

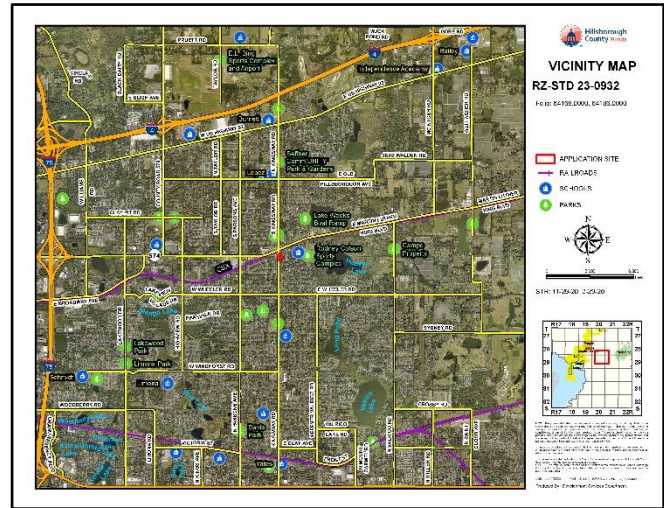
**Rezoning Application: 23-0932**  
**Zoning Hearing Master Date: October 16, 2023**  
**BOCC Land Use Meeting Date: December 12, 2023**



**Development Services Department**

**1.0 APPLICATION SUMMARY**

**Applicant:** NRG Investment, Inc. & LRG Investments, LLC  
**FLU Category:** Residential -4 (R-4)  
**Service Area:** Urban  
**Site Acreage:** 1.54+/-  
**Community Plan Area:** Seffner Mango  
**Overlay:** None  
**Request:** Rezone from **Residential- Single-Family Conventional – 6 (RSC-6) and Residential- Single-Family Conventional – 4 (RSC-4) to Commercial General with Restrictions (CG - R).**



**Request Summary:**

The request is to rezone a portion from the existing **Residential- Single-Family Conventional – 6 (RSC-6) and Residential- Single-Family Conventional – 4 (RSC-4)** zoning district to the proposed to **Commercial General Restricted (CG-R)** zoning district. The proposed zoning for CG -R permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet (sf). The applicant has proposed: access limitations for the parcel to address transportation concerns and restrictions to certain commercial uses.

**Zoning:**

	<b>Current RSC-6 Zoning</b>	<b>Current RSC-4 Zoning</b>	<b>Proposed CG-R Zoning</b>
Uses	Single-Family Residential (Conventional Only)	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services
Acreage	1.04+/- Acres (ac); 45,303 Square Feet (sf)	0.50 +/- ac; 21,780 sf	1.54+/- ac / 67,083 sf
Density / Intensity	1 dwelling Unit (du)/ 7, 000 sf	1 du / 10, 000 sf	0.25 F.A.R.
Mathematical Maximum*	6 dwelling units	7 dwelling units	16,771 sf

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

**Development Standards:**

	<b>Current RSC-6 Zoning</b>	<b>Current RSC-4 Zoning</b>	<b>Proposed CG- Zoning</b>
Density/ Intensity	1 du/ 7, 000 sf	1 du/ 10, 000 sf	0.25 F.A.R./ 16,771 sf
Lot Size / Lot Width	7, 000 sf/ 70'	10, 000 sf/ 70'	10, 000 sq. ft/ 75'
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	25' - Front 7.5' – Sides 25' - Rear	30' – Front (West) 0' – Side (North) 20' – Side (South) 20' Type B Buffering 20' – Rear (East) 20' Type B Buffering
Height	35'	35'	50'

