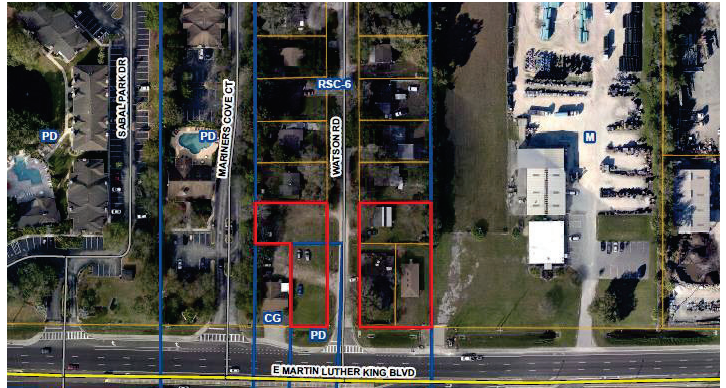


Rezoning Application: RZ-STD 22-1221
Zoning Hearing Master Date: February 20, 2023
BOCC Land Use Meeting Date: April 11, 2023

1.0 APPLICATION SUMMARY

Applicant: David Wright / TSP Companies, Inc.
FLU Category: Community Mixed Use-12 (CMU-12)
Service Area: Urban
Site Acreage: 0.85 MOL
Community Plan Area: East Lake/Orient Park
Overlay: None
Request: Rezone from Planned Development (PD 85-0445) and Residential – Single-Family Conventional (RSC-6) to Commercial Neighborhood Restricted (CN-R)



Introduction Summary:

The existing zoning is Planned Development (PD 85-0445) which permits General Commercial Restricted uses and Residential – Single-Family Conventional (RSC-6) which permits Single-Family Residential (Conventional Only) pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood Restricted (CN-R) which allows Restricted Neighborhood Commercial, Office and Personal Services uses pursuant to the development standards in the table below. The applicant has offered restrictions limiting uses, prohibiting a drive through, offering enhanced screening and locating storm water retention to the north which provides additional buffering to residential.

	Existing		Proposed
District(s)	PD 85-0445	RSC-6	CN-R
Typical General Use(s)	General Commercial Restricted	Single-Family Residential (Conventional Only)	Restricted Neighborhood Commercial, Office and Personal Services
Acreage	0.17 MOL	0.68 MOL	0.85 MOL
Density/Intensity	Per PD 85-0445	6 du/ga	0.20 F.A.R.
Mathematical Maximum*	747 sf	4 units	7,405 sf

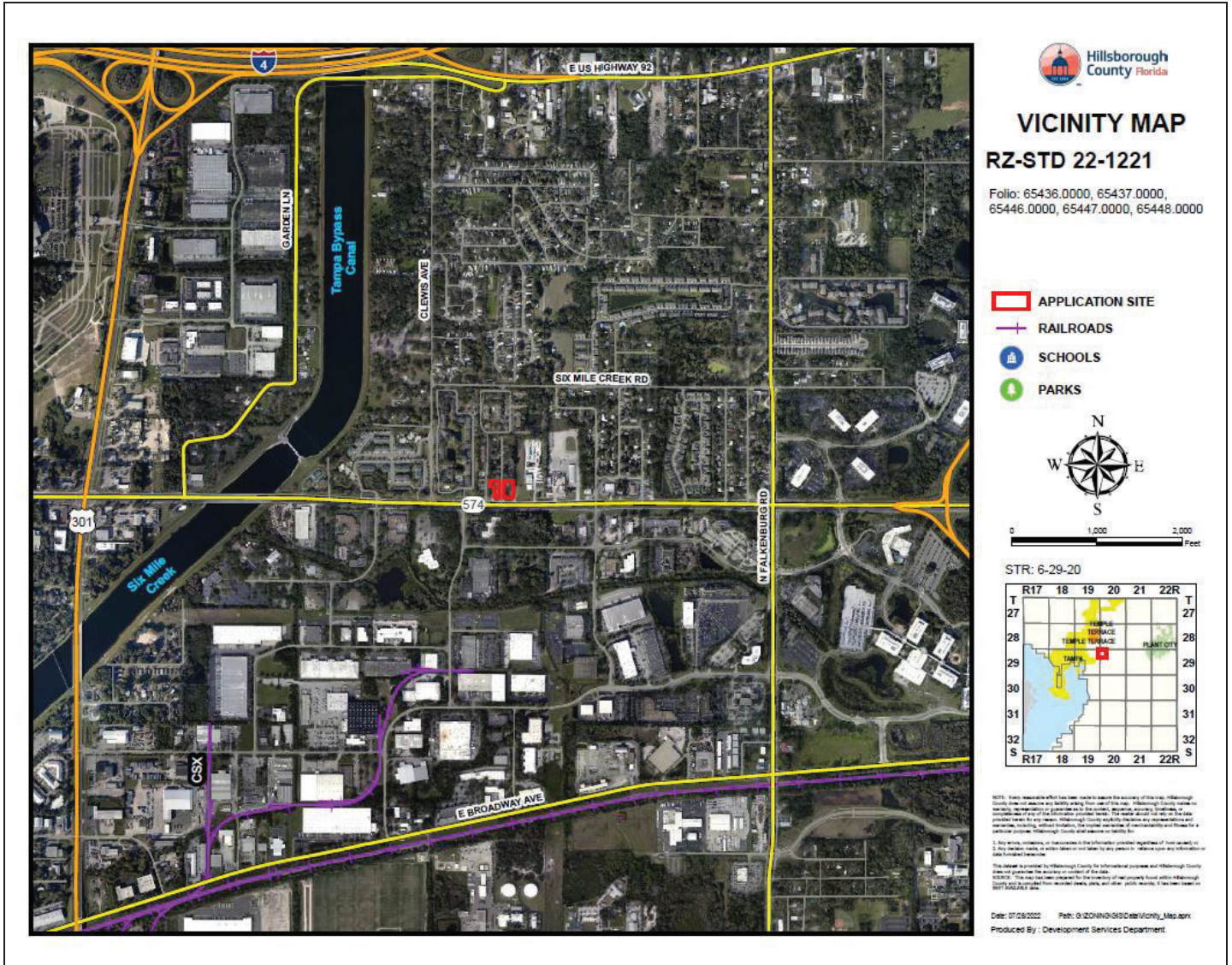
*number represents a pre-development approximation

Development Standards:	Existing		Proposed
District(s)	PD 85-0445	RSC-6	CN-R
Lot Size / Lot Width	Per PD 85-0445	7,000 sf / 70'	7,000 sf / 70'
Setbacks/Buffering and Screening	Front Per PD 85-0445 Rear Per PD 85-0445 Sides Per PD 85-0445	25' Front 25' Rear 7.5' Sides	30' Front Buffer Rear Buffer Sides
Height	25'	35'	35'

Planning Commission Recommendation: Inconsistent	Development Services Recommendation: Approvable
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2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

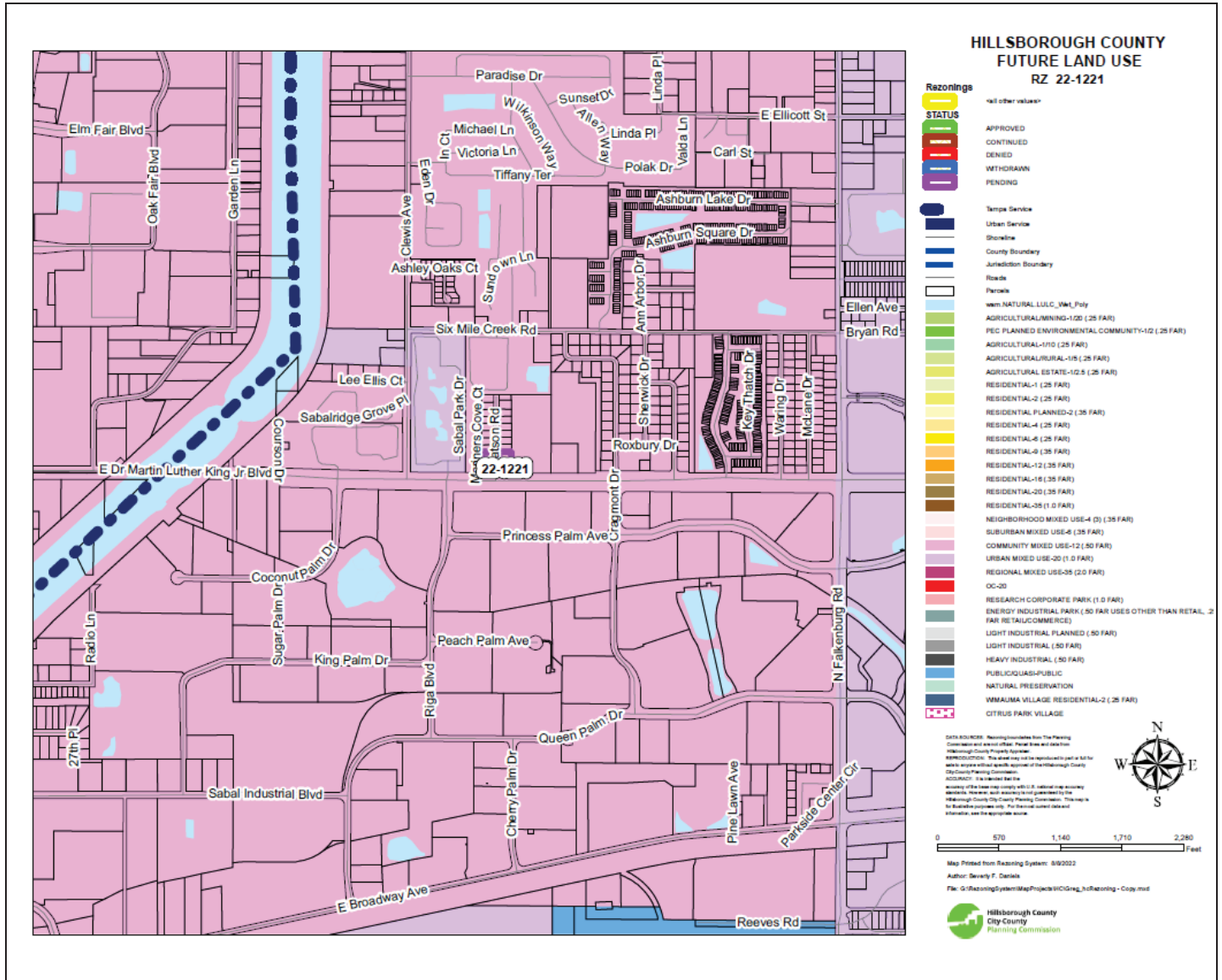


Context of Surrounding Area:

The area consists of single-family and multi-family residential, commercial, and manufacturing. The subject parcels are directly adjacent to single-family residential zoned RSC-6 to the north. To the east the parcels are adjacent to a commercial building supply store zoned M. To the west the parcels are adjacent to commercial zoned CG and multi-family residential zoned PD 01-0715. To the south across State Road 574 (East MLK Jr Blvd.) is an industrial park zoned M.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Subject Site Future Land Use Category:	Community Mixed Use-12 (CMU-12)
Maximum Density:	12.0 dwelling unit per gross acre / 0.50 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.

