

Rezoning Application: RZ-STD 23-0203 (Remand)

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 7, 2023

1.0 APPLICATION SUMMARY

Applicant: Maan Capital Management LLC

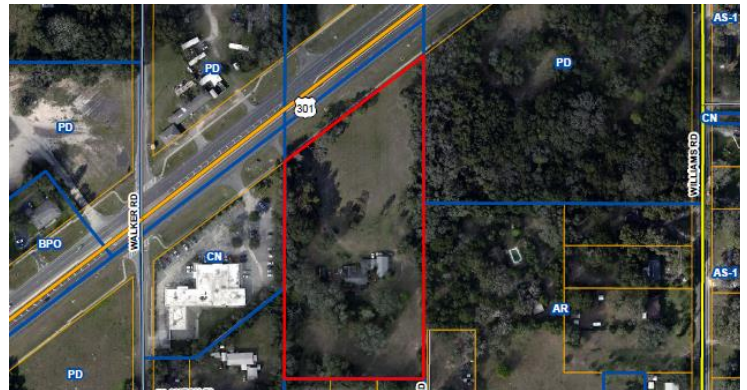
FLU Category: Residential-4 (RES-4)

Service Area: Urban

Site Acreage: 5.0 MOL

**Community
Plan Area:** Thonotosassa

Overlay: None



Request: Rezone from Agricultural Rural (AR) to
Commercial - Neighborhood
Restricted (CN-R)

Introduction Summary:

The existing zoning is Agricultural Rural (AR) which permits Single-Family Residential/Agricultural pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood Restricted (CN-R) which allows Neighborhood Commercial, Office and Personal Services Restricted uses pursuant to the development standards in the table below. The applicant has offered restrictions that limit the uses to low intensity commercial uses, also buffer and screening requirements have been increased toward residential areas.

	Existing	Proposed
District(s)	AR	CN-R
Typical General Use(s)	Single-Family Residential/Agricultural	Neighborhood Commercial, Office and Personal Services Restricted
Acreage	5.0 MOL	5.0 MOL
Density/Intensity	1 du/ 5 ga	0.20 F.A.R.
Mathematical Maximum*	1 unit	43,560 sf

*number represents a pre-development approximation

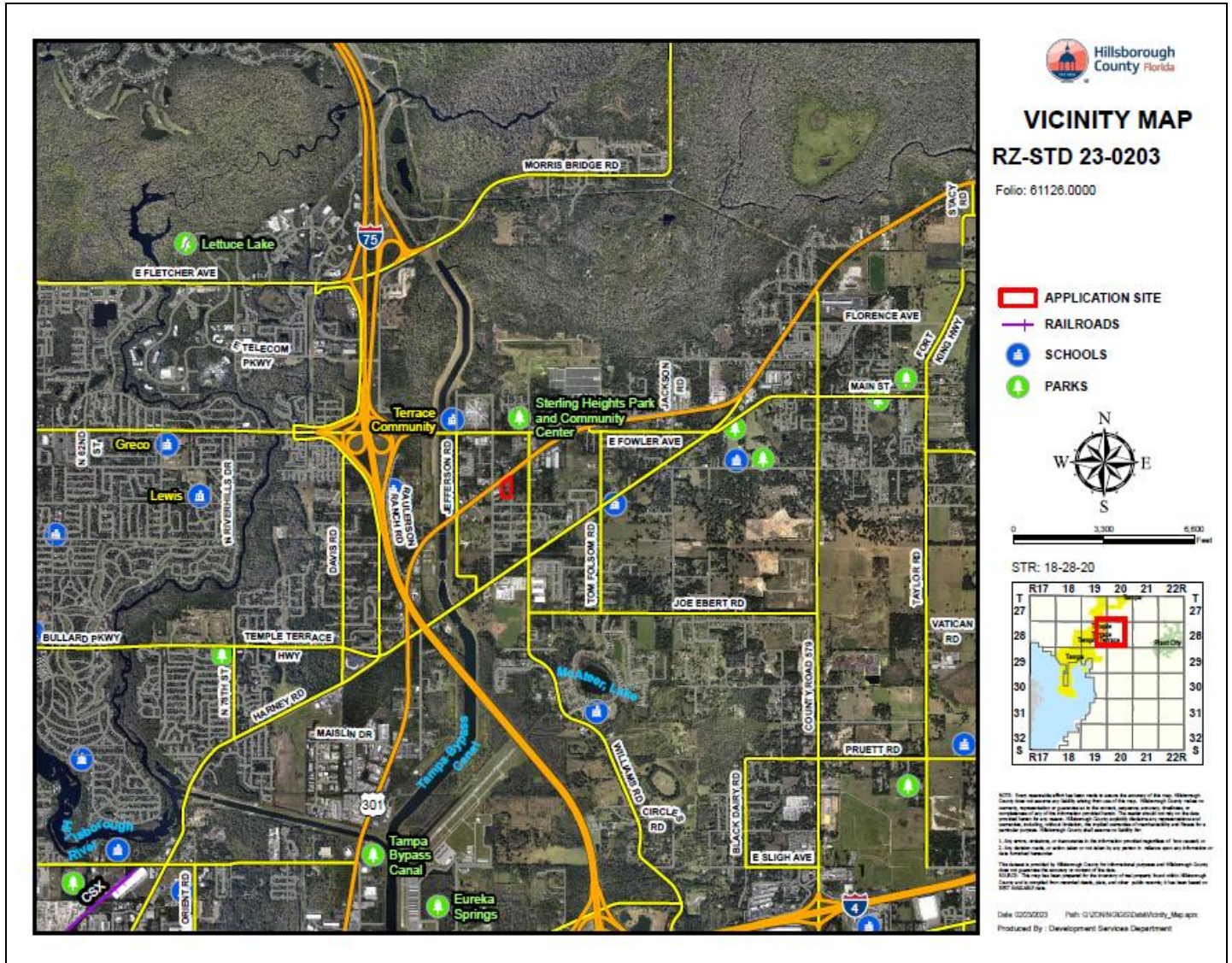
Development Standards:	Existing	Proposed
District(s)	AR	CN-R
Lot Size / Lot Width	217,800 sf / 150'	7,000 sf / 70'
Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	30' Front Buffer Rear Buffer Sides A 30-foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts
Height	50'	35'