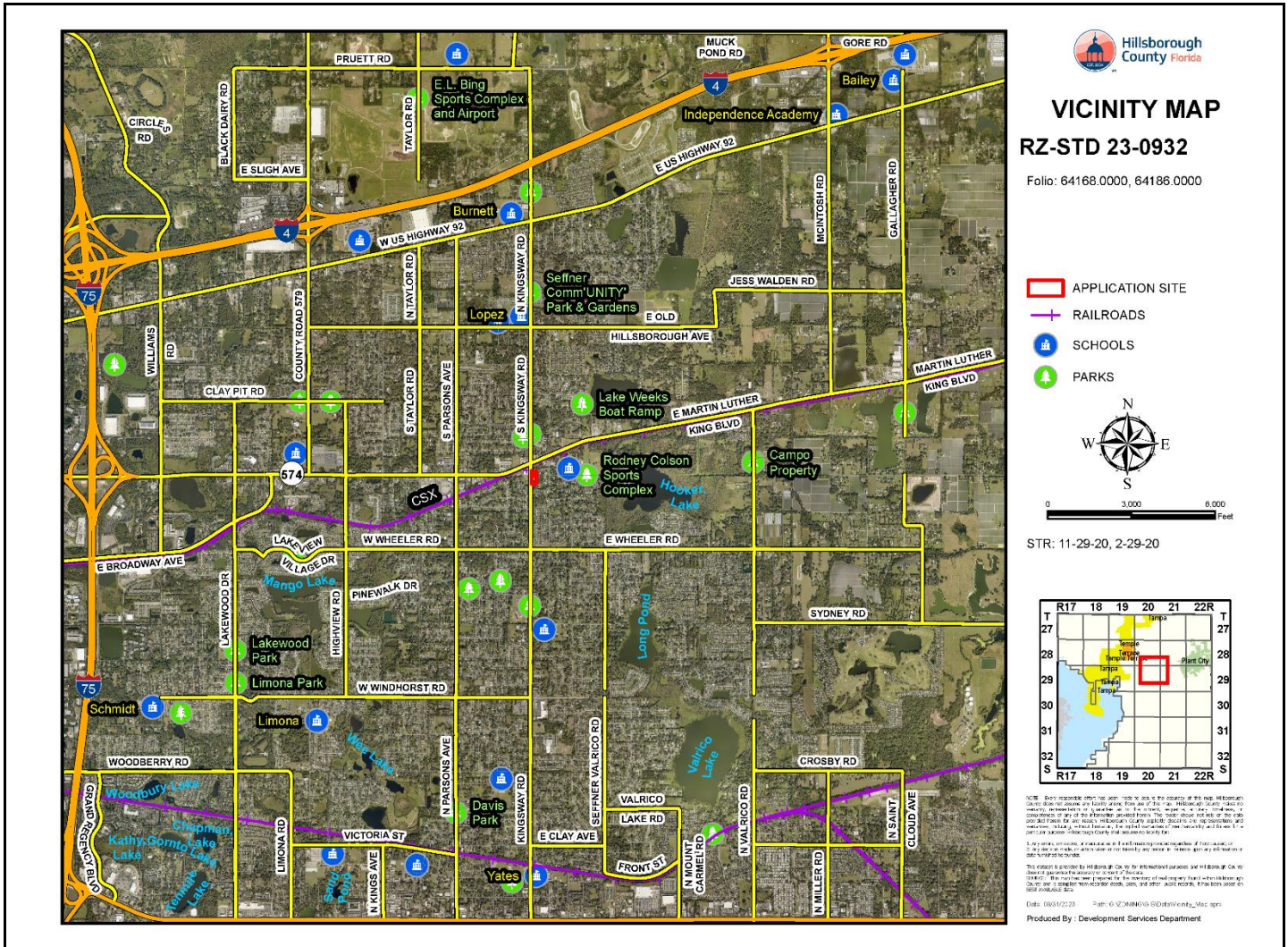
**Additional Information:**

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

Additional Information:	
Additional Information:	
Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Supportable

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

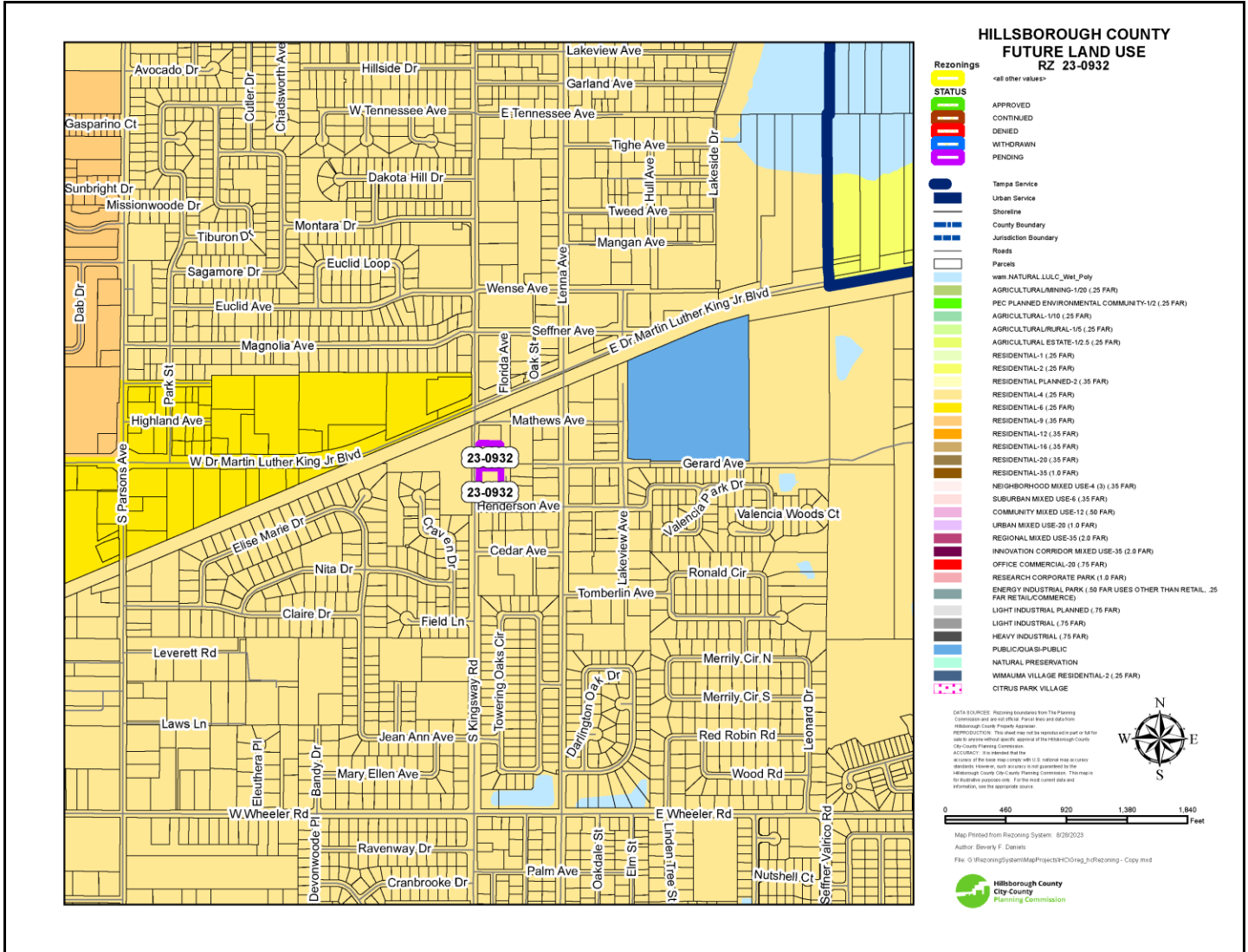
**2.1 Vicinity Map**



**Context of Surrounding Area:**  
 The site is surrounded by properties with Single-Family Residential, Office and Commercial General type uses. The immediate adjacent properties are zoned RSC-4 to the north; RSC-4 and RSC-6 to the east; RSC-6 to the south; and S. Kingsway Road and Planned Development (PD 21-1092) to the west. Subject site's immediate surrounding area consist of properties within the Residential -4 Future Land Use (FLU) category.

