

Rezoning Application: 22-1591
Zoning Hearing Master Date: January 17, 2023
BOCC Land Use Meeting Date: March 14, 2023

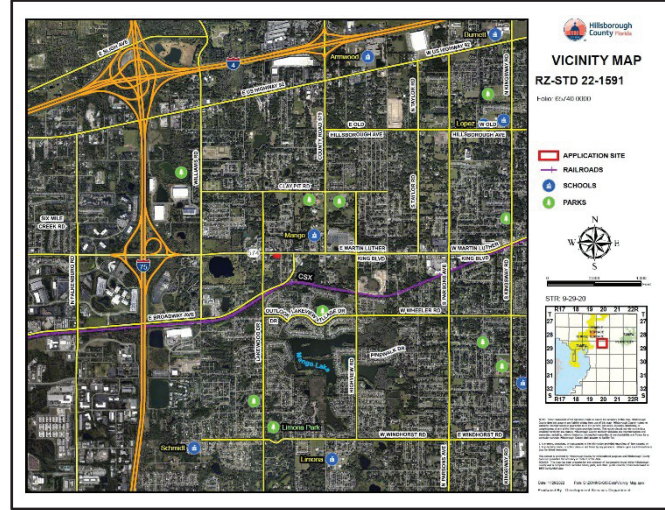


**Hillsborough
 County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Nigel Porter
FLU Category: Residential-9 (R-9)
Service Area: Urban
Site Acreage: 0.49+/-
Community Plan Area: Seffner Mango
Overlay: None
Request: Rezone from **Residential-Duplex Conventional – 12 (RDC-12)** to **Commercial General with Restrictions (CG – R)**.



Request Summary:

The request is to rezone from the existing **Residential Duplex Conventional-12 (RDC-12)** zoning district to the proposed **Commercial General (CG - R)** zoning district with Restrictions. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10,000 square feet. The applicant is proposing restrictions limiting uses to: BPO uses, Day Care, a contractor’s office, retail and professional office.

Zoning:

Uses	Current RDC-12 Zoning	Proposed CG - R Zoning
	Single-Family and Two-Family (Conventional)	General Commercial, Office and Personal Services
Acreage	0.49+/- Acres; 21,344 sq. ft	0.49+/- ac
Density / Intensity	1 Duplex / 7,260 sq ft	0.27 F.A.R.
Mathematical Maximum*	2 Duplex Units	5,762 sq. ft

* *Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.*

Development Standards:

	Current RDC-12 Zoning	Proposed CG-R Zoning
Density/ Intensity	1 du/7,260 sq. ft	0.27 F.A. R / 5,762 sq. ft
Lot Size / Lot Width	7,000 sq. ft/ 70'	10,000 sq. ft/ 75'
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	30' – Front (North, East) 0' – Side (West) 20' (Type B Buffering) – Rear (South)
Height	35'	50'

Additional Information:

