

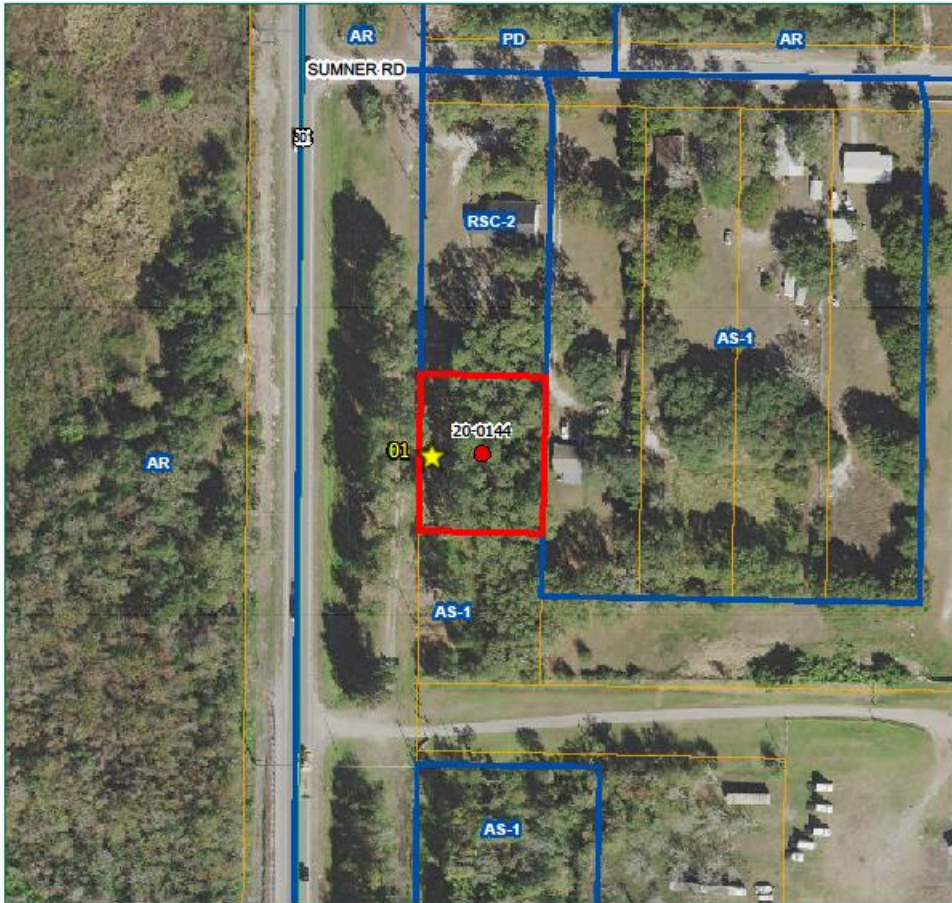


Hillsborough County Florida

SM

STAFF REPORT

SUBJECT:	RZ-STD 20-0144	PLANNING AREA:	South Shore
REQUEST:	BPO (R) (Business Professional Office - Restricted)	SECTOR	South
APPLICANT:	Maria Carmen Lopez and Luz Hesstefani Lopez		
Existing Zoning: AS-1 (Agricultural, Single Family)		Comp Plan Category: RES-4	



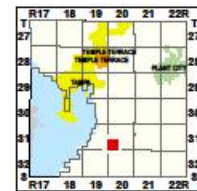
RZ-STD 20-0144

Folio: 77938.0500

- Application Site
- Zoning Boundary
- Parcels
- ★ Hearing_Notification_Sign_Locations



STR: 29-31-20



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Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone approximately 0.52 acres from AS-1 (Agricultural, Single Family) to BPO (R) (Business Professional Offices - Restricted). The applicant is proposing to limit the uses to one food truck.

1.2 Compliance Overview with Land Development Code and Technical Manuals.

The site will comply with the guidelines.

1.3 Evaluation of Existing and Planned Public Facilities

This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Sewer Service. Developer is responsible for submitting a utility services request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

1.4 Comprehensive Plan Consistency

The proposed rezoning would allow for development that is **NOT CONSISTENT** with the Goals, Objectives and Policies of the *Future of Hillsborough County Comprehensive Plan* and is not compatible with the existing development pattern found in the surrounding area.

