F.S. 70.51 FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION PROCEEDING

K AND P ESTATE LLC,
a Florida limited liability company,

Petitioner,

v.

CITY OF TAMPA,
a Florida municipal corporation,

Respondent.

_____/

PETITIONER'S REQUEST FOR RELIEF

K AND P ESTATE LLC ("Petitioner" or "Applicant") hereby submits this Request for Relief pursuant to Section 70.51, Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Act (the "Act"), challenging the City of Tampa City Council's ("City Council") denial of Rezoning Application No. REZ-26-0000062 (the "Application"), which occurred at the City Council hearing conducted on September 10, 2026 (the "Hearing"). A copy of the written denial order is attached hereto as EXHIBIT 1.

The Act authorizes a landowner adversely affected by a development order — defined to expressly include the denial of a rezoning of a specific parcel — to seek relief through the special magistrate process established under Chapter 70.51. Fla. Stat. § 70.51 (2021). The City of Tampa's denial of Petitioner's Application constitutes a "development order" within the meaning of Section 70.51(2)(a), Florida Statutes, and the Petitioner is an aggrieved party entitled to relief under the Act. Fla. Stat. § 70.51 (2021).

The denial was infected by multiple, independent, and cumulative procedural and substantive errors that deprived the Petitioner of a fundamentally fair quasi-judicial hearing, including: (1) unequal allocation of hearing time that afforded opponents twice the presentation time granted to the Applicant; (2) inconsistent and incorrect application of applicable legal standards, the City's Land Development Code (Chapter 27, City Code) governing building height, parking requirements, and related criteria, and the City's Comprehensive Plan; (3) departure from the findings of the City's own staff reports; (4) denial of due process through admission of opposition expert reports into the record without proper motion, without sworn authentication, and without affording the Applicant the right to cross-examine the reports' authors; (5) lay witness testimony purporting to interpret and summarize expert reports beyond the permissible scope of lay testimony in a quasi-judicial proceeding; and (6) the Tampa City Council's improper reliance on testimony and evidence by an "umbrella" nonprofit organization who is not recognized by the City as a valid neighborhood association entitled to notice and not authorized under Florida law to represent other corporations.

I. THE PARTIES

K and P Estate LLC is the owner of the real property located at 5600 Mariner Street, Tampa, Florida (the "Property"), encompassing approximately 2.34± acres (101,716± square feet). The Special Warranty Deed recorded December 22, 2003, in O.R. Book 13409, Page 1208, of the Official Records of Hillsborough County, Florida, vesting fee simple ownership of the Property is attached hereto as EXHIBIT 2.

The respondent City of Tampa is a Florida municipal corporation and the governmental entity that denied the Application through action of its City Council at the Hearing on September 10, 2026. The City Council hearing was held before the full Council, including District 6

Representative Miranda and At-Large Members Clendenin, Maniscalco, and Hurtak, among others.

II. PROPERTY AND APPLICATION BACKGROUND

The Property is located at 5600 Mariner Street, Tampa, Florida, within the Regional Mixed Use-100 (RMU-100) Future Land Use designation and the Westshore Business District. The Property is also situated within the geographic boundaries of the Westshore Development of Regional Impact (DRI). The Property is currently zoned Office Professional (OP-1) and is improved with an existing four-story structure. The OP-1 district allows a height of 200 feet. The Applicant sought to rezone the Property from OP-1 to Planned Development (PD) to allow for residential multi-family, office, business and professional, all Commercial General (CG) uses, and all Commercial Neighborhood (CN) uses.

The proposed development consists of a single eleven-story structure not to exceed 129 feet in height, containing 4,000 square feet of business and professional office space and 262 multiple-family residential units, with internal parking garage comprising the first three stories of the building. The Application included requests for five (5) nominal waivers from specific Land Development Code (LDC) standards pertaining to loading docks and parking spaces, which waivers are routinely granted by the Tampa City Council.

Both the Hillsborough County City-County Planning Commission ("Planning Commission") and the City's Development Coordination staff reviewed the Application prior to the Hearing and issues staff reports, a copy of which is attached as EXHIBIT 3. The Planning Commission issued a finding that the Application is **CONSISTENT** with the Tampa Comprehensive Plan in all respects. The Planning Commission specifically found, among other

things, that the proposed 129-foot building height is compatible with the surrounding development pattern, including adjacent multifamily structures of 8 to 9 stories, and noted that the adjacent RM-50 parcel directly to the west allows up to 200 feet in height. The City's own Development Coordination staff report identified the Application as totally consistent with the exception of the City's Transportation standards related to the nominal parking waiver, while all other departments, including Natural Resources, Hillsborough County City/County Planning, Solid Waste, Stormwater, Wastewater, Tampa Fire Rescue, and Water, found the Application consistent. Notably, the Property is subject to height restrictions, imposed by Chapter 27, City Code, and the FAA through the Hillsborough County Aviation Authority.

III. LEGAL FRAMEWORK GOVERNING THE CITY COUNCIL'S REVIEW

A. Quasi-Judicial Nature of the Proceeding

A rezoning application affecting a specific, identifiable parcel of property, where the decision is contingent upon facts presented at a hearing and the decision functions as policy application rather than policy setting, constitutes a quasi-judicial action subject to heightened procedural and evidentiary standards. *Bd. of Cty. Comm'rs v. Snyder, 627 So. 2d 469, 475 (1993)*. The City Council's review of Application REZ-26-0000062 was therefore a quasi-judicial proceeding. *Bd. of Cty. Comm'rs v. Snyder, 627 So. 2d 469, 475 (1993), Board of County Comm'rs v. Karp, 662 So. 2d 718, 719 (1995)*.

B. Burden of Proof and Applicable Legal Standard

In a quasi-judicial rezoning proceeding, the landowner bears the initial burden of demonstrating that the rezoning request is consistent with the comprehensive plan and complies with all applicable procedural requirements of the zoning ordinance. Once the applicant meets this burden, it shifts to the governmental body to demonstrate, by competent substantial

evidence, that maintaining the existing zoning classification accomplishes a legitimate public purpose, and that the refusal to rezone is not arbitrary, discriminatory, or unreasonable. *Sarasota County v. BDR Invs., L.L.C., 867 So. 2d 605, 607 (2004), Parker Family Trust I v. City of Jacksonville, 804 So. 2d 493, 497 (2001).* Where the opposing party, whether the agency itself or a third party, seeks to defeat an application that has been shown to be consistent with the applicable land use plan and criteria, that party must present competent substantial evidence that the application does not satisfy the published criteria. *City of Hialeah Gardens v. Miami-Dade Charter Found., Inc., 857 So. 2d 202, 204 (2003).*

C. Due Process Requirements in Quasi-Judicial Proceedings

Quasi-judicial zoning proceedings must afford the parties basic due process, including notice of the hearing, the opportunity to be heard, the right to present evidence, the right to cross-examine witnesses, and the right to be informed of all facts upon which the decision-making body acts. *Jennings v. Dade County (1991), Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996, 1002 (1993).* A quasi-judicial decision purportedly based on the record is not conclusive if minimal standards of due process are denied. *Jennings v. Dade County (1991)*. The fundamental constitutional requirement of due process demands an opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge, 424 U.S. 319, 331 (1976).*

IV. GROUNDS FOR RELIEF

A. Denial of Equal Hearing Time – Structural Due Process Violation

At the September 10, 2026 Hearing, the City Council allocated hearing time in a manner that afforded the opposition speakers, through its identified “umbrella” organization Beach Park Preservation Society, collectively twice the presentation time granted to the Applicant. The unequal allocation of time was not proportionate to the complexity of the parties' respective

presentations, and was not neutral as between the proponent and the opponents of the Application.

Basic fairness, the foundational requirement of due process in quasi-judicial proceedings, demands that the applicant whose property rights are at stake be afforded a meaningful and substantially equal opportunity to be heard. *Mathews v. Eldridge, 424 U.S. 319, 331 (1976), Jennings v. Dade County (1991).* Where a governmental body structurally disadvantages the applicant by systematically constraining the applicant's time while granting opponents equivalent or greater aggregate time, the hearing ceases to comport with the principle that "parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts." *Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996, 1002 (1993).* The inequality of time allocation here was not incidental; it was applied as a matter of procedure that systematically prevented the Applicant from adequately responding to the volume of opposition testimony and documents admitted into the record.

The Applicant's principal witnesses and authorized agent were constrained in their ability to present the full evidentiary record supporting the Application, to respond to specific claims raised by opposition witnesses, and to address mischaracterizations of the staff reports and the Applicant's submitted materials. The structurally unequal hearing time directly contributed to a record that was disproportionately composed of opposition evidence and argument, fatally undermining the fairness of the proceeding.

B. Failure to Consistently Apply the Correct Legal Standards – Height, Parking, and Related Criteria

In denying the Application, the City Council failed to consistently apply the correct legal standards governing the permissibility of the proposed building height, parking reduction waiver,

and related development criteria, instead substituting generalized opposition commentary and non-evidentiary concerns for the applicable regulatory framework.

Height: The Planning Commission found, in its pre-hearing staff report, that the proposed 137-foot, eleven-story structure is consistent with and compatible with the surrounding development pattern and the intensity of development approved within the area. The report noted that adjacent multifamily uses are developed at approximately 8 to 9 stories in height, that the RM-50 zoned parcel directly adjacent to the west allows up to 200 feet in height, and that the existing multifamily structure on that adjacent parcel is approximately eight stories. The Property has a land use designation of RMU-100 which specifically requires urban densities and intensities up to 24 stories in height. Notably, the Applicant reduced the proposed height to 129 feet on the record at the Hearing. Despite this uncontroverted finding, the City Council applied an inconsistent and more restrictive height standard in its deliberations and/or gave dispositive weight to lay opposition testimony challenging the height without identifying any competent substantial evidence in the record that the proposed height was incompatible with the surrounding built environment and other approved projects zoned PD, or that it violates applicable FAA, zoning or comprehensive plan standards.

Parking: The Application requested a waiver under Section 27-283.7 to reduce required parking from 484 spaces to 445 spaces, representing an 8% reduction. The Applicant justified the nominal waiver noting ride sharing capability, proximinty to transit stops and a major transportation hub (Westshore Mall) and the availability of parking in improved right-of-way subject to regulation by the City. The Development Coordination staff report itself noted that the Transportation department's inconsistency finding was limited to the parking calculation percentage (9.2% versus the correct 8%), and the Revision Sheet directed only a correction to the

stated percentage, not a substantive objection to the reduction itself. Despite the ministerial nature of this correction, and despite the absence of competent substantial evidence that a properly calculated 8% parking reduction would violate applicable code criteria, the City Council in its deliberations treated the Transportation inconsistency finding as dispositive, failing to apply the correct standard for waiver approval under Section 27-139(4) of the Land Development Code. Note that the Applicant could have received a 10% parking waiver administratively from the City. Furthermore, the City Council had granted similar parking waivers for projects in the area of the Property.

Waiver Criteria: The Land Development Code, Section 27-139(4), establishes specific criteria for consideration of waivers through site-plan-controlled rezonings, including whether the design of the development is unique, whether the waiver will substantially interfere with the rights of others, whether the waiver is in harmony with the general intent and purpose of the code and the Comprehensive Plan, and whether the waiver results in substantial justice. The City Council did not articulate findings on these specific criteria in reaching its denial, and to the extent the denial rested on waiver-related grounds, it failed to apply the correct legal standard.

When an applicant demonstrates consistency with the comprehensive plan and satisfaction of applicable code criteria, a denial must be supported by competent substantial evidence that a legitimate public purpose is served by maintaining the existing classification. *Sarasota County v. BDR Invs., L.L.C., 867 So. 2d 605, 607 (2004), City of Hialeah Gardens v. Miami-Dade Charter Found., Inc., 857 So. 2d 202, 204 (2003).* The failure to apply the correct substantive legal standards, instead substituting inconsistent ad hoc criteria or treating a correctable ministerial discrepancy as a substantive deficiency, constitutes a departure from the

essential requirements of law. *Parker Family Trust I v. City of Jacksonville, 804 So. 2d 493, 497 (2001).*

C. Departure from Findings of City Staff Reports

The City Council's denial is irreconcilable with, and unsupported by, the consistent findings of the City's own expert staff and the Planning Commission, both of which evaluated the Application under the applicable regulatory criteria.

The Planning Commission noted that the Property was located in the Westshore Business Center and not the Beach Park neighborhood as claimed by opponents, and found the Application **CONSISTENT** with the Tampa Comprehensive Plan in all respects. The Planning Commission's analysis specifically addressed building height, compatibility with surrounding land uses, mixed-use corridor policies, housing and infill policies, and pedestrian connectivity, all of which were found to support approval. The Development Coordination staff, while identifying an inconsistency in the Transportation review, expressly limited that inconsistency to the parking waiver percentage calculation error; every other City department including Natural Resources, Planning Commission, Solid Waste, Stormwater, Wastewater, Tampa Fire Rescue, and Water, found the Application consistent. The Revision Sheet prepared by City staff identified specific, ministerial plan modifications to resolve all outstanding technical concerns.

The City Council, in denying the Application, either ignored or affirmatively departed from the unanimous consistency findings of its own staff agencies without identifying, on the record, any competent substantial evidence that contradicted those findings. This constitutes an arbitrary and unreasonable result that is not supported by the record. *Bd. of Cty. Comm'rs v. Snyder, 627 So. 2d 469, 472 (1993)*. Decisions reached without reasons supported by competent

facts in the record are, as a matter of law, arbitrary and unreasonable. *Bd. of Cty. Comm'rs v. Snyder, 627 So. 2d 469, 472 (1993).*

D. Admission of Opposition Expert Reports Without Proper Foundation, Motion, or Opportunity to Cross-Examine

During the Hearing, opponents of the Application introduced or referenced expert reports and technical studies, including Expert Planning Report prepared by Patricia Ortiz, AICP, and 5600 Mariner Street Transportation Analysis Review prepared by Drew Roark, P.E., CTL, without (a) making a proper motion to admit those documents into the record, (b) authenticating the documents through the testimony of their authors, (c) presenting the reports' authors as witnesses subject to cross-examination by the Applicant, or (d) providing the Applicant with a meaningful opportunity to challenge the reports' methodology, conclusions, or qualifications of the authors. The reports nonetheless appear to have been accepted into and considered as part of the evidentiary record upon which the City Council based its denial.

A review of the Hearing transcript does not reflect that any formal motion was made by opposition representatives or their counsel to introduce the referenced documents into the evidentiary record of the proceeding, and no ruling by the City Council Chairman formally admitting those documents appears in the transcript. The admission of documents into a quasi-judicial record without a proper evidentiary motion and ruling deprives the record of the clarity necessary to support review, and deprived the Applicant of the opportunity to object to admission.

In quasi-judicial zoning proceedings, parties must be able to present evidence, cross-examine witnesses, and be informed of all facts upon which the decision-making body acts. *Jennings v. Dade County (1991), Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996, 1002 (1993)*. Where an expert report is admitted into a quasi-judicial record but its author is

not made available for cross-examination, the applicant's right to challenge the reliability, methodology, and conclusions of the report is effectively extinguished. *Carillon Cmty. Residential v. Seminole County, 45 So. 3d 7, 10 (2010).* An opposing party seeking to defeat a rezoning application that has met the applicable criteria must present competent substantial evidence; documents admitted without authentication, without sworn testimony, and without the opportunity for cross-examination of the authors cannot constitute competent substantial evidence sufficient to support a denial. *City of Hialeah Gardens v. Miami-Dade Charter Found., Inc., 857 So. 2d 202, 204 (2003).* A quasi-judicial decision based upon the record is not conclusive where minimal standards of due process, including the right to cross-examine those whose evidence is used against the applicant, are denied. *Jennings v. Dade County (1991).*

E. Lay Witness Testimony Purporting to Characterize and Summarize Expert Reports

Multiple opposition witnesses who were not qualified as experts in the relevant technical fields were permitted to testify at the Hearing regarding the contents, conclusions, and purported import of expert-authored reports. These witnesses were not the authors of the reports they described, were not tendered as experts in any field, and had no demonstrated independent basis of personal knowledge for the technical opinions they offered. The City Council relied on this lay testimony characterizing expert material in the deliberations leading to denial.

While quasi-judicial proceedings are not governed by strict rules of evidence, certain standards of basic fairness are required. *Jennings v. Dade County (1991), Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996, 1002 (1993)*. Permitting lay witnesses to characterize, summarize, and advocate the conclusions of expert reports without qualification, without oath administered in a manner that extends to the underlying expert material, and without the authors being available for cross-examination, allowed unsworn expert opinion to be

laundered through lay testimony into the evidentiary record. The result is that evidence which could not independently satisfy the competent substantial evidence standard was nonetheless placed before the Council, prejudicing the Applicant. *City of Hialeah Gardens v. Miami-Dade Charter Found., Inc., 857 So. 2d 202, 204 (2003).* The combination of unauthenticated expert reports and unqualified lay characterization of those reports did not constitute competent substantial evidence sufficient to support a denial, and the Council's reliance on such evidence violated the Applicant's due process rights. *Jennings v. Dade County (1991).*

Also notably, under Florida law the testimony of an attorney is considered argument and does not qualify as substantial competent evidence.

F. Improper Reliance on Testimony from "Umbrella" Organization That Lacked Standing

The opposition's testimony and evidence before the Tampa City Council must be stricken from the record due to a fundamental lack of legal standing and procedural compliance. According to hearing testimony and correspondence from attorney Kathleen Berkey in opposition to the Application, the entity spearheading the opposition, Beach Park Preservation Society Corp. ("BP Preservation Society"), is "an umbrella organization representing the members of the Beach Park Homeowners Association, Inc. (241), the members of the 5700 Mariner South, Inc. and Mariner North, Inc. condominiums (44 and 44, respectively), plus several hundred other Beach Park residents who have joined together in opposition to the application."

BP Preservation Society was formed in May 2026 for the primary purpose of defeating the Petitioner's rezoning Application, yet BP Preservation Society holds no property in the Beach Park vicinity, has no membership, and is absent from the City of Tampa Neighborhood Association notice list. Under Florida law, a nonprofit corporation cannot be represented in

quasi-judicial or legal proceedings by another entity, and because the opposition failed to demonstrate that the Application causes them or any property a direct adverse impact, their entire evidentiary submission is procedurally invalid.

V. RELIEF REQUESTED

Based on the foregoing, Petitioner respectfully requests that the Special Magistrate:

1. Accept and docket this Request for Relief pursuant to Section 70.51, Florida Statutes, and schedule this matter for a Special Magistrate proceeding.
2. Find that the City of Tampa's denial of Rezoning Application REZ-26-0000062, as reflected in the action taken at the September 10, 2026 City Council Hearing, was procedurally and substantively defective for the reasons set forth herein.
3. Find specifically that the Applicant was denied the procedural due process to which it was entitled in the quasi-judicial proceeding, including through unequal hearing time allocation, improper admission of unauthenticated expert reports, and lay witness characterization of expert materials without cross-examination rights.
4. Find that the denial was unreasonable and imposed an unfair burden on the Petitioner’s use of its Property, was not supported by competent substantial evidence and departed from the consistent findings of the City's own staff and the Planning Commission.
5. Find that the City failed to apply the correct legal standards governing building height, parking waivers, and waiver criteria under the applicable Land Development Regulations and Comprehensive Plan.
6. Strike the entire opposition submittals and testimony from the record.

7. Recommend such relief as is appropriate under Section 70.51, Florida Statutes, including but not limited to a recommendation that the City of Tampa approve Rezoning Application REZ-26-0000062 consistent with the findings of the Planning Commission and City staff, with the ministerial site plan revisions identified in the Revision Sheet, and subject to such additional conditions as the Special Magistrate finds appropriate.

8. Grant such other and further relief as is just and proper under the Act.

VI. CERTIFICATION

The undersigned hereby certifies that the factual statements set forth herein are true and correct to the best of the undersigned's knowledge, information, and belief, and that this Request for Relief is submitted in good faith and is supported by the record of Application REZ-26-0000062, the City of Tampa's staff reports, the Planning Commission's report, and the transcript of the September 10, 2026 City Council Hearing.

Mark Bentley

Mark Bentley, Esquire, B.C.S., AICP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been furnished via electronic mail to Mayor Jane Castor, at jane.castor@tampagov.net, with a copy of the foregoing furnished via electronic mail to Scott Steady, City Attorney, at scott.steady@tampagov.net, this 19th day of October, 2026.

Mark Bentley, Esquire, B.C.S., AICP
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Attorney for Petitioner

EXHIBIT 1

From: Michelle Thompson
To: "mccarthym@plancom.org"; "developmenl@jpfirm.com"; Brad Baird; Camaria Pettis-Mackle; Cate Wells; Erin Bradley; John Bennett; Kayla Caselli; Lori Hernandez; Marlene Rigal; Michele Miles; "Morris Massey"; Phyllis Ho-Zuhars; Shawny Tim; Sheila DelCastillo; Susan Johnson-Velez; Carl Brody; Chyana Wint; Dana CrosbyCollier; Emma Gregory; Marcella Hamilton; "McLane Evans"; "Megan Birnholz-Couture"; Mourama Saint-Fleur; Ronald Wigginton; Scott Davis; Scott Steady; Taylor Bollt; Ursula Richardson; Annie Barnes; Bria Dixon; Christopher DeMancho; "Debbie Crawford"; Dennis Fernandez; Eric Cotton; LaChone Dock; RoseMary Hall; Shelisia Jackson
Cc: Suling Lucas-Harris; Denise Brown; Charline SotoQuintana; Michelle Thompson
Subject: MOTIONS COUNCIL EVENING SESSION September 10, 2026 at 5:01 p.m. Agenda#4 File No. REZ-26-62
Date: Thursday, September 17, 2026 4:00:00 PM

Office of the City Clerk
3rd Floor, City Hall
315 E. Kennedy Boulevard
Tampa, Florida 33602
Phone: 813-274-8397
Fax: 813-274-8306

MOTION ACTION

COUNCIL EVENING SESSION SEPTEMBER 10, 2026, at 5:01 P.M.

TO: **Chief of Staff Motion Group**

Legal Motion Group

City Council Staff

Land Rezoning Motion Group

Meaghan McCarthy - Planning Commission

Mark Bentley - Applicant's Representative

File No. REZ-26-62

Public Hearing on application of Mark Bentley request to rezone property generally located at 5600 Mariner Street from OP-1 to PD (Residential Multiple Family, Office, Business & Professional, All CG Uses, All CN Uses.

(Ordinance being presented for first reading consideration) - An ordinance rezoning property in the general vicinity of 5600 Mariner Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification OP-1 (office professional) to PD (planned development, residential, multiple-family, office, business & professional, all commercial general (CG) uses, and all commercial neighborhood (CN) uses; providing an effective date.

Motion: (Carlson-Miranda) That Council moves to deny said petition due to the waivers that were requested were not compatible with the character and scale with the surrounding residential built environment. Land Use Policy 1.2.28, limits the use of Planned Development (PD) district rezoning petitions strictly to allow development that is consistent with the Future Land Use designation, but otherwise not be permitted within the standard zoning. Land Use Policy 8.14.3 Planning Development rezoning process is not to be used for the sole purpose of waiving the established land use development regulations. Land Use Policy 9.6.2 promote a residential development pattern consistent with compact city form strategy. Land Use Policy 9.6.4 balance the objective to increase opportunities for new housing development to ensure adequate housing for Tampa's residents with equally important objective of ensuring that new development is compatible with neighborhood character. PD criteria, PD Code (2), it does not allow the integration of different land use and density in one development that would not otherwise be provided for or allowed under general zoning districts, (6) it does not promote and encourage development where appropriate and location, character and compatibility of the surrounding impacted neighborhood build environment existing geography adding section 27-136; further, the waivers are too much. Per section 27-139 (4) the design of the proposed development is unique and therefore in need of waivers. From the evidence presented council did not see a justification for reducing the parking, reducing the dock size, reducing the buffer and the vehicle use landscape. #2, the waiver if allowed will not substantially interfere with or injure the rights of others whose property will be affected by allowance of the waivers. Also, the neighborhood is concerned about the parking, and they feel it is insufficient and they also have concerns of the delivery which will be affected by the dock size. #3, the waiver is not in harmony with and serves the general intent purpose of this chapter, other applicable city Land Development and Comprehensive Plan. #4, allowing the waiver would result in substantial justice being done considering both the public benefits intended to be secure by this chapter and other applicable City of Tampa Land development regulations Tampa Comprehensive Plans and hardships suffered by failure of the City to grant the waiver. Council did not see any hardships regarding why the waivers of parking and dock size reduction, etc. needing to be waived. Motion carried by voice roll call vote 7-0.

Courtland Title
28163 U.S Hwy 19 N #
Clearwater, FL 33761

EXHIBIT 2

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

HOLLAND & KNIGHT LLP
P.O. Box 1288
Tampa, Florida 33601-1288
Attention: Robert A. Warram

INSTR # 2003533762
O BK 13409 PG 1208
Pgs 1208 - 1211; (4pgs)
RECORDED 12/22/2003 08:09:23 AM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S.201.02) 33,600.00
DEPUTY CLERK J Anglin

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of December, 2003, between HARBINGER TAMPA BAY LLC, a Delaware limited liability company, whose address is One Riverchase, South, Birmingham, Alabama 35244, Attn.: Alan C. Fuller (herein called "Grantor"), and K & P ESTATE, LLC, a Florida limited liability company, whose address is 3105 West Waters Avenue, Suite 315, Tampa, Florida 33614 (herein called "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations).

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee, its successors and assigns forever, all that certain land situate in Hillsborough County, Florida, as more particularly described in Schedule "1" attached hereto and made a part hereof by this reference, such property having as its Tax Identification or Folio No. 112535-0000.

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that it is lawfully seized of the land in fee simple; that it has good right and lawful authority to sell and convey such land; that it hereby fully warrants the title to such land and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other, subject, however, to those matters set forth on Schedule "2" attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Print Name: Robert A. Warram

Print Name: Holly M. Reagan

HARBINGER TAMPA BAY LLC, a Delaware limited liability company

By: _____
Alan C. Fuller
Vice President

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 17th day of December 2003 by Alan C. Fuller, the Vice President of HARBINGER TAMPA BAY LLC, a Delaware limited liability company, on behalf of the company. He/she is either [CHECK WHERE APPLICABLE] ____ personally known to me, or ✓ has produced a _____ driver's license as identification.

(Notarial Seal)

Print Name: _____
Notary Public
State of Florida at Large
My Commission Expires: _____

Holly M. Reagan
MY COMMISSION # DD114282 EXPIRES
August 14, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

SCHEDULE "1"

That certain parcel of land in Government Lot 3 of Section 19, Township 29 South, Range 18 East, Hillsborough County, Florida, more particularly described as follows:

From the northeast corner of Lot 1, MARINER ESTATES SUBDIVISION, according to map or plat thereof recorded in Plat Book 38, page 61 of the public records of Hillsborough County, Florida; run N 88°45'00" E 169.68 feet along the southerly right of way limits of Mariner Street; thence S 88°55'00" E, 52.61 feet, along said southerly right of way limits to the Point of Beginning; thence S 3°50' E, 221.79 feet to the southerly face of sea wall cap; thence East, 275.05 feet along said southerly face of sea wall cap; thence N 88°52'00" E, 39.78 feet along said southerly face of sea wall cap; thence North 647.82 feet to a point on the easterly right of way limits of Mariner Street; thence South 46.27 feet along said easterly right of way limits to a point of curve to the right; thence southwesterly, 549.1 feet, more or less along said curved right of way limits of Mariner Street to the Point of Beginning.

SCHEDULE "2"

1. Taxes for the year 2004 not yet due and payable and any taxes and assessments levied or assessed subsequent to the effective date hereof, not yet due and payable and taxes or assessments which are not shown as existing liens by the public records.

2. The right of Coastal Petroleum Company to all oil, gas, sulfur and all other minerals of whatsoever kind and the further right of Coastal Petroleum Company and any subcontractor or licenses to remove all such oil, gas, sulfur and any other minerals of whatsoever kind by slant or offset drilling, or operations conducted on or from the surface of other water bottom lands or former water bottom land or otherwise, by any means or methods, but without entering upon or disturbing the surface of or the peaceful possession of the subject premises as now or hereafter existing and developed, or to interfere with or disturb the use of peaceful possession of the subject property as set forth in Deed from the Trustees of the Internal Improvement Trust Fund of the State of Florida recorded in Deed Book 1571, Page 173 and Drilling Lease No. 224B recorded in Deed Book 1502, Page 245, as modified by that certain instrument recorded in Official Records Book 1342, Page 269.

3. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded September 3, 1964, in Official Records Book 1338, Page 1 and in Official Records Book 1338, Page 5, of the Public Records of Hillsborough County, Florida.

4. Non-Exclusive Easement and Right of Way Agreement in favor of Tampa Electric Company recorded in Official Records Book 7124, Page 1700, of the Public Records of Hillsborough County, Florida.

5. Restrictive Covenants and Conditions as incorporated in that certain instrument recorded in Official Records Book 983, Page 825, of the Public Records of Hillsborough County, Florida.

6. Rights of tenants in possession under unrecorded leases, as tenants only.

7. Any matters which would be disclosed by an accurate survey of the subject property.

8. Claims of ownership or riparian rights asserted by the State of Florida to those portions of the subject property that may comprise sovereignty lands, including, without limitation, submerged, filled, and artificially exposed lands and lands accreted to such lands.

9. Rights of the United States of America and/or the State of Florida in and to navigable waters or filled lands, in the interest of navigation and commerce in what were formerly navigable waters, and any conditions contained in any permits authorizing the filling in of such lands.

10. Any requirement by the State of Florida for the removal of fill or other restoration of sovereignty lands, and any lien rights which may be asserted pursuant to Chapter 403 of the Florida Statutes.

11. Covenants in that certain Deed executed by Alex F. Frazier, et al, to John W. McWhirter, dated March 1, 1940, recorded March 15, 1940, in Deed Book 1135, Page 475, of the Public Records of Hillsborough County, Florida.

12. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 953, Page 216, and re-recorded in Official Records Book 958, Page 528, of the Public Records of Hillsborough County, Florida.

1405221_v1

EXHIBIT 3

REZONING STAFF REPORT REZ-26-0000062

PROPERTY ADDRESS: 5600 Mariner Street
APPLICANT: Mark Bentley
PROPERTY OWNER: K and P Estate LLC
AUTHORIZED AGENT: Ryan Manasse
RELATED APPLICATIONS: None
PRIOR APPLICATIONS: None
FUTURE LAND USE: Regional Mixed Use-100 (RMU-100)
HISTORIC LANDMARKS: None within 1,000 feet of the subject site



CITY COUNCIL DISTRICT & REP. MEMBER: District #6 – Miranda
CITY COUNCIL AT-LARGE (CITY-WIDE) MEMBERS: Clendenin, Maniscalco, Hurtak

OVERLAY DISTRICT: None
NEIGHBORHOOD ASSOCIATION: Beach Park Homeowners Association Inc., Westshore Alliance, Bayshore Beautiful Neighborhood Association Inc., Bayshore Gardens Neighborhood Association Inc., Armory Gardens Civic Association

HEARING DATE: 09/10/2026
DATE OF REPORT: 09/03/2026
DATE OF SITE PLAN: 07/16/2026

CURRENT ZONING:
OP-1 (Office Professional)

REQUESTED ZONING:
PD (Planned Development)
Residential, Multiple-Family,
Office, Business and Professional
All CG Uses, All CN Uses

WAIVER(S) REQUESTED:

1. Section 27-283.7: Request to reduce the required number of parking spaces from 484 spaces to 445 spaces (8% reduction).
2. Section 27-283.14: Request to reduce the required number of loading spaces from 4 to 1.
3. Section 27-283.15(5): Request to allow a 12'x 30'loading space in lieu of a 12' x 60'space.
4. Section 27-284.3.3.A: Request to reduce the required 15' use to use buffer with a 6' masonry wall to a 10' use to use buffer with no wall along the western property boundary.
5. Section 27-284.3.3.D: Request to reduce the required 8' vehicle use area landscape buffer to 0' at the western edge of the eastern surface parking lot due to the angled property boundary.

FINDINGS:

The Development Review and Compliance staff has reviewed the petition and finds the request **INCONSISTENT** with the applicable City of Tampa Land Development Regulations. See findings from Transportation in the report below. Should it be the pleasure of City Council to approve the application, further modifications to the site plan must be completed by the applicant in between 1st and 2nd Reading of Ordinance as stated on the revision sheet. These revisions will not resolve the issues of Transportation's inconsistent finding.

LOCATION MAP:



PROJECT INFORMATION:

Commercial Development	4,000 SF
Residential Unit Count (Maximum)	262 Units
Maximum Building Height	137'
Setbacks	North: 10' South: 20' (15' balcony) East: 10' (5' balcony) West:15' (10' balcony)
Existing Use of Property	Office, Business and Professional
Lot Area (SF/Acreage)	101,716 SF (2.34 acres)
Parking Spaces Required	484 spaces
Parking Spaces Provided	445 spaces (See waiver requested on page 1 of this staff report)

SURROUNDING USE INFORMATION*:

LOCATION	ZONING	CURRENT USE
North	RM-50, OP-1	Residential, Multiple-Family & Office, Business and Professional

South	RS-75	Residential, Single Family, Detached & Old Tampa Bay
East	OP-1	Office, Business and Professional
West	RM-50	Residential, Multiple-Family

*RM-Residential, Multiple-Family, RS-Residential, Single-Family, OP-Office Professional

SUMMARY OF REQUEST:

The subject property is located along the south side of Mariner Street and encompasses 2.34 acres (101,716 SF) in area. The site is currently zoned OP-1 (Office Professional) and improved with a four-story structure. The applicant is proposing to rezone the subject property to PD (Planned Development), to allow for Residential Multiple-Family, Business and Professional Office, All CG Uses, and All CN Uses.

The applicant's site plan depicts a single structure totaling eleven (11) floors in height (137' height), containing 4,000 SF of business and professional office uses, and a total of 262 multiple-family units. Vehicular access to the site is provided by a two-way driveway located on the west side of the property providing ingress/egress to an internal parking garage comprising the first three-stories of the building. The proposed site plan depicts a main building entrance oriented towards Mariner Street and connecting to a proposed 6' sidewalk running adjacent to the right-of-way. Additional sidewalks are depicted along the perimeter of the proposed structure measuring 5' and 6' in width.

GENERAL REQUIREMENTS OF CODE/STAFF FINDINGS:

Development Coordination **Site Plan Modifications:** • Revise waivers to be listed as stated on Page 1 of the staff report. • On the Site Plan, identify the drive aisle width for the two-way entrance on the west side of the property. • Under Zoning Notes, separate Note #6 to be a separate note section referenced as Solid Waste Notes. • Under Zoning Note #6, remove reference to right of developer to apply for private hauler. • On Sheet 7 of 9, update the proposed elevations to reference the max proposed height of 137'.	Consistent
Natural Resources **Site Plan Modifications:** • Reword Waiver #4 to read "along the west property line." • Reword waiver 5 to read "Section 27-284.3.3 (D) to reduce the 8' vehicle use area buffer to below 8' for 17 linear feet south-west of the driveway at the eastern surface parking lot due to the angled property line." • Remove waiver #6. Staff has reviewed the Arborist report submitted and determined that there are zero trees on site that meet the minimum	Consistent

requirements to qualify as a retained tree. Per Table 284.3.1 [5] retention percentages do not apply in cases where there are not sufficient qualified trees on site.

- Add the following under Note 5 on Sheet 1 of 19: At the time of permitting tree #86 (off-site 14" Quercus virginiana Sheet TR1.1) and any boundary Palm trees shall be shown on the plans and the full 10' and 3' Tree Protection Zones shall be provided. Development within the Tree Protection Zones shall provide alternative construction methods, such as Flexi-pave or permeable pavers, as found in the City of Tampa Tree and Landscape Technical Manual A.3.
- Correct the Required Tree Calculations on Sheet L2.00.
    - Vehicle Use Area Trees = 5.
    - Multi-Family >6 Stories trees are based on Site minus building footprint and VUA, not the minimum required greenspace. The correct math is 36,998 SF / 1,500 = 17 Trees.
    - Right of Way Trees only apply to the NE parking lot. The linear feet of VUA adjacent to ROW is 61 LF / 40 = 2 Trees.
    - Total required Trees is 24 Trees.
    - Break out Mitigation by Tree Type per Table 284.4.1-A.

REQUIRED TREES & LANDSCAPED AREA
Required Trees:

Use Area Type	Size	Factor	Trees Required*
Vehicular Use Area	7,291 Sq. Ft.	1 tree/1,500 Sq. Ft.	5 Trees
Loading Berth Areas	internal	1 tree/5,000 Sq. Ft.	0 Trees
Residential Green Space Area	36,998 Sq. Ft.	1 tree/1,500 Sq. Ft.	17 Trees
Right-of-Way Trees (V.U.A. abutting public right-of-way)	61 Linear Feet	1 tree/ 40 L.F.	2 Trees
Total Required:			24 **Trees**
Mitigation Trees		**2-1/2" Tree***	5 x Type 1 ~~1 x Type 2~~ 36 x Palm Trees

* Mitigation assumes the use of 2.5" DBH trees. It is anticipated that larger diameter trees may be utilized. Therefore, the actual number of required trees may decrease accordingly.
** Arborist's report specifies mitigation. The Arborist's Report provided herein for more detailed tree information.

- Add a note on Sheet L2.00.
    - The Plant Material Schedule shall be reviewed at the time of permitting for compliance with Sec 27-284.3.2 (b) and Sec 27-284.3.3 (Table 284.3.3).

Staff has reviewed the plant material schedule and has found that the proposed trees do not meet the requirements found in Sec 27-284.3. No medium or large Type 1, 2, or 3 trees are proposed for the North-East VUA. Livestonia chinensis is a category II invasive and cannot be counted for credit as a code or mitigation tree. While it can be planted without receiving credit Natural Resources discourages its use near the bay as its highest invasive potential is related to wet sites.	
Transportation **Site Plan Modifications:** • Update the parking waiver #1 to show the correct reduction percentage of 8% (not 9.2%).	Inconsistent
LDC ROW	Consistent
Hillsborough County City/County Planning	Consistent
Solid Waste	Consistent
Stormwater **Site Plan Modifications:** • Show location and method of stormwater retention on site plan, pursuant to the City of Tampa Code 27-227(e)(5), the manner in which it is depicted on the previously submitted site plan set uploaded to Accela on 03/30/26 is acceptable.	Consistent
Wastewater	Consistent
Tampa Fire Rescue	Consistent
Water	Consistent

Sec. 27-136. Purpose

The purpose of this article is to provide for zoning districts that recognize unique conditions, allow design flexibility, and promote planned diversification and integration of uses and structures, which other zoning districts cannot accommodate. Through this process City Council retains authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare, with the exception of standard technical requirements, as described in this section. The intent of these site plan zoning districts is to provide standards and requirements which:

(1) Promote the efficient and sustainable use of land and infrastructure, with careful consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources. ***The subject property is currently developed with a four-story office structure. The applicant proposes the development of the subject property with a mixed-use (storefront residential) building totaling eleven (11) floors in height (137' height), containing 4,000 SF of business and professional office uses, and a total of 262 residential multiple-family units. The application allows for consideration of all Commercial General and Commercial Neighborhood uses within the non-residential 4,000 SF portion of the building. Surrounding properties include residential single-family***

detached, residential multiple-family and office uses. The development as proposed is compatible with the surrounding uses.

(2) Allow the integration of different land uses and densities in one (1) development that would not otherwise be provided for or allowed under general zoning districts established in this chapter, which encourage compatibility in overall site design and scale, both internal and external to the project site. ***Not applicable. The current OP-1 zoning allows for consideration of storefront residential, however, this projects configuration, the parking waiver and the requested buffer reduction require the application is processed through a Planned Development***

(3) Provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site. ***Not applicable.***

(4) Acknowledge changing needs, technologies, economics and consumer preferences and allows for ingenuity and imagination in the planning and development of relatively large tracts under unified control as well as allowing flexibility in the redevelopment of older areas of the city. ***This project proposes the redevelopment of an office building that was constructed in 1969 with a mixed use building on a 2.34 acre property that has seen recent surrounding redevelopment including Novel Beach and Mariner Street Apartments, which are currently under construction.***

(5) Encourage flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources, such as streams, lakes, floodplains, groundwater, wooded areas, uplands, and areas of unusual beauty or importance to the natural ecosystem; open space; greenspace; and, historical and archaeological sites. ***Not applicable.***

(6) Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography***. The proposed development will provide appropriate scale development to the surrounding area that include multi-story structures. Surrounding properties include residential single-family detached (further west along W. Mariner Street), residential multiple-family and office uses.***

(7) Promote more desirable living and working environments than would be possible through the strict application of minimum requirements of other zoning districts***. The subject property is currently zoned OP-1. The proposed development can only be achieved with a PD rezoning application due to the six proposed waivers requested, and the setbacks proposed in relation to the building height and massing.***

(8) Promote architectural features and elements, which complement the surrounding community and enhance the overall quality of the development. ***The proposed elevations are complimentary to the surrounding community.***

(9) Promote the retention and reuse of existing building stock. ***Any existing structure on site will be demolished.***

Sec. 27-139(4) Waivers

The following are the criteria for consideration of a waiver through a site plan-controlled rezoning:

a. The design of the proposed development is unique and therefore is in need of waiver(s); however, with waiver(s) granted, the purpose and intent this article stated in Section 27-136 is met.
b. The waiver, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the waiver.
c. The waiver is in harmony with and serves the general intent and purpose of this Chapter, other applicable City of Tampa land development regulations, and the adopted Tampa Comprehensive Plan.
d. Allowing the waiver will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter, other applicable City of Tampa land development regulations, the Tampa Comprehensive Plan, and the individual hardships that will be suffered by a failure of City Council to grant a waiver.

Submitted & Completed by:
Christopher DeManche
Urban Planner II
Development Coordination

Revision Sheet

Development Coordination

- Revise waivers to be listed as stated on Page 1 of the staff report.
- On the Site Plan, identify the drive aisle width for the two-way entrance on the west side of the property.
- Under Zoning Notes, separate Note #6 to be a separate note section referenced as Solid Waste Notes.
- Under Zoning Note #6, remove reference to right of developer to apply for private hauler.
- On Sheet 7 of 9, update the proposed elevations to reference the max proposed height of 137'.

Natural Resources

- Reword Waiver #4 to read "along the west property line."
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Transportation

- Update the parking waiver #1 to show the correct reduction percentage of 8% (not 9.2%).

Stormwater

- Show location and method of stormwater retention on site plan, pursuant to the City of Tampa Code 27-227(e)(5), the manner in which it is depicted on the previously submitted site plan set uploaded to Accela on 03/30/26 is acceptable.



Request to Rezone

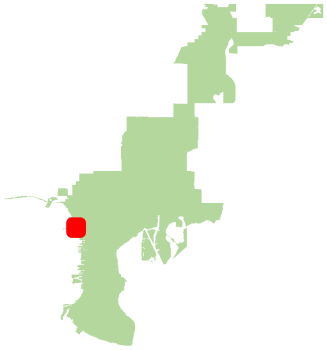
REZ-26-000006 2
5600 Mariner St

OP-1 to PD

Subject Property
Zoning
1,320' Buffer

Historic Landmark Local
None

Historic Landmark National
None



DISCLAIMER: information represented on this map is for reference only. Every effort has been made to verify the information. However, the data is dynamic and accuracy is not guaranteed. Users are urged to report inconsistencies so updates can be made accordingly.

Prepared by Development & Growth Management
Right of Way & Mapping Section

August 5, 2026

NORTH

Jane Castor, Mayor

Hillsborough County
City-County
Planning Commission

City of Tampa Rezoning	
Hearing Date: September 10, 2026 **Report Prepared:** August 31, 2026	**Petition: REZ 26-62** **5600 Mariner Street** *Located approximately 0.27 miles south of West Kennedy Boulevard and Interstate 275*

Summary Data:	
Comprehensive Plan Finding:	**CONSISTENT**
Adopted Future Land Use:	**Regional Mixed Use-100 (100 du/ga; 3.50 FAR)**
Planning Area:	South Tampa
Urban Village:	No
Neighborhood:	Beach Park
Zoning:	Office Professional (OP-1) to Planned Development (PD) for residential multi-family, office, business and professional, all commercial general, all commercial neighborhood uses
Parcel Size (Approx.):	2.34± acres (101,716± square feet)
Evacuation Zone/CHHA:	Zone A / CHHA - Yes
Street Functional Classification:	Mariner Street – **Local**

Plan Hillsborough
planhillsborough.org
planner@plancom.org
813 – 272 – 5940
601 E Kennedy Blvd
18th floor
0Tampa, FL, 33602

Context:
The request is to rezone 2.34± acres from Office Professional (OP-1) to Planned Development (PD) for residential multi-family, office, business and professional, all commercial general, all commercial neighborhood uses.

- The subject site is within the Regional Mixed Use-100 (RMU-100) Future Land Use designation. This designation supports high-intensity/density high-rise residential, major office, and regional-serving commercial developments. Mixed-use residential projects may be determined either by density or Floor Area Ratio (FAR) If FAR is applied to a residential project to attain maximum density potential, development shall be in character and scale with the surrounding residential built environment.

- The site can be considered for a maximum of 234 dwelling units (100 du/ga) or 356,006 square feet (3.5 FAR) of non-residential or mixed uses.

- The surrounding area is a mix of commercial and residential uses. Commercial uses are to the north and east of the site. Single-family detached is to the west and south, and multifamily is to the north.

- The subject site is within the Westshore Business District.

- The site is not within proximity of a recreational facility or transit.

- The site is located within the Coastal Planning Area. Rezonings that increase the number of residential units within the Coastal Planning Area shall mitigate the impact on shelter space demands (CM Policy 1.2.2).

Staff Analysis of Goals, Objectives, and Policies:

The request is to rezone the 2.34±acre subject site from Office Professional (OP-1) to Planned Development (PD) for residential multi-family, office, business and professional, all commercial general, and all commercial neighborhood uses.

The site is within the RMU-100 designation and within the Westshore Business District. The RMU-100 designation is to the north, east, and west and the Residential-6 designation is to the west and south of the site, developed with single-family detached uses. The request will provide development comparable to the existing development pattern along this corridor. The PD proposes a 3.5 FAR, which is consistent with the maximum FAR allowed and aligns with the development pattern anticipated under the RMU-100 designation (LU Policy 8.15.1, 8.15.2).

The surrounding area is a mix of commercial and residential uses. Commercial uses are scattered in the immediate area, specifically to the north along Mariner Street and to the east across an inlet. Multifamily uses are adjacent to the site on the west and to the north along Mariner Street, developed at approximately 8-9 stories in height. Single-family detached homes are to the west and south separated by an inlet.

The proposed 137-foot building height encompasses eight or more stories of residential and three or more levels of parking, not to exceed 137 feet. The proposed height would be compatible with the heights of the multifamily buildings in the area, which are 8-9 stories. The Residential, Multiple-Family-50 zoned parcel directly adjacent to the site to the west separates the subject site from the single-family detached homes along Mariner Street and allows up to 200 feet in height. The existing multifamily structure is approximately eight stories. Planning Commission staff find the height to be consistent with and compatible with the surrounding development pattern and the intensity of development approved within the area (LU Policies 1.2.3, 2.1.1, 9.6.4).

As described in LU Policy 6.1.13, lands recognized under the RMU-100 designation are within a Mixed Use Corridor. Mixed Use Corridors are identified as areas with the greatest opportunity to support the gradual transformation of road corridors where intensification is possible and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities, and transit service for community residents. The Comprehensive Plan promotes pedestrian safety and encourages commercial development that enhances the City's character and ambiance. In doing so, the Comprehensive Plan requires new commercial development to connect building entrances to public rights-of-way and encourages sidewalks where practical and feasible for pedestrian-oriented activities (LU Policies 2.2.3, 2.2.7, 9.2.6, 15.2.1; MBY Policies 1.1.8, 1.5.5). The proposed PD supports these principles by placing the building close to the right-of-way and connecting building entrances to internal sidewalks and crosswalks that connect to the sidewalk along Mariner Street. Bicycle parking will be provided internally, consistent with MBY Policy 1.8.2. Additionally, per the landscape plan, shade trees are along the right-of-way and throughout the site (LU Policies 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.9, MBY Policy 1.8.1).

Additionally, the Comprehensive Plan encourages parking garages to be architecturally compatible and appropriately screened. Per the landscape plan, the parking garage will be screened from the adjacent properties (LU Policy 1.2.27).

The request advances several Comprehensive Plan housing and infill policies. The Plan encourages residential development on vacant and underutilized parcels to ensure an adequate housing supply for current and future residents (LU Policies 2.1.2, 9.2.1, 9.6.1, 9.6.2; HSG Policy

1.3.4). The proposed request would provide additional housing near employment concentrations within the Westshore Business District (INF Policy 1.1.18). The proposed PD would contribute additional housing opportunities in the South Tampa Planning District.

The subject site is located within the Coastal Planning Area, specifically Evacuation Zone A. Rezonings that increase the number of residential units within the Coastal Planning Area shall mitigate the impact on shelter space demands (CM Policy 1.2.2).

In conclusion, the proposed Planned Development is consistent with the development pattern envisioned under the RMU-100 designation, compatible with the surrounding land uses, and aligned with the City's policies for housing and mixed-use centers and corridors.

Recommendation:
Based on the above considerations and the below objectives and policies, Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Tampa Comprehensive Plan*.

Compliance with the Comprehensive Plan:
The following objectives and policies apply to this rezoning request and serve as the basis for the consistency finding.

City Design - Objectives, and Policies

LU Objective 1.2: Create inspired urban design while respecting Tampa's human scale, unique history, aesthetics, natural environment, and sense of community identity as the City changes and evolves.

LU Policy 1.2.3: Relate new buildings and development to the context of the neighborhood and community.

LU Policy 1.2.27: Parking garages, as well as surface parking areas, should be architecturally compatible and appropriately screened.

City Planning Strategy – Goals, Objectives, and Policies

LU Objective 2.1: Regulate the levels of building intensity according to the standards and land use designations, in order to accommodate the projected population increase of 150,000 people and 157,000 employees by 2040.

LU Policy 2.1.1: Encourage compact, higher-density development that is compatible with its surrounding character.

LU Policy 2.1.2: Use limited land resources more efficiently and pursue a development pattern that is more economically sound, by encouraging infill development on vacant and underutilized sites.

Employment Centers – Objectives, and Policies

LU Objective 2.2: Ensure the continued prosperity and competitiveness of the city's premier employment centers.

LU Policy 2.2.3: Encourage walking and bicycling by creating safe and attractive conditions in and around the employment centers.

LU Policy 2.2.7: Encourage greater pedestrian and bicycle connections between mixed-use centers and surrounding neighborhoods to establish the centers as important neighborhoods, regional destinations, and activity centers.

Mixed-Use Centers and Corridors - Objectives, and Policies

LU Objective 6.1: The transformation of major corridors to include a broader mix of uses, both horizontal and vertical, that provides opportunities for medium and higher density housing, while also addressing local and citywide demand for retail and services.

LU Policy 6.1.2: Encourage through the redevelopment process, residential, mixed-use, retail, service commercial, and other pedestrian-oriented uses along mixed- use corridors to be oriented to the street by placing them toward the front of properties with entries and stoops fronting the street.

LU Policy 6.1.3: Support proposals to convert non-residential properties along mixed-use corridors, between major intersections, to residential or mixed-use residential uses and ensure the development is compatible with surrounding land uses and has adequate access to transit services and community services.

LU Policy 6.1.4: Require that sidewalks along mixed-use corridors are wide enough to accommodate significant pedestrian traffic and the integration of public amenities and landscaping.

LU Policy 6.1.5: Encourage design and development along mixed-use corridors that promote the use of public transit, pedestrian and bicycle travel maximizing personal safety through development features such as:

- *Buildings oriented to the street and transit services;*
- *Safe and convenient access for pedestrians between buildings and transit stops;*
- *Support the Greenways and Trail Master Plan when applicable; and*
- *Roads designed for automobile use, efficient transit service as well as pedestrian and bicycle travel.*

LU Policy 6.1.9: Promote redevelopment patterns and streetscape improvements that transform the visual and physical character of these corridors by the following methods:

- *Put buildings close to the sidewalk. This will create a consistent "street wall," will allow through traffic to see shops, and will make it interesting for people to walk through the corridor;*
- *Introduce taller buildings consistent with the underlying plan category;*
- *Consider placing parking in the rear of the building;*
- *Direct traffic back to the major roads;*
- *Create an attractive front and rear facade and entry for pedestrians;*
- *Create pedestrian pathways between the uses in the corridor and the neighborhoods behind;*
- *Reduce visual clutter of signs through a consistent sign program;*
- *Remove utility poles and put utilities underground;*

- *Plant street trees and provide street furniture; and*
- *Always try to diversify the types of uses.*

LU Policy 6.1.13: Mixed-use Corridor Centers are defined as those segments of a mixed-use corridor represented by adopted mixed-use plan categories on the future land use map. That include:

- *Suburban Mixed-use-3*
- *Suburban Mixed-use-6*
- *Neighborhood Mixed-use-16*
- *Neighborhood Mixed-use-24*
- *Neighborhood Mixed-use-35*
- *Community Mixed-use-35*
- *Community Commercial-35*
- *Urban Mixed-use -60*
- *Regional Mixed-use-100*

Land Development Regulations – Goals, Objectives, and Policies

LU Objective 8.15: 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.

LU Policy 8.15.1: Development shall not exceed the densities and intensities as defined by the land use plan categories, and incorporated herein as reference.

LU Policy 8.15.2: Each land use plan category shall have a unique set of zoning districts that may be permitted within the land use plan category, as adopted in the Zoning Code. Zoning districts which are not included in the table/ matrix shall neither be applied for, nor approved.

Overall Residential Development and Redevelopment – Goals, Objectives, and Policies

LU Objective 9.2: Ensure that there is an adequate amount of land planned for residential purposes to accommodate the projected population.

LU Policy 9.2.1: Protect, promote and maintain residential neighborhoods, in order to preserve an adequate amount of residential land for existing and future population growth.

LU Policy 9.2.6: Encourage single family attached and multi-family developments to be designed to include orientation of the front door to a neighborhood sidewalk and street.

Multifamily Residential Areas

LU Objective 9.6: Increase the diversity and improve the sustainability of multi-family residential areas.

LU Policy 9.6.1: Encourage the development and retention of a diversity of multifamily housing types to meet the needs of Tampa's present and future populations.

LU Policy 9.6.2: Promote a residential development pattern consistent with the compact city form strategy, with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

LU Policy 9.6.4: Balance the objective to increase opportunities for new housing development to ensure adequate housing for Tampa's residents with the equally important objective of ensuring that new development is compatible with neighborhood character.

Commercial Areas – Goals, Objectives, and Policies

LU Objective 15.2: Develop commercial areas in a manner which enhances the City of Tampa's character and ambiance.

LU Policy 15.2.1: Encourage the development of commercial uses in character and/or scale with the general look and scale of the community and in context with its culture and history.

Housing – Goals, Objectives, and Policies

HSG Objective 1.3: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Tampa's households now and in the future in all neighborhoods.

HSG Policy 1.3.4: Encourage new housing on vacant, infill, or underutilized land.

Infrastructure – Goals, Objectives, and Policies

INF Objective 1.1: Continue to coordinate the orderly provision of public facilities with public and private development activities in a manner that is compatible with the fiscal resources of the City through the continued implementation of the Concurrency Management System.

INF Policy 1.1.18: Promote a residential development pattern consistent with the compact city form strategy, with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Provide Multimodal Options

MBY Objective 1.1: Invest in safe, convenient, and comfortable mobility options.

MBY Policy 1.1.8: Provide for the comfort of pedestrians, bicyclists, and transit patrons with Americans with Disabilities Act (ADA) compliant sidewalks and ramps, shade, lighting, secure bicycle parking, and visual and auditory signage and signals where appropriate.

MBY Objective 1.5: Preserve, strengthen, and explore opportunities to reconnect the grid and provide connections for all modes to alleviate pressure on existing roadways and build a network of complete streets.

MBY Policy 1.5.5: Direct connections between destinations, especially for adjacent parcels, to create walking and bicycling connections between neighborhoods. Potential conflicts between pedestrians and motor vehicles should be minimized.

MBY Objective 1.8: Enforce development's requirements and contributions toward improving onsite multimodal access and safety.

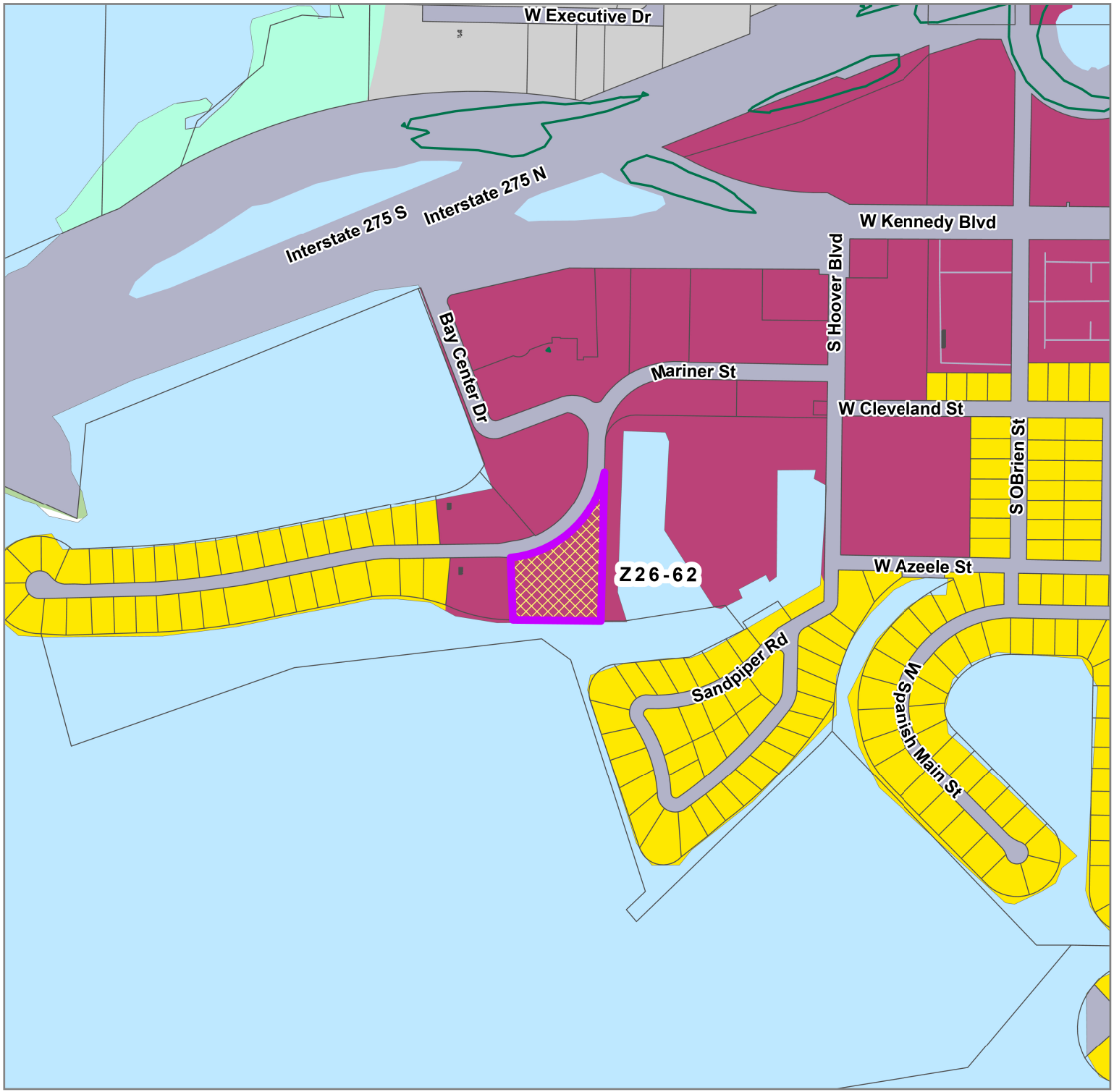
MBY Policy 1.8.1: Continue to require development to construct sidewalks adjacent to the property frontage or require payment of a sidewalk in-lieu fee, adjusted for present day average costs, inclusive of survey, design, and construction, into the Sidewalk Trust Fund.

MBY Policy 1.8.2: Encourage private development to provide pedestrian, bicycle, and transit facilities onsite through context-sensitive technical standards and policy provisions.

Hurricane Evacuation and Shelters

CM Objective 1.2: Maintain and reduce hurricane clearance times within the City as a component of maintaining and reducing evacuation times for Hillsborough County and the Region.

CM Policy 1.2.2: Rezonings in the Coastal Planning Area that increase the number of residential units shall mitigate the impact on shelter space demands based on the shelter space LOS.



CITY OF TAMPA
FUTURE LAND USE

Z26-62

5600 Mariner St.

FROM: OP-1 (OFFICE PROFESSIONAL)
TO: PD (PLANNED DEVELOPMENT)

LEGEND

REZONING

STATUS

- PENDING

TAMPA FUTURE LAND USE

- RESIDENTIAL-6
- REGIONAL MIXED USE-100
- MUNICIPAL AIRPORT COMPATIBILITY
- RECREATIONAL/OPEN SPACE
- MAJOR ENVIRONMENTALLY SENSITIVE AREAS

ROADS AND BOUNDARY LINES

- RIGHT-OF-WAY
- JURISDICTION BOUNDARY
- COUNTY BOUNDARY
- URBAN SERVICE AREA
- TAMPA SERVICE AREA
- COASTAL HIGH HAZARD AREA

NATURAL FEATURES

- WATER

0 100 200 400 600 800 Feet

Hillsborough County
City-County
Planning Commission

N

For GIS data sources please see our standard E size Adopted Future Land Use map.

Author: McAdooJ Date: 8/13/2026 Path: G:\gisroot\Projects\JeridMcAdoo\TPC\Tampa\Rezoning\Zoning_TEMP.aprx