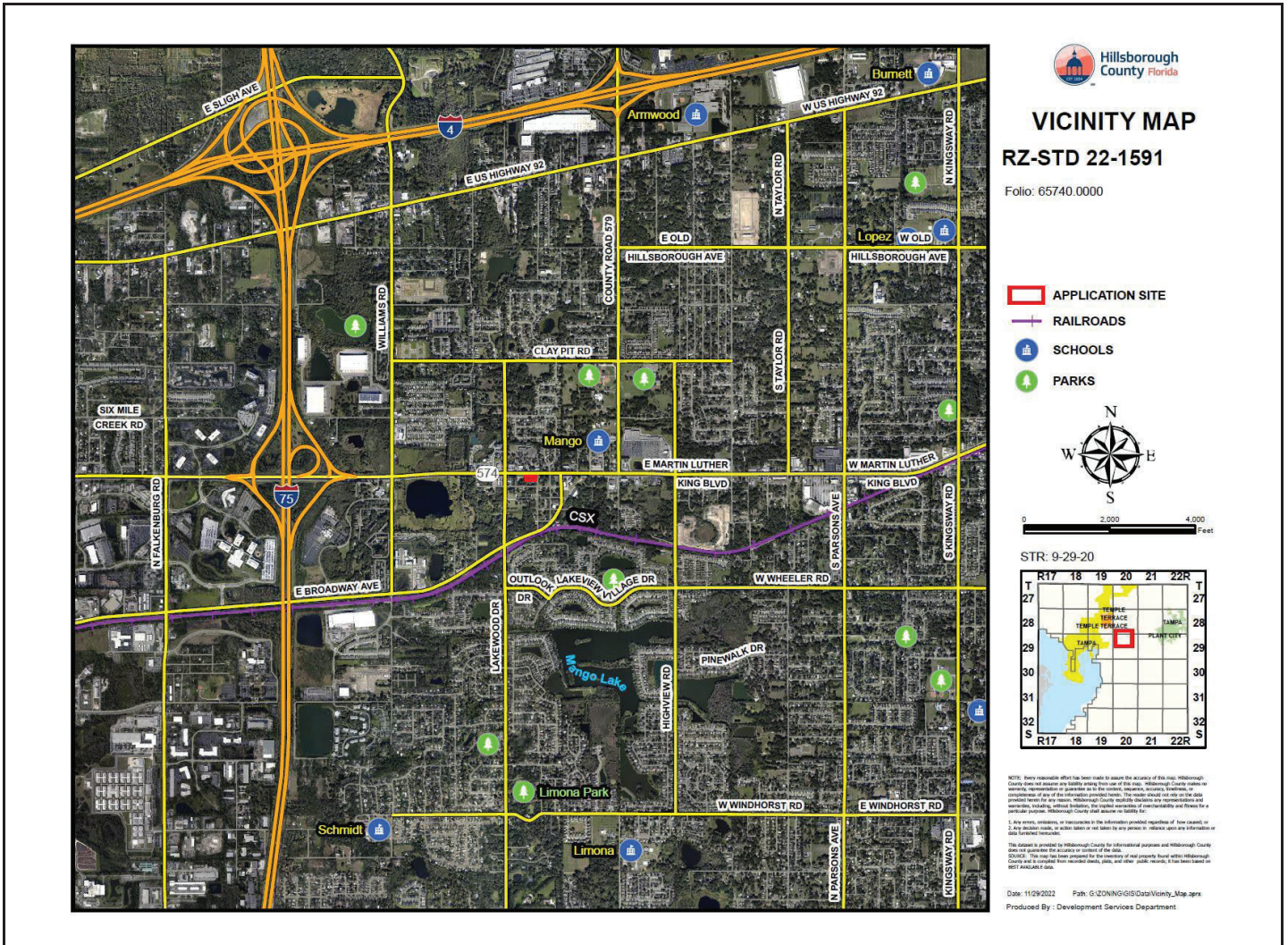
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:

Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

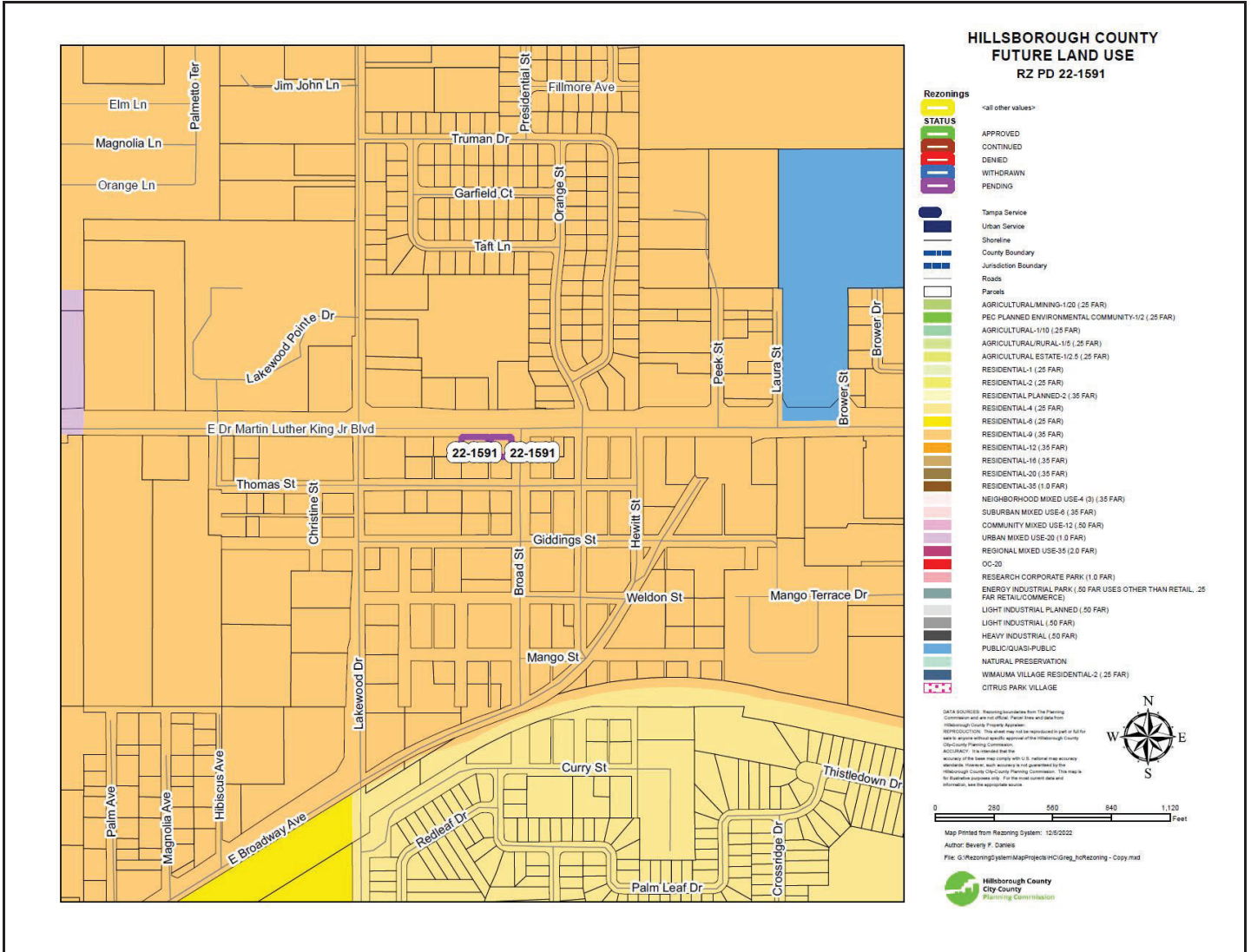


Context of Surrounding Area:

The site is surrounded by properties with Single-Family and Two-Family (Conventional) and Commercial Neighborhood type uses. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses. The subject site’s immediate surrounding area consists of properties within the Residential-9 FLU category.

2.0 LAND USE MAP SET AND SUMMARY DATA

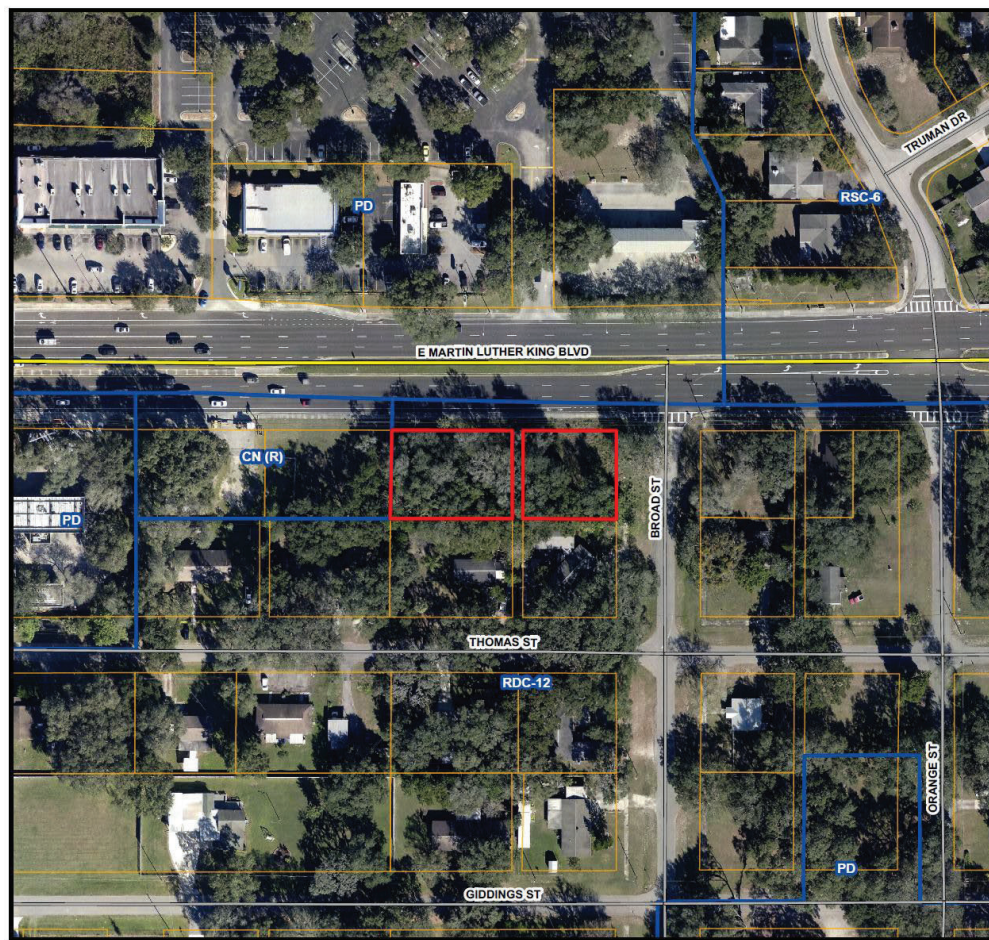
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 9 (Res-)
Maximum Density/F.A.R.:	9 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Hillsborough County Florida