Planning Commission Recommendation:
Inconsistent

Development Services Recommendation:
Approvable, with restrictions

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

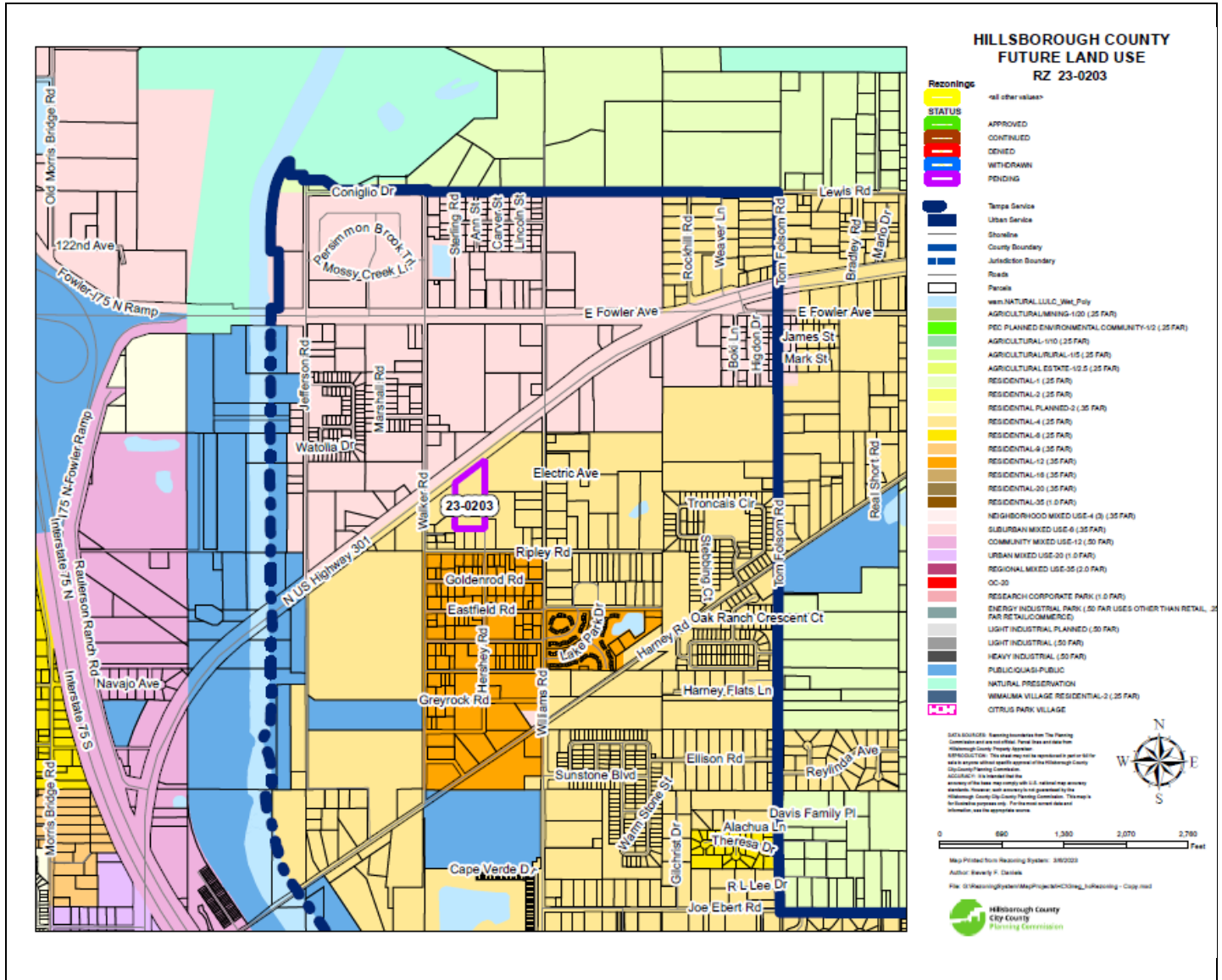


Context of Surrounding Area:

The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215.

2.0 LAND USE MAP SET AND SUMMARY DATA

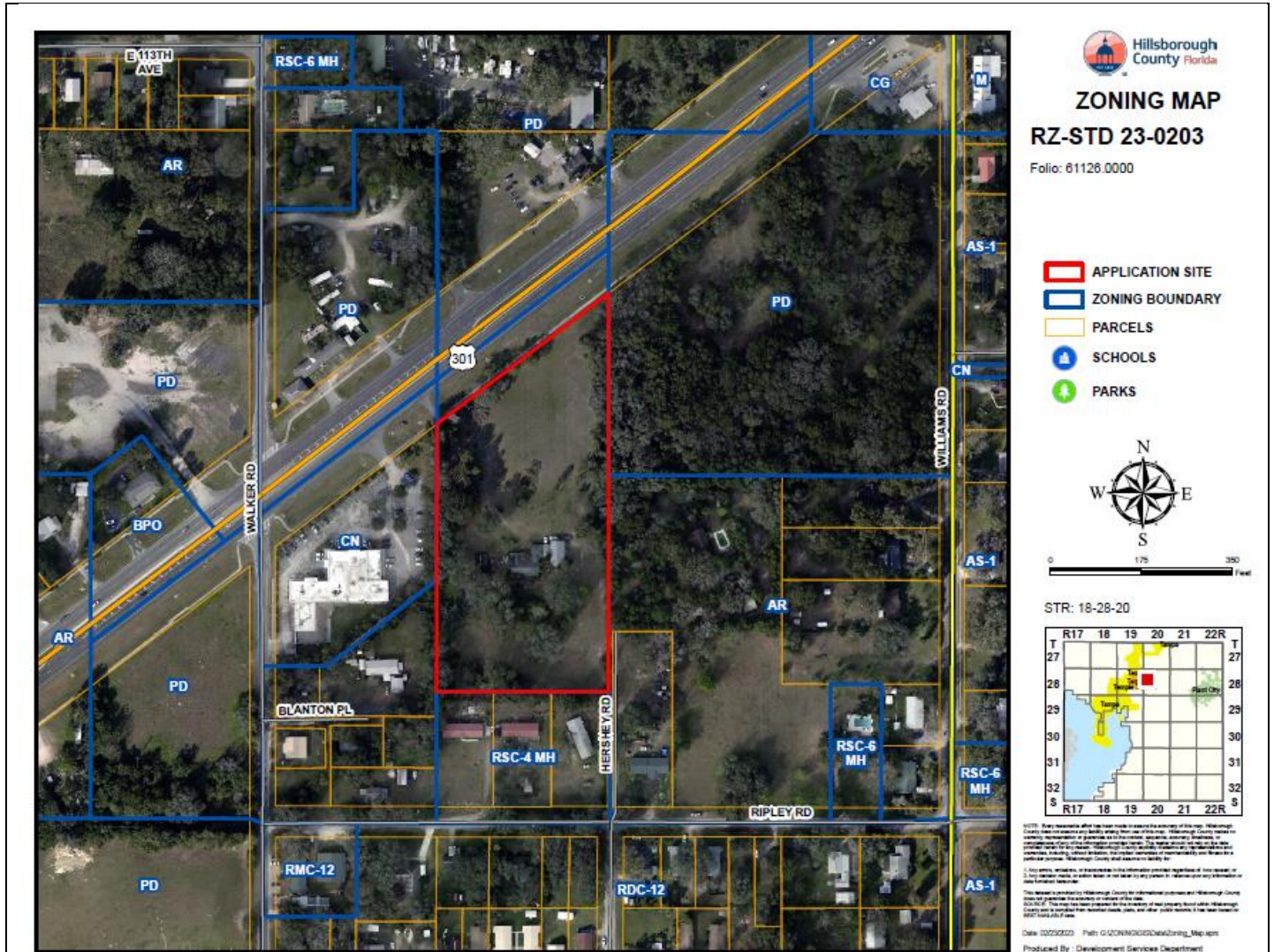
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-4 (RES-4)
Maximum Density:	4.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 89-0052, PD 02-0215	Per PD 89-0052, Per PD 02-0215	Commercial	Commercial
South	RSC-4 MH	4 du / gross acre	Single-Family Residential (Conventional/Mobile Home)	Single-Family Residential
East	PD 02-0215, AR	Per PD 02-0215, 1 du / 5 ga	Commercial, Single-Family Residential/Agricultural	Vacant, Single-Family Residential
West	CN, AR	0.20 F.A.R., 1 du / 5 ga	Neighborhood Commercial, Office and Personal Services, Single-Family Residential/Agricultural	Commercial, Single-Family Residential