2.0 LAND USE MAP SET AND SUMMARY DATA

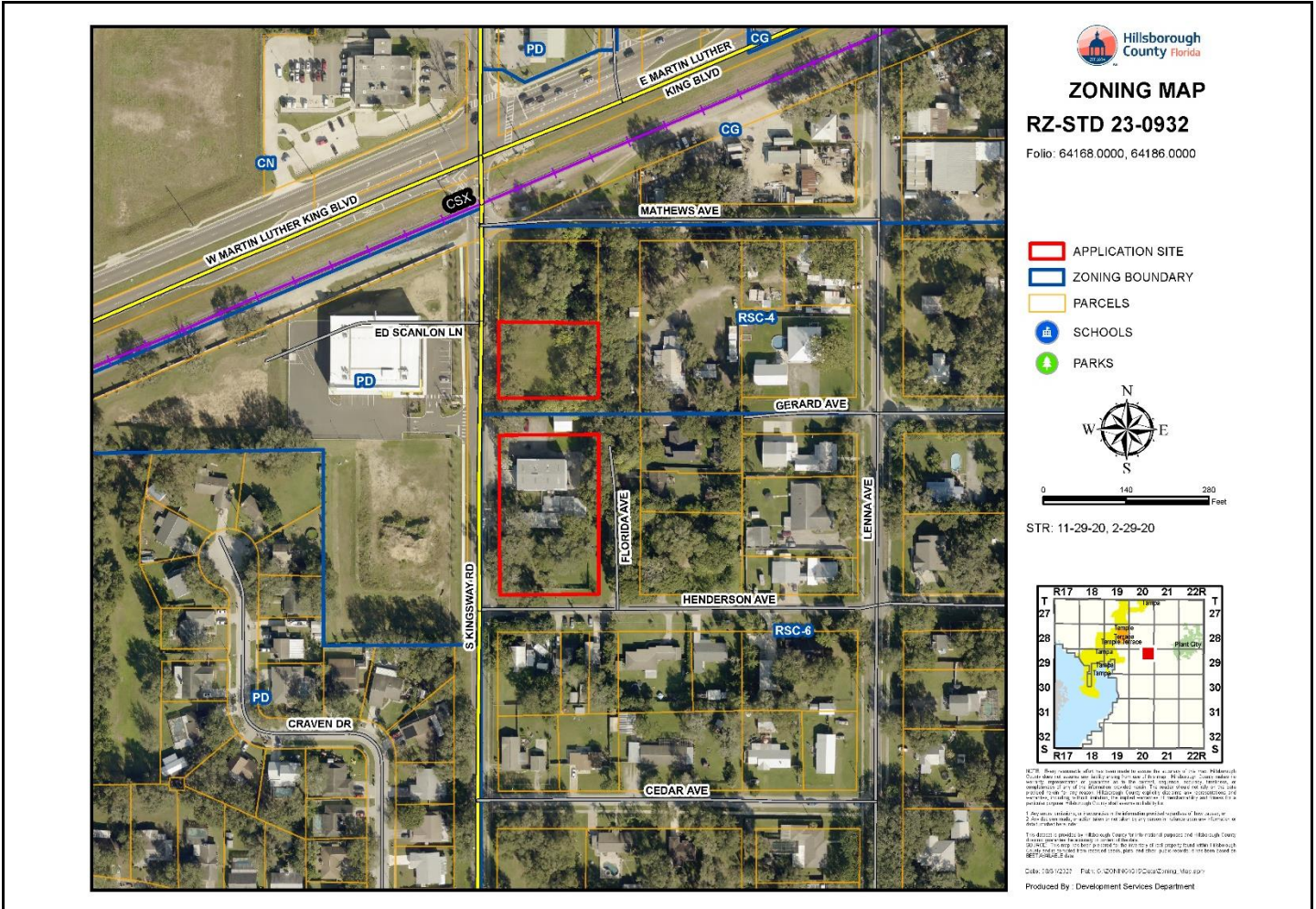
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 4 (Res-4)
Maximum Density/F.A.R.:	4 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



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning	Allowable Use:	Existing Use:
North	RSC-4	1 du/ 10, 000 sq. ft	Single-family Residential Conventional uses.	Vacant
South	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home
West	S. Kingsway Road	n/a	Street	Street
	PD 21-1092	0.25 FAR	54,000 sf of Self-storage facility	Self-storage facility
East	RSC-4	1 du/ 10, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home
	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home

**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
Kingsway Road	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gerard	Unimproved Hillsborough County Right of Way	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 - TBD

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	91	7	8
Proposed	3,706	296	332
Difference (+/-)	<b>(+) 3,615</b>	<b>(+) 289</b>	<b>(+) 324</b>

\*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**

<b>INFORMATION/REVIEWING AGENCY</b>			
<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No comments provided</b>
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>This agency has no comments.</b>
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Other _____			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	See Staff Report
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No comments provided</b>
<b>Impact/Mobility Fees</b> N/A			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <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 type="checkbox"/> Density Bonus Requested <input type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	<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 just south of E martin Luther King Blvd , and on the east side of N. Kingsway road in Seffner. The site is surrounded by properties with Single-Family Residential and Commercial General type uses. The site is surrounded by properties with Single-Family Residential, Office and Commercial General type uses. The immediate adjacent properties are zoned RSC-4 to the north; RSC-4 and RSC-6 to the east; RSC-6 to the south; and S. Kingsway Road and Planned Development (PD 21-1092- approved for mini-warehouse and boat/RV storage) to the west. Subject site’s immediate surrounding area consist of properties within the Residential -4 Future Land Use (FLU) category.

