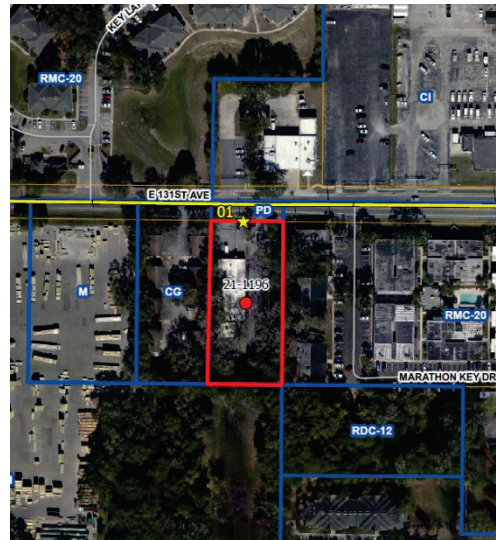


PD Modification Application: MM 21-1196
Zoning Hearing Master Date: December 13, 2021
BOCC Land Use Meeting Date: February 8, 2022

Revised Report
1.0 APPLICATION SUMMARY

Applicant: Agency for community Treatment Services, Inc.
FLU Category: LI
Service Area: Urban
Site Acreage: 0.93
Community Plan Area: University
Overlay: None
Request: Major Modification to PD 08-0970



Request Summary:

Allow either a 20 residents Community Residential Facility Type C or a 20 residents Professional Residential Facility Type C.

Existing Approvals:

PD 08-0970 is approved for a 17 residents Community Residential Facility Type C.

Proposed Modification(s):

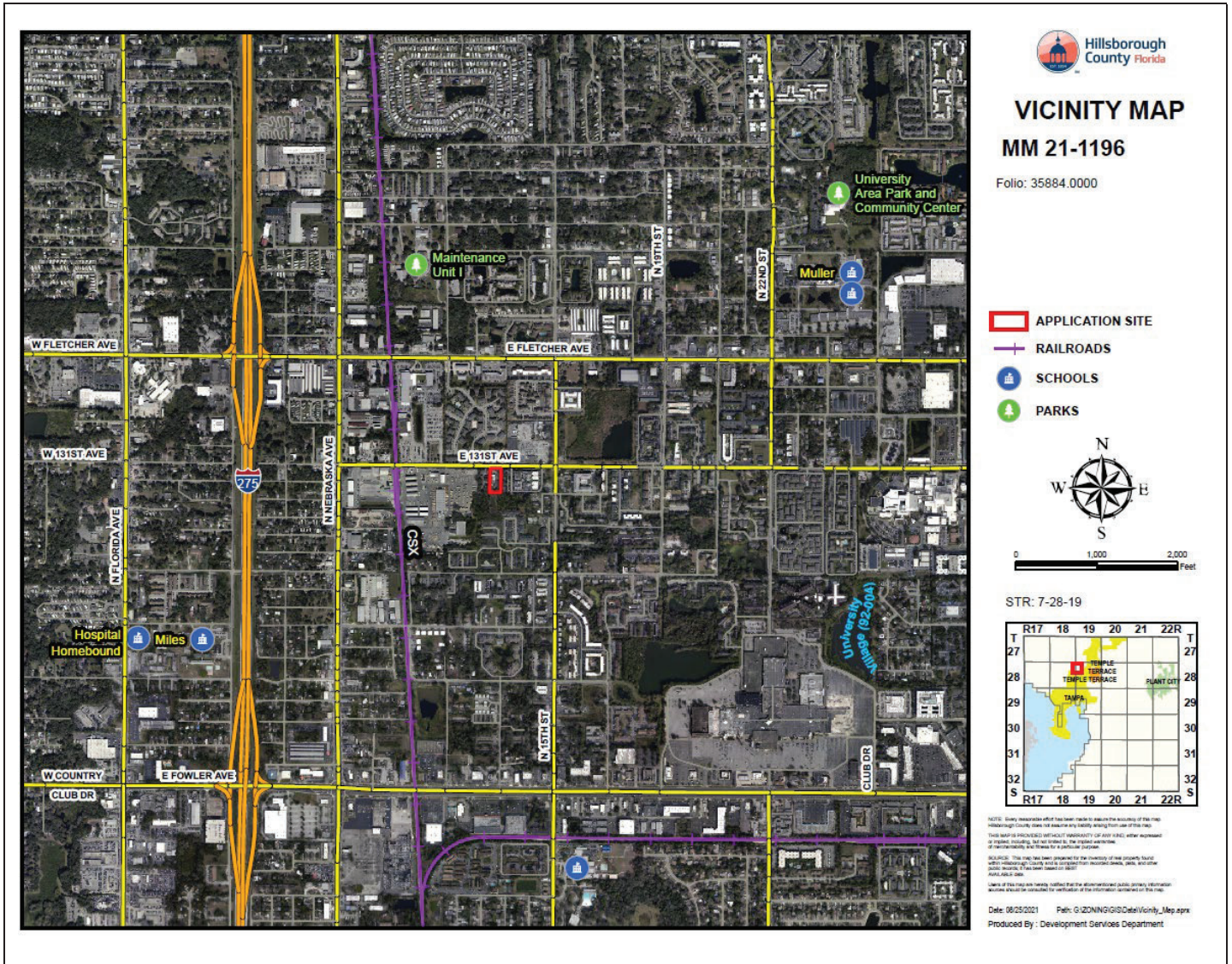
Requests include the following: (1) to convert the existing Community Residential home Type C facility into a Professional Residential Home (Recovery Home) while maintaining the possibility to occupy the existing building with either of both uses; (2) to modify the existing CN lot development standards to allow those permitted in the RMC-20 district; and, (3) to allow for a 4.6 feet off-street parking perimeter buffer along the E 131st Ave.

Additional Information:

PD Variations	LDC Section 6.06.04 (Off-Street Vehicular Use Areas) – Perimeter Buffer Adjacent to Road Right-of-Way.
Waiver(s) to the Land Development Code	None
Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable, subject to conditions of approval.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

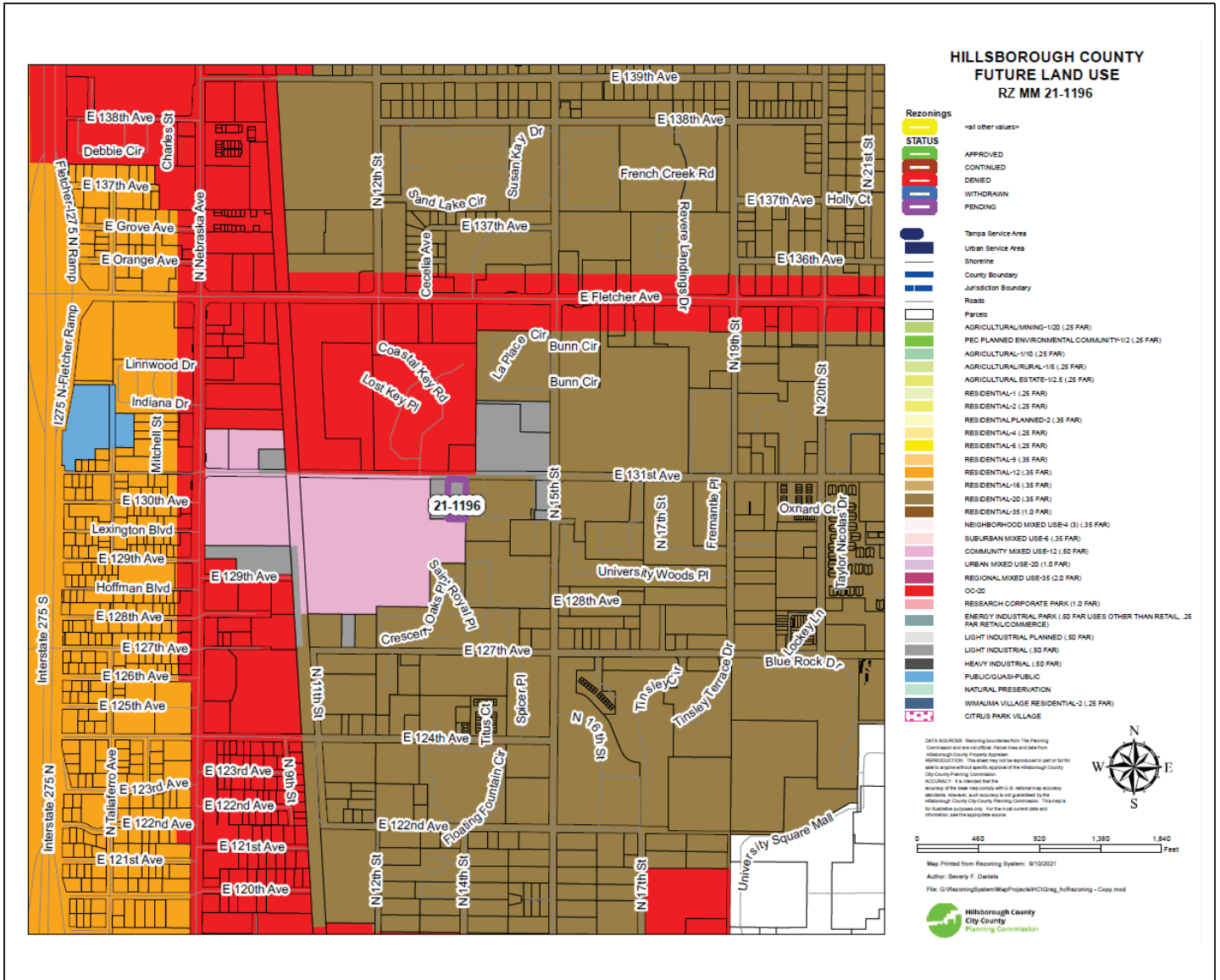


Context of Surrounding Area:

The area is developed with open storage, and light industrial uses on properties zoned GC, CI, and M. Multifamily residential sites approved for up to 20 DU/A are also found within the community.

2.0 LAND USE MAP SET AND SUMMARY DATA

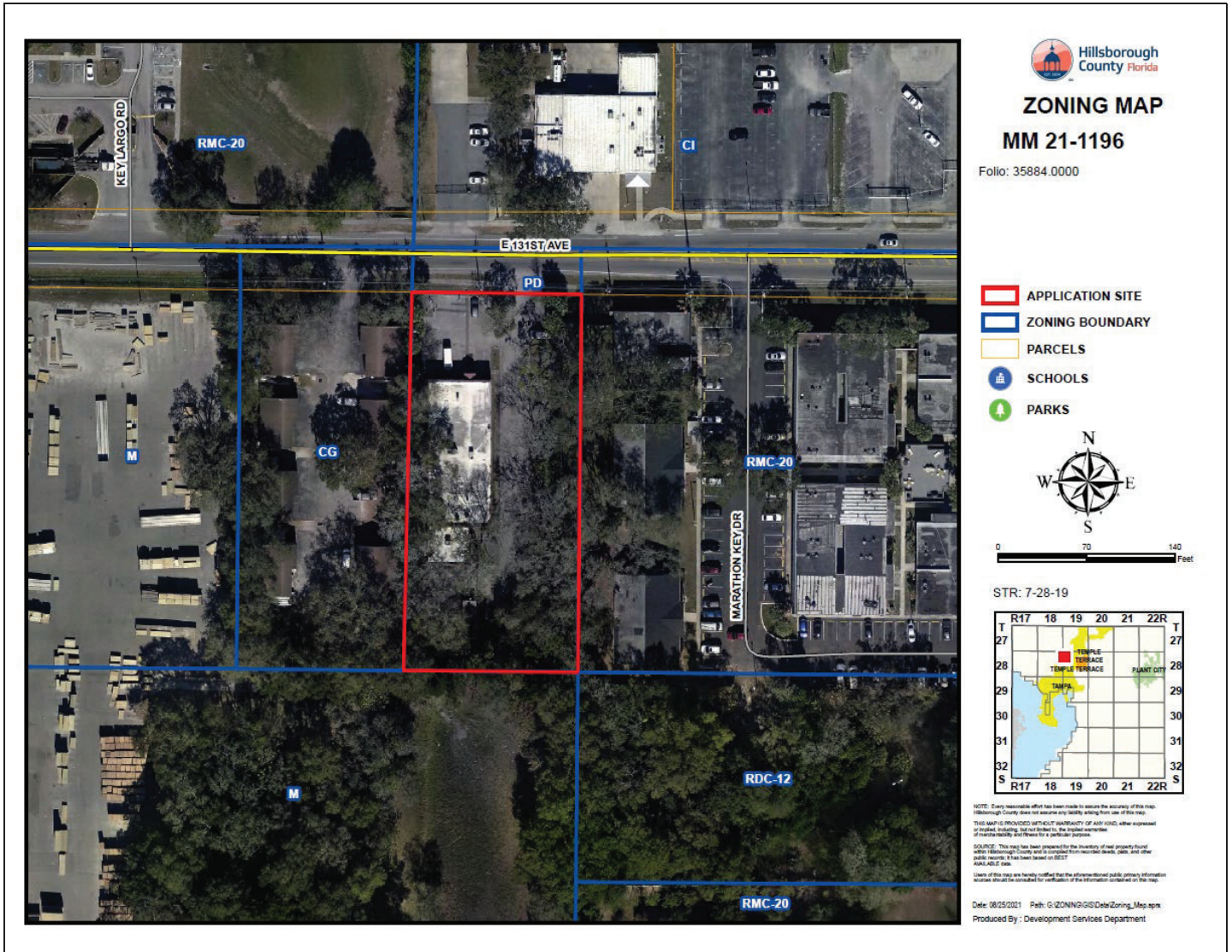
2.2 Future Land Use Map



Subject Site Future Land Use Category:	LI (Light Industrial)
Maximum Density/F.A.R.:	0.5 FAR
Typical Uses:	Light Industrial uses - manufacturing, recycling, storage, support offices, warehousing, rural scale retail