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
US Hwy 301	FDOT Principal Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Hershey Road	Private	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9	1	1
Proposed	3,969	148	379
Difference (+/-)	+3,960	+147	+378

*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		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 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

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	No Wetlands Present
Environmental Services	<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	
Conservation and Environmental Lands Management	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input 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 checked="" type="checkbox"/> Other: Airport Height Restriction 110' AMSL 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Submitted <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 5.0 -acre single-family residence parcel is zoned Agricultural Rural (AR). The subject property is located at 11315 N US Highway 301 Thonotosassa. The area consists of single-family residential and commercial. The subject parcel is directly adjacent to single-family residential zoned RSC-4 MH to the south. To the east the parcel is adjacent to a vacant commercial property zoned PD 02-0215 and single-family residential zoned AR. To the west the parcel is adjacent to commercial zoned CN and single-family residential zoned AR. To the north across US Highway 301 is commercial zoned PD 89-0052 and PD 02-0215. The subject parcel is designated Residential-4 (RES-4) on the Future Land Use map.

Development Services has compatibility concerns with the single-family residential adjacent to the south, east and west. While the parcels to the east and west are both commercial as well, they do not encroach as far into the residential area. The subject parcel is surrounded on three sides by single-family residential. Therefore, the proposed zoning uses would extend potential impacts associated with the commercial district much further into the adjacent residential area than would occur with the adjacent existing commercial uses.

To address compatibility the applicant has offered the following restrictions:

1. A 30 foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts.

2. Uses permitted on the subject site shall be restricted to the following list of uses:

- Beekeeping
- Plant Farm
- Family Day Care Home
- Libraries
- Schools, Private & Charter (K-12)
- Schools, Public (K-12)
- Accessory Retail
- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Automotive Supply Store
- Bank/Credit Union
- Banquet and Reception Halls
- Bicycle Sales
- Blueprint
- Book/Stationary Store, New and Used
- Brew Pub
- Camera/Photography Store
- Commercial, Vocational and Business Schools
- Drug Stores
- Dry Cleaners, Small
- Dry Cleaners, General
- Electric/Electronic Repair, Small

- Florist Shop
- Food Product Stores:
 - Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
 - Funeral Home and Mortuaries, With or Without Accessory Crematoriums
 - Furniture/Home Furnishings
 - General Business, Such as Retail Goods and Stores
 - Grocery Stores
 - Gun Sales
 - Hardware Store
 - Jewelry Store
 - Laundries (Self-Serve)
 - Locksmith
 - Mail and Package Services
 - Mail Order Office
 - Mail Order Pickup Facilities
 - News Stand
 - Novelty and Souvenir Shop
 - Optician/Optical Supplies
 - Pet Shop
 - Photography Studio
 - Printing Services
 - Restaurants (Eating Establishment)
 - Shopping Centers
 - Specialty Food Store
 - Sporting Goods Store
 - Supermarket
 - Tobacco Shop
 - Travel Agencies
 - Watch, Clock, Jewelry Repair
 - Wedding Chapel
 - Barber, Beauty Shop
 - Business Services
 - Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
 - Blood/Plasma Banks and Donation Centers
 - Employment Services
 - Family Support Services
 - Government Office
 - Health Practitioner's Office
 - Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
 - Personal Services
 - Professional Office
 - Professional Services
 - Golf Club/Country Club
 - Public Parks & Recreation Facilities
 - Recreational Uses, General Indoor/Outdoor
 - Recreational Uses, Private Community
 - Recreational Use, Passive