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	RSC-6	6 du / gross acre	Single-Family Residential (Conventional Only)	Single-Family Residential
South	M	0.75 F.A.R.	Industrial/Manufacturing	Industrial Park
East	M	0.75 F.A.R.	Industrial/Manufacturing	Commercial Building Supply
West	CG, PD 01-0715	0.27 F.A.R., Per PD 01-0715	General Commercial, Office and Personal Services, Multi-Family Residential	Commercial, Multi-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
Watson Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Martin Luther King Blvd	FDOT Principal Arterial - Urban	6 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

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	45	4	5
Proposed	2,424	176	198
Difference (+/-)	+2,379	+172	+193

*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
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: <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 type="checkbox"/> Other 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> 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 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	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<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 0.85 -acre property is comprised of four parcels zoned RSC-6 (Residential – Single-Family Conventional) and one parcel zoned PD 85-0445 with a commercial permitted use. Folios: 65446.0000, 65448.0000 and 65447.0000 have a single-family residence and the rest of the parcels are vacant. The subject parcels are located at the northwest and northeast corners of East Martin Luther King Jr. Boulevard and Watson Road. The area consists of single-family and multi-family residential, commercial, and manufacturing. The subject parcels are directly adjacent to single-family residential zoned RSC-6 to the north. To the east the parcels are adjacent to a commercial building supply store zoned M. To the west the parcels are adjacent to commercial zoned CG and multi-family residential zoned PD 01-0715. To the south across State Road 574 (East MLK Jr. Blvd.) is an industrial park zoned M. The subject property is designated Community Mixed Use-12 (CMU-12) on the Future Land Use map.

Development Services and the Planning Commission have compatibility concerns with the single-family residential located north of the subject site. Any potential business in the proposed CN-R could impact the neighborhood with noise pollution and traffic congestion. The proposed zoning uses are too intense and high traffic for a property with such a close proximity to residential.

In response to these concerns, the applicant has offered the following mitigating restrictions:

- 1) Stormwater retention shall be located on the north side of the properties adjacent to the RSC-6 zoned properties. This restriction shall apply to the properties located on both sides of Watson Road.
- 2) Enhanced screening shall be provided in the form of a 6-foot solid fence or masonry wall between the Commercial use and the RSC-6 zoned property in addition to the 20-foot buffer with Type B screening. This restriction shall apply to the properties located on both sides of Watson Road.
- 3) Prohibit drive-through.
- 4) The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

The proposed restrictions limit intense and high traffic potential uses such as drive-through. The restrictions also enhance the buffering and screening requirements by moving stormwater retention to the north and providing a 6-foot solid fence or masonry wall between the commercial use and the RSC-6 zoned property. This is in addition to Land Development Code buffering and screening requirements.


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. As noted, the applicant has offered the following restrictions:

- 1) Stormwater retention shall be located on the north side of the properties adjacent to the RSC-6 zoned properties. This restriction shall apply to the properties located on both sides of Watson Road.
- 2) Enhanced screening shall be provided in the form of a 6-foot solid fence or masonry wall between the Commercial use and the RSC-6 zoned property in addition to the 20-foot buffer with Type B screening. This restriction shall apply to the properties located on both sides of Watson Road.
- 3) Prohibit drive-through.
- 4) The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

Zoning Administrator Sign Off:



J. Brian Grady
Mon Feb 13 2023 08:32:44

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.

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: East Lake Orient Park/ Northeast

DATE: 02/09/2023
 AGENCY/DEPT: Transportation
 PETITION NO.: STD 22-1221

- 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 2,379 average daily trips, 172 trips in the a.m. peak hour, and 193 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 five parcels totaling +/- 0.84 acres from Residential – Single Family Conventional – 9 (RSC-6) and Planned Development (PD) to Commercial Neighborhood - Restricted (CN-R). The site is located on the north side of the intersection of Watson Road and Martin Luther King Blvd. The Future Land Use designation of the site is Community Mixed Use – 12 (CMU-12).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 4 Single Family Dwelling Units (ITE Code 210)	38	3	4
PD, 747 sf Specialty Trade Contractor (ITE Code 180)	7	1	1
Total Trips	45	4	5

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 7,000 sf Fast-Food Restaurant without Drive-Through Window (ITE Code 933)	2,424	176	198

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+2,379	+172	+193

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The subject site has frontage on Martin Luther King Blvd and Watson Road. Martin Luther King Blvd is a 6-lane, undivided, Florida Department of Transportation (FDOT) maintained, Principal Arterial roadway with +/- 12-foot travel lanes. Martin Luther King Blvd has bike lanes and sidewalks on both side of the roadway within the vicinity of the project. Watson Road is Hillsborough County maintained, substandard, local roadway with +/- 15 feet wide pavement. Watson Road does not have sidewalk, bike lanes or curb and cutter on either side of the road within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to Watson Road. During the site review process, any access from the subject site to Shady Acres Road shall be closed, as it is a private residential roadway. 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

Level of Service (LOS) information is reported below. Watson Road is not a regulated road and was not included in the Level of service report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	I-75	HIGHVIEW RD	D	C

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

**COUNTY OF HILLSBOROUGH
LAND USE HEARING OFFICER'S RECOMMENDATION**

Application number:	RZ-STD 22-1221
Hearing date:	February 20, 2023
Applicant:	David Wright, TSP Companies, Inc.
Request:	Rezone to CN-R
Location:	Northeast and Northwest corners of East Martin Luther King Blvd. and Watson Road
Parcel size:	.85 acres +/-
Existing zoning:	PD 85-0445 and RSC-6
Future land use designation:	CMU-12 (12 du/ga; 0.5 FAR)
Service area:	Urban Services Area
Community planning area:	East Lake-Orient Park Community Plan

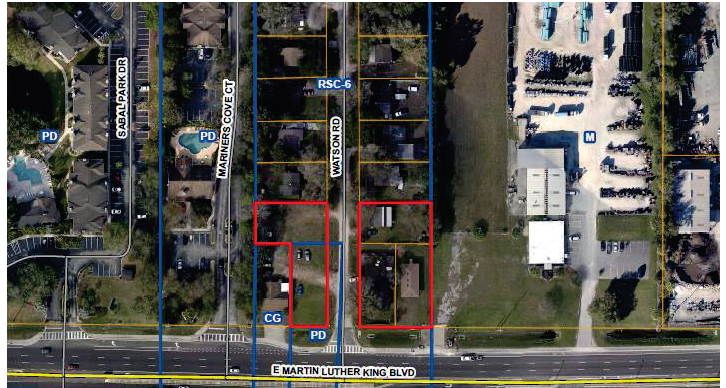
A. APPLICATION REVIEW

**DEVELOPMENT SERVICES STAFF REPORT
APPLICATION REVIEW SUMMARY AND RECOMMENDATION**

Rezoning Application: RZ-STD 22-1221
Zoning Hearing Master Date: February 20, 2023
BOCC Land Use Meeting Date: April 11, 2023

1.0 APPLICATION SUMMARY

Applicant: David Wright / TSP Companies, Inc.
FLU Category: Community Mixed Use-12 (CMU-12)
Service Area: Urban
Site Acreage: 0.85 MOL
Community Plan Area: East Lake/Orient Park
Overlay: None
Request: Rezone from Planned Development (PD 85-0445) and Residential – Single-Family Conventional (RSC-6) to Commercial Neighborhood Restricted (CN-R)



Introduction Summary:

The existing zoning is Planned Development (PD 85-0445) which permits General Commercial Restricted uses and Residential – Single-Family Conventional (RSC-6) which permits Single-Family Residential (Conventional Only) pursuant to the development standards in the table below. The proposed zoning is Commercial – Neighborhood Restricted (CN-R) which allows Restricted Neighborhood Commercial, Office and Personal Services uses pursuant to the development standards in the table below. The applicant has offered restrictions limiting uses, prohibiting a drive through, offering enhanced screening and locating storm water retention to the north which provides additional buffering to residential.

	Existing		Proposed
District(s)	PD 85-0445	RSC-6	CN-R
Typical General Use(s)	General Commercial Restricted	Single-Family Residential (Conventional Only)	Restricted Neighborhood Commercial, Office and Personal Services
Acreage	0.17 MOL	0.68 MOL	0.85 MOL
Density/Intensity	Per PD 85-0445	6 du/ga	0.20 F.A.R.
Mathematical Maximum*	747 sf	4 units	7,405 sf

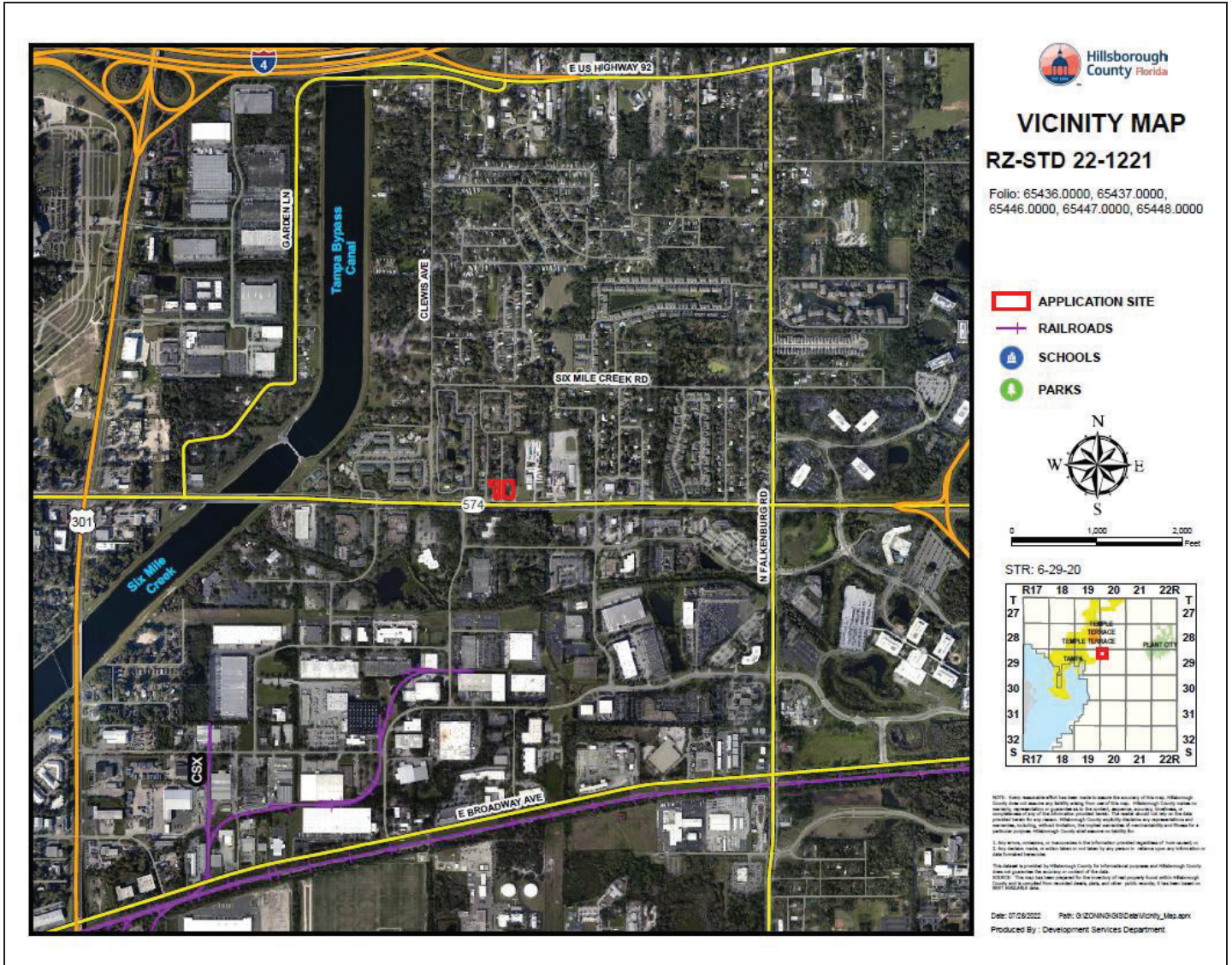
*number represents a pre-development approximation

Development Standards:	Existing		Proposed
District(s)	PD 85-0445	RSC-6	CN-R
Lot Size / Lot Width	Per PD 85-0445	7,000 sf / 70'	7,000 sf / 70'
Setbacks/Buffering and Screening	Front Per PD 85-0445 Rear Per PD 85-0445 Sides Per PD 85-0445	25' Front 25' Rear 7.5' Sides	30' Front Buffer Rear Buffer Sides
Height	25'	35'	35'

Planning Commission Recommendation: Inconsistent	Development Services Recommendation: Approvable
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2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

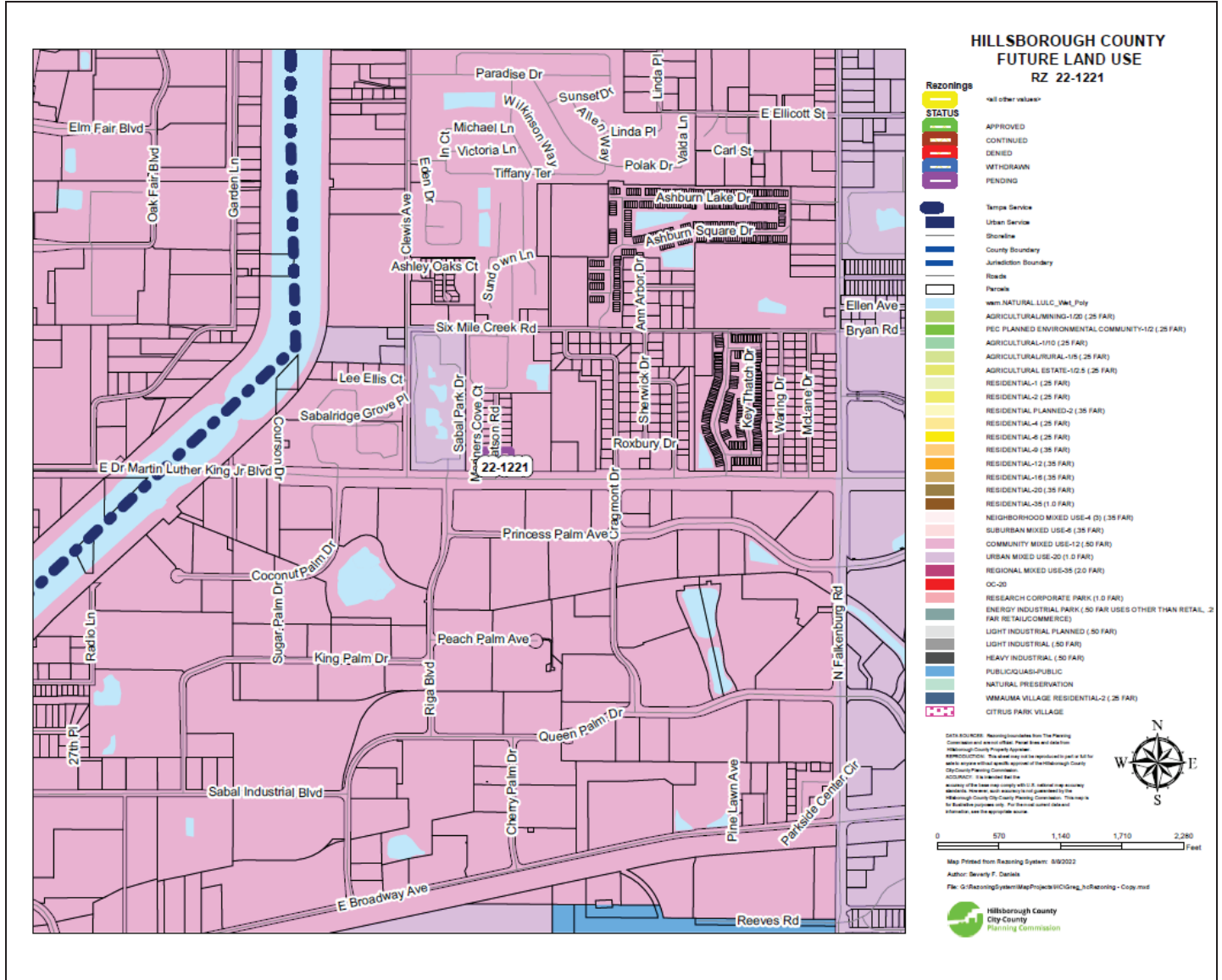


Context of Surrounding Area:

The area consists of single-family and multi-family residential, commercial, and manufacturing. The subject parcels are directly adjacent to single-family residential zoned RSC-6 to the north. To the east the parcels are adjacent to a commercial building supply store zoned M. To the west the parcels are adjacent to commercial zoned CG and multi-family residential zoned PD 01-0715. To the south across State Road 574 (East MLK Jr Blvd.) is an industrial park zoned M.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Subject Site Future Land Use Category:	Community Mixed Use-12 (CMU-12)
Maximum Density:	12.0 dwelling unit per gross acre / 0.50 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.

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	RSC-6	6 du / gross acre	Single-Family Residential (Conventional Only)	Single-Family Residential
South	M	0.75 F.A.R.	Industrial/Manufacturing	Industrial Park
East	M	0.75 F.A.R.	Industrial/Manufacturing	Commercial Building Supply
West	CG, PD 01-0715	0.27 F.A.R., Per PD 01-0715	General Commercial, Office and Personal Services, Multi-Family Residential	Commercial, Multi-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
Watson Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Martin Luther King Blvd	FDOT Principal Arterial - Urban	6 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

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	45	4	5
Proposed	2,424	176	198
Difference (+/-)	+2,379	+172	+193

*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
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 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 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	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<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 0.85 -acre property is comprised of four parcels zoned RSC-6 (Residential – Single-Family Conventional) and one parcel zoned PD 85-0445 with a commercial permitted use. Folios: 65446.0000, 65448.0000 and 65447.0000 have a single-family residence and the rest of the parcels are vacant. The subject parcels are located at the northwest and northeast corners of East Martin Luther King Jr. Boulevard and Watson Road. The area consists of single-family and multi-family residential, commercial, and manufacturing. The subject parcels are directly adjacent to single-family residential zoned RSC-6 to the north. To the east the parcels are adjacent to a commercial building supply store zoned M. To the west the parcels are adjacent to commercial zoned CG and multi-family residential zoned PD 01-0715. To the south across State Road 574 (East MLK Jr. Blvd.) is an industrial park zoned M. The subject property is designated Community Mixed Use-12 (CMU-12) on the Future Land Use map.

Development Services and the Planning Commission have compatibility concerns with the single-family residential located north of the subject site. Any potential business in the proposed CN-R could impact the neighborhood with noise pollution and traffic congestion. The proposed zoning uses are too intense and high traffic for a property with such a close proximity to residential.

In response to these concerns, the applicant has offered the following mitigating restrictions:

- 1) Stormwater retention shall be located on the north side of the properties adjacent to the RSC-6 zoned properties. This restriction shall apply to the properties located on both sides of Watson Road.
- 2) Enhanced screening shall be provided in the form of a 6-foot solid fence or masonry wall between the Commercial use and the RSC-6 zoned property in addition to the 20-foot buffer with Type B screening. This restriction shall apply to the properties located on both sides of Watson Road.
- 3) Prohibit drive-through.
- 4) The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

The proposed restrictions limit intense and high traffic potential uses such as drive-through. The restrictions also enhance the buffering and screening requirements by moving stormwater retention to the north and providing a 6-foot solid fence or masonry wall between the commercial use and the RSC-6 zoned property. This is in addition to Land Development Code buffering and screening requirements.


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. As noted, the applicant has offered the following restrictions:

- 1) Stormwater retention shall be located on the north side of the properties adjacent to the RSC-6 zoned properties. This restriction shall apply to the properties located on both sides of Watson Road.
- 2) Enhanced screening shall be provided in the form of a 6-foot solid fence or masonry wall between the Commercial use and the RSC-6 zoned property in addition to the 20-foot buffer with Type B screening. This restriction shall apply to the properties located on both sides of Watson Road.
- 3) Prohibit drive-through.
- 4) The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

Zoning Administrator Sign Off:



J/Brian Grady
Mon Feb 13 2023 08:32:44

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.

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on February 20, 2023. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. David Wright spoke on behalf of the applicant. Mr. Wright presented the rezoning request, responded to the hearing officer's questions, and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation. Mr. Wright stated he disagrees with the Planning Commission's findings of inconsistency with comprehensive plan Future Land Use Element Objective 16, Policy 16.1, 16.2, 16.3, and 16.5. He stated the applicant is offering restrictions limiting the allowable uses to a less intense neighborhood scale and requiring buffering and enhanced screening adjacent to the residential uses north of the Subject Property. He stated the proposed CN-R uses will be located external to the existing residential neighborhood and on an arterial roadway. Mr. Wright stated he is not a certified planner, but has extensive experience in planning, permitting, and land development.

Development Services Department

Mr. Chris Grandlienard, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record.

Planning Commission

Ms. Karla Llanos, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application. There were none.

Development Services Department

Mr. Grady stated the Development Services Department had nothing further.

Applicant Rebuttal

Mr. Wright stated the applicant had nothing further.

The hearing officer closed the hearing RZ-STD 22-1221.

C. EVIDENCE SUBMITTED

No additional documentary evidence was submitted to the record at the hearing.

D. FINDINGS OF FACT

1. The Subject Property consists of five parcels with a total of approximately .85 acres at East Martin Luther King Jr. Boulevard and Watson Road in Tampa. The parcels are platted lots within the Gold Coast Subdivision, plat recorded December 26, 1957 in Plat Book 33, page 96, and the Gold Coast Subdivision First Addition, plat recorded March 4, 1959 in Plat Book 35, page 23, public records of Hillsborough County, Florida.
2. The Subject Property is designated CMU-12 on the Future Land Use Map. Four of the Subject Property's parcels are zoned RSC-6, which allows single-family conventional residential uses, and one of the parcels is zoned PD 85-0445, which allows 747 square feet of General Commercial Restricted uses.
3. The Subject Property is located within the boundaries of the East Lake-Orient Park Community Plan and is within the Urban Services Area.
4. Two of the Subject Property's parcels are vacant, and three parcels are developed with single-family homes. The Hillsborough County Property Appraiser's website shows two of the single-family homes were built in 1959 and one was built in 2019.
5. Watson Road, which is a county local-urban substandard roadway, runs between the parcels that make up the Subject Property. Three of the five parcels are situated on the east side of Watson Road, and two of the five parcels are situated on the west side of Watson Road. Three of the parcels have frontage on East Martin Luther King Jr. Boulevard.
6. The surrounding area consists of single-family and multi-family residential, commercial, and manufacturing uses. Adjacent properties include single-family residential parcels zoned RSC-6 to the north; a commercial parcel zoned M developed with a building supply store to the east; commercial parcels zoned CG and multi-family residential zoned PD 01-0715 to the west; East Martin Luther King Boulevard and an industrial park zoned M to the south.
7. The applicant is requesting to rezone the Subject Property to Commercial Neighborhood-Restricted (CN-R), with commercial uses restricted to specific types.
8. The applicant is proposing commercial uses be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair,

Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, and Professional Services.

9. Transportation staff stated in their Agency Review Comment Sheet that the proposed rezoning would result in an increase of trips potentially generated by development of the Subject Property by 2,379 average daily trips, 172 trips in the a.m. peak hour, and 193 trips in the p.m. peak hour. Transportation staff's comparison used a generalized worst-case scenario based on the Institute of Transportation Engineers' Trip Generation Manual, 10th Edition. Transportation staff stated it is anticipated the Subject Property will have access to Watson Road, which is a county-maintained, substandard local roadway with +/- 15 feet-wide pavement with no sidewalk, bike lanes, or curb.
10. The applicant has proposed additional mitigating restrictions consisting of the following: (1) stormwater retention shall be located on the north side of the Subject Property's parcels adjacent to the RSC-6 zoned parcels on both sides of Watson Road; (2) enhanced screening shall be provided in the form of a six-foot solid fence or masonry wall between the commercial uses and the RSC-6 zoned properties on both sides of Watson Road in addition to the 20-foot buffer with Type B screening; (3) drive-through facilities shall be prohibited.
11. Development Services Department staff and Planning Commission staff found compatibility concerns with the single-family residential uses located north of the Subject Property. Staff found the proposed business uses on the Subject Property could impact the residential neighborhood with noise pollution and traffic congestion and would be too intense and high traffic for a property with such proximity to residential uses.
12. However, Development Services Department staff found the proposed restrictions would limit the intensity and high traffic potential, and would enhance buffering and screening by placing stormwater retention and solid fence or masonry wall between the commercial uses and residential uses. Based on these restrictions, the Development Services staff found the proposed rezoning compatible with the existing zoning and development pattern in the area.
13. Planning Commission staff found the restricted uses would not allow adequate area for buffering and would allow for intense uses within the established residential neighborhood in which the Subject Property is located. Planning Commission staff further found the proposed CN-R rezoning would not provide gradual transition between commercial uses on Subject Property and the existing residential uses. Staff found the Subject Property is not within a commercial redevelopment area and the proposed CN-R uses would not complement the residential character of the existing community and would be too intense for the existing community. Staff found the rezoning to CN-R would allow commercial

uses that are incompatible with the neighborhoods north of the Subject Property and would not be consistent with the goals of the East Lake-Orient Park Community Plan. Planning Commission staff concluded that even with the proposed restrictions on uses and mitigating site design requirements the proposed rezoning is inconsistent with the comprehensive plan and the East Lake-Orient Park Community Plan

E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The record evidence demonstrates the proposed rezoning request is not in compliance with, and does not further the intent of the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2022). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is not consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant is requesting to rezone the Subject Property to Commercial Neighborhood-Restricted (CN-R), with commercial uses restricted to specific types. The applicant is proposing commercial uses be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant (Eating Establishment) without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, and Professional Services.

The applicant has proposed additional mitigating restrictions consisting of the following: (1) stormwater retention shall be located on the north side of the Subject Property’s parcels adjacent to the RSC-6 zoned parcels on both sides of Watson Road; (2) enhanced screening shall be provided in the form of a six-foot solid fence or masonry wall between the commercial uses and the RSC-6 zoned properties on both sides of Watson Road in

addition to the 20-foot buffer with Type B screening; (3) drive-through facilities shall be prohibited.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **DENIAL** of the rezoning request.

Pamela Jo Hatley
Pamela Jo Hatley PhD, JD
Land Use Hearing Officer

March 13, 2023
Date:

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, February 20, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 8:11 p.m.

LOCATION: Hillsborough County Planning
Commission Board Room-2nd Floor
601 East Kennedy Boulevard
Tampa, Florida 36602

Reported via Cisco Webex Videoconference by:
Samantha Kozlowski, CER

1 MR. GRADY: The next item on the agenda is Agenda Item
2 C.1, rezoning 22-1221. The applicant is David Wright. The
3 request is a rezone from plan development and RSC-6 to a
4 commercial neighborhood zoning district with restrictions.
5 Chris Grandlienard will provide staff recommendation after
6 presentation by the applicant.

7 HEARING MASTER: All right. Is the applicant here?
8 Rezoning 22-1221. Do we have the applicant here or online?

9 UNIDENTIFIED SPEAKER: It looks like I have a
10 David Wright, but he's not checked in.

11 HEARING MASTER: All right. Then, Mr. Grady will
12 proceed to the next case, then we'll come back to this. Maybe
13 Mr. Wright will get him online.

14 MR. GRADY: And we can also try contacting him.

15 HEARING MASTER: Yeah.

16 HEARING MASTER: Okay. Thank you.

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1 MR. GRADY: We'll now go back to Agenda Item C.1,
2 rezoning standard 22-1221. The applicant is David Wright. The
3 request is a -- is a rezone from PD to RSC-6. The applicant is
4 requesting a commercial neighborhood zoning district with
5 restrictions. Chris Grandlienard will provide staff
6 recommendation after a presentation by the applicant.

7 HEARING MASTER: Thank you, Mr. Grady. All right.
8 Applicant.

9 MR. WRIGHT: Good evening. David Wright. Address is
10 P.O. Box 273417, Tampa 33688. And I apologize, I had a mixup on
11 my calendar. Tonight I'm presenting a request to rezone the
12 subject properties from residential single-family conventional
13 and planned development allowing office general commercial
14 restricted uses to commercial neighborhood restricted.

15 The restrictions offered are limiting uses prohibiting
16 a drive-thru, offering enhanced screening and proposing to
17 locate stormwater retention to the north to provide additional
18 buffering to the residential. All of these restrictions are
19 offered to ensure the proposed commercial neighborhood zoning is
20 compatible with the existing residential to the west, northwest
21 and north of the subject properties.

22 The subject properties are directly adjacent to single
23 family residential and multi-family to the north and northwest.
24 A commercial building supply store zoned manufacturing is to the
25 east and commercial general to the west. An industrial park

1 zoned manufacturing to the south across East Martin Luther King
2 Jr. Boulevard. The subject site is located on the north side of
3 East Dr. Martin Luther King Jr. Boulevard, which is classified
4 as an arterial roadway and exists today as a commercial
5 corridor.

6 The subject site is located directly on Transit Routes
7 37 and 38, with a transit stop located approximately 500 feet to
8 the west on the north side of MLK. The future land use
9 classification of the subject properties is commercial mixed use
10 12. The CMU-12 future land use allows residential, commercial,
11 retail, commercial office uses, research corporate park uses,
12 light industrial multi-purpose and clustered residential and/or
13 mixed-use projects at appropriate locations.

14 Non-residential land uses must be -- be compatible
15 with the residents for uses through established techniques of
16 transition by restricting the location of incompatible uses.
17 Compatibility is defined as the characteristics of different
18 uses or activities or design which allow them to be located near
19 or adjacent to each other in harmony. Compatibility does not
20 mean the same as, rather, it refers to the sensitivity of
21 development proposals in maintaining the character of existing
22 development.

23 The CMU-12 areas shall be urban in intensity and
24 density of uses, with development occurring as a provision and
25 timing transportation and public facility services necessary to

1 support these intensities and densities are made available.
2 Retail commercial uses shall be clustered at arterial and
3 collector intersections.

4 We respectfully disagree with the Planning Commissions
5 Staff's finding that the request does not meet the intent of
6 future land use element, Objective 16, Policy 16.1, 16.2, 16.3
7 and 16.5.

8 For 16.1, the proposed list has been extensively
9 restricted and detailed to limit the commercial uses to a less
10 intense neighborhood scale. 16.2 and 16.3, buffering and
11 enhanced screening is proposed directly adjacent to the
12 residential uses to the north. Usage to the -- use to the west
13 is commercial general and medium density multi-family
14 residential. That's important. The adjacent property to the
15 west, folio 65435.0000 is zoned commercial general, allowing
16 more commercial intensity by right than the request.

17 The properties further to the west are the Mariner's
18 Cove Court Apartments and Sabal Park Apartments that are
19 existing developments with densities of 14 units per acre and 24
20 units per acre and compatible with the proposed commercial
21 neighborhood restricted zoning.

22 16.5, the proposed commercial neighborhood restrictive
23 zoning is located external to the existing neighborhood and on
24 an arterial -- arterial roadway. Once again, compatibility is
25 defined as characteristics of different uses or activities for

1 design which allowed them to be located near or adjacent to each
2 other in harmony. Compatibility does not mean the same as,
3 rather, it refers to the sensitivity of development proposals
4 and maintaining the character of the existing neighborhood. The
5 proposed commercial neighborhoods restricted zoning maintains
6 the character of the existing development when all the
7 surrounding properties are included in the evaluation and the
8 appropriate context. We prepared professional and thorough
9 zoning application and work with staff to narrow the request to
10 achieve compatibility with the surrounding properties. We
11 appreciate the efforts of Development Service Staff and their
12 finding of approval -- approvable. We appreciate the efforts of
13 Planning Commission Staff. However, we respectfully disagree
14 with their finding of consistent. We provide notice to the
15 surrounding properties as required by the Land Development Code.
16 We were not contacted by anyone seeking or objecting to this
17 request. There are also no objections in the party of record
18 filed for this application.

19 I appreciate your review of this application and
20 respectfully request your recommendation of approval. Thank
21 you. And I'm available for any questions.

22 HEARING MASTER: All right. Thank you, Mr. Wright.
23 And thank you for addressing the inconsistency findings and
24 those specific policies. And I have to ask you this because it
25 is the -- the applicant's burden to present evidence that --

1 that the request is consistent with the comprehensive plan. You
2 presented testimony on that, but I need to know what your
3 qualifications are to present testimony on planning issues. Are
4 you a certified planner or what are your qualifications and
5 experience in that area, please?

6 MR. WRIGHT: My exper -- I'm not a certified planner,
7 but I have extensive experience in planning and permitting.
8 Going back to 2002, I was the director of development for the
9 residential apartments, national multifamily developer and we
10 developed -- I was responsible for doing the due diligence and
11 then taking all the projects from the ground stage to planning
12 and then permitting them or rezoning them, if necessary, and
13 taking them to the construction department.

14 In addition to that, I've been working at TST Company
15 for the past five years and now serving as president and the
16 sole proprietor of this company.

17 HEARING MASTER: All right. Mr. Wright, thank you
18 very much. I appreciate that. All right. Development
19 Services.

20 MR. GRANDLIENARD: Chris Grandlienard again with
21 Planning Development Services. Here to present rezoning
22 22-1221. The applicant is proposing to rezone from the existing
23 plan development and RSC-6 zoning to commercial neighborhood
24 restricted. The approximate 0.85 acre properties comprised of
25 four parcels zoned RSC-6 residential, single-family conventional

1 and one parcel is zoned PD 850445 with commercial permitted use
2 folios 65446 and 6 -- 65448 and 65447, a single-family
3 residence. And the rest of the parcels are vacant. The subject
4 parcels are located at the northwest and northeast corners of
5 East Martin Luther King Junior Boulevard and Watson Road. The
6 area consists of single-family commer -- single-family and
7 multi-family residential, commercial and manufacturing. The
8 subject parcels are directly adjacent to single-family
9 residential zoned RSC-6 to the north. To the east, the parcel
10 is adjacent to a commercial building supply store zoned
11 manufacturing. To the west, the parcels are adjacent to
12 commercial zoned CG and multi-family residential. To the south,
13 of cross State Road 574, Martin Luther King Junior Boulevard is
14 an industrial park zone manufacturing. And the subject property
15 is designated commercial mixed use 12 on the Future Land Use.
16 Develop -- Development Services and the Planning Commission have
17 compat -- compatibility concerns with a single-family
18 residential located north of the subject site. Any potential
19 business of a proposed commercial neighborhood restricted could
20 impact the neighborhood with noise pollution and traffic
21 congestion.

22 The proposed zoning uses are too intense and high
23 traffic for a property with such a close proximity to
24 residential. In response to these concerns, the applicant has
25 offered the following mitigating restrictions. Stormwater

1 retention shall be located on the north side of the properties
2 adjacent to the Residential-6 zoned properties. This
3 restriction shall apply to the properties located on both sides
4 of Watson Road. Enhanced screening shall be provided in the
5 form of a six-foot solid fence or masonry wall between
6 commercial use and RSC-6 zoning property, in -- in addition to a
7 20-foot buffer with Type B screening. This restriction will
8 apply to both sides of Watson Road. Number three, they will
9 pro -- prohibit drive-thru. Number four, the proposed
10 commercial uses shall be restricted to electric -- electronic
11 repair, floor shop, locksmith, mail, packaging services. The
12 rest are in the staff report for your review.

13 The proposed restrictions limit intents and high
14 traffic potential uses such as drive-thru. The restrictions
15 also enhance the buffering and screening requirements by moving
16 stormwater retention to the north and provide a six-foot solid
17 fence or masonry wall between commercial use and residential to
18 the north. This is in addition to Land Use Code buffering and
19 screening requirements.

20 So based on community Mixed Use 12, Future Land Use
21 specification, the surrounding zoning and development pattern on
22 the proposed uses for the commercial neighborhood restricted
23 zoning district, Development Staff's (inaudible) review -- Staff
24 finds the request approvable. I'd be glad to answer any
25 questions you may have.

1 HEARING MASTER: All right. Don't have any questions
2 for you. Thank thank you so much.

3 MR. GRANDLIENARD: Thank you.

4 HEARING MASTER: Planning Commission.

5 MS. LLANOS: Karla Llanos for the record. So the 0.84
6 subject site is located within the urban serving -- the urban --
7 urban service area and it's within the East Lake Orient Park
8 Community Plan.

9 Now, the applicant is requesting to rezone this
10 property from single-family conventional six to commercial
11 neighborhood with restrictions. The subject site is located
12 within the community mixed use 12, Future Land Use Category,
13 which can be considered for up to 12 dwelling units a gross
14 acre, which is equipped (inaudible) area ratio. Now this Future
15 Land Use Category is intended for urban intensity and density of
16 uses with development occurring with -- as a provision and time
17 of transportation public facility services are available and
18 necessary to support these developments. Now, typical uses are
19 not limited to residential, community sale, retail, commercial
20 office uses and CMU-12 does surround the subject site on all
21 sides. There is a pocket of urban mixed use 20, which is
22 located to the west and to the east is additional urban mixed
23 use 20 and public quasi public future land use categories.

24 Now the current zoning for the property, RSC-6 and
25 development, the Plan Development was removed with conditions by

1 the Hillsborough County Board of County Commissioners on
2 March 11, 1986. The RSC-6 and PD zoning are located in north of
3 the site. Manufacturer is located directly to the east,
4 southeast and south. And there's a pocket of CG, which is
5 located directly to the west.

6 Now, Planning Commission Staff finds this request not
7 consistent with the Policy of 1.4 which is compatibility. The
8 proposed request would not allow for harmonious like activities
9 and uses adjacent to the surrounding area of the subject site.
10 It is not consist with the policy direction. According to the
11 Hillsborough County Property Appraiser data, the existing land
12 use is on the subject site are single-family and -- and a
13 portion is vacant. Single-family and multi-family residential
14 uses are located directly to the north and northwest. A
15 combination of like commercial, like industrial uses are located
16 to the east, southeast, south of the subject site. And there's
17 education on other like commercial uses located southwest of
18 the -- of the subject site. It's directly across east on MLK.

19 Now with the remaining area located west of the
20 subject site utilizes a multi-family residential uses. The area
21 is residential in character. So you have residential to the
22 west and you have residential to the north. So this mixture of
23 residential and within the vicinity, it uses large and small lot
24 sizes so it kind of varies. There are notable industrial again,
25 commercial and educational uses near by. The proposed rezoning

1 does not meet intent of Objective 16 in the subsequent policies.
2 Although the applicant has submitted a list of restrictions,
3 several of the restrictive uses would still be incompatible with
4 the single-family and multi-family residential uses around the
5 site. The restrictive uses would not be -- would not be enough,
6 you know, or adequate room for a buffering and it wouldn't allow
7 for intense uses within the established neighborhood that is you
8 know, located into the subject site.

9 The proposed rezoning would see commercial
10 neighborhood restrictive would not allow for a gradual
11 transition between the residential land uses and current -- that
12 currently surrounds the subject site. Therefore, it is not
13 consistent with the goals or objectives of these policies. It's
14 not consistent with Goal 12 with subsequent policy of community
15 design component. It allows for uses that are way too intense
16 for an existing community. Therefore, not consistent with
17 policy direction. Goal 17 and subsequent policy encourages
18 developments that improve the ambiance of the commercial
19 development within the county. Now, this commercial
20 neighborhood with restriction would be isolated and not unified
21 with the surrounding uses. It is also not consistent with East
22 Lake Orien Community Plan. Although some of the users are
23 restricted, it may be beneficial to the neighborhood. However,
24 you're still within the entrance of a residential neighborhood,
25 which is causes a compatibility concern. As well as due to note

1 that most likely at the time of permitting the subject site
2 would probably have to take access off of, I believe it's called
3 Watson. Yes, Watson Street. So this is -- this main street
4 that the residential neighborhood to the north is going to be
5 using as well.

6 So overall the proposed rezoning would conflict with
7 goals, objectives of the area of the East Lake Orien Park
8 Community Plan. And it wouldn't allow for a development that
9 is, you know, consistent with the goals, objectives of the
10 policies of the content. So therefore, Planning Commission
11 Staff is finding this proposal rezoning inconsistent with the
12 coverings of (inaudible) incorporated.

13 HEARING MASTER: All right. Thank you, Mr. Llanos.
14 All right. Is there anyone here or online who wishes to speak
15 in support of this application? I do not hear anyone. Is there
16 anyone here or online who wishes to speak in opposition to this
17 application? I do not hear anyone. All right. Back to
18 Development Services, anything further?

19 MR. GRANDLIENARD: Nothing further.

20 HEARING MASTER: All right. And applicant, anything
21 further?

22 MR. WRIGHT: Just to clarify, I have -- I have been
23 qualified as an expert witness in planning in the past. I
24 apologize, I would have submitted my CV if I knew it was
25 necessary. But I will do so in the future. So nothing further.

1 Thank you.

2 HEARING MASTER: All right. Mr. Wright, thank you
3 very much.

4 MR. GRADY: Just -- just --

5 HEARING MASTER: Development Services.

6 MR. GRADY: Yeah. I just -- I just want to put -- put
7 on the record that existing PD that's part of this project is
8 limited to a two-way radio sales and service company. I just
9 wanted to put that on the record.

10 HEARING MASTER: All right. Thank you, Mr. Grady.

11 MR. GRADY: Nothing further.

12 HEARING MASTER: All right. That will close the
13 hearing on rezoning standard 22-1221.

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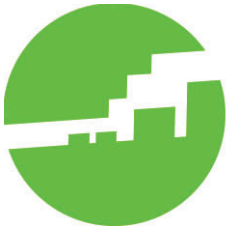
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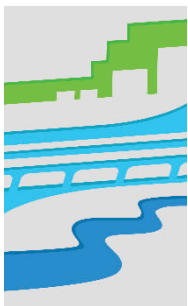
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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: February 20, 2023 Report Prepared: February 8, 2023	Petition: RZ 22-1221 Folios: 65437.0000, 65436.0000, 65448.0000, 65446.0000, & 65447.0000 <i>On the east and west side of Watson Street, directly north of East Dr. Martin Luther King Jr. Boulevard</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Community Mixed Use-12 (12 du/ga; 0.5 FAR)
Service Area	Urban
Community Plan	East Lake-Orient Park
Request	Rezone from Residential, Single-Family Conventional (RSC-6) and Planned Development (PD) to Commercial, Neighborhood with Restrictions (CN-R)
Parcel Size (Approx.)	0.84 acres +/- (36,590 square feet)
Street Functional Classification	Watson Road – Local Road County Road 574 – Principal Arterial
Locational Criteria	N/A
Evacuation Zone	E



Context

- The approximately 0.84 +/- acre subject site is located on the east and west sides of Watson Street, directly north of East Dr. Martin Luther King Jr. Boulevard.
- The subject site is located within the Urban Service Area and is located within the limits of the East Lake-Orient Park Community Plan.
- The subject site is located within the Community Mixed Use-12 (CMU-12) Future Land Use category, which can be considered for a maximum density of 12 dwelling units per gross acre and a maximum intensity of 0.5 FAR. The CMU-12 Future Land Use category is intended to be urban in intensity and density of uses, with development occurring as the provision and timing of transportation and public facility services necessary to support these intensities and densities are made available. Typical uses include but are not limited to residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- CMU-12 surrounds the subject site on all sides. A pocket of Urban Mixed Use-20 (UMU-20) is located to the west. To the east are additional UMU-20 and Public/Quasi Public (P/QP) future land use categories.
- According to the Hillsborough County Property Appraiser data, the existing land uses on the subject site are currently single family residential and vacant. Single family and multi-family residential uses are located to the north and northwest. A combination of light commercial and light industrial uses are located to the east, southeast, and south of the subject site. Educational and light commercial uses are located southwest of the subject site across East Dr. Martin Luther King Jr. Boulevard. To the west, there is a single parcel that utilizes light commercial use. The remaining area located west of the subject site utilizes multi-family residential uses. The area is residential in character with a mixture of single-family and multi-family uses on large and small lot sizes. There are notable industrial, commercial, and educational uses located east, southeast, south, and southwest of the subject site.
- The subject site is currently zoned as Residential, Single-Family Conventional (RSC-6) and Planned Development (PD). The planned development was approved with conditions by the Hillsborough County Board of County Commissioners on March 11, 1986. RSC-6 and PD zoning are located north of the site. Manufacturing (M) is located directly east, southeast, and south. A pocket of Commercial General (CG) is located directly west. PD zoning extends west and northwest of the subject site as well.
- The applicant is requesting to rezone the subject site from Residential, Single-Family Conventional (RSC-6) and Planned Development (PD) to Commercial Neighborhood with restrictions (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.

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 9-1.3: New commercial zoning is encouraged to locate at activity centers and commercial redevelopment areas.

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: East Lake Orient Park

Vision – New development in our communities does not adversely impact the existing neighborhoods. Residents are actively involved in the development decision making process.

Developers meet with community representatives in advance of land use decisions. Commercial activities are compatible with and designed to serve the community.

Community Improvement – *Enhance the appearance of the East Lake-Orient Park community.*

Neighborhood Identity – *Promote development that recognizes the needs and distinct identities of the East Lake-Orient Park neighborhoods and enhances the quality of life.*

Staff Analysis of Goals, Objectives and Policies

The approximately 0.84+/- acre subject site is located on the east and west sides of Watson Street, directly north of East Dr. Martin Luther King Jr. Boulevard. The subject site is located within the Urban Service Area and is located within the limits of the East Lake – Orient Park Community Plan. The subject site’s Future Land Use classification on the Future Land Use Map (FLUM) is Community Mixed Use-12 (CMU-12). The applicant is requesting to rezone the subject site from Single-Family Conventional (RSC-6) and Planned Development (PD) to Commercial Neighborhood with restrictions (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. Objective 1 of the Future Land Use Element (FLUE) notes that Hillsborough County shall pro-actively direct new growth into the Urban Service Area (USA) with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of the currently effective Comprehensive Plan. In the process of directing new growth, compatibility of uses must be considered. 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. 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. Although the applicant has submitted a list of restrictions, several of the restricted uses would still be incompatible with the single family and multi-family residential uses around the subject site. The restricted uses would not allow enough adequate room for buffering and would allow for intense uses within the established neighborhood that the subject site is located in. The proposed rezoning to CN-R would not allow for gradual transition between the residential land uses that currently surround the west and north sides of the subject site and is therefore not consistent with the goals of these objectives and policies.

Goal 9 and Policy 9-1.3 of the Community Design Component (CDC) evaluate the creation of commercial design standards. They encourage new commercial zoning to locate at activity centers and commercial redevelopment areas. The subject site is not within a commercial redevelopment area, nor would the proposed CN-R uses complement the residential character of the existing community.

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 and

multi-family uses. The proposed rezoning to CN-R would allow for uses that are too intense for the existing community and is therefore not consistent with this policy direction.

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. The proposed rezoning to CN-R would be isolated and not unified with the surrounding uses and would therefore not be consistent with these goals and objectives.

The East Lake-Orient Park Community Plan establishes guidance on vision, community improvement, and neighborhood identity. Although some of the restricted uses may be beneficial to the surrounding neighborhood, the request for CN-R would still allow for uses that conflict with the community plan's vision on neighborhood identity. It would allow for development that could potentially interfere with the appearance of the neighborhood and its residential uses. A rezoning to CN-R would allow for development for commercial uses that are incompatible with the neighborhoods located directly north, northwest, and west of the subject site and would therefore not be consistent with the goals of the adopted community plan.

Overall, the proposed rezoning would conflict with the goals and objectives of the Urban Service Area (USA) and the East Lake-Orient Park Community Plan and would allow for development that is inconsistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* .

Recommendation

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



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: East Lake Orient Park/ Northeast

DATE: 02/09/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 22-1221

- 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 2,379 average daily trips, 172 trips in the a.m. peak hour, and 193 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 five parcels totaling +/- 0.84 acres from Residential – Single Family Conventional – 9 (RSC-6) and Planned Development (PD) to Commercial Neighborhood - Restricted (CN-R). The site is located on the north side of the intersection of Watson Road and Martin Luther King Blvd. The Future Land Use designation of the site is Community Mixed Use – 12 (CMU-12).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 4 Single Family Dwelling Units (ITE Code 210)	38	3	4
PD, 747 sf Specialty Trade Contractor (ITE Code 180)	7	1	1
Total Trips	45	4	5

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN, 7,000 sf Fast-Food Restaurant without Drive-Through Window (ITE Code 933)	2,424	176	198

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+2,379	+172	+193

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The subject site has frontage on Martin Luther King Blvd and Watson Road. Martin Luther King Blvd is a 6-lane, undivided, Florida Department of Transportation (FDOT) maintained, Principal Arterial roadway with +/- 12-foot travel lanes. Martin Luther King Blvd has bike lanes and sidewalks on both side of the roadway within the vicinity of the project. Watson Road is Hillsborough County maintained, substandard, local roadway with +/- 15 feet wide pavement. Watson Road does not have sidewalk, bike lanes or curb and cutter on either side of the road within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to Watson Road. During the site review process, any access from the subject site to Shady Acres Road shall be closed, as it is a private residential roadway. 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

Level of Service (LOS) information is reported below. Watson Road is not a regulated road and was not included in the Level of service report.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
M L KING BLVD	I-75	HIGHVIEW RD	D	C

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
Watson Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Martin Luther King Blvd	FDOT Principal Arterial - Urban	6 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

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	45	4	5
Proposed	2,424	176	198
Difference (+/-)	+2,379	+172	+193

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

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

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A <input type="checkbox"/> No	



Florida Department of Transportation

RON DESANTIS
GOVERNOR

11201 North McKinley Drive
Tampa, FL 33612

JARED W. PERDUE, P.E.
SECRETARY

MEMORANDUM

DATE: August 3, 2022

TO: Rosalina Timoteo, Hillsborough County

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT
Mecale' Roth, FDOT
Richard Perez, Hillsborough County
David Wright, TSP Companies, Inc.

SUBJECT: RZ-STD 22-1221, 9326 E Dr Martin Luther King Jr Blvd

This project is on a state road, SR 574, E MLK Jr Blvd.

It is recommended that the applicant meet with FDOT before zoning approval. Pre-application meetings may be made through Ms. Mecale' Roth at the District Seven Tampa Operations offices of the Florida Department of Transportation.

Contact info:
Mecale' Roth
Mecale.Roth@dot.state.fl.us
813-612-3237

Thank you for the opportunity to comment.

END OF MEMO

COMMISSION

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 Pat Kemp VICE-CHAIR
 Harry Cohen
 Ken Hagan
 Gwendolyn “Gwen” W. Myers
 Kimberly Overman
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 Sterlin Woodard, P.E. WETLANDS DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: October 19, 2022</p> <p>PETITION NO.: 22-1221</p> <p>EPC REVIEWER: Kelly M. Holland</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1222</p> <p>EMAIL: hollandk@epchc.org</p>	<p>COMMENT DATE: August 25, 2022</p> <p>PROPERTY ADDRESSES: 9404 and 9326 East Dr. Martin Luther King Jr. Boulevard and 4001, 4005 and 4006 Watson Road, Tampa</p> <p>FOLIO #s: 0654360000, 0654370000, 0654460000, 0654470000 and 0654480000</p> <p>STR: 06-29S-20E</p>
<p>REQUESTED ZONING: Rezone from Single Family Conventional 6 units/acre (RSC-6) to Commercial - General (CG).</p>	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	August 25, 2022
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	NA
<p>INFORMATIONAL COMMENTS:</p> <p>Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site 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 the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.</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>	

ec: david@tspco.net
john@bcicomm.com

Environmental Excellence in a Changing World

Environmental Protection Commission - Roger P. Stewart Center
 3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org

REZ ##-####

[DATE]

Page 2 of 2

Environmental Excellence in a Changing World

Environmental Protection Commission - Roger P. Stewart Center
3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 25 Aug. 2022

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

APPLICANT: David Wright

PETITION NO: RZ-STD 22-1221

LOCATION: Not listed

**FOLIO NO: 65436.0000, 65437.0000, 65446.0000,
65437.0000, 65448.0000**

SEC: _____ TWN: _____ RNG: _____

- 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

-----X
IN RE:)
)
ZONE HEARING MASTER)
HEARINGS)
)
-----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, February 20, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 8:11 p.m.

LOCATION: Hillsborough County Planning
Commission Board Room-2nd Floor
601 East Kennedy Boulevard
Tampa, Florida 36602

Reported via Cisco Webex Videoconference by:
Samantha Kozlowski, CER

1 MR. GRADY: The next item on the agenda is Agenda Item
2 C.1, rezoning 22-1221. The applicant is David Wright. The
3 request is a rezone from plan development and RSC-6 to a
4 commercial neighborhood zoning district with restrictions.
5 Chris Grandlienard will provide staff recommendation after
6 presentation by the applicant.

7 HEARING MASTER: All right. Is the applicant here?
8 Rezoning 22-1221. Do we have the applicant here or online?

9 UNIDENTIFIED SPEAKER: It looks like I have a
10 David Wright, but he's not checked in.

11 HEARING MASTER: All right. Then, Mr. Grady will
12 proceed to the next case, then we'll come back to this. Maybe
13 Mr. Wright will get him online.

14 MR. GRADY: And we can also try contacting him.

15 HEARING MASTER: Yeah.

16 HEARING MASTER: Okay. Thank you.

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1 MR. GRADY: We'll now go back to Agenda Item C.1,
2 rezoning standard 22-1221. The applicant is David Wright. The
3 request is a -- is a rezone from PD to RSC-6. The applicant is
4 requesting a commercial neighborhood zoning district with
5 restrictions. Chris Grandlienard will provide staff
6 recommendation after a presentation by the applicant.

7 HEARING MASTER: Thank you, Mr. Grady. All right.
8 Applicant.

9 MR. WRIGHT: Good evening. David Wright. Address is
10 P.O. Box 273417, Tampa 33688. And I apologize, I had a mixup on
11 my calendar. Tonight I'm presenting a request to rezone the
12 subject properties from residential single-family conventional
13 and planned development allowing office general commercial
14 restricted uses to commercial neighborhood restricted.

15 The restrictions offered are limiting uses prohibiting
16 a drive-thru, offering enhanced screening and proposing to
17 locate stormwater retention to the north to provide additional
18 buffering to the residential. All of these restrictions are
19 offered to ensure the proposed commercial neighborhood zoning is
20 compatible with the existing residential to the west, northwest
21 and north of the subject properties.

22 The subject properties are directly adjacent to single
23 family residential and multi-family to the north and northwest.
24 A commercial building supply store zoned manufacturing is to the
25 east and commercial general to the west. An industrial park

1 zoned manufacturing to the south across East Martin Luther King
2 Jr. Boulevard. The subject site is located on the north side of
3 East Dr. Martin Luther King Jr. Boulevard, which is classified
4 as an arterial roadway and exists today as a commercial
5 corridor.

6 The subject site is located directly on Transit Routes
7 37 and 38, with a transit stop located approximately 500 feet to
8 the west on the north side of MLK. The future land use
9 classification of the subject properties is commercial mixed use
10 12. The CMU-12 future land use allows residential, commercial,
11 retail, commercial office uses, research corporate park uses,
12 light industrial multi-purpose and clustered residential and/or
13 mixed-use projects at appropriate locations.

14 Non-residential land uses must be -- be compatible
15 with the residents for uses through established techniques of
16 transition by restricting the location of incompatible uses.
17 Compatibility is defined as the characteristics of different
18 uses or activities or design which allow them to be located near
19 or adjacent to each other in harmony. Compatibility does not
20 mean the same as, rather, it refers to the sensitivity of
21 development proposals in maintaining the character of existing
22 development.

23 The CMU-12 areas shall be urban in intensity and
24 density of uses, with development occurring as a provision and
25 timing transportation and public facility services necessary to

1 support these intensities and densities are made available.
2 Retail commercial uses shall be clustered at arterial and
3 collector intersections.

4 We respectfully disagree with the Planning Commissions
5 Staff's finding that the request does not meet the intent of
6 future land use element, Objective 16, Policy 16.1, 16.2, 16.3
7 and 16.5.

8 For 16.1, the proposed list has been extensively
9 restricted and detailed to limit the commercial uses to a less
10 intense neighborhood scale. 16.2 and 16.3, buffering and
11 enhanced screening is proposed directly adjacent to the
12 residential uses to the north. Usage to the -- use to the west
13 is commercial general and medium density multi-family
14 residential. That's important. The adjacent property to the
15 west, folio 65435.0000 is zoned commercial general, allowing
16 more commercial intensity by right than the request.

17 The properties further to the west are the Mariner's
18 Cove Court Apartments and Sabal Park Apartments that are
19 existing developments with densities of 14 units per acre and 24
20 units per acre and compatible with the proposed commercial
21 neighborhood restricted zoning.

22 16.5, the proposed commercial neighborhood restrictive
23 zoning is located external to the existing neighborhood and on
24 an arterial -- arterial roadway. Once again, compatibility is
25 defined as characteristics of different uses or activities for

1 design which allowed them to be located near or adjacent to each
2 other in harmony. Compatibility does not mean the same as,
3 rather, it refers to the sensitivity of development proposals
4 and maintaining the character of the existing neighborhood. The
5 proposed commercial neighborhoods restricted zoning maintains
6 the character of the existing development when all the
7 surrounding properties are included in the evaluation and the
8 appropriate context. We prepared professional and thorough
9 zoning application and work with staff to narrow the request to
10 achieve compatibility with the surrounding properties. We
11 appreciate the efforts of Development Service Staff and their
12 finding of approval -- approvable. We appreciate the efforts of
13 Planning Commission Staff. However, we respectfully disagree
14 with their finding of consistent. We provide notice to the
15 surrounding properties as required by the Land Development Code.
16 We were not contacted by anyone seeking or objecting to this
17 request. There are also no objections in the party of record
18 filed for this application.

19 I appreciate your review of this application and
20 respectfully request your recommendation of approval. Thank
21 you. And I'm available for any questions.

22 HEARING MASTER: All right. Thank you, Mr. Wright.
23 And thank you for addressing the inconsistency findings and
24 those specific policies. And I have to ask you this because it
25 is the -- the applicant's burden to present evidence that --

1 that the request is consistent with the comprehensive plan. You
2 presented testimony on that, but I need to know what your
3 qualifications are to present testimony on planning issues. Are
4 you a certified planner or what are your qualifications and
5 experience in that area, please?

6 MR. WRIGHT: My exper -- I'm not a certified planner,
7 but I have extensive experience in planning and permitting.
8 Going back to 2002, I was the director of development for the
9 residential apartments, national multifamily developer and we
10 developed -- I was responsible for doing the due diligence and
11 then taking all the projects from the ground stage to planning
12 and then permitting them or rezoning them, if necessary, and
13 taking them to the construction department.

14 In addition to that, I've been working at TST Company
15 for the past five years and now serving as president and the
16 sole proprietor of this company.

17 HEARING MASTER: All right. Mr. Wright, thank you
18 very much. I appreciate that. All right. Development
19 Services.

20 MR. GRANDLIENARD: Chris Grandlienard again with
21 Planning Development Services. Here to present rezoning
22 22-1221. The applicant is proposing to rezone from the existing
23 plan development and RSC-6 zoning to commercial neighborhood
24 restricted. The approximate 0.85 acre properties comprised of
25 four parcels zoned RSC-6 residential, single-family conventional

1 and one parcel is zoned PD 850445 with commercial permitted use
2 folios 65446 and 6 -- 65448 and 65447, a single-family
3 residence. And the rest of the parcels are vacant. The subject
4 parcels are located at the northwest and northeast corners of
5 East Martin Luther King Junior Boulevard and Watson Road. The
6 area consists of single-family commer -- single-family and
7 multi-family residential, commercial and manufacturing. The
8 subject parcels are directly adjacent to single-family
9 residential zoned RSC-6 to the north. To the east, the parcel
10 is adjacent to a commercial building supply store zoned
11 manufacturing. To the west, the parcels are adjacent to
12 commercial zoned CG and multi-family residential. To the south,
13 of cross State Road 574, Martin Luther King Junior Boulevard is
14 an industrial park zone manufacturing. And the subject property
15 is designated commercial mixed use 12 on the Future Land Use.
16 Develop -- Development Services and the Planning Commission have
17 compat -- compatibility concerns with a single-family
18 residential located north of the subject site. Any potential
19 business of a proposed commercial neighborhood restricted could
20 impact the neighborhood with noise pollution and traffic
21 congestion.

22 The proposed zoning uses are too intense and high
23 traffic for a property with such a close proximity to
24 residential. In response to these concerns, the applicant has
25 offered the following mitigating restrictions. Stormwater

1 retention shall be located on the north side of the properties
2 adjacent to the Residential-6 zoned properties. This
3 restriction shall apply to the properties located on both sides
4 of Watson Road. Enhanced screening shall be provided in the
5 form of a six-foot solid fence or masonry wall between
6 commercial use and RSC-6 zoning property, in -- in addition to a
7 20-foot buffer with Type B screening. This restriction will
8 apply to both sides of Watson Road. Number three, they will
9 pro -- prohibit drive-thru. Number four, the proposed
10 commercial uses shall be restricted to electric -- electronic
11 repair, floor shop, locksmith, mail, packaging services. The
12 rest are in the staff report for your review.

13 The proposed restrictions limit intents and high
14 traffic potential uses such as drive-thru. The restrictions
15 also enhance the buffering and screening requirements by moving
16 stormwater retention to the north and provide a six-foot solid
17 fence or masonry wall between commercial use and residential to
18 the north. This is in addition to Land Use Code buffering and
19 screening requirements.

20 So based on community Mixed Use 12, Future Land Use
21 specification, the surrounding zoning and development pattern on
22 the proposed uses for the commercial neighborhood restricted
23 zoning district, Development Staff's (inaudible) review -- Staff
24 finds the request approvable. I'd be glad to answer any
25 questions you may have.

1 HEARING MASTER: All right. Don't have any questions
2 for you. Thank thank you so much.

3 MR. GRANDLIENARD: Thank you.

4 HEARING MASTER: Planning Commission.

5 MS. LLANOS: Karla Llanos for the record. So the 0.84
6 subject site is located within the urban serving -- the urban --
7 urban service area and it's within the East Lake Orient Park
8 Community Plan.

9 Now, the applicant is requesting to rezone this
10 property from single-family conventional six to commercial
11 neighborhood with restrictions. The subject site is located
12 within the community mixed use 12, Future Land Use Category,
13 which can be considered for up to 12 dwelling units a gross
14 acre, which is equipped (inaudible) area ratio. Now this Future
15 Land Use Category is intended for urban intensity and density of
16 uses with development occurring with -- as a provision and time
17 of transportation public facility services are available and
18 necessary to support these developments. Now, typical uses are
19 not limited to residential, community sale, retail, commercial
20 office uses and CMU-12 does surround the subject site on all
21 sides. There is a pocket of urban mixed use 20, which is
22 located to the west and to the east is additional urban mixed
23 use 20 and public quasi public future land use categories.

24 Now the current zoning for the property, RSC-6 and
25 development, the Plan Development was removed with conditions by

1 the Hillsborough County Board of County Commissioners on
2 March 11, 1986. The RSC-6 and PD zoning are located in north of
3 the site. Manufacturer is located directly to the east,
4 southeast and south. And there's a pocket of CG, which is
5 located directly to the west.

6 Now, Planning Commission Staff finds this request not
7 consistent with the Policy of 1.4 which is compatibility. The
8 proposed request would not allow for harmonious like activities
9 and uses adjacent to the surrounding area of the subject site.
10 It is not consist with the policy direction. According to the
11 Hillsborough County Property Appraiser data, the existing land
12 use is on the subject site are single-family and -- and a
13 portion is vacant. Single-family and multi-family residential
14 uses are located directly to the north and northwest. A
15 combination of like commercial, like industrial uses are located
16 to the east, southeast, south of the subject site. And there's
17 education on other like commercial uses located southwest of
18 the -- of the subject site. It's directly across east on MLK.

19 Now with the remaining area located west of the
20 subject site utilizes a multi-family residential uses. The area
21 is residential in character. So you have residential to the
22 west and you have residential to the north. So this mixture of
23 residential and within the vicinity, it uses large and small lot
24 sizes so it kind of varies. There are notable industrial again,
25 commercial and educational uses near by. The proposed rezoning

1 does not meet intent of Objective 16 in the subsequent policies.
2 Although the applicant has submitted a list of restrictions,
3 several of the restrictive uses would still be incompatible with
4 the single-family and multi-family residential uses around the
5 site. The restrictive uses would not be -- would not be enough,
6 you know, or adequate room for a buffering and it wouldn't allow
7 for intense uses within the established neighborhood that is you
8 know, located into the subject site.

9 The proposed rezoning would see commercial
10 neighborhood restrictive would not allow for a gradual
11 transition between the residential land uses and current -- that
12 currently surrounds the subject site. Therefore, it is not
13 consistent with the goals or objectives of these policies. It's
14 not consistent with Goal 12 with subsequent policy of community
15 design component. It allows for uses that are way too intense
16 for an existing community. Therefore, not consistent with
17 policy direction. Goal 17 and subsequent policy encourages
18 developments that improve the ambiance of the commercial
19 development within the county. Now, this commercial
20 neighborhood with restriction would be isolated and not unified
21 with the surrounding uses. It is also not consistent with East
22 Lake Orien Community Plan. Although some of the users are
23 restricted, it may be beneficial to the neighborhood. However,
24 you're still within the entrance of a residential neighborhood,
25 which is causes a compatibility concern. As well as due to note

1 that most likely at the time of permitting the subject site
2 would probably have to take access off of, I believe it's called
3 Watson. Yes, Watson Street. So this is -- this main street
4 that the residential neighborhood to the north is going to be
5 using as well.

6 So overall the proposed rezoning would conflict with
7 goals, objectives of the area of the East Lake Orien Park
8 Community Plan. And it wouldn't allow for a development that
9 is, you know, consistent with the goals, objectives of the
10 policies of the content. So therefore, Planning Commission
11 Staff is finding this proposal rezoning inconsistent with the
12 coverings of (inaudible) incorporated.

13 HEARING MASTER: All right. Thank you, Mr. Llanos.
14 All right. Is there anyone here or online who wishes to speak
15 in support of this application? I do not hear anyone. Is there
16 anyone here or online who wishes to speak in opposition to this
17 application? I do not hear anyone. All right. Back to
18 Development Services, anything further?

19 MR. GRANDLIENARD: Nothing further.

20 HEARING MASTER: All right. And applicant, anything
21 further?

22 MR. WRIGHT: Just to clarify, I have -- I have been
23 qualified as an expert witness in planning in the past. I
24 apologize, I would have submitted my CV if I knew it was
25 necessary. But I will do so in the future. So nothing further.

1 Thank you.

2 HEARING MASTER: All right. Mr. Wright, thank you
3 very much.

4 MR. GRADY: Just -- just --

5 HEARING MASTER: Development Services.

6 MR. GRADY: Yeah. I just -- I just want to put -- put
7 on the record that existing PD that's part of this project is
8 limited to a two-way radio sales and service company. I just
9 wanted to put that on the record.

10 HEARING MASTER: All right. Thank you, Mr. Grady.

11 MR. GRADY: Nothing further.

12 HEARING MASTER: All right. That will close the
13 hearing on rezoning standard 22-1221.

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Zoning Hearing Master Hearing
January 17, 2023

1 out of order to be heard and is being continued to the
2 February 20 2023 Zoning Hearing Master Hearing.

3 Item A.10, RZ-PD 22-1107. This application's being
4 withdrawn from the Zoning Hearing Master process.

5 Item A.11, major mod application 22-1116. This
6 application is out of order to be heard and is being continued
7 to the February 20, 2023 Zoning Hearing Master Hearing.

8 Item A.12, major mod application 22-1126. This
9 application's being continued by the applicant to the
10 February 20, 2023 Zoning Hearing Master Hearing.

11 Item A.13, Rezoning Standard 22-1221. This
12 application's out of order to be heard and is being continued to
13 the February 20, 2023 Zoning Hearing Master Hearing.

14 Item A.14, major mod application 22-1236. This
15 application's being continued by the applicant to the
16 February 20, 2023 Zoning Hearing Master Hearing.

17 Item A.15, major mod application 22-1239. This
18 application is out of order to be heard and is being continued
19 to the February 20, 2023 Zoning Hearing Master Hearing.

20 Item A.16, Rezoning PD 22-1257. This application is
21 out of order to be heard and has been continued to the
22 February 20, 2023 Zoning Hearing Master Hearing.

23 Item A.17, Rezoning PD 22-1330. This application is
24 out of order to be heard and has been continued to the
25 February 20, 2023 Zoning Hearing Master Hearing.

Zoning Master Hearing
December 12, 2022

1 application is out of order to be heard and is being continued
2 to the January 17, 2023 Zoning Hearing Master Hearing.

3 Item A.17, Major Mod application 22-1126. This
4 application is -- is being continued by the applicant to the
5 January 17, 2023 Zoning Hearing Master Hearing.

6 Item A.18, Rezoning Standard 22-1221. This
7 application is out of order to be heard and is being continued
8 to the January 17, 2023 Zoning Hearing Master Hearing.

9 Item A.19, Rezoning PD 22-1226. This application is
10 being continued by the applicant to the January 17, 2023 Zoning
11 Hearing Master Hearing.

12 Item A.20, Major Mod application 22-1228. This
13 application is out of order to be heard and is being continued
14 to the January 17, 2023 Zone Hearing Master Hearing.

15 Item A.21, Rezoning PD 22-1229. This application is
16 out of order to be heard and is being continued to the
17 January 17, 2023 Zoning Hearing Master Hearing.

18 Item A.22, Major Mod application 22-1236. This
19 application to be continued by the applicant to the
20 January 17, 2023 Zoning Hearing Master Hearing.

21 Item A.23 Major Mod application 22-1239. This
22 application is out of -- is out of order to be heard and is
23 being continued to the January 17, 2023 Zoning Hearing Master
24 Hearing.

25 Item A.24, Rezoning PD 22-1257. This application is

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
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IN RE:)
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LAND USE HEARING OFFICER)
HEARINGS)
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LAND USE HEARING OFFICER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, October 17, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 9:10 p.m.

PLACE: Robert W. Saunders, Sr. Public
Library
Ada T. Payne Community Room
1505 N. Nebraska Avenue
Tampa, Florida 33602

Reported via Zoom Videoconference by:

Julie Desmond, Court Reporter
U.S. Legal Support

1 Item A.21, Rezoning Standard 22-1217. This
2 application is being withdrawn from the Zoning
3 Hearing Master process.

4 Item A.22, Rezoning Standard 22-1221. This
5 application not awarded. The hearing is being
6 continued to the December 12, 2022, Zoning Hearing
7 Master Hearing.

8 Item A.23, Major Mod Application 22-1116.
9 This application is being continued by the
10 applicant to the November 14, 2022, Zoning Hearing
11 Master Hearing.

12 Item A.24, Major Mod Application 22-1120.
13 This application is being continued by the
14 applicant to the November 14, 2022, Zoning Hearing
15 Master Hearing.

16 Item A.25, Major Mod Application 22-1126.
17 This application is being continued by the
18 applicant to the December 12, 2022, Zoning Hearing
19 Master Hearing.

20 Item A.26, Rezoning PD 22-1195. This
21 application is being continued by the applicant to
22 the November 14, 2022, Zoning Hearing Master
23 Hearing.

24 Item A.27, Rezoning PD 22-1204. This
25 application is being continued by the applicant to

1 application is being continued by the applicant to
2 the October 17, 2022, Zoning Hearing Master
3 Hearing.

4 Item A-30, Rezoning-Standard 22-1217. This
5 application is being continued by the applicant to
6 the October 17, 2022, Zoning Hearing Master
7 Hearing.

8 Item A-31, Rezoning-Standard 22-1221. This
9 application is out of order to be heard and is
10 being continued to the October 17, 2022, Zoning
11 Hearing Master Hearing.

12 And, finally, item A-32, Major Mod
13 Application 22-1301. This application is being
14 continued by the applicant to the October 17, 2022,
15 Zoning Hearing Master Hearing.

16 That concludes all withdrawals and
17 continuances.

18 HEARING MASTER HATLEY: Thank you,
19 Mr. Grady.

20 All right. I'm going to read into the record
21 the meeting procedures for this evening before we
22 move forward. First of all, the agenda consists of
23 items that require a public before by a Hearing
24 Master before going on to the Board of County
25 Commissioners for a final decision.



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE