

Rezoning Application: 23-0640
Zoning Hearing Master Date: September 18, 2023
BOCC Land Use Meeting Date: November 7, 2023

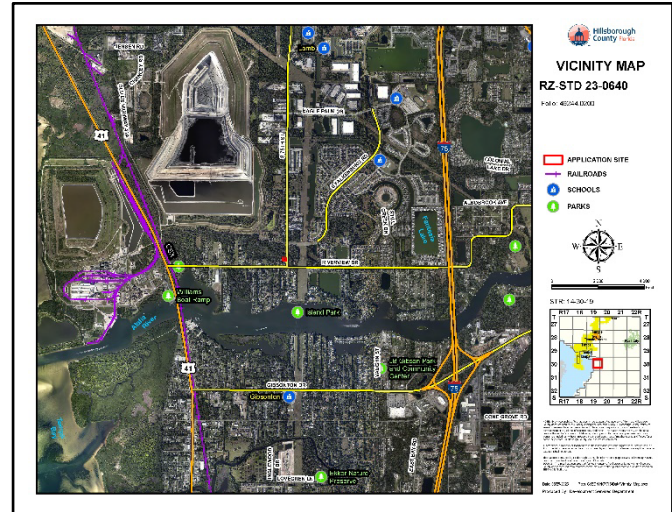


**Hillsborough
 County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Murina Godil
FLU Category: Residential -6 (Res-6)
Service Area: Urban
Site Acreage: 0.35 +/-
Community Plan Area: Riverview
Overlay: None
Request: Rezone from Business – Professional Office (BPO) to **Commercial General - Restricted (CG-R)**



Request Summary:

The request is to rezone from the existing **Business Professional Office (BPO)** zoning district to the proposed commercial General with Restrictions (CG-R) zoning district. The proposed zoning for CG permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 10,000 square feet (sq. ft). The applicant has proposed restrictions to certain commercial uses; and proposed additional buffering and screening the west property lines line to mitigate and enhance an appropriate transition between residential and commercial zoned parcels.

Zoning:

Uses	Current BPO Zoning	Proposed CG-R Zoning
	Office	Commercial General
Acreage	0.35+/- Acres (ac); 15, 246 square feet (sf)	0.35 +/- ac; 15,246 sf
Density / Intensity	0.20 Floor Area Ratio (FAR)	0.27 FAR
Mathematical Maximum*	3,049 sf	4,117 sf

Development Standards:

	Current BPO Zoning	Proposed CG-R Zoning
Density / Intensity	3,049 sf / 0.20 FAR	0.27 FAR
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	30' - Front (East) 20' Type B Buffering – Side (North) 0' – Side (South) 20' Type B Buffering – Rear (West)	30' - Front (East) 20' Type B Buffering – Side (North) 0' – Side (South) 20' Type B Buffering – Rear (West)
Height	50'	50'

Additional Information:

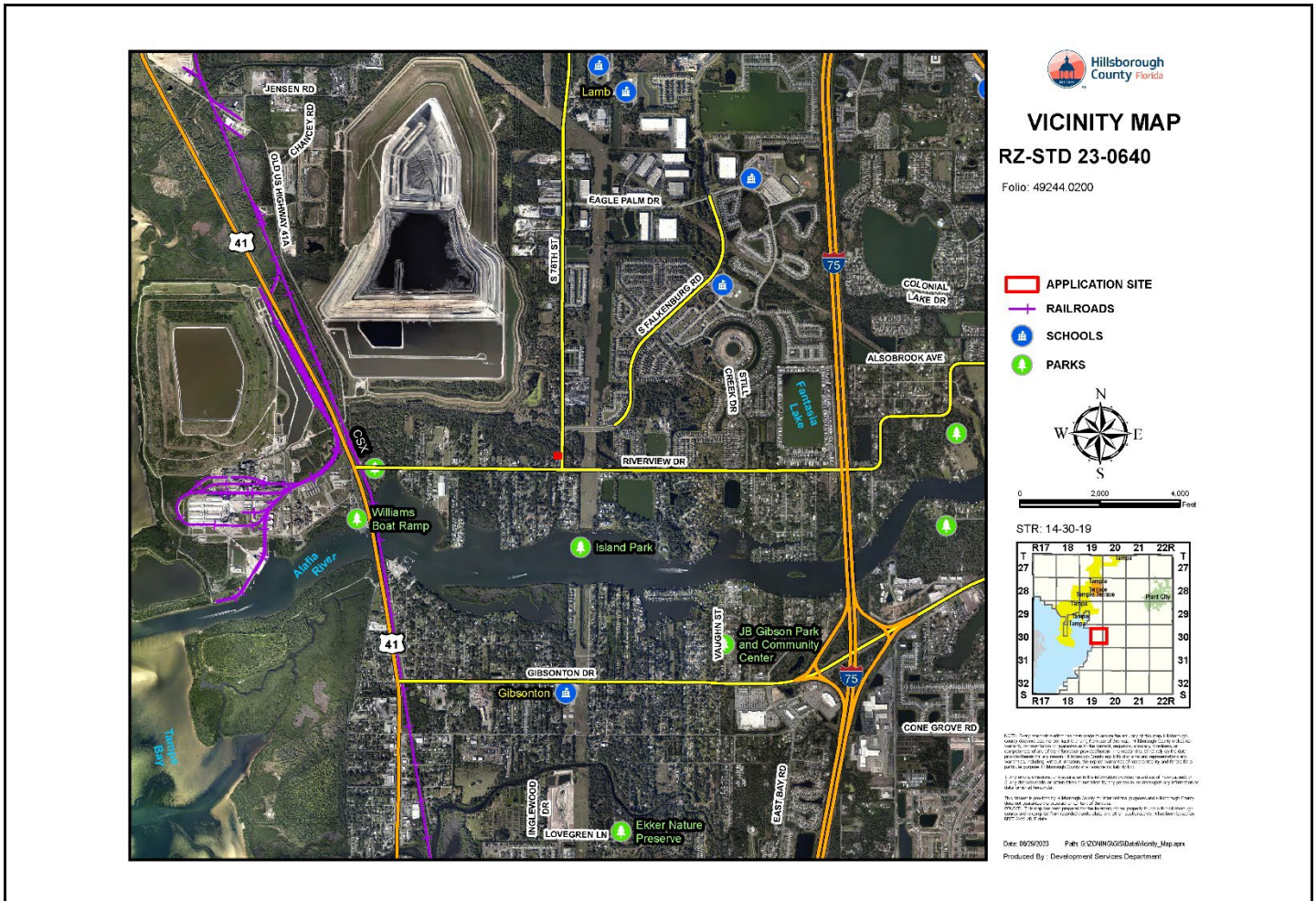
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:

Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

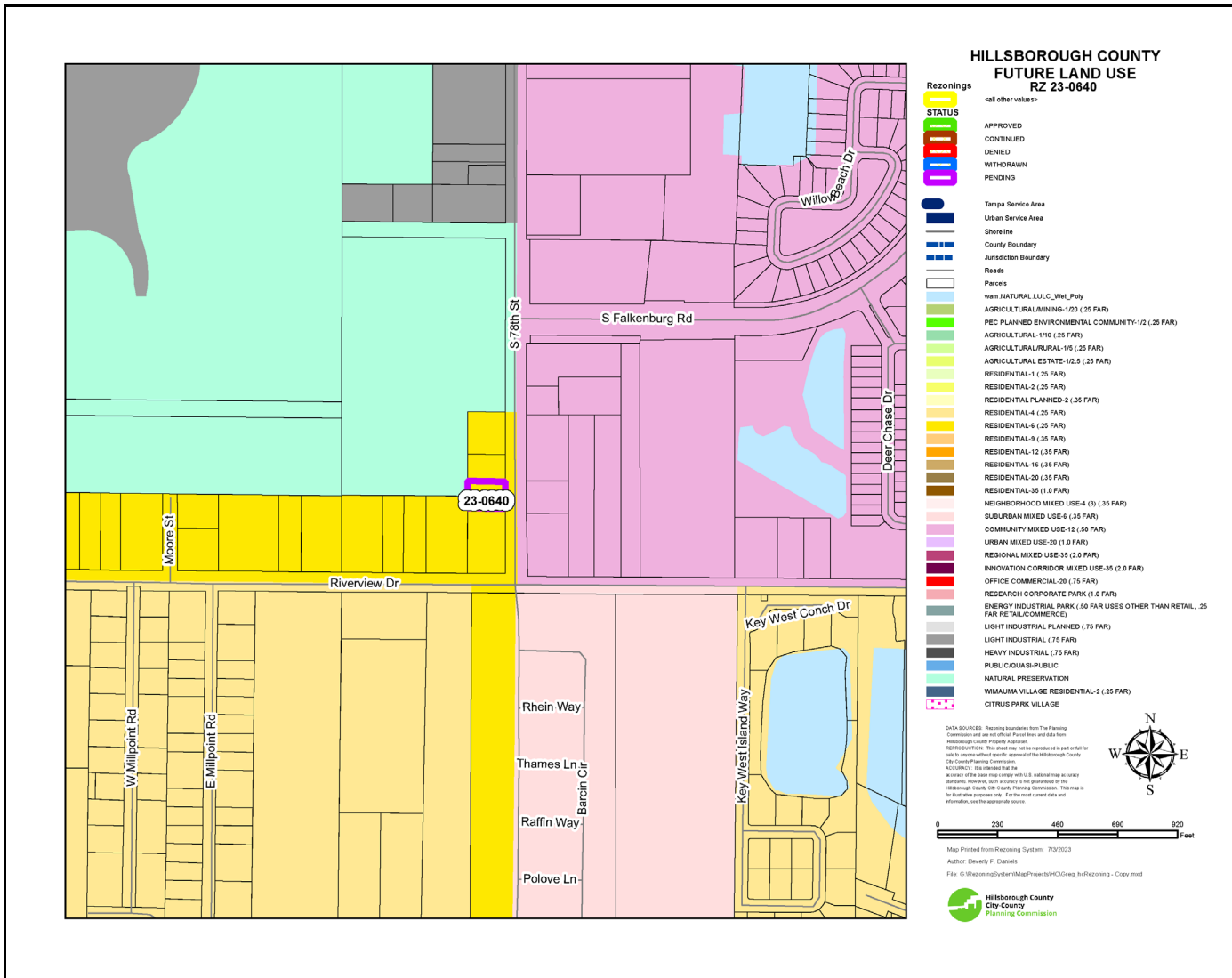


Context of Surrounding Area:

The site is located in an area comprised of mixed-uses, to include commercial general and commercial neighborhood and single-family residential uses with mobile home overlay. The surrounding uses include a single-family to the immediate north, PD 99-1153 (with industrial and mining type uses) to the north-west, Business professional Office and commercial to the south-west and south, and roadway to the east. The adjacent properties are zoned RSC-6 MH (to the north) PD 99-1153 (to the north-west, BPO (to the south-west), CG (to the south), and S. 78th Street (to the east).

2.0 LAND USE MAP SET AND SUMMARY DATA

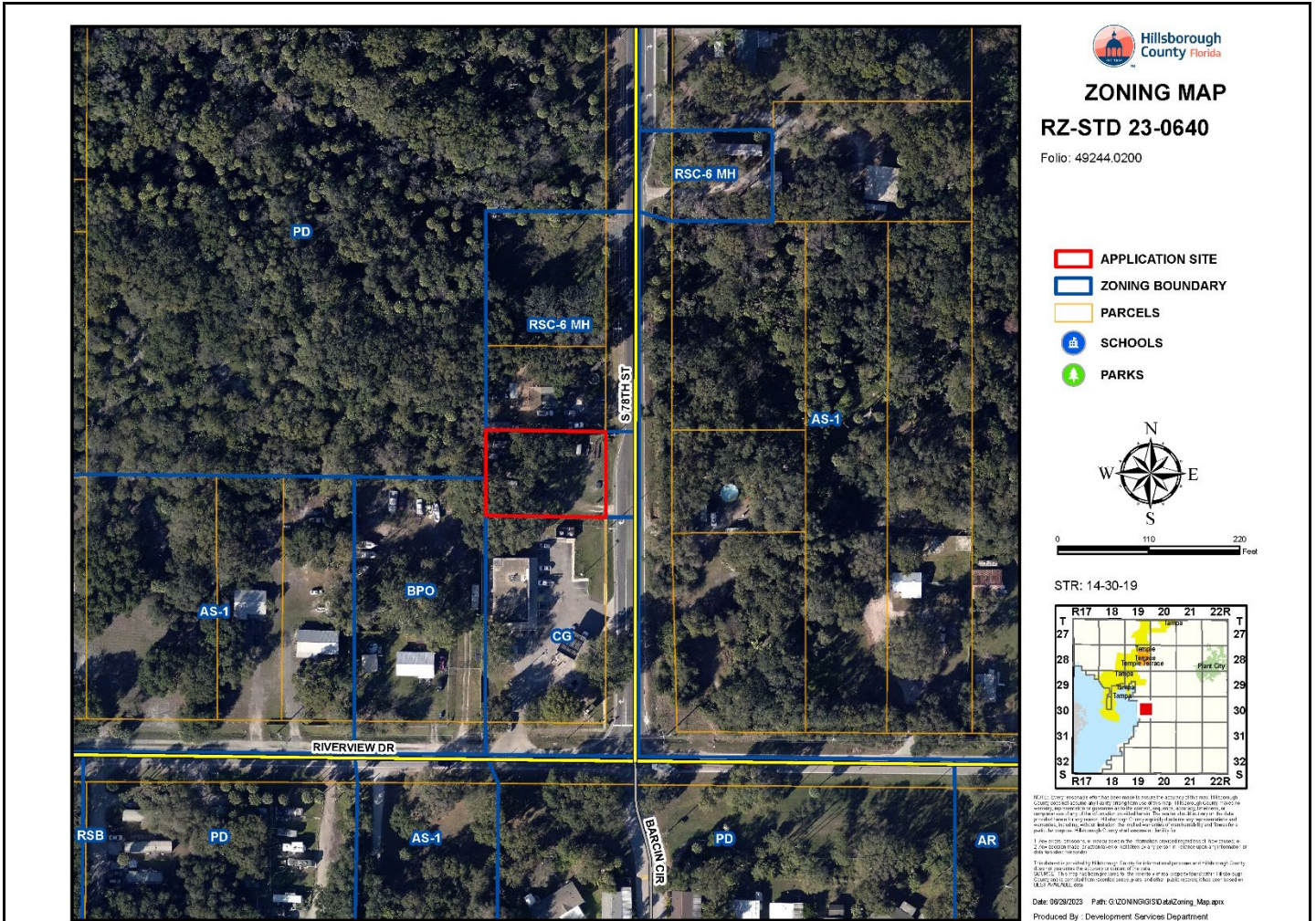
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 6 (Res-6)
Maximum Density/F.A.R.:	6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Nonresidential uses shall meet established locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

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 MH	1 du / 7,000 sq ft	Single-Family Residential (Conventional/Mobile Home)	Single Family Residential
South	CG	FAR 0.27	General Commercial, Office and Personal Services	Convenience Store
West	PD 99 -1153	FAR 0.27	Intensive Commercial, Office and Personal Services	Mosaic Fertilizer LLC
	BPO	FAR 0.20	Office	Office
East	Street	N/A	Street	S. 78 th Street

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

Not Applicable

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
S. 78 th Street	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	137	12	15
Proposed	1,716	165	127
Difference (+/-)	(+) 1, 579	(+) 153	(+) 112

*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:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	Review at time of development
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	This agency has no comments.
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 checked="" 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:	Objections	Conditions Requested	Additional Information/Comments
Transportation <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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	See Transportation Agency report
Utilities Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of mixed-uses, to include commercial general and commercial neighborhood and single-family residential uses with mobile home overlay. The surrounding uses include a single-family to the immediate north, PD 99-1153 (with industrial and mining type uses) to the north-west, Business professional Office and commercial to the south-west commercial uses to the and south, and-west, and a roadway to the east south. The adjacent properties are zoned RSC-6 MH (to the north) PD 99-1153 (to the, north-west, BPO (to the south-west), CG (to the south), and S. 78th Street (to the east and east)., Commercial General (CG) (to the west) and the subject property is also located within a Coastal High Hazard Area. Therefore, allowable uses may be further prohibited or restricted in accordance with the requirements of Part 3.04.00 of the Land Development Code.

The site is located within the Hillsborough County Urban Service Area, and therefore would require connection to the County's potable water and wastewater systems. A 16-inch water main exists adjacent to the site and is located east of the subject property within the west Right-of-Way of South 78th Street. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application. Additionally, A 4-inch wastewater force main exists adjacent to the site and is located north of the subject property within the east Right-of-Way of South 78th Street. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service.

The subject site meets Commercial Locational Criteria. To address the lots size, transition and compatibility concerns, the applicant has proposed that the following uses be prohibited on the subject site: Alcoholic Beverage Establishments, Ambulance Services, Bank/Credit Unions, Bowling Alleys, Brew Pubs, Car Wash Facilities, Convenience Store with Gas Pumps, Drug Stores, Funerals and Mortuaries, with or without Accessory Crematoriums, Gasoline Sales and Service, Grocery Stores, Laundromats, Liquor Store, Medical Marijuana Dispensing Facility, Microbreweries, Motor Vehicle Repair-Major, Motor Vehicle Repair-Minor, Motor Vehicle Repair-Neighborhood, Restaurants (Eating Establishments) with or without drive-throughs, Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment, Private Pleasure Crafts and Hobby Vehicles, Sales, Rental and Service of Recreational Vehicles, Schools, Private and Charter (K-12), Schools, Public (K-12), Service Station, Sexually Oriented Businesses, Small Motor Repair, Specialty Food Store, Supermarket, Taverns, Bars, Lounges, Nightclubs and Dance Halls, Tobacco Shops, Trade Schools, Wedding Chapels. Additionally, to address Transportation Staff Review concerns the applicant has offered:


- Reorientation of Potential Building Envelope and Potential Sidewalk, Parking, and Drive Aisle, Potential Stormwater Pond.
- Right-of-Way Preservation Strip (as shown as Potential Stormwater Pond per HC Engineer's suggestion).
- Existing Driveway to be used for Emergency Vehicle Access Only. And
- Proposed Pedestrian Cross Access, Proposed Vehicle Cross Access, and Proposed Shared Access.

Staff finds the request is consistent and compatible with the existing and emerging zoning and development pattern along this southern portion of S. 78th Street. The property's frontage is along the west side of S. 78th Street. To the south, the parcel abutting subject parcel whose frontage is also along S. 78th Street is zoned CG. The proposed CG zoning district is similarly situated and is, therefore, a continuation of the existing commercial development pattern along this portion of S. 78th Street and a compatible infill development.

5.2 Recommendation

Based on the above considerations, staff finds the request approvable, with the following applicant proposed restrictions:

1. The project shall be permitted all uses all CG (Commercial General) uses excluding: Alcoholic Beverage Establishments, Ambulance Services, Bank/Credit Unions, Bowling Alleys, Brew Pubs, Car Wash Facilities, Convenience Store with Gas Pumps, Drug Stores, Funerals and Mortuaries, with or without Accessory Crematoriums, Gasoline Sales and Service, Grocery Stores, Laundromats, Liquor Store, Medical Marijuana Dispensing Facility, Microbreweries, Motor Vehicle Repair-Major, Motor Vehicle Repair-Minor, Motor Vehicle Repair-Neighborhood, Restaurants (Eating Establishments) with or without drive-throughs, Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment, Private Pleasure Crafts and Hobby Vehicles, Sales, Rental and Service of Recreational Vehicles, Schools, Private and Charter (K-12), Schools, Public (K-12), Service Station, Sexually Oriented Businesses, Small Motor Repair, Specialty Food Store, Supermarket, Taverns, Bars, Lounges, Nightclubs and Dance Halls, Tobacco Shops, Trade Schools, Wedding Chapels; and
2. Except for gated access serving only emergency vehicles, direct vehicular access to S. 78th St. shall be prohibited from the subject parcel. Access to S. 78th St. for the above permitted uses shall be via a Shared Access Facility through folio 049244.0100.

Zoning Administrator Sign Off:	 J. Brian Grady Mon Sep 11 2023 15:12:06
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 8/10/2023

Revised: 9/12/2023

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: RV/ South

PETITION NO: RZ 23-0640

<input type="checkbox"/>
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This agency has no comments.

This agency has no objection.

This agency has no objection, subject to the listed or attached restrictions.

This agency objects for the reasons set forth below.

PROPOSED RESTRICTIONS

1. The project shall be permitted all uses all CG (Commercial General) uses excluding:
 - a) Alcoholic Beverage Establishments;
 - b) Ambulance Services;
 - c) Bank/Credit Unions;
 - d) Bowling Alleys;
 - e) Brew Pubs;
 - f) Car Wash Facilities;
 - g) Convenience Store With Gas Pumps;
 - h) Drug Stores;
 - i) Funerals and Mortuaries, with or without Accessory Crematoriums;
 - j) Gasoline Sales and Service;
 - k) Grocery Stores;
 - l) Laundromats;
 - m) Liquor Store;
 - n) Medical Marijuana Dispensing Facility;
 - o) Microbreweries;
 - p) Motor Vehicle Repair, Major;
 - q) Motor Vehicle Repair, Minor;
 - r) Motor Vehicle Repair, Neighborhood;
 - s) Restaurants (Eating Establishments) with or without drive-throughs;
 - t) Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment, Private Pleasure Crafts and Hobby Vehicles;
 - u) Sales, Rental and Service of Recreational Vehicles;
 - v) Schools, Private and Charter (K-12);
 - w) Schools, Public (K-12);
 - x) Service Station;
 - y) Sexually Oriented Businesses;
 - z) Small Motor Repair;
 - aa) Specialty Food Store;
 - bb) Supermarket;
 - cc) Taverns, Bars, Lounges, Nightclubs and Dance Halls;
 - dd) Tobacco Shops;
 - ee) Trade Schools; and,
 - ff) Wedding Chapels.

2. Except for gated access serving only emergency vehicles, direct vehicular access to S. 78th St. shall be prohibited from the subject parcel. Access to S. 78th St. for the above permitted uses shall be via a Shared Access Facility through folio 049244.0100.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 0.35 ac. parcel from Business Professional Office (BPO) to Commercial General (CG) with Restrictions (CG-R). The applicant is offering to restrict the zoning such that the following uses would not be permitted:

“schools, drive-through banks, bowling alleys, drug stores, taverns, funeral homes, laundromats, fast food restaurants (with drive-thru windows), sexually oriented businesses, smoke shops, supermarkets, wedding chapels, ambulance services, car washes, auto repair, and gas stations.”

Staff noted that other high intensity uses including but not limited to restaurants without drive-up facilities, convenience stores without gas pumps, free-standing bars, lounges, nightclubs and dance halls, drug stores, medical marijuana dispensing facilities, microbreweries, specialty food stores, walk-in banks could still be permitted. The applicant and staff worked together after staff’s initial objection was filed to create a new set of restrictions that would address staff’s concerns. Those have been provided hereinabove.

Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO, 3,811 s.f. Medical Office Uses (ITE LUC 720)	137	12	15

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 3,811 s.f. Fast-Food Restaurant without Drive-Through (ITE LUC 933)	1,716	165	127

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 1,579	(+) 153	(+) 112

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

S. 78th St. is a 2-lane, undivided, publicly maintained, substandard collector roadway characterized by +/- 11-foot travel lanes in average condition (in the vicinity of the proposed project). Along the project's frontage, the roadway lies within a +/- 70-foot-wide right-of-way. There are +/- 5-foot-wide sidewalks along a portion of the west side of S. 78th St. in the vicinity of the proposed project. There are no bicycle facilities present along S. 78th St. in the vicinity of the proposed project.

Along the project's frontage, S. 78th St. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway. The amount of right-of-way preservation needed is arrived at by taking the minimum right-of-way necessary for a 4-lane urban collector roadway (TS-6 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 110 feet of right-of-way, and adding an additional 11 feet of right-of-way for the southbound exclusive right turn lane. As such, a minimum total of 121 feet of right-of-way is needed to accommodate the future widening. As there is +/- 70 feet of right-of-way existing along the project's frontage, the applicant will be required to preserve one-half of the +/- 51-foot shortfall (or +/- 25.5 feet of right-of-way along the project's frontage).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning and restrictions to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did identify concerns regarding future project access, and worked with the applicant to propose a restriction regarding project access as provided hereinabove. This will require the property to take access through the adjacent property to the south (which is currently owned by the same company (i.e. "Ms Homes Real Estate Inc"). Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review, in addition to the proposed restrictions.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway sections is reported below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
78 th St.	Riverview Dr.	Madison Ave.	D	C

Source: Hillsborough County 2020 Level of Service Report.

APPLICATION NUMBER: RZ STD 23-0640

ZHM HEARING DATE: September 18, 2023

BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: September 18, 2023 Report Prepared: September 6, 2023	Petition: RZ 23-0640 8609 South 78th Street <i>On the west side of South 78th Street, north of Riverview Drive</i>
Summary Data:	
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan	Riverview & SouthShore Areawide Systems
Request	Rezoning from Business Professional Office (BPO) to Commercial General - Restricted (CG-R) for a strip commercial plaza
Parcel Size (Approx.)	0.35 ± acres (15,246 square feet)
Street Functional Classification:	South 78 th Street – County Collector Riverview Drive – County Collector
Locational Criteria	Meets
Evacuation Zone	A



Context

- The 0.35 ± acre subject site is located on the west side of South 78th Street, north of Riverview Drive.
- The subject site is located within the Urban Service Area and is within the limits of the Riverview Community Plan and the SouthShore Areawide Systems Plan.
- The subject site is located within the Future Land Use category of Residential-6 (RES-6), which can be considered for a maximum density of up to 6 dwelling units per gross acre and a maximum intensity of 0.25 FAR. The RES-6 Future Land Use category is intended for areas that are suitable for low density residential development. Suburban scale neighborhood commercial, office and mixed-use projects serving the area may be permitted subject to the Goals, Objectives and Policies of the Land Use Element and established locational criteria for specific land uses. Typical uses of RES-6 include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development.
- RES-6 surrounds the subject site to the north, south, and southwest. Natural Preservation (N) is located to the west and further north. Community Mixed Use-12 (CMU-12) is located east of the subject site across South 78th Street. Further south are the Residential-4 (RES-4) and Suburban Mixed Use-6 (SMU-6) Future Land Use categories.
- According to the Hillsborough County Property Appraiser data, there are currently heavy industrial uses on the site. There is one single family residential property located to the north followed by a vacant lot. Light commercial uses are located directly south. To the southwest, there are single family homes located along Riverview Drive. To the west and further north, there are mining uses that exist on property owned by Mosaic Fertilizer LLC. There are single family and vacant uses interspersed east of the subject site along South 78th Street. The area has a variety of industrial, commercial, mining, and single family uses that are interspersed around the subject site.
- The subject site is currently zoned Business Professional Office (BPO). The property located directly to the southwest is also zoned BPO. Commercial General (CG) zoning is located directly south. Residential Single Family Conventional (RSC-6) zoning is located directly north. To the west and further north is a Planned Development (PD). To the east across South 78th street is Agricultural Single Family (AS-1) zoning.
- The applicant is requesting to rezone the subject site from Business Professional Office (BPO) to Commercial General - Restricted (CG-R) for a strip commercial plaza. The subject site meets established Commercial Locational Criteria and is limited to a maximum FAR of 0.25 (or 3,811 square feet).

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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 the Future Land Use Map

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

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

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.

Policy 8.2: Each potential use must be evaluated for compliance with the goals, objectives, and policies of the Future Land Use Element and with applicable development regulations.

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

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

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

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

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

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

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

Commercial Locational Criteria

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

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

- provide a means of ensuring appropriate neighborhood serving commercial development without requiring that all neighborhood commercial sites be designated on the Future Land Use Map;

- *establish a maximum square footage for each proposed neighborhood serving commercial intersection node to ensure that the scale of neighborhood serving commercial development defined as convenience, neighborhood, and general types of commercial uses, is generally consistent with surrounding residential character; and*
- *establish maximum frontages for neighborhood serving commercial uses at intersections ensuring that adequate access exists or can be provided.*

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

In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five-year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long-Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

4.0 COMMUNITY LEVEL DESIGN

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.*

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

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.*

LIVABLE COMMUNITIES ELEMENT: Riverview Community Plan

Goals

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

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

6. Industrial–*Attract employment centers and desirable industry with appropriate infrastructure in areas without conflicting with surrounding land use.*

LIVABLE COMMUNITIES ELEMENT: SouthShore Areawide Systems Plan

Economic Development Objective

The SouthShore community encourages activities that benefits residents, employers, employees, entrepreneurs, and businesses that will enhance economic prosperity and improve quality of life.

1. Land Use/ Transportation

a. *Analyze, identify and market lands that are available for economic development, including: residential, commercial, office, industrial, agricultural (i.e., lands that already have development orders or lands that are not developable.)*

b. *Recognize preferred development patterns as described in individual community plans, and implement the communities' desires to the greatest extent possible (including codification into the land development code). I.e., activity center, compatibility, design and form, pedestrian and bicycle/trail connectivity.*

Staff Analysis of Goals, Objectives and Policies

The 0.35 ± acre subject site is located on the west side of South 78th Street, north of Riverview Drive. The subject site is located within the Urban Service Area and is within the limits of the Riverview Community Plan and SouthShore Areawide Systems Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-6 (RES-6). The applicant is requesting to rezone the entire subject site from Business Professional Office (BPO) to Commercial General with Restrictions (CG-R).

The subject site is located in the Urban Service Area (USA) where according to Objective 1 of the Future Land Use Element (FLUE), Hillsborough County shall pro-actively direct new growth with the goal that at least 80% of all population growth will occur within the USA during the horizon of the Comprehensive Plan. Similarly, FLUE Policy 1.4 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. The proposed request is consistent with this policy direction, as the proposed rezoning includes a list of extensive restrictions that will limit the possibility of adverse effects on the surrounding area. FLUE Policy 1.4 also notes 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 surrounding area has a variety of uses including single family residential, mining, vacant, and light commercial uses. The proposed rezoning to CG-R is compatible with the surrounding development pattern and therefore meets the intent of this policy direction.

Objective 8 and Policies 8.1 and 8.2 assesses the character of each land use category and evaluate which uses are in compliance with the policy direction established by the Future Land Use Element. The subject site is located within the RES-6 Future Land Use category. This category allows for the consideration of non-residential uses, subject to locational criteria. The request for CG-R zoning on the subject site is allowable for consideration under the site’s designated Future Land Use category and is therefore consistent with the aforementioned Objective and Policies.

According to FLUE Objective 9 and Policy 9.2, all development proposals must meet or exceed all local, state and federal land development regulations. On August 10th, 2023, Transportation staff under the Development Services Department issued an objection to this request. The objection was filed one day after the Planning Commission filed a report finding this request consistent with the Unincorporated Hillsborough County Comprehensive Plan ahead of the August 21st ZHM hearing. At the time of uploading this report, updated comments from Transportation staff were not yet available and thus were not taken into consideration for analysis of this request.

The proposed rezoning meets the intent of FLUE Objective 16 and FLUE Policies 16.1, 16.2, 16.3 and 16.5. The subject site meets established Commercial-Locational Criteria and is therefore limited to a maximum FAR of 0.25 (or 3,811 square feet). The proposal also includes extensive restrictions that will allow for commercial uses on a scale that reflects the overall character of the neighborhood. Some of these restricted uses include car washes, auto repair services, gas stations, and ambulance services among others. On July 31st, 2023, the applicant submitted buffering and screening proposals for the western and northern boundaries of the site. The western boundary will include a 20-foot Type B buffer and a 6-foot-high PVC fence. The northern boundary will maintain the existing Type B buffer and will also include a 6-foot-high PVC fence. This will help ensure adequate buffering between the singular single-family use located directly north of the subject site. Additionally, the request will ensure that there is a gradual transition of intensity between uses. Further north of the site, there is approximately 670 feet of land along South 78th Street that is currently utilized for mining activities. This type of land use is more intense than restricted commercial activities, therefore making the subject site a viable location for the proposed CG-R zoning district. FLUE Policy 16.5 asserts that 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. South 78th Street and Riverview Drive are both County Collector roadways.

Additionally, the surrounding area of the subject site contains a variety of commercial, mining, and vacant uses. Given that the proposal's FAR would be limited to 3,811 square feet and that the range of uses would be restricted, the subject site is an appropriate location for CG-R zoning. The applicant has also demonstrated that the proposal will mitigate potential adverse impacts through buffering and screening techniques on the western and northern boundaries on the subject site. The proposal is consistent with the Neighborhood Protection objectives and policies.

The subject site meets Commercial-Locational Criteria as defined in FLUE Objective 22 and FLUE Policies 22.1 and 22.2. The nearest qualifying intersection is identified at South 78th Street and Riverview Drive. The entirety of the front facing boundary of the subject site falls within the required 900-foot distance as established by FLUE Policy 22.2. Therefore, the proposal is limited to a maximum allowable FAR of 0.25 (or 3,811 square feet).

Goal 9 and Policy 9-1.3 of the Community Design Component (CDC) in the FLUE evaluate the creation of commercial design standards in a scale and design that complements the character of the community. Policy 9-1.3 encourages new commercial zoning to be located at commercial redevelopment areas. The property located directly south of the subject site currently utilizes light commercial uses. This proposal would encourage a shift from the existing heavy industrial use to restricted commercial use, which is similar in nature to the development pattern of the area. The restricted uses and FAR maximum also ensure that the proposed zoning district will complement the overall character of the community.

Goal 12, Objective 12-1, and Policy 12-1.4 of the Community Design Component in the FLUE offer policy direction for compatible neighborhood level design. The proposed zoning district and its list of restricted uses is consistent with Goal 12, which encourages neighborhood design to reflect the prominent character of the surroundings. Objective 12-1 and Policy 12-1.4 require new developments to be compatible with their surroundings through the utilization of site design techniques such as transitions in uses, buffering, setbacks, and open space. As previously noted in this report, the applicant has submitted a list of restricted uses and buffering methods that would be implemented on the subject site upon approval. Planning Commission staff are supportive of the restrictions and buffering techniques, as they help ensure compatibility with the surrounding uses.

Goal 17 of the CDC encourages developments that improve the ambiance of commercial development in the county. CDC Objective 17-1, and Policy 17-1.4 seek to facilitate patterns of development that are organized and purposeful. The property located to the south of the subject site is zoned as Commercial General (CG) and the property to the north of the subject site is zoned as Residential Single Family Conventional (RSC-6). The proposed rezoning to CG-R and its list of restricted uses will provide for a development pattern that is purposeful and organized given the zoning pattern of the surrounding area.

The Riverview Community Plan includes the Riverview District Concept Map, which illustrates the unique qualities and land uses that are related to distinct geographic areas labeled as distinctive "districts." Future developments are required to comply with the intent of their respective districts. The subject site is located within the industrial district on the Riverview Community Plan's concept map. This district seeks to attract employment centers and desirable industry with appropriate infrastructure in areas without conflicting with surrounding land use. The proposed zoning district will attract employment while also remaining compatible with the surrounding land uses and is therefore consistent with the Riverview Community Plan.

As part of its Economic Development Objective, the SouthShore Areawide Systems Plan encourages activities that benefit residents, employers, employees, entrepreneurs, and businesses that will enhance economic prosperity and improve quality of life. This Objective seeks to identify lands that are available for a variety of economic development opportunities, including commercial uses. The SouthShore Areawide Systems Plan also encourages the development patterns that are described in individual community plans, such as the aforementioned Riverview Community Plan. The proposed rezoning would allow for economic development that is encouraged by the SouthShore Areawide Systems Plan and the Riverview Community Plan and is therefore consistent with the Livable Communities Element of the Comprehensive Plan.

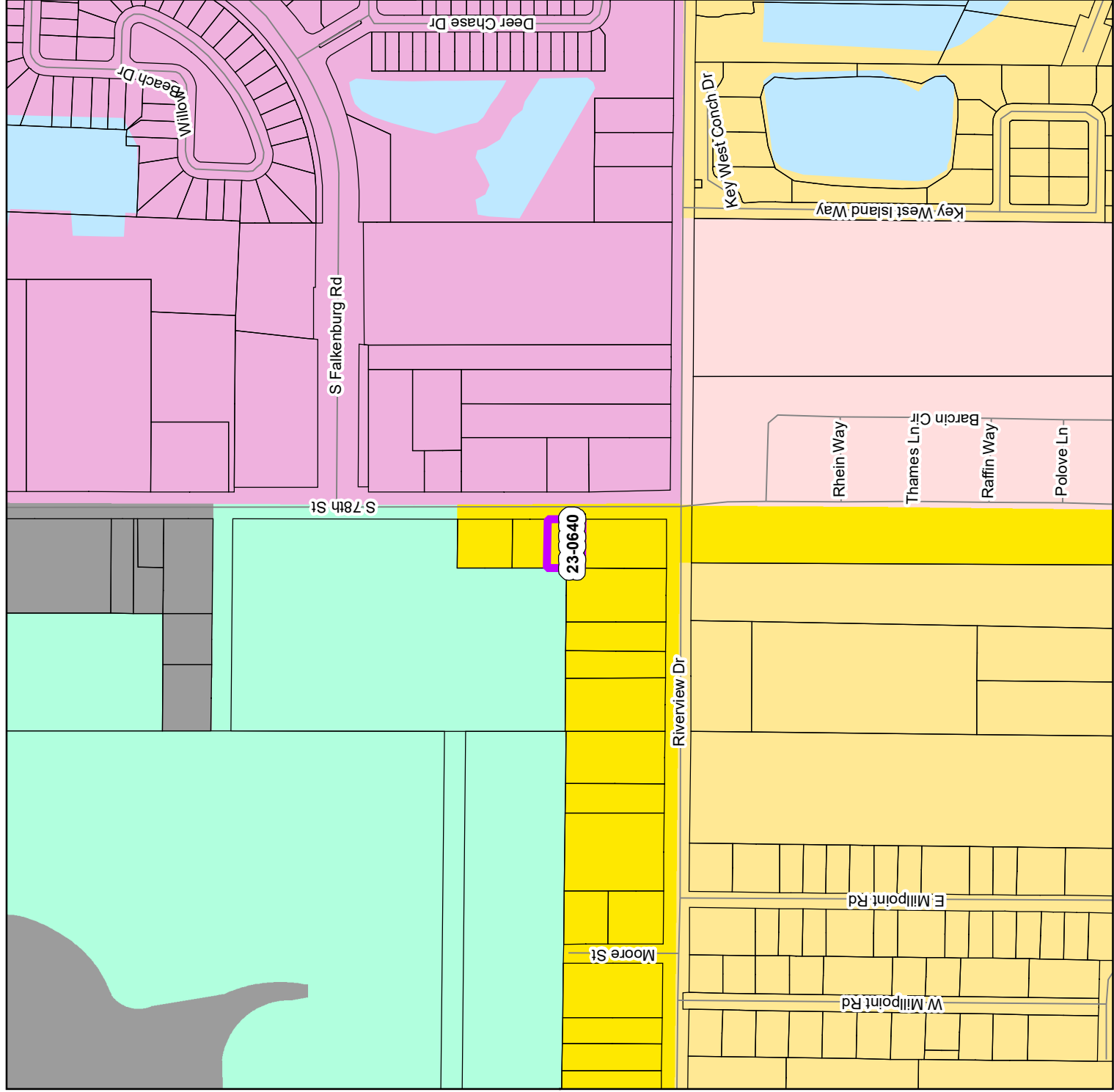
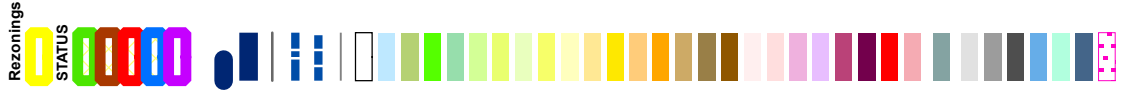
Overall, the proposed rezoning would allow for development that is consistent with the goals and objectives regarding the Urban Service Area and would allow for a development that is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan for Unincorporated Hillsborough County.

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*, subject to the restrictions proposed by the Development Services Department.

HILLSBOROUGH COUNTY FUTURE LAND USE RZ 23-0640

<all other values>



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The information on this map is for informational purposes only. It is intended that the information on this map be used in conjunction with the official City-County Planning Commission. ACCURACY: It is intended that the information on this map be used in conjunction with the official City-County Planning Commission. This map is for informational purposes only. For the most current data and information, visit the appropriate website.

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