1.5 Compatibility

The subject site is on the eastern side of S US Highway 301, approximately 300 feet from the intersection with Summer Road in Wimauma. The property is located in an agricultural and residential area with conventional and mobile homes on parcels zoned AS-1 (Agricultural, Single Family), RSC-2 (Residential, Single Family), and PD 92-0220, and PD 92-0363 approved for single family dwellings. Nearby the lot, along Summer Road, to the east is a mobile home park on a lot zoned AS-1. The adjacent lot to the north, occupied with a church, is zoned RSC-2 (Residential, Single Family Conventional). The adjacent lots to the east and south are zoned AS-1 (Agricultural, Single Family), occupied with a conventional home or vacant.

Development Services and the Planning Commission staff are concerned that BPO (R) would be incompatible with the agricultural and residential lots located immediately to the west and the predominantly agricultural rural development pattern in the surrounding area.

Furthermore, as noted, the applicant is proposing to restrict the use of the parcel to a food truck. A food truck is permissible in the BPO zoning district as a Temporary Vendor regulated in accordance with LDC Section 6.11.101.02. Limiting via restriction the use of the site to only a food truck raises concerns that the food truck would not be a temporary use at the subject location.

1.6 Agency Comments

Transportation

The proposed rezoning would result in an increase of trips by 76 average daily trips, 9 AM Peak hour trips and 17 PM Peak hour trips potentially generated development of the subject parcel. Trip generation and site access analysis will be needed during the site plan development review phase to ensure adequate. Site access improvements may be needed based on the site access

analysis and the trip generated on the adjacent roadways. US301 is an FDOT Jurisdiction, applicant will be required to coordinate with FDOT regarding access and improvements needed. Transportation Review Section staff has **no objection** to the proposed rezoning.

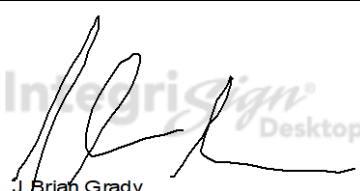
1.7 Exhibits

Exhibit 1: Aerial Map

Exhibit 2: Zoning Map

2.0 Recommendation

Base on the above considerations, staff finds the request **not supportable**.

Staff's Recommendation: Not Supportable	
Zoning Administrator Sign-off:	 J. Brian Grady Fri Oct 9 2020 15:07:10

