

Nonconformity Special Use Permit: SU 22-1222

Zoning Hearing Master Date:

November 14, 2022

BOCC Land Use Meeting Date:

January 10, 2023



**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Douglas Denboer

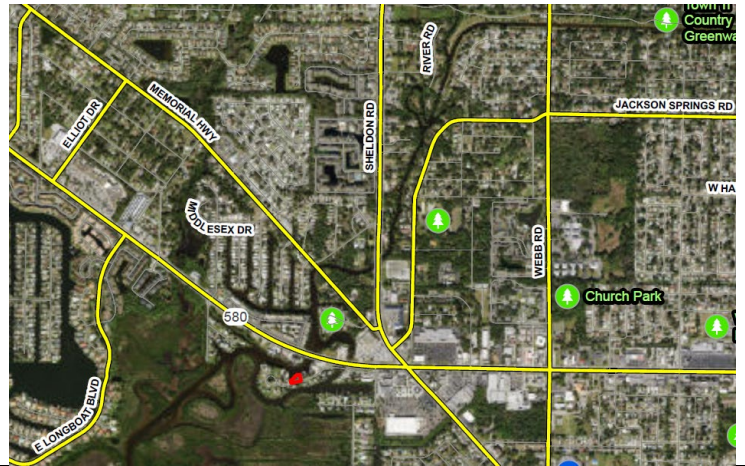
FLU Category: RES-6

Service Area: Urban

Site Acreage: 0.28 +/-

Community Plan Area: Town N' Country

Overlay: None



Introduction Summary:

The subject property received a nonconforming use and a nonconforming structure determination in February 2002 under DNC 22-0023. The use of two duplex structures on property zoned RSC-6 (Residential, Single-Family Conventional) was found to be legally nonconforming. Additionally, the setback for the westernmost duplex was deemed to have a legally nonconforming front yard setback of 15.7 feet (25 feet required in the RSC-6 zoning district). Per Land Development Code Section 11.03.06.J.1, any expansion, change or rebuilding of a legal nonconforming use requires approval by the Board of County Commissioners under a Nonconformity Special Use Permit. BOCC approved nonconformity expansions are permitted once and may not exceed 50% of the intensity.

Subsequent to the approval of DNC 22-0023, the westernmost duplex was removed. The structure was not the property owner's primary residence and is located on parcel containing more than one dwelling; therefore, the legal nonconforming classification of the duplex structure containing 2 units is removed. The parcel now contains one duplex structure (2 units).

Existing Approval(s):	Proposed Modification(s):
Two duplex structures (4 units) on property zoned RSC-6.	Approval for the rebuilding of one duplex structure (2 units) on property zoned RSC-6.
Two duplex structures (4 units) on property zoned RSC-6.	Approval of a 50% expansion of the one duplex structure (2 units), resulting in 3 units. The rebuilding of 3 units on the single parcel cannot be in the form a triplex or any other more intensive multi-family structure. Redevelopment may occur as one duplex structure and one single-family structure or as three single-family structures on one parcel.

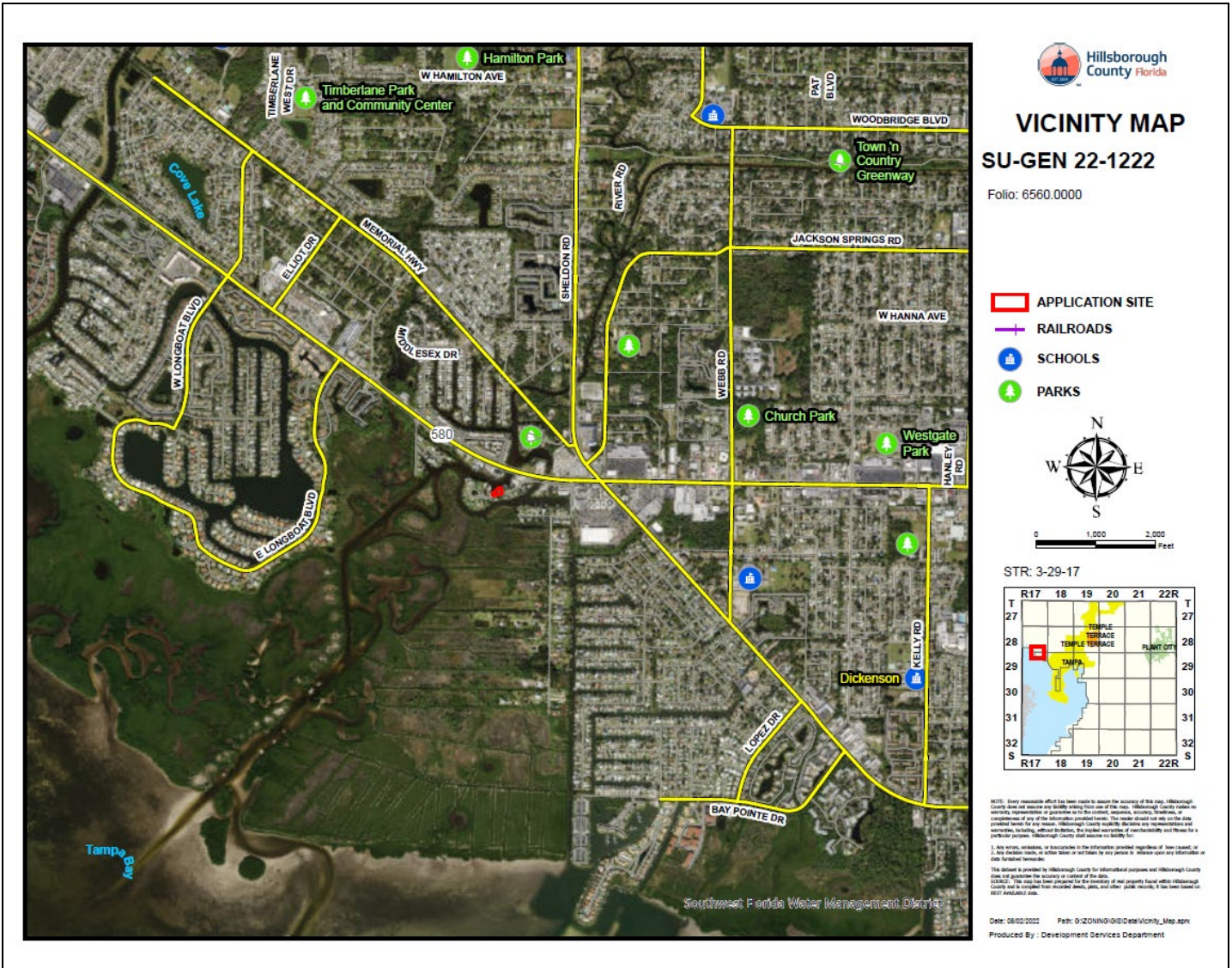
Additional Information:

PD Variation(s):	None Requested as part of this application
Waiver(s) to the Land Development Code:	None Requested as part of this application

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable, subject to proposed conditions
--	---

