# PD Modification Application: MM 24-1141

**Zoning Hearing Master Date:** 

April 15, 2025

**BOCC Land Use Meeting Date:** 

June 10, 2025



**Development Services Department** 

## **1.0 APPLICATION SUMMARY**

Applicant: Todd Pressman

FLU Category: Residential-6

Service Area: Urban

Site Acreage: 0.9 MOL

Community

Plan Area:

Overlay: None



## **Introduction Summary:**

This application consists of two parcels totaling .90 acres within PD 06-1564. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building, with use exclusions. 2) Maximum of 6,328 sf commercial building, with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.

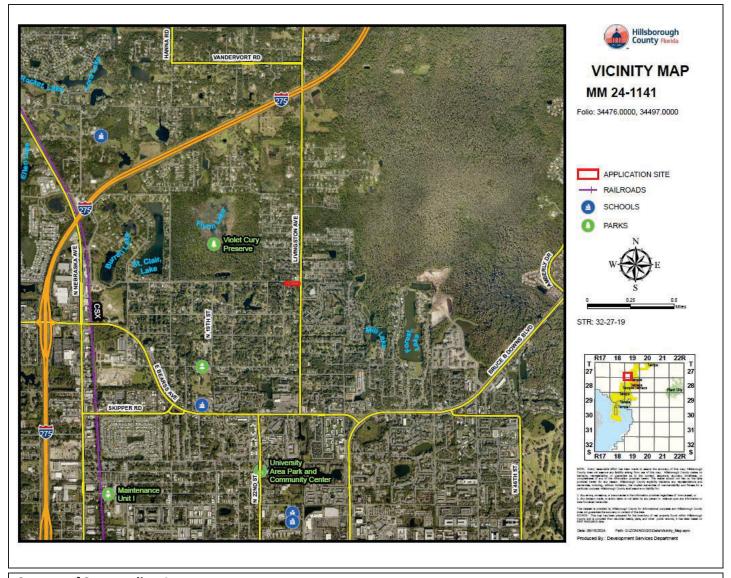
Existing Approval(s):	Proposed Modification(s):
	Add two options: 1) 2 food trucks and 1,236-sf of limited
3,500 square-foot dry cleaners use	CN and CG zoning district uses 2) Maximum of 6,328 sf of
,	limited CN and CG zoning district uses

Additional Information:	
PD Variation(s):	LDC Part 6.06.00 (Landscaping/Buffering)
Waiver(s) to the Land Development Code:	None Requested as part of this application

Planning Commission Recommendation:	Development Services Recommendation:
Inconsistent	Not Supportable

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

#### 2.1 Vicinity Map

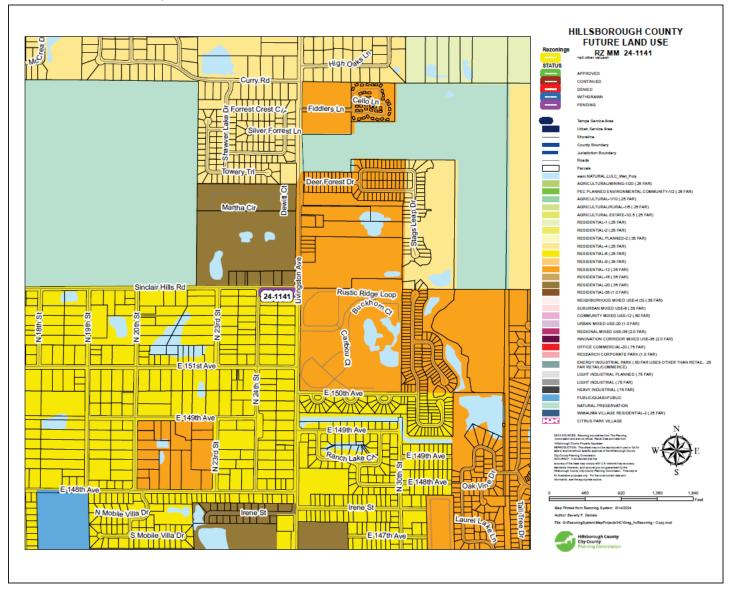


## **Context of Surrounding Area:**

The 0.9-acre property is comprised of two parcels and is generally located at the southwest corner of Livingston Avenue and Sinclair Hills Road. The property is in the Urban Service Area and is not within the limits of any community plan. The surrounding area is predominantly a mixture of single-family and multi-family residential and commercial. To the north across Sinclair Hills Road is single-family residential and a gas station with convenience store. Adjacent to the south is single-family residential. To the east across Livingston Avenue is multi-family residential. To the west across North 24<sup>th</sup> Street is single-family residential.

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

## 2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-6 (RES-6)
Maximum Density/F.A.R.:	6 du/ga; 0.25 F.A.R.
Typical Uses:	Agricultural, residential, neighborhood commercial, office uses, multi- purpose projects and mixed-use development.

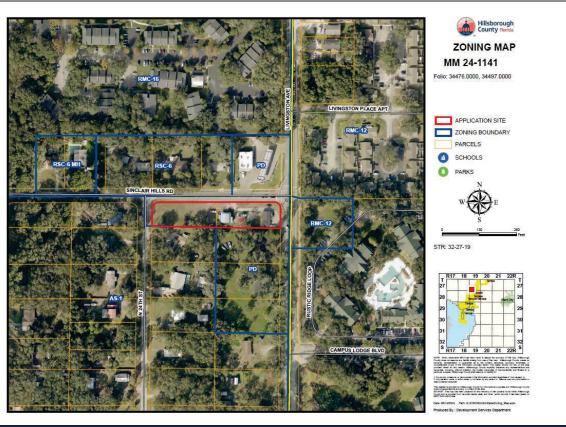
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

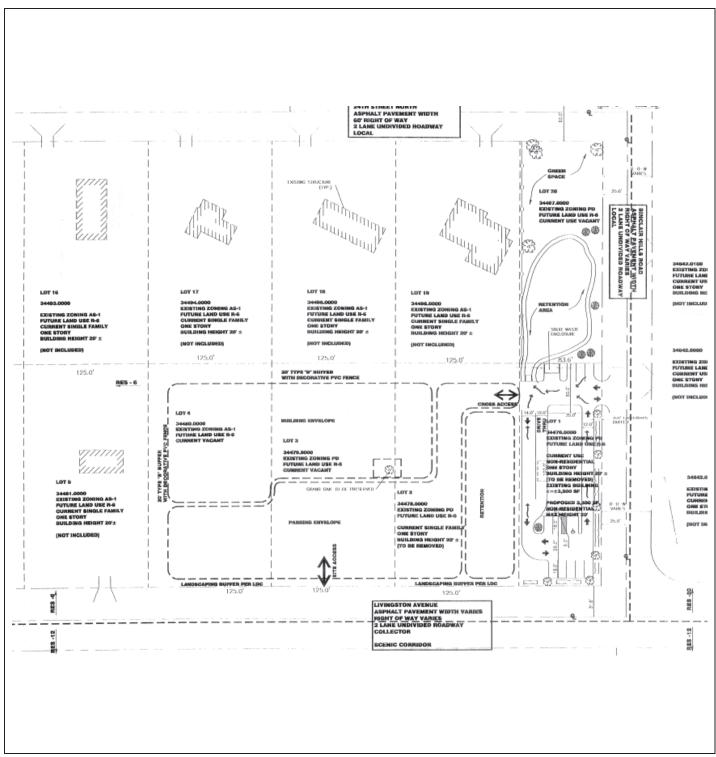
## 2.3 Immediate Area Map



Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RSC-6, PD 79-0092	RSC-6: 6 du/ga, PD: 0.27 F.A.R.	RSC-6: Single- Family Residential, PD: Gas Station Convenience Store	RSC-6: Single-Family Residential, PD: Gas Station Convenience Store
South	AS-1, PD 06- 1564	AS-1: 1 du/ga, PD: 0.18 F.A.R.	AS-1: Single-Family Residential, PD: Commercial	AS-1 & PD: Single- Family Residential
East	RMC-12	12 du/ga	Multi-Family Residential	Multi-Family Residential
West	AS-1	1 du/ga	Single-Family Residential	Single-Family Residential

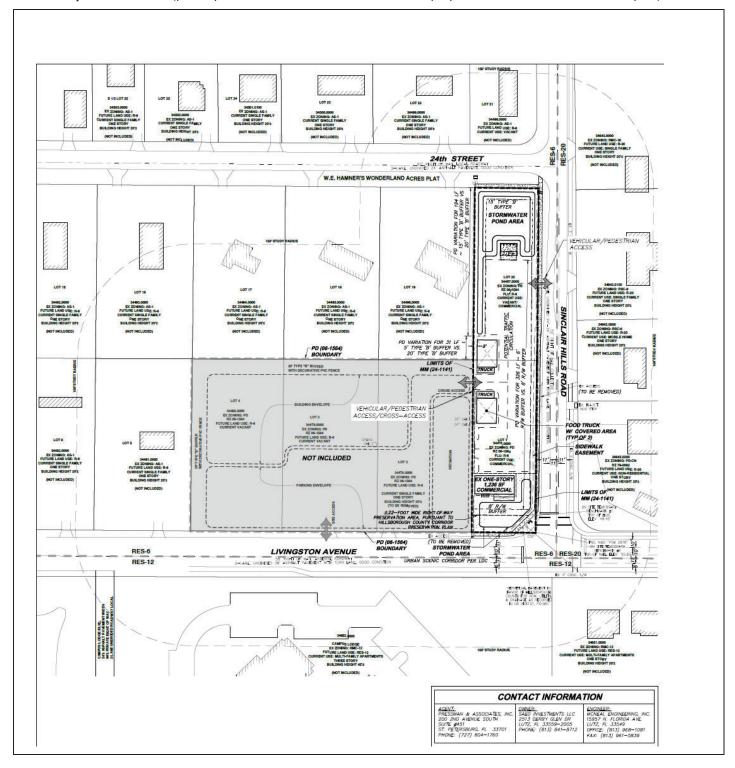
## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



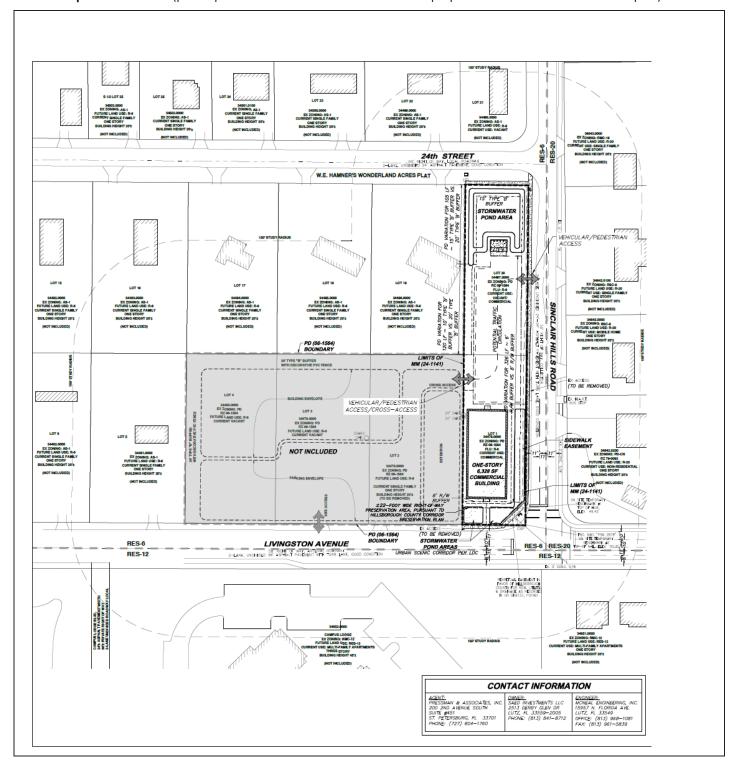
## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



Case Reviewer: Chris Grandlienard, AICP

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



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# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)				
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements	
Livingston Ave.	County Arterial - Rural	2 Lanes  ⊠ Substandard Road  □ Sufficient ROW Width	<ul> <li>☑ Corridor Preservation Plan</li> <li>☐ Site Access Improvements</li> <li>☐ Substandard Road Improvements</li> <li>☒ Other - TBD</li> </ul>	
Sinclair Hills Rd.	County Collector - Rural	2 Lanes  ⊠ Substandard Road  □ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>□ Site Access Improvements</li> <li>□ Substandard Road Improvements</li> <li>☑ Other - TBD</li> </ul>	
	Choose an item.	Choose an item. Lanes  ☐ Substandard Road ☐ Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other	
	Choose an item.	Choose an item. Lanes  □Substandard Road  □Sufficient ROW Width	<ul><li>☐ Corridor Preservation Plan</li><li>☐ Site Access Improvements</li><li>☐ Substandard Road Improvements</li><li>☐ Other</li></ul>	

Project Trip Generation ☐ Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,638	93	154
Proposed	6,242	478	442
Difference (+/-)	(+) 4,604	(+) 385	(+) 288

<sup>\*</sup>Trips reported are based on gross external trips unless otherwise noted.

Connectivity and Cross Access  \Bigcup Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	Х	Pedestrian & Vehicular	None	Does Not Meet LDC
South		None	None	Meets LDC
East	Х	Pedestrian & Vehicular	None	Meets LDC
West		None	None	Meets LDC
Notes: Access spacing Administrative Variance needed for Sinclair Hills Rd. access.				

<b>Design Exception/Administrative Variance</b> □ Not applicable for this request		
Road Name/Nature of Request	Туре	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.

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Notes: Administrative Variances were previously submitted for the initial iteration of the project. The current iteration of request modifies proposed uses (and significantly intensifies maximum trip generation of the project). As such, revised requests were needed (or the issues dealt with in another manner); however, none were submitted by the applicant.

## 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes ☑ No	No Wetlands Present
Environmental Services	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes 図 No	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes ⊠ No	
Natural Resources	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No	Natural Resources does not object to the vehicular use buffer reduction request.
Check if Applicable:	☐ Potable V	Vater Wellfield Pro	tection Area	
☐ Wetlands/Other Surface Waters	☐ Coastal H	igh Hazard Area		
☐ Wellhead Protection Area	⊠ Urban/Su	burban/Rural Scer	nic Corridor	
☐ Surface Water Resource Protection Area	$\square$ Other:			
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation  ☐ Design Exc./Adm. Variance Requested ☐ Off-site Improvements Provided	⊠ Yes □ No	⊠ Yes □ No	□ Yes ⊠ No	
Service Area/ Water & Wastewater  ⊠Urban ☑ City of Tampa  □Rural □ City of Temple Terrace	⊠ Yes □ No	☐ Yes ☑ No	☐ Yes ☑ No	
Hillsborough County School Board  Adequate □ K-5 □6-8 □9-12 ⊠ N/A  Inadequate □ K-5 □6-8 □9-12 ⊠ N/A	☐ Yes ⊠ No	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees (Various use types allowed. Estimates are a sample of potential development) Retail - Shopping Center Discount Store, Free standing (Per 1,000 s.f.) (Per 1,000 s.f.) Mobility: \$13,562.00 Mobility: \$13,530.00 Fire: \$313.00 Fire: \$313.00				
Home Improvement Gen Office (Per 1,000 s.f.) (Per 1,000 s.f.) Mobility: \$8,242.00 Mobility: \$8,330 Fire: \$158.00	6.00	Mini-Wareho (Per 1,000 s. Mobility: \$77 Fire: \$32.00	f.)	

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Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
☐ Meets Locational Criteria ☐ N/A	⊠ Yes		□ Yes	See Planning
☐ Locational Criteria Waiver Requested	□ No	☐ Consistent	⊠ No	Commission Report
☐ Minimum Density Met				

#### **5.0 IMPLEMENTATION RECOMMENDATIONS**

## 5.1 Compatibility

This application consists of two parcels totaling .90 acres that are zoned PD 06-1564 to allow a 3,500 square-foot dry cleaners along with a retention area. The applicant requests a modification of the use to allow two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions. The proposed commercial uses for both options include all CG and CN uses, except the following excluded uses for both options: any/all vehicular sales or rentals, adult uses, convenience stores with gas pumps, neighborhood, minor, or major vehicle service and/or repair, bank/credit union, billiard and pool parlors, bars, taverns, or night clubs, marijuana dispensary, gun stores, liquor stores, service stations, vehicle parts sales, bus terminal, banquet and reception halls, car wash facilities, gasoline sales and service, wedding chapel, public, private, or charter schools, church/synagogue, hotels and motels, and public parks. The remaining three parcels of PD 06-1564 will have no changes to their entitlements.

The property comprised of two parcels is generally located at the southwest corner of Livingston Avenue and Sinclair Hills Road. The property is in the Urban Service Area and is not within the limits of any community plan. The surrounding area is predominantly a mixture of single-family and multi-family residential and commercial. To the north across Sinclair Hills Road is single-family residential and a gas station with convenience store. Adjacent to the south is single-family residential. To the east across Livingston Avenue is multi-family residential. To the west across North 24th Street is single-family residential. The subject property is designated Residential-6 (RES-6) on the Future Land Use map. The Planning Commission finds the proposed use inconsistent with the Comprehensive Plan.

The proposed modification in option 1 would allow 2 food trucks within close proximity to residential. In addition, the applicant has requested a variation that would reduce the 20-foot-wide required buffer next to a food truck to the west to a 5-foot-wide buffer and a 15-foot-wide buffer. These proposed reduced buffers are directly adjacent to a single-family residence zoned AS-1 to the south. The variation requested in option 2 also reduces the 20-foot-wide required buffer to the south residential to a 10-foot-wide buffer and 15-foot-wide buffer. This would not provide adequate buffering of possible noise and disruptions from the business to residential.

The modification from a 3,500 square-foot dry cleaners use to two options, 1) 2 food trucks and a 1,236-sf commercial building with use exclusions. 2) Maximum of 6,328 sf commercial building with the same use exclusions would not be consistent with the existing residential zoning pattern of the area.

#### 5.2 Recommendation

Based on the above considerations, staff finds the request NOT supportable.

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**Zoning Administrator Sign Off:** 

J. Brian Grady

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.

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# **6.0 PROPOSED CONDITIONS**

n/a

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#### 7.0 ADDITIONAL INFORMATION

The applicant has requested six PD Variations to LDC Section 6.06.06., three for each option.

#### Option 1

- 1. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements within proximity of the food truck to the south to allow a 5-foot-wide buffer with Type B screening that is 31 length feet.
- 2. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements for the remaining length of the property line to the south to allow a 15-foot-wide buffer with Type B screening that is 194 length feet.
- 3. According to LDC Section 6.06.06, an 8-foot-wide right of way buffer is required to the north property line towards Sinclair Hills Road. The applicant is requesting a variation from these requirements to allow a 6-foot-wide right of way buffer towards Sinclair Hills Road to the north that is 242 length feet.

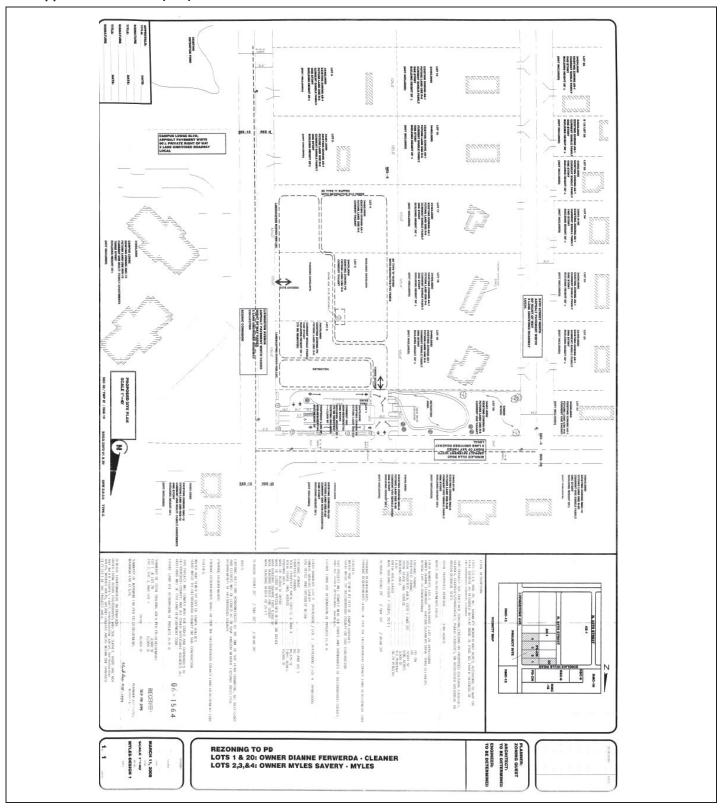
# Option 2

- 4. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements to allow a 10-foot-wide buffer to the south with Type B screening that is 120 length feet.
- 5. According to LDC Section 6.06.06, a 20-foot-wide buffer with Type B screening is required along the south property line where abutting the AS-1 zoned residential to the south. The applicant is requesting a variation from these requirements to allow a 15-foot-wide buffer to the south with Type B screening that is 105 length feet.
- 6. According to LDC Section 6.06.06, an 8-foot-wide right of way buffer is required to the north property line towards Sinclair Hills Road. The applicant is requesting a variation from these requirements to allow a 6-foot-wide right of way buffer towards Sinclair Hills Road to the north that is 242 length feet.

Staff opposes these LDC Section 6.06.06 PD variation requests, as they would not provide sufficient buffering to protect residential areas from potential noise and disruptions caused by the commercial activities. However, Natural Resources does not object to the vehicular use area PD variations.

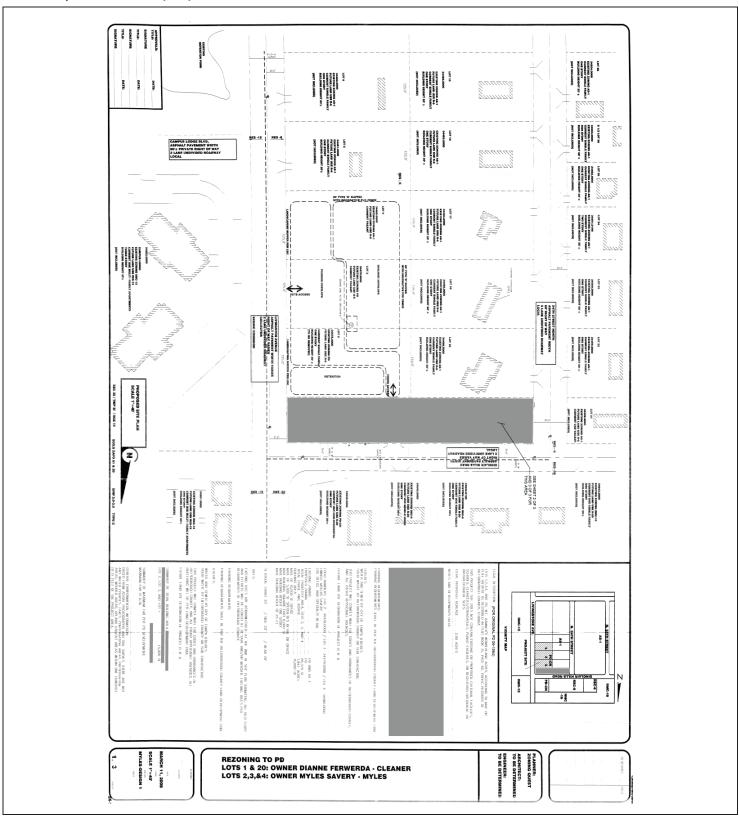
# 8.0 SITE PLANS (FULL)

# 8.1 Approved Site Plans (Full)



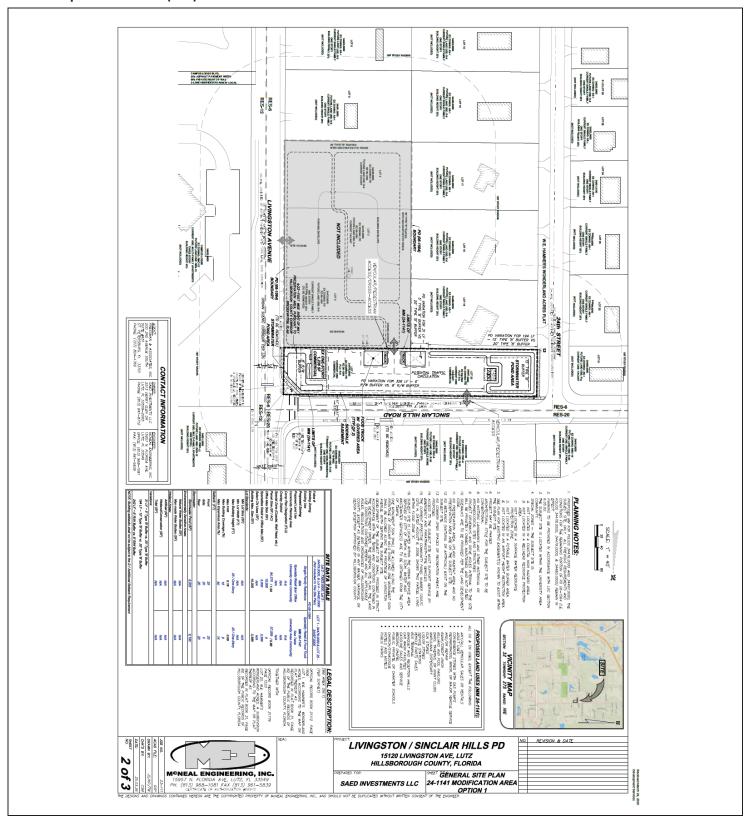
# 8.0 SITE PLANS (FULL)

# 8.2.1 Proposed Site Plan (Full)



# 8.0 SITE PLANS (FULL)

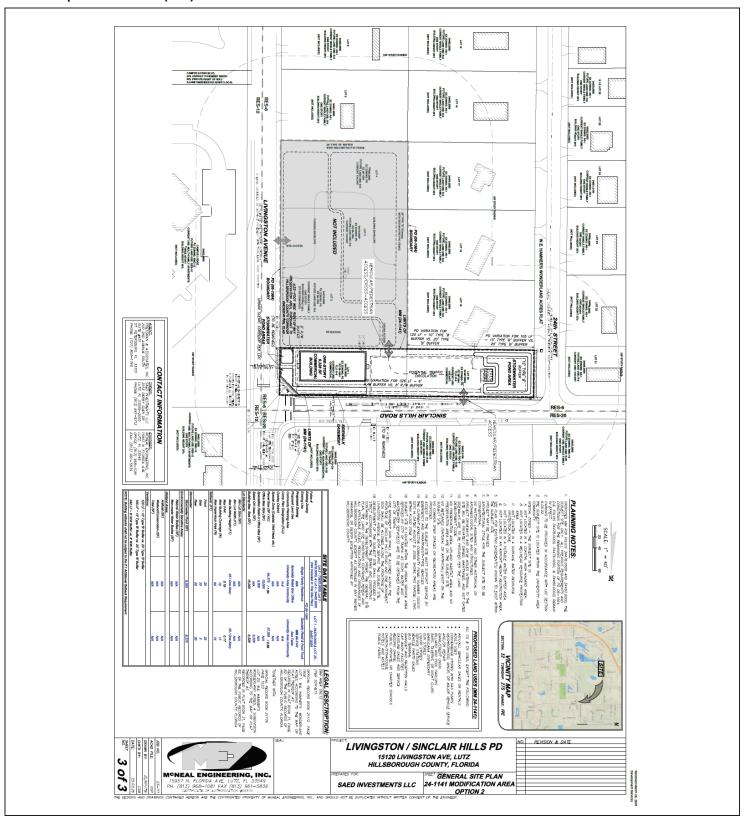
# 8.2.2 Proposed Site Plan (Full)



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## 8.0 SITE PLANS (FULL)

# 8.2.3 Proposed Site Plan (Full)



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## 9.0 FULL TRANSPORTATION REPORT (see following pages)

#### AGENCY REVIEW COMMENT SHEET

TO: Z	Zoning Technician, Development Services Department	DATE: 02/12/2025 Revised: 4/4/2025	
REVI	EWER: James Ratliff, AICP, PTP, Principal Planner	AGENCY/DEPT: Transportation	
PLANNING AREA: USF		PETITION NO: MM 24-1141	
	This agency has no comments.		
This agency has no objection.			
This agency has no objection, subject to the listed or attached conditions.			
X	This agency objects for the reasons set forth below.		
	This agency has no objection.  This agency has no objection, subject to the listed or attached	1 conditions.	

#### RATIONALE FOR OBJECTION

- The applicant attended the February ZHM hearing and attempted to change the land uses proposed while the hearing. The applicant was informed that they were unable to do so due to procedural issues.
- 2. On 2/18/25 at 8:58 p.m. staff emailed the applicant stating "At tonight's hearing you continued the proposed rezoning with the intention of changing the proposed uses to add back some very trip intensive uses. I strongly recommend that you contact Eleonor de Leon to schedule a meeting with Chris McNeal, Mike Williams and myself for as soon as possible. You will have to amend your narrative, PD site plan and proposed Administrative Variances at a minimum. We also need to discuss whether the additional intensity is appropriate from a transportation perspective in the location, and we need to discuss how you are going to provide the turn lanes that are likely going to be triggered with the additional intensity and evaluate whether there is sufficient room accommodate additional right-of-way for turn lanes, queuing, and whether that has any impact on whether additional substandard road improvements may be appropriate given the additional traffic volume.

I think it's only a one-month continuance you requested, and so I would point out you have very little time to pull a revised application together for a resubmittal by the revised plan deadline for that hearing cycle (including new findings for Administrative Variances and/or Design Exceptions), and so suggest you reach out to schedule the meeting ASAP."

- Staff held a meeting with the applicant on 2/28/2025 at 1:00 pm to discuss the above concerns, as well as changes to the AVs which would be needed. As of the date of the writing of this report, no responsive revisions have been received.
- 4. On April 4, 2025, the County Engineer withdrew the previously issued findings of approvability, given outstanding concerns regarding the project and that the proposed zoning was modified such that the proposed uses in the originally submitted AVs no longer match what is being proposed in the PD zoning.
- Given the above, the originally filed AVs are out of order for consideration and cannot be considered as a part of this zoning review.
- As currently designed, the project does not meet access spacing and substandard road requirements. With respect to the substandard roadway, the applicant is required to either propose to improve the public roadway network, between Sinclair Hills Rd. and the nearest

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roadway meeting an applicable standard, seek a Section 6.04.02.B. Administrative Variance if it believes no improvements are necessary, or a Design Exception if it proposes some improvement (but to a standard less than the full requirements of the applicable Typical Section). With respect to access connection spacing, the applicant is required to redesign the project such that it complies with minimum standards or otherwise obtain a Sec. 6.04.02.B. Administrative Variance. No such documents or revised analyses have been submitted for this modified zoning request.