The subject site is within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. A 6-inch water main exists adjacent to the site and is located south of the subject property within the north Right-of-Way of Henderson Avenue. Additionally, A 4-inch wastewater force main exists approximately 450 feet from the site) and is located east of the subject property within the west Right of-Way of Lenna Avenue.

The site does meet commercial location criteria; however, and The Planning Commission (PC) staff found the request inconsistent due to other compatibility concerns.

To address the lots size, transition and compatibility concerns, the applicant has proposed that the following uses be prohibited on the subject site:

- Motor vehicle repair.
- Free-standing fast-food restaurants with a drive thru and,
- Convenience store with gas sales.


Additionally, to address Transportation Staff Review concerns the applicant has offered:

Parcels 64186.0000 and 64168.0000 will be restricted to direct vehicular access to Gerard Ave. or one single vehicular access connection to Kingsway Rd. in the event that Gerard Avenue is vacated. Staff further notes the parcel is separated from the adjacent residential uses by Florida Avenue to the east and Henderson Avenue to the south. The right-of-way varies from approximately 60 to 70 feet in width. With the required 30-foot minimum setback, structures will be setback approximately 90 to 100 feet from those lots, at a minimum.

**5.2 Recommendation**

Based on the above considerations, staff finds the request approvable, with the following applicant proposed restrictions:

1. The project shall be permitted all uses all CG (Commercial General) uses excluding: Convenience Store with Gas Pumps, Motor Vehicle Repair-Major, Motor Vehicle Repair-Minor, Motor Vehicle Repair-Neighborhood, and Fast Food Restaurants (Eating Establishments) with drive-throughs.
2. Parcels 64186.0000 and 64168.0000 will be restricted to direct vehicular access to Gerard Ave. or one single vehicular access connection to Kingsway Rd. in the event that Gerard Ave is vacated.

<p><b>Zoning Administrator Sign Off:</b></p>	 <p>J. Brian Grady Tue Oct 10 2023 13:00:18</p>
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**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

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

**APPLICATION NUMBER: RZ STD 23-0932**

ZHM HEARING DATE: October 16, 2023

BOCC LUM MEETING DATE: December 12, 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: 10/04/23
REVIEWER: Alex Steady, AICP	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: Seffner Mango/Central	PETITION NO.: STD 23-0932

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

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling +/- 1.53 acres from Residential Single Family Conventional – 4 (RSC-4) and Residential Single Family Conventional – 6 (RSC-6) to Commercial General - Restricted (CG-R). The applicant has offered to restrict the rezoning to not allow any kind of motor vehicle repair, free-standing fast-food restaurants with drive thru and convenience store with gas sales. The applicant also proposed a restriction indicating that parcels 64186.0000 and 64168.0000 will be restricted to direct vehicular access to Gerard Ave. or one single vehicular access connection to Kingsway Road in the event that Gerard Ave is vacated. The site is located on the east side of Kingsway Road, +/- 300 feet south of the intersection of Dr Martin Luther King Blvd. and Kingsway Road. The Future Land Use designation of the site is Residential-4 (RES-4).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning and restrictions to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff’s opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff identified access spacing concerns with the future development of the subject property. The subject property has frontage on Kingsway Road, a Hillsborough County Collector Roadway which requires compliance with LDC section 6.04.07 for access spacing. Gerard Avenue is an unimproved right of way that has frontage on the subject property. Based on the existing access connections on Kingsway, staff worked with the applicant on a restriction that avoids access spacing issues in the future as a result of the rezoning. The restriction requires parcels 64186.0000 and 64168.0000 to be restricted to direct vehicular access to Gerard Ave. or one single vehicular access connection to Kingsway Road in the event that Gerard Ave is vacated. This restriction ensures access spacing compliance whether or not vacation of Gerard Avenue is approved in the future.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

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

**Approved Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-4, 1 Single Family Dwelling Unit (ITE Code 210)	15	1	1
RSC-6, 6 Single Family Dwelling Units (ITE Code 210)	76	6	7
	91	7	8

**Proposed Zoning:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 5,000 sf Fast Food without a Drive Through Window (ITE Code 933)	2,252	216	144
CG-R, 5,000 sf Bank (ITE Code 912)	502	50	106
CG-R, 8,000 sf Pharmacy/Drugstore with Drive-Through Window (ITE Code 881)	952	30	82
Total Trips	3,706	296	332

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+3,615</b>	<b>+289</b>	<b>+324</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has a frontage on Kingsway Road and Gerard Avenue. Kingsway Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Kingsway Road lies within a range of +/- 45 feet to +/- 61 feet of Right of Way in the vicinity of the project. Kingsway Road does not have sidewalk on either side of the roadway within the vicinity of the project. Gerard Avenue is a +/- 60 foot wide unimproved right of way.

**HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN**

Kingsway Road is included as a 2 lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
KINGSWAY RD	CLAY AVE	ML KING BLVD	D	C

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

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+) 3,994</b>	<b>(+) 383</b>	<b>(+) 293</b>

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

US 41 is a 6-lane, divided, principal arterial roadway owned and maintained by the Florida Department of Transportation (FDOT). The roadway is characterized by +/- 11-foot travel lanes in above average condition (in the vicinity of the proposed project). Along the project's frontage, the roadway lies within a +/- 210-foot-wide combined right-of-way (for the highway and parallel CSX facility which runs along the west side of the roadway in this area). There are +/- 5-foot-wide sidewalks along the east side of the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide bicycle facilities present along both sides of the roadway in the vicinity of the proposed project.

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning and restrictions to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did identify concerns regarding future project access, as noted in the "Rationale for Objection" section hereinabove. Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway sections is reported below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US 41	Sunset Ln.	County Line Road	D	C

Source: Hillsborough County 2020 Level of Service Report.

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**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> October 16, 2023  <b>Report Prepared:</b> October 4, 2023	<b>Petition: RZ 23-0932</b>  <b>Folios 64168.0000 &amp; 64186.0000</b>  <i>Directly east of South Kingsway Road, west of Florida Avenue, and north of Henderson Avenue</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use</b>	<b>Residential-4 (4 du/ga; 0.25 FAR)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan</b>	<b>Seffner-Mango</b>
<b>Request</b>	Rezoning from Residential Single Family Conventional (RSC-4 & RSC-6) to Commercial General-Restricted (CG-R)
<b>Parcel Size</b>	1.54 +/- acres (67,082 sq. ft.)
<b>Street Functional Classification</b>	South Kingsway Road – <b>County Collector</b> Florida Avenue – <b>Local</b> Henderson Avenue – <b>Local</b>
<b>Locational Criteria</b>	Meets
<b>Evacuation Zone</b>	None



## **Context**

- The approximately 1.54 +/- acre subject site is located directly east of South Kingsway Road, west of Florida Avenue, and north of Henderson Avenue.
- 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-4 (RES-4) on the Future Land Use Map (FLUM), which can consider up to a maximum of 4 dwelling units per gross acre and a maximum intensity of 0.25 FAR or 175,000 square feet, whichever is less intense. The intent of the RES-4 Future Land Use category is to designate areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, office, multi-purpose and mixed-use projects serving the area may be permitted subject to the Goals, Objectives, and Policies of the Land Use Element. Typical uses of the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use.
- RES-4 surrounds the subject site on all sides. Residential-6 (RES-6) is located further northwest of the site. Public-Quasi Public (P/QP) is located further east of the subject site.
- The subject site is comprised of two parcels. The northern parcel is currently vacant and the southern parcel currently contains light industrial uses. Single family residential uses are located east, south, and southwest of the subject site. According to the Hillsborough County Property Appraiser, the light industrial use located west of the subject site is doing business as a Safeguard Self Storage facility. Further north, there are public institutional, light commercial, and vacant uses that are interspersed along South Kingsway Road. The area surrounding the subject site is mostly residential in nature.
- The subject site is currently zoned as Residential Single Family Conventional (RSC-4 & RSC-6). RSC-4 is located directly north and east. RSC-6 is located directly south and east. The Planned Development (PD) zoning district is located west and southwest. Further north, along the CSX railway, are the Commercial Neighborhood (CN) and Commercial General (CG) zoning districts.
- The applicant is requesting to rezone the subject site from Residential Single Family Conventional (RSC-4 & RSC-6) to Commercial General-Restricted (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.*

### **Land Use Categories**

**Objective 8:** *The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.*

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

**Policy 8.2:** *Each potential use must be evaluated for compliance with the goals, objectives, and policies of the Future Land Use Element and with applicable development regulations.*