- Ambulance Services
- Flow Equalization Tanks

The applicant has restricted the parcel from such uses as gas station and restaurants with drive up facilities. In addition, the proposed 30-foot wide, Type C buffer will provide adequate buffering and screening towards the abutting residential zoning districts.

Based on the above considerations staff finds the requested CN-R zoning district COMPATIBLE with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request Approvable, with restrictions. As noted, the applicant has offered the following restrictions:


1. A 30 foot wide, Type C buffer shall be provided on those property lines abutting Agricultural/Rural (A/R) and residential zoning districts.

2. Uses permitted on the subject site shall be restricted to the following list of uses:

- Beekeeping
- Plant Farm
- Family Day Care Home
- Libraries
- Schools, Private & Charter (K-12)
- Schools, Public (K-12)
- Accessory Retail
- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Automotive Supply Store
- Bank/Credit Union
- Banquet and Reception Halls
- Bicycle Sales
- Blueprint
- Book/Stationary Store, New and Used
- Brew Pub
- Camera/Photography Store
- Commercial, Vocational and Business Schools
- Drug Stores
- Dry Cleaners, Small
- Dry Cleaners, General
- Electric/Electronic Repair, Small
- Florist Shop
- Food Product Stores:
 - Bakery, Candies & Nuts, Dairy, Delicatessens, Meat, Seafood & Produce
 - Funeral Home and Mortuaries, With or Without Accessory Crematoriums
- Furniture/Home Furnishings

- General Business, Such as Retail Goods and Stores
- Grocery Stores
- Gun Sales
- Hardware Store
- Jewelry Store
- Laundries (Self-Serve)
- Locksmith
- Mail and Package Services
- Mail Order Office
- Mail Order Pickup Facilities
- News Stand
- Novelty and Souvenir Shop
- Optician/Optical Supplies
- Pet Shop
- Photography Studio
- Printing Services
- Restaurants (Eating Establishment)
- Shopping Centers
- Specialty Food Store
- Sporting Goods Store
- Supermarket
- Tobacco Shop
- Travel Agencies
- Watch, Clock, Jewelry Repair
- Wedding Chapel
- Barber, Beauty Shop
- Business Services
- Diagnostic Centers, which Provide Radiology, Medical Screening & Testing Services
- Blood/Plasma Banks and Donation Centers
- Employment Services
- Family Support Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with Scheduled or Emergency Services by Physicians
- Personal Services
- Professional Office
- Professional Services
- Golf Club/Country Club
- Public Parks & Recreation Facilities
- Recreational Uses, General Indoor/Outdoor
- Recreational Uses, Private Community
- Recreational Use, Passive
- Ambulance Services
- Flow Equalization Tanks

Zoning Administrator Sign Off:



J. Brian Grady
Fri Sep 8 2023 13:07:01

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 obtaining all necessary building permits for on-site structures.

6.0 FULL TRANSPORTATION REPORT (see following pages)**AGENCY REVIEW COMMENT SHEET**

TO: Zoning Technician, Development Services Department
 REVIEWER: Alex Steady, Senior Planner
 PLANNING AREA/SECTOR: Thonotosassa/Northeast

DATE: 04/06/2023
 AGENCY/DEPT: Transportation
 PETITION NO.: STD 23-0203

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 3,960 average daily trips, 147 trips in the a.m. peak hour, and 378 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 4.85 acres from Agricultural Rural (AR) to Commercial Neighborhood (CN). The site is located on the south side of US Hwy 301, +/- 400 feet east of the intersection of Walker Road and US Hwy 301. The Future Land Use designation of the site is Residential-4 (RES-4).