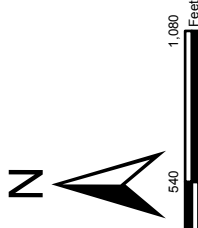


General Aerial Zoning Map

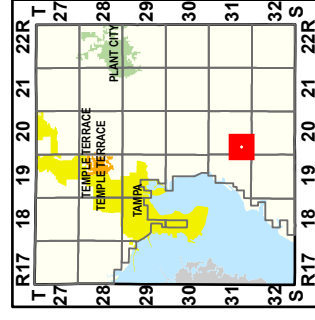
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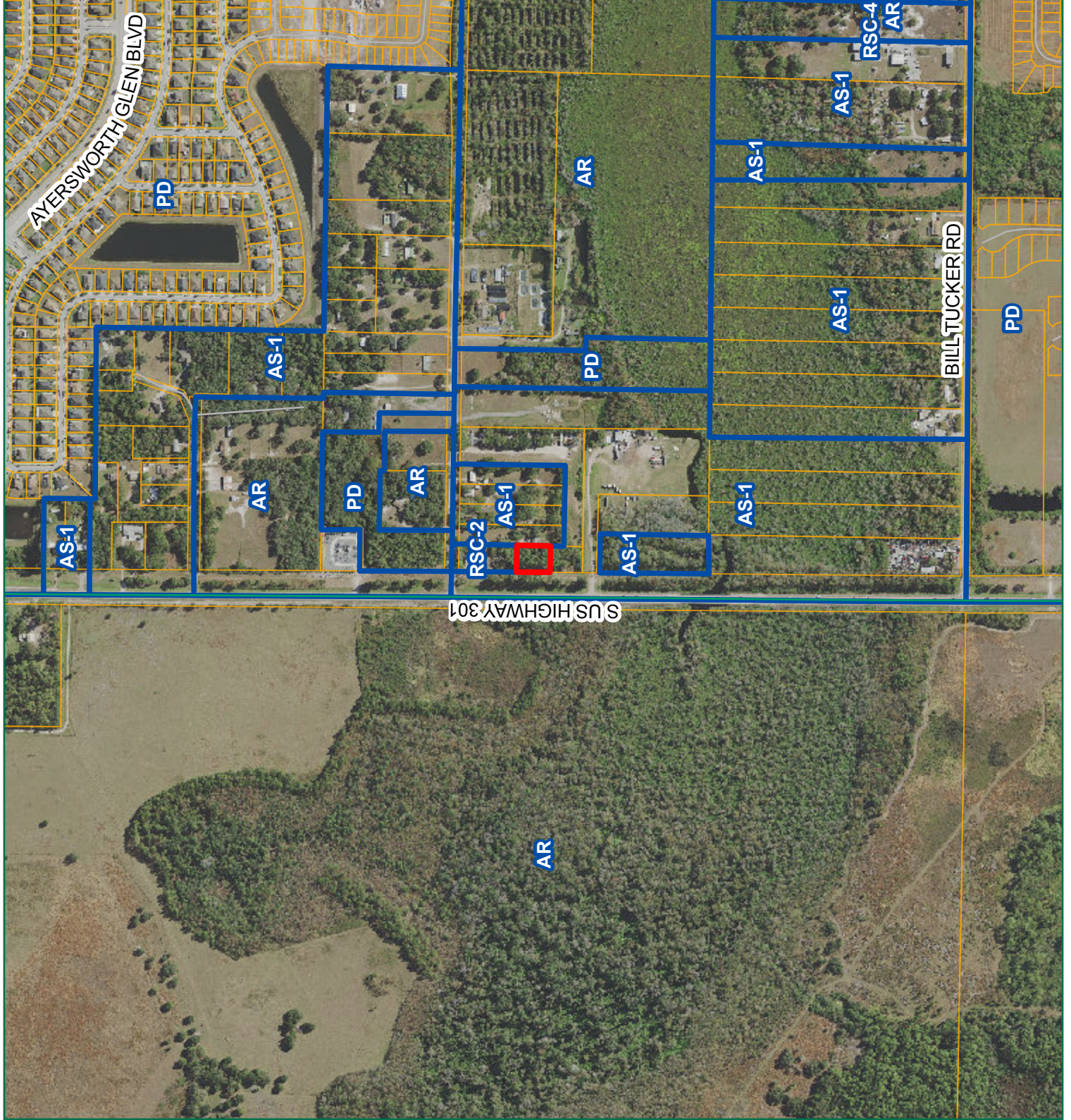


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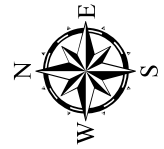
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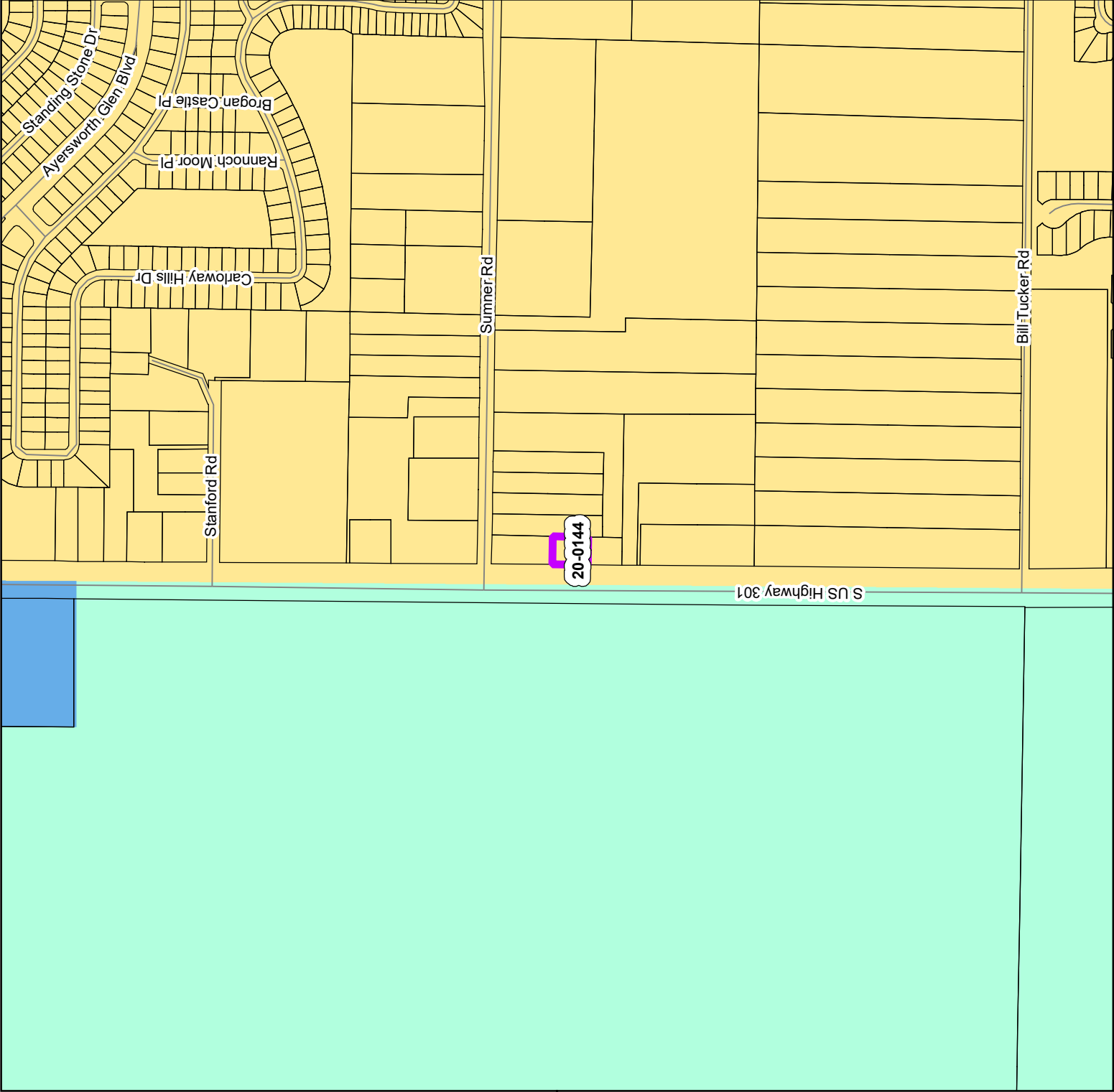
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DATA SOURCES: Rezonings boundaries from The Planning Department, GIS, Aerial Imagery, and data from Hillsborough County Property Appraiser.
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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: October 19, 2020 Report Prepared: October 8, 2020	Petition: RZ 20-0144 <i>South of Sumner Road, on the east side of US Highway 301</i>
Summary Data:	
Comprehensive Plan Finding:	INCONSISTENT
Adopted Future Land Use:	Residential-4(4 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan:	Riverview and Southshore Areawide
Requested Zoning:	Agricultural Single-Family-1 (AS-1) to Business Professional Office- Restricted (BPO-R)
Parcel Size (Approx.):	0.51+/- acres
Street Functional Classification:	US Highway 301- State Principal Arterial
Locational Criteria	Does not meet Locational Criteria
Evacuation Zone	The subject property is not located within an Evacuation Zone



Context

- The 0.51+/- acre site is currently zoned Agricultural Single-Family -1 (AS-1). The applicant is requesting a rezoning to Business Professional Office- Restricted.
- The subject site and the surrounding properties on the east side of US Highway 301 are designated as Residential-4 (RES-4) on the Future Land Use Map. Typical allowable uses within the RES-4 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet established locational criteria for specific land use. On the west side of US Highway 301 the Future Land Use designation is Natural Preservation (N).
- Existing land uses immediately surrounding the subject property include single-family residential to the east. A church is along the northern boundary of the site. South of the site is a vacant lot. US Highway 301 borders the site along the western boundary. The character of the area is predominately single family residential with a few remaining agricultural and vacant lots.
- The subject property is surrounded by Agricultural Single Family-1 (AS-1) zoning to the west, south and east. North of the site has a Residential Single-Family Conventional-2 (RSC-2) zoning designation. The closest non-residential zoning designation is at the intersection of Sun City Center Blvd and US Highway 301, which is approximately 3 miles to the south.

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

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.*

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*

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 cost affordable Long Range Transportation Plan contained in the Transportation Element. 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 contained within the Transportation Element.

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.*

Community Design Component

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

Livable Communities Element: Riverview Community Plan

Goal 1 *Achieve better design and densities that are compatible with Riverview's vision.*

- *Avoid "strip" development patterns for commercial uses.*

Goal 2 *Reflect the vision of Riverview using the Riverview District Concept Map. The Riverview District Concept Map will illustrate the unique qualities and land uses related to distinct geographic areas identified as "districts". (see Figure 10)*

The following specific districts are incorporated into the Riverview District Concept Map. Require future development and redevelopment to comply with the adopted Riverview District Concept Map.

Highway 301 Corridor District Vision

Visitors and residents know they have arrived in Riverview as they pass through gateway entrances. This is a mixed-use area with high densities and a variety of businesses. The gateways are the beginning of a pleasant drive or walk along well-maintained, tree lined streets with center medians, bike lanes, sidewalks, crosswalks, adequate lighting and traffic signals. Strict traffic laws are enforced to protect the pedestrian and bicycle-friendly environment. The retail and commercial businesses have benefited from the redesign of the US 301 corridor. The historical buildings have been marked and maintained to indicate their historical importance.

1. **Hwy 301 Corridor** – *Provide a safe, attractive and efficient corridor system that contributes to the character and economic well-being of the community and provides a sense of arrival.*

Staff Analysis of Goals, Objectives and Policies:

The applicant is requesting to rezone the property from Agricultural Single-Family Conventional-1 (ASC-1) to Business Professional Office- Restricted (BPO-R). The site is completely surrounded by either residential zoning districts, Planned Developments developed as residential or agricultural zoning districts. There is one parcel with an existing use operating as an auto salvage at the intersection of Bill Tucker and US Highway 301 south of the site. That operation may be a grandfathered use, being that open storage is not an allowable use within residential Future Land Use classifications. The character of this area along US Highway 301 is residential in nature. There are no office or commercial zoning districts found along US Highway 301, until you reach the nodes of Big Bend or Sun City Center Boulevard. A BPO use would not be comparable or complementary to the residential uses found in this area. The Community Design Component (CDC) in the FLUE also contains policy direction about designing developments that relate to the predominant character of the surroundings (*CDC Goal 12*). It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (*CDC Objective 12-1*). Because the surrounding land use pattern is residential, a rezoning request for BPO would not be compatible with the existing development pattern.

The site is located in the Residential-4 (RES-4) Future Land Use category. The intent of the RES-4 category is to designate areas that are suitable for residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses can be considered in the RES-4 Future Land Use category and are subject to commercial locational criteria, as outlined in Objective 22 and Policy 22.1 of the Future Land Use Element (FLUE) of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*. However, the site is not located within the qualifying intersection. The subject site is located approximately 13,000 feet south of the qualifying intersection of Big Bend and US Highway 301 and approximately 15,000 feet north of the qualifying intersection of Sun City Boulevard and US Highway 301 for consideration of commercial uses.

Therefore, any non-residential consideration on the subject property would not be consistent with Comprehensive Plan policy direction. A waiver was also requested and due to the determination by Planning Commission staff that the site doesn't present any unique circumstances to justify the introduction of BPO uses, and that the introduction of BPO uses at this location would be incompatible with the surrounding development pattern, Planning Commission cannot support the request for a waiver to the locational criteria.

Though the Riverview Community Plan District Concept Map envisions US Highway 301 as a mixed use area, this Corridor also encourages uses that contribute to the character and economic wellbeing of the area. Locating a non-residential use that is directly adjacent to a single-family home will not add to the character of the community. Additionally, the Riverview Community Plan prohibits strip development. For these reasons the request does not support the vision of the Riverview Community Plan.

Overall, the proposed rezoning would allow for development that is not consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and that is not compatible with the existing and development pattern found in the surrounding area.

Recommendation

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

HILLSBOROUGH COUNTY RZ 20-0144

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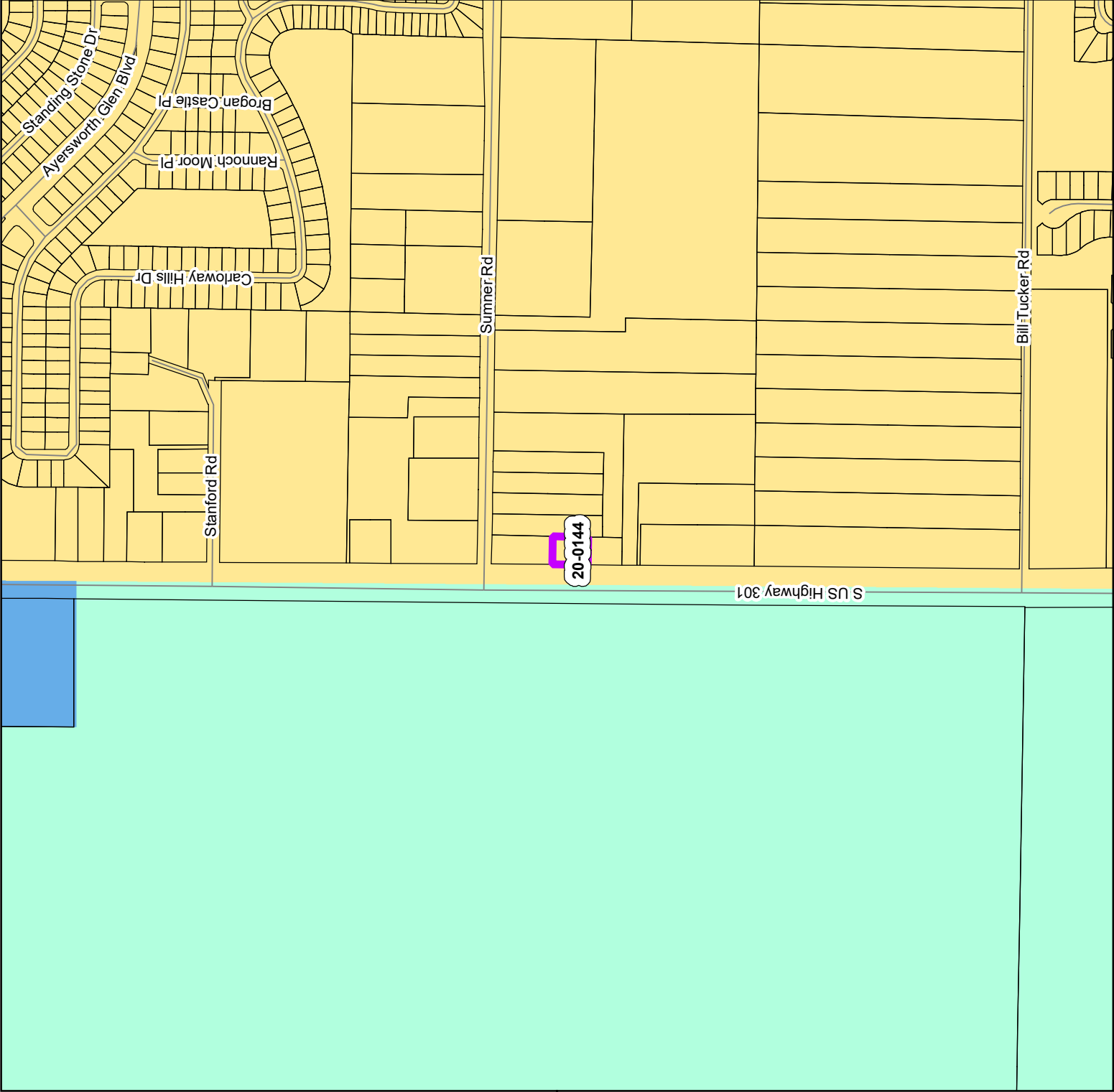
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