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



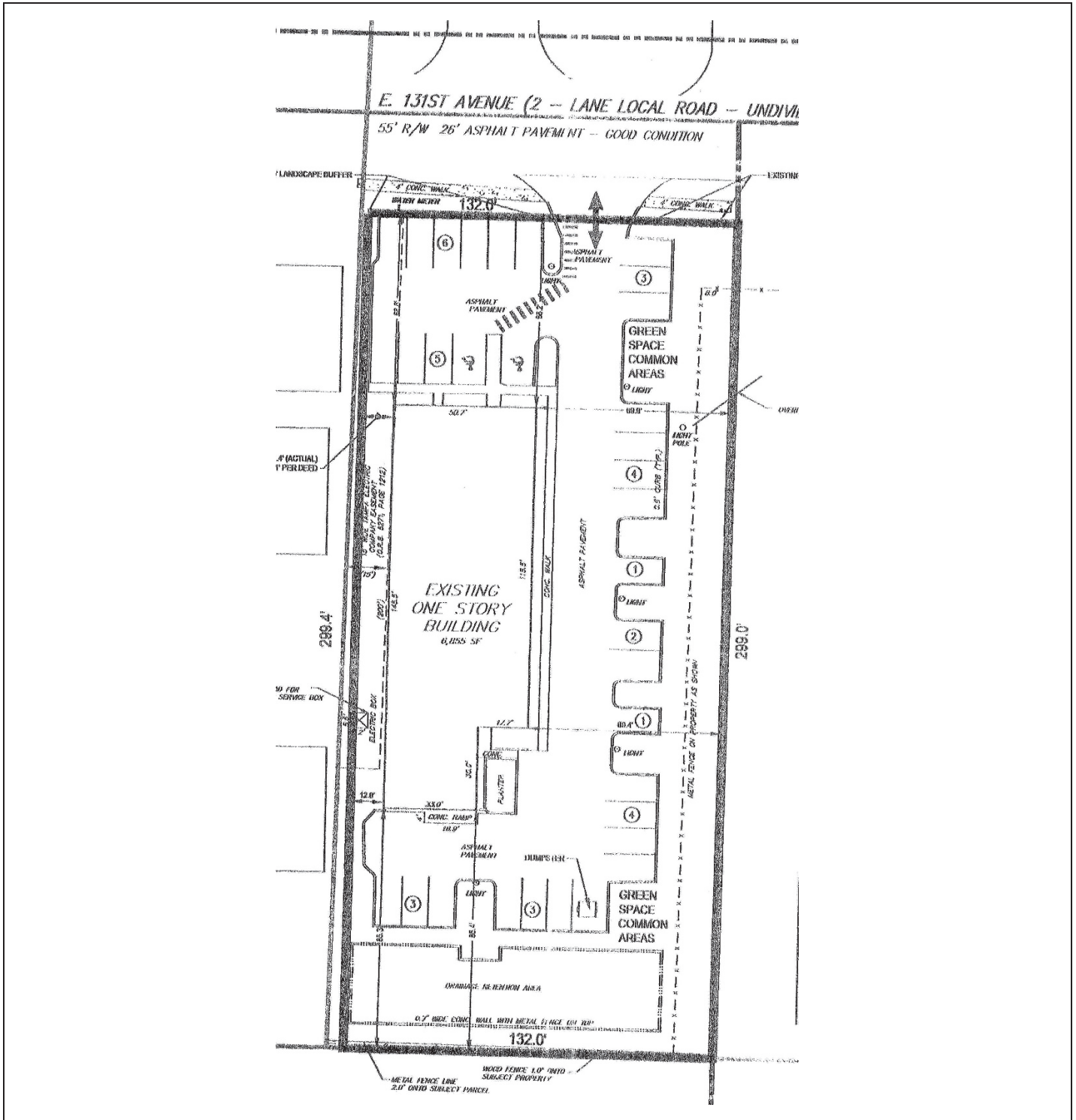
Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CI	n/a, 0.27 FAR	Commercial, Light Industrial	Fire Station
South	M	n/a, 0.75 FAR	Manufacturing	lumberyard
East	RMC-20	20 units per acre*, n/a	Multifamily	Multifamily
West	CG	n/a, 0.27	Commercial General	Mini-warehouse

*subject to utilities

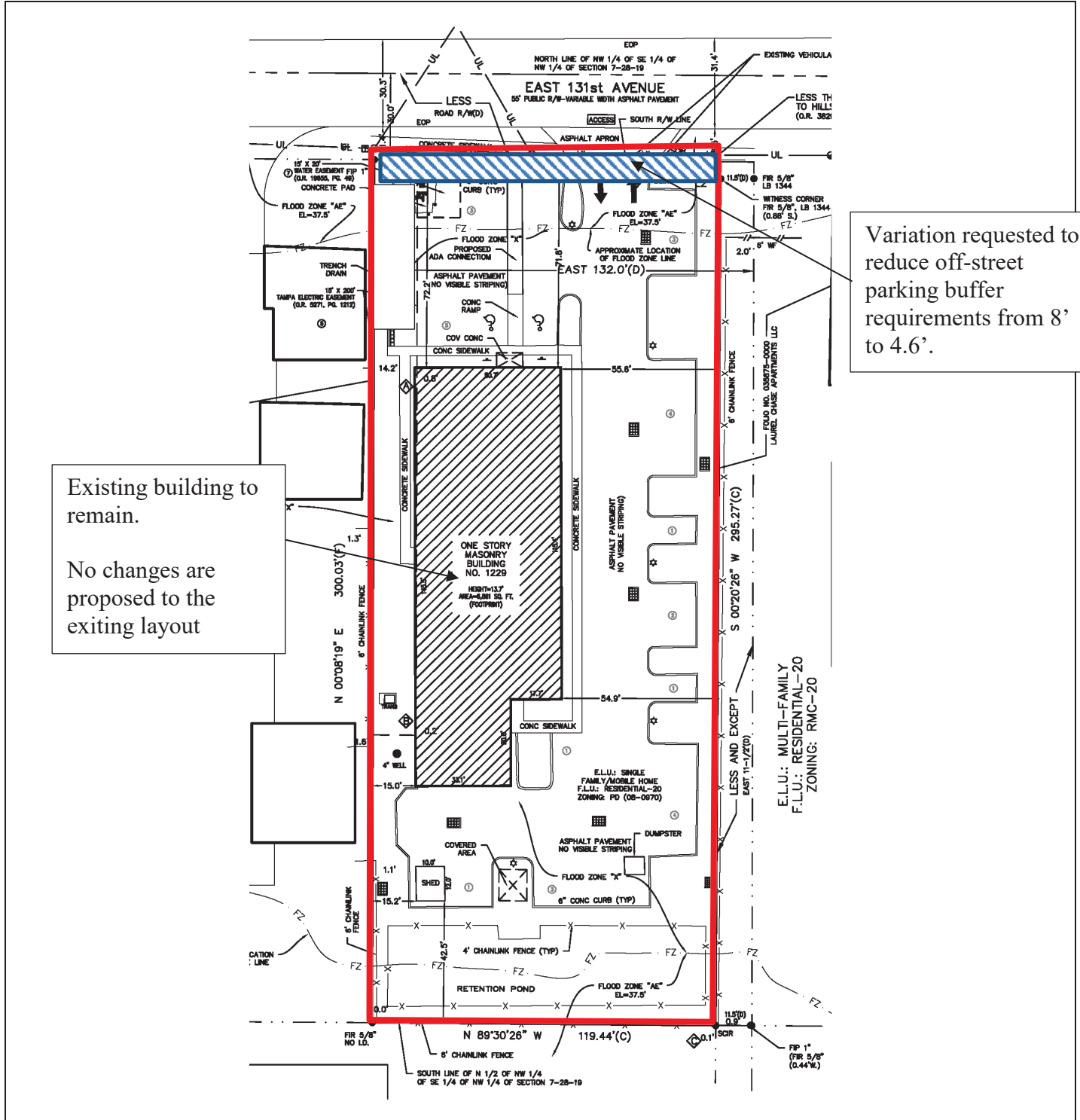
2.0 LAND USE MAP SET AND SUMMARY DATA

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



2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



APPLICATION NUMBER: MM 21-1196

ZHM HEARING DATE: December 13, 2021

BOCC LUM MEETING DATE: February 8, 2022

Case Reviewer: Tania C. Chapela

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
131st Avenue	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

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	44	3	4
Proposed	52	4	5
Difference (+/-)	+8	+1	+1

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

Connectivity and Cross Access Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	Vehicular & Pedestrian	Meets LDC
West		None	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance Not applicable for this request

Road Name/Nature of Request	Type	Finding
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Staff Report.
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees Recovery home (Nursing/Assisted Living Home) (Mobility per bed, Fire per 1,000 s.f.) Mobility \$1,002*20 = \$20,040.00 Fire \$95 (per 1,000 s.f., size not provided)				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input 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"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The proposed Professional Residential Home Type C use is comparable to the Community Residential Home Type C current allowed. The proposed increase of 3 residents does not impact the current density calculations.

The proposed changes on the off-street parking buffer, and existing CN lot development standards to allow for RMC-20 provisions will not create a significant change in the visual character of the area. Meanwhile, no changes have been proposed for the existing site layout.

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 8 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour. However, the increased number of residents will have minimal impact on the transportation network. Staff finds the proposed use of the land and lot development standards show a similar impact.

Given the above, staff finds the proposed modification to be compatible with the surrounding properties and in keeping the general development pattern of the area.

5.2 Recommendation

Staff recommends **Approval**, subject to conditions.

6.0 PROPOSED CONDITIONS

Prior to PD site plan certification, the applicant shall revise the PD site plan to:

- Edit the Surveyors Note #11 in order to state, "The property has access to East 131st Avenue, a public street."

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted ~~September 19, 2008~~ November 23, 2021.

1. The project shall be permitted a Community Residential Home Type C or a Professional Residential Facility (Recovery Home), with ~~17~~ 20 beds, with ~~Commercial Neighborhood (CN)~~ Residential Multi Family (RMC-20) development standards.

1.1 The principal building front setbacks along shall be as follows: 25-feet from the front property line, and a 0-feet from the ROW preservation line.

2. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.

3. The subject site is located in the University Community Based Plan Area. The proposed development would be subject to any applicable community plan design standards in effect at the time of development.

4. Buffering and screening shall be consistent with the Land Development Code unless otherwise specified herein.

4.1. There shall be a 4.1 foot buffer along the western property line and screening shall consist of existing vegetation.

4.2. There shall be a 4.6 foot off-street parking buffer along the front property line.

5. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.

6. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.

