

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

Zoning Hearing Master Date: February 20, 2023

BOCC Land Use Meeting Date: April 11, 2023

1.0 APPLICATION SUMMARY

Applicant: Bremalie Homes, LLC

FLU Category: Residential-1 (R-1)

Service Area: Rural

Site Acreage: 4.45 MOL

**Community
Plan Area:** Seffner Mango

Overlay: None

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



Introduction Summary:

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

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

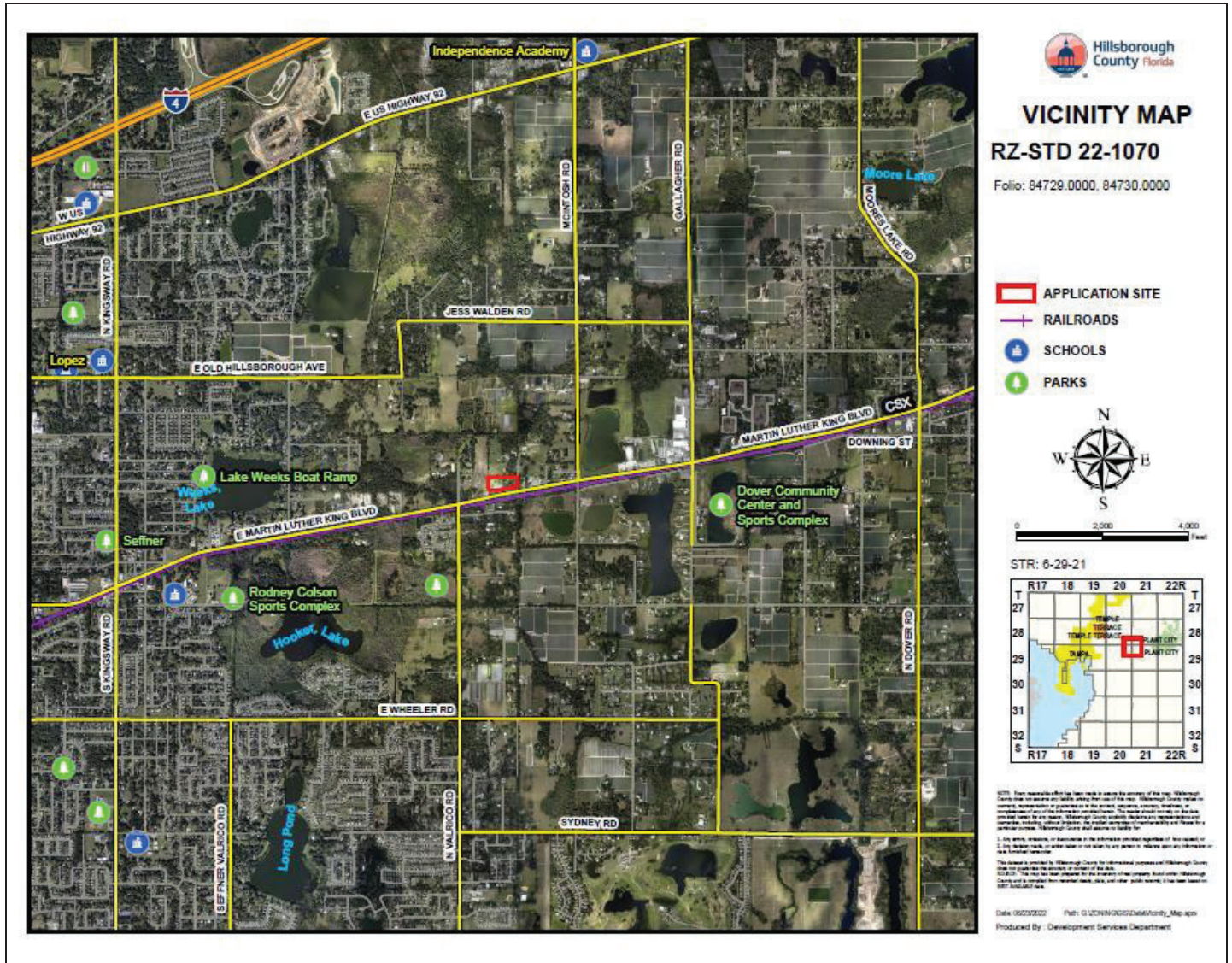
*number represents a pre-development approximation

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

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

2.1 Vicinity Map

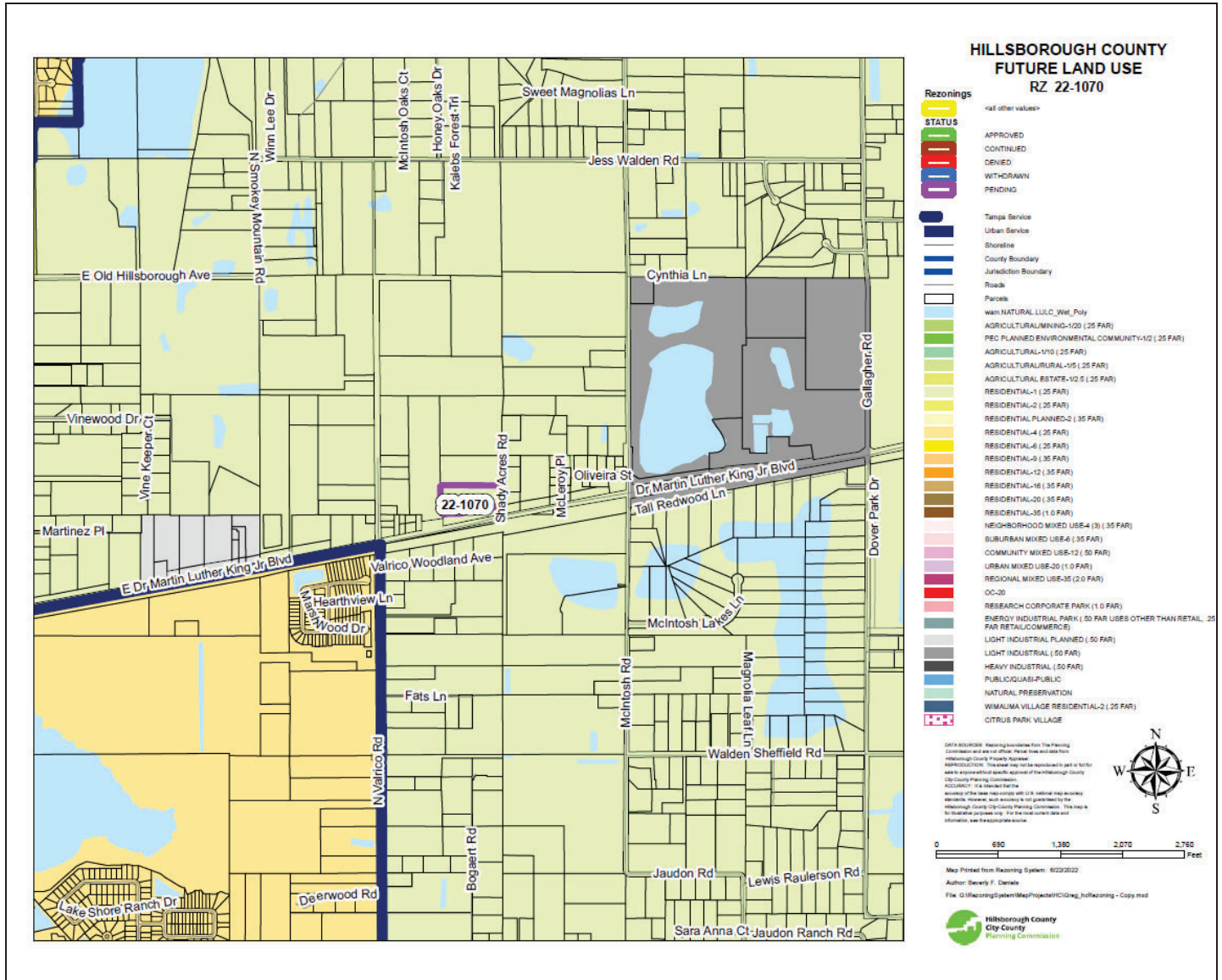


Context of Surrounding Area:

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

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



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

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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Martin Luther King Blvd.	FDOT Principal Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Shady Acres Road	Private	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	38	3	4
Proposed	N/A	68	179
Difference (+/-)	N/A	(+)65	(+)175

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

Connectivity and Cross Access Not applicable for this request

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

Notes:

Design Exception/Administrative Variance Not applicable for this request

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

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

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

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

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

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

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

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

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


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

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

5.2 Recommendation

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

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

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

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

6.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

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

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

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 65 trips in the a.m. peak hour, and 175 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

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

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s Trip Generation Manual, 10th Edition.

Approved Zoning:

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

Proposed Zoning:

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

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

Trip Generation Difference:

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

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

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

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

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

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd. During the site review process, any access from the subject site to Shady Acres Road shall be closed, as it is a private residential roadway. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

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

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



**Hillsborough County
City-County
Planning Commission**

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



Context

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

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Rural Area

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

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

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

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

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

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

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

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

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

Community Planning

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

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

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

Commercial Locational Criteria

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

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

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

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

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

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

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

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

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

Community Design Component

4.3 COMMERCIAL CHARACTER

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

Policy 9-1.2: Avoid "strip" development patterns for commercial uses.

LIVABLE COMMUNITIES ELEMENT: SEFFNER MANGO COMMUNITY PLAN

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

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

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

Strategies:

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

Staff Analysis of Goals, Objectives and Policies

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

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

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

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

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

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

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

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

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

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ 22-1070

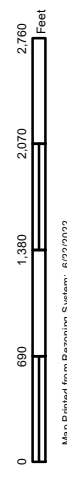
Rezonings
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

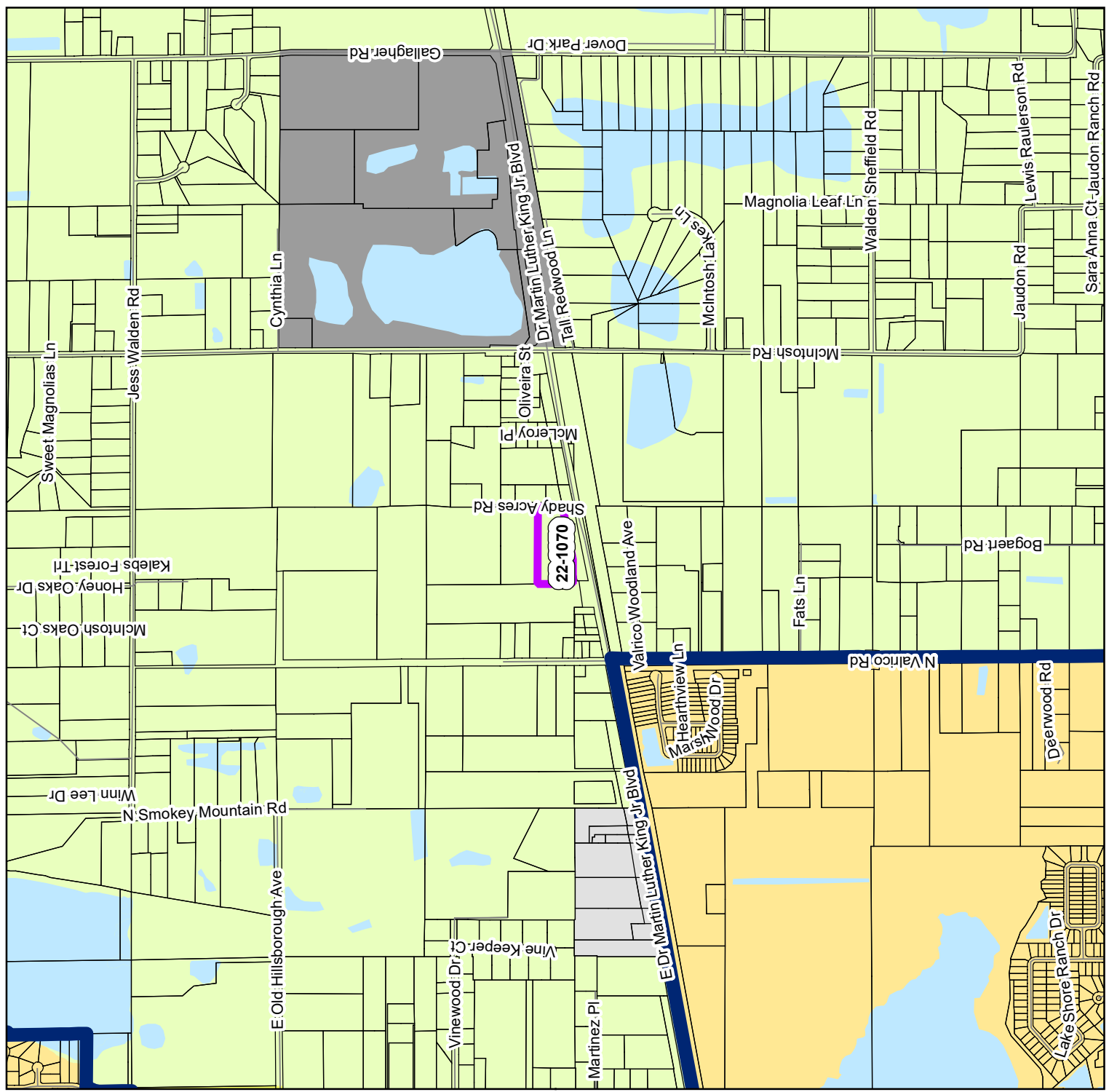
- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- WATER
- NATURAL LULC, Wet Poly
- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-RURAL-1/10 (.25 FAR)
- AGRICULTURAL-ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

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



Map Printed from Rezoning System: 6/22/2022
 Author: Beverly F. Daniels
 File: G:\Rezonings\System\MapProjects\H\Color_H\Rezoning_Copy.mxd



PRIOR RECORD

CAPTIONING
NOVEMBER 3, 2022
HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS
LAND USE MEETING

*****This is not an official, verbatim transcript of the
***following meeting. It should be used for informational
***purposes only. This document has not been edited;
***therefore, there may be additions, deletions, or words
***that did not translate.**

>> MARIELLA SMITH: GOOD MORNING AND WELCOME TO THE
HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS LAND USE
MEETING.

WILL EVERYONE PLEASE RISE FOR THE PLEDGE OF ALLEGIANCE
WHICH WILL BE FOLLOWED BY AN INVOCATION GIVEN BY OUR
CHAPLAIN, COMMISSIONER STACY WHITE.

>> STACY WHITE: THANK YOU, MADAM CHAIR.

I'LL ASK THAT YOU PLEASE STAND IF YOU'RE ABLE TO.

IF NOT, THERE'S A LINK TO THE AMERICAN FLAG.

ATTENTION, SALUTE, PLEDGE.

[PLEDGE OF ALLEGIANCE]

HEAVENLY FATHER, I PRAY THAT YOU WILL GUIDE THIS BOARD, OUR
STAFF, AND STAKEHOLDERS AS WE MAKE IMPORTANT DECISIONS THIS
MORNING ON A FINITE RESOURCE.

I PRAY THAT YOU WILL GUIDE US IN SUCH A WAY THAT WE THINK

THANK YOU VERY MUCH.

WITH THAT WE'LL MOVE ONTO F 3.

>> AGENDA ITEM F 3 IS REZONING STANDARD 22-1070.

THE APPLICANT IS BERMALIE HOMES LLC.

THE REQUEST IS TO REZONE A 4.445-ACRE PARCEL LOCATED ON NORTHWEST OF MARTIN LUTHER KING BOULEVARD AND SHADY ACRES ROAD INTERSECTION.

THE REQUEST IS TO REZONE FROM AGRICULTURAL SINGLE-FAMILY CONVENTIONAL 1 TO COMMERCIAL GENERAL.

AGAIN, THE AREA IS IN THE SEFFNER MANGO COMMUNITY PLANNING AREA.

AS YOU'LL NOTE FROM THE AGENDA, THE APPLICATION IS NOT BEING SUPPORTED BY DEVELOPMENT SERVICES, FOUND INCONSISTENT, BY THE PLANNING COMMISSION, AND NOT RECOMMENDED FOR APPROVAL BY THE HEARING OFFICER.

ISSUES CONCERNING THE FACT THAT THE LOCATION DOES NOT MEET LOCATIONAL CRITERIA, AND INCONSISTENCY FINDINGS WITH THE SEFFNER COMMUNITY PLAN WHICH WILL BE OUTLINED BY THE PLANNING COMMISSION.

THOSE RESULTED IN COMPATIBILITY ISSUES WITH THE SURROUNDING ZONING AND DEVELOPMENT PATTERN THERE, AND THEREFORE, RESULT IN AN A NOT SUPPORT RECOMMENDATIONS.

STAFF'S AVAILABLE FOR ANY QUESTIONS.

THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU.

WITH THAT, WE WILL HEAR FROM THE APPLICANT.

IS THE APPLICANT PRESENT TO PRESENT?

>> GOOD MORNING, MADAM CHAIR, COMMISSIONERS.

TODD PRESSMAN, 200 SECOND AVENUE SOUTH, NUMBER 451,
ST. PETERSBURG.

