



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0132	
LUHO HEARING DATE: February 21, 2022	CASE REVIEWER: Kim King

REQUEST: The applicant is requesting a setback variance and variance for additional square footage to replace an existing monument sign with a new pole sign located at 14703 N. Dale Mabry Hwy. for the Market Place North II shopping center.

VARIANCE(S):

Per Section 7.03.00.C.2.a & b of the LDC allows this parcel to have either 2 pole signs at 50 sq. ft. per side/100 sq. ft. total or 1 pole sign at 100 sq. ft. per side/200 sq. ft. total.

Per Section 7.03.00.C.1.b allows a pole sign to have a 10 ft. setback from the right-of-way line.

Variance#1

The applicant is requesting an additional 168 sq. ft. of sign area for a proposed pole sign which would allow them a total of 368 sq. ft. of sign area.

Variance #2


The applicant is requesting a 5 ft. variance from the right-of-way line placing the sign at a 5 ft. setback.

FINDINGS:

None.

DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF

Attachments: Application Site Plan Petitioner's Written Statement Current Deed



**Hillsborough
County Florida**

Development Services

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

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 22-0132 Applicant's Name: Mark Brechley, agent for ORL-PX LLC Wallace Properties

Reviewing Planner's Name: Kim King Date: _____

Application Type:

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

Current Hearing Date (if applicable): 02.21.2022

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Signature Mark Brechley

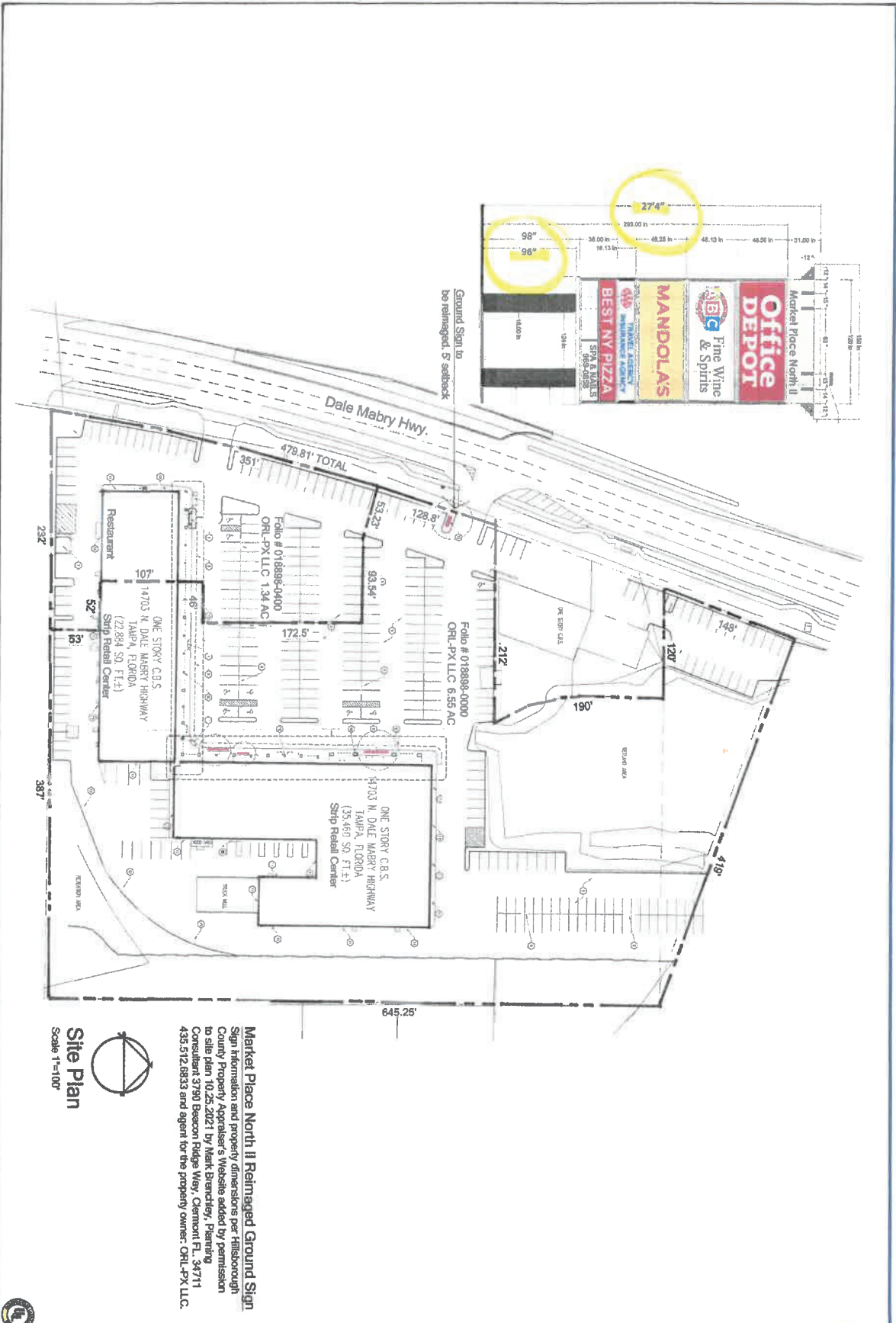
January 21, 2021

Date

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In-Take Completed by: _____



Site Plan
Scale 1"=100'



Market Place North II Reimagined Ground Sign
Sign information and property dimensions per Hillsborough County Property Appraiser's Website added by permission to site plan 10.25.2021 by Mark Brantley, Planning Consultant 3790 Beacon Ridge Way, Clermont FL 34711 435.512.6833 and agent for the property owner: ORL-PX LLC.