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, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 1 Single Family Dwelling Unit (ITE Code 210)	9	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 42,000 sf Shopping Plaza (ITE Code 821)	3,969	148	379

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+3,960	+147	+378

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 301 and Hershey Road. US Hwy 301 is a 4-lane, undivided, FDOT maintained, Principal Arterial roadway. US Hwy 301 lies within +/- 200 feet of Right of Way in the vicinity of the project. US Hwy 301 has sidewalks and bike lanes on both sides of the roadway within the vicinity of the project. Hershey Lane is a two lane, substandard local private roadway. Hershey Road is unpaved and has no sidewalks on either side of the roadway.

SITE ACCESS

It is anticipated that the site will have access to US Hwy 301. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

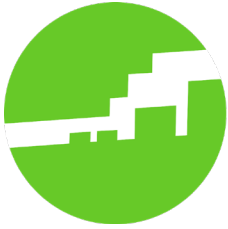
Hershey Road is not a regulated roadway and was not included in the Level of Service Report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 301	HARNEY RD	CR 579	D	B

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

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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: September 18, 2023 Report Prepared: September 6, 2023	Petition: RZ 23-0203 REMAND 11315 North US Highway 301 <i>On the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-4 (4 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan	Thonotosassa
Request	Rezoning from Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-R)
Parcel Size	5.0 acres +/- (217,800 square feet)
Street Functional Classification	North US Highway 301 – Principal Arterial Williams Road – Collector Walker Road – Local Hershey Road – Local
Locational Criteria	Does not meet; waiver requested
Evacuation Zone	None



Context

- The approximately 5.0 +/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road.
- The subject site is located within the Urban Service Area and within the limits of the Thonotosassa Community Plan.
- The subject site is located within the Residential-4 (RES-4) Future Land Use category, which can be considered for a maximum density of 4 dwelling units per gross acre and a maximum intensity of 0.25 FAR. The RES-4 Future Land Use category is intended 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 Future Land Use Element and applicable development regulations and conforming to established Commercial Locational Criteria for specific land uses. Typical uses include residential, suburban scale neighborhood commercial, office uses and multi-purpose projects. Non-residential uses are required to meet Commercial Locational Criteria for specific land uses and must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- The RES-4 Future Land Use category surrounds the subject site to the west, south and east. A pocket of Residential-12 (RES-12) is located further south across Ripley Road. Suburban Mixed Use-6 (SMU-6) is north of the subject site across North US Highway 301.
- The subject site currently contains single family residential homes. Single family and vacant land uses abuts the site on the east side. Vacant lands are located directly south followed by a mixture of single family, multi-family and duplex uses across Ripley Road. Light commercial and single-family uses abuts the site to the west. Light commercial uses are located north of the subject site across North US Highway 301. The northern area of the subject site along North US Highway 301 is commercial in nature. There is a notable variety of residential uses that are interspersed along the southwest, south and southeast ends of the subject site, reflecting a residential development pattern.
- The subject site is currently zoned as Agricultural Rural (AR). Commercial Neighborhood (CN) and Agricultural Rural (AR) zoning abuts the west side of the subject site. Residential Single Family Conventional (RSC-4) zoning is located directly south. AR zoning and a Planned Development (PD) abuts the east side of the subject site. The Planned Development (PD 19-0546) located east allows for the consideration of either a mini warehouse or a hotel conference center. There are additional Planned Developments located north of the subject site across North US Highway 301.
- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-R).

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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

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

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

Policy 16.1: Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:

- a) locational criteria for the placement of non-residential uses as identified in this Plan,
- b) limiting commercial development in residential land use categories to neighborhood scale;
- c) requiring buffer areas and screening devices between unlike land uses;

Policy 16.2: Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

Policy 16.3: Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

Policy 16.5: Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.

Commercial-Locational Criteria

Objective 22: To avoid strip commercial development, locational criteria for neighborhood serving commercial uses shall be implemented to scale new commercial development consistent with the character of the areas and to the availability of public facilities and the market.

Policy 22.1: 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 22.7: 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.

Policy 22.8: The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.

Discouraging Strip Commercial Development

Objective 23: To maintain the vehicular capacity of public roads, the County discourages linear ("strip") non-residential development patterns and the multiple access points which accompany such linear neighborhood serving commercial development.

Policy 23.2: Scattered, unplanned retail commercial development shall be discouraged, and commercial/office concentration shall be encouraged.

Community Design Component

4.3 COMMERCIAL CHARACTER

GOAL 9: Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.

Policy 9-1.2: Avoid "strip" development patterns for commercial uses.

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.

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

GOAL 17: Develop commercial areas in a manner which enhances the County's character and ambiance.