7. The applicant ~~may~~ shall be permitted one access point on 131st Ave. ~~The general design and location of the access point shall be regulated by the Hillsborough County Access Management regulations.~~

~~8. Where applicable and subject to County standards, the developer shall construct a left turn lane into the project's driveway. If it is determined by the results of any subsequent analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing alternative improvements for the safe operation of the project and the adjacent street traffic.~~

~~9. The developer may be required to convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ08-0970), whichever comes first, up to 55 feet of right-of-way from the existing center line of right-of-way on 131st Avenue, to accommodate for the right-of-way as needed for a four lane collector.~~

8. In accordance with the Hillsborough County Corridor Preservation Plan, the developer shall preserve adequate right-of-way along its 131st Avenue frontage, such that a minimum of 55 feet of right-of way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.

~~10-9.~~ An evaluation of the property identified a number of significantly mature trees. The stature of these trees would warrant every effort to minimize their removal. The applicant is encouraged prior to submittal of preliminary plans through the Land Development Code's Site Development or Subdivision process to consult with staff of the Natural Resource Unit for design input addressing these trees.


~~11-10.~~ The planting of required trees shall be sensitive to overhead electric utility lines. Trees that exceed a mature, overall height of 20 feet shall not be planted within 30 feet of an existing or proposed overhead electric utility line.

~~12-11.~~ If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

~~13-12.~~ The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

~~14-13.~~ Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

Zoning Administrator Sign Off:



J. Brian Grady
Thu Jan 27 2022 13:56:20

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.

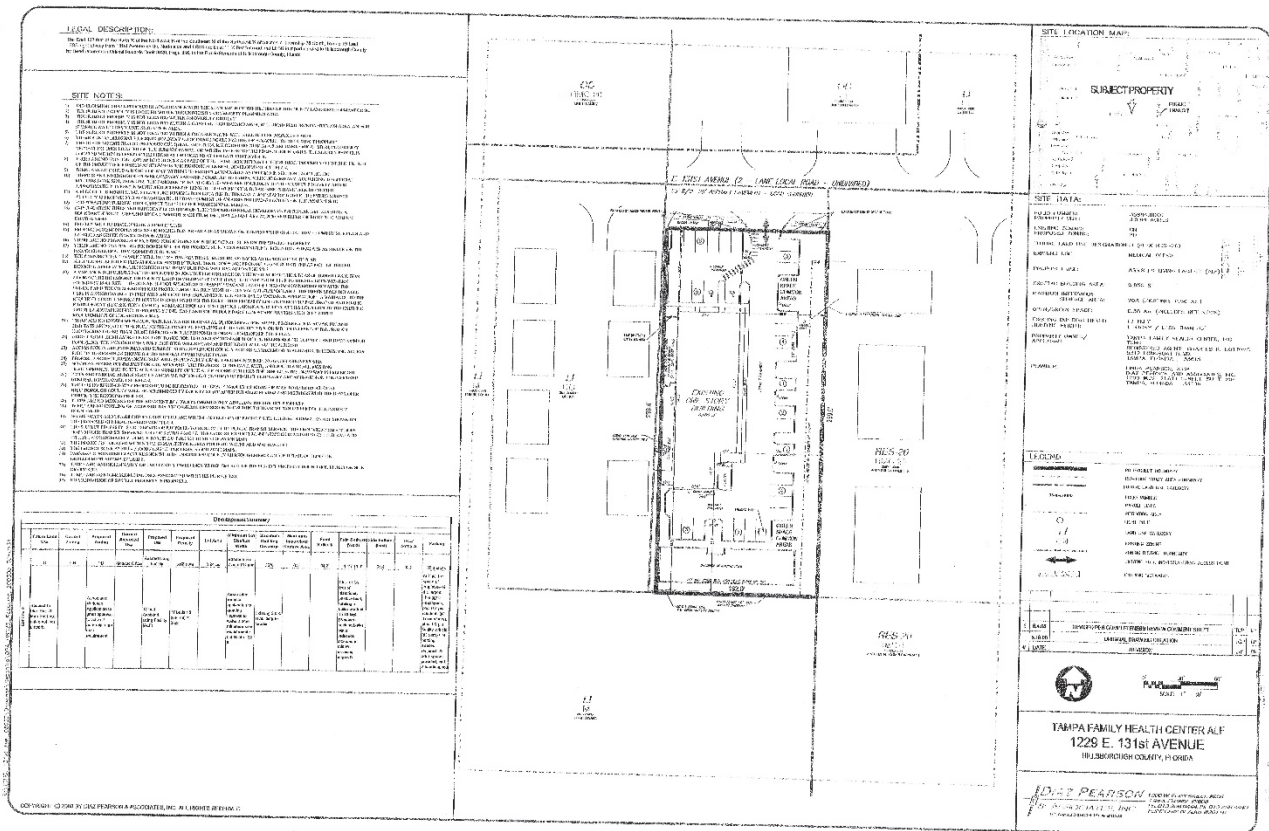
7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

Aerial Picture



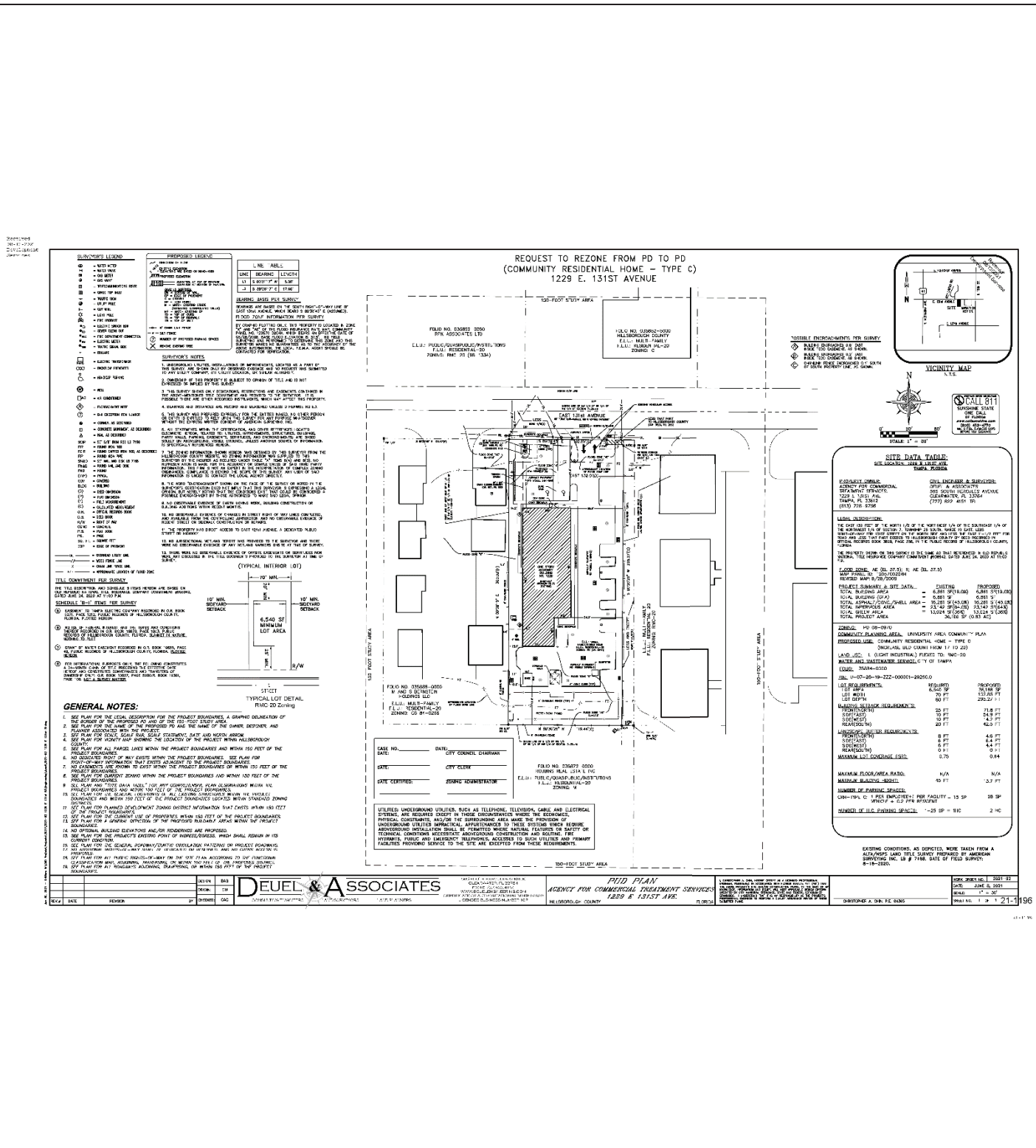
8.0 SITE PLANS (FULL)

8.1 Approved Site Plan (Full)



8.0 SITE PLANS (FULL)

8.2 Proposed Site Plan (Full) – Sheet 1 of 2



9.0 FULL TRANSPORTATION REPORT (see following pages)

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER: MM 21-1196

DATE OF HEARING: December 13, 2021

APPLICANT: Agency for Community Treatment Services, Inc.

PETITION REQUEST: The Major Modification request is to modify PD 08-0970

LOCATION: 1229 E. 131st Avenue

SIZE OF PROPERTY: 0.94 acres, m.o.l.

EXISTING ZONING DISTRICT: PD 08-0970

FUTURE LAND USE CATEGORY: LI

SERVICE AREA: Urban

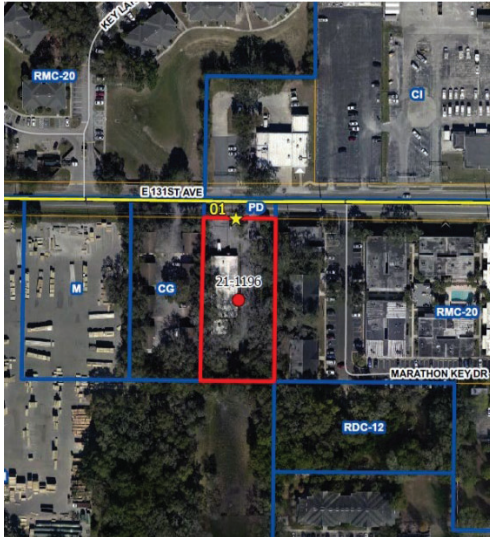
COMMUNITY PLAN: University

DEVELOPMENT REVIEW STAFF REPORT

*NOTE: Formatting issues prevented the entire staff report from being included in the Recommendation. Therefore, please refer to the County's website for the complete Development Services Department staff report.

1.0 APPLICATION SUMMARY

Development Services Department



Applicant: Agency for community Treatment Services, Inc.

FLU Category: LI

Service Area: Urban

Site Acreage: 0.93

Community Plan Area: University

Overlay: None

Request: Major Modification to PD 08-0970

Request Summary:

Allow either a 20 residents Community Residential Facility Type C or a 20 residents Professional Residential Facility Type C.

Existing Approvals:

PD 08-0970 is approved for a 17 residents Community Residential Facility Type C.