- 7. Staff has concerns regarding the trip impacts of the additional proposed uses, some of which are incredibly trip intensive. Staff notes that the February ZHM proposal (which staff supported) would increase the maximum trip generation potential as follows: average daily trips by 51.59%, a.m. peak hour trips by 7.53%, and p.m. peak hour trips by 31.82% (versus the existing approved zoning). This modified proposal (which staff does not support) would increase the maximum trip generation potential as follows: average daily trips by 281.07%, a.m. peak hour trips by 413.98%, and p.m. peak hour trips by 187.01% (versus the existing approved zoning).
- 8. It has not been demonstrated that further intensification is appropriate, that surrounding infrastructure can accommodate the Sec. 6.04.04.D. auxiliary turn lanes in the lengths necessary to accommodate such intensive uses, or that the uses can operate in a safe and effective manner given potential queue spillback issues from the adjacent Sinclair Hills Rd. and Livingston Ave. intersection.
- 9. Given the above, staff recommends denial of the proposed modification.

# PROJECT SUMMARY AND TRIP GENERATION ANALYSIS

The applicant is requesting a Major Modification (MM) to a portion of an existing Planned Development (PD) #06-1564. The MM area consists of two parcels, totaling +/- 0.9 ac. The existing PD currently has approval for the following entitlements:

- The project shall be limited to a 3,500 square-foot dry cleaners, a maximum of 10,000 square
  feet of BPO uses, and a maximum of 5,000 square feet of CN uses in accordance with the
  conditions centained herein. Unless otherwise specified herein, the project shall be developed
  in accordance with CN zoning district standards.
  - 1.1 A maximum of 12,000 square feet of the total development may be medical office
- The dry cleaners shall be located within the northeast pertion of the site as shown on the plan.
   The land area to the west of the dry cleaners shall be reserved for retention areas and/or open space.
- The following uses shall not be permitted within the land area located to the south of the dry
  cleaners:

Fast food restaurants
Vehicle sales/rental/ and/or service and/or the sale of vehicle parts
Convenience Stores (with or without gasoline sales)
Stand alone banking establishments
Drive-freezin facilities associated with any type of use
Billiard and pool parless
Bars/tavans or nightelube
Gaus stores
Stand alone gas stations

- 4. The following conditions shall apply to all development located to the south of the dry cleaners:
  - 4.1 Free-standing CN uses shall be limited to a maximum of 3,000 square feet. The remaining 2,000 square feet must be located within a building with a minimum of 40% of its floor area containing BPO uses.
  - 4.2 Retail uses shall not be permitted within the southernmost building.
  - 4.3 Maximum building size shall be 6,000 square feet and maximum building height shall be 25 feet.
  - 4.4 Buildings shall have a residential appearance and pitched roof lines.
  - 4.5 Screening Standard B shall be provided along the western and southern project boundary to include a solid PVC fence, six feet in height with the finished side out.
  - 4.6 Hours of operation shall be from 6:00am to 10:00pm.

The portion of the site, which is currently in the PD modification process, hereafter referred to as the "subject area", is approved for a 3,500 s.f. dry-cleaning establishment. The applicant is seeking to allow

two options within the subject area. The commercial component of both allows all Commercial General (CG) and Commercial Neighborhood (CN) uses except for the below list of excluded uses. These are collectively referred to as "Limited Commercial Uses" for the purposes of this report.

#### PROPOSED LAND USES (MM 24-1141):

ALL CG & CN USES, EXCEPT THE FOLLOWING

- ANY/ALL VEHICULAR SALES OR RENTALS ADULT USES
- ADULT USES
  CONVENIENCE STORES WITH GAS PUMPS
  CONVENIENCE STORES WITH GAS PUMPS
  MEGHBORHOOD, MINOR, OR MANJOR WEHGLE SERVICE
  AND/OR REPAIR
  BANK/CREDIT UNION
  BULLIARD AND POLD PARLORS
  BANK/CREDIT UNION
  BULLIARD AND POLD PARLORS
  BURNEY AMERICAN
  CON STORES
  GUN STORES

- BUS TERMINAL BANDLET AND RECEPTION HALLS CAR WASH FACULTIES GASCINE SALES AND SERVICE WEDDING CHAPEL PUBLIC, PRIVATE, OR CHARTER SCHOOLS DIVIDENT SERVICES.

The first option would allow 1,240 s.f. of Limited Commercial Uses, and two (2) food trucks. The second option would allow 6,328 s.f. of Limited Commercial Uses.

The applicant provided a trip generation analysis as required by the Development Review Procedures Manual (DRPM). Given the broad range of allowable uses within the CG and CN district, and considering the list of excluded uses above, the applicant utilized the Insitute of Transportation Engineer's (ITE's) Land Use Code (LUC) 814, Variety Store, to estimate trip impacts from potential uses onsite. The food truck uses were analized using LUC 926, Food Cart Pod. In the second option, despite identical land uses, the applicant analyzed ITE LUC 720, Medical/Dental Office, as a worst-case scneario. Staff notes that the these analysis presented by the applicant does not adequatly analyse worstcase impacts. For example, Microbreweries generate 11.36 peak hour trips per 1,000 g.s.f. and Specialty Food Stores/Food Product Stores: Bakery, Candies & Nuts, Dairy, Delicatessens, Meat Seafood and Produce/ Supermarket/ Grocery Stores generate 8.95 peak hour trips per 1,000 g.s.f. vs. the 3.93 peak hour trips per 1,000 g.s.f. (for Health Practicioner's Office uses) and 6.7 peak hour trips per 1,000 s.f. (for Variety Store) assumed by the applicant as the worst case. Similar LUC issues were present for the existing approved portion of the PD which are not a subjet of this modification request. Additionally, the total project square-footages analyzed did not match the proposed uses. The applicant used this analysis to seek a waiver of the trip generation and site access analysis.

Staff does not support such request; however, given recent policy changes which provide more flexibility in what is able to be analyzed at the plat/site/construction plan phase, staff was willing to move the project forward with a condition which requires a trip generation and site access analysis be prepared by the developer prior to or concurrent with redevelopment of the subject area; however, the proposed revisions to the applicant result in signficantly higher trip generation that are unlikely be be safetly or efficitly accomcoated given adjacent roadway and geometry and access placment, and as such requested study waiver is not supported for the project as proposed.

It is important that future studies accurately analyze both the existing and proposed entitelments, since cross-connectivity requirements between the two portions of the PD will allow trips from both areas to impact project access location on each road. Staff notes that certain increments of development may not trigger a turn lane with an initial phase, but could with a subsequent phase (and so an accurate analysis is needed to identify whether turn lanes could be triggered in a later phase, and therefore right-of-way must be set asside for future use).

Staff has prepared a comparison of the potential number of peak hour trips generated under the existing and proposed uses if the subject modification is approved. Staff notes that the second option represents the worst-case scenario.

# Existing Uses:

Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06- 1564 (ITE Code 882)	1,056	52	94
PD, 3,500 s.f. Dry Cleaner (ITE Code 814)	222	11	23
Total:	1,638	93	154

Case Reviewer: Chris Grandlienard, AICP

## Proposed Uses (Worst-case Scenario, Option 2, February ZHM Submittal):

Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06- 1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 850/975)	1,067	18	72
Total:	2,483	100	203

## Difference (Worst-case Scenario, Option 2, February ZHM Submittal):

24 Hour Two-		Total Peak Hour Trips	
way volume	AM	PM	
(+) 845	(+) 7	(+) 49	
	Way Volume	Way Volume Hour AM	

# Proposed Uses (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
The state of the s	Way Volume	AM	PM
PD, 10,000 s.f. BPO Uses (ITE Code 720)	360	30	37
PD, 5,000 s.f. Limited Commercial Uses – See 06- 1564 (ITE Code 882)	1,056	52	94
PD, 6,328 s.f. Limited Commercial Uses – See Proposed Request 24-1141 (ITE Code 851)	4,826	396	311
Total:	6,242	478	442

# Difference (Worst-case Scenario, Option 2, April ZHM Submittal):

Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
Total:	(+) 4,604	(+) 385	(+) 288

BOCC LUM MEETING DATE: June 10, 2025 Case Reviewer: Chris Grandlienard, AICP

#### TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Sinclair Hills Rd. is a 2-lane, publicly maintained, undivided, substandard, rural collector roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 52-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide sidewalks located along the north side of Sinclair Hills Rd. in the vicinity of the proposed project.

Livingston Ave. is a 2-lane, publicly maintained, undivided, substandard, rural arterial roadway. The roadway is characterized by +/- 10-foot-wide travel lanes in average condition. The roadway lies within a +/- 58-foot-wide right-of-way along the project's frontage. There are no bicycle facilities along the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide to +/- 5-foot-wide sidewalks located along portions of the east and west sides of Livingston Ave. in the vicinity of the proposed project.

Livingston Ave. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway along the project's frontage. The amount of right-of-way needed for a future 4-lane urban roadway is 110 feet, pursuant to Typical Section – 4 (TS-4) as found within the Hillsborough County Transportation Technical Manual (TTM). Given the existing right-of-way is 58 feet along the project frontage, per the LDC the developer is required to preserve one-half of the needed right-of-way along the project's frontage (i.e. the developer must preserve up to 26 feet of right-of-way).

#### SITE ACCESS CONSIDERATIONS

The PD is currently served by two access connections. The existing PD required removal of an existing Livingston Ave. driveway (which is not proposed to change), resulting in one (1) access to Livingston Ave. from that portion of the PD which is not the subject of this modification. The existing PD also permitted one (1) access to Sinclair Hills Rd., in a location slightly different than the existing access serving the site. The applicant proposing to shift this project access from aligning with the folio 34642.0000 driveway, to instead align with the driveway serving folio 34642.0100. This shift is necessary due to the presence of an eastbound to northbound left turn lane which serves the intersection of Livingston Ave. and Sinclair Hills Rd., as well as the volume of traffic which is anticipated to queue back from the intersection.

Since the applicant did not conduct an accurate trip generation and site access analysis, a determination of turn lanes was not possible.

#### ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway sections is reported below. Sinclair Hills Rd. was not included in the LOS report. As such, no data for this facility could be provided.

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
Livingston Ave.	Sinclair Hills Rd.	Vandervort Rd.	D	F
Livingston Ave.	Bearss Rd.	Sinclair Hills Rd.	E	F

Source: Hillsborough County 2020 Level of Service Report.



Plan Hillsborough planhillsborough.org planner@plancom.org 813 - 272 - 5940 601 E Kennedy Blvd 18<sup>th</sup> floor Tampa, FL, 33602

Unincorporated Hillsborough County Rezoning Consistency Review			
Hearing Date: April 15, 2025	Case Number: MM 24-1141		
Report Prepared: April 4, 2025	Folio(s): 34497.0000 & 34476.0000		
	<b>General Location</b> : South of Sinclair Hills Road, east of North 24 <sup>th</sup> Street and west of Livingston Avenue		
Comprehensive Plan Finding	INCONSISTENT		
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)		
Service Area	Urban		
Community Plan(s)	N/A		
Rezoning Request	Major Modification (MM) to allow either two food trucks and a 1,236 square feet commercial building or a maximum of a 6,328 square feet commercial building, both with commercial use exclusions		
Parcel Size	0.89 ± acres		
Street Functional Classification	Sinclair Hills Road – <b>County Collector</b> North 24 <sup>th</sup> Street – <b>Local</b> Livingston Avenue – <b>County Arterial</b>		
Commercial Locational Criteria	Does not meet; waiver request submitted		

Evacuation Area	N/A
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Table 1: COMPARISON OF SURROUNDING PROPERTIES			
Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-6	PD	Light Commercial + Vacant Land
North	Residential-20	PD + RSC-6 + RMC- 16	Single Family Residential + Light Commercial + Multi- Family Residential
South	Residential-6	PD + AS-1	Single Family Residential + Vacant Land
East	Residential-12	RMC-12	Multi-Family Residential
West	Residential-6	AS-1	Single Family Residential

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

The 0.89 ± acre subject site is located south of Sinclair Hills Road, east of North 24<sup>th</sup> Street and west of Livingston Avenue. The site is in the Urban Service Area and not within the limits of any Community Plan. The applicant is requesting a Major Modification (MM) to Planned Development (PD) 06-1564 to allow either two food trucks and a 1,236 square feet commercial building or a maximum of a 6,328 square feet commercial building, both with commercial use exclusions. According to the revised request, which was uploaded into Optix on March 2, 2025, the applicant is removing part of the existing and approved Planned Development for the proposed Modification. The following three folios of the original PD (34478.0000, 34479.0000 and 34480.0000) remain intact and are not a part of this request.

The site is 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. Policy 1.4 requires all new development to be compatible with the surrounding area, noting that "compatibility does not mean "the same as" Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The subject site currently has vacant land and light commercial uses. While there is a light commercial use to the north across Sinclair Hills Road, single-family uses surround the subject site on all sides. Multi-family uses are to the east across Livingston Avenue and to the north across Sinclair Hills Road. The proposal would not be consistent with FLUE Objective 1 and FLUE Policy 1.4.

FLUE Objective 7, FLUE Objective 8 and each of their respective policies establish the Future Land Use Map (FLUM) as well as the allowable range of uses for each Future Land Use category. The character of each land use category is defined by building type, residential density, functional use and the physical composition of the land. The integration of these factors set the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive but are intended to be illustrative of the character of uses within the land use designation. Appendix A contains a description of the character and intent permitted in each of the Future Land use categories. The site is in the Residential-6 (RES-6) Future Land Use category. The RES-6 Future Land Use category allows for the consideration of residential, suburban scale neighborhood commercial, office uses, multipurpose projects and mixed-use development. Non-residential uses are required to meet Commercial Locational Criteria.

The Comprehensive Plan requires that all development meet or exceed the land development regulations in Hillsborough County (FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2). However, at the time of uploading this report, Transportation comments were not yet available in Optix and thus were not taken into consideration for analysis of this request.

The proposal does not meet the intent of FLUE Objective 16 and its accompanying policies 16.2 and 16.5 that require new development to be compatible to the surrounding neighborhood. Goal 12 and Objective 12-1 of the Community Design Component (CDC) of the FLUE require new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is comprised mostly of residential developments. Single family uses are directly south, to the west across North 24<sup>th</sup> Street and to the north across Sinclair Hills Road. Multi-family uses are also to the north and to the east across Livingston Avenue. The proposed request does not align with the residential character of the surrounding area and presents significant compatibility concerns, which is inconsistent with FLUE Objective 16 and its accompanying policies related to neighborhood protection.

FLUE Policy 16.2 states that 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. There should be a gradual transition of intensities between the different land uses given the residential uses around the subject site. FLUE Policy 16.5 directs development of higher intensity non-residential land uses to be restricted to locations external to established and developing neighborhoods. The Major Modification would cause development that is not compatible with the surrounding area, rendering the request inconsistent with this adopted policy direction.

The subject site does not meet Commercial Locational Criteria (CLC). According to FLUE Policy 22.2, a site in the RES-6 Future Land Use category must be within 300 feet of a qualifying intersection that includes a two-lane roadway. The closest qualifying intersection to the subject site is Livingston, a two-lane County Arterial roadway and Bearss Avenue, a two-lane County Arterial roadway. The distance from the subject site and the closest qualifying intersection is roughly 3,900 feet as opposed to the required 300 feet, and therefore the site does not meet CLC. FLUE Policy 22.7 notes that meeting Commercial Locational Criteria is not the only factor to be taken into consideration when granting approval for an application. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of affected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the

approval of the potential commercial use. Commercial Locational Criteria only designates locations that could be considered, and they in no way guarantee the approval of a particular non-residential use. The 300-feet measurement requirement demonstrates the scale of development expected for the Rural Area and the proposed MM would not be in scale with the area. This site is located approximately 3,900 feet away from the nearest major intersection with significant compatibility concerns and therefore is inconsistent with FLUE Objective 22 and its accompanying policies. In addition, per FLUE Policy 22.8, an applicant may submit a request to waive the CLC criteria. The applicant provided a CLC waiver for the proposal. However, staff has not determined any unique circumstances that would warrant a waiver to Commercial Locational Criteria. Planning Commission recommends that the Board of County Commissioners deny the waiver request based upon this information.

Overall, staff finds that the proposed Major Modification is not compatible with the existing development pattern found within the surrounding area and does not meet Commercial Locational Criteria. The proposed Major Modification would allow for development that is not consistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

#### Recommendation

Based upon the above considerations and the following Goals, Objectives and Policies, Planning Commission staff finds the proposed Major Modification **INCONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.

Staff Identified Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* Related to the Request:

#### **FUTURE LAND USE ELEMENT**

#### **Urban Service Area**

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

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

## **Land Use Categories**

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

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

## **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 the 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 16.2:** 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.

**Policy 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

#### COMMERCIAL-LOCATIONAL CRITERIA

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

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

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

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

**Policy 22.7**: Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.

The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.

**Policy 22.8:** The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their

normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.

## **Community Design Component (CDC)**

## 5.0 NEIGHBORHOOD LEVEL DESIGN 5.1 COMPATIBILITY

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

**Policy 12-1.4:** Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

#### 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.

# HILLSBOROUGH COUNTY

**FUTURE LAND USE** RZ MM 24-1141

CONTINUED WITHDRAWN APPROVED DENIED

Tampa Service Area Urban Service Area County Boundary Shoreline

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/MINING-1/20 (.25 FAR) wam.NATURAL.LULC\_Wet\_Poly AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR) RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR) RESIDENTIAL-2 (.25 FAR)

RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-6 (.25 FAR) RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-16 (.35 FAR)

RESIDENTIAL-20 (.35 FAR)

RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) COMMUNITY MIXED USE-12 (.50 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR) REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR) OFFICE COMMERCIAL-20 (.75 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.75 FAR) LIGHT INDUSTRIAL (.75 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION CITRUS PARK VILLAGE



1,380

920

460

Map Printed from Rezoning System: 8/14/2024

Author: Beverly F. Daniels

Fle: G:/RezoningSystem\MapP