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

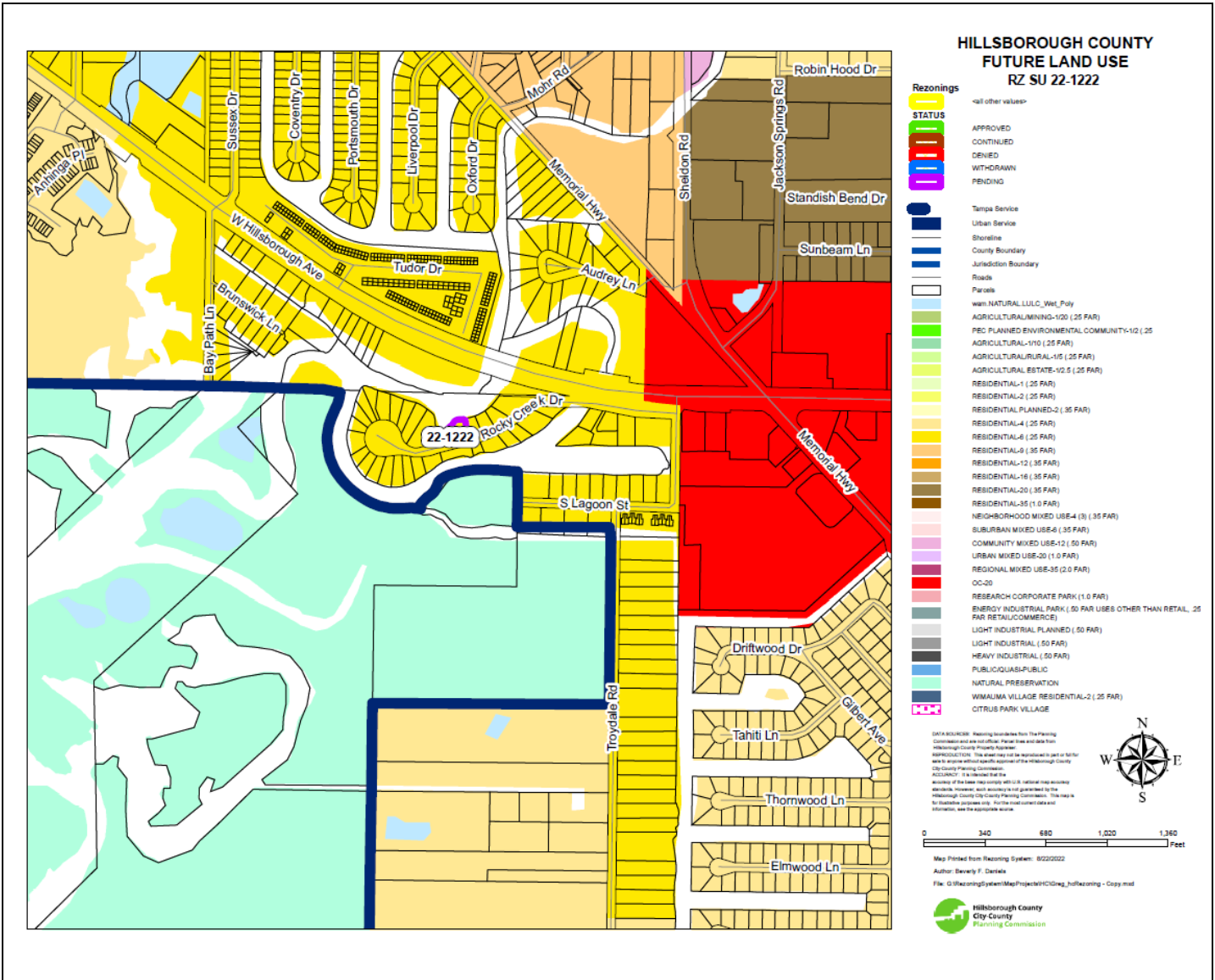


Context of Surrounding Area:

The site is located south of Hillsborough Avenue within the Town and Country community. The area is developed with residential uses – both single-family and multi-family. Commercial uses are found along the Hillsborough Avenue corridor, as well as around the intersection of Hillsborough Avenue and Memorial Highway located east of the subject site.

2.0 LAND USE MAP SET AND SUMMARY DATA

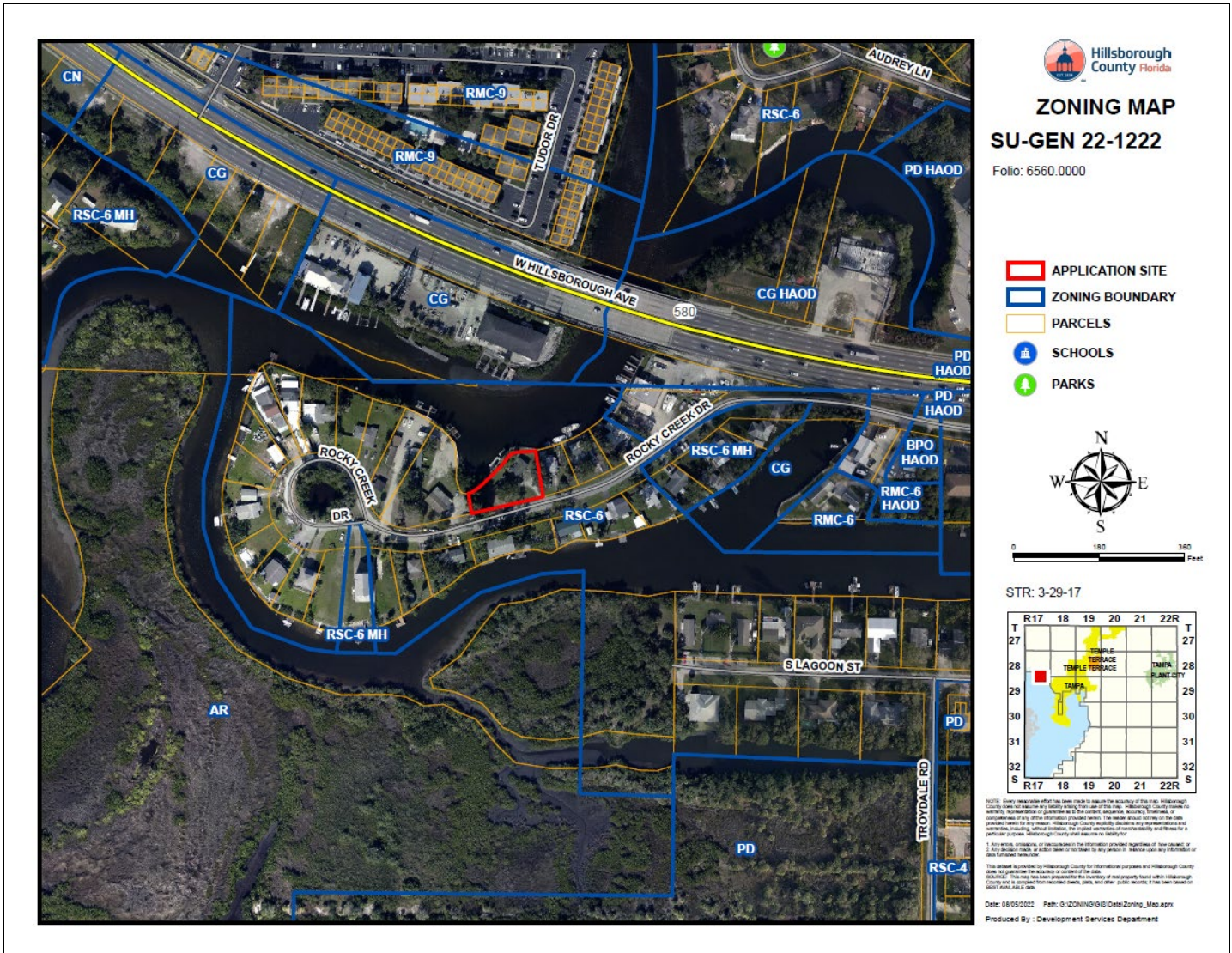
2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-6
Maximum Density/F.A.R.:	6 units per acre
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed use development.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