WALLACE RETAIL PROPERTIES TAMPA FL DESIGN FILES



Revised 1.18.22

DRAWN BY INITIALS: MM

PM INITIALS: LA

SALES REP: DAVID FRISHTICK

David@comsigns.com

404-502-6336

SO. FT. ALLOWED: 100 SF Per side

SO. FT. SHOWN: 99.75 SF

SIGN CODE INFO: 1 sf per linear foot or 100 SF whichever is less on each of the 4 sides of the sign faces. Max. OAH 30 feet.

PROJECT ADDRESS: 14703-14739 N DALE MABRY HWY TAMPA, FL 33607

PROJECT ADDRESS: 14703 N. DALE MABRY HIGHWAY TAMPA, FLORIDA (35,460 SQ. FT. ±) Strip Retail Center

PROJECT ADDRESS: 14703 N. DALE MABRY HIGHWAY TAMPA, FLORIDA (72,894 SQ. FT. ±) Strip Retail Center

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MFG / Retail Account Svcs.
4805 Wright Drive, Bldg. A
Suwanee, GA 30082
(770) 389-1250
Corporate:
5908 Atlanta Rd
Suwanee, GA 30089
(770) 431-0807
comsigns.com



PROJECT ADDRESS:
14703-14739
N DALE MABRY HWY
TAMPA, FL 33607



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Signature Mark Brechley

January 21, 2021

Date

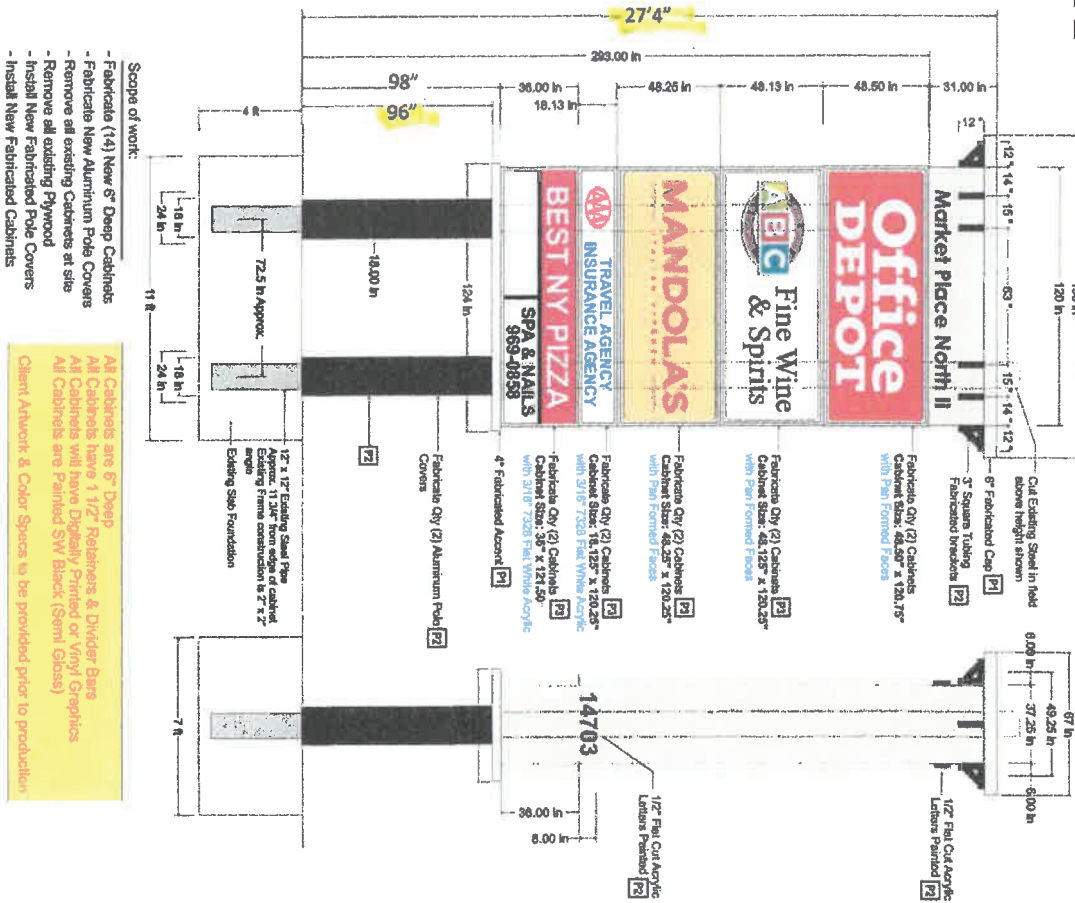
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Scanned into OPTIX

In-Take Completed by: _____

PROPOSED: Refurbish Existing D/F Monument Sign w/ Pole Covers & New Cabinets



- Scope of work:
- Fabricate (14) New 6" Deep Cabinets
 - Fabricate New Aluminum Pole Covers
 - Remove all existing Cabinets at site
 - Remove all existing Plywood
 - Install New Fabricated Pole Covers
 - Install New Fabricated Cabinets

All Cabinets are 6" Deep
All Cabinets have 1 1/2" Retainers & Divider Bars
All Cabinets will have Digitally Printed or Vinyl Graphics
All Cabinets are Painted SW Black (Semi Gloss)
Client Artwork & Color Specs to be provided prior to production.

PROPOSED



EXISTING SIGN PHOTOS



Remove all existing Cabinets and Plywood as shown in reference photos and replace with new Pole Covers and Cabinets

- [P1] PAINT TO MATCH SW 7077 ORIGINAL WHITE
- [P2] PAINT TO MATCH SW 7069 IRON ORE
- [P3] PAINT TO MATCH SW 7538 JOGGING PATH

WALLACE RETAIL PROPERTIES \ TAMPA PL DESIGN FILES

Market Place North II Reimagined Ground Sign



MFG / HWY Account Svcs
4806 WIGNON Drive, Bldg. A
Smyrna, GA, 30082
(770) 480-1200
Corporate: 851
Smyrna, GA, 30089
(770) 481-1987
comsigns.com



PROJECT ADDRESS:
14703-14719
N DALE MABRY HWY
TAMPA, FL 33607

SIGN CODE INFO:
1 sq ft per linear foot or
100 SF whichever is less
on each of the two sign
faces. Max: 0.414 50 feet,
located adjacent to
expressway or hwy, 15 ft
from edge of right-of-way
collector or local street.
Set Back: Min: 15 feet from
the right-of-way line
SQ. FT. ALLOWED:
100 SF Per side
SQ. FT. SHOWN:
99.75 SF

SALES REP:
DAVID FRUSHNICK
David@Comsigns.com
404-502-4336
PM INITIALS:
LA
DRAWN BY INITIALS:
MM

DATE: 01/13/21
Revised 1.18.22

1



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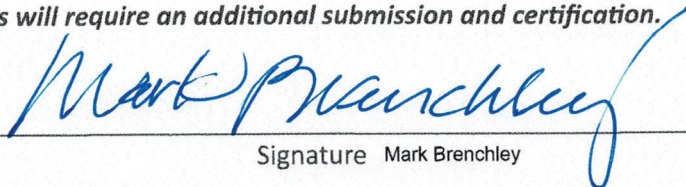
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Signature Mark Brenchley

January 28, 2021

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SUMMARY OF REVISIONS TO VARIANCE APPLICATION VAR 22-0132

After the application was submitted & the hearing dated scheduled, Plans Reviewer Kim King discovered dimensional errors and required corrections. The corrections have been made on the following 3 sheets:
Page 3 of Variance application.

The original Items 1 & 2. Under VARIANCE REQUEST

VARIANCE REQUEST

- Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

Wallace Enterprises seeks a sign setback variance to replace and reimage a nonconforming freestanding sign as to maximum sign area and setback. The sign has existed at the exact location since the mid 1980s when the strip retail center was built. The replacement sign will be erected at the same location within an existing parking island at one of the two main entrances to the Market Place North II retail strip center from Dale Mabry Hwy. The existing 40 year old sign that is to be replaced is 30' tall and contains over 230 SF of sign copy area and sign structure area. It would be considered a monument/monolith sign as it is solid from grade on up to the angular peak of the sign. Currently the sign maintains a nonconforming 5' setback (10' setback is now required) which could possibly be the result of the widening of the Dale Mabry Hwy over the last approximately 40 years since the sign was erected. Dale Mabry Hwy is currently classified as a Principal Arterial in the "Hillsborough County Local Functional Classification" system (Appendix I)

The applicant is seeking the minimum setback variance so as to retain the historical and reasonable visibility as well as wayfinding attributes that the existing sign has established over the past four decades.

Additionally, the applicant proposes a redesigned sign at 27' tall...down from 30' and with a sign area of 99.75 SF... down from 230 SF which now conforms to the current maximum 100 SF sign area regulation... and by raising to 94"... the vertical clearance to the bottom of the sign, the sign is now compliant with the visibility triangle dimensions which are critical for the safety of the motoring public.

- A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

A variance is sought from the requirements of the sign code Part 7.03.00.C.1. General Ground Sign Provisions, specifically b. Setback : all ground signs shall be setback a minimum of ten feet from the right of way line...

The Corrected Items 1&2

- Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

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Additionally, the applicant proposes a redesigned sign at 27' 4" tall...down from 30' and with a sign area of 184 SF per side ... down from 230 SF which does not conform to the current maximum 100 SF sign area per face regulation because the parcel frontage totals 627.81 linear feet and therefore two signs are permitted or one sign with a maximum aggregate of 200 SF... and by raising to 96"... the vertical clearance to the bottom of the sign, the sign is now compliant with the visibility triangle dimensions which are critical for the safety of the motoring public.

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2nd Revision 1.28.2022

Application Number: _____

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ADDITIONAL INFORMATION

- Have you been cited by Hillsborough County Code Enforcement? No Yes _____
If yes, you must submit a copy of the Citation with this Application.
- Do you have any other applications filed with Hillsborough County that are related to the subject property?
No Yes _____ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): _____
- Is this a request for a wetland setback variance? No Yes _____
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
- Please indicate the existing or proposed utilities for the subject property:
Public Water Public Wastewater Private Well _____ Septic Tank _____
- Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No Yes _____ If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from 19th floor County Center).



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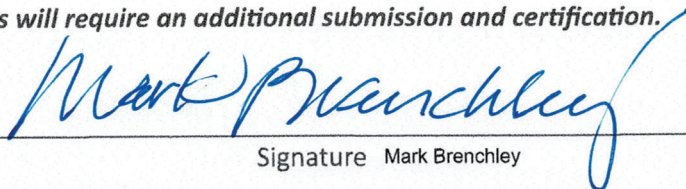
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VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

Relocating this sign, which is to be reimaged, back farther into the parking lot to a conforming 10' setback will disrupt the historical, practical and conforming circulation dimensional requirements that has existed for four decades and more importantly, as the sign is moved farther away from the right of way the historical and reasonable visibility and wayfinding attributes are significantly reduced, even obstructed to on coming Dale Mabry Hwy traffic by the two existing oak street trees as shown in the attached Google StreetView pictures.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

By seeking to improve and enhance this critical identification and wayfinding sign, as well as bring it more into code conformance, the owners of the property will be deprived of the rights that they have been enjoying over the past four decades if the literal requirements of the current code are enforced. Additionally, the owners of this retail strip center will be deprived of long standing signage rights currently enjoyed by all of the neighboring commercial properties along the east side of Dale Mabry Hwy as the majority of all ground signs are currently non-conforming and located similarly as this ground sign.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

This variance will allow the enhancement and reimaging of an existing ground sign that has existed for decades and allowing such an enhancement will not substantially interfere with or injure the rights of others whose property would be effected by the allowance of this variance. The historical precedent that the sign's location is compatible with adjacent properties is clearly established and this reduction of sign area will further reduce the hint of any interference or injury.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

Approving the variance, which in turn, allows the visual design enhancement and reduction of this sign's non-conformity is in harmony with Section 1.02.02 PURPOSE as it fosters the goals, objectives and policies of Hillsborough County's Comprehensive Plan. The variance likewise, promotes the INTENT outlined in Section 1.02.03 and fosters the consistencies of established regulations, respects the rights of property owners and of adjacent property owners and the considers the interests of the citizens of Hillsborough County by improving the aesthetics of signage while reducing signage non conformities, but especially, maintaining orderly and harmonious development of the unincorporated areas of Hillsborough County.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The actions of the property owner to improve and enhance a nonconforming ground sign is not the result of an illegal act or the result from any actions which create a self imposed hardship. The decades old sign has become and is now nonconforming to the current sign code and this variance application should be approved to allow aesthetic improvements, enhancements and structural stabilization efforts to prolong the identification and wayfinding effectiveness of the sign as well as the economic viability of the retail strip center.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The public is benefited by an reimaged and enhanced sign that is more aesthetic, that is designed to better facilitate visibility for motorists, and that is more conforming not only to the code but to current architectural trends and styles. Therefore approving the variance will result in substantial justice being done considering the public and the intent of the LDC and especially considering the individual hardships that will be suffered by a failure to grant the variance. Failure to grant the variance could even destroy the owner's intent to improve the property and thwart the needed improvements of the Dale Mabry Hwy commercial corridor.

This instrument prepared by:

Brookline Development Company, LLC
227 W. Fayette Street, Suite 300
Syracuse, NY 13202

AFTER RECORDING RETURN TO:
Calloway Title & Escrow LLC
4170 Ashford Dunwoody Road, Suite #285
Atlanta, GA 30319

Property Appraiser's Parcel Identification Number (Folio #): 018898-0000

SPECIAL WARRANTY DEED

The Grantor, **BL-Marketplace, LLC**, a Delaware limited liability company owning an undivided 39.45% tenant in common interest; **Campanella Marketplace North, LLC**, a Delaware limited liability company owning an undivided 14.55% tenant in common interest; **GB Marketplace, LLC**, a Delaware limited liability company owning an undivided 16% tenant in common interest; **BL-Marketplace II, LLC**, a Delaware limited liability company owning an undivided 18% tenant in common interest; and **BL-Marketplace III, LLC**, a Delaware limited liability company owning an undivided 12% tenant in common interest, all having an address c/o Brookline Development Company, LLC, 227 W. Fayette Street, Suite 300, Syracuse, New York 13202, in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable considerations received from the Grantee, hereby grants and conveys to the Grantee, **ORL-PX, LLC**, a Georgia limited liability company, whose mailing address is c/o Wallace Enterprises, Inc., 5370 Oakdale Road, Smyrna, Georgia 30082, the real property in Hillsborough County, Florida, described on attached **Exhibit A**.

This conveyance is subject to real estate taxes for 2016 and subsequent years, and the matters described on **Exhibit B**, without intending to reimpose any of the same.

This property is not the homestead of the Grantor.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

The Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

**BALANCE OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE PAGES FOLLOW**

DATED this 8th day of June, 2016.

Signed in the presence of:

WITNESSES:

[Signature]
Print Name: Lynn M Haste

[Signature]
Print Name: Christina M. Lockwood

Two witnesses as to William B. Yeomans,
Operating Manager of BL-Marketplace, LLC

SELLER:

BL-MARKETPLACE, LLC
a Delaware limited liability company

By: Brookline Development Company, LLC,
Sole Manager

By: [Signature]
Print Name: William B. Yeomans
Title: Operating Manager

Address of Grantor:
c/o Brookline Development Company, LLC
227 W. Fayette Street, Suite 300
Syracuse, NY 13202

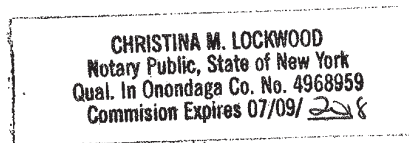
STATE OF NEW YORK)

COUNTY OF ONONDAGA) SS.:

The foregoing instrument was acknowledged before me this 27th day of May, 2016, by **WILLIAM B. YEOMANS**, as Operating Manager of Brookline Development Company, LLC, as Sole Manager of BL-MARKETPLACE, LLC, a Delaware limited liability company, on behalf of the company. Such person is personally known to me.

(SEAL)

[Signature]
Printed/typed name: Christina M. Lockwood
Notary Public-State of New York
Commission Number: 4968959
My Commission expires: 7/9/2018



DATED this 8th day of June, 2016.

Signed in the presence of:

WITNESSES:

Renee A. Peano
Print Name: Renee A. Peano

Sandra Cisneros
Print Name: Sandra Cisneros

Two witnesses as to Joseph W. Campanella,
Sole Member, President & Secretary of
Campanella Marketplace North, LLC

SELLER:

CAMPANELLA MARKETPLACE NORTH,
LLC
a Delaware limited liability company

By: Joseph W. Campanella
Print Name: Joseph W. Campanella
Title: Sole Member, President & Secretary

Address of Grantor:
13206 Admiral Avenue, Unit G
Marina Del Rey, CA 90292

STATE OF CALIFORNIA)

COUNTY OF _____)

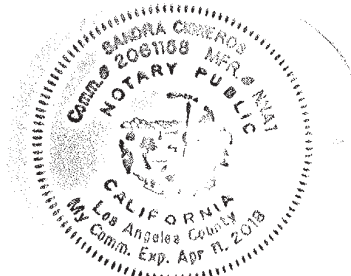
SS.:

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by **JOSEPH W. CAMPANELLA**, as Sole Member, President & Secretary of CAMPANELLA MARKETPLACE NORTH, LLC, a Delaware limited liability company, on behalf of the company. Such person is personally known to me or produced _____ as identification.

(SEAL)

See CA ACK

Printed/typed name: _____
Notary Public-State of _____
Commission Number: _____
Commission expires: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

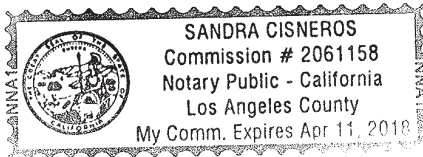
On May 26, 2016 before me, Sandra Cisneros, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Joseph W. Campanella
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Special Warranty Document Date: 5/26/2016

Number of Pages: X Signer(s) Other Than Named Above: X

Capacity(ies) Claimed by Signer(s)

Signer's Name: Joseph W. Campanella

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: X

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

DATED this 8th day of June, 2016.

Signed in the presence of:

WITNESSES:

Nicole M. Alarcon
Print Name: Nicole M. Alarcon

Yazmin Rodriguez
Print Name: Yazmin Rodriguez

Two witnesses as to Gustavo Blanco, Sole Member & Manager of GB Marketplace, LLC

SELLER:

GB MARKETPLACE, LLC
a Delaware limited liability company

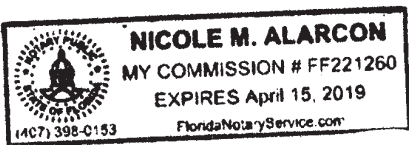
By: Gustavo Blanco
Print Name: Gustavo Blanco
Title: Sole Member & Manager

Address of Grantor:
10773 NW 58th Street #242
Miami, Florida 33178

STATE OF FLORIDA)

COUNTY OF Miami-Dade) SS.:

The foregoing instrument was acknowledged before me this 26th day of May, 2016, by **GUSTAVO BLANCO**, as Sole Member & Manager of GB MARKETPLACE, LLC, a Delaware limited liability company, on behalf of the company. Such person is personally known to me or produced personally known as identification.



Nicole M. Alarcon (SEAL)
Printed/typed name: Nicole M. Alarcon
Notary Public-State of Florida
Commission Number: FF221260
Commission expires: April 15, 2019

DATED this 26 day of May, 2016.

Signed in the presence of:

WITNESSES:

Deborah Fitzgerald
Print Name: Deborah Fitzgerald

John Barone
Print Name: John Barone

Two witnesses as to John Barone, Sole Member & Operating Manager of BL-Marketplace II, LLC

SELLER:

BL-MARKETPLACE II, LLC
a Delaware limited liability company

By: John Barone
Print Name: John Barone
Title: Sole Member & Operating Manager

Address of Grantor:
8504 Seneca Turnpike
New Hartford, NY 13413

STATE OF NEW YORK)

COUNTY OF Oneida) SS.:

The foregoing instrument was acknowledged before me this 26 day of May, 2016, by **JOHN BARONE**, as Sole Member & Operating Manager of BL-MARKETPLACE II, LLC, a Delaware limited liability company, on behalf of the company. Such person is personally known to me or produced _____ as identification.

(SEAL)

DEBORAH FITZGERALD
Notary Public in the State of New York
Appointed in Oneida County
My Commission Expires March 30, 2017
July 31, 2017

Deborah Fitzgerald
Printed/typed name: Deborah Fitzgerald
Notary Public-State of New York
Commission Number: 01 FS-4798878
Commission expires: 7/31/2017

DATED this 26 day of May, 2016.

Signed in the presence of:

WITNESSES:

Deborah L Fitzgerald
Print Name: Deborah L Fitzgerald.

Rachyn Barone
Print Name: Rachyn J Barone

Two witnesses as to John Barone, Sole Member & Operating Manager of BL-Marketplace II, LLC

SELLER:

BL-MARKETPLACE III, LLC
a Delaware limited liability company

By: John A Barone
Print Name: John Barone
Title: Sole Member & Operating Manager

Address of Grantor:
8504 Seneca Turnpike
New Hartford, NY 13413

STATE OF NEW YORK)

COUNTY OF Oneida.) SS.:

The foregoing instrument was acknowledged before me this 26 day of May, 2016, by **JOHN BARONE**, as Sole Member & Operating Manager of BL-MARKETPLACE III, LLC, a Delaware limited liability company, on behalf of the company. Such person is personally known to me or produced _____ as identification.

(SEAL)

DEBORAH FITZGERALD
Notary Public in the State of New York
Appointed in Oneida County
My Commission Expires March 30, 2017
July 31, 2017

Deborah L Fitzgerald
Printed/typed name: Deborah L Fitzgerald.
Notary Public-State of New York
Commission Number: 01 F T 4798878
Commission expires: 7/31/2017

EXHIBIT "A" TO SPECIAL WARRANTY DEED

Property Description

PARCEL A:

A portion of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ lying East of State Road No. 597 (Dale Mabry Highway), in Section 4, Township 28 South, Range 18 East, Hillsborough County, Florida, more particularly described as follows:

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4; thence East (assumed bearing) along the North boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4, a distance of 358.0 feet; thence South $00^{\circ}11'40''$ West along the East boundary of the West 358.0 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4 a distance of 896.39 feet to a point on the North boundary of Brentwood Subdivision, as recorded in Plat Book 45, Page 33, of the Public Records of Hillsborough County, Florida; thence North $89^{\circ}53'00''$ West along the stated North boundary of Brentwood Subdivision, a distance of 358.0 feet for a POINT OF BEGINNING; said Point of Beginning being on the East boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4; thence South $00^{\circ}20'51''$ West along stated East boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4 a distance of 645.25 feet to a point on the South boundary of stated Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4; thence North $89^{\circ}53'30''$ West along stated South boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4 a distance of 619.0 feet to a point on the East right-of-way line of Dale Mabry Highway (State Road No. 597); thence on an arc to the right in a Northeasterly direction, with a radius of 2796.79 feet, a distance of 480.40 feet, subtended by a chord of 479.81 feet, chord bearing North $14^{\circ}07'45''$ East to a point on curve; thence South $89^{\circ}53'00''$ East a distance of 212.0 feet to a point on curve; thence on an arc to the right in a Northwesterly direction with a radius of 161.18 feet, a distance of 103.82 feet, subtended by a chord of 102.03 feet, chord bearing North $18^{\circ}20'09''$ West to a point of tangency; thence North $00^{\circ}07'00''$ West a distance of 83.0 feet to a point on the North boundary of Brentwood Subdivision, as recorded in Plat Book 45, Page 33, of the Public Records of Hillsborough County, Florida, and its Westerly extension thereof; thence South $89^{\circ}53'00''$ East along stated North boundary of Brentwood Subdivision and its Westerly extension thereof a distance of 325.71 feet to the Point of Beginning.

LESS AND EXCEPT THEREFROM:

A portion of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ lying East of State Road No. 597 (Dale Mabry Highway) in Section 4, Township 28 South, Range 18 East, Hillsborough County, Florida, more particularly described as follows:

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4; thence East (assumed bearing) along the North boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4 a distance of 358.0 feet; thence South $00^{\circ}11'40''$ West along the East boundary of the West 358.0 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4 a distance of 896.39 feet to a point on the North boundary of Brentwood Subdivision, as recorded in Plat Book 45, Page 33, of the Public Records of Hillsborough County, Florida; thence North $89^{\circ}53'00''$ West

along the stated North boundary of Brentwood Subdivision a distance of 358.0 feet to a point; said point being on the East boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4; thence South $00^{\circ}20'51''$ West along stated East boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4 a distance of 645.25 feet to a point on the South boundary of stated Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4; thence North $89^{\circ}53'30''$ West along stated South boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4 a distance of 387.0 feet for Point of Beginning; thence continue North $89^{\circ}53'30''$ West along stated South boundary of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 4 a distance of 232.0 feet to a point on the East right-of-way line of Dale Mabry Highway (State Road No. 597); thence on an arc to the right in a Northeasterly direction along the East right-of-way line of Dale Mabry Highway (State Road No. 597) a distance of 351.05 feet with a radius of 2796.79 feet subtended by a chord of 350.84 feet; chord bearing North $12^{\circ}40'49''$ East to a point on curve; thence South $73^{\circ}36'00''$ East a distance of 53.23 feet; thence South $89^{\circ}53'30''$ East, a distance of 93.54 feet; thence South $00^{\circ}06'30''$ West a distance of 99.00 feet; thence South $89^{\circ}53'30''$ East a distance of 5.0 feet; thence South $00^{\circ}06'30''$ West a distance of 68.5 feet; thence North $89^{\circ}53'30''$ West a distance of 46.0 feet; thence South $00^{\circ}06'30''$ West a distance of 107.0 feet; thence South $89^{\circ}53'30''$ East a distance of 52.0 feet; thence South $00^{\circ}06'30''$ West a distance of 53.0 feet to the Point of Beginning.

PARCEL B:

A portion of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ lying East of State Road 597 (Dale Mabry Highway), in Section 4, Township 28 South, Range 18 East, Hillsborough County, Florida; being more particularly described as follows:

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4; thence East (assumed bearing) along the North boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4 a distance of 358.0 feet; thence South $00^{\circ}11'40''$ West along the East boundary of the West 358.0 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of stated Section 4 a distance of 896.39 feet to a point on the North boundary of Brentwood Subdivision as recorded in Plat Book 45, Page 33, of the Public Records of Hillsborough County, Florida; thence North $89^{\circ}53'00''$ West along the stated North boundary of Brentwood Subdivision and its Westerly projection a distance of 382.0 feet for a POINT OF BEGINNING; thence North $89^{\circ}53'00''$ West a distance of 416.71 feet to a point on the Easterly right-of-way boundary of Dale Mabry Highway; thence North $20^{\circ}02'00''$ East along the Easterly right-of-way boundary of Dale Mabry Highway a distance of 141.95 feet; thence South $69^{\circ}58'00''$ East, a distance of 391.79 feet to the Point of Beginning.

Together with the rights and easements granted for the benefit of Parcel A and Parcel B described herein, in that certain Modification of Grant of Easements and Declaration of Restrictions by and between Market Place North, Continental Land and Development Corp., Eckerd Drugs of Florida, Inc. and M.P.N. Phase II, et al, dated as of January 11, 1983, recorded in Official Records Book 4051, Page 1151; as amended by that certain Amendment No. 1 to Modification of Grant of Easements and Declarations of Restrictions by and between First Capital Income Properties, Ltd. – Series VII, Market Place North, Pizza Hut of America, Inc. and M.P.N. Phase II, et al, dated July 11, 1983, recorded in Official Records Book 4144, Page 1158, (as amended the “Declarations”); with Notice Pursuant to Modification of Grant of Easements and Declaration of Restrictions by M P N Phase II, with the acceptance and assumption of MPN,

LLC, dated January 31, 2002, recorded in Official Records Book 11394, Page 1523; including but not limited to (i) those certain Driveway Easements, Parking Easements and Utility Easements as created and defined in the Declaration for passage and use, both pedestrian and vehicular, on, over and across the Market Place Property as described in Exhibit A of Exhibit G of the Declaration; (ii) that certain Drainage Easement as created and defined in the Declaration, on, under, across, through and onto the Servient Property (the "Servient Property") as described in Exhibit G of Exhibit G of the Declaration, the purposes of drainage of surface water; and (iii) that certain Drainage Easement as created and defined in the Declaration, for installation, replacement, care, and maintenance of underground drainage lines, through and across the Continental Drainage Easement as described in Exhibit H of Exhibit G of the Declaration for purposes of allowing surface water to drain from Parcel A and Parcel B described herein, to the Servient Property.

The Grantor herein also remises, releases, conveys and quitclaims unto the Grantee forever, any and all right, title, interest, claim and demand which the Grantor has, if any, in and to any and all easements and grants of easements appurtenant to the real property described above.

EXHIBIT B TO SPECIAL WARRANTY DEED

PERMITTED EXCEPTIONS

1. Easement in favor of Tampa Electric Company, dated January 22, 1981, recorded in Official Records Book 3768, Page 1308.
2. Easement in favor of Tampa Electric Company, dated March 24, 1982, recorded in Official Records Book 3940, Page 945.
3. Pipeline Easement in favor of Hillsborough County, Florida, dated August 31, 1982, recorded in Official Records Book 4002, Page 1706.
4. Grant of Easement dated February 1, 1983, and recorded in Official Records Book 4061, Page 1546.
5. Terms, conditions, restrictions and easement contained in that certain Modification of Grant of Easements and Declaration of Restrictions dated as of January 11, 1983, recorded in Official Records Book 4051, Page 1151; and Amendment dated July 11, 1983, recorded in Official Records Book 4144, Page 1158; and Notice Pursuant to Modification of Grant of Easements and Declarations of Restrictions dated January 31, 2002, recorded in Official Records Book 11394, Page 1523.
6. Party Wall Agreement dated January 4, 1993, recorded in Official Records Book 6847, Page 1648.
7. Terms and conditions of the Lease from M.P.N. Phase II, a Florida limited partnership ("Landlord") to Office Depot, Inc., a Delaware corporation ("Tenant"), dated June 17, 1998, a memorandum of said lease being recorded in Official Records Book 9659, Page 587. The lease will be terminated pursuant to a Lease Termination Agreement entered into of even date herewith.
8. Grant of Easement recorded in Official Records Book 4119, page 1128, to the extent it applies to the property, if at all.
9. Quit Claim Grant of Easements dated August 3, 2006, recorded in Official Records Book 16793, Page 1131.
10. Matters which an accurate survey of the property would show.
11. Taxes and assessments for the year 2016 and subsequent years which are not yet due and payable.



**Hillsborough
County Florida**
Development Services

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

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 22-0132 Applicant's Name: Mark Brenchley, agent for ORL-PX LLC Wallace Properties

Reviewing Planner's Name: Kim King Date: _____

Application Type:

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

Current Hearing Date (if applicable): 02.21.2022

The following must be attached to this Sheet.

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

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

Submittal Via:

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

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

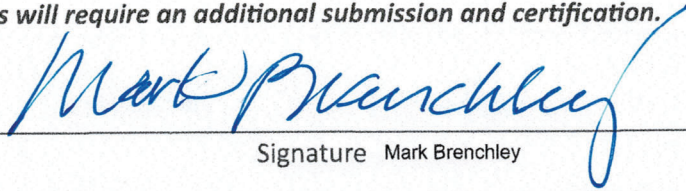
Mail or delivery. Number of Plans Submitted: Large _____ Small _____

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

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

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

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



Signature Mark Brenchley

January 28, 2021

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____



Received
10/25/2021
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

Property Information

Address: 14703 N. Dale Mabry Hwy Tampa, FL 33607 TWN-RN-SEC: _____
Folio(s): 018898-0000 Zoning: PD Future Land Use: Commercial Property Size: 5.65 ac.

Property Owner Information

Name: ORL-PX LLC Daytime Phone: _____
Address: c/o Wallace Enterprises, 5370 Oakdale Rd SE City/State/Zip: Smyrna, GA 30082-5218
Email: _____ FAX Number: _____


Applicant Information

Name: Mark Brenchley Daytime Phone: _____
Address: 3790 Beacon Ridge Way City/State/Zip: Clermont, FL 34711
Email: wcfpermits.markb@gmail.com 435.512.6833 FAX Number: n/a

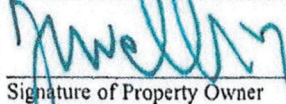
Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____
Address: _____ City / State/Zip: _____
Email: _____ FAX Number: _____

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.


Signature of Applicant
Mark Brenchley
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.


Signature of Property Owner
James C. Wallace III
Type or Print Name
Authorized signer for ORL-PX LLC

Intake Staff Signature: ANA LIZARDO Office Use Only Intake Date: 10/25/21
Case Number: 22-0132 Public Hearing Date: 01/24/2022
Receipt Number: _____