

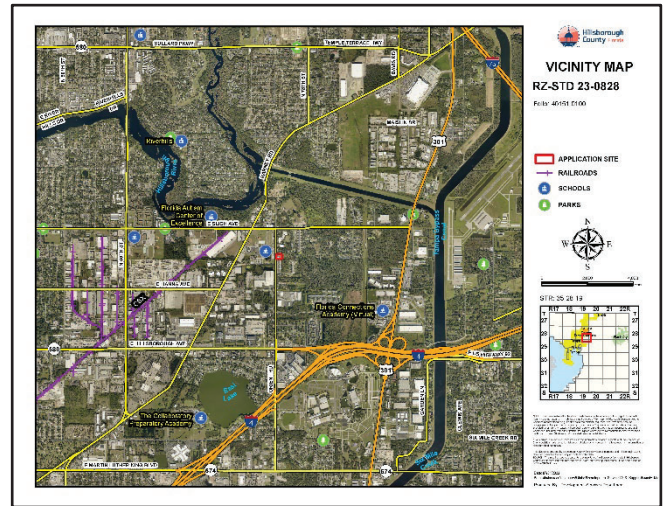
**Rezoning Application: 23-0828**  
**Zoning Hearing Master Date: October 16, 2023**  
**BOCC Land Use Meeting Date: December 12, 2023**



Development Services Department

**1.0 APPLICATION SUMMARY**

Applicant: Orient Road Holdings  
 FLU Category: Community Mixed-Use -12 (CMU-12)  
 Service Area: Rural  
 Site Acreage: 1.20 +/-  
 Community Plan: East Lake-Orient Park  
 Area: None  
 Overlay: None  
 Request: Rezone from **Agricultural Single-Family Conventuonal-1 (AS Conventional -1)** to **Commercial General with Restrictions (CG -R)**.



**Request Summary:**

The request is to rezone from the existing from Agricultural Single-Family Conventional -1 (ASC-1) to Commercial General (CG) zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10,000 square feet (sf). The applicant has proposed restrictions to certain commercial uses; proposed additional buffering and screening to the north, east and south property lines; and restrictions to hours of operation to mitigate and enhance an appropriate transition between residential and proposed commercial zoned parcel.

Zoning:	Current ASC-1 Zoning	Proposed CG Zoning
Uses	Single-Family Conventional Residential/Agricultural	General Commercial, Office and Personal Services
Acreage	1.20+/- Acres (ac)	1.20+/- ac/ 52,272 sf
Density / Intensity	1 du per 1 acre	F.A.R. 0.27
Mathematical Maximum*	1 Dwelling Unit (du)	14,113 sf
* <i>Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.</i>		

Development Standards:	Current ASC-1 Zoning	Proposed CG Zoning
Density / Intensity	1 du per 1 acre	F.A.R. 0.27
Lot Size / Lot Width	43,560 sf / 150'	10,000 sf / 75'
Setbacks/Buffering and Screening	50' - Front 50' - Rear 15' - Sides	30' - Front (West) 20' Type B Buffer - Rear (East) 20' Type B Buffer - Sides (South & North)
Height	50'	50'

**Additional Information:**

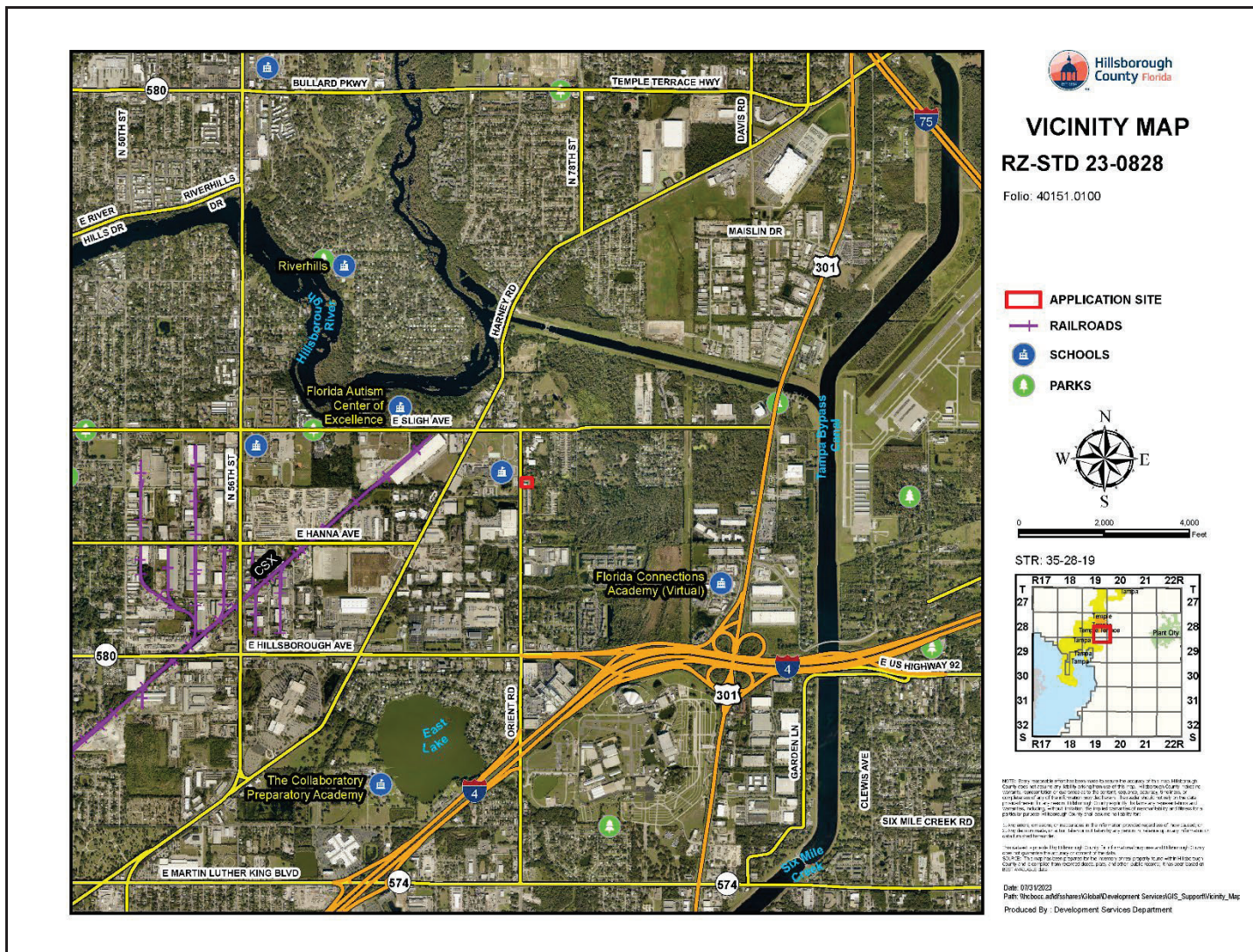
PD Variations	N/A
Waiver(s) to the Land Development Code	None

**Additional Information:**

Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supported

## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map



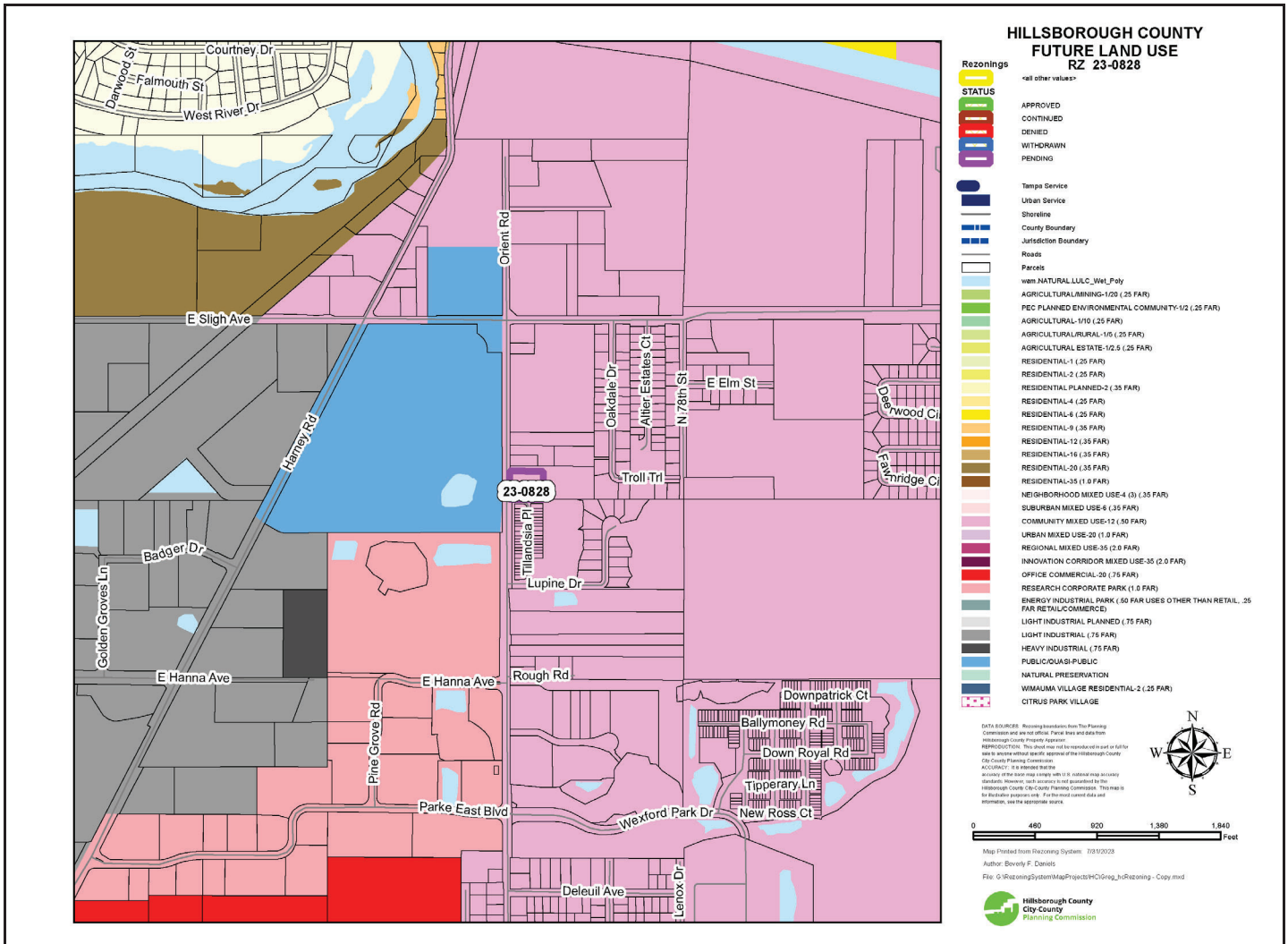
#### Context of Surrounding Area:

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west. The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.



**2.0 LAND USE MAP SET AND SUMMARY DATA**

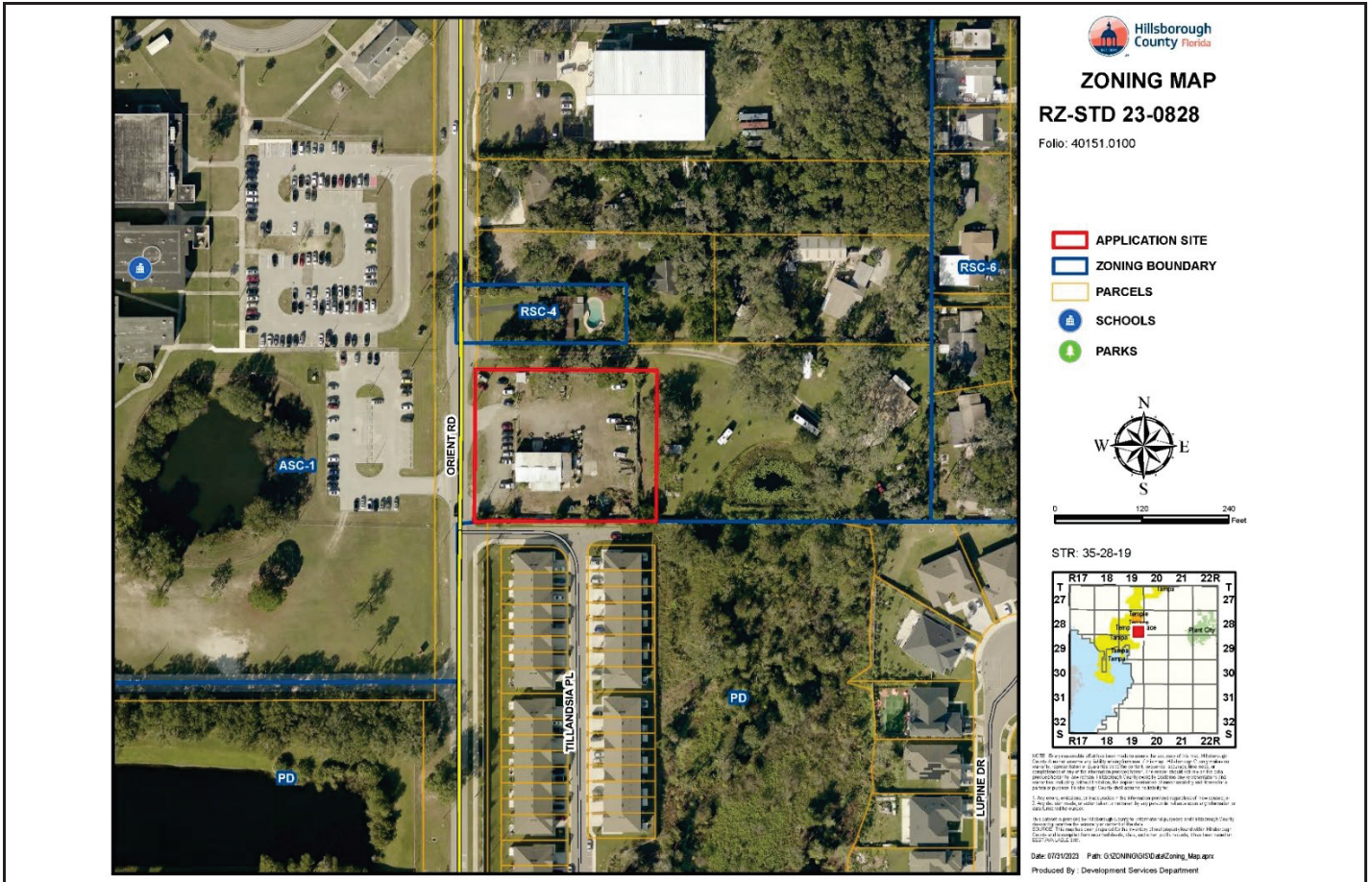
**2.2 Future Land Use Map**



Subject Site Future Land Use Category:	Community Mixed-Use-12 (CMU-12)
Maximum Density/F.A.R.:	12 dwelling unit per Gross Acre (ga)/ 0.50 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	1 du/1 ac	Single-family conventional only/ Agricultural and related uses.	Single Family Residential
	RSC-4	1 du / 10,000 sf	Single-family conventional	Single Family Residential
South	PD 05-1375	40 Townhomes/ 4.82ac	Townhomes.	Multi- Family Residential
West	ASC-1	1 du/1 ac	Single-family conventional / Agricultural and related uses.	School / Institution (Tampa Bay Tech)
East	ASC-1	1 du/1 ac	Single-family conventional / Agricultural and related uses.	Single Family Residential Home
	RSC-6	1 du/7,000 sf	Single-family conventional	Single Family Residential Home

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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

<b>Adjoining Roadways (check if applicable)</b>			
Road Name	Classification	Current Conditions	Select Future Improvements
Orient Road	County Collector - Urban	2 Lanes <input checked="" 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

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	14	1	1
Proposed	1,540	84	198
Difference (+/-)	+1,526	+83	+197

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

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

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

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

<b>INFORMATION/REVIEWING AGENCY</b>			
<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No Comments</b>
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No Comments</b>
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>This agency has no comments.</b>
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 type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	See Staff Report
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments Provided
<b>Impact/Mobility Fees</b> N/A			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**5.0 IMPLEMENTATION RECOMMENDATIONS**

**5.1 Compatibility**

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west.

The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.

The Site is located along Orient Road, a designated scenic corridor. As a result, this may trigger additional buffering and tree plantings as required by Part 6.06.03.1 of the Land Development Code. Additionally, the subject site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service will be services by The City of Tampa.