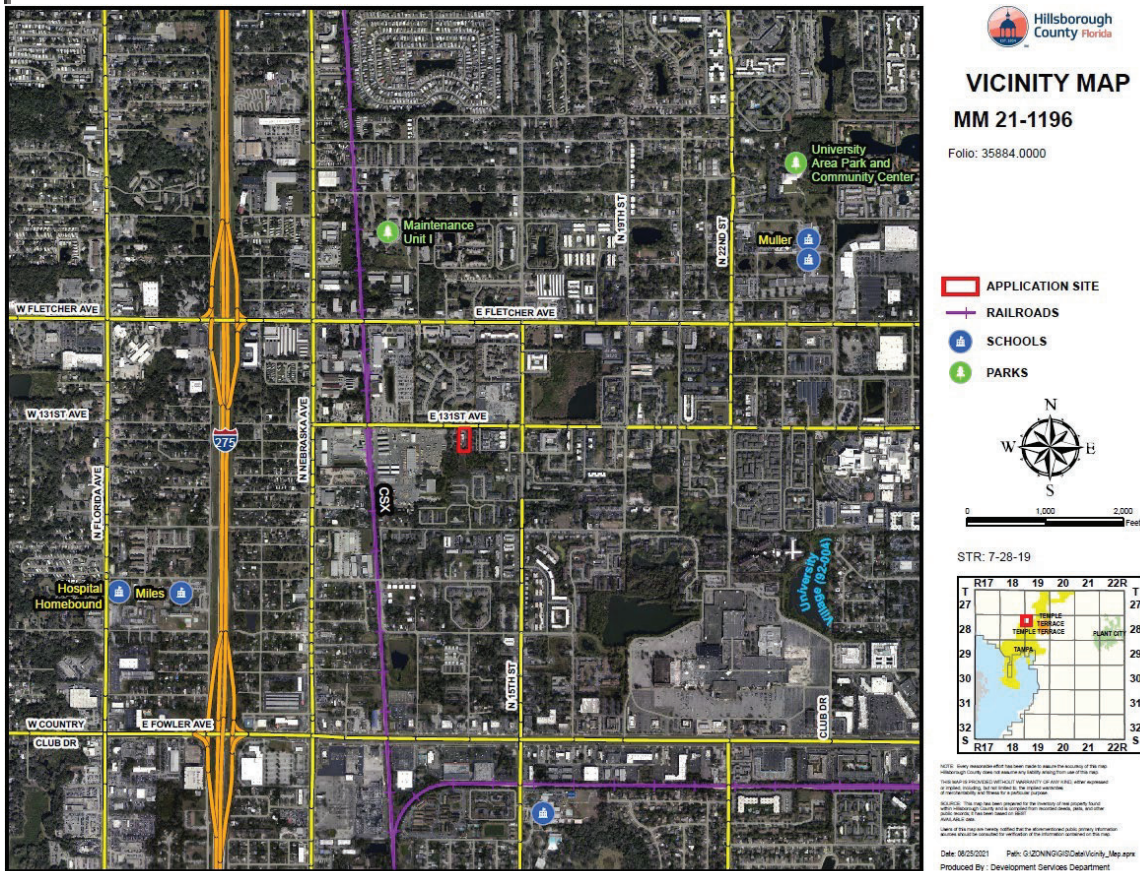
Proposed Modification(s):

Requests include the following: (1) to convert the existing Community Residential home Type C facility into a Professional Residential Home (Recovery Home) while maintaining the possibility to occupy the existing building with either of both uses; (2) to modify the existing CN lot development standards to allow those permitted in the RMC-20 district; and, (3) to allow for a 4.6 feet off-street parking perimeter buffer along the E 131st Ave.

Additional Information:

PD Variations	LDC Section 6.06.04 (Off-Street Vehicular Use Areas) – Perimeter Buffer Adjacent to Road Right-of-Way.
Waiver(s) to the Land Development Code	None
Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable, subject to conditions of approval.

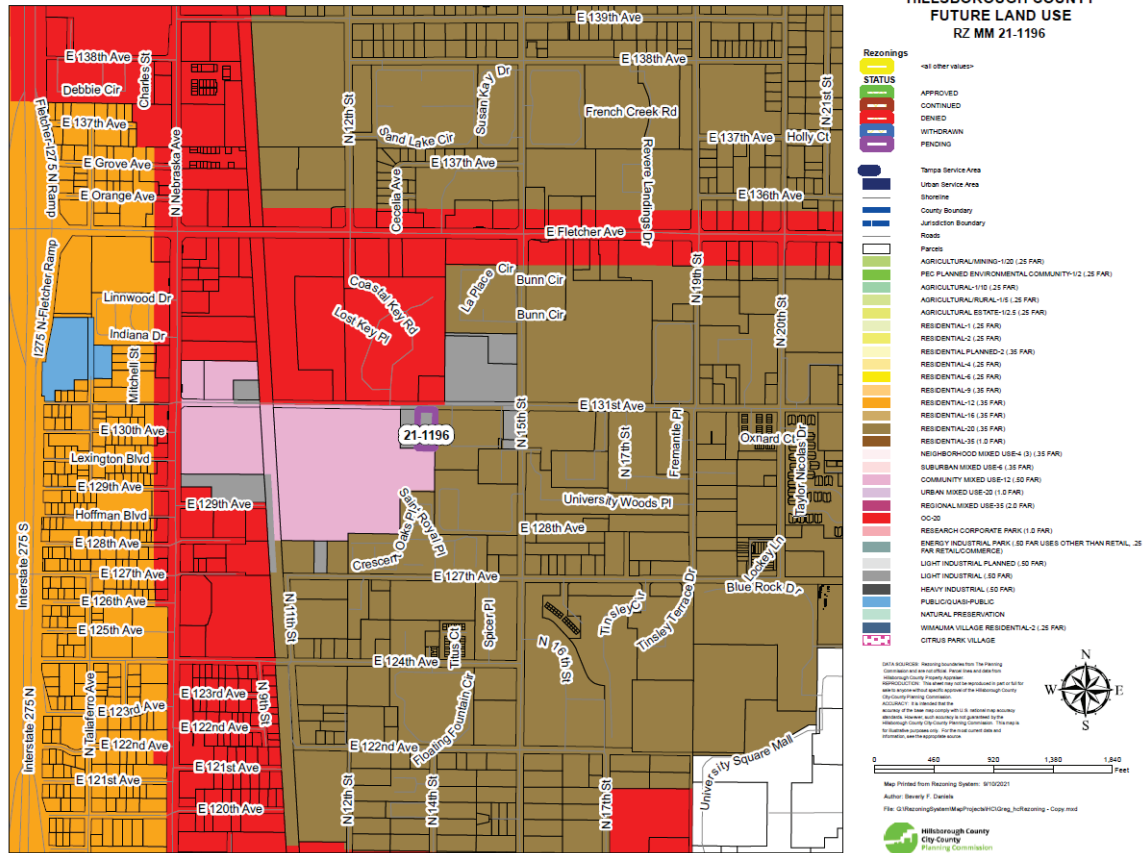
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

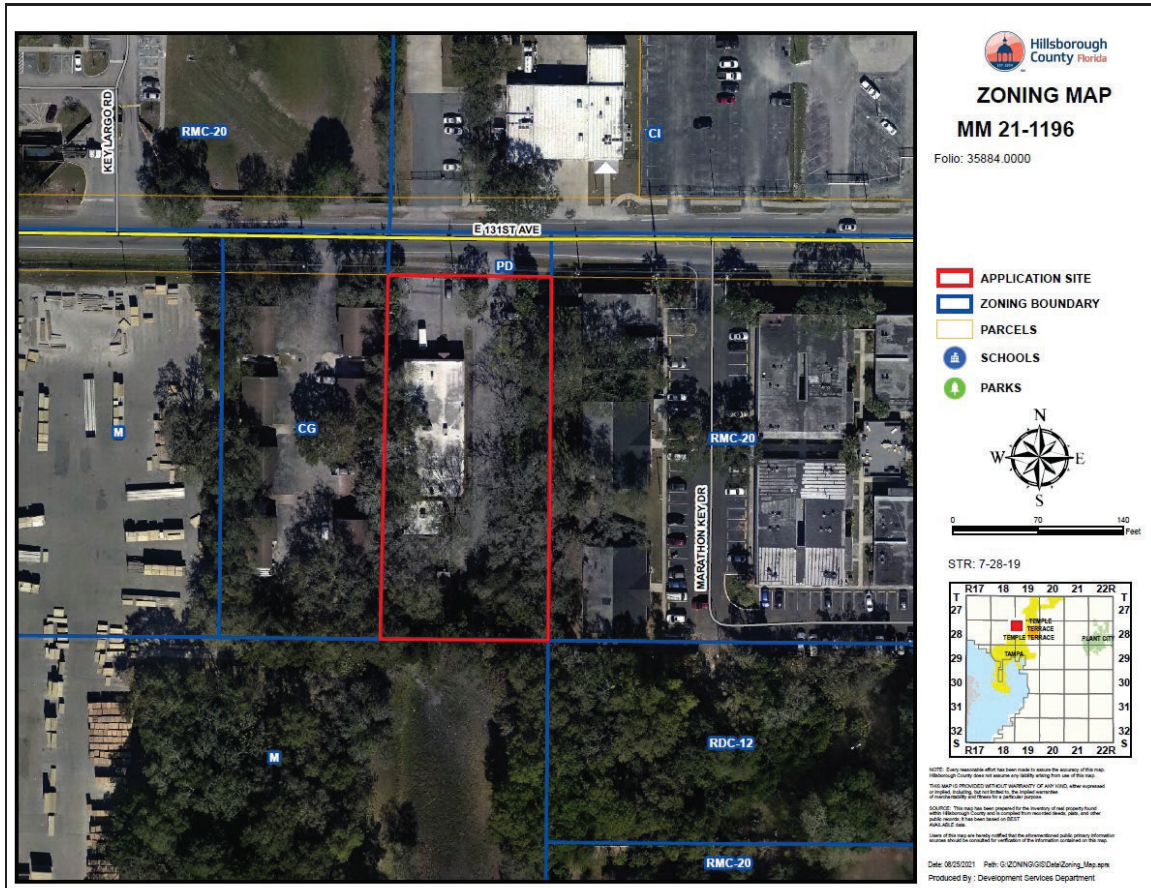
The area is developed with open storage, and light industrial uses on properties zoned GC, CI, and M. Multifamily residential sites approved for up to 20 DU/A are also found within the community.

2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	LI (Light Industrial)
Maximum Density/F.A.R.:	0.5 FAR
Typical Uses:	Light Industrial uses - manufacturing, recycling, storage, support offices, warehousing, rural scale retail

2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map

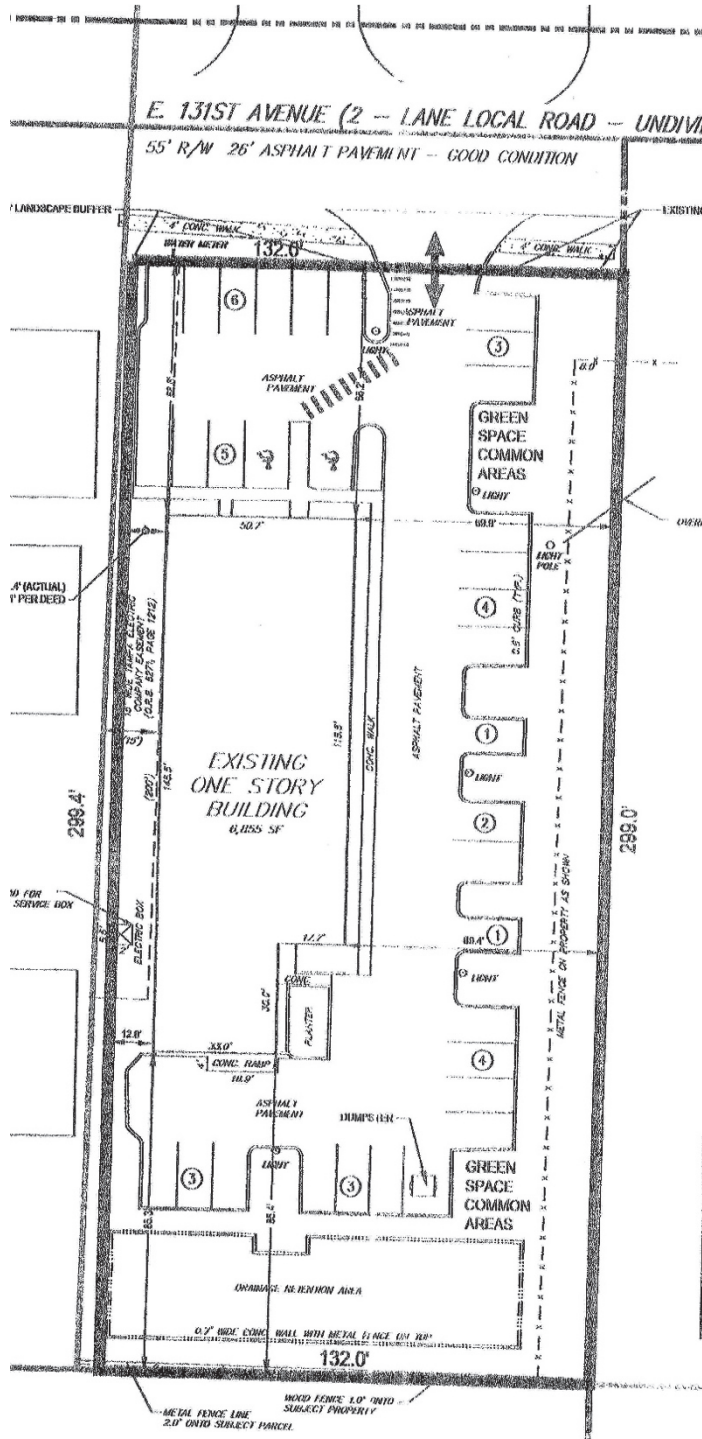


Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CI	n/a, 0.27 FAR	Commercial, Light Industrial	Fire Station
South	M	n/a, 0.75 FAR	Manufacturing	lumberyard
East	RMC-20	20 units per acre*, n/a	Multifamily	Multifamily
West	CG	n/a, 0.27	Commercial General	Mini-warehouse

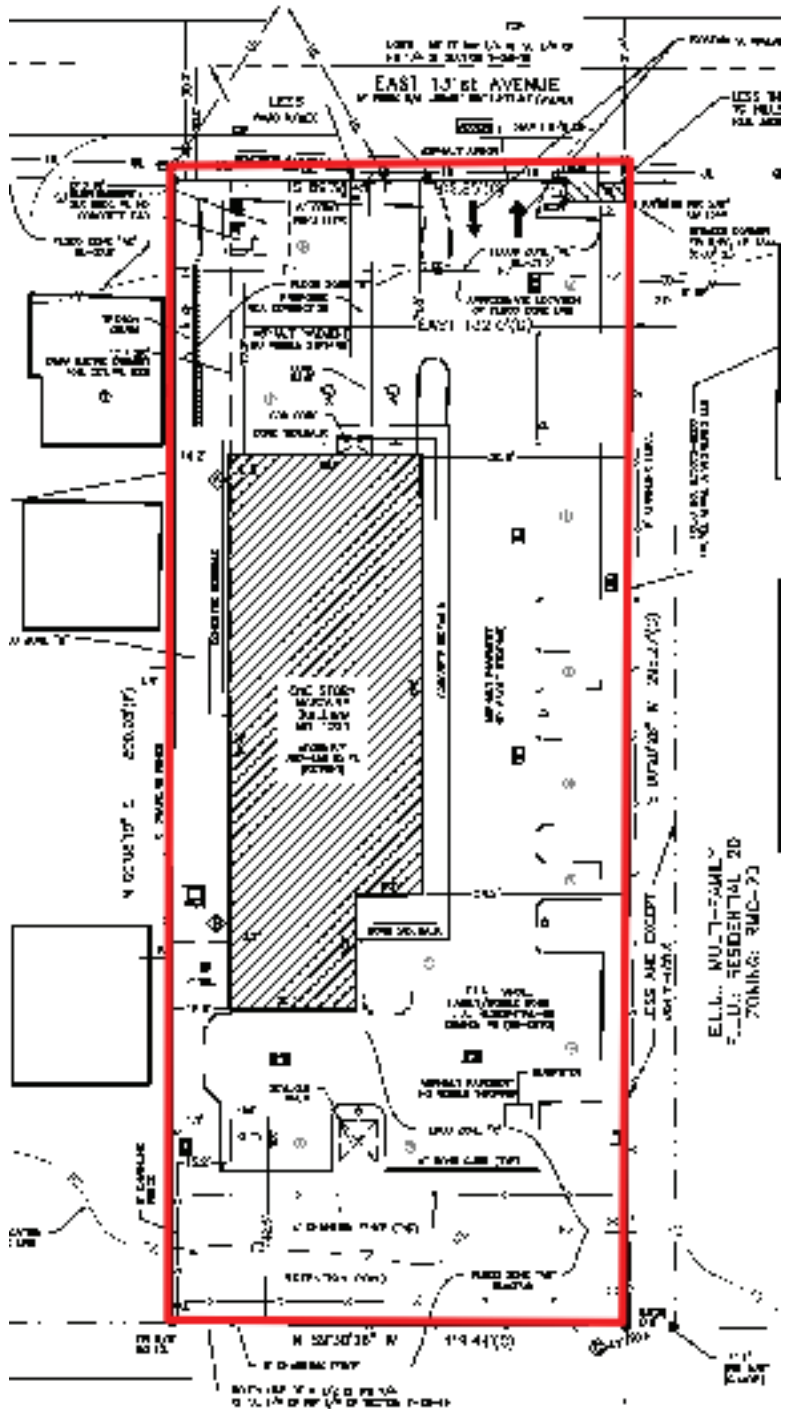
2.0 LAND USE MAP SET AND SUMMARY DATA

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



2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



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
131st Avenue	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

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	44	3	4
Proposed	52	4	5
Difference (+/-)	+8	+1	+1

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

Connectivity and Cross Access Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC

East		None	Vehicular & Pedestrian	Meets LDC
West		None	Vehicular & Pedestrian	Meets LDC
Notes:				
Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request				
Road Name/Nature of Request			Type	Finding
Notes:				

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Public Facilities:

Transportation

Design Exc./Adm. Variance Requested Off-site Improvements Provided

Information/Comments

Environmental Protection Commission

Yes No

Yes No

Additional Information/Comments

Service Area/ Water & Wastewater

Urban City of Tampa

Rural City of Temple Terrace

Impact/Mobility Fees

Recovery home (Nursing/Assisted Living Home) (Mobility per bed, Fire per 1,000 s.f.)

Mobility \$1,002*20 = \$20,040.00

Fire \$95 (per 1,000 s.f., size not provided)

Hillsborough County School Board

Adequate K-5 6-8 9-12 N/A Inadequate K-5 6-8 9-12 N/A

5.1 Compatibility

The proposed Professional Residential Home Type C use is comparable to the Community Residential Home Type C current allowed. The proposed increase of 3 residents does not impact the current density calculations.

The proposed changes on the off-street parking buffer, and existing CN lot development standards to allow for RMC-20 provisions will not create a significant change in the visual character of the area. Meanwhile, no changes have been proposed for the existing site layout.

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 8 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour. However, the increased number of residents will have minimal impact on the transportation network. Staff finds the proposed use of the land and lot development standards show a similar impact.

Given the above, staff finds the proposed modification to be compatible with the surrounding properties and in keeping the general development pattern of the area.

5.2 Recommendation

Staff recommends **Approval**, subject to conditions.

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Brian Aungst 201 North Franklin Street Tampa testified on behalf of the applicant, the Agency for Community Treatment Services, Inc. which is a no-for-profit mental health and behavioral health license provider. He stated that they provide both outpatient and residential facilities for the youth community, homeless community, veterans and people who are suffering from substance abuse and other mental and behavioral health issues. Mr. Aungst stated that the modification to PD 08-0970 is very minor. The existing PD permits a 17 bed Community Residential Facility Type C. The modification proposes to allow for both a 20-bed Community Residential Home Type C or a Professional Residential Facility Type C. in any situation, the entire number of beds is limited to 20. A Community Residential Facility and a Professional Residential Facility has very similar definitions but a Professional Residential Facility includes the provision of medications through a medical director. He stated that there are no site layout modifications or modifications to the existing building. One PD variation is requested regarding the perimeter buffer adjacent to 131st Avenue to permit a 4.6 foot off-street parking perimeter where an 8-foot perimeter is required. The condition is existing. Mr. Aungst testified that he did receive two phone calls from neighbors who were supportive of the project after he explained it to him. A second person was called back and left a detailed voicemail but never called back. He concluded his presentation by stating that the use was found to be compatible with the area as it is an existing facility.

Ms. Tania Chapela of the Development Services Department, testified regarding the County staff report. Ms. Chapela testified that the request is for a modification to PD 08-0970 and proposes to add three residents to an existing Community Residential Home Type C. Additionally, a new use is proposed for a Professional Residential Facility which is the same thing as a recovery home. A PD variation is requested to reduce the required 8-foot perimeter buffer to 4.5 feet. Ms. Chapela testified that a corridor preservation plan is included in the conditions.

Ms. Yenika Mills of the Planning Commission testified regarding the Planning Commission staff report. Ms. Mills stated that the property is designated Light Industrial by the Future Land Use Map and is located within the Urban Service Area and the University Community Plan. She stated that the LI category does not permit residential dwellings therefore the applicant is requesting a flex of the RES-20 category which permits up to 20 dwelling units per acre. Ms. Mills described the requested three beds which is a small increase that will minimally increase the burden on public facilities. She concluded her presentation by stating that the Planning Commission found the request compatible with the development pattern as it meets Policies 7.3 and 7.4. Staff found the modification consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of

the application. None replied.

County staff and Mr. Aungst did not have additional comments.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject site is 0.94 acres in size and is zoned Planned Development (08-0970). The property is designated LI by the Comprehensive Plan and located in the Urban Service Area and the University Community Planning Area.
2. The Planned Development (PD) is currently approved for an existing Community Residential Home, Type C with a maximum of 17 residents.
3. The Major Modification request proposes to increase the maximum number of residents to 20 for the Community Residential Home Type C or permit a Professional Residential Facility Type C with a maximum of 20 residents. The modification also includes a request to permit use of the RMC-20 lot development standards instead of the existing CN standards.
4. A flex of the Residential-20 (RES-20) Future Land Use category is requested as the existing Light Industrial (CI) category does not permit residential units.
5. The Planning Commission supports the flex of the RES-20 land use category and considers the Community Residential Home a residential support use. Staff stated that the requested increase of three beds is a small increase that will minimally burden public facilities. The Planning Commission found the request to be compatible with the development pattern as it meets Policies 7.3 and 7.4 and consistent with the Comprehensive Plan.
6. A Planned Development variation is requested pertaining to the required 8-foot perimeter buffer adjacent to the road right-of-way. The existing

perimeter buffer is 4.6 feet along E. 131st Avenue. The variation meets Land Development Code Section 5.03.06.C.6(b) as the Community Residential Home and perimeter buffer width is existing and will not interfere or impact adjacent property owners.

7. No testimony in opposition was provided at the Zoning Hearing Master hearing.
8. The modification does not propose to change the site layout or building configuration.
9. The proposed modification for the increase of three residents to either the existing Community Residential Home, Type C or a proposed Professional Residential Facility will minimally affect the surrounding area and infrastructure. The Community Residential Home, Type C is existing and a possible change to the Professional Residential Facility with 20 residents would generate similar impacts.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The Major Modification request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Major Modification to the Planned Development zoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

Planned Development 08-0970 is currently approved for a Community Residential Home, Type C with a maximum of 17 residents.

The Major Modification proposes to increase the maximum number of residents to 20 for the Community Residential Home Type C or permit a Professional Residential Facility Type C with a maximum of 20 residents. The modification also includes a request to permit use of the RMC-20 lot development standards instead of the existing CN standards.

A flex of the Residential-20 (RES-20) Future Land Use category is requested as the existing Light Industrial (CI) category does not permit residential units.

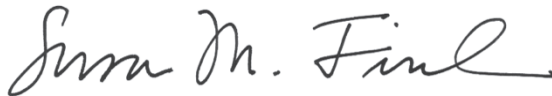
The Planning Commission supports the flex of the RES-20 category and the Major Modification.

A Planned Development variation is requested pertaining to the required 8-foot perimeter buffer adjacent to the road right-of-way. The existing perimeter buffer is 4.6 feet along E. 131st Avenue. The variation meets Land Development Code Section 5.03.06.C.6(b) as the Community Residential Home and perimeter buffer width is existing and will not interfere or impact adjacent property owners.

The modification does not propose to change the site layout or building configuration and is compatible with the surrounding area and consistent with the Land Development Code and Comprehensive Plan.

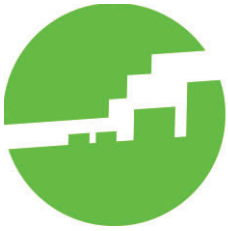
RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 08-0970 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



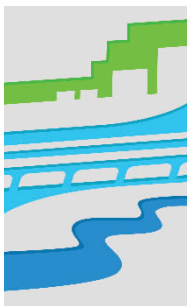
Susan M. Finch, AICP
Land Use Hearing Officer

Date January 05, 2022



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: December 13, 2021	Petition: MM 21-1196
Report Prepared: December 2, 2021	1299 E 131st Avenue <i>South of E 131st Avenue and west of N 15th Street</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Light Industrial (0.75 FAR)
Service Area:	Urban
Community Plan:	University Area
Requested Zoning:	Major modification of Planned Development for a change from a 17 beds Community Residential Home to a 20 beds Recovery Home by utilizing the Flex Provision to Residential-20.
Parcel Size (Approx.):	0.94 +/- acres (40,946 square feet)
Street Functional Classification:	East 131 st Avenue – Collector North 15 th Street – Collector
Locational Criteria	N/A
Evacuation Zone	None



Context

- The approximately 0.94 +/- acre subject property is located south of E 131st Avenue and west of N 15th Street. The site is currently developed with a single family residential home. The site is located in the Urban Service Area and is located within the limits of the University Area Community Plan.
- The subject site's Future Land Use designation is Light Industrial (LI). Typical allowable uses in this Future Land Use Category include Processing, manufacturing and assembly of materials including food products, storage, furniture or apparel manufacturing, packaging plants, wholesaling, storage of non hazardous materials, warehouse/showrooms with retail sales, offices, research/corporate parks as the predominant uses and subordinate uses or services such as hotels, motels, restaurants, suburban scale retail establishments, and recreational facilities. Free standing suburban scale neighborhood commercial uses are pursuant to locational criteria or 20% of the project's land area when part of a larger industrial/office park. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- Directly west is also designated as Light Industrial (LI). East of the site is Residential-20 (RES-20). South and west of the site is Community Mixed Use-12 (CMU-12). North of the site is Office Commercial-20 (OC-20) and Light Industrial (LI).
- The subject property is zoned Planned Development (PD). The properties to the east are Residential - Multi-Family Conventional-20 (RMC-20) and Residential - Duplex Conventional (RDC-12) and are developed with multi-family, light commercial and public institutional uses. The properties to the west are designated Commercial General (CG) and Manufacturing (M) with light industrial and heavy commercial uses. To the south is zoned Residential-20 (RES-20) and are developed with multi-family uses. To the north is zoned Commercial Intensive (CI), Commercial – Neighborhood (CN) and Residential - Multi-Family Conventional-20 (RMC-20) with a daycare, public utilities, public institutional and multi-family uses.
- The proposal is a Major Modification of Planned Development for a change from a 17 bed Community Residential Home to a 20 bed Recovery Home. The applicant has requested a flex to Residential-20.

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 (USA)

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 the Future Land Use Map

Objective 7: *The Future Land Use Map is a graphic illustration of the county's policies governing the determination of its pattern of development in the unincorporated areas of Hillsborough County through the year 2025.*

Policy 7.1: *The Future Land Use Map shall be used to make an initial determination regarding the permissible locations for various land uses and the maximum possible levels of residential densities and/or non-residential intensities, subject to any special density provisions, locational criteria and exceptions of the Future Land Use Element text.*

Policy 7.3: *The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:*

- *Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.*
- *The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.*
- *No new flexes can be extended from an existing flexed area.*
- *All flexes must be parallel to the land use category line.*
- *Flexes are not permitted in the Rural Area or in areas specified in Community Plans. Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.*
- *Flexes to increase residential density are not permitted in the Coastal High Hazard Area.*
- *Flexes are not permitted from a municipality into the unincorporated county.*
- *A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.*
- *Applicants requesting a flex must provide written justification that they meet the criteria for a flex as outlined below.*
- *The Board of County Commissioners may flex the plan category boundary to recognize or grant a zoning district which is not permitted in the land use category but lies within the distance of a conforming land use category, as described above. Prior to the determination*

by the Board of County Commissioner, the staff of the Planning Commission shall make a recommendation on the consistency of the request with the Comprehensive Plan.

Policy 7.4:

The criteria for consideration of a flex request are as follows:

- The availability and adequacy of public facilities to serve the proposed development accommodated by the flex;*
- The compatibility with surrounding land uses and their density and intensity;*
- The utilization of the flex furthers other goals, objectives and policies of the Future Land Use Element.*

Relationship to Land Development Regulations

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.*

Objective 17: Neighborhood and Community Serving Uses

Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

Policy 17.1:

Residential support uses (child care centers, adult care centers, churches, etc.) is an allowable land use in any of the residential, commercial and industrial land use plan categories consistent with the following criteria:

- a) The facility shall be of a design, intensity and scale to serve the surrounding neighborhood or the non-residential development in which it occurs, and to be compatible with the surrounding land uses and zoning;*

Staff Analysis of Goals, Objectives, and Policies

The applicant is requesting a major modification of Planned Development (add in PD #) for a change from a 17 bed Type C Community Residential Home to a 20 bed Type C Recovery Home. The applicant has requested a flex to Residential-20. The site is located in the Urban Service Area and is located within the limits of the University Area Community Plan.

The subject property is located in the Light Industrial (LI) Future Land Use classification which does not permit residential dwellings. The applicant is requesting a flex to Residential-20 which would permit up to 20 du/ga. The property is currently zoned as a Planned Development (PD 08-0970) and was permitted a flex for Residential-20 for a Type C Community Residential Home.

Per the Land Development Code Section 6.11.28.C., to calculate density for Community Home Types and Recovery Homes each "placed" resident in the facility shall equal one-fifth of a dwelling unit. For this site, 0.94 acres equals a maximum of 94 dwelling units (0.94 acres x 20 du/a x 5). The applicant is asking for an increase in 3 dwelling units for a total of 20 dwelling units, which is well below the maximum allowable dwelling units.

The current Future Land Use Category for the site is Light Industrial (LI) and the applicant has requested a Flex for Residential-20 (RES-20), which is directly west of the site. The original PD (08-0970) was approved for a Residential-20 flex. The request meets the requirements of Policy 7.3. The flex line will be relocated from the west for about 135 feet, which is within the 500 ft. maximum from the existing land use boundary of the adopted Land Use Plan Map. This flex is parallel to the land use category line and is not extending an existing flexed area. The site is in the Urban Service Area, in Unincorporated Hillsborough County and is not within the Coastal High Hazard Area. The flex request is part of a major modification rezoning application.

The applicant has provided a written justification for meeting the flex criteria listed in Policy 7.4. The applicant has stated that the proposed development currently operates with 17 beds and is requesting an increase to 20 beds. This small increase will minimally increase the burden on the public facilities which will be available and adequate public facilities to serve the proposed development. The proposed development is compatible with the surrounding RMC-20 zoning and multifamily complexes along East 131st Avenue. The applicant also states that the flex request would meet Objective 9 of the Future Land Use Element that states, "land development regulations shall be designed to provide flexible, alternative solutions to problems". The applicant also states that a flex to Residential-20 would allow the owner to fully operate the property and a flex request was already approved in 2008. Lastly, the applicant states this furthers the goals and objectives of the Comprehensive Plan by providing a flexible and alternative solution to the allowable uses on the property.

The development pattern along East 131st Avenue consists predominantly of multifamily residential dwellings, public institutional, public utilities, light industrial and heavy commercial. Per Policy 17.1, residential support uses must be compatible with the surrounding land uses and zoning per the design, intensity and scale. A Type C Recovery Home qualifies as a residential support use. The support use is allowed in the requested flex to the Residential-20 Future Land Use category and is compatible with the surrounding development pattern. To meet the desired intensity, per the Land Development Code 6.11.28.A, all community residential homes must be at least a distance of 500' from any an area of non-agricultural (RSC) single-family zoning. The proposed 20 bed community residential home does meet this requirement. The applicant is also requesting a waiver from the original RMC-20 building standards for an increase in impervious surface ratio from 60% to 64%, lot size reduction from 7,000 sq. ft. to 6,540 sq. ft., and a reduction in landscape buffer requirements from 8 ft. to 4.4 ft. on the west side and 4.6 ft. in the front. The applicant is also requesting a waiver to the front setback from 30 ft. to 25 ft. and the off-street vehicular parking landscape buffer requirements. The Development Services Department has approved the waiver requests.

Based upon the compatibility of the request with the surrounding development pattern and meeting the requirements stated in Policies 7.3 and 7.4, Planning Commission Staff recommend the Board of County Commissioners approve the flex request to Residential-20 (RES-20).

Overall, the proposed Planned Development is consistent with the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, as it provides a compatible land use with the surrounding area and meets all Land Development Code regulations.

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE RZ MM 21-1196

Rezonings

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

Tampa Service Area

Urban Service Area

Shoreline

County Boundary

Jurisdiction Boundary

Roads

Parcels

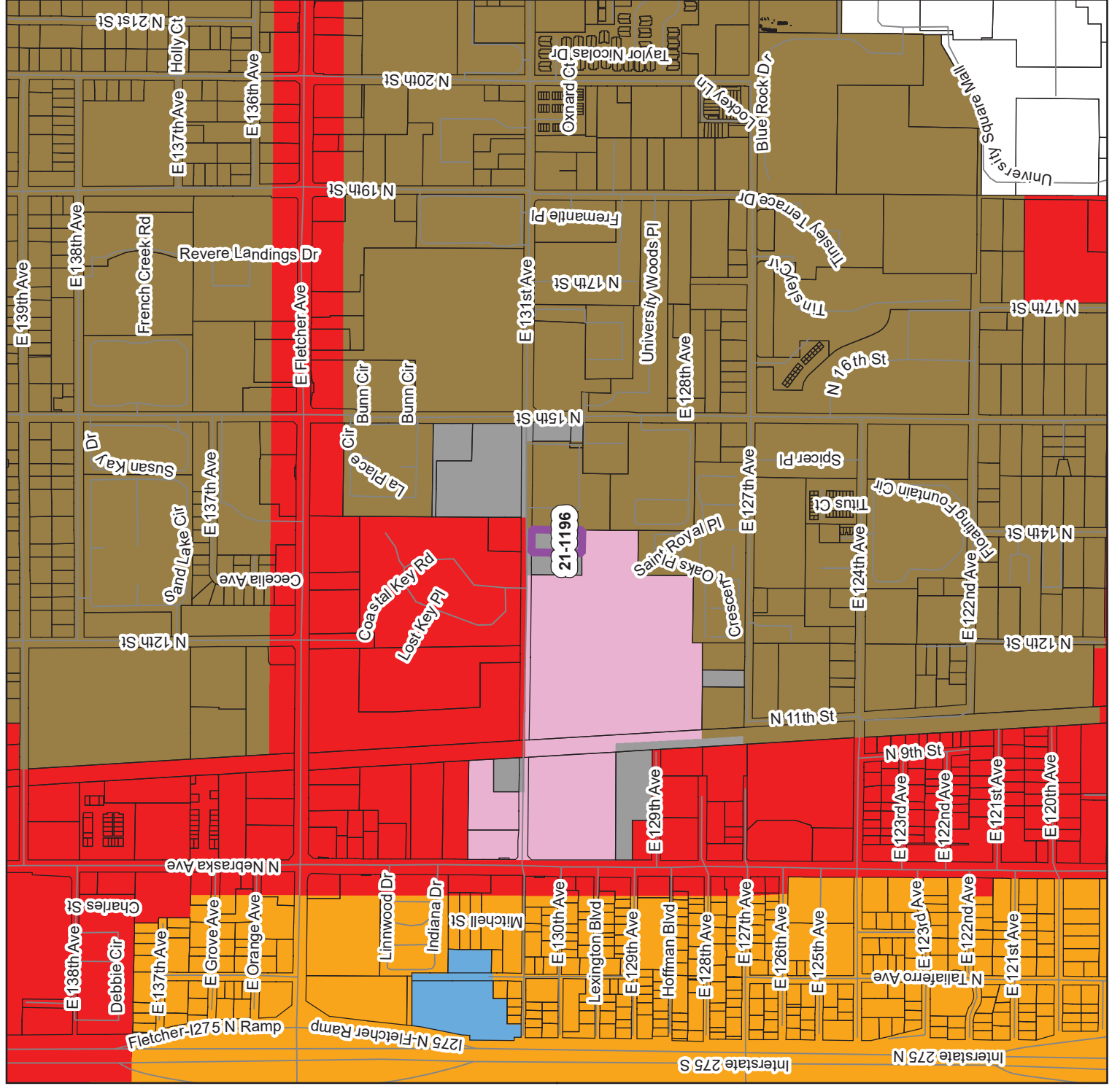
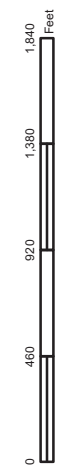
- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL/ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- 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/QUASIPUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

Map Printed from Rezoning System: 9/10/2021

Author: Beverly F. Daniels

File: C:\Rezoning\System\MapProjects\HC\Gis\ReZoning - Copy.mxd

Hillsborough County
City-County
Planning Commission





**GENERAL
SITE PLAN
FOR
CERTIFICATION**



**Hillsborough
County Florida**

DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110
(813) 272-5600

**HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

**BOARD OF COUNTY
COMMISSIONERS**

Harry Cohen
Ken Hagan
Pat Kemp

Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

INTERNAL AUDITOR

Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Project Name: Major Modification to PD (08-0970)

Zoning File: PD (08-0970) Modification: MM (21-1196)

Atlas Page: None Submitted: 01/21/22

To Planner for Review: 01/21/22 Date Due: ASAP

Contact Person: Brian J. Aungst, Jr Phone: 727-441-8966/ bja@macfar.com

Right-Of-Way or Land Required for Dedication: Yes No

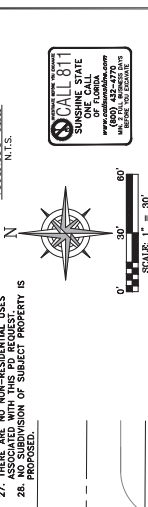
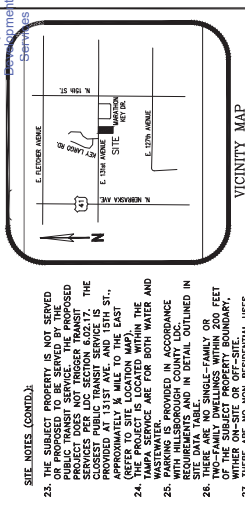
The Development Services Department HAS NO OBJECTION to this General Site Plan.