### **Relationship to Land Development Regulations**

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

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

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

### **Neighborhood/Community Development**

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

**Policy 16.1:** *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 22.1:** The locational criteria for neighborhood serving non-residential uses in specified land uses categories will:

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

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

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

**Policy 22.5:** *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.*

## **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.*

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

The approximately 1.54 +/- acre subject site is located directly east of South Kingsway Road, west of Florida Avenue, and north of Henderson Avenue. The subject site is located in the Urban Service Area and is 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-4 (RES-4). The applicant is requesting to rezone the subject site from Residential Single Family Conventional (RSC-4 & RSC-6) to Commercial General-Restricted (CG-R).

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 is located next to single family dwelling units to the east (across Florida Avenue) and to the south (across Henderson Avenue). Additional single family dwelling units extend to the southwest across South Kingsway Road. A rezoning to CG-R would not be harmonious or compatible with the single family-residential character of the area to the north, east and south. On October 2<sup>nd</sup>, 2023, the applicant submitted a list of restricted uses that includes motor vehicle repair, free-standing fast-food restaurants with drive thru, and convenience stores with gasoline sales. Although Planning Commission staff is supportive of the proposed restrictions, the remaining range of CG uses and their intensities present significant compatibility concerns with the residential uses located near the subject site.

FLUE Objective 8 and Policies 8.1 and 8.2 require potential uses to be evaluated with their respective assigned Future Land Use categories. The subject site is located within the RES-4 Future Land Use category, which is intended to designate areas that are suitable for low density residential development. Suburban scale neighborhood commercial, office, multi-purpose and mixed-use projects serving the area may be permitted subject to the Goals, Objectives, and Policies of the Land Use Element. Typical uses of the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses must meet locational criteria for non-residential land uses, unless a waiver to said criteria is sought. Although the subject site meets Commercial Locational Criteria, the proposed rezoning does not meet the overall intent of the RES-4 FLU category. The proposed restrictions would still allow for potential adverse impacts on the residential uses that surround the site. The application is therefore inconsistent with this policy direction.

FLUE Objective 9 and Policy 9.2 require new developments to 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. The Hillsborough County Transportation Department provided official comments on October 4<sup>th</sup>, 2023, and stated that their agency has no objection. At the time of uploading this report, official comments from zoning were not yet available in Optix for consideration.

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 implementing

buffering and screening techniques between unlike land uses. The proposed rezoning is inconsistent with this policy direction. Similarly, Policies 16.2 and 16.3 seek to ensure that uses are complementary to each other and that there are gradual transitions between unlike uses. The proposed CG zoning district is too intense for the residential character of the surrounding area and does not provide an adequate transition of intensity in land use throughout the area. Although the subject site is located along a collector roadway, it is within an established neighborhood, making the proposed rezoning inconsistent with FLUE Policy 16.5 as well.

The subject site meets Commercial Locational Criteria as outlined in FLUE Objective 22 and FLUE Policy 22.2. It is located within the established 900-foot distance from the qualifying intersection node of South Kingsway Road and Dr. Martin Luther King Boulevard. 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.

FLUE Policy 22.5 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 qualifying 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 730 feet south of the intersection within a 900-foot node. According to the policy direction established by FLUE Policy 22.5, 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 South Kingsway Road, a collector roadway, there is a CSX railway and a vacant parcel of land. The proposed rezoning would allow for commercial uses that are too intense for the outer portion of the qualifying node, especially given that there are vacant uses located closer to the intersection. The restrictions proposed by the applicant would still 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 subject site is located along South Kingsway Road, south of Dr. Martin Luther King Jr. Boulevard, which is an area characterized by residential development. The request would not allow for development that recognizes this existing development pattern and is therefore inconsistent with the policy direction of the CDC.

The proposed rezoning request is inconsistent with Goal 2 of the Seffner-Mango Community Plan, which seeks to enhance the community character and ensure quality residential and nonresidential development. One of the strategies under Goal 2 is to discourage commercial encroachment into the residential areas between US 92 and Martin Luther King Boulevard and south of Martin Luther King Boulevard. The subject site is in a residential area located south of Martin Luther King Boulevard. The range of allowable CG

uses outside of the proposed restrictions would directly conflict with this Goal and is therefore inconsistent with the Seffner-Mango Community Plan.

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





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