Staff finds the request is not consistent and compatible with the existing and emerging zoning and development pattern along this portion of Orient Road. The property’s frontage is along the east side of Orient Road to the north and south of the subject parcel between the block formed by Sligh Ave (to the north) and Rough Road (to the south) is zoned for residential type uses. To mitigate the proposed CG zoning district in-fill along Orient Road the applicant has proposed the following restrictions:


1. All business activity shall be carried on internally within the building(s) on site. There shall be no exterior business activity.
2. A uniform opaque screening shall be applied on the existing fencing along the front (west) of the property to screen the use from the street.
3. Operating hours shall be from Monday through Saturday from the hours of 8 am to 6 pm. There will be no Sunday hours of operation.
4. The following uses shall be restricted from the property:
  - a. C-Store with or without gas sales., Motor vehicle repair,
  - b. Fast food with or without drive thru,
  - c. Blood/plasma center, and
  - d. Recyclable materials recovery facility

**5.2 Recommendation**

Based on the above considerations and due to the objection from Transportation Staff Review for the reasons outlined in their attached agency comments, Development Services staff finds the request is not supportable.

**6.0 PROPOSED CONDITIONS:**

N/A

<b>Zoning Administrator Sign Off:</b>	 <p style="text-align: center;">J. Brian Grady Tue Oct 10 2023 11:08:42</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

ZHM HEARING DATE: October 16, 2023  
BOCC LUM MEETING DATE: December 12, 2023

Case Reviewer: Isis Brown

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**7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS**

N/A

**8.0 PROPOSED SITE PLAN (FULL)**

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department	DATE: 10/04/23
REVIEWER: Alex Steady, AICP	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: East Lake Orient Park/Northeast	PETITION NO.: STD 23-0828

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

RATIONALE FOR OBJECTION

The site cannot comply with Land Development Code section 6.04.07 access spacing and as such, intensification of uses on this site is inappropriate and cannot be supported.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 1.2 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial General - Restricted (CN-R). The proposed restriction will not allow for a C-store with or without gas, a motor vehicle repair, a fast-food with or without drive thru, a blood plasma center or a recyclable materials recovery facility. The site is located on the east side of Orient Road, corner of the intersection of Race Track Road and Gunn Highway. The Future Land Use designation of the site is Residential-1 (RES-1).

SITE ACCESS

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

Transportation Section staff did identify concerns concerning future project access spacing, as noted in the “Rationale for Objection” section hereinabove. If the rezoning were approved as proposed, the site would only be allowed one access point that would align with the access across the street and the proposed uses would not cause adverse traffic issues. During the site review process, the applicant would be required to provide sufficient documentation for a spacing variance per the LDC.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

***Trip Generation Analysis***

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

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 1 Single Family Dwelling Units (ITE Code 210)	14	1	1

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 5,000 sf Drive in Bank (ITE Code 912)	502	50	106
CG-R, 9,000 sf Pharmacy Drugstore with Drive-Through Window (ITE Code 881)	1,038	34	92
<b>Total Trips</b>	<b>1,540</b>	<b>84</b>	<b>198</b>

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,526</b>	<b>+83</b>	<b>+197</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 66 feet of Right of Way in the vicinity of the project. Orient Road does not have sidewalks on either side of the roadway within the vicinity of the project.

**HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN**

Orient Road is included as a 2 lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

**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
ORIENT RD	HILLSBOROUGH AVE	SLIGH AVE	D	C

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

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 23-0828
<b>DATE OF HEARING:</b>	October 16, 2023
<b>APPLICANT:</b>	Orient Road Holdings
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from ASC-1 to CG (R)
<b>LOCATION:</b>	6501 Orient Road
<b>SIZE OF PROPERTY:</b>	1.2 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	ASC-1
<b>FUTURE LAND USE CATEGORY:</b>	CMU-12
<b>SERVICE AREA:</b>	Urban

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 APPLICATION SUMMARY

Applicant: Orient Road Holdings

FLU Category: Community Mixed-Use -12 (CMU-12)

East Lake-Orient Park

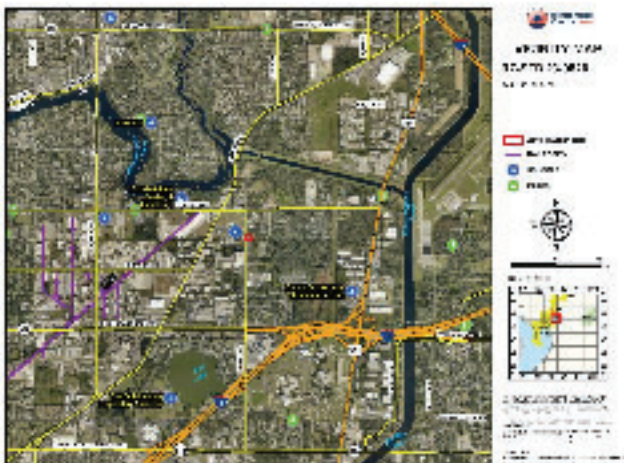
Service Area: Rural

Site Acreage: 1.20 +/-

Community Plan Area:

Overlay: None

Request: Rezone from **Agricultural Single- Family Conventuonal-1 (AS Conventional -1)** to **Commercial General with Restrictions (CG -R)**.



**Request Summary:**

The request is to rezone from the existing from Agricultural Single-Family Conventional -1 (ASC-1) to Commercial General (CG) zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet (sf). The applicant has proposed restrictions to certain commercial uses; proposed additional buffering and screening to the north, east and south property lines; and restrictions to hours of operation to mitigate and enhance an appropriate transition between residential and proposed commercial zoned parcel.

**Additional Information:**

PD Variations: N/A

Waiver(s) to the Land Development Code: None

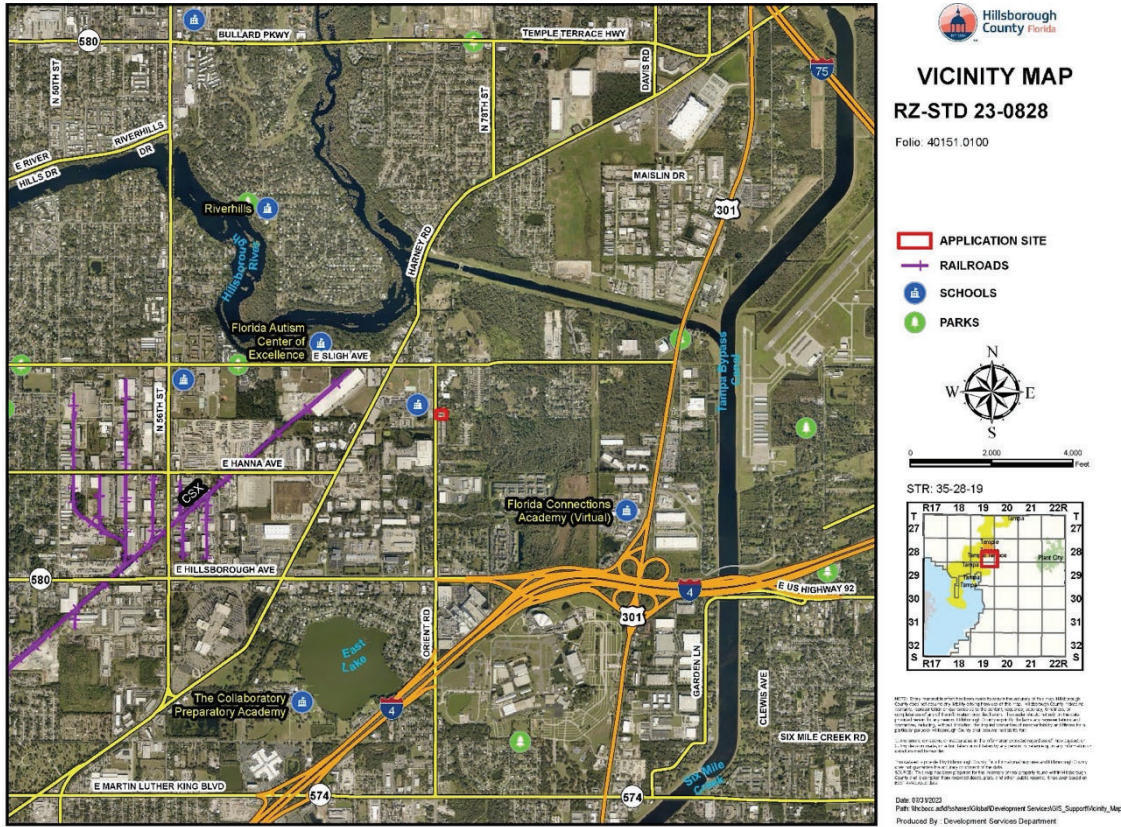
Planning Commission Recommendation: Inconsistent

Development Services Department Recommendation: Not Supported

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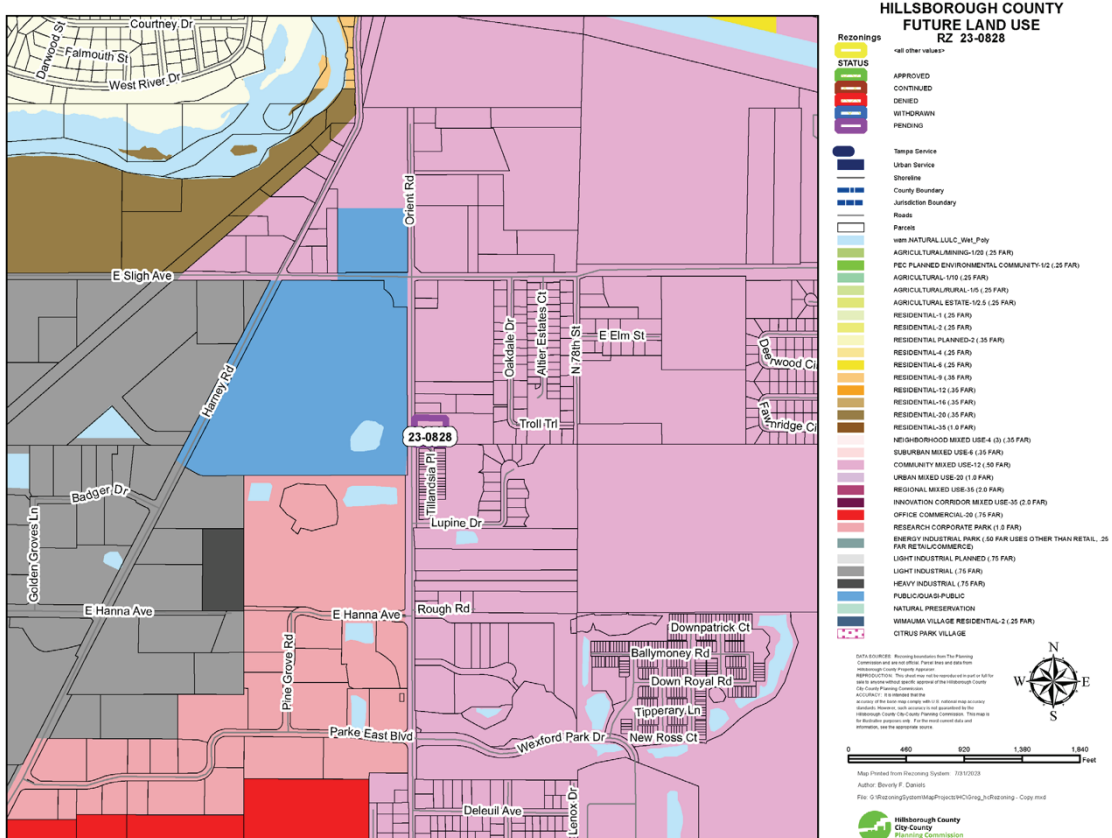
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west. The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.

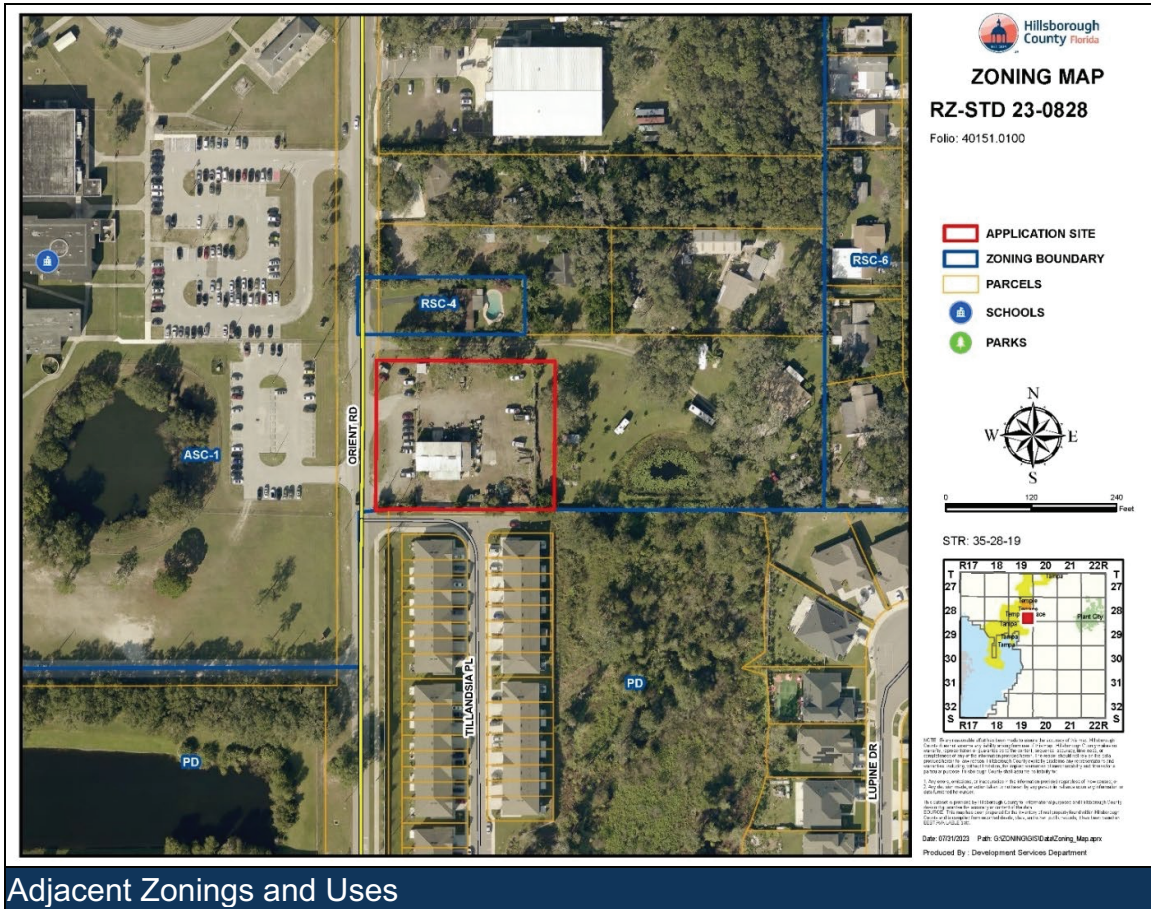
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category: Community Mixed-Use-12 (CMU-12)  
 Maximum Density/F.A.R.: 12 dwelling unit per Gross Acre (ga)/ 0.50 F.A.R.

<p>Typical Uses:</p>	<p>Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.</p>
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## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



Adjacent Zonings and Uses

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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

<b>Adjoining Roadways (check if applicable)</b>			
Road Name	Classification	Current Conditions	Select Future Improvements
Orient Road	County Collector - Urban	2 Lanes <input checked="" 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

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	14	1	1
Proposed	1,540	84	198
Difference (+/-)	+1,526	+83	+197

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

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

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

<b>4.0 ADDITIONAL SITE INFORMATION &amp; AGENCY COMMENTS SUMMARY</b>		
<b>Environmental: Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>

Environmental Protection Commission Natural Resources

**No Comments**

Conservation & Environmental Lands Mgmt.

Check if Applicable:

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

- Significant Wildlife Habitat
- Coastal High Hazard Area
- Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property
- Other \_\_\_\_\_

**Transportation**

**This agency has no comments.**

**Utilities Service Area/ Water & Wastewater**

- Urban  City of Tampa  Rural  City of Temple Terrace

**Hillsborough County School Board**

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

Yes  No

Yes  No

No Comments Provided

**Impact/Mobility Fees**

N/A

Comprehensive Plan: Findings		Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>			
<input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## **5.0 IMPLEMENTATION RECOMMENDATIONS**

### **5.1 Compatibility**

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west.

The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.

The Site is located along Orient Road, a designated scenic corridor. As a result, this may trigger additional buffering and tree plantings as required by Part 6.06.03.I of the Land Development Code. Additionally, the subject site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service will be services by The City of Tampa.

Staff finds the request is not consistent and compatible with the existing and emerging zoning and development pattern along this portion of Orient Road. The property's frontage is along the east side of Orient Road to the north and south of the subject parcel between the block formed by Sligh Ave (to the north) and Rough Road (to the south) is zoned for residential type uses. To mitigate the proposed CG zoning district in-fill along Orient Road the applicant has proposed the following restrictions:

### **5.2**

#### **Recommendation**

1. All business activity shall be carried on internally within the building(s) on site. There shall be no exterior business activity.
2. A uniform opaque screening shall be applied on the existing fencing along the front (west) of the property to screen the use from the street.
3. Operating hours shall be from Monday through Saturday from the hours of 8 am to 6 pm. There will be no Sunday hours of operation.

4. The following uses shall be restricted from the property:
  - a. C-Store with or without gas sales., Motor vehicle repair,
  - b. Fast food with or without drive thru,
  - c. Blood/plasma center, and
  - d. Recyclable materials recovery facility

Based on the above considerations and due to the objection from Transportation Staff Review for the reasons outlined in their attached agency comments, Development Services staff finds the request is not supportable.

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on October 16, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 2<sup>nd</sup> Avenue South #451 St. Petersburg testified on behalf of the applicant. Mr. Pressman showed a PowerPoint presentation and identified the location of the property as being south of Sligh on Orient Road. He stated that the site is under Code Enforcement violation. A rezoning to CG with Restrictions is requested. The Restrictions include screening requirements and limits on the hours of operation. Mr. Pressman detailed the other proposed Restriction which prohibit certain land uses such as convenience store, vehicle repair, fast food and recycled materials recovery. He described the surrounding land uses and stated that there is a school across the street and a US Foods manufacturing operation and landscaping PD to the south. He emphasized that while the surrounding parcels to the east, west and north are zoned agriculturally, they are developed with intense uses such as the Tampa Bay Technical School, Central Florida Landscaping and US Foods. Mr. Pressman stated that Orient Road is very busy with 7,900 vehicles per day. He continued to detail the surrounding land uses and stated that there is a long history of commercial and industrial type development in the area. He testified that County transportation staff is concerned about project access spacing and that they should ask for a condition to allow only one access point. He summed up his presentation by requesting consideration of the rezoning application.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the applicant is requesting a rezoning from ASC-1 to CG with Restrictions. She described the surrounding land uses and stated that staff found the request not consistent and compatible with the existing and emerging zoning along the subject portion of Orient Road. She detailed the proposed Restrictions and stated that staff found the request to be not

supportable at this time.

Ms. Karla Llanos, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Llanos stated that the subject property is within the Commercial Mixed Use-12 Future Land Use classification and the Urban Service Area and the East Lake Orient Community Plan. Ms. Llanos described the surrounding area and stated that the rezoning does not meet the intent of Objective 1 and Policy 1.4 regarding compatibility. Ms. Llanos testified that staff reviewed the applicant's list of prohibited uses and found that the remaining CG uses present a significant compatibility concern to the existing residential land uses. Further, staff believes that the proposed buffering and screening is inconsistent with the surrounding area. She concluded her presentation by stating that the proposed rezoning is inconsistent with the East Lake Orient Community Plan as the site is not located along segment of 56<sup>th</sup> Street which is identified for commercial redevelopment. She concluded her remarks by stating that the request is inconsistent with the Future of Hillsborough Comprehensive Plan.

Mr. James Ratliff of the County's Transportation Review section testified that Mr. Pressman's statement that the County should have requested access Restrictions is not how the County's process works in terms of Euclidean rezoning applications. He stated that he has been informed by staff that he does not have the ability to offer Restrictions. He added that he is happy to work with the applicant but because he cannot offer Restrictions, he has to object to the case.

Hearing Master Finch stated that she agreed with Mr. Ratliff that the Euclidean Restricted rezoning applications get far off field which could be remedied if the rezoning were to a Planned Development but the Euclidean district does not provide that opportunity.

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

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

County staff did not have additional comments.

Mr. Pressman testified during the rebuttal period that the parcel to the south was rezoned and that the staff report noted that the subject property was commercial.

Hearing Master Finch asked Mr. Pressman to clarify if he was stating that the 2005 rezoning to the south refers to the subject property as commercial. Mr. Pressman replied yes. Hearing Master Finch asked Mr. Pressman to confirm that the subject property is under Code Enforcement violation for having an



improper use. Mr. Pressman replied yes.

Mr. Pressman continued his rebuttal by stating that the subject property has been a commercial use for a couple of decades. He stated that the commercial use is compatible with the area. He added that the County has added a transportation condition in the past and would be appropriate for a single-access point. He concluded his presentation by stating that the East Lake Orient Park Plan calls for commercial activity along the entirety of Orient Road.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Pressman submitted a copy of his PowerPoint presentation and zoning information from a rezoning of the adjacent parcel into the record.

### **PREFACE**

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

### **FINDINGS OF FACT**

1. The subject property is 1.2 acres in size and is zoned Agricultural Single-Family Conventional (ASC-1) and is designated Community Mixed Use-12 (CMU-12) by the Comprehensive Plan. The property is located within the Urban Service Area and the East Lake Orient Community Plan.
2. The applicant is requesting a rezoning to the Commercial General with Restrictions (CG (R)) zoning district.
3. The proposed Restrictions prohibit the following land uses:
  - a. Convenience Store with or without gas sales., Motor vehicle repair,
  - b. Fast food with or without drive thru
  - c. Blood/plasma center, and
  - d. Recyclable materials recovery facility
4. The proposed Restrictions also require business activity to be conducted inside, screening along the western (front) portion of the site and limit the hours of operation of Monday through Saturday 8am to 6pm.
5. No waivers are requested as a part of the rezoning application.

6. The Planning Commission staff does not support the rezoning request as it found the remaining CG land uses not prohibited by the Restrictions to be incompatible with the surrounding residential development pattern. Further, staff found that the request for commercial land uses is not in accord with the East Lake Orient Park Community Plan as the Plan identifies the area desired for the commercial redevelopment and the subject property is not located within that area. Therefore, the Planning Commission staff found the proposed rezoning is inconsistent with the development pattern in the area and the Future of Hillsborough Comprehensive Plan.
7. The Development Services Department also does not support the requested rezoning application. Staff stated that commercial land uses are not compatible with the existing development pattern along the subject portion of Orient Road. Further, County transportation staff stated that site exceeds the limitation of a single-access point as two access points are proposed. Further, transportation staff testified that the access point(s) do not meet required spacing standards and has insufficient right-of-way to accommodate required turn lanes.
8. The applicant's representative testified while the subject property is currently zoned ASC-1, it has been used for commercial purposes for decades. The representative cited a prior rezoning report for the parcel to the south which identified the subject property as commercial.

It is noted that the subject parcel is under Code Enforcement violation for the improper use of the property under the ASC-1 zoning district.

9. The subject property is surrounded by parcels zoned ASC-1, RSC-2 and PD. The parcel directly across Orient Road (west) is developed with a school (Tampa Bay Tech). Townhomes are developed immediately to the south and single-family residential homes are located to the north and east.
10. It is emphasized that the request for a Euclidean zoning district (CG) with Restrictions is not reviewed or processed identical as a Planned Development (PD) site specific zoning would be reviewed. The County's transportation reviewer testified that he has been advised that he is unable to condition Euclidean-Restricted zoning requests when there are concerns identified as he would be able to do so under the PD zoning application.

11. The request for CG with the proposed Restrictions that prohibit certain commercial land uses is not compatible with the surrounding land uses which include an institutional use to the west, townhomes to the south and single-family residences to the north and east given the remaining CG permitted uses that are available to be considered under the Land Development Code.
12. The long standing commercial use on the subject parcel zoned ASC-1 is not justification for a rezoning to CG-R that would permit a wide range of commercial land uses incompatible with the surrounding area.
13. The rezoning application to CG-R is incompatible with the development pattern in the area and the Land Development Code and Comprehensive Plan.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

The applicant is requesting a rezoning to the CG (R) zoning district. The property is 1.2 acres in size and is currently zoned ASC-1 and designated CMU-12 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the East Lake Orient Park Community Plan.

The Planning Commission staff does not support the rezoning request as it found it incompatible with the surrounding development pattern. Staff stated it is inconsistent with the East Lake Orient Community Plan and the Comprehensive Plan. Development Services Department also does not support the requested rezoning application. Staff stated that commercial land uses are not compatible with the existing development pattern along the subject portion of Orient Road. Further, County transportation staff stated that site exceeds the limitation of a single-access point as two access points are proposed. Further, transportation staff testified that the access point(s) do not meet required spacing standards and has insufficient right-of-way to accommodate required turn lanes.

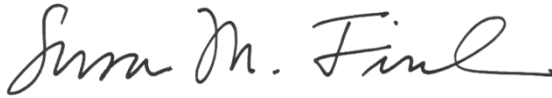
The request for CG with the proposed Restrictions that prohibit certain commercial land uses is not compatible with the surrounding land uses which include an institutional use to the west, townhomes to the south and single-family residences to the north and east given the remaining CG permitted uses that are available to be considered under the Land Development Code.

The long standing commercial use on the subject parcel zoned ASC-1 is not justification for a rezoning to CG-R that would permit a wide range of commercial land uses incompatible with the surrounding area.

The rezoning application to CG-R is incompatible with the development pattern in the area and the Land Development Code and Comprehensive Plan.

### **RECOMMENDATION**

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

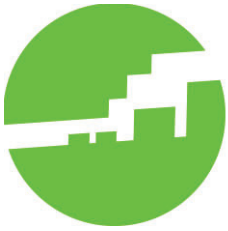


November 6, 2023

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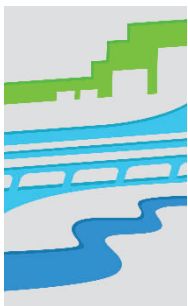
**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date**



**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> October 16, 2023  <b>Report Prepared:</b> October 4, 2023	<b>Petition: RZ 23-0828</b>  <b>6501 Orient Road</b>  <i>On the east side of Orient Road, south of Sligh Avenue East &amp; north of Rough Road</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use</b>	<b>Community Mixed Use-12 (12 du/ga; 0.5 FAR)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan</b>	<b>East Lake-Orient Park</b>
<b>Request</b>	Agricultural Single-Family Conventional (ASC-1) to Commercial General-Restricted (CG-R)
<b>Parcel Size</b>	1.2 +/- acres (52, 272 square feet)
<b>Street Functional Classification</b>	Orient Road – <b>County Collector</b> East Sligh Avenue – <b>County Collector</b> Rough Road – <b>Local</b>
<b>Locational Criteria</b>	N/A
<b>Evacuation Zone</b>	E



## **Context**

- The approximately 1.2 +/- acre subject site is located on the east side of Orient Road, south of Sligh Avenue East and north of Rough Road.
- The subject site is located within the Urban Service Area and is within the limits of the East Lake Orient Park Community Plan.
- The subject site is designated as Community Mixed Use-12 (CMU-12) on the Future Land Use Map (FLUM), which can consider up to a maximum of 12 dwelling units per gross acre and a maximum intensity of 0.5 FAR. The intent of the CMU-12 Future Land Use category is to designate areas that are urban in intensity and density of uses. Typical uses of the CMU-12 Future Land Use category include residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- CMU-12 surrounds the subject site to the north, east, and south. Public/Quasi Public (P/QP) is located west across Orient Road. The Research Corporate Park (RCP) designation is located further southwest.
- The subject site currently contains light industrial uses. Agricultural uses abut the north and east boundaries of the subject site. Single family uses are located directly south and further east and north. The Tampa Bay Technical High School is located directly west across Orient Road. Agricultural and vacant uses are located further southwest. The area surrounding the subject site contains a mixture of residential, agricultural, and school uses.
- The subject site is currently zoned as Agricultural Single Family Conventional (ASC-1). The ASC-1 zoning district extends east, west, and north. There is a small pocket of Residential Single Family Conventional (RSC-4) north of the subject site. The Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 zoning districts are interspersed east of the subject site. PD zoning is located directly south and further southwest.
- The applicant is requesting to rezone the subject site from Agricultural Single Family Conventional (ASC-1) to Commercial General-Restricted (CG-R).

## **Compliance with Comprehensive Plan:**

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

## **FUTURE LAND USE ELEMENT**

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

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

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

### **Land Use Categories**

**Objective 8:** *The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.*

**Policy 8.1:** *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

**Policy 8.2:** *Each potential use must be evaluated for compliance with the goals, objectives, and policies of the Future Land Use Element and with applicable development regulations.*

### **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 Design Component**

### **5.1 COMPATIBILITY**

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

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

*Policy 12-1.4: Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.*

## **LIVABLE COMMUNITIES ELEMENT: East Lake-Orient Park Community Plan**

### **Goals**

**Economic Development** – *Provide opportunities for business growth and jobs in the East Lake-Orient Park community.*

- *Create a commercial redevelopment area along 56th Street from the Temple Terrace boundary to Harney Road and along Hillsborough Avenue from 56th Street to Orient Road.*
- *Create a commercial/mixed-use district along Orient Road from Hillsborough Avenue to Columbus Drive.*

**Housing** – *Create housing opportunities.*

- *Evaluate land uses along Orient Road to allow higher density quality residential dwelling units.*



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

The approximately 1.2 +/- acre subject site is located on the east side of Orient Road, south of Sligh Avenue East and north of Rough Road. The subject site is located in the Urban Service Area and is within the limits of the East Lake-Orient Park Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Community Mixed Use-12 (CMU-12). The applicant is requesting to rezone the subject site from Agricultural Single Family Conventional (ASC-1) to Commercial General-Restricted (CG-R).

The subject site is located in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. The proposed request is consistent with this policy direction. Though it meets the goal of Objective 1, it does not meet the compatibility criteria set by FLUE Policy 1.4. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that *"Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development."* The subject site directly abuts single-family residential dwellings to the south. Single family dwelling units are also located north and east. A rezoning to CG would not be harmonious or compatible with the single family-residential character of the area to the north, east and south. On September 25<sup>th</sup>, 2023, the applicant submitted a list of proposed restrictions that includes convenience stores (with and without gasoline sales), motor vehicle repair, fast food restaurants (with or without drive thru), blood and plasma donation centers, and recyclable material recovery facilities. Although Planning Commission Staff is receptive towards the proposed restrictions, the remaining range of CG uses and their intensities present significant compatibility concerns with the residential uses located near the subject site.

FLUE Objective 8 and Policies 8.1 and 8.2 require potential uses to be evaluated with their respective assigned Future Land Use categories. The subject site is located within the CMU-12 Future Land Use category, which is intended to designate areas that are urban in density and intensity of uses. Non-residential uses are not required to meet established Commercial-Locational Criteria within the CMU-12 Future Land Use category. Rather, CMU-12 requires non-residential land uses to be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Although the applicant has submitted a list of restrictions and operating hours, the remaining range of CG uses would still allow for adverse impacts on the residential areas near the site. The application is therefore inconsistent with this policy direction.

According to FLUE Objective 9 and Policy 9.2, all development proposals must meet or exceed all local, state and federal land development regulations. At the time of uploading this report, Transportation comments were not yet available and thus were not taken into consideration for analysis of this request.

FLUE Objective 16 and its accompanying policies require the protection of existing neighborhoods through various mechanisms. FLUE Policy 16.1 states that established and planned neighborhoods and communities shall be protected by implementing buffering and screening techniques between unlike land uses. Planning Commission staff acknowledge the buffering and screening techniques that were submitted with the proposed restrictions on September 25<sup>th</sup>, 2023. Although these techniques aim at remedying adverse impacts, the remaining range of CG uses would still be incompatible

with the proposed fencing and landscape buffers. Similarly, Policies 16.2 and 16.3 seek to ensure that uses are complementary to each other and that there are gradual transitions between unlike uses. The proposed CG zoning district is too intense for the residential character of the surrounding area. Although the subject site is located along a collector roadway, it is within an established neighborhood, making the proposed rezoning inconsistent with FLUE Policy 16.5 as well.

The Community Design Component (CDC) in the Future Land Use Element provides guidance on developments that should relate to the predominant character of their surroundings. It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (*CDC Objective 12-1*). The land use pattern east of Orient Road mainly consists of single family residential and school uses. The request would not allow for development that recognizes this existing development pattern and is therefore inconsistent with Goal 12, Objective 12-1, and Policy 12-1.4 of the CDC.

The proposed rezoning request is inconsistent with the intent of the East Lake Orient Park Community Plan. The plan's Economic Development Goal seeks to create commercial redevelopment along 56<sup>th</sup> street and to create a commercial/mixed use district along Orient Road from Hillsborough Avenue to Columbus Drive. The subject site is not located within either of these areas where commercial development is to be directed. By contrast, the plan's Housing Goal seeks to evaluate land uses along Orient Road to allow for higher density dwelling units. In considering this goal and the residential nature of the surrounding area, the proposed rezoning to CG would now allow for development that is inconsistent with the East Lake Orient Park Community Plan.

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

#### **Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE RZ 23-0828

Rezoning Status Legend

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

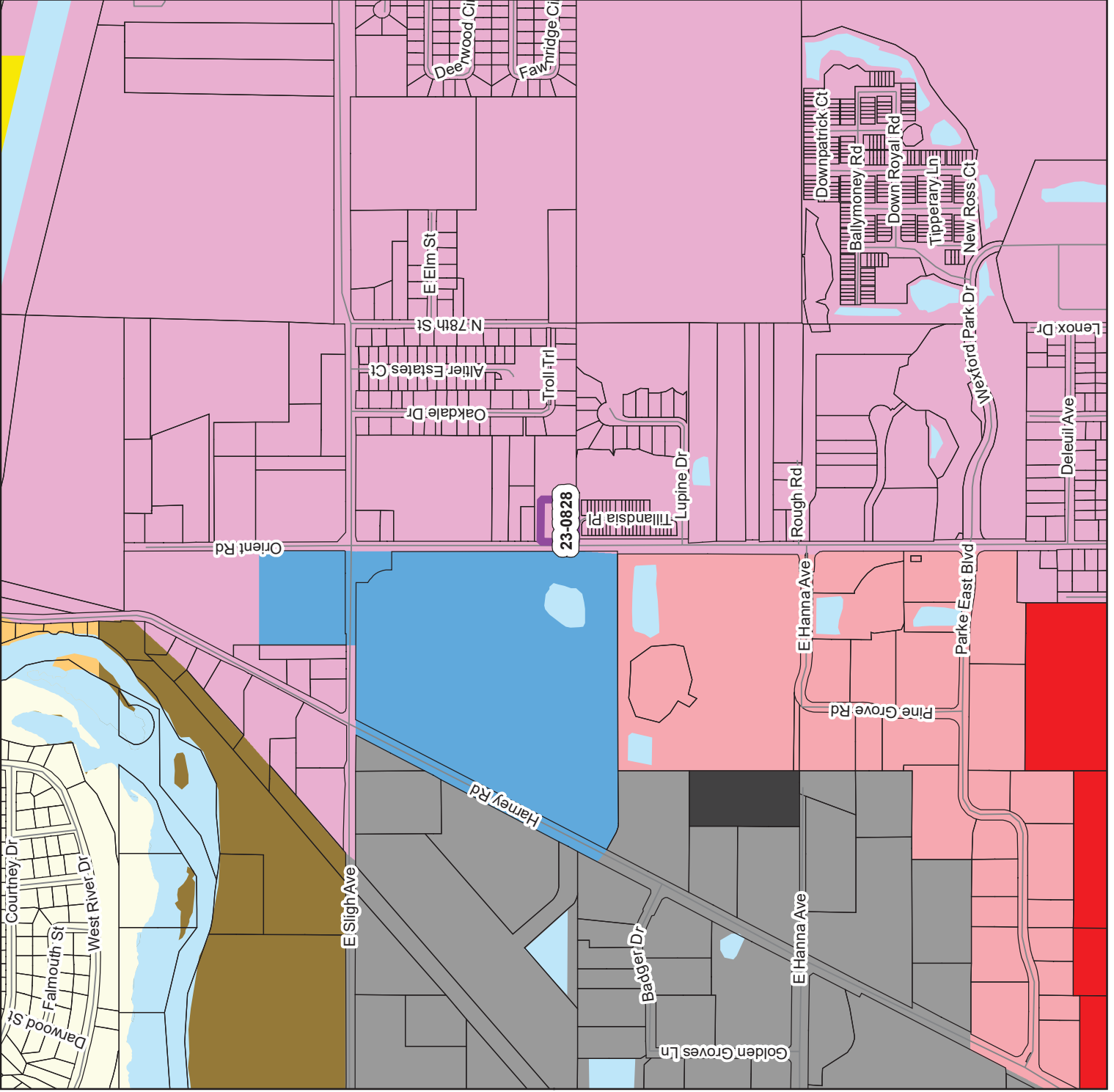
Land Use Categories Legend

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

Map Information

0 460 920 1,380 1,840 Feet

Map Printed from Rezoning System: 7/5/2023  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\HC\Gea\_Hz\Rezoning - Copy.mxd





# **AGENCY COMMENTS**

## AGENCY REVIEW COMMENT SHEET

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**TO:** Zoning Technician, Development Services Department

**DATE:** 10/04/23

*Revised: 10/16/2023 by JR*

**REVIEWER:** Alex Steady, AICP

**AGENCY/DEPT:** Transportation

**PLANNING AREA/SECTOR:** East Lake Orient Park/Northeast

**PETITION NO.:** STD 23-0828

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

### **RATIONALE FOR OBJECTION**

1. The site currently has two (2) access connection to Orient Rd., whereas only one access connection would appear to be required pursuant to Section 6.04.03.I of the Hillsborough County LDC.
2. In the vicinity of the proposed project, Orient Rd. is functionally classified as a collector roadway, and has a posted speed limit of 40 mph. The minimum connection spacing for a Class 6 collector roadway is 245 feet. Spacing issues include the following:
  - a. There is only +/- 68 feet between the northernmost existing driveway and the next closest driveway to the north;
  - b. There is only +/- 90 feet between the two driveway existing connections to Orient Rd. currently serving the site; and,
  - c. There is only +/- 15 feet between the southernmost existing driveway and the next closest driveway to the south.
3. The proposed zoning represents a significant intensification of daily and peak hour trips that will impact adjacent roadways, including Orient Rd.
4. There are only +/- 229 feet between the driveway on the parcel to the north of the project, and the driveway on the parcel to the south of the project. Given the limited parcel frontage, the site cannot meet minimum access spacing standards on its own.
5. There does not appear to be sufficient right-of-way to accommodate required turn lanes which would be triggered by development which could occur if the proposed zoning were approved as presented. Additionally, such turn lanes would conflict with access connections to properties to the north and south of the subject site.
6. Given the above, staff does not believe that intensification of the Subject Site is appropriate. The applicant could consider bringing additional lands into a combined development proposal, such that access standards could be met. Alternatively, staff may have been able to support the project, provided that restrictions which address the above issues were proffered by the applicant.

## **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 1.2 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial General - Restricted (CN-R). The proposed restriction will not allow for a C-store with or without gas, a motor vehicle repair, a fast-food with or without drive thru, a blood plasma center or a recyclable materials recovery facility. The site is located on the east side of Orient Road, corner of the intersection of Race Track Road and Gunn Highway. The Future Land Use designation of the site is Residential-1 (RES-1).

## **SITE ACCESS**

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

Transportation Section staff did identify concerns concerning future project access spacing, as noted in the "Rationale for Objection" section hereinabove. If the rezoning were approved as proposed, the site would only be allowed one access point that would align with the access across the street; however, such alignment in and of itself does not mitigate access spacing concerns. Staff notes that any uses proposed by the applicant will not be permitted to cause adverse traffic issues, and as such might be unconstructible at the time of site/construction plan approval. To avoid any confusion or ambiguity at the time of plat/site/construction plan review, staff does not recommend zoning a site for uses which may not be able to be safely constructed. Staff notes that regardless of the above or outcome, the applicant will be required to provide sufficient documentation that an approved Section 6.04.02.B. Administrative Variance form the Section 6.04.07 requirements During the site review process, the applicant would be required to provide sufficient documentation of an approved spacing variance from the Section 6.04.07 LDC requirements.

Staff notes that the applicant may have been able to address these issues by proposing additional use restrictions or trip generation caps which addressed the significant spacing and intensification issues noted above.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

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

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

Edition.

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 1 Single Family Dwelling Units (ITE Code 210)	14	1	1

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 5,000 sf Drive in Bank (ITE Code 912)	502	50	106
CG-R, 9,000 sf Pharmacy Drugstore with Drive-Through Window (ITE Code 881)	1,038	34	92
Total Trips	1,540	84	198

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,526</b>	<b>+83</b>	<b>+197</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 66 feet of Right of Way in the vicinity of the project. Orient Road does not have sidewalks on either side of the roadway within the vicinity of the project.

**HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN**

Orient Road is included as a 2 lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

**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
ORIENT RD	HILLSBOROUGH AVE	SLIGH AVE	D	C

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

Transportation Comment Sheet

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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Bell Shoals Rd.	County Collector - Rural	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width (for Urban Section)	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
Lithia Pinecrest Rd.	County Arterial - Urban	Choose an item. Lanes <input checked="" 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 checked="" type="checkbox"/> Other - TBD
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	4,369	437	152
Proposed	7,257	714	365
Difference (+/-)	<b>(+) 2,888</b>	<b>(+) 277</b>	<b>(+) 213</b>

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

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

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



## Transportation Comment Sheet

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

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 Sterlin Woodard, P.E. AIR DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> September 18, 2023</p> <p><b>PETITION NO.:</b> STD 23-0828</p> <p><b>EPC REVIEWER:</b> Kelly M. Holland</p> <p><b>CONTACT INFORMATION:</b> (813) 627-2600 X 1222</p> <p><b>EMAIL:</b> <a href="mailto:hollandk@epchc.org">hollandk@epchc.org</a></p>	<p><b>COMMENT DATE:</b> August 18, 2023</p> <p><b>PROPERTY ADDRESS:</b> 6501 Orient Road, Tampa</p> <p><b>FOLIO #:</b> 0401510100</p> <p><b>STR:</b> 35-28S-19E</p>
<p><b>REQUESTED ZONING:</b> Modification to PD</p>	
FINDINGS	
<b>WETLANDS PRESENT</b>	NO
<b>SITE INSPECTION DATE</b>	NA
<b>WETLAND LINE VALIDITY</b>	NA
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	August 18, 2023 - no wetlands or hydric soils present
<p><b>INFORMATIONAL COMMENTS:</b></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>	

kmh / app

ec: Todd Pressman, Agent - [todd@pressmaninc.com](mailto:todd@pressmaninc.com)

*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](http://www.epchc.org)



## Agency Review Comment Sheet

**NOTE:** Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

**TO:** Zoning Review, Development Services    **REQUEST DATE:** 7/31/2023

**REVIEWER:** Kim Cruz, Environmental Supervisor    **REVIEW DATE:** 8/1/2023

**APPLICANT:** Orient Road Holdings    **PID:** 23-0828

**LOCATION:** 6501 Orient Rd. Tampa, FL 33610

**FOLIO NO.:** 40151.0100

### AGENCY REVIEW COMMENTS:

Based on the most current data, the project is not located within a Wellhead Resource Protection Area (WRPA), Surface Water Protection Area (SWRPA), and/or a Potable Water Wellfield Protection Area (PWWPA), as defined in Part 3.05.00 of the Land Development Code. Hillsborough County Environmental Services Division (EVSD) has no objection.

**AGENCY REVIEW COMMENT SHEET**

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

**DATE: 1 August 2023**

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

**APPLICANT: Todd Pressman**

**PETITION NO: RZ-STD 23-0828**

**LOCATION: 6501 Orient Rd., Tampa, FL 33610**

**FOLIO NO: 40151.0100**

**SEC: 35 TWN: 28 RNG: 19**

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

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

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

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**PETITION NO.:** RZ-STD 23-0828      **REVIEWED BY:** Clay Walker, E.I.      **DATE:** 7/31/2023

**FOLIO NO.:** 40151.0000

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**WATER**

- The property lies within the City of Tampa 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 City of Tampa Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
  
- A \_\_\_ inch wastewater force 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: \_\_\_\_\_.



# **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:                  Susan Finch  
                              Land Use Hearing Master

DATE:                      Monday, October 16, 2023

TIME:                      Commencing at 6:00 p.m.  
                              Concluding at 10:13 p.m.

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

Reported by:  
Diane DeMarsh, AAERT No. 1654

1 requesting a continuance to the December 18, 2023 ZHM hearing.  
2 And this is not a matter of rights, so it will need your  
3 approval or denial.

4 HEARING MASTER: Okay. Is the applicant here? He's  
5 probably virtual to request the continuance.

6 MR. WRIGHT: Good evening. David Wright, P.O. Box  
7 273417, Tampa, Florida 33688.

8 Yes, we are requesting a continuance. We have some  
9 issues with transportation staff that we worked out late last  
10 week, but not in time for this hearing.

11 HEARING MASTER: Okay. Thank you so much. All right.  
12 Let me ask if there's anyone in the room or online that was  
13 interested in speaking to Item C.2 on our agenda. It's Rezoning  
14 23-0588. I'm seeing no one.

15 All right. Then we'll grant that continuance. So  
16 Rezoning 23-0588 is continued to the December 18, 2023 Zoning  
17 Hearing Master Hearing at 6:00 p.m.

18 MS. HEINRICH: The second one is Standard Rezoning  
19 23-0828. For this correction is just a correction on the  
20 agenda, not the Staff Report, to note that the proposed zoning  
21 is CGR.

22 And thirdly, Standard Rezoning 23-0932. For this one,  
23 this again is to just continue the agenda. The Staff Report is  
24 correct to show the proposed zoning is CGR.

25 And I will now go over the published withdrawals and



1 MS. HEINRICH: Our next application, Item C.5,  
2 Standard Rezoning 23-0828. The applicant is requesting to  
3 rezone from ASC-1 to CG restricted. Isis Brown will present  
4 staff findings after the applicant's presentation.

5 And I've also been advised that the transportation  
6 reviewer for this application, James Ratliff, would like to  
7 speak after Isis to discuss some changes on the transportation  
8 report.

9 HEARING MASTER: Okay. Will do.

10 Is the applicant here?

11 MR. PRESSMAN. Thank you. Not that one. We already  
12 did that. There you go. Thank you.

13 Good evening, Hearing Officer. Todd Pressman. 200  
14 2nd Avenue South, #451 in Saint Petersburg. This is Rezoning  
15 Standard 23-0828. We're located in the East Lake Orient Park  
16 area as indicated on the mapping. South of Sligh on Orient Road  
17 as indicated on the mapping. This is as the property appraiser  
18 has the site currently. Currently on the site is a landscape  
19 company and you can see Orient Road. You can see the site is  
20 pretty open along Orient Road and the activity occurs at the  
21 building and behind the fence line.

22 The issue is rezoning from ASC-1 to CGR with  
23 restrictions on 1.2 acres. The site is under citation from code  
24 enforcement. We've added restrictions which include or  
25 conditions no fencing in the south, that's because a PVC fence

1 already exists already. And on the south, we would use  
2 evergreen trees at ten-foot high, 12 feet on center to create a  
3 higher than code required screening. All business operation  
4 activity would be interior only. The -- there would be a  
5 uniform opaque screening applied to the existing fencing along  
6 the front, which would act as screening. And ours restricted to  
7 8:00 a.m. and 6:00 p.m. with no Sunday hours.

8           Uses restricted see store with or without gas, motor  
9 vehicle repair, fast food with drive-thru, blood plasma center,  
10 recycled materials recovery. We tried to look at the intensive  
11 uses and pull those out to make the site as com -- compatible as  
12 possible.

13           Development Services states the site is a mixture of  
14 uses to include residential, commercial, institutional type uses  
15 and rural agricultural. So there's a lot of different uses in  
16 the immediate area. The subject site, according to the  
17 Planning Commission is located within the CMU-12 Future Land Use  
18 Category, which is intended to designate areas that are urban in  
19 intensity and intensity of uses. And that's a very important  
20 finding for this particular request because CMU-12 does include  
21 light industrial uses, multi-purpose, community retail,  
22 commercial research, park and mixed uses. It does contain very  
23 intensive uses. Across the street is a PQP, Land Use Category  
24 which contains Tampa Bay Tech High School and High Tech Tampa  
25 Campus for evening classes.

1           The entire area is CMU-12 and PQP, basically or heavy  
2 industrial, as you can see from the Land Use map. So this is  
3 designated as a very intensive area. When you look at the  
4 zoning, map, it doesn't really show or appear to show the  
5 intense uses. For example, cross street, the zoning is ASC-1,  
6 but contains very large intensive schools with large activity.  
7 Also to the north includes residential as well, but there's  
8 zoning -- there's schools to the north. U.S. Foods, which is a  
9 major manufacturing operation is in a PD. And then further, a  
10 little bit to the south, you have a landscape PD that I'll talk  
11 more about, which is similar to this use and then manufacturing  
12 uses -- or manufacturing categories as well.

13           Planning Commission notes the subject site is  
14 currently zoned as agricultural, single conventional --  
15 conventional. The ASC zoning district extends east, west and  
16 north. So again, the statement says ASC-, but the uses and  
17 intensity area much different. When you look at an area, you  
18 can see just by the aerial that this is much more than just a  
19 residential area. This is very intensive uses like U.S. Foods,  
20 Central Florida Landscaping, Tampa Bay Technical School. You  
21 could see that's quite a complex. And the second school, there  
22 as well, school to the north and foundation building materials  
23 to the south. And this is a little clearer depiction of what  
24 the uses are.

25           So again, when you look at the zoning, it doesn't

1 really show the intensity, the Future Land Use designate it --  
2 it -- in the entire vicinity. This is the high school right  
3 across the street. This is the landscape company to the south,  
4 which is approximately 0.25 miles to the south. And it's  
5 interesting when I show you this picture, because after it was  
6 approved, it is an older approval from 85 -- PD 85-0141. It was  
7 interpreted as a C-3 use for its approval and it looks -- it's  
8 situated very much similar to the applicant before you, which is  
9 again, down the road about 2.5 of a mile, quarter of a mile.

10           Orient Road is very busy with 7,900 vehicles per day.  
11 It's interesting in the zone of 05-1375, which was the -- which  
12 was the use -- which is the use for U.S. Foods and notes the  
13 adjacent land uses includes commercial uses and single-families  
14 to the north. I'm sorry, I have to correct that. Looking at  
15 the Land Use Hearing Officer, it -- it classified commercial use  
16 as a single-family dwellings in the area, noting business and  
17 commercial uses, residential uses. Again, that same cycle of  
18 the many different uses and variety of uses in the immediate  
19 area. Abutting to the north of the site, and I show the site  
20 here as designated, as a 37-foot easement drive, which provides  
21 a good buffer. And you can see there is some screening between  
22 the uses in the other pictures here. To the west is a very  
23 large parcel, which again has some good screening. You can see  
24 that's a large parcel from the parcel that's under review today.

25           We also have the test of time. There's been a long

1 history of business, commercial and even industrial type  
2 activity or commercial intensive activity at the site. This is  
3 a 2006, 2009. Back in 2002 and 1999, this has been a consistent  
4 history of the use at the site.

5 In regards to transportation, I did have some  
6 communication with Alex Steady. And he does note in his report  
7 that no adverse effect part, and this is in his report, is what  
8 would need to be demonstrated for spacing. His concern was  
9 primarily spacing from other driveways and having a safe access  
10 point. But the fact is, as we would present, the site now is  
11 wide open in terms of access anywhere along Orient Road. We  
12 would suggest transportation department should take the  
13 opportunity with all due respect to ask for conditions, which we  
14 suggested of allowing only one access point, which would be far,  
15 far safer than what's allowed or what's occurring on the site  
16 today.

17 So in summary, we've added significant restrictions to  
18 control and make the use compatible. The CMU-12 is a high and  
19 intensive category, it's reflective of the broad area. The  
20 zoning maps do not present the existing intensity as well.  
21 There's a large mix of intensity uses and a similar use right  
22 down the street has worked fine. And we do the test of time on  
23 the site. So with that, we appreciate your consideration.  
24 Thank you.

25 HEARING MASTER: Thank you. I have -- I have a

1 question about that transportation comment as well. We'll talk  
2 to Mr. Ratliff about that when it's his turn.

3 MR. PRESSMAN: For myself?

4 HEARING MASTER: No. No.

5 MR. PRESSMAN: Okay.

6 HEARING MASTER: With Mr. Ratliff. Thank you. I  
7 appreciate it.

8 Development Services. Good evening.

9 MS. BROWN: Good evening. Isis Brown, Development  
10 Services. Before you Standard Rezone 23-0828. This is for  
11 approximately 1.20 acre of property requesting rezone from ASC-1  
12 to CGR. The site is located in the CMU-12 category, Land Use  
13 Category to the north, south and east. And to the west is the  
14 public quasi and -- and quasi public. The adjacent property is  
15 zoned ASC-1 to to the north, east and west, residential --  
16 single-family residential RSC-4 to the north, residential  
17 single-family RSC-6 to the NPD and ASC-1 to the east and PD to  
18 the south and southeast. The site is located on Orient Road and  
19 primarily will trigger additionally -- the additional buffering  
20 and tree plantings as required as part 6.06.03.I of the Land  
21 Development Code. The site will be serviced by the City of  
22 Tampa for wastewater and -- and water services.

23 Staff finds that the request is in -- is -- is not  
24 consistent and compatible with the existing and emerging zoning  
25 pattern along the -- this portion of Orient Road. The

1 property's frontage is along the east side of Orient Road to the  
2 north and south of the subject parcels between the block from  
3 Sligh Avenue and Rough Road to the south is zoned residential  
4 with -- has residential type uses to mitigate the proposed SCG  
5 zoning district infill along Orient Road. The applicant has  
6 proposed the following instructions, all business activities  
7 shall be carried internally in the building site. Uniform  
8 opaque screening shall be applied to the existing fence along  
9 the west property line, along the street. Hours of operation's  
10 Monday through Saturday, 8:00 a.m. to 6:00 p.m. and no Sunday  
11 hours of operation. And that the restricted use of the property  
12 will exclude C -- convenience stores with or without gas  
13 station, motor vehicles, fast foods with or without drive-thru,  
14 C) plasma or center and recyclable material facilities.

15           Based on the above considerations and due to  
16 objections by the transportation staff review outlined in  
17 their -- in the agency comments, Development Services finds that  
18 the request is not supportable at this time.

19           HEARING MASTER: Thank you so much. I appreciate it.  
20           Planning Commission.

21           MS. LLANOS: Karla Llanos with Planning Commission  
22 Staff. The subject site is located in the urban service area  
23 and is within the limits of the East Lake Orient Park Community  
24 Plan. It is designated as commercial, mixed use 12 on the  
25 Future Land Use Map, which can be considered up to a maximum of

1 12 dwelling units per the gross acre or 0.504 area ratio. The  
2 intent of the community mixed use 12 Future Land Use Category is  
3 to designate areas that are urban in intensity and density of  
4 uses and typically, uses in the CMU-12 include residential,  
5 community scale, retail, commercial, office uses, research  
6 corporate parks, light industrial, etcetera. Nonresidential  
7 land uses must be compatible with the residential uses  
8 surrounding residential uses through established techniques of  
9 transition or by restricting location of incompatible uses.

10 Now, the CMU-12 surrounds the subject site, northeast  
11 and south public/quasi public Future Land Use Category is  
12 located west across Orient Road. And the research corporate  
13 park or RCP designation is located further southwest. Now, the  
14 subject site currently contains light industrial uses,  
15 agricultural uses abut to the north and eastern boundaries of  
16 the subject site. Single-family uses are located directly south  
17 and further east and north. The Tampa Bay Technical High School  
18 is located directly across Orient Road. This is considered a --  
19 a residential support use. Agricultural and vacant uses are  
20 located further southwest. And the area surrounding is a  
21 mixture of residential, agricultural and school uses. Again,  
22 school uses are considered residential support.

23 Planning Commission Staff reviewed it for consistency  
24 with the comprehensive plan and we found that Objective one, it  
25 does not meet the compatibility criteria established by FLUE



1 Policy 1.4. And Policy 1.4 indicates that compatibility does  
2 not mean the same as, but rather it refers to the sensitivity of  
3 the development proposals in maintaining the character of the  
4 existing development.

5 On September 25, 2023, the applicant submitted a list  
6 of proposed restrictions that includes convenience stores  
7 with -- with and without gasoline sales, motor vehicle repair,  
8 fast food restaurants with or without drive-thru, blood plasma  
9 donation, recyclable material recovery facilities, etcetera.

10 Now, although Planning Commission Staff is receptive  
11 towards proposed restrictions, the remaining range of CG uses  
12 are commercial general uses in their in -- intensities present a  
13 significant compatibility concerned with the surrounding  
14 residential to the site. Now, Planning Commission Staff  
15 acknowledged that though the applicant is proposing a buffering  
16 and screening techniques that were submitted with the proposed  
17 restrictions on September 25, 2023. Although these techniques  
18 aim to remedy the adverse impacts of the remaining CG uses, its  
19 still is found inconsistent with the surrounding properties.

20 Similarly, Policy 16.2 and 16.3 seek to ensure the  
21 complementary uses to each other and that there's gradual  
22 transition between uses. The proposed CG zoning district is too  
23 intense for the residential character of the surrounding area.

24 Now, the proposed rezoning is also inconsistent with  
25 the intent of the Orient East Lake Park Community Plan. The

1 Plan's economic development goal seeks to create commercial  
2 redevelopment along 56th Street and creat a commercial mixed use  
3 district along Orient Road from Hillsborough to Columbus Drive.  
4 The subject site is not located within either of these areas  
5 where commercial development is to be directed. By contrast,  
6 the -- the plans housing goal seeks to evaluate land uses along  
7 Orient Road to allow for higher density dwelling units. And in  
8 this, considering it's -- it's not consistent with the East Lake  
9 Orient Park Community Plan.

10 So overall, the proposed rezoning would -- would not  
11 allow for a development that was -- that is consistent with the  
12 goals, objectives and policies of the Unincorporated  
13 Hillsborough County Comprehensive Plan.

14 So based on that, Planning Commission Staff is  
15 proposing that this rezoning be found inconsistent with the --  
16 with the Unincorporated Hillsborough County Comprehensive Plan.  
17 Do you have any questions?

18 HEARING MASTER: No. No. No questions. Thank you.  
19 All right. We neglected to go to Mr. Ratliff with  
20 transportation. So let's pull him up. Mr. Ratliff, I see -- my  
21 question was on your prior -- is a comment that was made on your  
22 prior agency comment sheet, which I see has been significantly  
23 rewritten. So I don't think I have that same question now, but  
24 go ahead.

25 MR. RATLIFF: Thank you. Yes. For the record,

1 James Ratliff, Transportation Review Section, Development  
2 Services.

3           Wanted to to just let you know that we -- essentially  
4 the findings remain unchanged. We just add additional detail  
5 with respect to the nature of the -- of the objection and put  
6 specifics in regarding spacing. But we also added the -- the  
7 site access section there to just kind of explain a little bit  
8 more clearly what the issue is. We did hear, I think, from  
9 Mr. Pressman saying that, you know, County Staff should have,  
10 you know, potentially offered restrictions. Again, I just want  
11 to be clear about how the process works for Euclidian cases.  
12 It's unfortunately not like a PD in that Staff does not have  
13 the -- as -- as I've been informed, we don't have the ability to  
14 unilaterally offer restrictions on a proposed development. We  
15 can either support the applicant proffered restrictions or not.  
16 And so we are always happy to engage with the applicant and work  
17 on those restrictions that they can proffer to us before a case.  
18 But when that doesn't happen, it puts us in the position of  
19 having to -- of having to object to a case.

20           And so, again, we -- you know, we believe that there  
21 are restrictions that could have been developed, that could  
22 potentially lead to a place of support for this project. But  
23 again, we are not able to simply offer those. And so that's  
24 where we are at with the case at this time.

25           HEARING MASTER: Yeah. I -- I agree with you that

1 when it's not a PD and we get into these Euclidian restricted  
2 districts, they get far off field where you would have an  
3 opportunity to meet regarding the plan development. And you  
4 don't have in that Euclidian department. So thank you for that.  
5 I appreciate it.

6 All right. At that at this point, we'll call for  
7 anyone that would like speak in support, either in the room or  
8 online. Anyone in favor? I'm seeing no one. Anyone in  
9 opposition to this request? No one.

10 County Staff, Ms. Heinrich, anything else?

11 MS. HEINRICH: No, ma'am.

12 HEARING MASTER: All right. Mr. Pressman, you have  
13 five minutes for rebuttal.

14 MR. PRESSMAN: I -- I do need -- Todd Pressman for the  
15 record. And I do need to make one correction.

16 Referring back to the PowerPoint 055-1375, this is the  
17 rezoning of the residential abutting on the south. And the  
18 hearing officer very clearly notes adjacent land uses include a  
19 commercial use and single-family dwellings to the north. So it  
20 should be no surprise to anyone in terms of compatibility on top  
21 of the CMU-12 that are commercial uses existing at the time of  
22 the rezoning to single-family residential. And again, findings  
23 of that, the Zoning Hearing Master at that time is a business or  
24 commercial uses, residential uses, educational facilities are in  
25 the immediate area. Proposed PD will be compatible with the

1 existing emerging land uses in the immediate area. So the  
2 finding in 05 in regard to the residential, clearly includes the  
3 commercial that was existing at the site and found it to be  
4 compatible.

5 HEARING MASTER: Mr. Pressman, let me ask you a  
6 question about that. So that 05 rezoning you were talking about  
7 refers to this property, the subject property.

8 MR. PRESSMAN: Refer --

9 HEARING MASTER: Commercial, is that what your point  
10 is?

11 MR. PRESSMAN: That's correct.

12 HEARING MASTER: And -- and did you not say that this  
13 is under code enforcement for having an improper use on this  
14 zoning?

15 MR. PRESSMAN: That is correct.

16 HEARING MASTER: Okay. Go ahead.

17 MR. PRESSMAN: That is correct. At the same time,  
18 there's been a couple decades of the use that has continued on  
19 the site at code citation clearly we're here to address those  
20 issues. But I think it's an important finding that as the  
21 Planning Commission, with respect, finds it incompatible to the  
22 residential. It was filed to be compatible when the residential  
23 was brought in. So it is very clear the use was there and  
24 again, was compatible. And as well, recognizes the intensive  
25 uses in the immediate area across the street and to the north

1 and to the south.

2 I will say in regard to Mr. Ratliff and Mr. Ratliff is  
3 always great to work with. He's really just one of the stellar  
4 guys, but I, and respect to comment from the Hearing Officer  
5 that I heard, is that adding a condition for one single access  
6 point would certainly, in my experience, be something that would  
7 be within the status quo and I've done and used before. So that  
8 would be an opportunity for the transportation department to  
9 make the site much safer than it is now. And as well as Staff  
10 also notes, on the transportation report also notes that --  
11 through a long paragraph that these type of requirements are  
12 evaluated at the time of plat site construction plan review.  
13 And that's the more appropriate time that it's looked at. And  
14 that's reading from the transportation report.

15 I will say, finally, that when the Planning Commission  
16 makes a comment of where commercial activity should occur per  
17 the East Lake Plan, it's been throughout the entire Orient Road.  
18 It's intensive on the entire Orient Road, including  
19 manufacturing in -- intense uses. And we just disagree that to  
20 describe it in that manner or another manner, is not reflective  
21 in the Future Land Use Category and the uses in the area. So we  
22 appreciate your consideration. Thank you.

23 HEARING MASTER: Thank you. I appreciate that. We'll  
24 close Rezoning 23-0828.

25 We are past 8:00, so it's time to take a break. By



1           Item A.17, PD 23-0610, this application is being  
2 continued by the applicant to the October 16th, 2023, Zoning  
3 Hearing Master hearing.

4           Item A.18, Major Mod application 23-0614, this  
5 application is being continued by the applicant to the October  
6 16, 2023, Zoning Hearing Master hearing.

7           Item A.19, Major Mod application 23-0617, this  
8 application is out of order to be heard and is being continued  
9 to the October 16th, 2023, Zoning Hearing Master hearing.

10           Item A.20, PD 23-0618, this application is out of  
11 order to be heard and is being continued to the October 16th,  
12 2023, Zoning Hearing Master hearing.

13           Item A.22 [sic], Standard Rezoning 23-0714, this  
14 application is being continued by the applicant to the October  
15 16th, 2023, Zoning Hearing Master hearing.

16           Item A.22, Standard Rezoning 23-0729, this application  
17 is being continued by staff to the October 16th, 2023, Zoning  
18 Hearing Master hearing.

19           Item A.23, Standard Rezoning 23-0771, this application  
20 is being continued by the applicant to the October 16th, 2023,  
21 Zoning Hearing Master hearing.

22           Item A.24, Standard Rezoning 23-0782, this application  
23 is out of order to be heard and is being continued to the  
24 October 16th, 2023, Zoning Hearing Master hearing.

25           And, lastly, Item A.25, Standard Rezoning 23-0828,



1 this application is out of order to be heard and is being  
2 continued to the October 16th, 2023, Zoning Hearing Master  
3 hearing.

4 And that concludes our withdrawals and continuances.

5 HEARING MASTER: Perfect. Thank you so much. I  
6 appreciate it.

7 All right. Let me start by going over our hearing  
8 procedures for tonight's hearing. Our hearing today consists of  
9 agenda items that require a public hearing by a zoning hearing  
10 master. I'll conduct a hearing on each agenda item and will  
11 file a recommendation within 15 business days following  
12 tonight's hearing. Those recommendations are then sent to the  
13 Board of County Commissioners, who make the final decision.

14 Our hearing is informal. I'll ask questions related  
15 to the scope of direct testimony. I may call and question  
16 witnesses as I deem appropriate, and I will decide all questions  
17 of procedure.

18 Evidence may be presented in written form, and all  
19 testimony must be under oath. Hearsay evidence may be used to  
20 supplement or explain other evidence but shall not be sufficient  
21 alone to support a finding by me unless it would be admissible  
22 over objections in a civil action.

23 Our order of presentation for tonight's hearing is as  
24 follows: Ms. Heinrich of the Development Services Department,  
25 will give a brief introduction for each agenda item. Then we'll



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

DATE/TIME: 11/16/2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # 23-0443	PLEASE PRINT NAME <u>Todd Fueszmann</u> MAILING ADDRESS <u>200 2nd Ave. S. #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>727-8024-1700</u>
APPLICATION # 23-0443	PLEASE PRINT NAME <u>Ariel Quintela</u> MAILING ADDRESS <u>9511 Noun Ln Odessa</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33526</u> PHONE <u>8132635727</u>
APPLICATION # 23-0443	PLEASE PRINT NAME <u>Melissa Nurdbeck</u> MAILING ADDRESS <u>16068 Hammock Woods Dr</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33557</u> PHONE <u>813-505-9311</u>
APPLICATION # 23-0443	PLEASE PRINT NAME <u>Elizabeth White</u> MAILING ADDRESS <u>17905 Gurrell Rd</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33557</u> PHONE <u>813/404-5125</u>
APPLICATION # 23-0443	PLEASE PRINT NAME <u>Trish Lawton</u> MAILING ADDRESS <u>8310 Jana Pr.</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33576</u> PHONE <u></u>
APPLICATION # 23-0443	PLEASE PRINT NAME <u>Regina P. Hernandez</u> MAILING ADDRESS <u>8703 Lake Colm Ln</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33550</u> PHONE <u>813-760-6368</u>

DATE/TIME: 10/16/2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  23-0443	PLEASE PRINT NAME <u>Nancy Pateracki</u> MAILING ADDRESS <u>18128 Gunn Hwy</u> CITY <u>Odessa</u> STATE <u>FL</u> ZIP <u>33556</u> PHONE <u>813 453 1255</u>
APPLICATION #  23-0422	PLEASE PRINT NAME <u>Joe Merediz</u> MAILING ADDRESS <u>400 N. Ashley</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>-</u> PHONE <u>813 392 9446</u>
APPLICATION #  23-0422	PLEASE PRINT NAME <u>Christian Silva</u> MAILING ADDRESS <u>18101 Hamden Parkway</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33647</u> PHONE <u>813-731-2536</u>
APPLICATION #  23-0422	PLEASE PRINT NAME <u>Christina Mafessini</u> MAILING ADDRESS <u>3214 W. Bay Villa Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33611</u> PHONE <u>813 <del>336</del> 879-6227</u>
APPLICATION #  23-0422	PLEASE PRINT NAME <u>Ravi Chatani</u> MAILING ADDRESS <u>1108 Abbays Way</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u></u>
APPLICATION #  23-0422	PLEASE PRINT NAME <u>Sameer Chatani</u> MAILING ADDRESS <u>1108 Abbey Way</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u></u>

DATE/TIME: 10-16-2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  23-0422	PLEASE PRINT NAME <u>James M. Tatum</u> MAILING ADDRESS <u>2810 Ballet Ave</u> CITY <u>PLANT CITY</u> STATE <u>FL</u> ZIP <u>33566</u> PHONE <u>813-495-1682</u>
APPLICATION #  23-0588	PLEASE PRINT NAME <u>Matt Farhadi</u> MAILING ADDRESS <u>12303 Memorial Hwy</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33635</u> PHONE <u>813-415-5620</u>
APPLICATION #  23-0729	PLEASE PRINT NAME <u>Danays Acosta Benitez</u> MAILING ADDRESS <u>7718 Hinedale Dr</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33611</u> PHONE <u>813 2442428</u>
APPLICATION #  23-0828	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 1st Ave S #491</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727-341-1700</u>
APPLICATION #  23-0932	PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 1st Ave S #491</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>727-341-1700</u>
APPLICATION #  23-0932	PLEASE PRINT NAME <u>RICHARD GONZALEZ</u> MAILING ADDRESS <u>612 CHASTAIN RD</u> CITY <u>SEFFNER</u> STATE <u>FL</u> ZIP <u>33584</u> PHONE <u>813-478-2904</u>

DATE/TIME: 10-16-2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  23-0281	PLEASE PRINT NAME <u>John Eveland</u>  MAILING ADDRESS <u>501 E Kennedy Blvd Ste 1010</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 373-8251</u>
APPLICATION #  23-0407	PLEASE PRINT NAME <u>Nicole Neugebauer</u>  MAILING ADDRESS <u>401 E. Jackson Street</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-822-5016</u>
APPLICATION #  23-0407	PLEASE PRINT NAME <u>Brian Funk</u>  MAILING ADDRESS <u>2119 NE Coachman Rd</u>  CITY <u>Clearwater</u> STATE <u>FL</u> ZIP <u>33765</u> PHONE <u>727-641-8795</u>
APPLICATION #  23-0407	PLEASE PRINT NAME <u>Austin Zane</u>  MAILING ADDRESS <u>401 S Bryan Circle</u>  CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>352-317-7326</u>
APPLICATION #  23-0407	PLEASE PRINT NAME <u>Toni Wiley</u>  MAILING ADDRESS <u>1111 English Bluffs Ct</u>  CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>727-422-6617</u>
APPLICATION #  23-0407	PLEASE PRINT NAME <u>Elise Batsel</u>  MAILING ADDRESS <u>401 E. Jackson St. Suite 2100</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 222 5057</u>

DATE/TIME: 10-16-2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  23-0520	PLEASE PRINT NAME <u>John Eveland</u>  MAILING ADDRESS <u>501 E Kennedy Blvd, Ste 1010</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 373-8251</u>
APPLICATION #  23-0520	PLEASE PRINT NAME <u>Kami Corbett</u>  MAILING ADDRESS <u>101 E Kennedy Blvd, Ste 3700</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION #  23-0610	PLEASE PRINT NAME <u>Colin Rice</u>  MAILING ADDRESS <u>1000 W Cass St</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>239-409-2771</u>
APPLICATION #  23-0614	PLEASE PRINT NAME <u>Kami Corbett</u>  MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION #  23-0784	PLEASE PRINT NAME <u>Tyler Hudson</u>  MAILING ADDRESS <u>400 N. Ashley Dr. #1100</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-335-4825</u>
APPLICATION #  23-0784	PLEASE PRINT NAME <u>Alex Schaler</u>  MAILING ADDRESS <u>400 N. Ashley Dr. suite 1100</u>  CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-221-9600</u>

DATE/TIME: 10/16/2023HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

<b>APPLICATION #</b>  23-0588	PLEASE PRINT <b>NAME</b> <u>David Wright (virtual)</u> <b>MAILING ADDRESS</b> <u>P.O. Box 273417</u> <b>CITY</b> <u>Tampa</u> <b>STATE</b> <u>FL</u> <b>ZIP</b> <u>33688</u> <b>PHONE</b> _____
<b>APPLICATION #</b>	PLEASE PRINT <b>NAME</b> _____ <b>MAILING ADDRESS</b> _____ <b>CITY</b> _____ <b>STATE</b> _____ <b>ZIP</b> _____ <b>PHONE</b> _____
<b>APPLICATION #</b>	PLEASE PRINT <b>NAME</b> _____ <b>MAILING ADDRESS</b> _____ <b>CITY</b> _____ <b>STATE</b> _____ <b>ZIP</b> _____ <b>PHONE</b> _____
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<b>APPLICATION #</b>	PLEASE PRINT <b>NAME</b> _____ <b>MAILING ADDRESS</b> _____ <b>CITY</b> _____ <b>STATE</b> _____ <b>ZIP</b> _____ <b>PHONE</b> _____



HEARING TYPE:

**ZHM**, PHM, VRH, LUHO

DATE: October 16, 2023

HEARING MASTER:

Susan Finch

PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 23-0443	Todd Pressman	1. Applicant Presentation Packet	No
RZ 23-0443	Elizabeth White	2. Opposition Presentation Packet	No
RZ 23-0443	Nancy Pateracki	3. Applicant Presentation Packet	No
RZ 23-0636	Rosa Timoteo	1. Revised Staff Report – Email	Yes (Copy)
RZ 23-0828	Todd Pressman	1. Applicant Presentation Packet	No
RZ 23-0828	Rosa Timoteo	2. Revised Staff Report – Email	Yes (Copy)
RZ 23-0932	Todd Pressman	1. Applicant Presentation Packet	No
RZ 23-0932	Rosa Timoteo	2. Revised Staff Report – Email	Yes (Copy)
MM 23-0281	John Eveland	1. Applicant Presentation Packet	No
MM 23-0281	Rosa Timoteo	2. Revised Staff Report – Email	Yes (Copy)
MM 23-0407	Nicole Neugebauert	1. Applicant Presentation Packet	No
MM 23-0407	Tori Wiley	2. Opposition Presentation Packet	No
MM 23-0407	Rosa Timoteo	3. Revised Staff Report - Email	Yes (Copy)
RZ 23-0422	Joe Moreda	1. Applicant Presentation Packet	No
RZ 23-0422	Joe Moreda	2. Applicant Letter	No
RZ 23-0422	James Tatum	3. Proponent Presentation Packet	Yes (Copy)
RZ 23-0422	Rosa Timoteo	4. Revised Staff Report - Email	
MM 23-0520	Kami Corbett	1. Applicant Presentation Packet	No
MM 23-0520	Rosa Timoteo	2. Revised Staff Report – Email	Yes (Copy)
RZ 23-0610	Colin Rice	1. Application Presentation Packet	No
RZ 23-0610	Rosa Timoteo	2. Revised Staff Report - Email	Yes (Copy)
MM 23-0614	Kami Corbett	1. Application Presentation Packet	No
MM 23-0614	Rosa Timoteo	2. Revised Staff Report - Email	Yes (Copy)
RZ 23-0784	Tyler Hudson	1. Application Presentation Packet	No
RZ 23-0784	Rosa Timoteo	2. Revised Staff Report - Email	Yes (Copy)

OCTOBER 16, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, October 16, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

▶ Susan Finch, ZHM, called the meeting to order at 6:00 p.m. and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

▶ Michelle Heinrich, Development Services (DS), reviewed the changes/withdrawals/continuances.

▶ Susan Finch, ZHM, overview of ZHM process.

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

▶ Susan Finch, ZHM, Oath.

B. REMANDS:

C. REZONING STANDARD (RZ-STD):

C.1. RZ 23-0443

▶ Michelle Heinrich, DS, called RZ 23-0443.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 23-0443.

C.2. RZ 23-0588

▶ Michelle Heinrich, DS, called RZ 23-0588.

▶ Testimony provided.

▶ Susan Finch, ZHM, continued RZ 23-0588 to the December 18, 2023, ZHM hearing.

C.3. RZ 23-0636

▶ Michelle Heinrich, DS, called RZ 23-0636.

▶ Testimony provided.

MONDAY, OCTOBER 16, 2023

▶ Susan Finch, ZHM, closed RZ 23-0636.

C.4. RZ 23-0729

▶ Michelle Heinrich, DS, called RZ 23-0729.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 23-0729.

C.5. RZ 23-0828

▶ Michelle Heinrich, DS, called RZ 23-0828.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 23-0828.

C.6. RZ 23-0932

▶ Michelle Heinrich, DS, called RZ 23-0932.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed RZ 23-0932.

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

D.1. MM 23-0281

▶ Michelle Heinrich, DS, called MM 23-0281.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed MM 23-0281.

D.2. MM 23-0407

▶ Michelle Heinrich, DS, called MM 23-0407.

▶ Testimony provided.

▶ Susan Finch, ZHM, closed MM 23-0407.

MONDAY, OCTOBER 16, 2023

D.3. RZ 23-0422

- ▶ Michelle Heinrich, DS, called RZ 23-0422.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 23-0422.

D.4. MM 23-0520

- ▶ Michelle Heinrich, DS, called MM 23-0520.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 23-0520.

D.5. RZ 23-0610

- ▶ Michelle Heinrich, DS, called RZ 23-0610.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 23-0610.

D.6. MM 23-0614

- ▶ Michelle Heinrich, DS, called MM 23-0614.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed MM 23-0614.

D.7. RZ 23-0784

- ▶ Michelle Heinrich, DS, called RZ 23-0784.
- ▶ Testimony provided.
- ▶ Susan Finch, ZHM, closed RZ 23-0784.

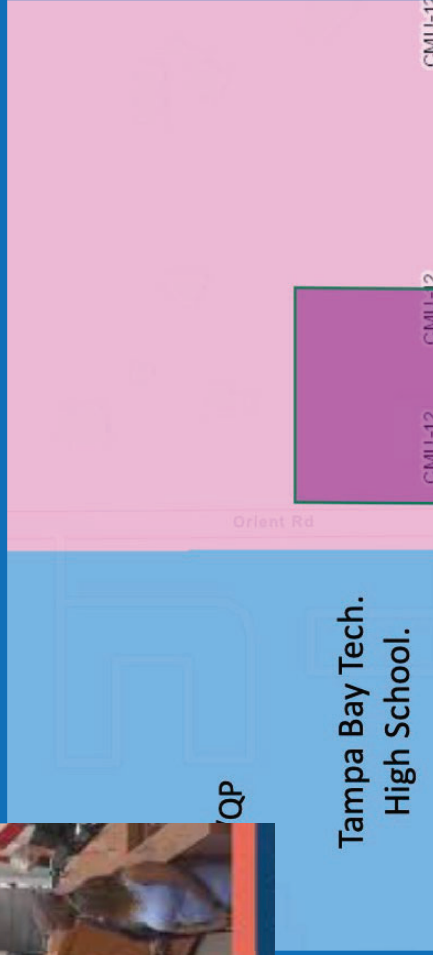
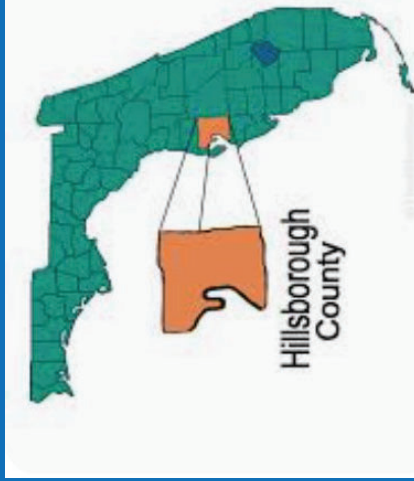
E. ZHM SPECIAL USE

ADJOURNMENT

- ▶ Susan Finch, ZHM, adjourned the meeting at 10:13 p.m.



# RZ-STD 23-0828



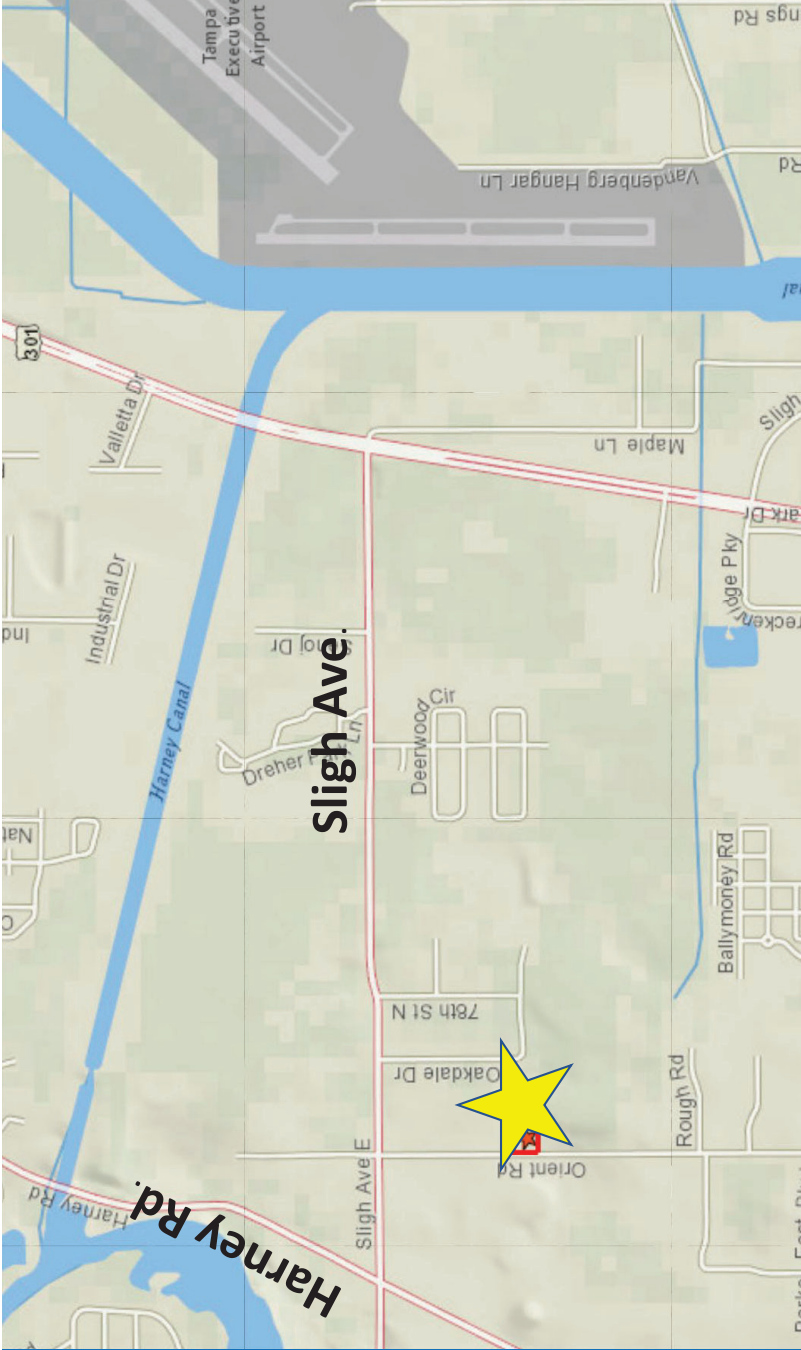
CMU-11

CMU-12

CMU-12

CMU-12









# Currently on Site

Landscape Company



**Issue: Re-Zoning from ASC-1 to CG-R  
with Restrictions  
1.20 acres  
Under citation**

## Restrictions:

- No fence on South, PVC exists already
- South, evergreen trees, 10' high, 12' on center
  - **All business or operation activity to be interior only**
- Uniform opaque screening applied to existing fence along front
  - Hours 8 am to 6 PM. No Sunday Hours

## **Uses Restricted:**

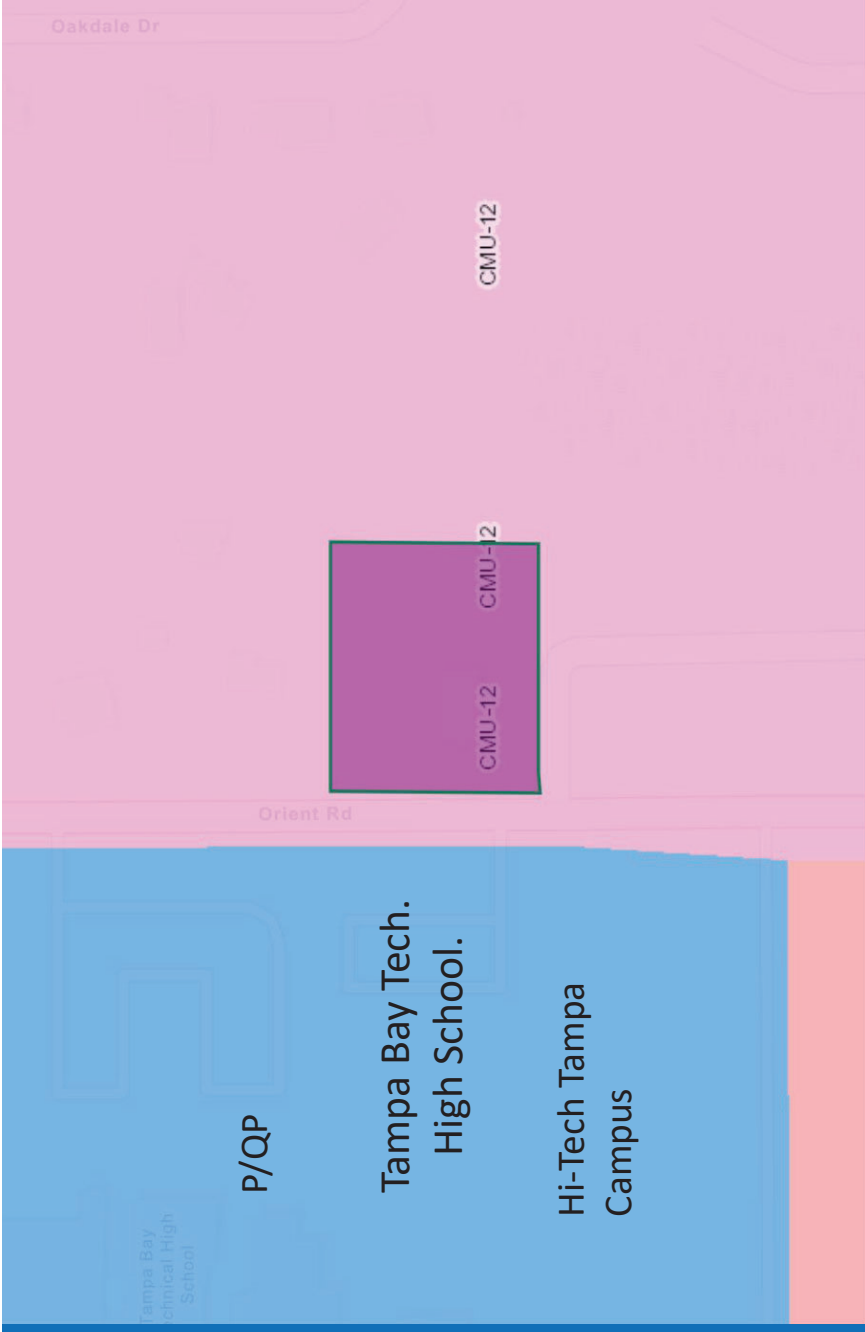
- C-Store with or without gas.
  - Motor vehicle repair.
- Fast food with or without drive thru.
  - Blood/plasma center.
- Recyclable materials recovery facility.

DSD: “mixture of uses to include residential, commercial, institution type uses and rural-agricultural”.

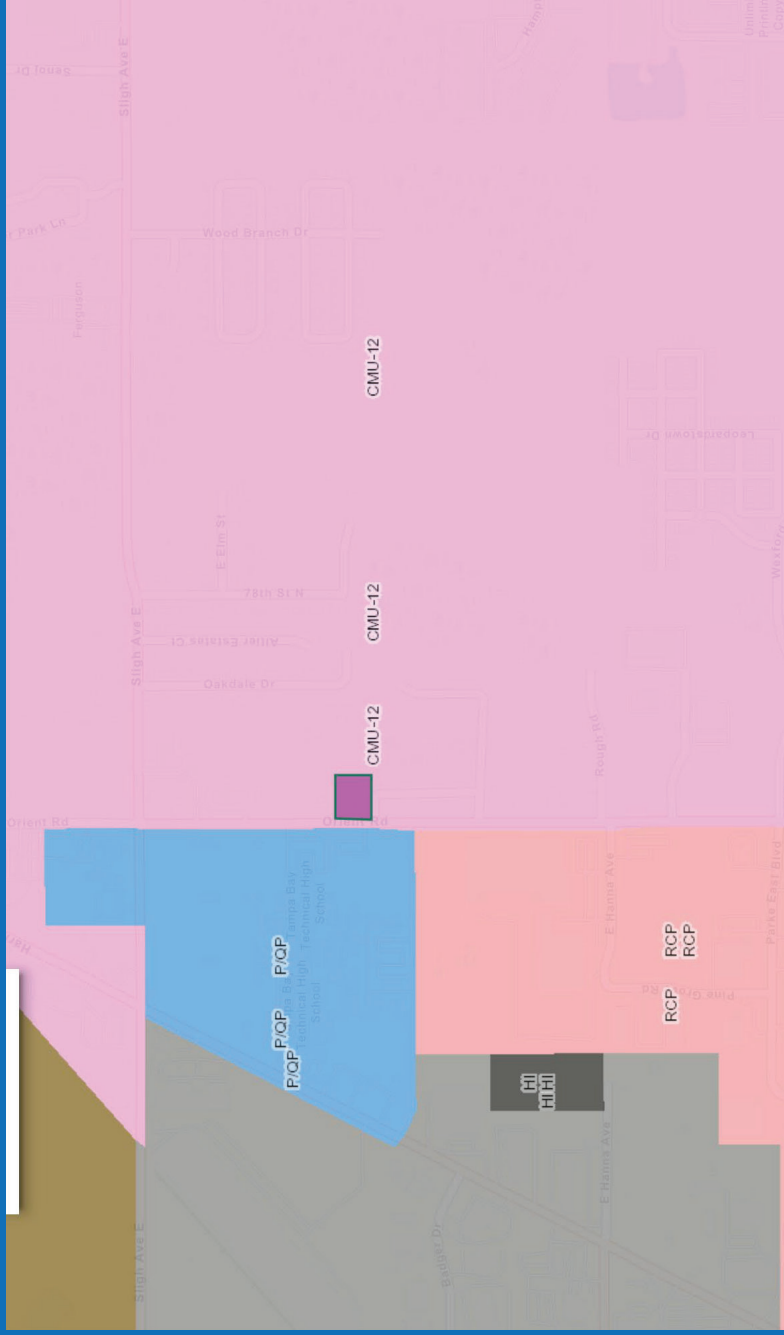
P. C.: “The subject site is located within the CMU-12 Future Land Use category, which is intended to designate areas that are urban in density and intensity of uses”.

# FLU Category CMU-12

“...Light Industrial,  
Multi-Purpose,  
Community Retail  
Commercial,  
Research Park, Mixed  
Use...”

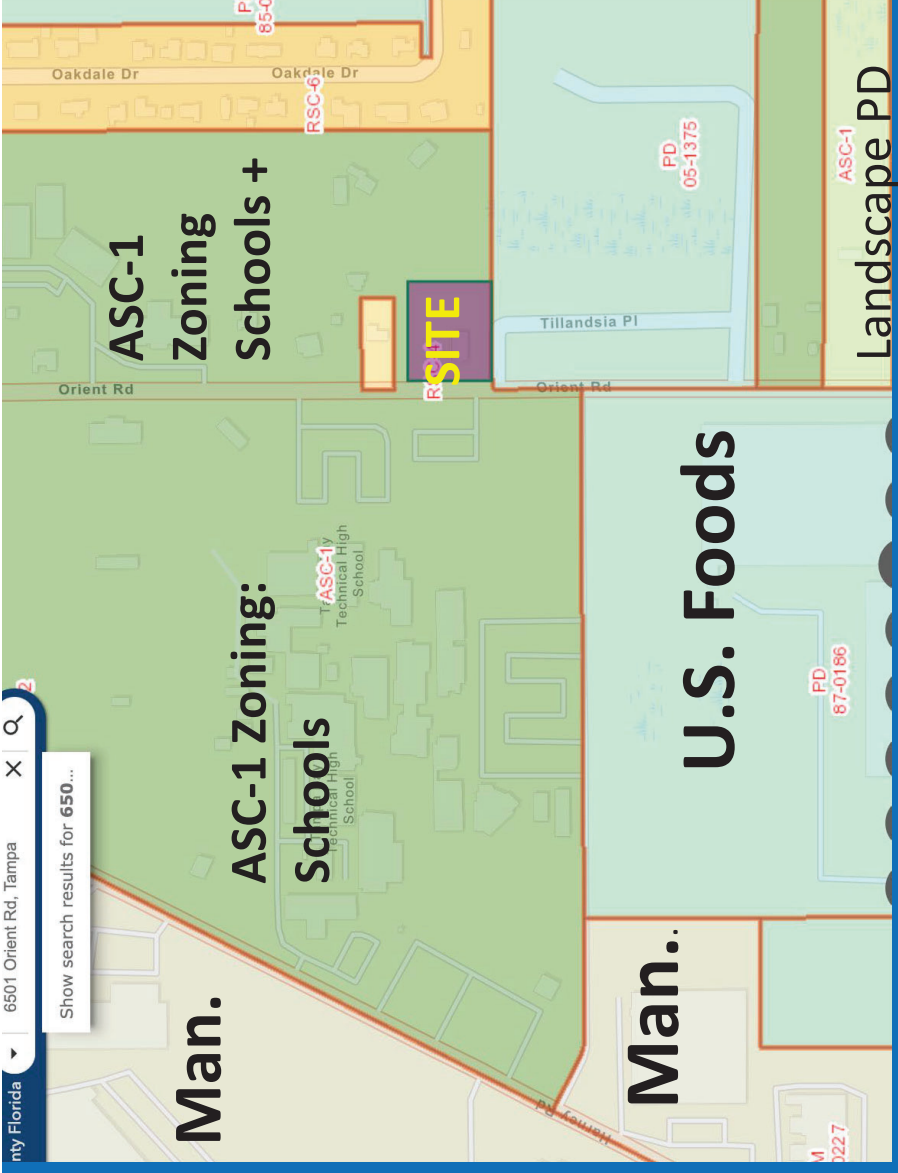


# Entire Area is CMU-12, P/QP Research Park or Industrial Heavy



Show search results for 650...

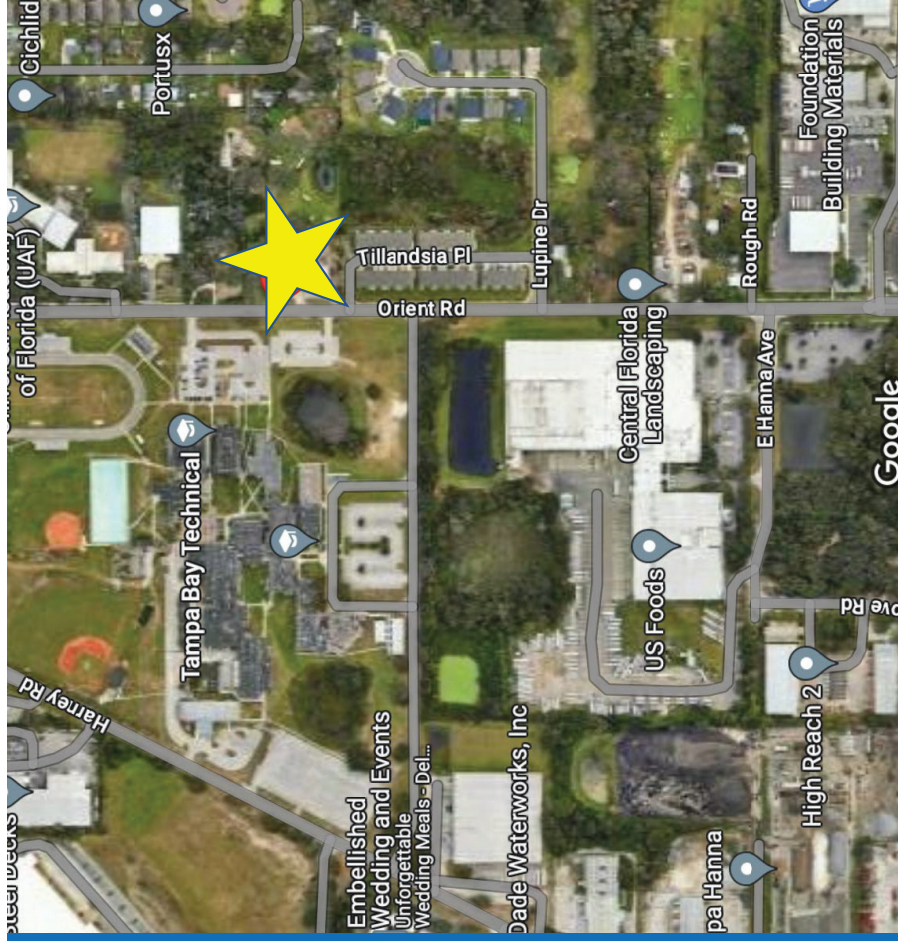
# Zoning Map





**Plan Comm. “The subject site is currently zoned as Agricultural Single Family Conventional (ASC-1). The ASC-1 zoning district extends east, west, and north” .**

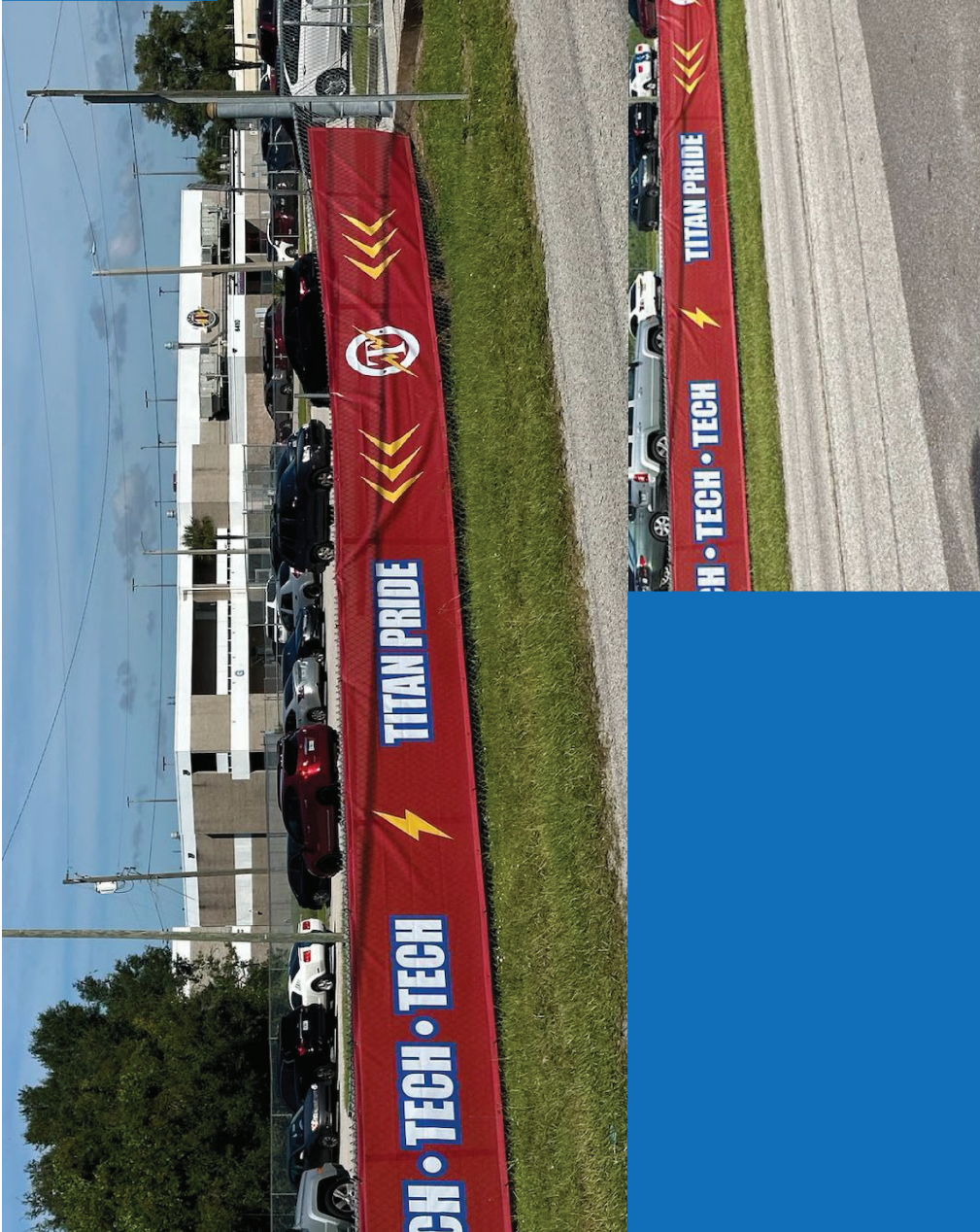
# Intense Uses in Immediate area



# Intense Uses in Immediate area



# High School directly across street



# Landscape company to the South

Approx. .25  
miles South



PD 85-0141

Interpreted C3

ASSISTANT ZONING ADMINISTRATOR REVIEW

1.6 Agree:  Disagree:  Comments: \_\_\_\_\_

1.7 Signed: AMB Date: 6.24.85

ZONING ADMINISTRATOR REVIEW

1.8 Approved:  Disapproved:  Refer to legal staff for \_\_\_\_\_

1.1 Issue: Customs Lot at St. Albans, Vermont

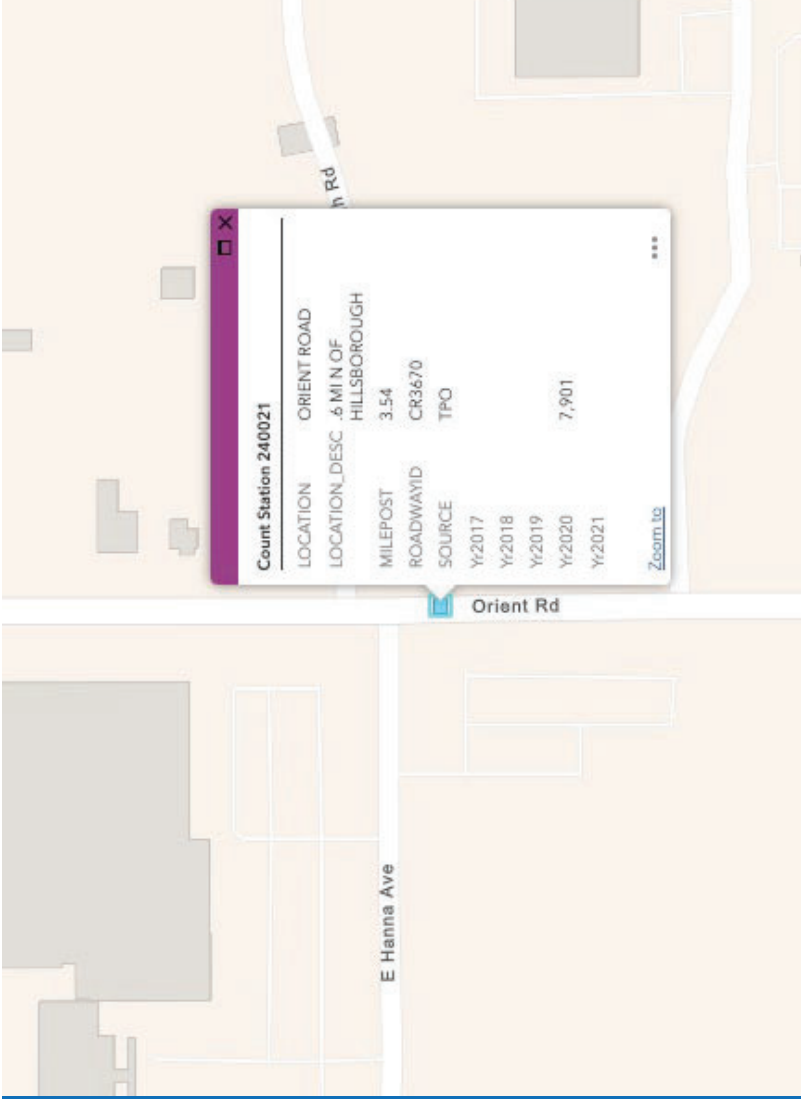
1.2 Proposed Interpretation: C-3

Scroll Image Down

Looks, acts,  
situated the  
same as applicant



# 7,901 vehicles/day





HILLSBOROUGH COUNTY, FLORIDA

**RECOMMENDATION OF THE LAND USE HEARING OFFICER**

APPLICATION NUMBER:

RZ 05-1375 EL

APPLICANT(S):

M. Iqbal Salch

GENERAL LOCATION:

East Side of Orient Rd., ¼-mile

South of Sligh Ave.

FOLIO NUMBER:

40154.0000

05-1375

Adjacent land uses include a commercial use and single-family dwellings to the north; undeveloped land to the east; single-family dwellings, a commercial use, and undeveloped land to the south; and Orient Rd. a business park, and a technical school to the west.

## **FINDINGS OF FACT**

- 1. The subject property lies within an area of mixed land usage, including business and commercial uses, residential uses, and educational facilities.**
- 2. The proposed PD zoning would be compatible with the existing and emerging land use patterns in the immediate area.**

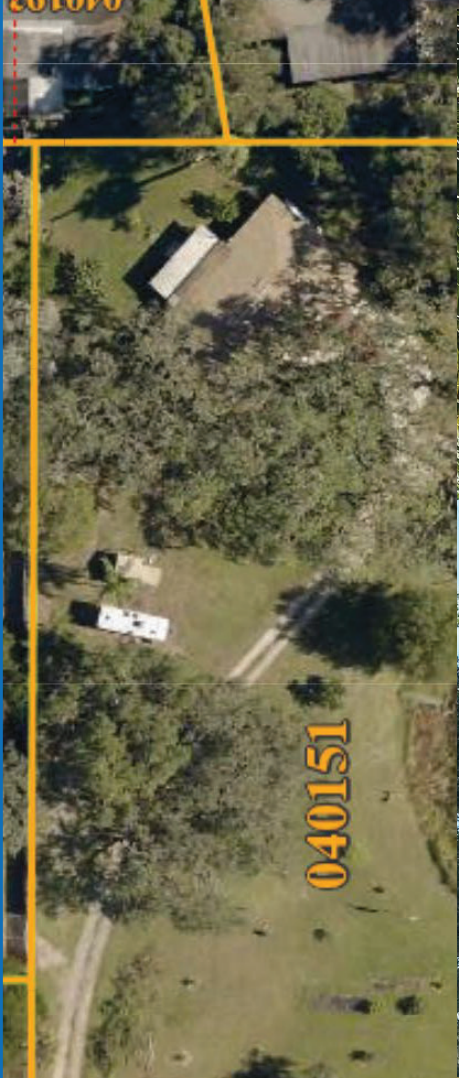
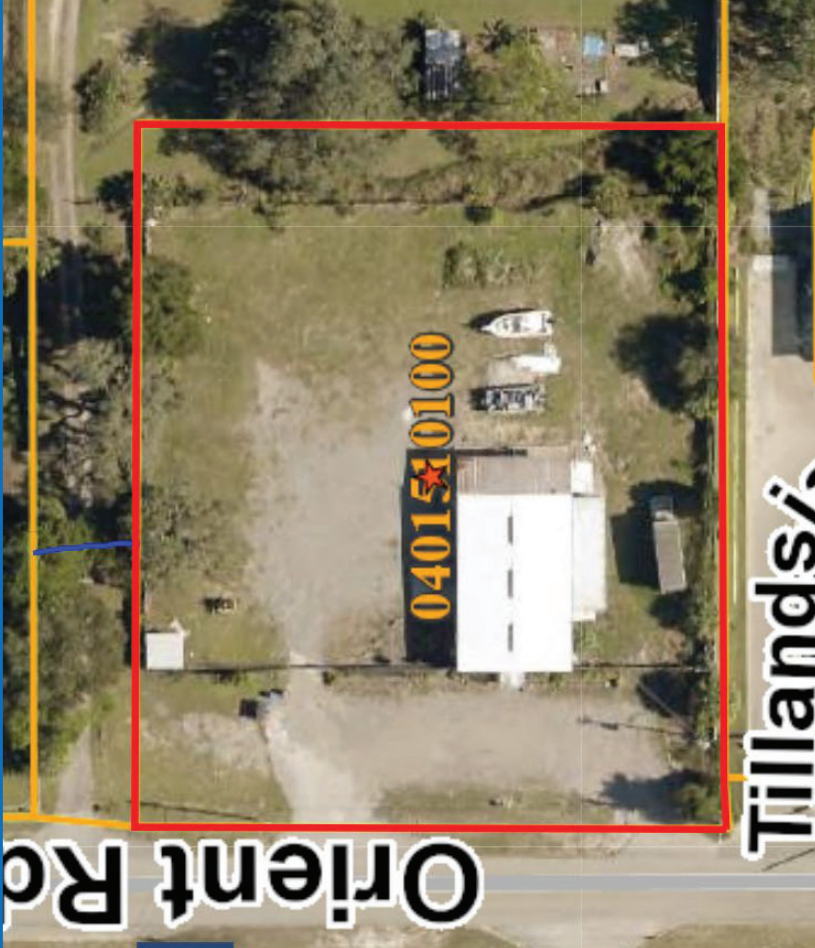
**Orient Rd**



**Abutting North  
Approximate 37'  
easement Drive**



WEST



# TEST OF TIME





“The no adverse effect part is what would need to be demonstrated for a spacing Administrative Variance to be approved during site review. To be clear, the report does object to the rezoning for access spacing issues. The report also includes additional information for how access would be required in the event that it is approved”.

Thanks,

Alex Steady, AICP  
Consultant for Hillsborough County  
Development Services Department  
Transportation Review Section

[alex.steady@hillsboroughcountynj.gov](mailto:alex.steady@hillsboroughcountynj.gov)





## SUMMARY:

- Added significant restrictions to control and make the use compatible
  - CMU-12 high and intensive category; reflective of broad area
  - Zoning map does not present the existing intensities well
    - Large mix of intense uses in immediate vicinity
    - similar use has worked fine; test of time

## AGENCY REVIEW COMMENT SHEET

**TO:** Zoning Technician, Development Services Department

**DATE:** 10/04/23

*Revised: 10/16/2023 by JR*

**REVIEWER:** Alex Steady, AICP

**AGENCY/DEPT:** Transportation

**PLANNING AREA/SECTOR:** East Lake Orient Park/Northeast

**PETITION NO.:** STD 23-0828

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

### RATIONALE FOR OBJECTION

1. The site currently has two (2) access connection to Orient Rd., whereas only one access connection would appear to be required pursuant to Section 6.04.03.I of the Hillsborough County LDC.
2. In the vicinity of the proposed project, Orient Rd. is functionally classified as a collector roadway, and has a posted speed limit of 40 mph. The minimum connection spacing for a Class 6 collector roadway is 245 feet. Spacing issues include the following:
  - a. There is only +/- 68 feet between the northernmost existing driveway and the next closest driveway to the north;
  - b. There is only +/- 90 feet between the two driveway existing connections to Orient Rd. currently serving the site; and,
  - c. There is only +/- 15 feet between the southernmost existing driveway and the next closest driveway to the south.
3. The proposed zoning represents a significant intensification of daily and peak hour trips that will impact adjacent roadways, including Orient Rd.
4. There are only +/- 229 feet between the driveway on the parcel to the north of the project, and the driveway on the parcel to the south of the project. Given the limited parcel frontage, the site cannot meet minimum access spacing standards on its own.
5. There does not appear to be sufficient right-of-way to accommodate required turn lanes which would be triggered by development which could occur if the proposed zoning were approved as presented. Additionally, such turn lanes would conflict with access connections to properties to the north and south of the subject site.
6. Given the above, staff does not believe that intensification of the Subject Site is appropriate. The applicant could consider bringing additional lands into a combined development proposal, such that access standards could be met. Alternatively, staff may have been able to support the project, provided that restrictions which address the above issues were proffered by the applicant.

Application No. 23-0828  
Name: Reza Timoteo  
Entered at Public Hearing: ZHM  
Exhibit # 1 Date: 10-16-23

## **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 1.2 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial General - Restricted (CN-R). The proposed restriction will not allow for a C-store with or without gas, a motor vehicle repair, a fast-food with or without drive thru, a blood plasma center or a recyclable materials recovery facility. The site is located on the east side of Orient Road, corner of the intersection of Race Track Road and Gunn Highway. The Future Land Use designation of the site is Residential-1 (RES-1).

## **SITE ACCESS**

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

Transportation Section staff did identify concerns concerning future project access spacing, as noted in the "Rationale for Objection" section hereinabove. If the rezoning were approved as proposed, the site would only be allowed one access point that would align with the access across the street; however, such alignment in and of itself does not mitigate access spacing concerns. Staff notes that any uses proposed by the applicant will not be permitted to cause adverse traffic issues, and as such might be unconstructible at the time of site/construction plan approval. To avoid any confusion or ambiguity at the time of plat/site/construction plan review, staff does not recommend zoning a site for uses which may not be able to be safely constructed. Staff notes that regardless of the above or outcome, the applicant will be required to provide sufficient documentation that an approved Section 6.04.02.B. Administrative Variance form the Section 6.04.07 requirements During the site review process, the applicant would be required to provide sufficient documentation of an approved spacing variance from the Section 6.04.07 LDC requirements.

Staff notes that the applicant may have been able to address these issues by proposing additional use restrictions or trip generation caps which addressed the significant spacing and intensification issues noted above.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

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

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

Edition.

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 1 Single Family Dwelling Units (ITE Code 210)	14	1	1

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 5,000 sf Drive in Bank (ITE Code 912)	502	50	106
CG-R, 9,000 sf Pharmacy Drugstore with Drive-Through Window (ITE Code 881)	1,038	34	92
Total Trips	1,540	84	198

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,526</b>	<b>+83</b>	<b>+197</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 66 feet of Right of Way in the vicinity of the project. Orient Road does not have sidewalks on either side of the roadway within the vicinity of the project.

**HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN**

Orient Road is included as a 2 lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

**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
ORIENT RD	HILLSBOROUGH AVE	SLIGH AVE	D	C

Source: 2020 Hillsborough County Level of Service (LOS) Report

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Bell Shoals Rd.	County Collector - Rural	Choose an item: Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width (for Urban Section)	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
Lithia Pinecrest Rd.	County Arterial - Urban	Choose an item: Lanes <input checked="" 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 checked="" type="checkbox"/> Other - TBD
	Choose an item	Choose an item: Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item	Choose an item: Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	4,369	437	152
Proposed	7,257	714	365
Difference (+/-)	(+) 2,888	(+) 277	(+) 213

\*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:		

Transportation Comment Sheet

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"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



**PARTY OF  
RECORD**

August 1, 2023

DSD - Community Development Division  
P. O. Box 1110  
Tampa, FL 33601

Re: Application Number RZ-STD 23-0828

The property at 6501 Orient Rd. in Tampa, FL has a faulty alarm system that is a nuisance. The alarm blares for long periods of time and no one comes to turn it off or fix the problem. The 4<sup>th</sup> of July weekend it blared all weekend, loudly and constantly. It interrupts sleep, and sitting on the porch is impossible. This has happened on multiple occasions.

I am against this re-zoning because they pay no attention to the present problem. Re-zoning may present other problems they are unable or unwilling to tend to.

Respectfully,



Digna Maynor  
6515 Orient Rd.  
Tampa, FL 33610





Ms. Digna Maynor  
6515 Orient Rd.  
Tampa, FL 33610

TAMPA FL 335  
SAINT PETERSBURG FL  
3 AUG 2023 PM 8 L



DSD-Community Development Div.  
P.O. Box 1110  
Tampa, FL 33601

33601-111010