ZONING MAP

RZ-STD 22-1591

Folio: 65740.0000

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- SCHOOLS
- PARKS

Scale: 0 100 200 Feet

STR: 9-29-20

NOTES: Every interested party has been made to advise the existence of this map. Hillsborough County does not assume any liability arising from use of this map. Hillsborough County makes no warranty, representation or guarantee as to the accuracy, timeliness, or completeness of the information provided herein for any reason. Hillsborough County expressly disclaims any representation and warranty, including without limitation, the implied warranty of merchantability and fitness for a particular purpose. Hillsborough County and its agents shall not be liable for any errors, omissions, or inaccuracies in the information provided regardless of how caused or how the information is used. This map is provided for informational purposes only and does not constitute an offer of any financial product or service. This map is provided for informational purposes only and does not constitute an offer of any financial product or service. This map is provided for informational purposes only and does not constitute an offer of any financial product or service. This map is provided for informational purposes only and does not constitute an offer of any financial product or service.

Date: 11/09/2022 File: G:\ZONING\GIS\Zoning_Map.aprx
Produced By: Development Services Department

Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning	Allowable Use:	Existing Use:
North	Martin Luther King, Jr. Blvd	n/a	Street	Street
	PD 74-0237	0.27 FAR	General Commercial, Office and Personal Services	Shopping Center
South	RDC-12	1 Duplex / 7,260 sq ft	Single-Family and Two-Family Residential (Conventional)	Single and Two-Family Residential Home
West	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Vacant/ Store
East	Broad Street. Kingsway Road	n/a	Street	Street
	RDC-12	1 du/ 7,260 sq. ft	Single-Family and Two-Family Residential (Conventional)	Single-Family and Two-Family Residential (Conventional)

2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Martin Luther King Blvd	County Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Broad Street	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	47	4	5
Proposed	317	16	22
Difference (+/-)	+270	+8	+17

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

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

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

4.0 Additional Site Information & Agency Comments Summary

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Review at time of development
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Utilities Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Staff review
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located on the southwest corner of the intersection of Martin Luther King, Jr. Blvd and Broad Street. The adjacent properties are zoned Residential Duplex Conventional – 12 (RSC-12) to the south and east; Commercial Neighborhood (CN) to the west, and to the north MLK Blvd and Planned Development (PD 74-0237) with CG uses.

The subject site’s immediate surrounding area consists of properties within the Residential 9 FLU category. The site meets commercial location criteria. The Planning Commission staff found the request inconsistent. To address compatibility concerns raised by the Planning Commission staff the applicant has proposed the following restrictions:

1. The subject site shall be limited to the following Uses:
 - BP-O Uses
 - Used vehicle and truck sales.
 - Neighborhood and minor vehicle repair. All work required to be interior, and any open bay must be directed to MLK, Jr. Blvd.
 - Retail as defined in the LDC definitions.
 - Contractor office without open storage.
 - Specialty retail.
 - Daycare/childcare.
2. A 20’ Type “B” buffering, with an embellishment of the “B” buffer where evergreen trees are required at 20’, we are proposing placement of the trees at 10’ apart, along the south boundary lines.

The overall area is also within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. Thus, the proposed rezoning is consistent with the surrounding development pattern.

The parcel to the immediate west is zoned CN (R) (RZ 14-0959) with restrictions prohibiting fast food establishments with drive-thru, convenience stores with or without gas sales and motor vehicle repair (Neighborhood Serving). The subject parcel is a similar configuration with the adjacent CN (R) in that residential uses are located to the immediate south. Therefore, staff finds that the proposed CG (R) could be supportable with the same uses restricted from the subject application. The applicant’s proposed restrictions would allow motor vehicle repair, convenience stores and eating establishments with drive-thru (both permitted uses under the retail definition in the LDC). Therefore, staff finds the request not compatible with the surrounding development pattern.

5.2 Recommendation


Based on the above considerations, staff finds the proposed CG-R zoning district not supportable.

As noted, the applicant is proposing the following restrictions:

1. The subject site shall be limited to the following Uses:
 - BP-O Uses
 - Used vehicle and truck sales.
 - Neighborhood and minor vehicle repair. All work required to be interior, and any open bay must be directed to MLK, Jr. Blvd.
 - Retail as defined in the LDC definitions.
 - Contractor office without open storage.
 - Specialty retail.
 - Daycare/childcare.
2. A 20’ Type “B” buffering, with an embellishment of the “B” buffer where evergreen trees are required

at 20', we are proposing placement of the trees at 10' apart, along the south boundary lines.

Zoning Administrator Sign Off:



J. Brian Grady
Tue Jan 10 2023 14:56:24

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

ZHM HEARING DATE: January 17, 2023

BOCC LUM MEETING DATE: March 14, 2023

Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department	DATE: 01/09/2023
REVIEWER: Alex Steady, Senior Planner	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: Seffner Mango/Northeast	PETITION NO.: STD 22-1591

- 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 270 average daily trips, 8 trips in the a.m. peak hour, and 17 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 one parcel totaling +/- 0.48 acres from Residential Duplex Conventional – 12 (RDC-12) to Commercial General - Restricted (CG-R). The site is located on the southwest corner of the intersection of Broad St and Dr Martin Luther King Blvd. The Future Land Use designation of the site is Residential-9 (RES-9).

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
RDC-12, 5 Single Family Dwelling Units (ITE Code 210)	47	4	5

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG, 5,000 sf Variety Store (ITE Code 814)	317	16	34
<i>Less Internal Capture:</i>	Not Available	0	0
<i>Passerby Trips:</i>	Not Available	0	12
<i>Net External Trips:</i>	317	16	22

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+270	+8	+17

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 270 average daily trips, 8 trips in the a.m. peak hour, and 17 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Martin Luther King Blvd and Broad Street. Martin Luther King Blvd is a 6-lane, divided, FDOT maintained, Principle Arterial roadway. Martin Luther King Blvd lies within +/- 120 feet of Right of Way in the vicinity of the project. Martin Luther King Blvd has sidewalks, bike lanes, and curb and gutter on both sides of the roadway within the vicinity of the project. Broad Street is a 2-lane, undivided, Hillsborough County maintained, substandard, local roadway characterized by +/-19 feet of pavement. Broad Street does not have sidewalks, bike lanes, or curb and gutter on either both sides of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd and/or Broad Street. 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

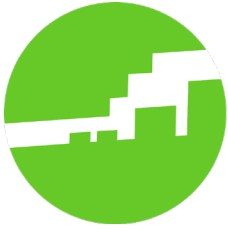
Level of Service (LOS) information is reported below. Broad Street is not a regulated roadway and as such was not included in the Level of Service Report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	I-75	HIGHVIEW	D	C

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

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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: January 17, 2023 Report Prepared: January 5, 2023	Petition: RZ 22-1591 3920 Broad Street <i>South of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street, north of Thomas Street</i>
Summary Data:	
Comprehensive Plan Finding:	INCONSISTENT
Adopted Future Land Use:	Residential-9 (9 du/ga; 0.5 FAR)
Service Area:	Urban
Community Plan:	Seffner Mango
Requested Zoning:	Residential Duplex Conventional (RDC-12) to Commercial General- Restricted (CG-R)
Parcel Size (Approx.):	0.49 acres +/- (21,344 square feet)
Street Functional Classification:	East Dr. Martin Luther King Jr. Boulevard – State Principal Arterial Broad Street – Local
Locational Criteria:	Meets
Evacuation Zone:	A



Context

- The approximately 0.49 +/- acre subject site is located on the south side of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street and north of Thomas Street. The subject site is located within the Urban Service Area and is within the limits of the Seffner Mango Community Plan.
- The subject site is designated as Residential-9 (RES-9) on the Future Land Use Map. Typical uses of the RES-9 Future Land Use category include residential, urban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses are required to meet the established locational criteria for specific land uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- RES-9 surrounds all sides of the subject site. Public/Quasi Public (P/Q-P), Office Commercial-20 (OC-20), and Residential-6 (RES-6) are located further east. Urban Mixed Use-20 (UMU-20) is located further west.
- The subject site is currently vacant. Single family residential, duplexes and vacant uses are interspersed south of the subject site. Single family residential and public/quasi-public uses are utilized to the east. To the west are light commercial, single family, and vacant uses. Light commercial and single-family residential uses are utilized north of the subject site across East Dr. Martin Luther King Jr. Boulevard. The immediate area surrounding the subject site contains a mixture of residential and light commercial uses.
- The subject site is currently zoned as Residential Duplex Conventional (RDC-12). RDC-12 zoning extends southwest, south and east of the subject site. A small pocket of Commercial Neighborhood (CN) zoning is located directly west of the subject site. Planned Development (PD) zoning extends further west, northwest and north. Residential Single-Family Conventional (RSC-6) zoning is located to the northeast.
- The applicant is requesting to rezone the subject site from Residential Duplex Conventional (RDC-12) to Commercial General with Restrictions (CG-R).

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements

affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

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.

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 22.2: *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 22.5: *When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services or specialty retail (i.e. antiques, boutiques) toward the edges of the activity center.*

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.

Community Design Component

5.1 COMPATIBILITY

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

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

Policy 12-1.3: *New development in existing, lower density communities should utilize the planned development process of rezoning in order to fully address impacts on the existing community. Additionally, pre-application conferences are strongly encouraged with the staffs of the Planning Commission and Hillsborough County Planning and Growth Management Department.*

LIVABLE COMMUNITIES ELEMENT: SEFFNER MANGO COMMUNITY PLAN

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

Strategies:

- *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:

- *Support office and light industrial uses along US 92 and Martin Luther King Boulevard between I-75 and CR 579 (Mango Road).*
- *Support office uses along Martin Luther King Boulevard between CR 579 (Mango Road) and Kingsway Road.*

Staff Analysis of Goals, Objectives and Policies

The approximately 0.49+/- acre subject site is located on the south side of East Dr. Martin Luther King Jr. Boulevard, west of Broad Street, and north of Thomas Street. The subject site is located in the Urban Service Area. It is located within the limits of the Seffner Mango Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-9 (RES-9). The applicant is requesting to rezone the subject site from Residential Duplex Conventional (RDC-12) to Commercial General with Restrictions (CG-R). The applicant is proposing the following restrictions:

1. Restriction of uses proposed:

- **BP-O uses**
- **Used vehicle and truck sales**
- **Neighborhood and minor vehicle repair. All work required to be interior and any open bay must be directed to MLK, Jr. Blvd.**
- **Retail as defined in the LDC definitions**
- **Contractor office without open storage**
- **Specialty retail**
- **Day care/childcare**

2. Buffer Improvement

- 20' "B" proposed with the following modification: where evergreen trees are required at 20', the applicant is proposing placement of the trees at 10' apart

The subject site is located in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. The proposed request is consistent with this policy direction. Though it meets the goal of Objective 1, it does not meet the compatibility criteria set by FLUE Policy 1.4. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that *"Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development."* The subject site directly abuts single-family residential dwellings to the west and south. A rezoning to CG-R would not be harmonious or compatible with the single family-residential character of the area directly to the area south of the subject site along Broad Street. Though the applicant has provided a list of use restrictions as part of the rezoning application, several of the proposed uses (used vehicle and truck sales, neighborhood and minor vehicle repair and contractor offices) present a compatibility concern due to the intensity of these proposed uses adjacent to the established residential uses to the west and south.

