic**
- **official truck traveled**
- **railroad tracked**
- **arterial roadway**

**Intensive uses already present
Elements of the Locational Waiver**

SEFFNER-MANGO COMMUNITY PLAN

Location



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

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

- Encourage revitalization and redevelopment of older existing commercial areas and uses.

1999



12780 E Dr. Martin Luther King Jr Blvd

FL Fab Works

2002



12780 E Dr. Martin Luther King Jr Blvd

FL Fab Works

Shady Acres Rd

689

Screenshot



**PARTY OF
RECORD**

NONE