THIS IS 22-1070.

NEXT SLIDE, PLEASE.

LOCATED IN THE SEFFNER MANGO AREA.

NEXT SLIDE, PLEASE.

A LITTLE CLOSER, AS EXISTS ALONG DR. MARTIN LUTHER KING
DRIVE.

NEXT SLIDE, PLEASE.

THIS IS THE PARCEL YOU SEE THAT THERE IS ACTIVITY ON IT.
IT'S BEEN ACTIVITY ON IT FOR QUITE SOMETIME, AND YOU CAN
SEE FROM THE AERIAL THAT THERE ARE VERY INTENSIVE USES
ABUTTING THE SITE ON BOTH SIDES.

NEXT SLIDE, PLEASE.

IT'S COMPOSED OF THESE TWO PARCELS.

NEXT SLIDE, PLEASE.

THIS IS A PHOTOGRAPH OF THE EXISTING SITE.

AS YOU CAN SEE IT'S PRETTY INTENSIVE AS IT CURRENTLY
EXISTS.

NEXT SLIDE, PLEASE.

SO WE'RE REQUESTING TO REZONE FROM ASC-1 TO CG.

NEXT SLIDE, PLEASE.

WHEN YOU LOOK AT THE ZONING MAP YOU WILL SEE THAT THERE IS INTENSITY.

THE SITE IS NOTED IN THE WHITE LETTERS SITE, A LITTLE BIT TO THE LEFT.

YOU'LL NOTE ABUTTING NEXT DOOR IS A RADIO TOWER COMPLEX, WHICH I'LL SHOW YOU SOME PHOTOS OF.

THEN WE HAVE A CG, A CN, AND A PDC, AND FURTHER DOWN WE HAVE MANUFACTURING ALONG THIS ROADWAY.

NEXT SLIDE, PLEASE.

THAT INCLUDES TRUCKS AND RENTALS AND AGAIN THE RADIO TOWER COMPLEX.

NEXT SLIDE, PLEASE.

THE PDC WAS AN APPROVAL FROM SOMETIME AGO IN 88.

NEXT SLIDE, PLEASE.

SO ABUTTING IMMEDIATELY ON THE WEST IS A RADIO TOWER COMPLEX.

YOU'LL SEE THERE'S THREE ANTENNAS AND THE GUIDE WIRES ON THE GROUND OR SOME ELECTRONICS AS WELL AND AGAIN THIS IS ABUTTING DIRECTLY ON THE WEST.

EXISTING ON THE CG ON THE EAST, THERE IS JUST A SLIVER OF A ROAD, SO THIS IS REALLY THE ABUTTING IF NOT THE ABUTTING USE, IT IS THE ADJACENT USE, AGAIN, JUST DESPITE ONE LITTLE

STREET BETWEEN THE TWO.

AND THEN EXISTING ON THE CG CONTINUING, NEXT SLIDE, PLEASE.

IS THIS USE, WHICH IS AN INTENSIVE USE, AND THEN NEXT
SLIDE, PLEASE.

LOOKING BACK ON THE ZONING MAP, ACROSS THE STREET IS A CSX
RAILROAD TRACKS.

NEXT SLIDE, PLEASE.

TO SHOW YOU ON THE AERIAL, SO THE ENTIRE SIDE MAINTAINS
THAT INTENSIVE USE AS WELL.

NEXT SLIDE, PLEASE.

AND THIS IS HOW IT LOOKS AT THE STREET LEVEL.

NEXT SLIDE, PLEASE.

DR. MARTIN LUTHER KING IS A VERY INTENSIVE ROAD.

THERE ARE 14,300 VEHICLES PER DAY REPORTED ON ONE SIDE, AND
11,200 VEHICLES REPORTED TRAVELING VEHICLES PER DAY ON THE
OTHER SIDE OF THE SITE.

NEXT SLIDE, PLEASE.

AND DR. MARTIN LUTHER KING IS A DIRECTED AND SPECIFIC TRUCK
ROUTE PLAN FOR HILLSBOROUGH COUNTY, SO IT IS A VERY HEAVILY
TRUCK USED ROADWAY.

NEXT SLIDE, PLEASE.

THE DIFFERENCE BETWEEN THE STAFF REPORTS AND OURSELVES IS
THAT THE PLANNING COMMISSION SEES THIS AND CHARACTERIZES
THIS AS RURAL, BUT ALONG THE MAJOR ROADWAYS, AS I'VE SHOWN

YOU, IT IS NOT RURAL.

IN FACT, THEIR REPORT THEY NOTE AND I'LL QUOTE, THE DEVELOPMENT PATTERN OF THE SURROUNDING AREA HAS A CONCENTRATION OF THE MOST INTENSE USES THAT FRONT ON DR. MARTIN LUTHER KING BOULEVARD.

SO IN OUR OPINION, THEY'RE NOT RECOGNIZING THE INTENSITY, NOR THE ROADWAY USAGE, NOR THE DIRECTED TRUCK TRAFFIC, NOR THE RAILROAD, NOR RECOGNIZING THE ZONING TRENDS AND USES, PARTICULARLY THE TOWER COMPLEX RIGHT NEXT DOOR, NOT RECOGNIZING THE USES IN THE IMMEDIATE AREA.

NEXT SLIDE, PLEASE.

AND IN THE SAME VEIN, THE PLANNING COMMISSION PROMOTES WITH RESPECT, THEY PROMOTE REMOTE RURAL RESIDENTIAL USES ON THE SITE WHERE THERE IS CLEARLY HIGH VOLUME, LOUD TRAFFIC, HIGH TRAFFIC COUNTS, OFFICIAL TRUCK TRAVELED, RAILROAD TRACKED, ARTERIAL ROADWAY, RADIO TOWER COMPLEX, AND THE OTHER INTENSIVE USES YOU'VE ALREADY SEEN.

AND THOSE ARE THE ELEMENTS THAT SPECIFICALLY ADDRESS THE LOCATIONAL WAIVER THAT'S INCLUDED WITH THIS REQUEST.

NEXT SLIDE, PLEASE.

NOW, THE SEFFNER MANGO COMMUNITY PLAN, GOAL NUMBER 3, IS COMMERCIAL DEVELOPMENT SHOULD BE DIRECTED TO THE U.S. 92, AND MARTIN LUTHER KING BOULEVARD CORRIDORS, WHICH IS EXACTLY WHAT'S DONE HERE.

AGAIN, THE PLANNING COMMISSION SAYS IN THEIR REPORT THIS AREA HAS THE MOST INTENSE USES IN THE AREA THAT FRONTS ON DR. MARTIN LUTHER KING.

NEXT SLIDE, PLEASE.

THIS ALSO -- I'M SORRY, AND THE GOAL CONTINUES TO SAY TO ENCOURAGE REVITALIZATION OR REDEVELOPMENT OF OLDER EXISTING COMMERCIAL USES AND AREAS, WHICH IS WHAT WE'RE SEEKING TO DO UNDER GOAL 3.

THAT'S ONE OF THE POLICIES.

NEXT SLIDE, PLEASE.

NOW THE SITE HAS HAD A LONG-TERM PRESENCE OF THESE INTENSIVE USES FROM 1999 TO 2002 BY AERIAL. HAS THE TEST OF TIME.

TO MY UNDERSTANDING, MY KNOWLEDGE THERE HAS NEVER BEEN A SINGLE COMPLAINT PUT FORWARD, AND COMMISSIONERS, WE HAVE SENT 35 NOTICES AT A 500-FOOT RADIUS.

I'M NOT AWARE OF ANY COMPLAINTS OR CONCERNS.

THERE IS NOTHING THAT'S BEEN BROUGHT UP ON THE RECORD THAT I'M AWARE OF IN OPPOSITION.

NEXT SLIDE, PLEASE.

SO IN REGARD TO HAVING ZERO OPPOSITION, AND SEFFNER COMMUNITY PLAN, WHICH DIRECTS US TO THIS ARTERIAL ROADWAY, THE USES THAT ARE ALREADY THERE, THE DIFFERENCE BETWEEN THE STAFF REPORTS IS THEY STILL RECOGNIZE IT AS A REMOTE RURAL

AREA WHERE IN ACTUALITY IT IS FAR FROM THAT.

IT DOESN'T ACT LIKE THAT.

AND IT DOESN'T LOOK LIKE THAT.

SO THAT'S WHY WE FEEL THE CG IS APPROPRIATE.

AND WE APPRECIATE YOUR CONSIDERATION AND TIME TODAY.

THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU VERY MUCH.

WITH THAT YOU HAVE A FEW MORE MINUTES.

ARE THERE ANY OTHER MEMBERS OF YOUR APPLICANT TEAM THAT MAY WANT TO SPEAK BEFORE WE MOVE ON TO TESTIMONIES BY PROPONENTS OR OPPONENTS?

>> YOU HAVE EVERYTHING THAT WE WANTED TO PRESENT TO THE COMMISSION.

WE APPRECIATE YOUR CONSIDERATION.

>> KIMBERLY OVERMAN: EXCELLENT.

THANK YOU VERY MUCH.

I DON'T HAVE ANYONE SIGNED UP TO SPEAK TO THIS ITEM.

IS THERE ANYONE IN THE AUDIENCE THAT WISHES TO SPEAK AS A PROPONENT?

>> NO ONE IN THE AUDIENCE.

>> KIMBERLY OVERMAN: ALL RIGHT SO I'M ASSUMING THAT ALSO MEANS THERE ARE NO OPPONENTS, SO WE WILL MOVE ONTO, AND GIVEN THAT THERE IS NO NEED FOR A REBUTTING, I'M GOING TO ASK THE PLANNING COMMISSION STAFF TO OFFER US THEIR REPORT,

PLEASE.

>> THANK YOU.

FOR THE RECORD, MELISSA LIENHARD, PLANNING COMMISSION
STAFF.

THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL 1
FUTURE LAND USE CATEGORY.

THE SITE IS LOCATED IN THE RURAL AREA AND LOCATED WITHIN
THE LIMITS OF THE SEFFNER MANGO COMMUNITY PLAN.

THE INTENT OF THE RESIDENTIAL 1 FUTURE LAND USE CATEGORY IS
TO DESIGNATE AREAS FOR RURAL RESIDENTIAL USES THAT ARE
COMPATIBLE WITH SHORT-TERM AGRICULTURAL USES.

OTHER USES INCLUDING RURAL SCALE NEIGHBORHOOD COMMERCIAL
AND OFFICE MAY BE PERMITTED WHEN COMPLYING WITH THE
COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES.

THE SUBJECT SITE IS SURROUNDED BY RESIDENTIAL ONE ON ALL
SIDES.

THE LIGHT INDUSTRIAL FUTURE LAND USE CATEGORY IS LOCATED
FURTHER TO THE EAST AND RESIDENTIAL 4 IS LOCATED TO THE
SOUTHWEST OF THE SUBJECT SITE.

THE SUBJECT SITE IS LOCATED IN THE RURAL AREA WHICH
ACCORDING TO OBJECTIVE 4 OF THE FUTURE LAND USE ELEMENT IS
RESERVED TO PROVIDE FOR AREAS WITH LONG-TERM AGRICULTURAL
USES AND LARGE LOT LOW DENSITY RURAL RESIDENTIAL USES WHICH
CAN EXIST WITHOUT THE THREAT OF URBAN OR SUBURBAN

ENCROACHMENT.

THE APPLICANT IS PROPOSING A USE WHICH WOULD ENCROACH INTO THE AGRICULTURAL AND LARGE LOT LOW DENSITY RESIDENTIAL AREAS, PARTICULARLY TO THE NORTH OF THE SITE AND THUS DOES NOT MEET THE INTENT OF THIS POLICY DIRECTION.

THE PROPOSED REZONING DOES NOT MEET THE INTENT OF THE NEIGHBORHOOD PROTECTION POLICIES IN OBJECTIVE 16 OF THE FUTURE LAND USE ELEMENT.

THE SITE DOES NOT MEAN LOCATIONAL CRITERIA AS NOTED IN POLICY 16.1, AND THE DEVELOPMENT PATTERN OF THE SURROUNDING AREA HAS THE CONCENTRATION OF MOST INTENSE USES THAT FRONT ONTO DR. MARTIN LUTHER KING, JR. BOULEVARD, ESPECIALLY THAT PORTION THAT IS IN THE URBAN SERVICE AREA.

PROPOSING TO EXPAND CG USES IN THIS AREA WOULD NOT BE COMPLEMENTARY TO THE RURAL RESIDENTIAL CHARACTER NORTH OF THE SITE PER POLICY 16.3.

A REZONING TO CG WOULD FURTHER A PATTERN OF STRIP COMMERCIAL ENCROACHING ONTO RESIDENTIAL AREAS IN THE RURAL AREA, AND DOES NOT REFLECT A DEVELOPMENT PATTERN THAT CONCENTRATES THE MOST INTENSE USES TOWARD THE INTERSECTION, BUT RATHER INTRODUCES MORE INTENSE USES WHERE USES SHOULD BE TRANSITIONING TO A LOWER INTENSITY PER POLICY 16.2.

THE SUBJECT SITE DOES NOT MEET COMMERCIAL LOCATIONAL CRITERIA AS THE NEAREST QUALIFYING INTERSECTION IS LOCATED

AT McINTOSH AND DR. MARTIN LUTHER KING, JR. BOULEVARD WHICH IS GREATER THAN 300 FEET AWAY.

PER FUTURE LAND USE ELEMENT POLICY 22.8, THE APPLICANT HAS SUBMITTED A WAIVER REQUEST FOR REVIEW.

THE WAIVER REQUEST ARGUES FOR THE PROPOSED USE DUE TO THE PRESENCE OF EXISTING CG ZONING DISTRICTS TO THE EAST, WHICH WAS REZONED IN 2014 FROM CN TO CG AND A WAIVER, I'M SORRY, AND A WAIVER CONCLUDES THAT THIS IS INCONSISTENT WITH THE EXPLICIT DIRECTION OF THE -- I'M SORRY, OUR REVIEW OF THE WAIVER CONCLUDES THAT THIS IS INCONSISTENT WITH THE EXPLICIT DIRECTION OF THE SEFFNER MANGO COMMUNITY PLAN, WHICH SPECIFICALLY STATES RESTRICT RETAIL DEVELOPMENT ALONG U.S. 92 AND MARTIN LUTHER KING BOULEVARD OUTSIDE THE URBAN SERVICE AREA TO EXISTING COMMERCIAL ZONING DISTRICTS. MORE SPECIFICALLY, THE ZONING REPORT FROM 2014 RECOGNIZED THAT THE SITE TO THE EAST AS AN EXISTING COMMERCIAL DISTRICT DURING ZONING CONFORMANCE ACTIVITIES AND STATES SPECIFICALLY THAT PRIOR TO BEING ZONED COMMERCIAL NEIGHBORHOOD, THE SITE WAS ZONED COMMERCIAL 1 OR C 1 WHICH ALLOWED MANY OF THE USES PERMITTED UNDER THE COMMERCIAL GENERAL ZONING DISTRICT.

THIS LANGUAGE RECOGNIZES THAT THERE ARE COMMERCIAL ZONED PARCELS OUTSIDE OF THE URBAN SERVICE AREA THAT ALREADY EXISTED PRIOR TO THE COMMUNITY PLAN LANGUAGE BEING ADOPTED

IN 2010.

THE PROPOSED REZONING THAT IS REQUESTING ASC-1 TO CG IS NOT A SIMILAR SITUATION TO THE, AS TO THE EAST ADJACENT THE 2014 REZONING THAT WENT FROM C 1 TO CG TO CGR WHICH IS RESTRICTED.

MOREOVER, THE SEFFNER MANGO COMMUNITY PLAN ALSO SPECIFICALLY STATES, I'M SO SORRY, I LOST MY PAGE. OH, PARDON ME.

THE, THE SEFFNER MANGO COMMUNITY PLAN ALSO SPECIFICALLY STATES THAT FOR THOSE SITES THAT MEET COMMERCIAL LOCATIONAL CRITERIA IN THIS AREA, USES SHALL BE LIMITED TO CHILD CARE, OFFICE USES, AND PLACES OF WORSHIP ONLY.

THIS REZONING DOES NOT FULFILL THOSE CRITERIA, AND PLANNING COMMISSION STAFF THUS RECOMMENDS THAT THE BOARD DENY THE WAIVER TO LOCATIONAL CRITERIA.

OVERALL, THE PROPOSED REZONING WOULD ALLOW FOR DEVELOPMENT THAT IS INCONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN, INCLUDING THE SEFFNER MANGO COMMUNITY PLAN, AND IS NOT COMPATIBLE WITH THE EXISTING AND PLANNED DEVELOPMENT PATTERN FOUND IN THE AREA. BASED UPON THOSE CONSIDERATIONS, PLANNING COMMISSION STAFF FINDS THE PROPOSED REZONING INCONSISTENT WITH THE UNINCORPORATED HILLSBOROUGH COUNTY COMPREHENSIVE PLAN.

THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU VERY MUCH.

WITH THAT WE'LL HEAR FROM THE ZONING HEARING MASTER'S SUMMARY.