FLUE Objective 16 and its accompanying policies require the protection of existing neighborhoods through various mechanisms. FLUE Policy 16.1 states that established and planned neighborhoods and communities shall be protected by restricting incompatible land uses by limiting commercial development in residential land use categories to neighborhood scale. A rezoning from RDC-12 to CG-R would be inconsistent with this policy direction.

FLUE Policy 16.2 states that 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. A rezoning to CG-R would not provide a suitable transition between residential and commercial general uses and mitigation measures, such as buffering, would not achieve compatibility. FLUE Policy 16.5 further restricts higher intensity uses along arterials, away from established neighborhoods. While East Dr. Martin Luther King Jr. Boulevard is an arterial road, the south end of the subject site is directly adjacent to single family residential uses. A rezoning to CG would encourage the encroachment of higher intensity uses into the existing residential neighborhood located south. As a result, the proposed rezoning is not compatible with the surrounding area and also does not meet the intent of the policy direction under FLUE Objective 16.

The subject site meets Commercial Locational Criteria as outlined in Objective 22 and Policy 22.2. However, Policy 22.7 states that Commercial Locational Criteria is not the only factor to be considered. Factors such as land use compatibility are also considered, and in this case, Planning Commission staff have concerns regarding the compatibility of proposed land uses in close proximity to single-family residential dwellings.

The Commercial Locational Criteria section of the Future Land Use Element also contains additional policy direction about the location of new non-residential developments. This policy direction outlines that, with new non-residential developments at intersections meeting locational criteria, a transition in land use should be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition includes clustering the most intense land uses toward the

intersection and providing less intense uses, such as offices, professional services or specialty retail toward the edges of the commercial node. In this case, while the site does meet Commercial Locational Criteria, it is located approximately 720 feet east of the intersection within a 1,000 foot node. According to policy direction, the uses should be transitioning into less intense uses moving away from the intersection. Currently at the intersection of Dr. Martin Luther King Jr. Boulevard, an arterial roadway, and Lakewood Drive, a collector roadway, there is a convenience store and full-service car wash. According to Hillsborough County Property Appraiser data, the total square footage of the buildings on site total just over 1,700 square feet. The site directly east of the convenience store is currently characterized as an office less than three stories by the Hillsborough County Property Appraiser. Its gross area total is just over 2,500 feet. According to the aforementioned policy direction, a rezoning to CG-R that would allow vehicle repair, contractors offices and vehicle/truck sales would not meet the transition of use policies in the Comprehensive Plan. The restrictions proposed by the applicant would allow for uses that are too intense when considering the existing uses located between the subject site and the qualifying intersection node.

The Community Design Component (CDC) in the Future Land Use Element provides guidance on developments that should relate to the predominant character of their surroundings. It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (*CDC Objective 12-1*). The land use pattern south of East Dr. Martin Luther King Jr Boulevard is low-density single-family residential. The request with the proposed restrictions would not be compatible with this existing development pattern. Policy 12-1.3 further recommends that new development in existing lower density areas utilize the Planned Development process rather than a standard rezoning process for cases of this nature.

The proposed rezoning request is not consistent with the Seffner Mango Community Plan. Goal 3 of the Community Plan does include strategies to concentrate commercial development, office development and light industrial along East Martin Luther King Jr Boulevard however, Goal 2 prohibits commercial encroachment into residential areas south of East Martin Luther King Jr Drive. The site is adjacent to existing residential uses directly to the south and southwest. The residential uses also extend further south across Thomas Street. The subject site is directly south of East Martin Luther King Jr. Boulevard and is within an existing residential area. Therefore, a rezoning to CG-R would be inconsistent with the Community Plan as it would allow commercial encroachment into existing residential areas.

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

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE RZ PD 22-1591

Rezonings

<all other values>

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels
- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- 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/QUASI-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. This map is for informational purposes only and does not constitute an offer of any services. For more information, please contact the Hillsborough County Planning Commission. ACCURACY: It is intended that the information shown on this map is accurate to the best of our knowledge. However, such accuracy is not guaranteed by the Hillsborough County City/County Planning Commission. This map is for informational purposes only. For the most current data and information, visit the appropriate website.

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 Author: Beverly F. Daniels
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