OBJECTIVE 17-1: *Facilitate patterns of site development that appear purposeful and organized.*

Policy 17-1.4: *Affect the design of new commercial structures to provide an organized and purposeful character for the whole commercial environment.*

LIVABLE COMMUNITIES ELEMENT: Thonotosassa Community Plan

Goals

4. Diversity of People, Housing and Uses – *Maintain the existing diversity of housing types and styles. Provide for commerce and jobs but protect the community identity and limit the location, type and size of new businesses to fit the surrounding area.*

Staff Analysis of Goals, Objectives and Policies

The approximately 5.0+/- acre subject site is located on the south side of North US Highway 301, east of Walker Road and west of Hershey Road and Williams Road. The subject site is located within the Urban Service Area and within the limits of the Thonotosassa 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 Agricultural Rural (AR) to Commercial Neighborhood – Restricted (CN-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. In the process of directing new growth, the compatibility of the proposed uses must be considered in relation to the existing development patterns. Policy 1.4 of the FLUE defines compatibility as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development. On August 24, 2023, the applicant submitted a list of restricted uses that includes drive-through uses, gas stations, or CN Conditional Uses or CN Special Uses. The applicant also committed to a 30-foot, Type B buffer along the boundaries that abut the adjacent properties in the Agricultural Rural (AR) and Residential Single Family Conventional (RSC-4) zoning districts. Though there are several commercial uses along North US Highway 301, the remaining range of uses that were not included in the restrictions would not be compatible with the residential uses located directly to the west, south and east of the subject site. Although the applicant has also committed to enhanced buffering techniques, the proposed request would not allow for harmonious activities and uses adjacent to the surrounding area of the subject site and is inconsistent with this policy direction.

The proposed rezoning does not meet the intent of FLUE Objective 16 and FLUE Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. Planning Commission staff recognize that North US Highway 301 is an arterial roadway, however, there are established residential properties that abut the subject site to the west, south and east. There is a residential neighborhood that extends south across Ripley Road as well. The proposed CN-R uses would allow for the possibility of adverse impacts on these existing residential areas. Approximately 415 feet of the site abuts existing single family land use to the immediate east. Similarly, approximately 210 feet of the site abuts existing single family land use to the immediate west. The proposed rezoning to CN-R would not allow for a gradual transition of intensities between the residential land uses that currently surround

the east and west sides of the subject site and is therefore not consistent with policy direction.

The subject site does not meet Commercial Locational Criteria as defined in FLUE Objective 22 and modifying FLUE Policies 22.1, 22.2 and 22.7, as it is not located within the required distance from an intersection node. The nearest qualifying intersection is identified at North U.S. Highway 301 and Williams Road. Per FLUE Policy 22.2, At least 75% of the front facing side of the subject site must be within 900 feet of the qualifying intersection node. The front facing boundary along North US Highway 301 falls outside of the distance established by FLUE Policy 22.2. Since the site falls outside of the established boundary, it does not meet Commercial Locational Criteria.

FLUE Policy 22.8 allows for the consideration of CLC waiver requests for sites that do not meet locational criteria. The applicant submitted a Commercial Locational Criteria waiver request as part of a revised narrative on May 22, 2023. The waiver request's justification emphasizes that the site's 415 feet of frontage along North US Highway 301 provides ample distance for access to CN type uses and that the rectangular shape of the parcel makes the site appropriate for commercial development. The waiver request also provides insight to the development pattern of the area, noting that the sites block face and surrounding properties along North US Highway 301 are zoned to allow for commercial uses. Lastly, the waiver request states that regional roadways near the site are planned for expansion and that the adjacent segment of North US Highway 301 is on the 2040 Cost Affordable Map and the Corridor Preservation Plan.

Planning Commission staff have reviewed the submitted materials and do not recommend that the Board of County Commissioners grant a waiver to the established Commercial Locational Criteria. Although the site is located in an area with several other commercial uses, Planning Commission staff have compatibility concerns with the range of proposed CN-R uses that would be allowed next to the established residential areas directly to the southwest and southeast. Additionally, roadway location on the 2040 Cost Affordable Map does not automatically waive locational criteria requirements. Similarly, the Corridor Preservation Plan does not impact Commercial Locational Criteria. Planning Commission staff do not recommend that the BOCC approve the submitted waiver request due to the aforementioned compatibility concerns and conflicts.

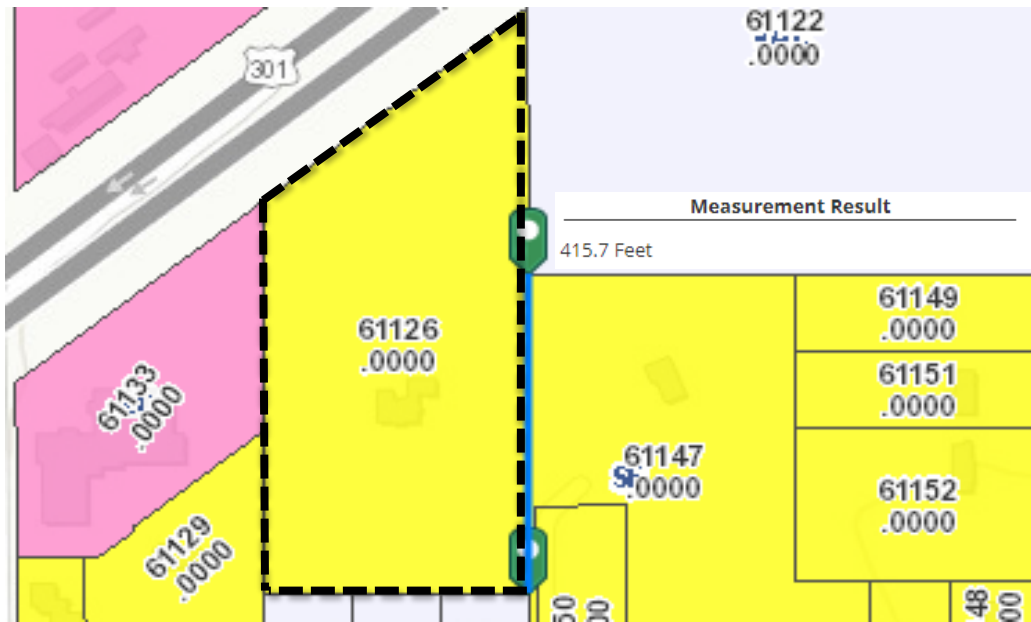
As part of the written statement that was submitted on May 22, 2023, the applicant stated that the subject site is located within a designated Opportunity Zone on "several adopted Plan maps." The written statement also asserts that this designation serves as evidence that the Planning Commission has made policy changes to reflect the changing character of the area. These statements are inaccurate. Opportunity Zone incentives are a federal tax program designed to encourage long-term private investments in distressed communities. The designated zones are part of a federal program that is separate from the *Unincorporated Hillsborough County Comprehensive Plan* and its adopted Map Series, which includes the Future Land Use Map. Therefore, the site's location within the referenced Opportunity Zone was not taken into the formal consideration of the Planning Commission's review process for this application.

Goal 9 of the Community Design Component (CDC) evaluates the creation of commercial design standards. Similarly, Policy 9-1.2 discourages strip development patterns for commercial uses. Strip commercial is described under FLUE Objective 23 and Policy 23.2 as "scattered unplanned retail". The proposed rezoning may allow for strip development

patterns along the south side of North US Highway 301. Additionally, the proposed CN-R uses would not complement the residential character of the existing community to the west, south and east.

Goal 12 and Objective 12-1 of the Community Design Component (CDC) encourage new developments to 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. The subject site is surrounded by extended single-family to the east, west and south and multi-family to the south. Although there are light commercial uses adjacent to the northwest, the proposed rezoning to CN-R would allow for uses that are too intense for the existing residential community and is therefore not consistent with this policy direction.

CDC Goal 17 encourages developments that improve the ambiance of commercial development in the county. Objective 17-1, and Policy 17-1.4 seek to facilitate patterns of development that are organized and purposeful. Planning Commission staff recognize that there are other similar commercial uses that exist along North US Highway 301. However, the proposed CN zoning would allow for commercial uses that extend south beyond the existing commercial development pattern and established zoning line. The proposed rezoning to CN-R would extend the established zoning line significantly deeper away from US Highway 301, approximately 415 feet further, and create a compatibility concern given the surrounding residential land uses to the south and east (see diagram with subject site outlined below).



The Thonotosassa Community Plan establishes guidance on community identity protection. Goal 4 of the community plan seeks to provide for commerce and jobs in a manner that protects the community identity. The location, type and size of new businesses should fit to the surrounding area. Although the proposed rezoning would bring commerce to the area, its size and full range of allowable uses would threaten the existing community's identity and housing. A rezoning to CN-R would allow for development for commercial uses that are incompatible with the neighborhoods located

directly west, south and east of the subject site and would therefore not be consistent with the goals of the adopted community plan.

Recommendation

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