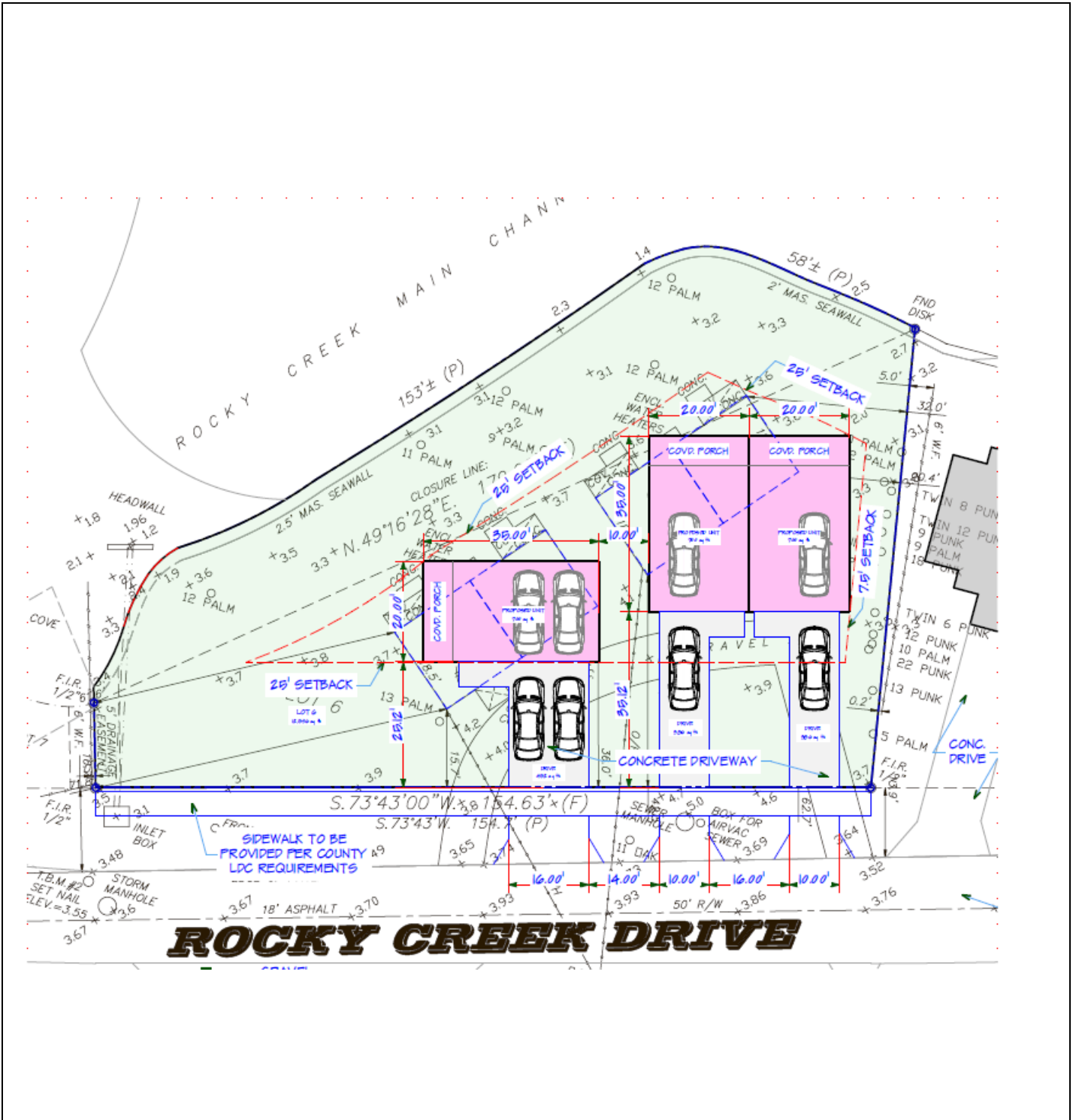


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CG	0.25	General Commercial uses	Commercial and Canal,
South	RSC-6	6 units per acre	Single-Family Residential	Single-Family Residential
East	RSC-6	6 units per acre	Single-family Residential	Single-Family Residential
West	RSC-6	6 units per acre	Single-family Residential	Single-family Residential

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Rocky Creek Dr.	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	15	1	1
Proposed	22	1	2
Difference (+/-)	+7	0	+1

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input checked="" 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 checked="" type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees (Fee estimate is based on a 2,000 square foot, Single Family Detached Unit) Mobility: \$9,183 per unit Parks: \$2,145 per unit School: \$8,227 per unit Fire: \$335 per unit Single Family Detached per unit = \$20,160 (Fee estimate is based on a 1,200 square foot, 3 Bedroom Duplex Units) Mobility: \$8,178 x2 = \$16,356 Parks: \$1,555 x2 = \$3,110 School: \$3,891 x2 = \$7,782 Fire: \$249 x2 = \$498 Multi-Family (1-2 story) per unit = \$13,873 x2 = \$27,746				

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located within an isolated neighborhood, located on a single street (Rocky Creek Drive). Rocky Creek Drive, where closest to Hillsborough Avenue, is developed with commercial uses, office uses, and multi-family uses. Remaining portions of Rocky Creek Drive are developed with single-family uses with canal access available. The subject site was developed with two duplex structures (one with a nonconforming front yard setback) in 1957, prior to the area being zoned. Upon redevelopment of the site, the parcel will be more conforming – changing from two duplex structure to one duplex structure and one single-family structure. Additionally, new structures will comply with RSC-6 zoning district setbacks providing a 25 foot setback along Rocky Creek Drive.

Based upon the above, staff has not identified any compatibility issues associated with the requests.

5.2 Recommendation

Approvable, subject to proposed conditions.

6.0 PROPOSED CONDITIONS

Requirements for Certification:

1. The site plan shall remove any reference to "triplex."

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted October 25, 2022.

1. This Special Use Permit shall permit the rebuilding of one duplex structure on folio 6560.0000. Notwithstanding DNC 22-0023, the development of two duplex structures on the property shall not be permitted due to the removal of one duplex structure subsequent to DNC 22-0023 and prior to approval of this Special Use Permit.
2. This Special Use Permit authorizes a onetime nonconforming use expansion of 50%, resulting in a total of three units permitted on folio 6560.000. The parcel shall contain one duplex structure and one single-family home on one lot, which shall not be subdivided. The use of a triplex structure on the parcel shall not be permitted.
3. Structures shall be located where generally shown on the site plan and shall comply with the RSC-6 zoning district setbacks and maximum height requirements.
4. The developer shall construct a sidewalk along the entire project frontage on Rocky Creek Dr.
5. Approval of this Special Use Permit by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
6. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
7. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
8. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

Zoning Administrator Sign Off:



SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

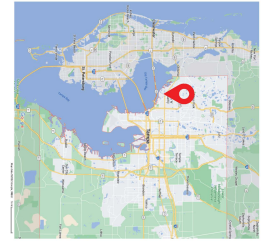
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

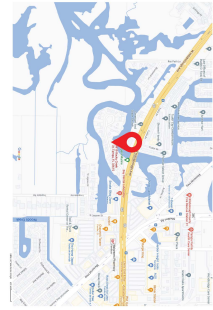
None.

8.0 SITE PLANS (FULL)

8.1 Proposed Site Plan (Full)



COUNTY MAP

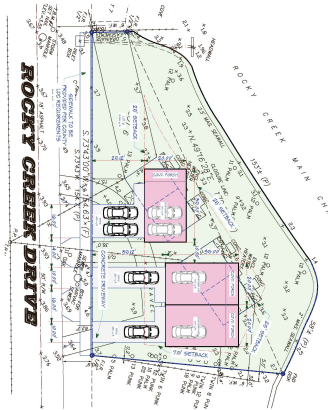


VELOCITY MAP



AERIAL PICTURE

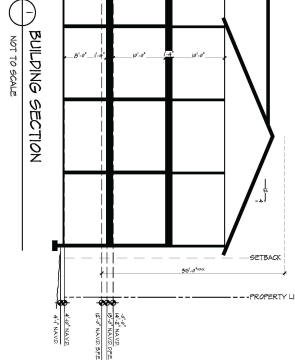
THE DENBOER TRI-PLEX
 PROJECT SUMMARY: 3-UNIT DEVELOPMENT, 2-STORY OVER GARAGE AND UNFINISHED STORAGE 3 BEDROOM, 2.5 BATH, KITCHEN, OPEN LAYOUT LIVING, DINING & COVERED PORCHES.



SITE PLAN

AREA CALCULATION TABLE

DESCRIPTION	AREA (SQ FT)
BUILDING FOOTPRINT	4,800
PARKING SPACES	1,124
DRIVEWAY	4,924
TOTAL	10,848



BUILDING SECTION

SECTION	DESCRIPTION	REMARKS
FOUNDATION	CONCRETE	AS PER SPECIFICATIONS
FLOORING	LAMINATE	AS PER SPECIFICATIONS
WALLS	CMU	AS PER SPECIFICATIONS
ROOFING	ASPH/FLT	AS PER SPECIFICATIONS
MECHANICAL	AC UNIT	AS PER SPECIFICATIONS
ELECTRICAL	WIRING	AS PER SPECIFICATIONS
PLUMBING	TOILETS, SINKS	AS PER SPECIFICATIONS
PAINT	INTERIOR	AS PER SPECIFICATIONS
LANDSCAPING	GRASS, MULCH	AS PER SPECIFICATIONS

CODE COMPLIANCE DATA

PROJECT: 3-UNIT DEVELOPMENT, 2-STORY OVER GARAGE AND UNFINISHED STORAGE 3 BEDROOM, 2.5 BATH, KITCHEN, OPEN LAYOUT LIVING, DINING & COVERED PORCHES.

APPLICABLE CODES:

- FLORIDA BUILDING CODE (FBC) - THE SECTION (FBC-1)
- FLORIDA PLUMBING CODE (FPC) - THE SECTION (FPC-1)
- FLORIDA ELECTRICAL CODE (FEC) - THE SECTION (FEC-1)
- FLORIDA MECHANICAL CODE (FMC) - THE SECTION (FMC-1)
- FLORIDA PAINT AND FINISHES CODE (FPFC) - THE SECTION (FPFC-1)
- FLORIDA LANDSCAPING CODE (FLC) - THE SECTION (FLC-1)
- FLORIDA ENERGY EFFICIENCY CODE (FEEC) - THE SECTION (FEEC-1)
- FLORIDA FIRE PREVENTION CODE (FFPC) - THE SECTION (FFPC-1)
- FLORIDA SAFETY CODE (FSC) - THE SECTION (FSC-1)
- FLORIDA ACCESSIBILITY CODE (FAC) - THE SECTION (FAC-1)
- FLORIDA ENVIRONMENTAL CODE (FECODE) - THE SECTION (FECODE-1)
- FLORIDA HISTORIC PRESERVATION CODE (FHPC) - THE SECTION (FHPC-1)
- FLORIDA INFRASTRUCTURE CODE (FIC) - THE SECTION (FIC-1)
- FLORIDA TRANSPORTATION CODE (FTC) - THE SECTION (FTC-1)
- FLORIDA UTILITIES CODE (FUC) - THE SECTION (FUC-1)
- FLORIDA WASTE MANAGEMENT CODE (FWMC) - THE SECTION (FWMC-1)
- FLORIDA WATER SUPPLY CODE (FWS) - THE SECTION (FWS-1)
- FLORIDA WEATHER RESISTANCE CODE (FWRC) - THE SECTION (FWRC-1)
- FLORIDA WIND RESISTANCE CODE (FWRCODE) - THE SECTION (FWRCODE-1)
- FLORIDA YARDING CODE (FYC) - THE SECTION (FYC-1)
- FLORIDA ZONING CODE (FZC) - THE SECTION (FZC-1)

3 PRE-MANUFACTURED UNITS DEVELOPMENT
DOUG DENBOER
 8017-8019 ROCKY CREEK DR
 TAMPA
 FLORIDA 33609

PROUDLY PRINTED AND MANUFACTURED IN THE USA

NOR

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/03/2022

REVIEWER: Richard Perez, AICP, Executive Planner AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: TNC/ Northwest

PETITION NO: SU-GEN 22-1222

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

CONDITIONS OF APPROVAL

- The developer shall construct a sidewalk along the entire project frontage on Rocky Creek Dr.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting special use approval for a +/- 0.28-acre lot with an existing nonconforming status due the previously 4 multifamily attached dwelling units that existed. The property owner demolished the two of the units and is now seeking approval to build back with one (1) additional unit for a total of 3 multi-family units. Without the special use approval the lot would be entitled to only 2 multi-family unit (duplex).

The subject site is located on the north side of Rocky Creek Dr. and zoned Residential, Suburban Conventional - 6 (RSC-6). The future land use designation is Residential 6, R-6.

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario.

Previous Nonconforming Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 2 Multi-Family Units (ITE LUC 220)	15	1	1

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 3 Multi-Family Units (ITE LUC 220)	22	1	2

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	+7	0	+1

The proposed rezoning is anticipated to result in an increase in potential trip generation by +7 daily trips and +1 pm peak hour trip.

By policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE AND SITE ACCESS

Rocky Creek Dr. is a publicly maintained, substandard local roadway. The roadway consists of +/- 19-foot paved surface in fair condition, lying within an estimated +/- 47 to 50-foot wide right-of-way along the project's boundary. There are no sidewalks or bicycle facilities present in the vicinity or the proposed project.

While Rocky Creek Dr. is substandard; by policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis provided the roadways meet minimum life safety standards (i.e. 15 feet of pavement in a 20-foot clear area).

SITE ACCESS AND CONNECTIVITY

The proposed PD site plan proposes Type I residential driveway connections on Rock Creek Dr. generally consistent with the surrounding residential properties and the existing nonconforming status of the subject property.

The proposed site plan shows a sidewalk along the project frontage on Rocky Creek Dr. The developer will be required to construct a sidewalk along the entire project frontage on Rocky Creek Dr. consistent with the County LDC. If there is not sufficient right-of-way to fit a standard sidewalk with the roadway, then the applicant will be required to place the sidewalk on the subject property and establish a public easement.

ROADWAY LEVEL OF SERVICE

As Rocky Creek Dr. is not regulated roadways and not included on the 2020 Hillsborough County Level of Service (LOS) Report, no LOS information has been provided for the proposed project.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Rocky Creek Dr.	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	15	1	1
Proposed	22	1	2
Difference (+/-)	+7	0	+1

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
N/A	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 type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See transportation review comments.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: November 14, 2022 Report Prepared: November 2, 2022	Petition: SU 22-1222 8919 Rocky Creek Drive <i>North side of Rocky Creek Drive and south of Hillsborough Avenue</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-6 (6 du/ga; 0.25 FAR)
Service Area:	Urban
Community Plan:	Town 'N Country
Special Use Request:	Special Use to construct 3 dwelling units with legally nonconforming rights
Parcel Size (Approx.):	0.28 +/- acres (12,196.8 square feet)
Street Functional Classification:	Rocky Creek Drive – Local Hillsborough Avenue – Principal Arterial
Locational Criteria:	N/A
Evacuation Area:	A



Context

- The subject site is located on approximately 0.28± acres on the north side of Rocky Creek Drive and south of Hillsborough Avenue. The site is in the Urban Service Area and within the limits of the Town 'N Country Community Plan.
- The subject site's Future Land Use designation is Residential-6 (RES-6). Typical uses of RES-6 include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- The subject site is surrounded by RES-6 FLU category to the north, east and west, and Natural Preservation (N) to the south. Further east is designated as Office Commercial-20 (OC-20). The site is mainly surrounded by single family residential on Rocky Creek Drive and light and heavy commercial uses along Hillsborough Avenue.
- The site is located completely within the Coastal High Hazard Area.
- The subject site is zoned Residential, Single-Family Conventional (RSC-6) and is surrounded by RSC-6 zoning on all sides. Further north and east along Hillsborough Avenue is Commercial, General (CG) zoning.
- The applicant requests a Special Use permit to construct 3 dwelling units with legally nonconforming rights.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Urban Service Area

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

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

Objective 8: The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for

an area. A table of the land use categories and description of each category can be found in Appendix A.

Policy 8.1: *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

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 9.2: *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.*

Policy 9.3: *In implementing this Comprehensive Plan, Hillsborough County shall continue to recognize legal non-conforming uses and permit the rebuilding or expansion of existing legal non-conforming uses which do not have any significant adverse effects on adjacent properties. With the exception of principle residences or uses or structures destroyed by an act of God, the expansion of non-conforming uses and rebuilding of non-conforming uses, shall not occur more than once. The expansion or rebuilding shall not result in an increase of the intensity of use which exceeds fifty (50) percent of the existing intensity or the maximum building square footage within the plan category, except in conformance with policy 21.4. However, the expansion may permit the construction of a use that is less intense than the existing non-conforming use. The new use may still be non-conforming with the plan. All expansions or rebuilding shall be consistent with other plan policies.*

Staff Analysis of Goals Objectives and Policies:

The subject site is located on approximately 0.28 ± acres on the north side of Rocky Creek Drive and south of Hillsborough Avenue. The site is in the Urban Service Area and within the limits of the Town 'N Country Community Plan. The applicant requests a Special Use permit to construct 3 dwelling units with legally nonconforming rights.

The subject site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The proposed residential use is consistent with the single family and two-family residential uses that surround the site on Rocky Creek Drive.

Although the proposed density is higher than what would be expected on a site of this acreage in the RES-6 FLU category and within the Coastal High Hazard Area, the applicant

has received a “Nonconforming Use and Nonconforming Structure Determination” from the Hillsborough County Department of Development Services stating that the property is approved for two two-family dwellings. The owner has since demolished the easternmost duplex, eliminating their nonconforming rights to that building. However, the westernmost duplex still exists on the property, and according to the Land Development Code, the owner is permitted a 50% expansion of the remaining nonconformity. Therefore, the owner is legally permitted to rebuild three dwellings, as two currently remain on the property. The proposal includes one single family dwelling and one duplex on the site, totaling three dwelling units. The proposal meets RSC-6 setback requirements. Therefore, the proposal is consistent with Objective 9 and Policy 9.2 and 9.3 of the Future Land Use Element.

The Town ‘N Country Community Plan does not include any applicable policies or strategies that address this subject property.

Overall, staff finds that the proposed residential development is compatible with the existing development pattern found within the surrounding area. The proposed Special Use would allow for development that is consistent with the Goals, Objectives, and Policies of the Future Land Use Element of the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

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

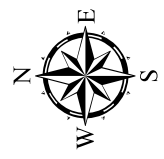
HILLSBOROUGH COUNTY FUTURE LAND USE RZ SU 22-1222

<all other values>

Rezoning

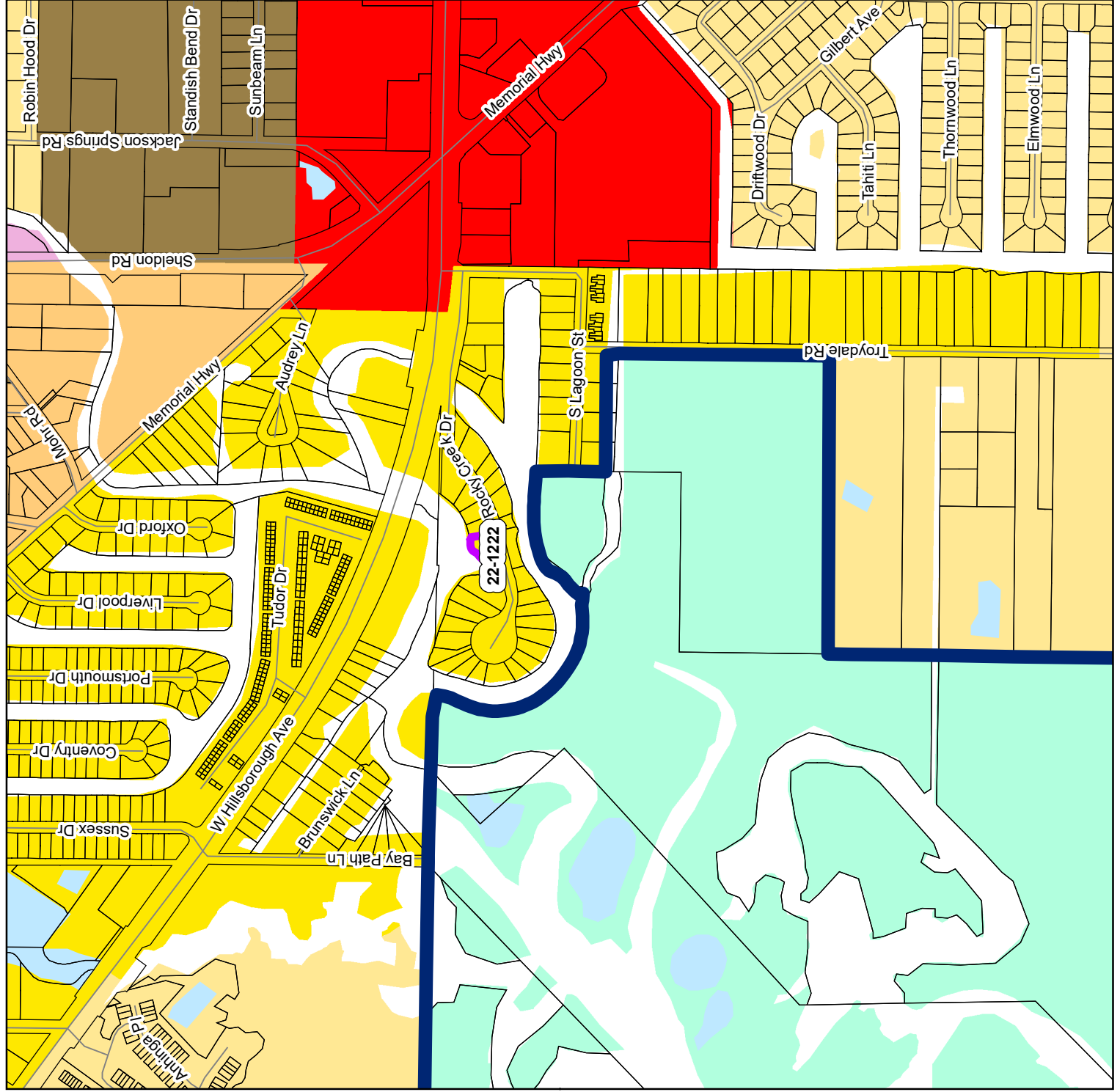
	STATUS
	APPROVED
	CONTINUED
	DENIED
	WITHDRAWN
	PENDING

	Tampa Service
	Urban Service
	Shoreline
	County Boundary
	Jurisdiction Boundary
	Roads
	Parcels
	WATER NATURAL LULC, Wet Poly
	AGRICULTURAL/MINING-120 (.25 FAR)
	PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
	AGRICULTURAL-1/10 (.25 FAR)
	AGRICULTURAL-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/QUASIPUBLIC
	NATURAL PRESERVATION
	WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
	CITRUS PARK VILLAGE



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning and all other information on this map are subject to the final approval of the Hillsborough County City-County Planning Commission. ACCURACY: It is intended that the information on this map be 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 illustrative purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 8/22/2022
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Gis\Rezoning - Copy.mxd



< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >