

**Rezoning Application: 22-1445**  
**Zoning Hearing Master Date: February 20, 2023**  
**BOCC Land Use Meeting Date: April 11, 2023**

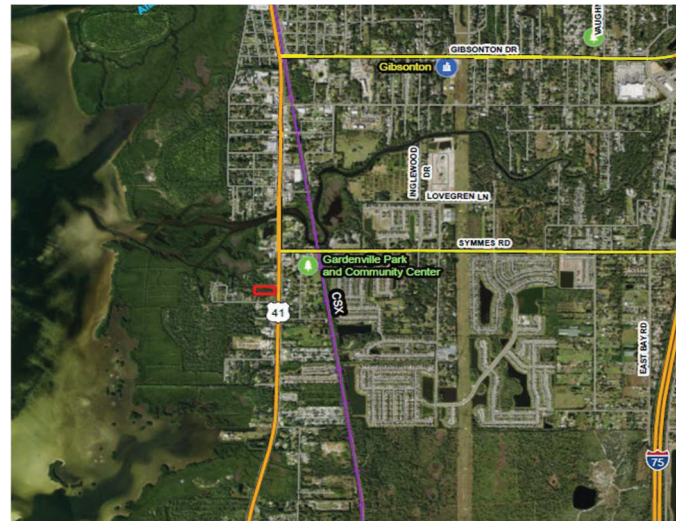


**Hillsborough  
 County Florida**

Development Services Department

**1.0 APPLICATION SUMMARY**

Applicant: A & M Investment  
 FLU Category: Office-Commercial-20 (OC-20)  
 Service Area: Urban  
 Site Acreage: 2.3 +/-  
 Community Plan Area: Gibsonton  
 Overlay: None  
 Request: Rezone from **Commercial-Neighborhood (CN) to Commercial General (CG)**



**Request Summary:**

The request is to rezone from the existing Commercial, Neighborhood (CN) district to Commercial General - Restricted (CG-R) zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet.

**Zoning:**

	Current CN Zoning	Proposed CG Zoning
Uses	Commercial, Office and Personal Services	General Commercial, Office and Personal Services
Acreage	2.3+/- Acres (ac)	2.3+/- ac
Density / Intensity	F.A.R. 0.20	F.A.R. 0.27
Mathematical Maximum*	20,037 square feet	27,050 sf
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.		

**Development Standards:**

	Current CN Zoning	Proposed CG Zoning
Density / Intensity	F.A.R. 0.20	F.A.R. 0.27
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	30' - Front (East, West & North) 20' Type B Buffer – Side (Southwest) 0' feet (south adjacent to CI)	30' - Front (East, West & North) 20' Type B Buffer – Side (Southwest) 0' feet (south adjacent to CI)
Height	35'	50'

**Additional Information:**

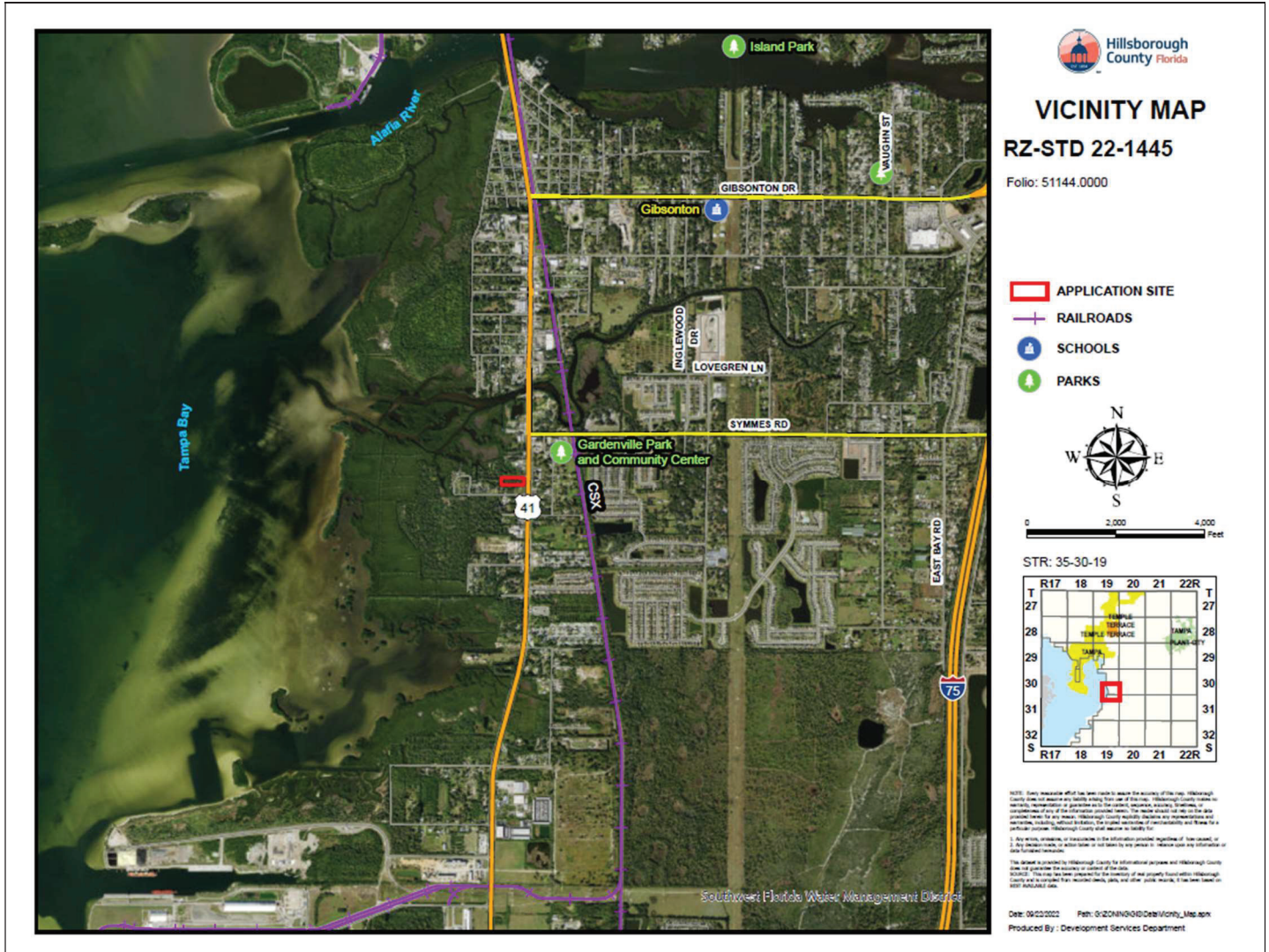
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:

Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



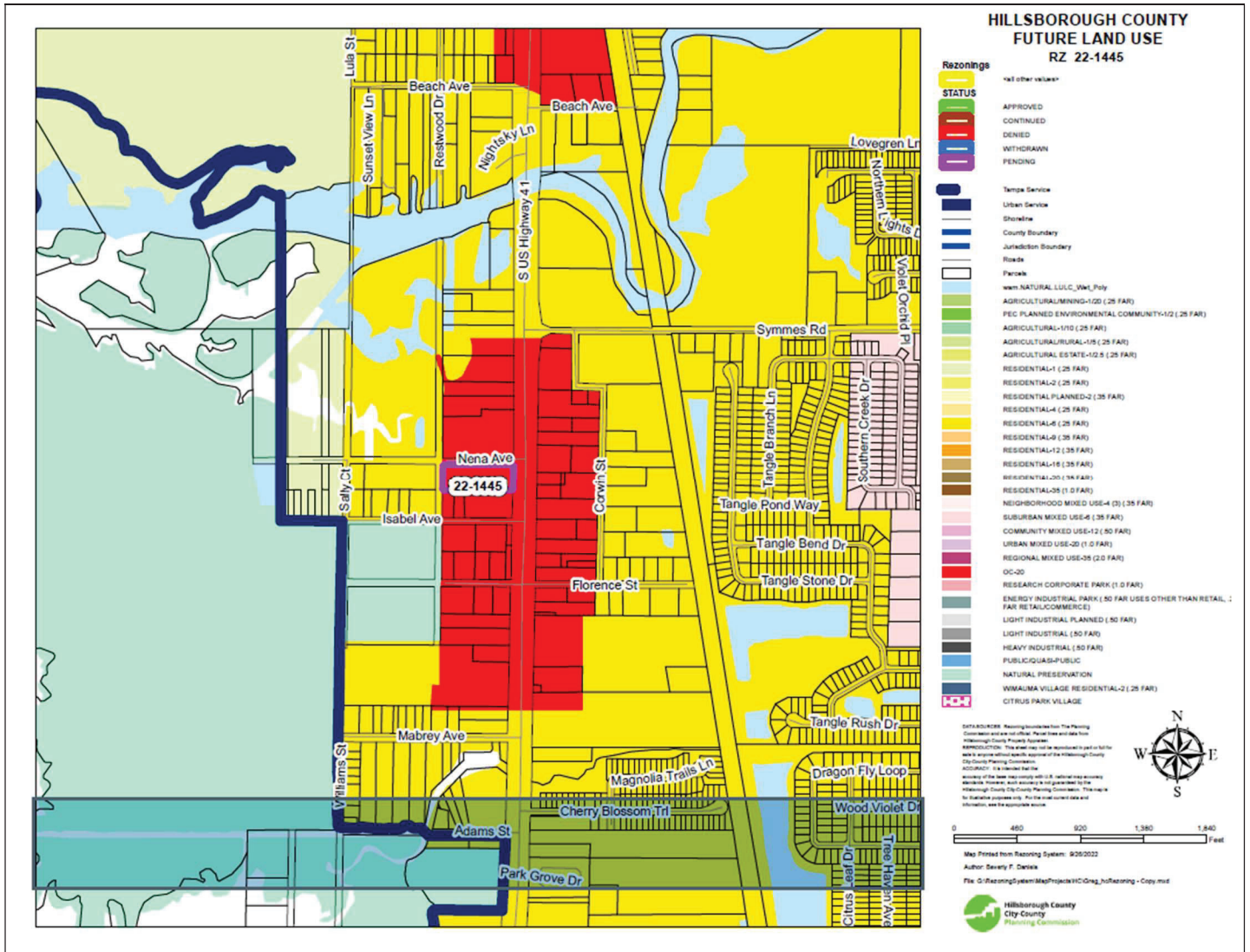
Context of Surrounding Area:

The site is located in an area comprised of a mix of commercial uses and residential uses. The site is adjacent to commercial, agricultural and residential type uses/properties. The adjacent properties are zoned (AS-1) Agricultural Single-Family – 1, Residential, Single-Family Conventional (RSC-6) and (CG) Commercial General to the north; RSC-6 (MH), RSB and CI(R) to the south and west and CI and ASC-1 to the east across US HWY 41.



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

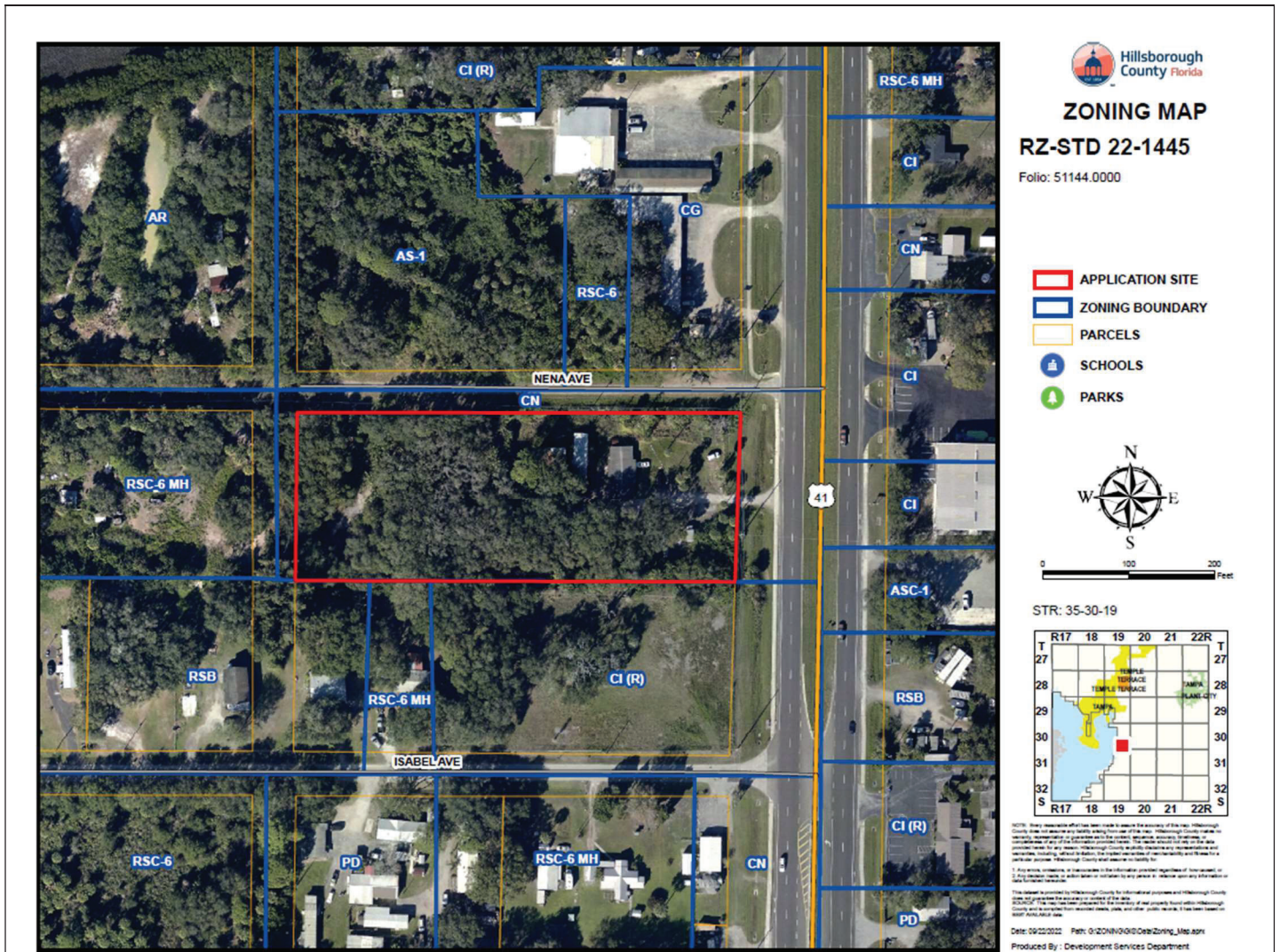
**2.2 Future Land Use Map**



Subject Site Future Land Use Category:	Office-Commercial 20 (OC-20)
Maximum Density/F.A.R.:	20 dwelling unit per Gross Acre (ga)/ 0.75 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, 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	CG	0.27 FAR	Commercial, Office and Personal Services	Commercial
	RSC-6	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Vacant
	AS-1	1 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Vacant
West	RSC-6 (MH)	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Single Family Residential

Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
East	CI	F.A.R. 0.30	Commercial, Office and Personal Services	Commercial
South	CI(R)	F.A.R. 0.30	Contractor's office w/ open storage, warehousing	Vacant
	RSC-6 (MH)	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Single-Family
	RSB	6 d.u./1 ac.	Show business uses, residential	Single-Family

**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)

<p>Not Applicable</p>
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## 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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Nena Avenue	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" 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	3,947	169	160
Proposed	5,796	246	213
Difference (+/-)	+1,849	+77	+53

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

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

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

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

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

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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>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 _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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 checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 checked="" 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 Comment
<b>Impact/Mobility Fees</b>			
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 type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**5.0 IMPLEMENTATION RECOMMENDATIONS**

**5.1 Compatibility**

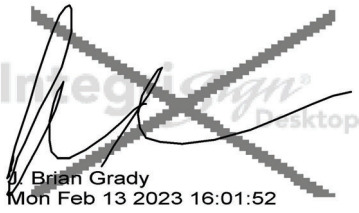
Staff finds the request CG zoning district compatible with the surrounding zoning and development pattern. The current CN zoning district on the parcel permits a range of commercial uses that are also permissible in the CG zoning district. The parcel is located on the west side of U.S. Hwy 41 in area with commercial zoning district and uses to the north, south and east.

**5.2 Recommendation**

Based on the above considerations, staff finds the request approvable.

**6.0 PROPOSED RESTRICTION:**

N/A

<p><b>Zoning Administrator Sign Off:</b></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



## 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

## 8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

APPLICATION NUMBER: RZ STD ~~22-1303 (REMAND)~~ 22-1445

ZHM HEARING DATE: February 20, 2023

BOCC LUM MEETING DATE: April 11, 2023

Case Reviewer: Isis Brown

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## 9.0 FULL TRANSPORTATION REPORT (see following pages)

### AGENCY REVIEW COMMENT SHEET

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

DATE: 01/09/2023  
 AGENCY/DEPT: Transportation  
 PETITION NO.: STD 22-1445

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

#### REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 1,849 average daily trips, 77 trips in the a.m. peak hour, and 53 trips in the p.m. peak hour.
- Access to the subject site will be from Nena Avenue. Nena Avenue is a substandard roadway. The applicant will be required to improve Nena Ave to Hillsborough County standard from the project access on Nena Ave to US Hwy 41 prior to or concurrently with development of the subject site.
- Transportation Review Section staff has no objection to the proposed rezoning.

#### PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 2.33 acres from Commercial Neighborhood (CN) to Commercial General (CG). The site is located on the west side of US Hwy 41, on the southwest corner of the intersection of Nena Avenue and US Hwy 41. The Future Land Use designation of the site is Office Commercial - 20 (OC-20).

#### *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, 10<sup>th</sup> Edition.

#### Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 10,000 sf Pharmacy/Drugstore with Drive - Through Window (ITE Code 881)	1,092	38	103
CN, 5,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	2,355	201	163
CN, 5,000 sf Drive in Bank (ITE Code 912)	500	48	102
Subtotal	3,947	287	368
Less Internal Capture:	Not Available	8	82
Passerby Trips:	Not Available	110	126
Net External Trips:	3,947	169	160

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 14,000 sf Pharmacy/Drugstore with Drive - Through Window (ITE Code 881)	1,528	54	144
CN, 5,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	2,355	201	98
CN, 5,000 sf Drive in Bank (ITE Code 912)	500	48	163
CN, 3,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	1,413	121	102
Subtotal	5,796	424	507
<i>Less Internal Capture:</i>	Not Available	10	114
<i>Passerby Trips:</i>	Not Available	168	180
<i>Net External Trips:</i>	5,796	246	213

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,849</b>	<b>+77</b>	<b>+53</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 1,849 average daily trips, 77 trips in the a.m. peak hour, and 53 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on US Hwy 41 and Nena Avenue. US Hwy 41 is a 4-lane divided FDOT maintained, Principal Arterial roadway. US Hwy 41 lies within +/- 182 feet of Right of Way in the vicinity of the project. US Hwy 41 has sidewalks on both sides of the roadway within the vicinity of the project. Nena Avenue is a 2 lane, undivided, substandard, Hillsborough County maintained local roadway with +/- 12 feet of pavement. Nena Avenue lies within +/- 50 feet of Right of Way in the vicinity of the project. Nena Avenue does not have sidewalk, bike facilities of curb and gutter on either side of the roadway within the vicinity of the project.

**SITE ACCESS**

Access to the subject site will be from Nena Avenue. Nena Avenue is a substandard roadway. The applicant will be required to improve Nena Ave to Hillsborough County standard from the project access on Nena Ave to US Hwy 41 prior to or concurrently with development of the subject site.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information for adjacent roadway sections is reported below. Nena Avenue is not a regulated roadway and as such was not included in the Level of Service Report.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US Hwy 41	Big Bend Rd	Symmes Rd	D	C

Source: Hillsborough County 2020 Level of Service Report.

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

<b>Application number:</b>	RZ-STD 22-1445
<b>Hearing date:</b>	February 20, 2023
<b>Applicant:</b>	A & M Investment Trust, LLC
<b>Request:</b>	Rezone to CG
<b>Location:</b>	11553 South U.S. Highway 41, Gibsonton
<b>Parcel size:</b>	2.3 acres +/-
<b>Existing zoning:</b>	CN
<b>Future land use designation:</b>	OC-20 (20 du/ga; 0.75 FAR)
<b>Service area:</b>	Urban Services Area
<b>Community planning area:</b>	Gibsonton Community Plan and Southshore Areawide Systems Plan

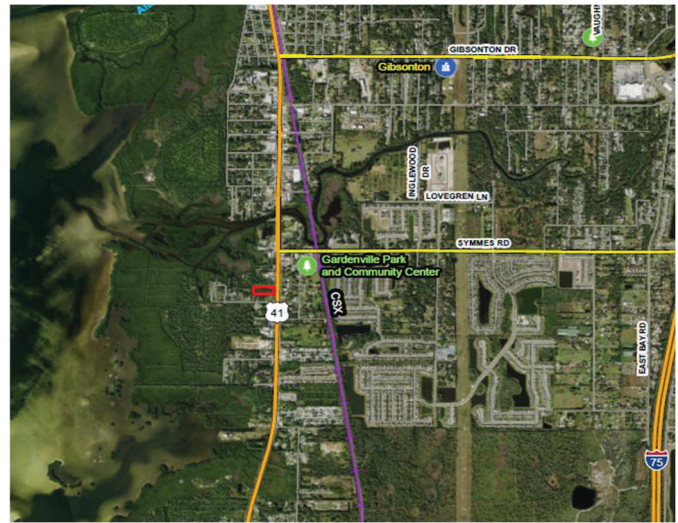
**A. APPLICATION REVIEW**

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

**Rezoning Application: 22-1445**  
**Zoning Hearing Master Date: February 20, 2023**  
**BOCC Land Use Meeting Date: April 11, 2023**

**1.0 APPLICATION SUMMARY**

Applicant: A & M Investment  
 FLU Category: Office-Commercial-20 (OC-20)  
 Service Area: Urban  
 Site Acreage: 2.3 +/-  
 Community Plan Area: Gibsonton  
 Overlay: None  
 Request: Rezone from **Commercial-Neighborhood (CN) to Commercial General (CG)**



**Request Summary:**

The request is to rezone from the existing Commercial, Neighborhood (CN) district to Commercial General - Restricted (CG-R) zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet.

**Zoning:**

	Current CN Zoning	Proposed CG Zoning
Uses	Commercial, Office and Personal Services	General Commercial, Office and Personal Services
Acreage	2.3+/- Acres (ac)	2.3+/- ac
Density / Intensity	F.A.R. 0.20	F.A.R. 0.27
Mathematical Maximum*	20,037 square feet	27,050 sf
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.		

**Development Standards:**

	Current CN Zoning	Proposed CG Zoning
Density / Intensity	F.A.R. 0.20	F.A.R. 0.27
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	30' - Front (East, West & North) 20' Type B Buffer – Side (Southwest) 0' feet (south adjacent to CI)	30' - Front (East, West & North) 20' Type B Buffer – Side (Southwest) 0' feet (south adjacent to CI)
Height	35'	50'

**Additional Information:**

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

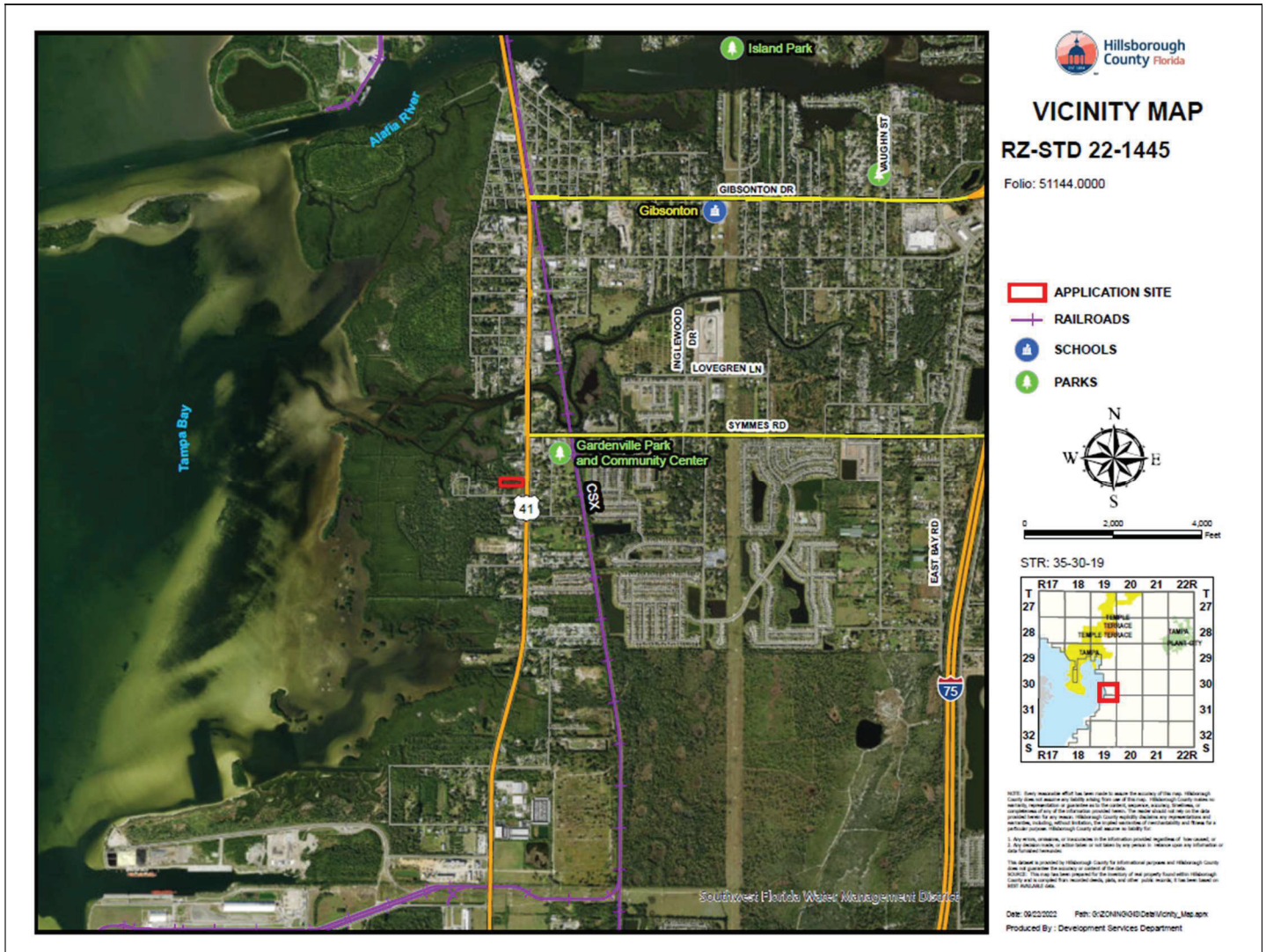


Additional Information:

Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



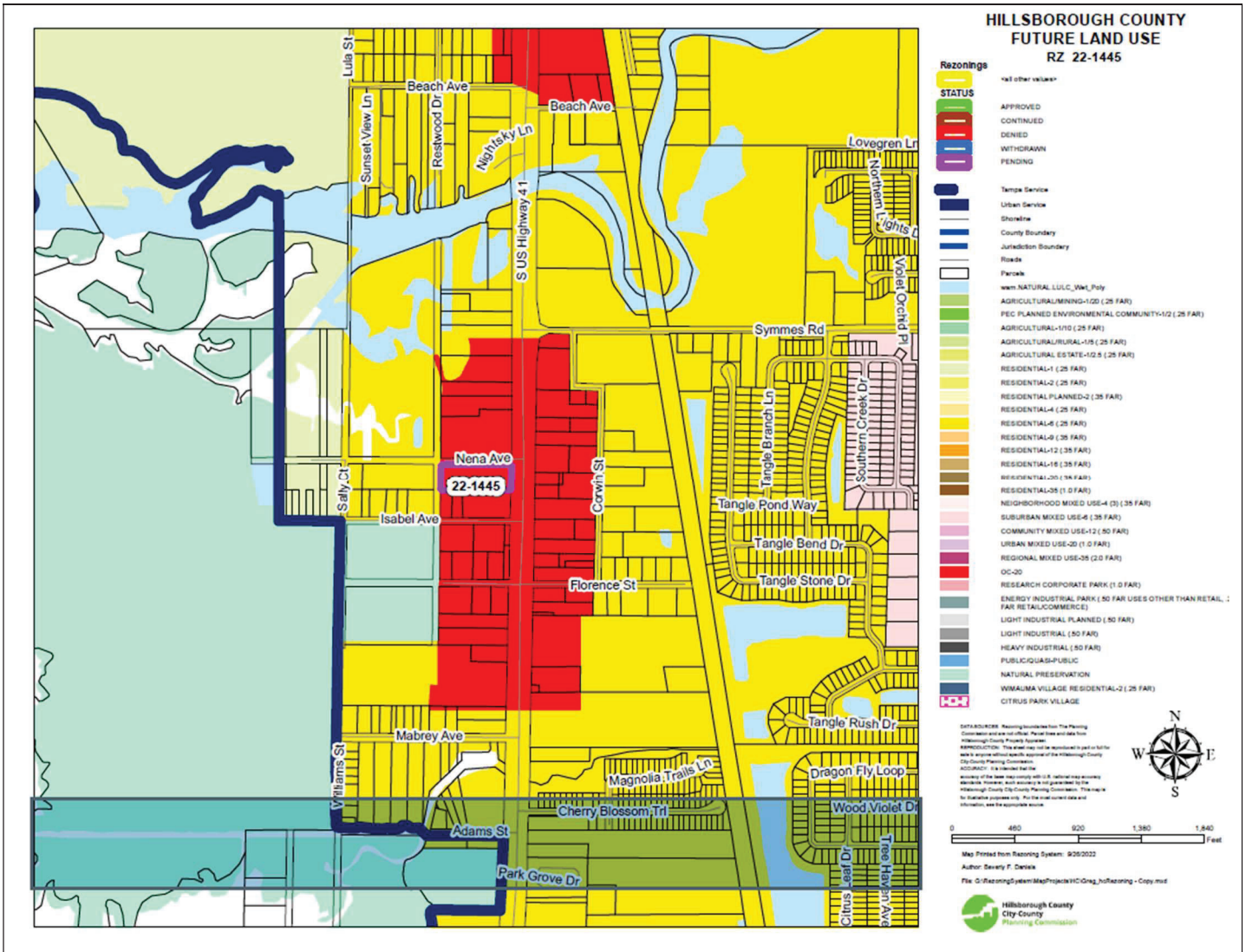
Context of Surrounding Area:

The site is located in an area comprised of a mix of commercial uses and residential uses. The site is adjacent to commercial, agricultural and residential type uses/properties. The adjacent properties are zoned (AS-1) Agricultural Single-Family – 1, Residential, Single-Family Conventional (RSC-6) and (CG) Commercial General to the north; RSC-6 (MH), RSB and CI(R) to the south and west and CI and ASC-1 to the east across US HWY 41.



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

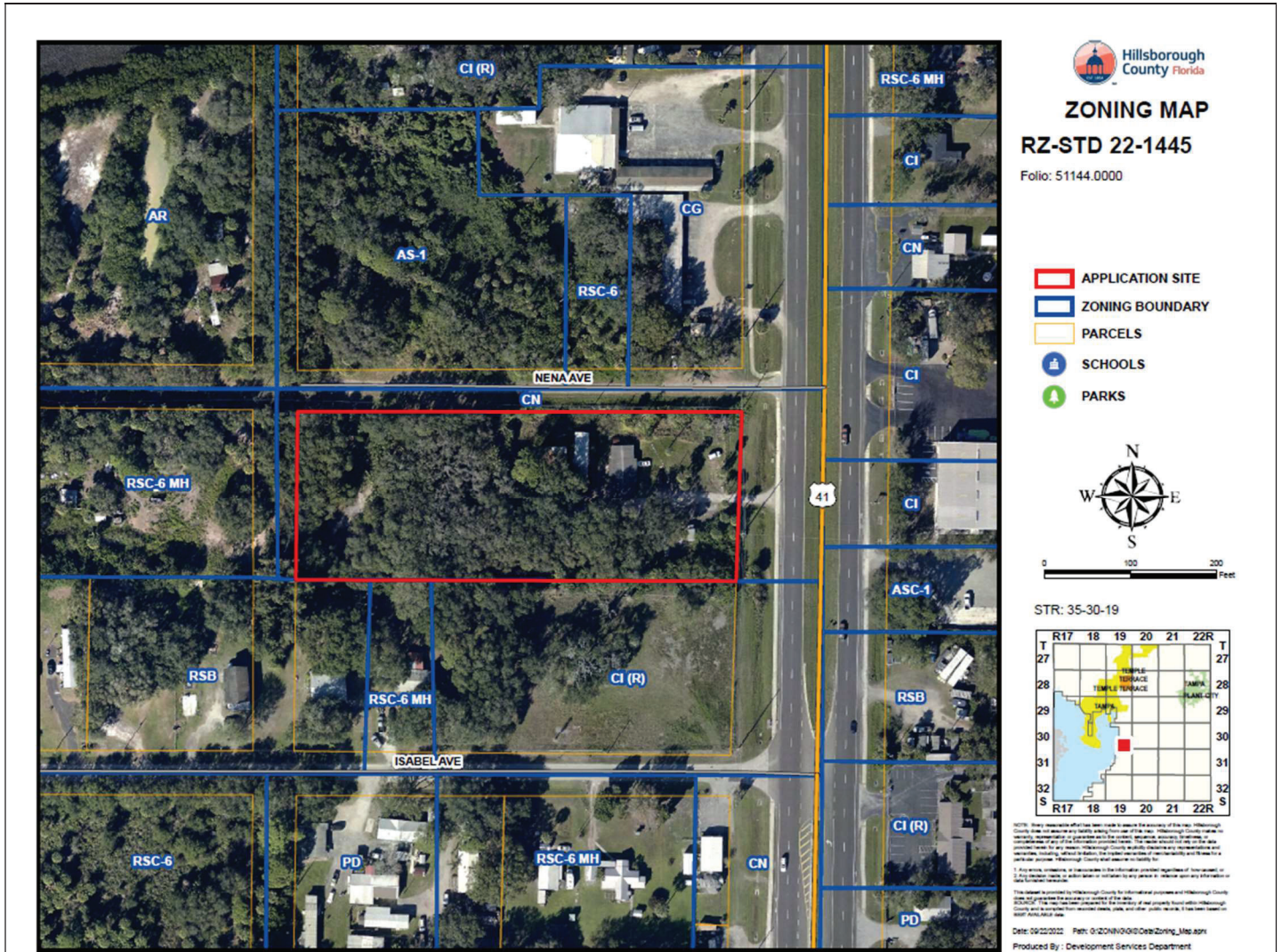
**2.2 Future Land Use Map**



Subject Site Future Land Use Category:	Office-Commercial 20 (OC-20)
Maximum Density/F.A.R.:	20 dwelling unit per Gross Acre (ga)/ 0.75 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, 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	CG	0.27 FAR	Commercial, Office and Personal Services	Commercial
	RSC-6	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Vacant
	AS-1	1 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Vacant
West	RSC-6 (MH)	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Single Family Residential

**Adjacent Zonings and Uses**

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
East	CI	F.A.R. 0.30	Commercial, Office and Personal Services	Commercial
South	CI(R)	F.A.R. 0.30	Contractor's office w/ open storage, warehousing	Vacant
	RSC-6 (MH)	6 du/1 ac	Single-family conventional and mobile home/ Agricultural and related uses.	Single-Family
	RSB	6 d.u./1 ac.	Show business uses, residential	Single-Family

**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
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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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Nena Avenue	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" 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	3,947	169	160
Proposed	5,796	246	213
Difference (+/-)	+1,849	+77	+53

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

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

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

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

**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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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>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 checked="" 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 checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 checked="" 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 Comment
<b>Impact/Mobility Fees</b>			
<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 type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**5.0 IMPLEMENTATION RECOMMENDATIONS**

**5.1 Compatibility**

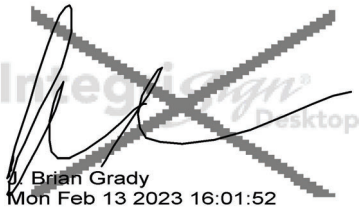
Staff finds the request CG zoning district compatible with the surrounding zoning and development pattern. The current CN zoning district on the parcel permits a range of commercial uses that are also permissible in the CG zoning district. The parcel is located on the west side of U.S. Hwy 41 in area with commercial zoning district and uses to the north, south and east.

**5.2 Recommendation**

Based on the above considerations, staff finds the request approvable.

**6.0 PROPOSED RESTRICTION:**

N/A

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

## **B. HEARING SUMMARY**

This case was heard by the Hillsborough County Land Use Hearing Officer on February 20, 2023. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

### **Applicant**

Mr. Ben Bengelloun spoke on behalf of the applicant. Mr. Bengelloun presented the rezoning request, responded to the hearing officer's questions, and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation. Mr. Bengelloun stated the intended use for the Subject Property is for an auto dealership and RV rental business.

### **Development Services Department**

Ms. Isis Brown, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record and responded to the hearing officer's questions as reflected in the hearing transcript attached to and made a part of this recommendation.

### **Planning Commission**

Ms. Karla Llanos, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

### **Proponents**

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

### **Opponents**

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

### **Development Services Department**

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

### **Applicant Rebuttal**

Mr. Bengelloun stated the applicant had nothing further.

The hearing officer closed the hearing RZ-STD 22-1445.

## **C. EVIDENCE SUBMITTED**

No additional documentary evidence was submitted to the record at the hearing.



#### **D. FINDINGS OF FACT**

1. The Subject Property consists of approximately 2.3 acres at 11553 South U.S. Highway 41, which is located on South U.S. Highway 41 and Nena Avenue in Gibson.
2. The Subject Property is designated OC-20 on the Future Land Use Map and is zoned CN. The Subject Property is within the Coastal High Hazard Area.
3. The Subject Property is located within the boundaries of the Gibsonton Community Plan and the South Shore Systems Plan and is within the Urban Services Area.
4. The Hillsborough County Property Appraiser's website shows the Subject Property is developed with an office building that was built in 1963 and manufactured home that was built in 1980.
5. The surrounding area consists of a mix of commercial uses and residential uses. North of the Subject Property is Nena Avenue, and north of Nena Avenue is a property zoned CG in commercial use and vacant land zoned AS-1 and RSC-6. West of the Subject Property is a parcel zoned RSC-6 (MH) in residential use developed with single-family uses. East of the Subject Property is U.S. 41 South, and east of the highway are properties zoned CI and ASC-1 that are in commercial uses. South of the Subject Property is a parcel zoned CI in commercial use, a parcel zoned RSC-6 (MH) in residential use, and a parcel zoned RSB in residential use.
6. The applicant is requesting to rezone the Subject Property from CN to CG. The applicant stated his intended use is for an auto dealership and RV rental business.
7. Development Services Department staff found the rezoning request compatible with the surrounding zoning and development pattern.
8. Planning Commission staff found the proposed rezoning consistent with the *Unincorporated Hillsborough County Comprehensive Plan* and consistent with the Gibsonton Community Plan and South Shore Areawide Systems Plan.

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

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

## F. CONCLUSIONS OF LAW

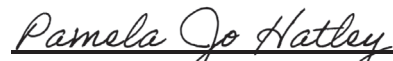
A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets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

## G. SUMMARY

The applicant is requesting to rezone the Subject Property from CN to CG.

## H. RECOMMENDATION

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

  
Pamela Jo Hatley PhD, JD  
Land Use Hearing Officer

March 13, 2023  
Date:

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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

BEFORE: PAMELA JO HATLEY  
Land Use Hearing Master

DATE: Monday, February 20, 2023

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

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

Reported via Cisco Webex Videoconference by:  
Samantha Kozlowski, CER

1 MR. GRADY: We'll go to the next item, that's C.2,  
2 rezoning standard 22-1445. The applicant's name is A&M  
3 Investment Trust, LLC. The request is a rezone from CM  
4 residential neighborhood to commercial general. Isis Brown will  
5 provide staff recommendation after presentation by the  
6 applicant.

7 MR. BENJAMIN: Good evening. My name is Ben Benjamin.  
8 And I'm trying to, you know, change the land use of --

9 THE CLERK: Can you state your address for the record,  
10 please?

11 MR. BENJAMIN: 2930 South 50th Street. And the  
12 address for this property is 11553 South 41 Highway.

13 So I own a dealership on 41 and Causeway and  
14 (inaudible) is taking it, you know, that -- and I bought this  
15 property and my partner is expecting to move my dealership to  
16 work. And (inaudible) different. And it's a small dealership,  
17 you know and I've been at taxpayer since 2013. And this  
18 dealership, you know, I like this place. Next door is a motel  
19 and the other place is a truck -- commercial truck parking,  
20 which is commercial. Across the street from me, it's a  
21 warehouse. And all of them (inaudible). And if you look, it's  
22 on 41 and it's a corner. And all the places next door of me  
23 are commercial general. So I don't see what's the reason why  
24 this cannot be commercial general. And we're willing to do  
25 whatever it takes to do it and -- and keep paying back taxes and

1 everything. If not, I don't know what I will do. That's what I  
2 have to say.

3 HEARING MASTER: Okay. Is that all?

4 MR. BENJAMIN: Yes, ma'am.

5 HEARING MASTER: All right. Thank you, sir. Please  
6 sign in. Thank you. All right. Development Services.

7 MS. BROWN: Good evening. Isis Brown,  
8 Development Services. The request is to rezone from the  
9 existing commercial neighborhood CN zoning district to CG  
10 commercial general zoning district. The proposed zoning for CG  
11 permits commercial, office and personal services development on  
12 lots of a minimum of 10,000 square feet. To the north of the  
13 property are property zoning CGRC-6 and AS-1. To the west, RC-6  
14 with a mobile home overlay district to the east CI. And to the  
15 south, there's a CI with restrictions. RSC-6 with a mobile home  
16 overlay and RSP.

17 Staff finds that the request for the CG zoning  
18 district is compatible to the surrounding areas and above the  
19 patterns. The current CN zoning district on the parcel permits  
20 for a range of commercial uses that are also committed in the CG  
21 zoning district. The parcel is located on the west, the west  
22 side of U.S. highway 41, in an area with commercial zoning  
23 district and uses to the north, south and --

24 Based on the above consideration, staff finds, that  
25 the request is approvable.

1 HEARING MASTER: Okay. Ms. Brown, just a quick  
2 question. And I know this is zoning request, not a PD, but the  
3 applicant just mentioned that he intends to put a dealership on  
4 this property. Is that an allowed use of CG?

5 MS. BROWN: Yes, it is, yes.

6 MR. GRADY: It is, yes.

7 HEARING MASTER: Okay. Thank you. That's it. Thank  
8 you. All right. Planning Commission.

9 MS. LLANOS: Karla Llanos with Planning Commission  
10 Staff? The 2.3 acres subject site is located on the west side  
11 of South 41, which is north of Isabel Avenue. Subject site is  
12 within the urban service area and it's within the limits of  
13 Gibsonton and Southshore Areawide Systems Community Plan. The  
14 applicant is requesting to rezone the subject site from  
15 commercial neighborhood to commercial general and again to be  
16 used as a car dealership and RV rental location.

17 Now, the subject site's future land use classification  
18 is office commercial 20. And typical uses within here are  
19 office uses, mixed use developments, some residential, as well.  
20 And OC-20 is located to the north, east and south of the subject  
21 site. Residential-6 is located to the west and a natural  
22 preservation is located to the southwest. The subject site is  
23 currently developed with like commercial uses. Like commercial  
24 uses that are located also to the north of the site. And to the  
25 south are vacant lands and to the west is single-family

1 residential dwellings. Like industrial uses are located to the  
2 east of the subject site across U.S. 41.

3 Now, the site is currently zoned again, commercial  
4 neighborhood. There are multiple commercial zoning districts  
5 within the -- the area. So you have commercial neighborhood,  
6 which is again, short for CN, commercial general, CG. And you  
7 have commercial intensive, which is CI, all along U.S. 41. To  
8 the west, you do have residential single-family conventional six  
9 and residential business and agricultural single-family located  
10 at the stie.

11 Now, the -- the subject property, it -- consistent  
12 with Policy 1.4, it's compatible with the existing character of  
13 the development area as the number of commercial zoning  
14 districts such as CN and CG and CR located around U.S. 41. And  
15 Objective 8 requires that the future land use map, you know, to  
16 include land use categories that are outlined in the maximum  
17 level of intensity and density range of the permitted land use.  
18 So it is consistent with the future land use category. It is  
19 consistent with neighborhood protection policies of Objective 16  
20 and the subsequent policies. The development pattern within  
21 that area includes a number of commercial zoning districts. A  
22 rezoning to CG would actually reflect the development pattern  
23 concentrates the most intense use is towards U.S. 41 on  
24 (inaudible) Road.

25 And then it also concentrates lesser intense uses for

1 the way to the west. The applicant intends on utilizing the  
2 subject site for a car dealership, as he previously mentioned,  
3 which enhances kind of an opportunity for business in the area.  
4 As the site is on U.S. 41, our rezoning to CG would also  
5 facilitate the enhancement of Gibsonton Community Plan. It  
6 meets Goal 4 of the area -- SouthShore Areawide Systems Plan and  
7 economic development objectives, which encourages activities  
8 that benefits residents, employees, employer, entrepreneurs,  
9 etcetera.

10 So overall, this rezoning would allow for an allotment  
11 that is consistent with the goals, objectives and the policies  
12 of the Unincorporated Hillsborough County Comprehensive Plan and  
13 it is compatible with the existing and plan development pattern  
14 found within the area.

15 HEARING MASTER: All right. Thank you very much. So  
16 we'll go to the public. Is there anyone here or online who  
17 wishes to speak in support of this application? I don't hear  
18 anyone.

19 Is there anyone here or online who wishes to speak in  
20 opposition to this application. I do not hear anyone. Back to  
21 Development Services, anything further?

22 MR. GRADY: Nothing further.

23 HEARING MASTER: All right. Applicant, did you have  
24 anything further you wish to add.

25 MR. BENJAMIN: I'm good. Thank you.



1 HEARING MASTER: Okay. That's it then. Thank you.  
2 This will close hearing on rezoning standard 22-1445.

3 MR. GRADY: Before we go onto the next time, I would  
4 ask the HD team, is the applicant for C.1, rezoning standard  
5 22-1221 online now, Mr. Wright?

6 UNIDENTIFIED SPEAKER: I have not seen anyone check  
7 in.

8 MR. GRADY: Okay. We received a message the  
9 applicant's going to be logging in shortly. So I would suggest  
10 we move on to the next item and then we can come back. And  
11 hopefully by then he will log in.

12 HEARING MASTER: All right. Thank you, Mr. Grady,  
13 that's what we'll do then.

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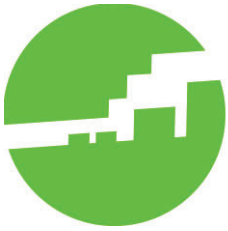
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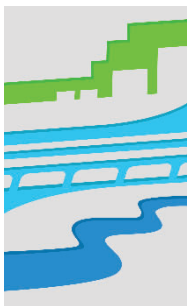
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**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> February 20, 2023  <b>Report Prepared:</b> February 8, 2023	<b>Petition: RZ 22-1445</b>  <b>11553 South 41 Highway</b>  <i>On the west side of South 41 Highway, north of Isabel Avenue.</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use</b>	<b>Office Commercial-20 (20 du/ga; 0.75 FAR)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan</b>	<b>Gibsonton &amp; Southshore Areawide Systems</b>
<b>Request</b>	Rezone from Commercial Neighborhood (CN) to Commercial General (CG) for the purpose of a car dealership and RV rental service
<b>Parcel Size (Approx.)</b>	2.3 +/- acres
<b>Street Functional Classification</b>	South US Highway 41 – <b>Arterial</b> Isabel Avenue – <b>Local</b>
<b>Locational Criteria</b>	N/A
<b>Evacuation Zone</b>	A



## **Context**

- The approximately 2.3 +/- acre subject site is located on the west side of South US 41 Highway, north of Isabel Avenue. The subject site is located within the Urban Service Area and is within the limits of the Gibsonton and Southshore Areawide Systems Community Plans. The subject site is in the Coastal High Hazard Area.
- The subject site's Future Land Use classification is Office Commercial-20 (OC-20) on the Future Land Use Map. Typical uses of OC-20 include community commercial type uses, office uses, mixed use developments, and compatible residential uses. OC-20 is located to the north, east and south of the site. Residential-6 (RES-6) is located to the west. Natural Preservation (N) is located to the southwest.
- The subject site is currently development with light commercial uses. Light commercial uses are located to the north of the site. To the south are vacant lands and to the west are single-family residential dwellings. Light Industrial uses are located east of the subject site across South US 41 Highway.
- The subject site is currently zoned as Commercial Neighborhood (CN). There are multiple commercial zoning districts such as Commercial Neighborhood (CN), Commercial General (CG) and Commercial Intensive (CI) along South US Highway 41. To the west is Residential Single Family Conventional-6 (RSC-6) and Residential Show Business (RSB). Agricultural Single-Family is located to the north of the site.
- The applicant is requesting to rezone the subject site from Commercial Neighborhood (CN) to Commercial General (CG) for use as a used car dealership and RV rental location.

### **Compliance with Comprehensive Plan:**

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

### ***Future Land Use Element***

#### ***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 16.3:** *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**

### **4.3 COMMERCIAL CHARACTER**

**GOAL 9:** Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.

#### **7.0 SITE DESIGN**

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

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

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

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

### **Livable Communities Element – Gibsonton Community Plan**

#### **4.ECONOMY**

**Goal 4a:** Gibsonton will enjoy appropriately-scaled commercial development by:

- Working with developers and the County to amplify the positive aspects of a large retail center at Gibsonton Drive and East Bay Road; and
- Enhancing the opportunities for small professional, businesses and specialty neighborhood retail along Gibsonton Drive and U.S. 41.

### **Livable Communities Element – SouthShore Areawide Systems Plan**

#### **Economic Development Objective**

The SouthShore community encourages activities that benefits residents, employers, employees, entrepreneurs, and businesses that will enhance economic prosperity and improve quality of life.

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

The 2.3 +/- acre subject site is located on the west side of South US Highway 41, north of Isabel Avenue. The subject site is located in the Urban Service Area. It is located within the limits of the Gibsonton and Southshore Areawide Systems Community Plans. The subject site's Future Land Use Classification on the Future Land Use Map (FLUM) is Office Commercial-20 (OC-20). The subject site is in the Coastal High Hazard Area. The applicant is requesting to rezone the subject site from Commercial Neighborhood (CN) to Commercial General (CG) use as a used car dealership and RV rental location.

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. 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 is proposing to commercial general uses within the Urban Service Area and is compatible with the existing character of development in the area as a number of commercial zoning districts such as CN, CG and CI are located along US Highway 41 South.

Objective 8 requires the Future Land Use Map to 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. According to Appendix A of the Future Land Use Element, the intent of the OC-20 Future Land Use Category is *“to recognize existing commercial and office centers and provide for future development opportunities. New retail development should be part of a mixed use development or be clustered at the intersections of major roadways. Retail uses should be discouraged outside of these nodes.”* Similarly, policies 8.1 and 8.2 require the character of each land use category to be evaluated for compliance with the goals, objectives, and policies of the Future Land Use Element and with applicable development regulations. OC-20 is located to the north, east and south of the site. Residential-6 (RES-6) is located to the west. Natural Preservation (N) is located to the southwest. The proposed rezoning meets the intent of the OC-20 category as it is anticipated in this future land use and is also located along a major roadway such as South US Highway 41.

According to Objective 9 and Policy 9.2 all new development must meet local, state and federal land development regulations. The Hillsborough County Development Services Department concludes that access to the subject site will be from Nena Avenue, a substandard roadway. The applicant will be required to improve Nena Ave to Hillsborough County standard from the project access on Nena Ave to US Highway 41 South prior to or concurrently with development of the subject site.

The proposed rezoning meets the intent of the Neighborhood Protection Policies of Objective 16 and policies 16.3 and 16.5. The development pattern of the surrounding area which includes a number of commercial zoning districts. A rezoning to CG would reflect a development pattern that concentrates the most intense uses towards US Highway 41 South, an arterial road, and lesser intense uses further away to the west.

The Community Design Component provides guidance on commercial developments. Goal 9 seeks to evaluate the creation of commercial design standards in a scale and design that complements the character of the community. Goal 17 encourages developments that improve the ambiance of commercial development in the county. Objective 17-1 and Policy 17.1-4 seek to facilitate patterns of development that are organized and purposeful. A rezoning to CG would reflect the current development patterns along US Highway 41 South and would therefore be consistent with the aforementioned goals and policies.

The subject site is in the limits of the Gibsonton Community Plan and meets the intent of Goal 4a which seeks to enjoy appropriately scaled commercial development by Enhancing the opportunities for small professional, businesses and specialty neighborhood retail along Gibsonton Drive and U.S. 41. The applicant intends on utilizing the subject stie for a car dealership and RV rental business which enhances the opportunity for business. As the site is on South US Highway 41, a rezoning to CG would facilitate this goal.

The subject site is also in the limits of the Southshore Areawide Systems Plan. The Economic Development Objective encourages activities that benefit residents, employers,

employees, entrepreneurs, and businesses. The applicant's intent to start a car dealership and RV rental service on the subject site helps facilitate this goal.

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

**Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE

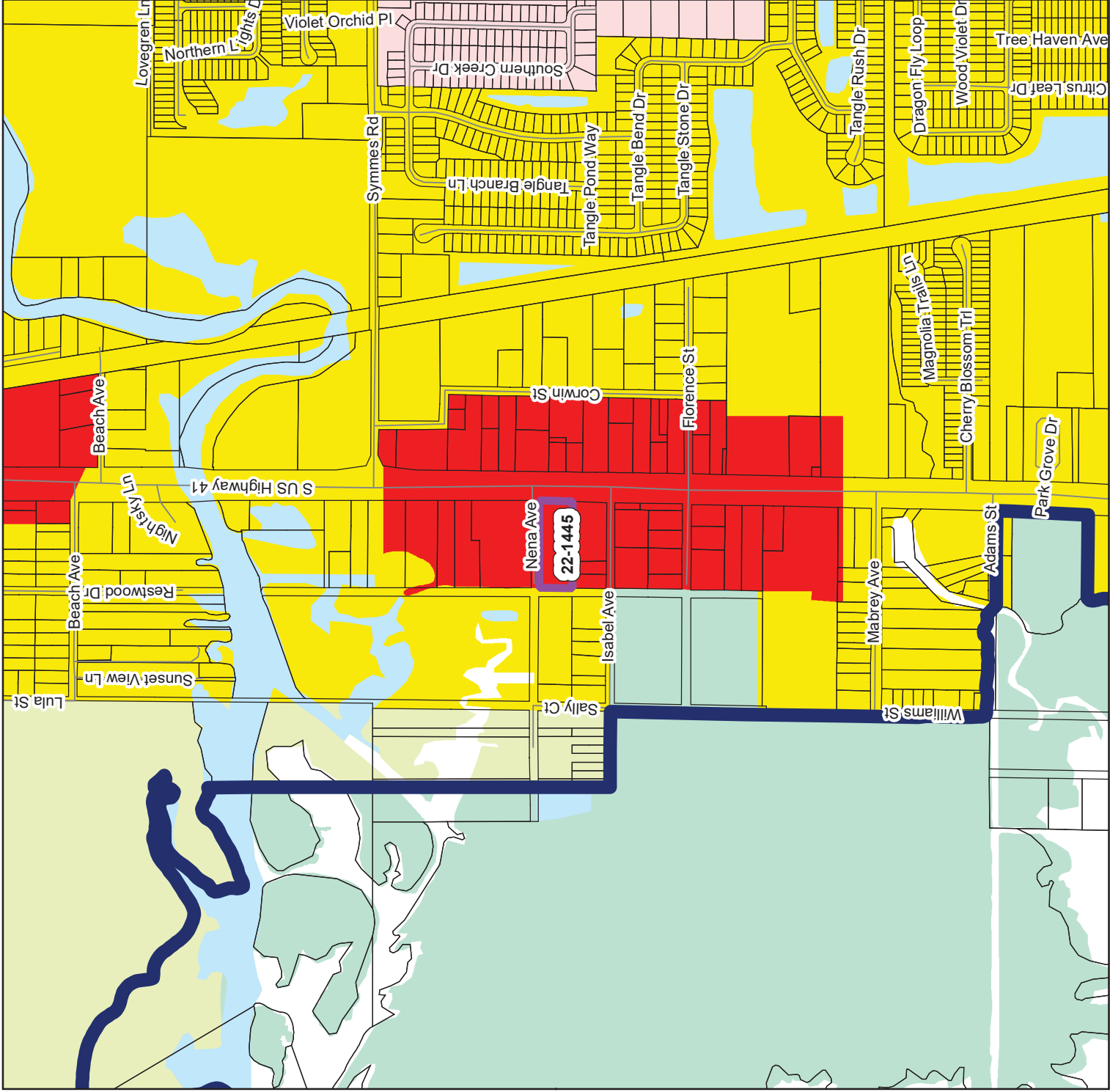
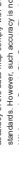
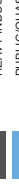
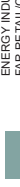
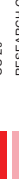
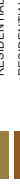
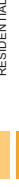
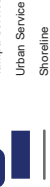
## RZ 22-1445

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Rezonings



STATUS



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. All boundaries and callouts are subject to change without specific approval of the Hillsborough County City/County Planning Commission. ACCURACY: It is intended that the information shown on this map is accurate to the best of our knowledge and belief. However, such accuracy is not guaranteed by the Hillsborough County City/County Planning Commission. This map is for illustrative purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 9/26/2022  
Author: Beverly F. Daniels  
File: G:\Rezoning\System\MapProjects\HC\Gren\_HzRezoning\_Copy.mxd







# **AGENCY COMMENTS**

**AGENCY REVIEW COMMENT SHEET**

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

**DATE:** 01/09/2023  
**AGENCY/DEPT:** Transportation  
**PETITION NO.:** STD 22-1445

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

**REPORT SUMMARY AND CONCLUSIONS**

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 1,849 average daily trips, 77 trips in the a.m. peak hour, and 53 trips in the p.m. peak hour.
- Access to the subject site will be from Nena Avenue. Nena Avenue is a substandard roadway. The applicant will be required to improve Nena Ave to Hillsborough County standard from the project access on Nena Ave to US Hwy 41 prior to or concurrently with development of the subject site.
- Transportation Review Section staff has no objection to the proposed rezoning.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone one parcel totaling +/- 2.33 acres from Commercial Neighborhood (CN) to Commercial General (CG). The site is located on the west side of US Hwy 41, on the southwest corner of the intersection of Nena Avenue and US Hwy 41. The Future Land Use designation of the site is Office Commercial - 20 (OC-20).

***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, 10<sup>th</sup> Edition.

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 10,000 sf Pharmacy/Drugstore with Drive - Through Window (ITE Code 881)	1,092	38	103
CN, 5,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	2,355	201	163
CN, 5,000 sf Drive in Bank (ITE Code 912)	500	48	102
Subtotal	3,947	287	368
<i>Less Internal Capture:</i>	Not Available	8	82
<i>Passerby Trips:</i>	Not Available	110	126
<i>Net External Trips:</i>	3,947	169	160

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 14,000 sf Pharmacy/Drugstore with Drive - Through Window (ITE Code 881)	1,528	54	144
CN, 5,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	2,355	201	98
CN, 5,000 sf Drive in Bank (ITE Code 912)	500	48	163
CN, 3,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	1,413	121	102
Subtotal	5,796	424	507
<i>Less Internal Capture:</i>	Not Available	10	114
<i>Passerby Trips:</i>	Not Available	168	180
<i>Net External Trips:</i>	5,796	246	213

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+1,849</b>	<b>+77</b>	<b>+53</b>

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 1,849 average daily trips, 77 trips in the a.m. peak hour, and 53 trips in the p.m. peak hour.

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on US Hwy 41 and Nena Avenue. US Hwy 41 is a 4-lane divided FDOT maintained, Principal Arterial roadway. US Hwy 41 lies within +/- 182 feet of Right of Way in the vicinity of the project. US Hwy 41 has sidewalks on both sides of the roadway within the vicinity of the project. Nena Avenue is a 2 lane, undivided, substandard, Hillsborough County maintained local roadway with +/- 12 feet of pavement. Nena Avenue lies within +/- 50 feet of Right of Way in the vicinity of the project. Nena Avenue does not have sidewalk, bike facilities of curb and gutter on either side of the roadway within the vicinity of the project.

**SITE ACCESS**

Access to the subject site will be from Nena Avenue. Nena Avenue is a substandard roadway. The applicant will be required to improve Nena Ave to Hillsborough County standard from the project access on Nena Ave to US Hwy 41 prior to or concurrently with development of the subject site.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information for adjacent roadway sections is reported below. Nena Avenue is not a regulated roadway and as such was not included in the Level of Service Report.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US Hwy 41	Big Bend Rd	Symmies Rd	D	C

Source: Hillsborough County 2020 Level of Service 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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Nena Avenue	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" 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	3,947	169	160
Proposed	5,796	246	213
Difference (+/-)	+1,849	+77	+53

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

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

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

4.0 Additional Site Information & Agency Comments Summary

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



Florida Department of Transportation

RON DESANTIS GOVERNOR

2822 Leslie Road Tampa, FL 33619

KEVIN J. THIBAUT, P.E. SECRETARY

March 23, 2021

THIS DOCUMENT IS NOT A PERMIT APPROVAL
THIS PRE-APPLICATION FINDING MAY NOT BE USED AS A BASIS FOR PERMIT APPROVAL AFTER 9/23/2021.

Re: PRE-APPLICATION REVIEW FOR ACCESS CONNECTION PERMIT REQUEST

Date: March 23, 2021
Time: 11:30 AM
Applicant: Brian Lynch
Project: Gibsonton Auto Lot Rezoning
Location: 11553 S US 41
County: Hillsborough
Folio#: 051144-0000

State Road#: 45
Section ID #: 10 060 000
Mile Post: 17.02
Road Class: 3
MPH: 55 MPH
DW/Sig Spacing: 660' 2640'
Median Spacing: 1320' 2640'



Dear Mr. Lynch,

A Pre-application review of the subject project was conducted by your request. The purpose of the Pre-application review is to educate both the applicant and the Department of the project, the scope of work being proposed, and the requirements to obtain a permit for allowed development or modifications connecting to the state Right of Way. After discussing the project and doing a thorough review of the documentation presented, the following comments are to be considered in the final design and we have determined that

- [x] We disapprove the concept as presented with the following considerations.
[ ] We approve the concept as presented with the following conditions/considerations.
[ ] We approve of the concept as submitted and we invite you to submit a permit application package to the Permit Office with engineering drawings that reflect the concept proposed in this meeting.
[ ] We are prepared to continue the review of the concept with the District Variance Committee.
[ ] We are prepared to continue the review of the concept as presented with the following considerations.

## **Project Access Conditions:**

This project proposes to rezone property with access to SR 45, a class 3 roadway, with a posted speed limit of 45 MPH. Florida Administrative Code, Rule Chapter 14-97, requires 440'' driveway spacing, 1320' directional, 2640' full median opening spacing, and 2640' signal spacing requirements. Therefore, connections would be considered non-conforming in accordance with the rule chapters 1996/97 for connection spacing.

## **FDOT Recommendations,**

1. Property was previously used for auto sales in the front of the property and truck storage in the back.
2. Developer is trying to change zoning from Commercial Neighborhood (CN) to Commercial Intensive (CI) to allow for truck storage; property is currently in not in compliance with current zoning.
3. Existing access on US-41 is non-conforming and non-compliant. The Department is not in favor of the site keeping access to US-41. Access should be taken from Nena.
4. Existing driveway to US-41 would need to be removed and ditch line will need to be restored.
5. Hillsborough County is in favor of the property taking access from Nena Avenue.
6. Nena Avenue currently does not meet standards and would need to be brought up to standards from the state road all the way to the far side of the new driveway.
7. None of the existing connections to the property meet the requirements for a CI use.
8. Sidewalk will need to be constructed along entire frontage of property per the County's requirements and the 90° turn in the sidewalk on the north side of Nena would need to be removed and reconstructed to be a gradual turn.
9. Cross access to the southern property would also be required via a stub-out and an easement.
10. Per the County, in addition to zoning change this site will also have to go thru site permitting with the County as this had not been done previously.
11. The site was originally under a residential zoning and does not appear to have been brought to the Department upon rezoning to CN. If the site were to serve as a residential driveway it could be considered a grandfathered connection, as that was the original use of the driveway prior to July 1, 1988.
12. Minimum throat depth for Nena to be able to add the new driveway would be a minimum of 125' from US-41 to meet County standards.
13. Nena would need to be widened to 24 width with (2-12' lanes) plus 5' shoulders on each side (34' minimum OAW) and 50' radii where it connects to US 41.
14. 5' paved shoulders need to wrap around from Nena and tie into the state road shoulders and R/W line.
15. Widening and reconstruction of Nena may require modifications to existing drainage infrastructure along the FDOT R/W and a drainage permit would also need to be applied for

along with the access permit. Feel free to contact the drainage office with any questions (there is an \* next to drainage staff in the attendee list below). Main #: 813-975-6000

16. A traffic study may be required if applying for an access permit, if the U-turn movement does not exceed 12 per hour, then a signed and sealed memo from the EOR will be sufficient.
17. Use 10<sup>th</sup> Generation ITE to determine total daily trip rate as well as outbound peak hourly rate per 1000 sqft of covered area/buildings.
  - a. This will be used to determine whether any turn lanes will be necessary. If more than 12 outbound trips are going to make a U-turn to go north a turn lane will be required.
18. Existing driveway is not for commercial use. It is for residential only. If used for commercial use, FDOT could enforce the upgrade or remove the access altogether.
19. **When applying** on-line, at <http://osp.fdot.gov>, we recommend using the Rule Chapter 14-96.005 "Check List" and the "Drainage Checklist" (attached with these notes) for completeness prior to submitting the permit application package. **This will save time during the review process.**
20. **Include a copy of this letter in the application submittal.**
21. **Plans shall be per the current Standard Plans and FDM.** The current Standard Plans as of July 1<sup>st</sup>, 2020 is the 2020-21 edition.
22. **Lighting of sidewalks and/or shared paths must be to current standards (FDM section 231). Newly implemented FDOT Context classifications updated the required sidewalk widths (FDM section 222.2.1.1). Where sidewalk is being added and/or widened, the lighting will be analyzed to ensure sidewalks are properly lighted per FDOT FDM standards. Reference the following link for details:** [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf_2)
23. Any relocation of utilities, utility poles, signs, or other agency owned objects must be coordinated with the Department and the existing and proposed location must be clearly labeled on the plans. Contact the Permits Department for more details and contact information.
24. Any project that falls within the limit of a FDOT project must contact project manager, provide a work schedule, and coordinate construction activities prior to permit approval. Contact the Permits Department for more details and contact information.
25. **All the following project identification information must be on the Cover Sheet of the plans:**
  - a. **All Associated FDOT Permit #(s)**
  - b. **SR # (& Local Road Name) and Road Section ID #**
  - c. **Mile Post # and Lt or Rt Roadway**
  - d. **Roadway Classification # and Speed Limit (MPH)**
26. All Plans and Documents submitted in OSP need to be **signed and sealed.**
27. **All plans must have stationing.**
28. The following FDOT Permits may additionally be required:
  - a. Access Permit / Construction Agreement
  - b. Drainage Permit or Exemption (Please contact Antonius Lebrun ([Antonius.Lebrun@dot.state.fl.us](mailto:Antonius.Lebrun@dot.state.fl.us)) should you have any questions.)

- c. Utility Permit – for any utility connections within the FDOT R/W (Except those that are exempt from permitting by the 2017 FDOT Utility Accommodation Manual).
- d. Temporary Access Permit

If you do not have access to a computer, and are unable to apply through our One Stop Permitting website, you must submit your application to,

**Florida Department of Transportation  
2822 Leslie Rd.  
Tampa, Fl. 33619  
Attn: Mecale' Roth**

Favorable review of the proposed generally means that you may develop plans complying with the review comments and submit them, within six months, to the Department for permit processing and further review. The Pre-application is for the applicant to discuss, with Department staff, the proposed site design for compliance and constructability in relation to the Standard Plans, and look at options, potential obstacles, or unforeseen issues. The review findings are not binding and are subject to change. The applicant's Engineer of Record is responsible for the technical accuracy of the plans. In keeping with the intent of the Rule, the Department will attempt to abide with the review comments to the extent that necessary judgment is available to the Permits Engineer. Unfavorable review generally means that a permit application, based on the design proposal, would likely be denied.

If you do not agree with Pre-Application meeting results and would like to schedule an AMRC meeting, contact Traffic Ops, David Ayala at 813-975-6717.  
For any other questions or assistance, please feel free to contact me.

Sincerely,

*Mecale' Roth*

Permit Coordinator II  
Tampa Operations  
Office - 813-612-3237  
Cell- 813-460-1121



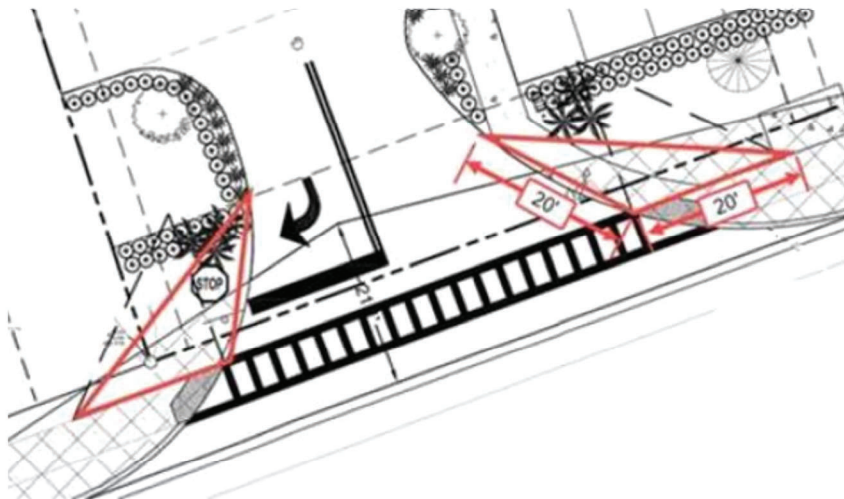
# Meeting Attendees:

**Guests-** Brian Lynch [hughblynch@gmail.com](mailto:hughblynch@gmail.com)  
Allison Lynch  
James Ratliff [ratliffJa@hillsboroughcounty.org](mailto:ratliffJa@hillsboroughcounty.org)

**FDOT-** Matt Campbell [matthew.Campbel@dot.state.fl.us](mailto:matthew.Campbel@dot.state.fl.us)  
Todd Crosby [douglas.crosby@dot.statae.fl.us](mailto:douglas.crosby@dot.statae.fl.us)  
Mecale' Roth [mecale.roth@dot.state.fl.us](mailto:mecale.roth@dot.state.fl.us)  
Holly Champion [holly.champion@dot.state.fl.us](mailto:holly.champion@dot.state.fl.us)  
Joel Provenzano [joel.provenzano@dot.state.fl.us](mailto:joel.provenzano@dot.state.fl.us)  
Lindsey Mineer [lindsey.mineer@dot.state.fl.us](mailto:lindsey.mineer@dot.state.fl.us)  
Dan Santos [daniel.santos@dot.state.fl.us](mailto:daniel.santos@dot.state.fl.us)  
Amanda Serra\* [amanda.serra@dot.state.fl.us](mailto:amanda.serra@dot.state.fl.us)  
Ahmad Chehab\* [ahmad.chehab@dot.state.fl.us](mailto:ahmad.chehab@dot.state.fl.us)

## Pedestrian Sight Triangles:

Driveways leading onto state roads need to have min. 20' x 20' clear 'pedestrian sight triangles' on each side of the driveway, at the edge of the sidewalk. It should be measured as 20' up the sidewalk and 20' up the driveway from the point at which the sidewalk meets the driveway. Nothing above 2' in height from the pavement elevation (except for the stop sign post) should be placed in these triangles. Also, no parking spaces should be in these triangles, not even partially. Please draw in and label these 'pedestrian sight triangles' on the plans. Here is an example of what these triangles look like and how they are positioned (see red triangles in the attached example)



# Plot Plan

11553 S US-41 Hwy, Gibsonton, FL 33534 – Folio 051144-0000

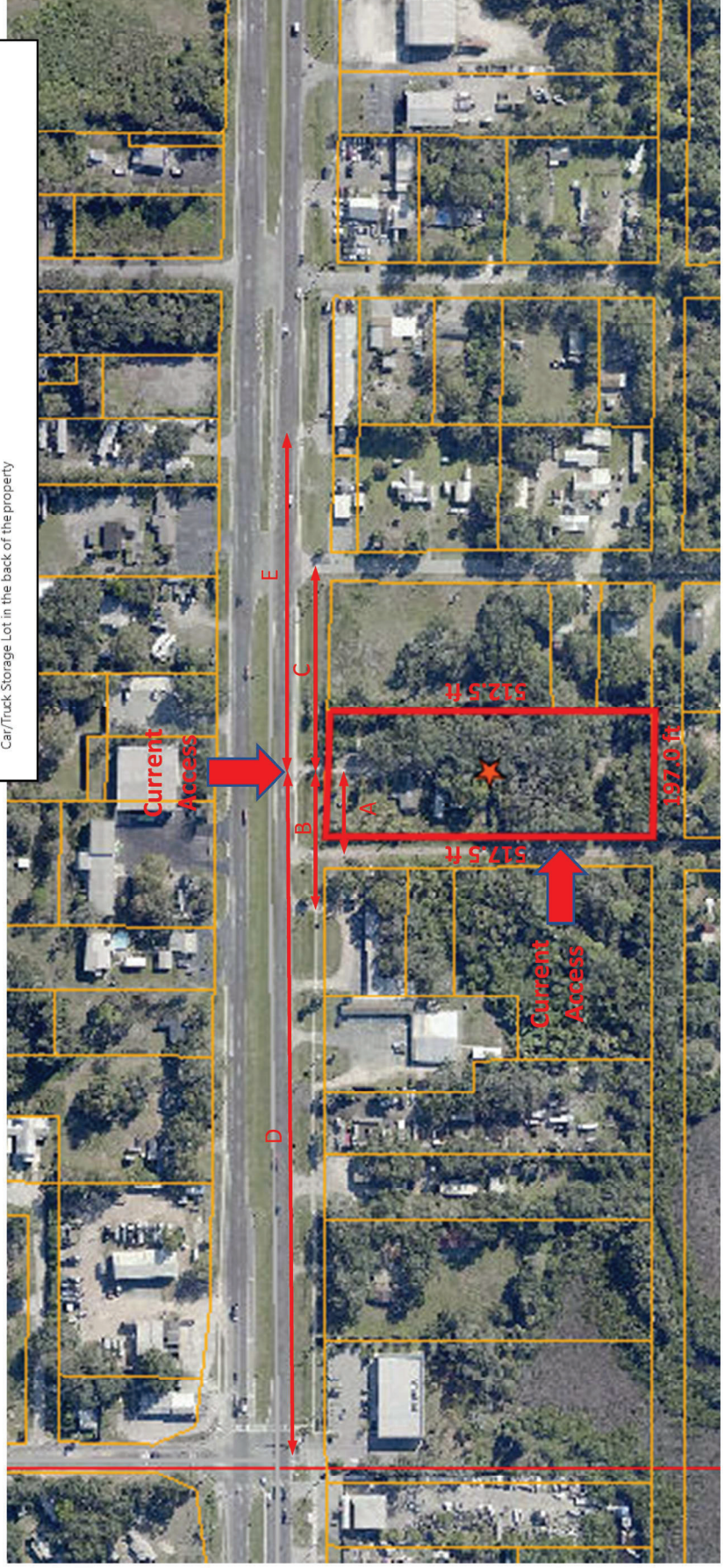
## Legal Description

Garden City Revised Map of Lots 1 and 2 less Hwy and Lots 3 to 8 Incl Block 8

Our objective is to have the property zoned to allow the open storage and sales of domestic and commercial vehicles as well as provide the flexibility to develop other commercial business on the property in the future. We will be restricting the uses allowed under the CI zone to those less intensive because the property is located next to a residential area. The current CN zoning is Commercial Neighborhood and doesn't allow for sales of domestic or commercial vehicles and doesn't allow outside storage. The CI zoning is for Commercial Intensive and allows for many uses including the sales or commercial and domestic vehicles and outside storage. The back half of the property is being used for open storage of commercial vehicles. The vehicles are stored until shipping has been arranged for them. The front half of the property is being used for domestic vehicle sales and open storage. The property has one office of 1600 sq ft and one mobile home of 1268 sq ft.  
 Car Sales Lot = ~ 12,000 sq ft  
 Car/Truck Storage = ~ 22,000 sq ft  
 Buildings = 2,868 sq ft  
 Peak Hour Volume Current - 6 trips per hour (20 trips per day)  
 Peak Hour Volume Future - 13 trips per hour (75 trips per day) based on Car Sales Lot in the front of the property and Car/Truck Storage Lot in the back of the property

## Connection distances along US-41

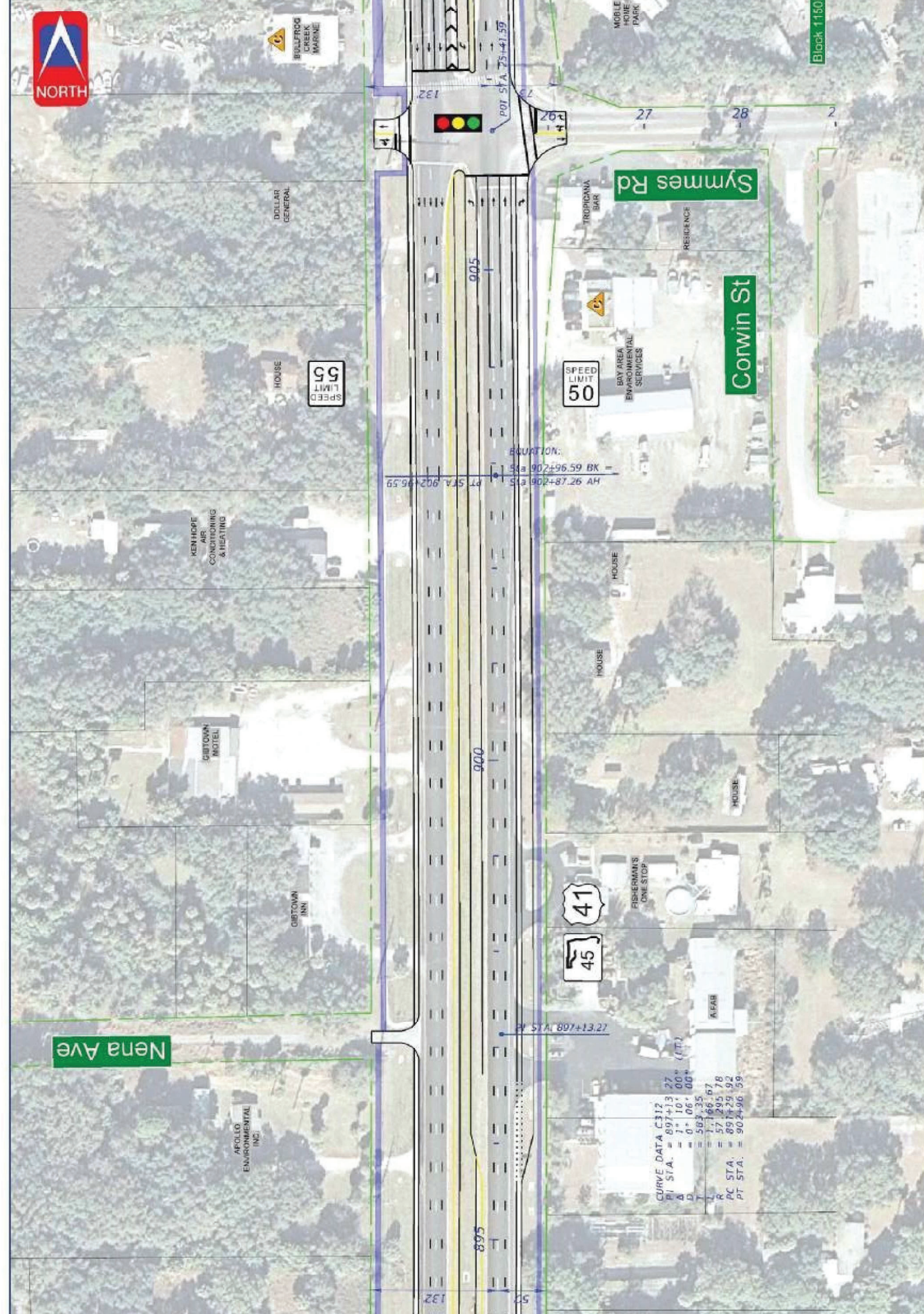
- A. Nena Ave to the North = 131 ft
- B. Property access connection to the North = 218 ft
- C. Isabel Ave to the South = 319 ft
- D. Symmes traffic light to the North = 1,083 ft
- E. Property access connection to the South = 523 ft





MATCH LINE STA. 908+00.00

MATCH LINE STA. 894+00.00



QUARTION:  
PT STA. 902+96.59 BX =  
54 902+87.26 AH

CURVE DATA C312  
PI STA. = 897+13.27 (IT)  
D = 1° 10' 00"  
A = 0° 06' 00"  
T = 583.35  
L = 1,168.67  
R = 57,295.78  
PC STA. = 897+23.96  
PT STA. = 902+96.59

**LEGEND**

- WETLANDS OR OTHER SURFACE WATER BOUNDARY
- POTENTIAL BUSINESS RELOCATION (B)
- POTENTIAL RESIDENTIAL RELOCATION (R)
- PROPOSED BRIDGE/WALL CULVERT EXTENSION
- PROPOSED ROADWAY
- SIDEWALK / PATH
- PROPERTY LINES
- EXISTING ROW
- PROPOSED ROW TO BE ACQUIRED
- CONTAMINATED SITE

Scale: 0 20 700 Feet  
DATE OF AERIAL: OCTOBER 2011

**AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC**  
2810 Cypress Ridge Blvd., Suite 200  
W. Palm Beach, FL 33411  
Phone: (813) 435-2600 Fax: (813) 435-2801  
Certificate of Authorization No. 9362  
Jeffrey S. Novotny, P.E. No. 51083

**US41 PD&E STUDY**  
**Kracker Ave to South of Causway Blvd (SR676)**  
**Concept Plans**  
WPI SEGMENT No.: 430056-1

SHEET NO. 6

**COMMISSION**

Mariella Smith CHAIR  
 Pat Kemp VICE-CHAIR  
 Harry Cohen  
 Ken Hagan  
 Gwendolyn “Gwen” W. Myers  
 Kimberly Overman  
 Stacy White



**DIRECTORS**

Janet D. Lorton EXECUTIVE DIRECTOR  
 Elaine S. DeLeeuw ADMIN DIVISION  
 Sam Elrabi, P.E. WATER DIVISION  
 Diana M. Lee, P.E. AIR DIVISION  
 Rick Muratti, Esq. LEGAL DEPT  
 Steffanie L. Wickham WASTE DIVISION  
 Sterlin Woodard, P.E. WETLANDS DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<b>HEARING DATE:</b> November 14, 2022  <b>PETITION NO.:</b> 22-1445  <b>EPC REVIEWER:</b> Abbie Weeks  <b>CONTACT INFORMATION:</b> (813)627-2600 X1101  <b>EMAIL:</b> <a href="mailto:weeksa@epchc.org">weeksa@epchc.org</a>	<b>COMMENT DATE:</b> October 14, 2022  <b>PROPERTY ADDRESS:</b> 11553 US 41 S, Gibsonton  <b>FOLIO #:</b> 0511440000  <b>STR:</b> 35-30S-19E
<b>REQUESTED ZONING:</b> From CN to CG	
FINDINGS	
<b>WETLANDS PRESENT</b>	NO
<b>SITE INSPECTION DATE</b>	10/14/2022
<b>WETLAND LINE VALIDITY</b>	N/A
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	N/A
<b>INFORMATIONAL COMMENTS:</b>  Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.  Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.	

aow/

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

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PETITION NO.: STD22-1445    REVIEWED BY: Randy Rochelle    DATE: 10/20/2022

FOLIO NO.: 51144.0000

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**WATER**

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 6 inch water main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the west Right-of-Way of S. US Highway 41. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

**WASTEWATER**

- The property lies within the \_\_\_\_\_ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 8 inch wastewater force main exists  (adjacent to the site),  (approximately 165 feet from the site) and is located east of the subject property within the east Right-of-Way of S. US Highway 41. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

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



# **VERBATIM TRANSCRIPT**

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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

ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY  
Land Use Hearing Master

DATE: Monday, February 20, 2023

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

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

Reported via Cisco Webex Videoconference by:  
Samantha Kozlowski, CER

1 MR. GRADY: We'll go to the next item, that's C.2,  
2 rezoning standard 22-1445. The applicant's name is A&M  
3 Investment Trust, LLC. The request is a rezone from CM  
4 residential neighborhood to commercial general. Isis Brown will  
5 provide staff recommendation after presentation by the  
6 applicant.

7 MR. BENJAMIN: Good evening. My name is Ben Benjamin.  
8 And I'm trying to, you know, change the land use of --

9 THE CLERK: Can you state your address for the record,  
10 please?

11 MR. BENJAMIN: 2930 South 50th Street. And the  
12 address for this property is 11553 South 41 Highway.

13 So I own a dealership on 41 and Causeway and  
14 (inaudible) is taking it, you know, that -- and I bought this  
15 property and my partner is expecting to move my dealership to  
16 work. And (inaudible) different. And it's a small dealership,  
17 you know and I've been at taxpayer since 2013. And this  
18 dealership, you know, I like this place. Next door is a motel  
19 and the other place is a truck -- commercial truck parking,  
20 which is commercial. Across the street from me, it's a  
21 warehouse. And all of them (inaudible). And if you look, it's  
22 on 41 and it's a corner. And all the places next door of me  
23 are commercial general. So I don't see what's the reason why  
24 this cannot be commercial general. And we're willing to do  
25 whatever it takes to do it and -- and keep paying back taxes and



1 everything. If not, I don't know what I will do. That's what I  
2 have to say.

3 HEARING MASTER: Okay. Is that all?

4 MR. BENJAMIN: Yes, ma'am.

5 HEARING MASTER: All right. Thank you, sir. Please  
6 sign in. Thank you. All right. Development Services.

7 MS. BROWN: Good evening. Isis Brown,  
8 Development Services. The request is to rezone from the  
9 existing commercial neighborhood CN zoning district to CG  
10 commercial general zoning district. The proposed zoning for CG  
11 permits commercial, office and personal services development on  
12 lots of a minimum of 10,000 square feet. To the north of the  
13 property are property zoning CGRC-6 and AS-1. To the west, RC-6  
14 with a mobile home overlay district to the east CI. And to the  
15 south, there's a CI with restrictions. RSC-6 with a mobile home  
16 overlay and RSP.

17 Staff finds that the request for the CG zoning  
18 district is compatible to the surrounding areas and above the  
19 patterns. The current CN zoning district on the parcel permits  
20 for a range of commercial uses that are also committed in the CG  
21 zoning district. The parcel is located on the west, the west  
22 side of U.S. highway 41, in an area with commercial zoning  
23 district and uses to the north, south and --

24 Based on the above consideration, staff finds, that  
25 the request is approvable.

1 HEARING MASTER: Okay. Ms. Brown, just a quick  
2 question. And I know this is zoning request, not a PD, but the  
3 applicant just mentioned that he intends to put a dealership on  
4 this property. Is that an allowed use of CG?

5 MS. BROWN: Yes, it is, yes.

6 MR. GRADY: It is, yes.

7 HEARING MASTER: Okay. Thank you. That's it. Thank  
8 you. All right. Planning Commission.

9 MS. LLANOS: Karla Llanos with Planning Commission  
10 Staff? The 2.3 acres subject site is located on the west side  
11 of South 41, which is north of Isabel Avenue. Subject site is  
12 within the urban service area and it's within the limits of  
13 Gibsonton and Southshore Areawide Systems Community Plan. The  
14 applicant is requesting to rezone the subject site from  
15 commercial neighborhood to commercial general and again to be  
16 used as a car dealership and RV rental location.

17 Now, the subject site's future land use classification  
18 is office commercial 20. And typical uses within here are  
19 office uses, mixed use developments, some residential, as well.  
20 And OC-20 is located to the north, east and south of the subject  
21 site. Residential-6 is located to the west and a natural  
22 preservation is located to the southwest. The subject site is  
23 currently developed with like commercial uses. Like commercial  
24 uses that are located also to the north of the site. And to the  
25 south are vacant lands and to the west is single-family

1 residential dwellings. Like industrial uses are located to the  
2 east of the subject site across U.S. 41.

3 Now, the site is currently zoned again, commercial  
4 neighborhood. There are multiple commercial zoning districts  
5 within the -- the area. So you have commercial neighborhood,  
6 which is again, short for CN, commercial general, CG. And you  
7 have commercial intensive, which is CI, all along U.S. 41. To  
8 the west, you do have residential single-family conventional six  
9 and residential business and agricultural single-family located  
10 at the stie.

11 Now, the -- the subject property, it -- consistent  
12 with Policy 1.4, it's compatible with the existing character of  
13 the development area as the number of commercial zoning  
14 districts such as CN and CG and CR located around U.S. 41. And  
15 Objective 8 requires that the future land use map, you know, to  
16 include land use categories that are outlined in the maximum  
17 level of intensity and density range of the permitted land use.  
18 So it is consistent with the future land use category. It is  
19 consistent with neighborhood protection policies of Objective 16  
20 and the subsequent policies. The development pattern within  
21 that area includes a number of commercial zoning districts. A  
22 rezoning to CG would actually reflect the development pattern  
23 concentrates the most intense use is towards U.S. 41 on  
24 (inaudible) Road.

25 And then it also concentrates lesser intense uses for

1 the way to the west. The applicant intends on utilizing the  
2 subject site for a car dealership, as he previously mentioned,  
3 which enhances kind of an opportunity for business in the area.  
4 As the site is on U.S. 41, our rezoning to CG would also  
5 facilitate the enhancement of Gibsonton Community Plan. It  
6 meets Goal 4 of the area -- SouthShore Areawide Systems Plan and  
7 economic development objectives, which encourages activities  
8 that benefits residents, employees, employer, entrepreneurs,  
9 etcetera.

10 So overall, this rezoning would allow for an allotment  
11 that is consistent with the goals, objectives and the policies  
12 of the Unincorporated Hillsborough County Comprehensive Plan and  
13 it is compatible with the existing and plan development pattern  
14 found within the area.

15 HEARING MASTER: All right. Thank you very much. So  
16 we'll go to the public. Is there anyone here or online who  
17 wishes to speak in support of this application? I don't hear  
18 anyone.

19 Is there anyone here or online who wishes to speak in  
20 opposition to this application. I do not hear anyone. Back to  
21 Development Services, anything further?

22 MR. GRADY: Nothing further.

23 HEARING MASTER: All right. Applicant, did you have  
24 anything further you wish to add.

25 MR. BENJAMIN: I'm good. Thank you.

1 HEARING MASTER: Okay. That's it then. Thank you.  
2 This will close hearing on rezoning standard 22-1445.

3 MR. GRADY: Before we go onto the next time, I would  
4 ask the HD team, is the applicant for C.1, rezoning standard  
5 22-1221 online now, Mr. Wright?

6 UNIDENTIFIED SPEAKER: I have not seen anyone check  
7 in.

8 MR. GRADY: Okay. We received a message the  
9 applicant's going to be logging in shortly. So I would suggest  
10 we move on to the next item and then we can come back. And  
11 hopefully by then he will log in.

12 HEARING MASTER: All right. Thank you, Mr. Grady,  
13 that's what we'll do then.

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Zoning Hearing Master Hearing  
January 17, 2023

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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

BEFORE:           SUSAN FINCH  
                  Land Use Hearing Master

DATE:             Tuesday, January 17, 2023

TIME:             Commencing at 6:04 p.m.  
                  Concluding at 11:35 p.m.

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

Zoning Hearing Master Hearing  
January 17, 2023

1           Item A.18, Rezoning PD 22-1337. This application  
2 is -- is being continued by the applicant to the February 20,  
3 2023 Zoning Hearing Master Hearing.

4           Item A.19, major mod application 22-1340. This  
5 application is out of order to be heard and is being continued  
6 to the February 20, 2023 Zoning Hearing Master Hearing.

7           Item A.20, Rezoning PD 22-1388. This application is  
8 being withdrawn from the Zoning Hearing Master process.

9           Item A.21, Rezoning PD 22-1390. This application is  
10 out of order to be heard and is being continued to the  
11 February 20, 2023 Zoning Hearing Master Hearing.

12           Item A.22, major mod application 22-1392. This  
13 application is being continued by the applicant to the  
14 February 20, 2023 Zoning Hearing Master Hearing.

15           Item A.23, Rezone PD 22-1401. This application is out  
16 of order to be heard and is being continued to the  
17 February 20, 2023 Zoning Hearing Master Hearing.

18           Item A.24, Rezoning Standard 22-1431. This  
19 application is out of order to be heard and is being continued  
20 to the February 20, 2023 Zoning Hearing Master Hearing.

21           Item A.25, Rezoning Standard 22-1445. This  
22 application is being continued by staff to the February 20, 2023  
23 Zoning Hearing Master Hearing.

24           Item A.26, Rezoning PD 22-1497. This application is  
25 out of order to be heard and is being continued to the

Zoning Master Hearing  
December 12, 2022

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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

BEFORE:                  PAMELA JO HATLEY  
                                  Land Use Hearing Master

DATE:                    Monday, December 12, 2022

TIME:                    Commencing at 6:04 p.m.  
                                  Concluding at 9:15 p.m.

Reported via Cisco Webex Videoconference by:  
Vicki Parent, CER No. 1255



Zoning Master Hearing  
December 12, 2022

1 out of order to be heard and is being continued to the  
2 January 17, 2023 Zoning Hearing Master Hearing.

3 Item A.25, Rezoning PD 22-1330. This application is  
4 being continued by the applicant to the January 17, 2023 Zoning  
5 Hearing Master Hearing.

6 Item A.26, Rezoning PD 22-1337. This application is  
7 being continued by the applicant to the January 17, 2023 Zoning  
8 Hearing Master Hearing.

9 Item A.27, Rezoning PD 22-1338. This application is  
10 being continued by the applicant to the January 17, 2023 Zoning  
11 Hearing Master Hearing.

12 Item A.28, Major Mod application 22-1340. This  
13 application is being continued by the applicant to the  
14 January 17, 2023 Zoning Hearing Master Hearing.

15 Item A.29, Rezoning PD 22-1388. This application is  
16 out of order to be heard and is being continued to the  
17 January 17, 2023 Zoning Hearing Master Hearing.

18 Item A.30, Rezoning PD 22-1390. This -- this  
19 application is out of order to be heard and is being continued  
20 to the January 17, 2023 Zoning Hearing Master Hearing.

21 Item A.31, Major Mod application 22-1392. This  
22 application is -- is being continued by staff to the  
23 January 17, 2023 Zoning Hearing Master Hearing.

24 Item A.32 May -- Rezoning Standard 22-1445. This  
25 application is out of order to be heard and is being continued

Zoning Master Hearing  
December 12, 2022

1 to the January 17, 2023 Zoning Hearing Master Hearing.

2 And the last item is Item A.33, Rezoning Standard  
3 22-1505. This application is being withdrawn from the Zoning  
4 Hearing Master Process.

5 That concludes all withdrawals and continuance.

6 HEARING MASTER: All right. Thank you, Mr. Grady.

7 All right. So I'm going to go over some meeting procedures for  
8 this evening. First of all, the agenda tonight consist of items  
9 that require a public hearing by hearing master before going to  
10 the Board of County Commissioners for the final decision. I  
11 will conduct a hearing on each item today and will submit a -- a  
12 written recommendation. My written recommendation will be filed  
13 with the clerk of the board within 15 working days after the  
14 conclusion of today's public hearing.

15 The Board of County Commissioners will consider the  
16 record of today's public hearing and my recommendation and will  
17 make the final decision on the application at a publicly noticed  
18 meeting on a date and time set by the Board of County  
19 Commissioners. The hearings today will be informal. I will ask  
20 questions related to the scope of the direct testimony and may  
21 call and question witnesses as I deem appropriate. I will -- I  
22 will decide all questions of procedure. I will take evidence,  
23 but will exclude evidence that is irrelevant, immaterial or  
24 unduly repetitious. Evidence may be presented in written form  
25 and all testimony shall be under oath. Hearsay evidence may be

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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

BEFORE: Susan Finch, Zoning Hearing Master  
Land Use Hearing Master

DATE: Monday, November 14, 2022

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

Reported via Cisco Webex Videoconference by:  
LaJon Irving, CER No. 1256

1 January 17, 2020 -- 2023 zoning hearing master hearing.

2 And item A.39 Rezoning Standard 22-1445. This  
3 application is out of order to be heard and is being continued  
4 to the December 12, 2022 zoning hearing master hearing.

5 That concludes all withdrawals and continuance.

6 HEARING MASTER: All right. Thank you so much,  
7 Mr. Grady. I appreciate it.

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

15 Our hearing tonight is informal. I'll ask questions  
16 related to the scope of direct testimony. I may call and  
17 question witnesses as I deem appropriate and I will decide all  
18 questions of procedure. I'll take evidence, but will exclude  
19 evidence that is irrelevant, immaterial -- immaterial or unduly  
20 repetitious. Evidence may be presented in written form and all  
21 testimony must be under oath.

22 Hearsay evidence may be used to supplement or explain  
23 other evidence, but shall not be sufficient alone to support a  
24 finding by me unless it would be admissible over our objections  
25 in a civil action.



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

**NONE**



**PARTY OF  
RECORD**

**NONE**