>> THE ZONING HEARING MASTER CONSIDERED THE REQUEST TO COMMERCIAL GENERAL REZONING, TO COMMERCIAL GENERAL ZONING FOR THE SUBJECT PROPERTY CONSISTING OF APPROXIMATELY 4.45 ACRES LOCATED APPROXIMATELY 200 FEET NORTHWEST OF DR. MARTIN LUTHER KING, JR. BOULEVARD AND SHADY ACRES ROAD. THE PROPERTY IS DESIGNATED RESIDENTIAL 1 ON THE FUTURE LAND USE MAP AND ZONED ASC-1.

THE PROPERTY IS IMPROVED WITH THE SINGLE-FAMILY HOME AND A PREFABRICATED METAL BUILDING.

THE ZONING HEARING MASTER NOTED THAT THE PROPERTY'S EXISTING ZONING ALLOWS SINGLE-FAMILY RESIDENTIAL AND AGRICULTURAL USES WITH DENSITY AT 1 DWELLING UNIT PER GROSS ACRE.

THE REQUESTED COMMERCIAL GENERAL ZONING WOULD ALLOW GENERAL COMMERCIAL, OFFICE, AND PERSONAL SERVICE USES AT .27 FLOOR AREA RATIO.

THE ZONING HEARING MASTER STATED THAT THE PROPERTY DOES NOT MEET COMMERCIAL LOCATIONAL CRITERIA, AND THE APPLICANT HAS REQUESTED A WAIVER.

THE DEVELOPMENT SERVICES STAFF DOES NOT SUPPORT THE REQUESTED REZONING DUE TO INCOMPATIBILITY WITH THE EXISTING

ZONING AND DEVELOPMENT PATTERN IN THE SURROUNDING AREA.
AS YOU'VE HEARD FROM MS. LEINHARD, PLANNING COMMISSION
STAFF FOUND THE PROPOSED REZONING TO BE INCONSISTENT WITH
THE COMPREHENSIVE PLAN AND WITH THE SEFFNER MANGO COMMUNITY
PLAN.

THE ZONING HEARING MASTER CONCLUDED THAT THE REQUESTED
ZONING REQUEST IS NOT IN COMPLIANCE WITH AND DOES NOT
FURTHER THE HILLSBOROUGH COMPREHENSIVE PLAN AND RECOMMENDED
DENIAL OF THE REQUEST.

>> KIMBERLY OVERMAN: THANK YOU.

THANK YOU VERY MUCH.

WITH THAT I'LL OPEN IT UP TO BOARD DISCUSSION AND RECOGNIZE
COMMISSIONER SMITH.

>> MARIELLA SMITH: THANK YOU.

I HAVE A FEW QUESTIONS OF -- FIRST PLACE, MR. GORMLY, IS
THE CURRENT USE NONCONFORMING OR CAN THEY CONTINUE WITH
THAT?

>> WE DON'T -- WE'VE NOT MADE -- SORRY, ANY NONCONFORMING
USE DETERMINATION FOR THAT PROPERTY, SO AT THIS POINT WE
WOULD, WE WOULD NOT BE ABLE -- IN A POSITION TO SAY IT
WOULD, COULD CONTINUE BUT WE COULD EXPLORE THAT IF THAT WAS
DEEMED TO BE BENEFICIAL -- USE BEING ESTABLISHED.

>> MARIELLA SMITH: THANK YOU.

THANKS.

AND MS. LEINHARD, I'VE GOT A QUESTION FOR YOU FROM THE PLANNING COMMISSION.

>> YES.

>> MARIELLA SMITH: SO IN THE FIRST PLACE, THE APPLICANT WAS SAYING THAT, YOU KNOW, THE PLANNING COMMISSION DOESN'T REGARD THIS AS RURAL AS THOUGH THAT'S AN OPINION THAT IS BASED ON WHETHER OR NOT THERE'S COWS AND ORANGE GROVES OR WHETHER OR NOT THERE'S SOME, YOU KNOW, BUSINESSES IN THE AREA, BUT ACTUALLY THAT'S NOT HOW YOU DETERMINE WHETHER SOMETHING'S RURAL OR URBAN.

CAN YOU EXPLAIN WHY THIS IS CONSIDERED IN THE RURAL AREA?

>> YES, MA'AM, I CERTAINLY CAN.

FOR THE RECORD, MELISSA LIENHARD, PLANNING COMMISSION STAFF.

THE SUBJECT PROPERTY IS NOT IN THE URBAN SERVICE AREA.

IT IS IN FACT IN THE RURAL AREA.

SO TO ADDRESS THE GOAL 3 OF THE COMMUNITY PLAN MR. PRESSMAN HAD INDICATED THAT THE COMMUNITY PLAN VISION CALLS FOR COMMERCIAL USES ON DR. MARTIN LUTHER KING BOULEVARD AND U.S. 92 AND THAT IS CORRECT EXCEPT FOR THE FACT THAT IT POINTS OUT IT WANTS TO SEE THEM IN THE URBAN SERVICE AREA AND THIS IS IN THE RURAL AREA.

SO THERE IS INDISTINCTION.

THANK YOU FOR POINTING THAT OUT.

>> MARIELLA SMITH: SO THE COMMUNITY PLAN SAYS THEY WANTED TO DIRECT COMMERCIAL IN THE URBAN SERVICE AREA OF THEIR PLAN TO THOSE MAJOR ROADS, BUT THEY WENT ON TO SAY THAT THEY WANTED IT INSIDE, RESTRICTED TO THE URBAN AREA NOT OUT IN THE RURAL AREA, AND IN FACT THEY ALSO, DIDN'T YOU SAY THEY LISTED VERY SPECIFIC LIMITS TO COMMERCIAL USES, LIKE CHILD CARE AND A FEW OTHER USES?

>> YES, YES, MA'AM, THAT IS CORRECT.

>> MARIELLA SMITH: BUT THIS APPLICATION IS JUST A STANDARD ZONING.

IT'S NOT LIKE A PD THAT IS SAYING, WE'RE GOING TO DO COMMERCIAL AND WE'RE GOING TO DO JUST CHILD CARE AND USES THAT THE COMMUNITY WANTS, AND YOU KNOW, ALTHOUGH WE DON'T HAVE ANY PEOPLE OBJECTING TO THIS WAY OUT IN THE RURAL AREA, WE ALSO DON'T HAVE A COMMUNITY CLAMORING FOR A SPECIFIC BUSINESS LIKE WE DID IN THE LAST, IN THE LAST ITEM.

I THINK THEY LEAVE IT UP TO US TO ENSURE THAT WE'RE ENFORCING THEIR COMMUNITY PLAN, AND THEIR COMMUNITY PLAN SAYS THEY WANT A COMMERCIAL LIMITED TO THESE HIGHWAYS INSIDE THE URBAN AREA, NOT SPREADING OUT INTO THE RURAL AREA WILLY-NILLY WITHOUT ANY SPECIFICS.

AND YOU KNOW, THE FACT THAT THERE ARE SOME PREEXISTING USES OR OLD ZONINGS IN THE AREA THAT DO NOT OR MIGHT BE VIEWED

AS NOT COMPORTING WITH THE COMMUNITY PLAN IS AN ARGUMENT I'VE SEEN MANY TIMES.

AND BECAUSE WE HAVE SOME BAD, OLD ZONINGS ON THE BOOKS, WE HAVE SOME STUFF THAT HAPPENED BEFORE A COMMUNITY PLAN WAS WRITTEN, BEFORE THE COMMUNITY CAME TOGETHER, AND BUT FROM THAT POINT ON, THE COMMUNITY HAS DETERMINED WHAT THEY WANT IN THEIR COMMUNITY, AND WITHOUT ANY FURTHER EVIDENCE THAT, I MEAN, ALL THE SIGNS SEEM TO POINT TO THIS BEING NOT IN COMPLIANCE WITH THE COMMUNITY PLAN, NOT IN COMPLIANCE WITH THE GENERAL GOALS OF THE COMPREHENSIVE PLAN, AND SO I'LL MOVE DENIAL.

>> PAT KEMP: SECOND.

>> KIMBERLY OVERMAN: OKAY.

SO WE HAVE A MOTION BY COMMISSIONER SMITH, A SECOND BY COMMISSIONER KEMP.

COMMISSIONER KEMP, YOU'RE RECOGNIZED.

>> PAT KEMP: YES, AND I JUST THINK THAT DISTINCTION IS SO IMPORTANT, AND WHAT, WHAT THE NEIGHBORHOOD, THE AREA COMMUNITY INTENTIONALLY DELIBERATED ABOUT OVER TIME TO MAKE A COMMUNITY PLAN WHERE THEY DISTINCTLY SEPARATED THE URBAN AND RURAL AREAS, AND FOR THE USES THAT YOU STATED.

AND THIS IS KIND OF ALSO ENCROACHING AS YOU CAN SEE ON THE MAP KIND OF LIKE ONE FURTHER STEP TO THE NORTH AND BACK BEYOND KIND OF THE LINE ACROSS THERE, AND IT'S JUST, IT'S

JUST SO, TO ME, SO IMPORTANT FOR US, THIS IS KIND OF, IT SEEMS LIKE WE'RE ASKED TO DO THIS ALL THE TIME, SPOT ZONING, AND I KNOW WE HAVE OUR FRIEND FROM THAT AREA WHO CITES THAT OFTENTIMES AND I THINK WE NEED TO BE CAREFUL ABOUT THAT.

WE SHOULD HAVE, THIS IS THE COMPREHENSIVE PLAN.

WE SHOULD HAVE THE BIG INTENTION AND THE BIG THOUGHT AND THE BIG DECISION ABOUT HOW WE DO THIS, AND I THINK SOMETIMES MR. PRESSMAN COMES IN HERE WITH SOME VERY CONVINCING CASES WHERE IT DOESN'T MAKE SENSE, BUT OR THERE'S QUESTIONS.

BUT I DON'T THINK THE CASE HAS BEEN MADE IN THIS CASE, SO THAT'S WHY I'M SECONDING IT AND I THINK WE HAVE TO LOOK AT THIS.

THIS IS A DENIAL, NOT SUPPORTABLE, INCONSISTENT WITH PLAN. I FEEL VERY COMFORTABLE WITH THE SECOND.

>> KIMBERLY OVERMAN: COMMISSIONER COHEN, YOU'RE RECOGNIZED.

>> HARRY COHEN: SO I FEEL AS THOUGH I'M MISSING A LITTLE CONTEXT HERE ON WHAT IS ACTUALLY GOING ON ON THIS PROPERTY THAT IS, WHAT IS THE OBJECTIVE THAT'S TRYING TO BE MET HERE?

IS THERE AN EXISTING BUSINESS THAT IS NOT -- YOU SAID THERE IS NOTHING RIGHT NOW IN TERMS OF INCOMPATIBILITY, BUT WHAT IS THE REASON THAT THIS IS IN FRONT OF US?

>> SO IT DOESN'T APPEAR OR WE DON'T HAVE INFORMATION THAT THIS HAS BEEN A CODE ENFORCEMENT CITATION.

MY BELIEF IS THAT THE INTENT OF THE APPLICANT HERE IS TO POSITION THE SITE SO IT CAN BE DEVELOPED WITH A FUTURE NEW COMMERCIAL USE.

>> HARRY COHEN: SO IT'S, THERE'S NOT AN EXISTING BUSINESS RUNNING OUT OF THE PROPERTY OR IF THERE IS IT'S NOT COME TO YOU ARE ATTENTION.

>> CORRECT.

CORRECT.

IT DOES APPEAR TO BE FROM THE AERIAL SOME ACTIVITY GOING ON THERE, SOME OF WHICH MAY BE, YOU KNOW, NONCONFORMING TO THE ZONING, AND IS THAT'S WHERE THE TIMING OF WHEN THAT WOULD'VE STARTED WOULD BE RELEVANT IF IT WAS LEGAL NONCONFORMING IF IT'S BEEN A HISTORICAL BUSINESS THERE BUT I BELIEVE THE INTENT IS TO POSITION THIS SO IT CAN ACTUALLY BE DEVELOPED WITH A FUTURE BUSINESS WHICH I WOULD PRESUME WOULD HAVE THE MODERN, YOU KNOW, COMING THROUGH THE COUNTY'S PROCESS WOULD RESULT IN THE CURRENT DEVELOPMENT STANDARDS AS OPPOSED TO WHAT SEEMS TO BE MAYBE A LITTLE HISTORIC DEVELOPMENT OF ACTIVITY ON THE SITE.

>> O.

>> HARRY COHEN: OKAY, THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU AND I'M GOING TO ACTUALLY

OFFER SOME COMMENTS BEFORE I RECOGNIZE COMMISSIONER SMITH BECAUSE I DIDN'T PUT MY NAME IN THE QUEUE.

SO AND YOU KNOW, THIS, THIS IS A CHALLENGING PROCESS BECAUSE I'M NOT FINDING IN THE RECORD WHERE THE MAKERS OR THE COMMUNITY OF THE COMMUNITY PLAN SAW THIS PROPERTY AS A THREAT TO THEIR COMMUNITY PLAN IN THE RECORD.

MAYBE IT'S BEEN THERE LONG BEFORE THE COMMUNITY PLAN, BUT THE ISSUE I HAVE IS THE CURRENT ZONING IS GOING TO REQUIRE WHAT SOUNDS LIKE, YOU KNOW, A HOME TO GO ON A FDOT MAINTAINED PRINCIPAL ARTERY ROADWAY WITH 12-FOOT TRAVEL LANES.

IT IS SPECIFICALLY PART OF OUR, OUR CORRIDOR PRESERVATION PLAN.

IT'S SPECIFICALLY DESIGNED TO ACTUALLY HANDLE FREIGHT TRAFFIC, AND IT'S ACROSS THE STREET FROM A RAILROAD.

I'M LOOKING AT THE LAND TO SAY WHO WOULD WANT TO BUILD A HOUSE ON THIS PROPERTY IN THIS PARTICULAR LOCATION IN BETWEEN WHERE THERE IS ALREADY SOME COMMERCIAL BEYOND THE URBAN SERVICE AREA.

SO I'M NOT SUGGESTING THAT WE DON'T LISTEN TO COMMUNITY PLANS, BUT I'M CURIOUS ABOUT WHETHER OR NOT THERE WAS ANY IN THE DECISION OF ADDRESSING THE ISSUE ASSOCIATED WITH THE URBAN SERVICE AREA LIMITATION, WHETHER THIS BUSINESS WAS CONSIDERED WELL IT'S ALREADY THERE SO WE'LL JUST, YOU KNOW,

FOR ANYTHING ELSE THAT'S BEYOND THAT AREA OR ALONGSIDE THAT AREA, OR THE HOMES BEHIND OR THE PROPERTIES BEHIND IT THAT MAKE SENSE FOR HOMES, BUT WHEN YOU END UP WITH A MAJOR PRINCIPAL ARTERY THAT IS DESIGNATED A CORRIDOR PRESERVATION AREA THAT WOULD INDICATE THAT THERE'S GOING TO BE POSSIBLE WIDENING OR INTENSITY ON THIS AREA ACROSS FROM A RAILROAD TRACK, I'M CURIOUS ABOUT AS 1 RESIDENTIAL REQUIREMENT AT THIS LOCATION.

IS, IS THERE ANYONE THAT IN THE RECORD, IN THIS PROCESS THAT HAS INDICATED THAT THE COMMUNITY PLAN MEMBERS SPECIFICALLY LOOKED AT THIS PROPERTY TO SUGGEST THAT IT SHOULD BE RURAL AS 1 OR RURAL RESIDENTIAL AS OPPOSED TO A SOME LEVEL OF BUSINESS ENTITY AT THAT POINT?

I'M THINKING, YOU KNOW, IF WHAT WOULD BE REQUIRED FOR A CHILD CARE TO GO AT THIS LOCATION?

A LIGHT IN ORDER TO BE ABLE TO PROVIDE SAFE ACCESS TO THE ENTRANCE?

OR A CHURCH?

I MEAN, WE KNOW OF MANY RURAL COMMUNITIES THAT HAVE CHURCHES THAT END UP HAVING TO HAVE SHERIFFS OUT FRONT BECAUSE THE ROADWAY IS DESIGNED FOR A HIGH SPEED, BUT THE INTENT -- THE BUSINESS IS DESIGNED FOR, YOU KNOW, PEOPLE ARRIVING TO A CHURCH SAFELY.

AND SO IT WOULD REQUIRE A CHANGE IN THE ROAD PATTERN THAT

MAY NOT BE EASILY DONE ON AN FDOT MAINTAINED PRINCIPAL FREIGHT ROUTE.

SO MY QUESTION REALLY LIES IN THE PURPOSE OF THE DENIAL IS TO RESPECT THE COMMUNITY PLAN, WHICH IS FINE, AND I UNDERSTAND THAT, BUT IN THE REALITY, WHAT WILL BE HERE, AND ARE THEY GOING TO END UP BEING CODE VIOLATED OUT OF BUSINESS AS A CONSEQUENCE OF NOT BEING IN CONFORMANCE I GUESS IS THE WORD TO OPERATE AS THEY HAVE OR AS THEY'RE ALLOWED BASED ON THE COMMUNITY PLAN.

SO THAT'S MY QUESTION.

CAN STAFF PROVIDE US WITH SOME GUIDANCE THERE?

>> YES, COMMISSIONER.

I THINK THAT, AND, OKAY, JUST COMMUNICATING WITH THE APPLICANT.

I THINK THAT WHAT YOU KNOW IT'S REALLY COMING OUT HERE IS THAT PERHAPS SOME OF THE FUTURE, SOME CONTINUED DISCUSSION ON THE SCOPE OF THE USES BEING PROPOSED AND WHETHER THERE IS SOME POTENTIAL TO HAVE A LIMITATION ON USES THAT COULD GIVE A DIFFERENT PERSPECTIVE ON ITS COMPATIBILITY WITH THE AREA.

I THINK THAT THAT WOULD BE A BENEFICIAL, YOU KNOW, A BENEFICIAL STEP TO TAKE HERE TO SEE IF THERE IS SOME, SOME MIDDLE GROUND BETWEEN, YOU KNOW, SIMPLY AG ZONING BECAUSE THE AREA DOES, YOU KNOW, RECOGNIZE THAT THERE IS MORE

INTENSIVE ZONING IN THE AREA AND SOME DEVELOPMENT PATTERNS THERE THAT MIGHT MAKE USES YOU TYPICALLY SEE IN ASC-1 CHALLENGED IN THIS LOCATION.

SO I DO HAVE A QUESTION TO THE APPLICANT WHETHER HE'D BE AMENABLE.

I THINK THAT MIGHT BE A GOOD QUESTION IF YOU MIGHT BE AMENABLE TO CONDITION TO CONSIDER SOME, SOME BOUNDS AROUND WHAT COULD BE DONE ON THIS PROPERTY.

>> KIMBERLY OVERMAN: THANK YOU.

AND WAS THERE ANYTHING AT THE ZONING HEARING MASTER OR WITHIN THE COMMUNITY IN THIS PROCESS WHERE THE COMMUNITY CAME OUT AND OPPOSED, YOU KNOW, ANYTHING OTHER THAN RESIDENTIAL IN THE RECORD THAT WE, THAT WE CAN FIND?

I CAN'T FIND IT, SO --

>> I DON'T THINK -- WE DON'T HAVE THAT TYPE OF COMMUNITY OPPOSITION, SO IT IS BEING REVIEWED BASED ON THE PLANS THAT WERE THERE.

BUT WE HAVEN'T HAD ANY ACTIVE OPPOSITION.

>> KIMBERLY OVERMAN: RIGHT, EXACTLY.

AND THEN THE, BUT THE IMPACT OF A DENIAL AT THIS POINT WOULD BE MEAN STARTING ALL OVER AGAIN VERSUS A CONTINUANCE TO READDRESS SOME OF THE QUESTIONS THAT I'VE ASKED?

>> YES, THAT'S CORRECT.

IF IT'S DENIED IT WOULD NEED TO ADHERE TO REAPPLICATION

CRITERIA AND THEN COME BACK THROUGH THE PROCESS.

>> KIMBERLY OVERMAN: EXCELLENT.

THANK YOU VERY MUCH.

COMMISSIONER SMITH, YOU'RE RECOGNIZED.

>> MARIELLA SMITH: THANK YOU.

I PARTICIPATED FOR TWO YEARS IN THE RUSKIN COMMUNITY PLAN.

I HAVE WORKED WITH OTHER COMMUNITIES, WIMAUMA AND LUTZ TO RUSKIN AND KEYSTONE AND RIVERVIEW COMMUNITY PLANS.

IT IS AN ONEROUS PROCESS OF CITIZENS WORKING TOGETHER WITH STAKEHOLDERS, LANDOWNERS, DEVELOPERS, FOR TWO YEARS WITH OUR PLANNERS CRAFTING WHAT OUR VISION IS MAKING A LOT OF COMPROMISES ALWAYS.

AND FINALLY WE GET SOMETHING WRITTEN THAT GETS PASSED, WE AS CITIZENS THEN FEEL LIKE OKAY, IT'S THE COUNTY'S JOB NOW TO MAKE SURE -- WE DON'T FEEL LIKE IT'S OUR JOB TO COME UP HERE EVERY SINGLE ZONING, EVERY SINGLE REQUEST AND MAKE SURE THAT OUR COUNTY COMMISSIONERS AND OUR ELECTED OFFICIALS AND OUR PLANNERS ARE NOT GOING TO SAY, WELL, WHERE WAS THE COMMUNITY?

THEY DIDN'T OPPOSE THIS.

IF WE HAVE THE PLANNERS AND THE ZONING HEARING MASTER AND OUR PLANNING COMMISSION DOING THEIR JOB SAYING THIS IS NOT CONSISTENT WITH OUR COMMUNITY'S PLAN AS WE WROTE IT, WE SHOULDN'T HAVE TO COME DOWN AND PROVIDE PROOF THAT WE STILL

OPPOSE EACH AND EVERY SINGLE THING THAT IS NOT CONSISTENT ACCORDING TO THE PLANNERS AND THE ZONING HEARING MASTER AND OUR COUNTY STAFF.

WE SHOULDN'T HAVE TO KEEP SHOWING UP TO PROVE THERE'S COMMUNITY OPPOSITION.

THE APPLICANTS WHO WANT TO COME IN HERE AND AS COMMISSIONER KEMP POINTED OUT, SPOT ZONE THROUGH THE COMMUNITY PLAN AND SAY OH, OKAY, WELL IT'S IN THE RURAL AREA, BUT AND IT'S NOT CONSISTENT WITH THE COMMUNITY PLAN, BUT WE JUST WANT YOU TO DO THIS ONE THING, ARE ASKING US TO THROW OUT OUR COMPREHENSIVE PLAN, THROW OUT THEIR COMMUNITY PLANS AND CONSIDER EACH LITTLE THING IN THEIR ABSENCE.

THEY'VE ALREADY TOLD US WHAT THEY WANT, AND YOU KNOW, OCCASIONALLY WE DO OCCASIONALLY I VOTE TO DO IT.

YOU KNOW, TO SAY OKAY, THIS IS THE EXCEPTION.

BUT IN GENERAL, WE SHOULD NOT BE SITTING HERE IN OUR 10-MINUTE, 15-MINUTE HEARING LOOKING THROUGH AND SAYING WELL, THERE'S NO CITIZENS HERE, IT KIND OF DOES LOOK ON THE AERIAL LIKE MAYBE IT'S NOT COW PASTURES ANYMORE, OR ORANGE GROVES, I DON'T KNOW IF A CHILD CARE THING COULD BE HERE. I MEAN, THAT'S NOT WHAT WE SHOULD BE DOING HERE.

WE SHOULD IN THE ABSENCE OF ANYTHING TO THE CONTRARY, BE UPHOLDING THE COMPREHENSIVE PLAN AND THE COMMUNITY PLAN.

THE REAL PROCESS FOR THIS IN MY VIEW IS FOR, WELL, NOT JUST

IN MY VIEW, THE REAL PROCESS FOR THIS WHEN YOU'VE GOT SOMETHING THAT YOU WANT TO DO IN THE RURAL AREA THAT IS INCONSISTENT WITH THE COMMUNITY PLAN IS TO ASK FOR AN EXPANSION OF THE URBAN AREA, ASK TO CHANGE THE COMP PLAN. ASK TO SAY, OKAY, THIS ISN'T RURAL ANYMORE. LET'S HAVE A CARVEOUT.

LET'S HAVE A, LET'S HAVE THIS BE URBAN, LET'S BRING THE COMMUNITY TOGETHER FOR LOCAL MEETING AND SAY THEY'RE OKAY WITH EXPANDING BUSINESS OUT HERE AND CHANGE THEIR COMMUNITY PLAN.

BUT TO JUST COME IN OVER THEIR HEADS AND ASK US TO DO THAT, I'M NOT COMFORTABLE WITH THAT PROCESS, AND SO THAT'S WHERE I STAND.

THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU.

COMMISSIONER KEMP, YOU'RE RECOGNIZED.

>> PAT KEMP: YEAH.

AND I GUESS I'LL JUST, IT'S JUST KIND OF EXHAUSTING ALL THE TIME.

I MEAN, YOU KNOW THIS FROM THE ACTIVISM, YOU KNOW, TO CONSTANTLY HAVE TO SHOW UP AND, YOU KNOW, I KNOW THEY SAID PEOPLE WERE NOTIFIED WITHIN 500 FEET DID THEY SAY?

500 FEET, THAT'S LIKE, THAT'S LIKE NOTHING.

I'M SORRY, IT JUST REALLY IS NOT.

AND A LOT OF TIMES THOSE ARE LIKE ONE PROPERTY OR, YOU KNOW, ONE OWNER OF SOMETHING.

AND WE'VE RUN INTO THAT OVER AND OVER AGAIN, AND I THINK, I JUST FEEL LIKE, YOU KNOW, I DON'T KNOW WHAT THIS IS GOING TO BE.

TO ME IT'S NOT TOTALLY PARALLEL BUT I MEAN THIS IS HOW WE GET INCINERATOR CURTAINS, I MEAN, WE JUST DO WITHOUT KNOWING THIS AND JUST DOING THIS WITH SUCH LITTLE FOCUS ON IT.

AND IT JUST, IT CONCERNS ME THAT IT WOULDN'T BE, YOU KNOW, I THINK IF WE DO SOMETHING LIKE THIS IT SHOULD BE BECAUSE THERE IS LIKE ACTUAL SUPPORT FOR IT AND THINKING THAT THIS IS A GOOD IDEA AND MAYBE WHOEVER IT IS CAN WORK TO GET THAT SUPPORT.

>> KIMBERLY OVERMAN: UNDERSTOOD.

THANK YOU VERY MUCH.

COMMISSIONER COHEN.

>> HARRY COHEN: I THINK IT'S A FAIR POINT THAT IT'S, THAT PEOPLE SHOULDN'T HAVE TO COME DOWN HERE AND DEFEND EVERY PIECE OF THEIR COMMUNITY PLAN EVERY TIME THERE'S A REZONING APPLICATION.

AND YOU KNOW I HEAR ALL THAT.

THE PROBLEM THAT I HAVE IS REALLY I'M HEARING SOMETHING COMMISSIONER OVERMAN SAID.

AND THAT IS THAT IT JUST DOESN'T SEEM REASONABLE FOR THIS TO BE ONLY RESIDENTIAL SITE GIVEN THE RAILROAD TRACKS ACROSS THE STREET, THE FACT THAT IT'S ON A FREIGHT CORRIDOR, THE FACT THAT THERE'S A RADIO TOWER NEXT DOOR, THE FACT THAT THERE ARE COMMERCIAL USES STREWN ABOUT THROUGHOUT THE AREA.

AND WHILE I THINK IT'S CLEAR THAT THE BOARD IS NOT OR AT LEAST SOME OF THE BOARD DOESN'T WANT TO APPROVE THE REQUEST THAT'S BEEN MADE, I ALSO DON'T THINK SENDING IT BACK TO WHERE IT CAME FROM IS NECESSARILY, I DON'T THINK THAT THE WAY IT IS NOW IS NECESSARILY REASONABLE EITHER BECAUSE AGAIN, I JUST DON'T -- I REALLY DON'T SEE HOW THIS IS RESIDENTIAL.

I JUST -- THAT JUST DOESN'T SEEM TO MAKE ANY SENSE.

SO WHAT, YOU KNOW, I'M NOT FOR PIERCING COMMUNITY PLANS, BUT ON THE OTHER HAND, THERE ARE TIMES WHEN THERE MAY BE UNINTENDED CONSEQUENCES OF THINGS THAT JUST SIMPLY DON'T MAKE SENSE THAT WE NEED TO WORK THROUGH TO FIND A HAPPY MEDIUM SOMEWHERE.

>> KIMBERLY OVERMAN: SO EITHER WE CAN VOTE ON THE DENIAL AND SEE WHERE IT GOES, OR ENTERTAIN AN OPPORTUNITY -- I MEAN, A MOTION TO CONTINUE TO SEE IF THE APPLICANT HAS THE ABILITY TO ADDRESS SOME OF THE COMMENTS THAT ARE MADE TODAY.

HAVE YOU HEARD FROM THE APPLICANT AT THIS POINT?

>> INDIRECTLY THAT HE WAS NOT NECESSARILY OPPOSED TO IT BUT I FIGURE IT WOULD BE APPROPRIATE TO HEAR DIRECTLY FROM HIM.

>> KIMBERLY OVERMAN: IS THE APPLICANT PRESENT WHO WOULD LIKE TO OFFER SOME GUIDANCE ON WHAT HIS INTENT WOULD BE SHOULD IT BE DENIED OR CONTINUED?

>> YES, MADAM CHAIR.

ALWAYS APPRECIATE THE CONSIDERATION, THE COMMENTS BY THE COMMISSION.

I'M ALWAYS HAPPY TO WORK WITH THE COMMISSION AND THE COUNTY.

WE'D BE HAPPY TO CONTINUE THIS TO LOOK AT MORE SPECIFIC USES.

BUT CALENDAR WISE, I WOULD BE OUT FOR DECEMBER, SO IF WE COULD CONTINUE TO JANUARY, THAT WOULD BE GREAT FOR THAT CONSIDERATION, THANK YOU.

>> KIMBERLY OVERMAN: THANK YOU VERY MUCH.

I APPRECIATE THAT RESPONSE.

COMMISSIONER HAGAN.

>> KEN HAGAN: REAL QUICKLY, I'VE LISTENED TO ALL SIDES, AND I CONCUR WITH COMMENTS THAT BOTH COMMISSIONER COHEN MADE AND WHAT COMMISSIONER KEMP AND COMMISSIONER SMITH MADE. SEEMS LIKE WE'RE TALKING ABOUT EITHER A DENIAL OR CONTINUANCE.

I GUESS THE QUESTION I HAVE FOR ADAM, WOULD A REMAND BE MORE APPROPRIATE?

I GUESS IS A QUESTION THAT I HAVE.

>> A REMAND WOULD ALLOW FOR A THOROUGH VETTING IN A MORE PUBLIC OPPORTUNITY FOR PUBLIC PARTICIPATION.

>> KEN HAGAN: IF THAT'S THE CASE, I'LL MAKE A SUBSTITUTE MOTION TO DO THAT.

AND LASTLY, I HATE TO DO THIS BECAUSE I KNOW COMMISSIONER WHITE HAS TO LEAVE, JUST GOT A TEXT MESSAGE THAT MY DAUGHTER GOT SICK AT SCHOOL, SO I GOT TO GO PICK HER UP AFTER WE VOTE HERE.

I'M SORRY.

>> STACY WHITE: I'LL SECOND THE SUBSTITUTE MOTION.

>> KIMBERLY OVERMAN: OKAY SO WE HAVE A MOTION BY COMMISSIONER HAGAN, A SECOND BY COMMISSIONER WHITE.

ANY FURTHER DISCUSSION?

PLEASE INDICATE YOUR VOTE.

AND THAT'S TO JANUARY OR THROUGH JANUARY CYCLE I ASSUME. BASED ON THE APPLICANT'S COMMENT.

>> MOTION CARRIED 7-0.

>> WE'RE LOOKING FOR THE DATE I BELIEVE FOR THE REMAND.

>> KIMBERLY OVERMAN: OKAY.

EXCELLENT.

THANK YOU VERY MUCH.

AND WE'LL STILL KEEP OUR QUORUM SO WE'RE GOOD.

I UNDERSTAND, I HOPE YOUR CHILD GETS BETTER.

IT'S GOING THROUGH THE SCHOOLS.

>> COMMISSIONERS, THE ZHM HEARING DATE IN JANUARY IS
JANUARY 17th.

>> SO JANUARY 17th, 2023 AT 6:00 P.M.

>> KIMBERLY OVERMAN: I CAN'T BELIEVE WE'RE ALMOST THERE.
OH, MY GOD.

OKAY.

GREAT.

THANK YOU VERY MUCH.

THE NEXT ITEM, I LOST IT, IT WAS F 3, WE'RE GOING TO F 4.

>> YES, COMMISSIONERS.

THE NEXT ITEM IS AGENDA ITEM F 4, REZONING STANDARD
22-1105.

THE APPLICANT IS JOHN A. DIMARIA.

THE REQUEST IS TO REZONE A 4-POINT-ACRE MORE OR LESS PARCEL
LOCATED AT 18737 RUSTIC WOODS TRAIL IN THE KEYSTONE ODESSA
COMMUNITY PLAN AREA REZONE FROM AR TO AS-0.4 WHICH PROVIDES
FOR A MINIMUM LOT SIZE OF 2.5 ACRES.

AE ALLOWS FOR A DENSITY OF ONE UNIT PER 2.5 ACRES.

THEREFORE, THE STAFF DOES FIND THE PARCEL CONSISTENT WITH
EXISTING ZONING DEVELOPMENT PATTERN IN THE AREA BECAUSE
THERE ARE EXISTING AS 0.4 ZONING WITHIN THE IMMEDIATE