The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by: Tania C Chapela Date: 01/21/2022

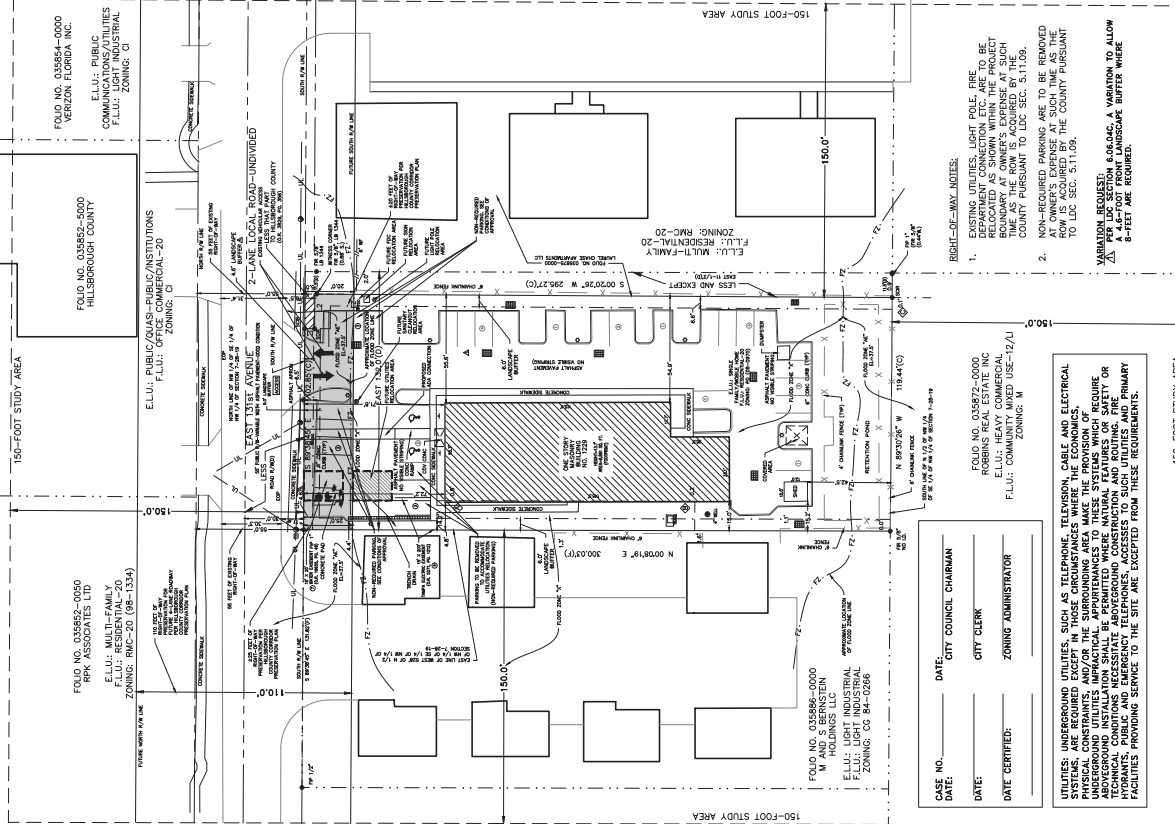
Date Agent/Owner notified of Disapproval: _____

REQUEST TO REZONE FROM PD TO PD PROFESSIONAL RESIDENTIAL FACILITY (RECOVERY HOME C) 1229 E. 131ST AVENUE



SITE NOTES (CONTD.): 24. THE SUBJECT PROPERTY IS NOT SERVED BY PUBLIC TRANSIT SERVICE... 25. PARKING IS PROVIDED IN ACCORDANCE WITH THE APPROPRIATE ZONING... 26. NO SUBDIVISION OF SUBJECT PROPERTY IS PROPOSED.

SITE DATA TABLE: SITE LOCATION: 1229 E. 131ST AVENUE... PROJECT SUMMARY & SITE DATA: EXISTING 19,029 SF... PROPOSED 10,881 SF... TOTAL ASPHALT/CONC/SHALL AREA 16,281 SF... TOTAL GREEN AREA 13,024 SF...

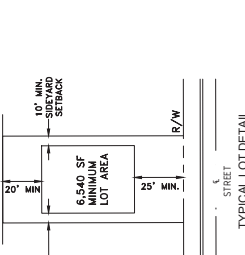


RIGHT-OF-WAY NOTES: 1. EXISTING UTILITIES, LIGHT POLE, FIRE DEPARTMENT CONNECTION ETC. ARE TO BE RECORDED AS SHOWN WITHIN THE PROJECT TIME AS THE ROW IS ACQUIRED BY THE COUNTY PURSUANT TO LDC SEC. 5.11.09... 2. NON-REQUIRED PARKING ARE TO BE REMOVED TO LDC SEC. 5.11.09.

CITY COUNCIL CHAIRMAN DATE: CITY CLERK DATE: ZONING ADMINISTRATOR DATE CERTIFIED:

PROPOSED LEGEND: 1. WATER MAIN, 2. SANITARY SEWER, 3. GAS MAIN, 4. TELECOMMUNICATIONS, 5. POWER LINES, 6. STREET LIGHTS, 7. DRIVE TOP FENCE, 8. DRIVE SIDE FENCE, 9. DRIVE END FENCE, 10. DRIVE SIDE CURB, 11. DRIVE END CURB, 12. DRIVE SIDE WALK, 13. DRIVE END WALK, 14. DRIVE SIDE DRIVE, 15. DRIVE END DRIVE, 16. DRIVE SIDE DRIVE, 17. DRIVE END DRIVE, 18. DRIVE SIDE DRIVE, 19. DRIVE END DRIVE, 20. DRIVE SIDE DRIVE, 21. DRIVE END DRIVE...

SURVEYOR'S LEGEND: 1. BOUNDARY, 2. CENTERLINE, 3. CURVE, 4. BEARING, 5. DISTANCE, 6. AREA, 7. VOLUME, 8. ELEVATION, 9. BENCH MARK, 10. ADJACENT PROPERTY, 11. PUBLIC RECORD, 12. PRIVATE RECORD, 13. UNRECORDED, 14. UNDEVELOPED, 15. UNZONED, 16. UNAPPROVED, 17. UNAPPROVED, 18. UNAPPROVED, 19. UNAPPROVED, 20. UNAPPROVED...



SITE NOTES: 1. DEVELOPMENT SHALL PROCEED IN ACCORDANCE WITH THE STANDARDS OF THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE... 2. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UNIVERSITY COMMUNITY PLANNING AREA... 3. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A COASTAL HIGH HAZARD AREA, WELLSHEAD RESOURCE PROTECTION AREA, AND/OR SURFACE WATER RESOURCE PROTECTION AREA...

Table with 4 columns: NO., DATE, SCALE, SHEET NO. OF 1. Row 1: 1, JUNE 8, 2021, 1" = 30', 1 OF 1.

Table with 2 columns: NO., DATE. Row 1: 1, JUNE 8, 2021. Row 2: 2, JUNE 8, 2021.

EXISTING CONDITIONS AS SHOWN WERE TAKEN FROM A SURVEY PREPARED BY AMERICAN SURVEYING INC. IN 1978. DATE OF FIELD SURVEY: 05/20/2021.

DEUEL & ASSOCIATES CONSULTING ENGINEERS LAND SURVEYORS. Includes contact information: 565 SOUTH HERCULES AVENUE, CLEARWATER, FL 33764, WWW.DEUELANDASSOCIATES.COM, (727) 263-9300, LICENSED BUSINESS NUMBER 1107.



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: University Area/Northwest

DATE: 12/02/2021
AGENCY/DEPT: Transportation
PETITION NO: PD MM 21-1196

	This agency has no comments.
	This agency has no objection.
X	This agency has no objection, subject to the listed or attached conditions.
	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 8 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.
- In accordance with the Hillsborough County Corridor Preservation Plan, the developer shall preserve adequate right-of-way along its 131st Avenue frontage, such that a minimum of 55 feet of right-of way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.
- Transportation Review Section staff has no objection to the proposed request, subject to the conditions of approval provided hereinbelow.

CONDITIONS OF APPROVAL

In addition to the previously approved zoning conditions, which shall carry forward, staff is requesting the following new and other conditions:

Revised Conditions

7. The applicant ~~may~~ **shall** be permitted one access ~~point~~ on 131st Ave. ~~The general design and location of the access point shall be regulated by the Hillsborough County Access Management regulations.~~

[Staff is proposing editing this condition in order to provide clarity about access. The project has an existing access on 131st Ave.]

- ~~8. Where applicable and subject to County standards, the developer shall construct a left turn lane into the project's driveway. If it is determined by the results of any subsequent analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing alternative improvements for the safe operation of the project and the adjacent street traffic.~~

[Staff is proposing removal of this condition due to outdated language.]

- ~~9. The developer may be required to convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ 08 0970). Whichever comes first, up to 55 feet of right of way from the existing center line of right of way on 131st Avenue, to accommodate for the right of way as needed for a four lane collector.~~

[Staff is proposing removal of this condition in order to replace with new condition that has updated wording concerning required Corridor Preservation Plan right-of-way preservation on 131st Ave.]

New Condition:

- In accordance with the Hillsborough County Corridor Preservation Plan, the developer shall preserve adequate right-of-way along its 131st Avenue frontage, such that a minimum of 55 feet of right-of way is preserved south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans and building setbacks shall be calculated from the future right-of-way line.

Other Conditions:

Prior to PD site plan certification, the applicant shall revise the PD site plan to:

- Edit the Surveyors Note #11 in order to state, “The property has access to East 131st Avenue, a public street.”

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a major modification to PD 08-0970 in order to increase beds of the previously approved Community Residential Home Type C from 17 beds to 20 beds. MM 21-1196 contains one parcel totaling +/- 0.95 acres. The site is located 0.35 miles east of the intersection of 131st Ave and Nebraska Ave. The Future Land Use designation of the site is Light Industrial (LI).

Trip Generation Analysis

Staff has prepared a comparison of the trips potentially generated under the previously approved zoning and the proposed planned development including the additional residential units, 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, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, Community Residential home Type C, 17 beds (ITE code 254)	44	3	4

Proposed Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, Community Residential Home Type C, 20 beds (ITE code 254)	52	4	5

Trip Generation Difference:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+8	+1	+1

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 8 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The subject site has frontage on 131st Ave. 131st Ave. is a Hillsborough County maintained 2-lane, undivided, substandard collector roadway, characterized by +/-11 ft. travel lanes. There are +/-4 ft. sidewalks and +/- 4 ft. bicycle lanes on both sides of 131st Ave and no paved shoulders.

Along the project’s frontage, 131st Ave. is shown on Hillsborough County Corridor Preservation Plan as a future 4-lane roadway. The minimum right-of-way necessary is calculated by taking the typical section for a 4-lane urban, divided roadway (TS-6 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 110 feet of right-of-way. Given the right-of way varies from between +/- 45 feet and +/- 60 feet existing along the project’s frontage. The developer will be required to preserve +/- 25 feet of right-of-way on the west side and +/- 20 feet of right-of-way on the east side of the property’s frontage on 131st Ave. as shown on the site plan.

SITE ACCESS

The project is proposing one full access (1) connection to 131st Ave. If PD 21-1196 is approved, vehicular and pedestrian access will be via the existing access on 131st Ave.

ROADWAY LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
131 ST AVE	NEBRASKA AVE	30 TH ST	E	D

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

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
131 st Avenue	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

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	44	3	4
Proposed	52	4	5
Difference (+/-)	+8	+1	+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	X	Vehicular & Pedestrian	None	Meets LDC
South		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
	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 Staff Report.

COMMISSION

Mariella Smith CHAIR
 Pat Kemp VICE-CHAIR
 Harry Cohen
 Ken Hagan
 Gwendolyn "Gwen" W. Myers
 Kimberly Overman
 Stacy White



DIRECTORS

Janet L. Dougherty EXECUTIVE DIRECTOR
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 Sam Elrabi, P.E. WATER DIVISION
 Rick Muratti, Esq. LEGAL DEPT
 Andy Schipfer, P.E. WETLANDS DIVISION
 Steffanie L. Wickham WASTE DIVISION
 Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: 11/15/2021</p> <p>PETITION NO.: 21-1196</p> <p>EPC REVIEWER: Sarah Hartshorn</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1237</p> <p>EMAIL: hartshorns@epchc.org</p>	<p>COMMENT DATE: 9/9/2021</p> <p>PROPERTY ADDRESS: 1229 E 131st Ave, Tampa, FL 33612</p> <p>FOLIO #: 35884.0000</p> <p>STR: 07-28S-19E</p>
<p>REQUESTED ZONING: : From Major Mod to PD 08-0970</p>	
FINDINGS	
<p>WETLANDS PRESENT</p> <p>SITE INSPECTION DATE</p> <p>WETLAND LINE VALIDITY</p> <p>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</p>	<p>NO</p> <p>Aerial review</p> <p>No wet expired 7/7/2013</p> <p>NA</p>
<p>INFORMATIONAL COMMENTS:</p> <p>On September 9, 2021 EPC Wetlands Division staff reviewed the above referenced parcel in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite.</p> <p>Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.</p>	

Sjh/kmt



AGENCY REVIEW COMMENT SHEET

NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services

DATE: 11/10/2021

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Agency for Community Treatment Services, Inc

PETITION NO: 21-1196

LOCATION: 1229 E 131st Ave

FOLIO NO: 35884.0000

Estimated Fees:

Recovery home (Nursing/Assisted Living Home)

(Mobility per bed, Fire per 1,000 s.f.)

Mobility \$1,002*20 = \$20,040.00

Fire \$95 (per 1,000 s.f., size not provided)

Project Summary/Description:

Urban Mobility, Northwest Fire - increase allowances from 17 beds to 20 beds, unknown square footage, and from community residential home to Recovery Home. Nursing Home use category used for closest fit.

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: MM21-1196 REVIEWED BY: Randy Rochelle DATE: 9/9/2021

FOLIO NO.: 35884.0000

WATER

- The property lies within the City of Tampa Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A ___ inch water main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

WASTEWATER

- The property lies within the City of Tampa Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

- A ___ inch wastewater gravity main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: _____.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 27 August 2021

REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management

APPLICANT: Brian Aungst

PETITION NO: MM 21-1196

LOCATION: 1229 E. 131st Ave, Tampa, FL 33612

FOLIO NO: 35884.0000

SEC: 07 TWN: 28 RNG: 19

- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.



VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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IN RE:)
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ZONE HEARING MASTER)
HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, December 13, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 10:10 p.m.

PLACE: Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
December 13, 2021
ZONING HEARING MASTER: SUSAN FINCH

D5:
Application Number: MM 21-1196
Applicant: Agency for Community Treatment
Services, Inc.
Location: 1229 E. 131st Avenue
Folio Number: 035884.0000
Acreage: 0.94 acres, more or less
Comprehensive Plan: LI
Service Area: Urban
Existing Zoning: PD, 08-0970
Request: Major Modification to a Planned
Development

**Note: Words in brackets [...] are a suggestion only
for what the speaker may have incorrectly
stated.

1 MR. GRADY: The next item is agenda item
2 D-5, Major Mod Application 21-1196. The
3 applicant's Agency for Community Treatment
4 Services, Incorporated.

5 The request is for a Major Modification to
6 existing Planned Development. Tania Chapela will
7 provide staff recommendation after presentation by
8 the applicant.

9 HEARING MASTER FINCH: All right. Good
10 evening.

11 MR. AUNGST: Good evening, Madam Hearing
12 Officer. My name is Brian Aungst. Macfarlane,
13 Ferguson, McMullen, 201 North Franklin Street on
14 behalf of the applicant, Agency for Community
15 Treatment Services, Incorporated, which is a
16 not-for-profit mental health and behavioral health
17 license provider.

18 They provide both outpatient and residential
19 facilities for the youth community, homeless
20 community, veterans, and people who are suffering
21 from substance abuse and other mental and
22 behavioral health issues.

23 This particular request is to modify a
24 current PD zoning, PD 08-0970. The modification
25 while under the Major Modification category is very

1 quite minor, currently, the zoning allows for a
2 17-bed Community Residential Facility Type C. What
3 we're proposing is to modify the PD to allow for
4 both a 20-bed residential -- Community Residential
5 Type C or a Professional Residential Facility Type
6 C.

7 In any situation, the entire amount of beds
8 is limited to 20. So we're increasing the number
9 of beds by three, and we're just including
10 additional potential definitions for the
11 Professional Residential Facility Type C.

12 As laid out in the staff report, Community
13 Residential Facility and Professional Residential
14 Facility have very similar definitions, but
15 Professional Residential Facility includes the
16 provision of medications, which we actually do
17 already, through a medical director.

18 So it's a more appropriate definition for
19 potentially what is actually happening already.
20 I'd like to point out there are absolutely no site
21 layout modifications or modifications to the
22 existing building.

23 We are asking to apply some standards for
24 the RMC-20 district, which do require one PD
25 variation to the perimeter buffer adjacent to 131st

1 Avenue to allow for a 4.6-foot off-street parking
2 perimeter where an 8-foot perimeter is required.

3 Again, that's existing, but we -- right now,
4 we have the CN development lot standards. Then
5 we're going to be RMC-20 standards. We don't have
6 any public opposition that I'm aware of. We did
7 receive two phone calls from folks who received
8 notice.

9 The first gentleman indicated he was
10 supportive when we explained the project to him,
11 and that we let a detailed voicemail for the second
12 person, and we never received a call back. So,
13 hopefully, that means we answered their questions.

14 And we have been found to be consistent by
15 the Planning Commission. Development Services is
16 recommending approval. And just in terms of
17 compatibility, again, this is an existing facility.

18 And the surrounding uses include a fire
19 station, a lumberyard, a multifamily development
20 that's also RMC-20, and a mini-warehouse
21 self-storage. So, again, hopefully, we provided
22 sufficient, competent substantial evidence through
23 our application, incorporate the application
24 narratives, all of our submittals, resubmittals,
25 and the staff report in our presentation. And

1 happy to answer any questions you have.

2 HEARING MASTER FINCH: You answered my
3 questions. Thank you. If you could please sign
4 in.

5 All right. Development Services, please.

6 MS. CHAPELA: Tania Chapela, Development
7 Services. I hope this time I can share my screen
8 in a better way.

9 So the applicant seeks to rezone a property.
10 I'm so sorry. The Major Modification -- we're
11 talking about Major Modification 21-1196. So this
12 is a .93 acres in size property. There is an
13 existing zoning PD 08-0970.

14 It's in the University Planning Area and
15 Urban Service Area. The Future Land Use is Light
16 Industrial, but it was flex to Residential-20,
17 which allows up to 20 building units per acre and a
18 maximum FAR of 0.75.

19 The surrounding areas, the zoning districts
20 to the east are approved for residential uses. The
21 areas to the west consist of Commercial General and
22 Manufacturing zoning. General area today consists
23 of Commercial and Manufacturing uses and
24 multifamily residential development.

25 The -- the request is pretty simple.

1 They're adding three residents to an existing
2 Community Residential Home Type C, and they're
3 trying again to get a new use under the Land
4 Development Code, which is a Professional
5 Residential Facility, which is the same thing as a
6 recovery home.

7 And, again, they're adding three residents.
8 They just needed to get a variation to the
9 off-street vehicular use areas to allow a 4.5 feet
10 perimeter buffer. That's the parking area pretty
11 much where a -- an 8 feet buffer is required.

12 They -- they also need to address the
13 situation where there is a section of the
14 right-of-way that might be taken due to -- to
15 the -- to the conservation, the preservation
16 corridor. And in the conditions, we are approving
17 the project with conditions.

18 The corridor preservation plan is
19 included -- included in the conditions. So they
20 have to preserve the right-of-way, and then there
21 is a minimum of 55 feet of right-of-way that has to
22 be preserved south of the existing right-of-ways
23 center lane. And this concludes my presentation.
24 I'm happy to answer any questions.

25 HEARING MASTER FINCH: No questions.

1 Planning Commission, please.

2 MS. MILLS: Yeneka Mills, Planning
3 Commission staff.

4 The subject property is located within the
5 Light Industrial Future Land Use Classification,
6 the Urban Service Area, and the University Area
7 Community Plan.

8 The subject property is located within the
9 LI Future Land Use Classification, which does not
10 permit residential dwellings. The applicant is
11 requesting a flex of the Residential-20, which will
12 permit up to 20 dwelling units per gross acre.

13 The applicant is asking for an increase in
14 three beds for a Community Residential Home, which
15 is well below the maximum that can be considered.
16 The request meets Policy 7.3, which deals with
17 flex.

18 The applicant has provided a written
19 justification for meeting the flex criteria listed
20 in Policy 7.4. The applicant has stated that the
21 proposed development currently operates with 17
22 beds and is requesting increased residents to 20.

23 This small increase will minimally increase
24 the burden on public facilities, which will be
25 available, and adequate public facilities to serve

1 the proposed development. The proposed development
2 is compatible with the surrounding RMC-20 zoning
3 districts.

4 The development pattern along east 131st
5 Avenue consists predominantly of family
6 residential. Dwellings, public institutional,
7 public utilities, light industrial, and heavy
8 commercial uses.

9 Per 17.1, residential support uses must be
10 compatible with the surrounding land, development
11 pattern, and zoning per the design, intensity, and
12 scale. A Type C recovery home qualifies as
13 residential support use.

14 The support use is allowed in the requested
15 flex of the Residential-20 Land Use Category, and
16 it's compatible with the surrounding development
17 pattern.

18 Based upon the compatibility of the request,
19 the surrounding development pattern and meeting the
20 requirements of Policy 7.3 and 7.4, Planning
21 Commission staff recommends the Board approve the
22 flex request.

23 And based on those considerations, Planning
24 Commission staff finds the proposed request
25 consistent with the Future of Hillsborough

1 Comprehensive Plan. Thank you.

2 HEARING MASTER FINCH: Thank you.

3 Is there anyone in the room or online that
4 would like to speak either in favor or in
5 opposition to this request?

6 Seeing no one, County Staff, anything else?

7 MR. GRADY: Nothing further.

8 HEARING MASTER FINCH: All right. Sir, you
9 have five minutes if you need it. No questions.
10 Thank you.

11 Then we'll close Major Modification 21-1196
12 and go to the next case.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER)
HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, November 15, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 9:16 p.m.

PLACE: Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

1 This application is out of order to be heard and is
2 being continued to the December 13, 2021, Zoning
3 Hearing Master Hearing.

4 Item A-16, Rezoning-PD 21-1092. This
5 application is out of order to be heard and is
6 being continued to the December 13, 2021, Zoning
7 Hearing Master Hearing.

8 Item A-17, Major Mod Application 21-1106.
9 This application is being continued by the
10 applicant to the December 13, 2021, Zoning Hearing
11 Master Hearing.

12 Item A-18, Major Mod Application 21-1108.
13 This application is being continued by the
14 applicant to the December 13, 2021, Zoning Hearing
15 Master Hearing.

16 Item A-19, Major Mod Application 21-1196.
17 This application is out of order to be heard and is
18 being continued to the December 13, 2021, Zoning
19 Hearing Master Hearing.

20 Item A-20, Rezoning Standard 21-1208. This
21 application is out of order to be heard and is
22 being continued to the December 13, 2021, Zoning
23 Hearing Master Hearing.

24 Item A-21, Major Mod Application 21-1222.
25 This application is being withdrawn from the Zoning



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE