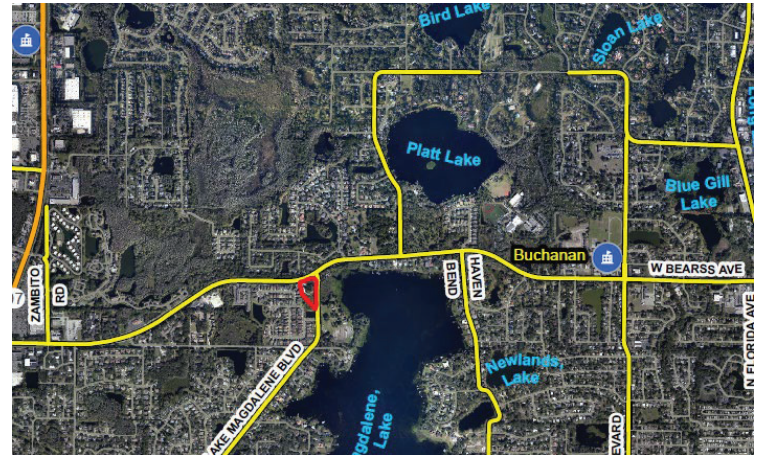




Rezoning Application: PD 22-1338
Zoning Hearing Master Date: January 17, 2023
BOCC Land Use Meeting Date: March 7, 2023

1.0 APPLICATION SUMMARY

Applicant: A&V Development, L.L.C.
FLU Category: RES-20 & RES-6
Service Area: Urban
Site Acreage: 17.31 +/-
Community Plan Area: East Lake/Orient Park
Overlay: None



Introduction Summary:

The applicant seeks to rezone property zoned RSC-6 (Residential, Single Family Conventional) and PD (Planned Development) 06-0997. PD 06-0997 is comprised of six parcels totaling 10.33 acres and is approved for 204 multi-family units. A flex of the OC-20 FLU (Future Land Use) category was approved under PD 06-0997. The applicant proposes to expand the size of PD 06-0997 with the addition of three RSC-6 zoned parcels totaling 7.45 acres into the project under a new PD. No additional units are proposed. A flex of the OC-20 FLU category is requested again under the new PD proposal.

Zoning:	Existing		Proposed
District(s)	PD 06-0997	RSC-6	PD 22-1338
Typical General Use(s)	Multi-Family Residential	Single-Family Residential (Conventional Only)	Multi-Family Residential
Acreage	10.11 +/-	7.2 +/-	17.31 +/-
Density/Intensity	20 units per acre (with OC-20 Flex)	6 units per acre	11.78 units per acre (with OC-20 Flex)
Mathematical Maximum*	204 units	43 units	204 units

*number represents a pre-development approximation

Development Standards:	Existing		Proposed
District(s)	PD 06-0997	RSC-6	PD 22-1338
Lot Size / Lot Width	n/a	7,000 sf / 70'	n/a
Setbacks/Buffering and Screening	40' West 60' South 20'/B – West and South	25' Front Yard 25' Front Yard 7.5' Side Yards No buffering/screening	50' West 20' South (2:1 setback) 50' North 0' East (2:1 setback) 20'/B - South
Height	55'	35'	55'

*provided Development Standards do not include the access road property

Additional Information:

PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	None requested as part of this application

APPLICATION NUMBER: PD 22-1338

ZHM HEARING DATE: January 17, 2023

BOCC LUM MEETING DATE: March 7, 2023

Case Reviewer: Michelle Heinrich, AICP

Planning Commission Recommendation:

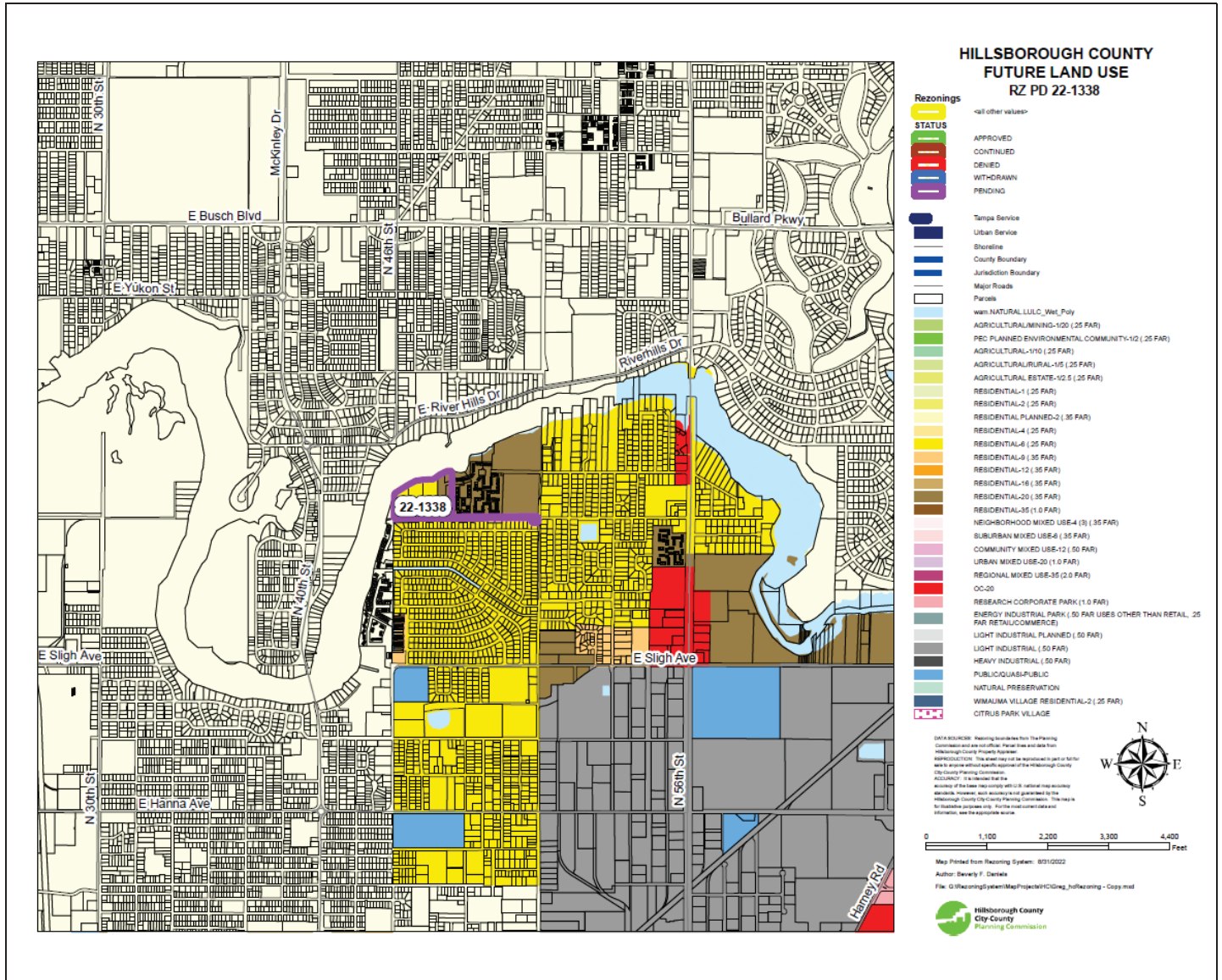
Inconsistent

Development Services Recommendation:

Not supported

2.0 LAND USE MAP SET AND SUMMARY DATA

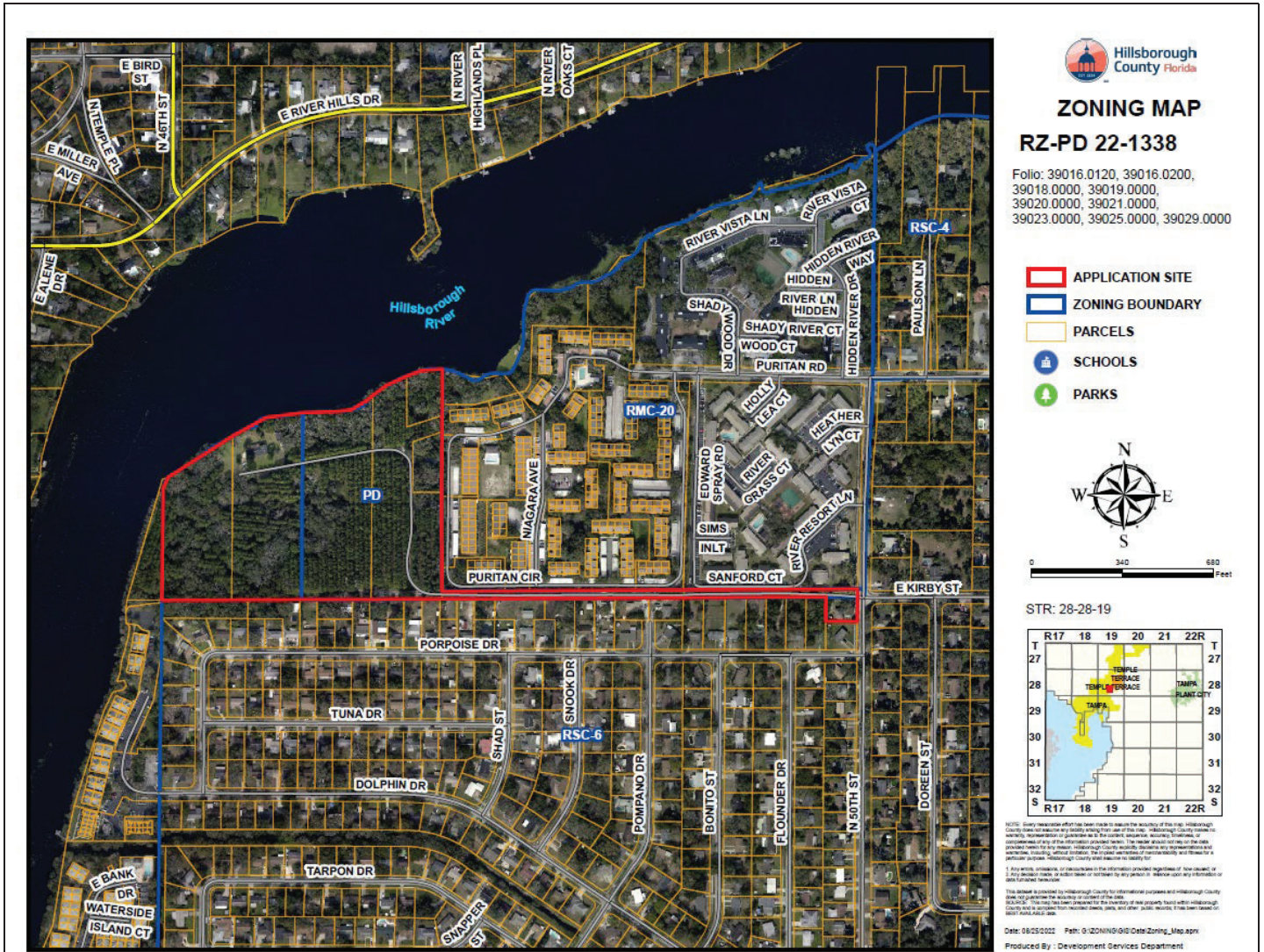
2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-6 & RES-20
Maximum Density/F.A.R.:	RES-6: 6 units per acre RES-20: 20 units per acre
Typical Uses:	RES-6: Residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed use development. RES-20: Residential, neighborhood commercial, office uses, multi-purpose projects and mixed use developments.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

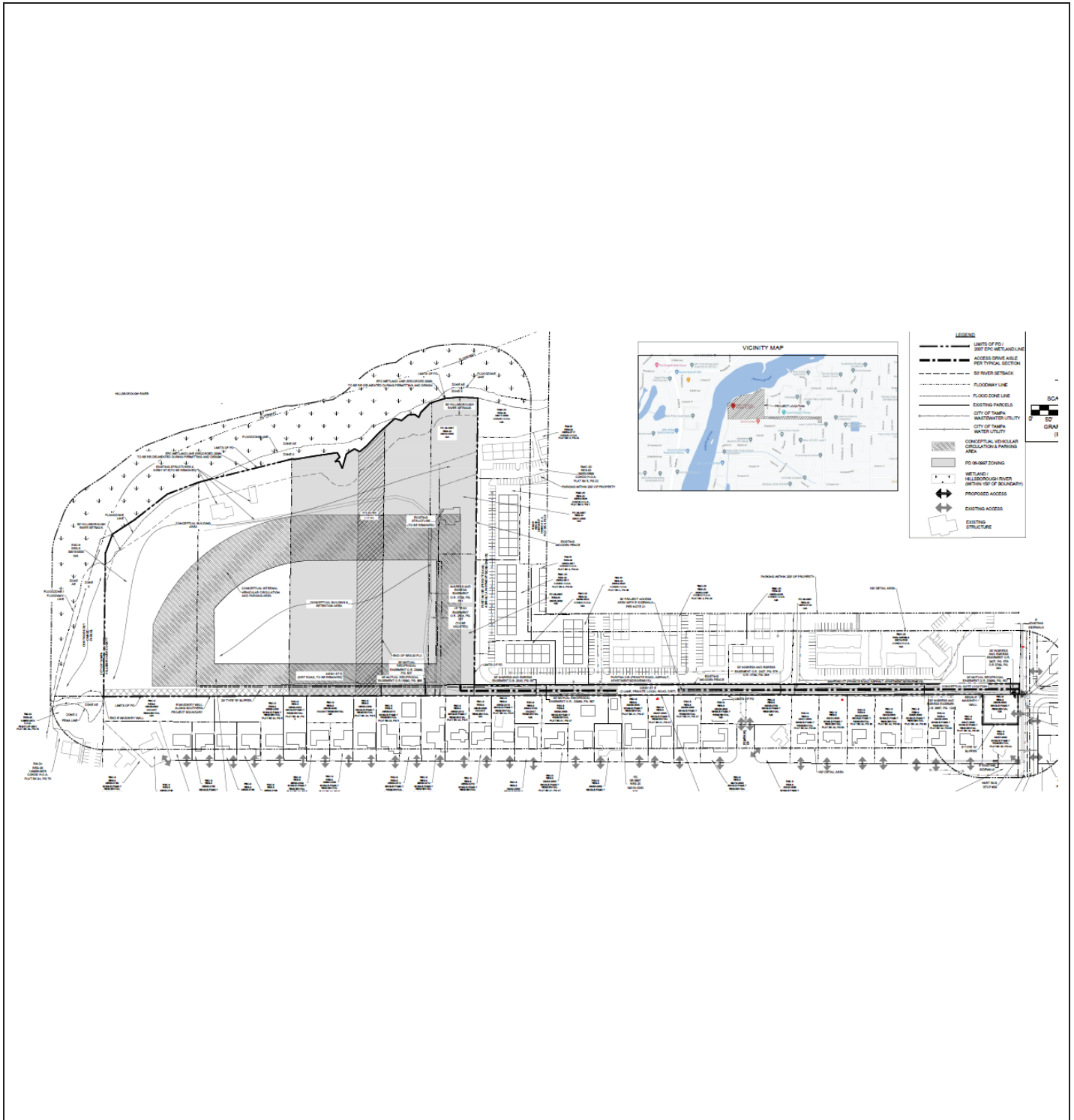


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	N/A	N/A	N/A	Hillsborough River
South	RSC-6	6 units per acre	Single-Family Residential	Single-Family Residential
East	RMC-20	20 units per acre	Multi-Family Residential	Multi-Family Residential
West	RM-24 (COT)	24 units per acre	Multi-Family Residential	Vacant and Hillsborough River

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)



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
50 th Street	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kirby Street	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,516	105	133
Proposed	1110	73	90
Difference (+/-)	-406	-32	-43

*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		None	None	Meets LDC
South		None	None	Meets LDC
East	X	None	None	Meets LDC
West		None	None	Meets LDC

Notes:

Design Exception/Administrative Variance Not applicable for this request

Road Name/Nature of Request	Type	Finding
50 th Street/ Substandard Road	Administrative Variance Requested	Approvable

Notes:

4.0 Additional Site Information & Agency Comments Summary

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

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located at western terminus of East Kirby Street, among developed properties. The proposes 204 multi-family units at a density of approximately 11 units per acre. Access will occur on Kirby Street with no cross access to adjacent properties. Buildings are shown to be located throughout the site and will have a maximum building height of 55 feet. The maximum building height does not exceed the maximum building height approved under PD 06-0997.

The Hillsborough River is located to the immediate north of the site, providing approximately 700 feet of separation between the subject site and existing single-family development on the north side of the river. The proposed setback along this boundary is 50 feet, irrespective of building height. No buffering and screening is required or proposed.

Property to the south is developed with single-family detached homes under RSC-6 zoning and oriented towards Porpoise Drive. The project proposes to provide a 20 foot wide buffer with Type B screening along this property line, which exceeds the Land Development Code requirements of a 5 foot wide buffer and Type A screening. Additionally, buildings over 20 feet in height will be setback an additional 2 feet for every 1 foot over 20 feet in height. This setback is in addition to the proposed 20 foot wide buffer. The southern setback under PD 06-0097 was a minimum of 60 feet with the provision of a 20 foot wide buffer with Type B screening. The project size under PD 06-0097 was smaller at 10.23 acres which resulted in a density of 19 units per acre. That density required the 20 foot wide buffer with Type B screening along the south. With the additional land area under PD 22-0097, the resulting density is lower, which requires a 5 foot wide buffer with Type A screening. Despite this change, the applicants propose to maintain the original buffering and screening. Under the PD 06-0097 approvals, no 2:1 setback is required.

Property to west is adjacent to a 0.70 acre parcel that is located within the City of Tampa and owned by the applicant. This property is vacant and abuts the Hillsborough River. This parcel and the river provide approximately 550 feet of separation. Along this boundary, buildings over 20 feet in height will be setback an additional 2 feet for every 1 foot over 20 feet in height. Buildings at or below 20 feet in height will have a 0 foot setback. No buffering and screening is required or proposed. The western setback under PD 06-0097 was a minimum of 40 feet from property that is now included in PD 22-1338. With the additional land area, development can occur further west than originally approved. Under the PD 06-0097 approvals, no 2:1 setback is required.

Property to the east is adjacent to an existing 2-story multi-family development zoned RMC-20. The western area of the multi-family development is oriented to the west and is separated from the subject site by an internal drive and parking area. An existing fence is present on the common boundary line. Along this boundary, buildings over 20 feet in height will be setback an additional 2 feet for every 1 foot over 20 feet in height. Buildings at or below 20 feet in height will have a 0 foot setback. No buffering and screening is required or proposed. Under the PD 06-0097 approvals, no 2:1 setback is required.

The site's access is within a 30 foot wide portion of the site, providing access to Kirby Road. No buffering and screening along the north is required and a fence exists along this boundary currently exists. A 5 foot wide buffer with Type A screening is required along the south. The applicant proposes a 9 foot wide buffer with a 6 foot high masonry wall along the southern boundary. The provision of the wall remains the same as required under PD 06-0097.

The proposed number of units does not exceed the permitted number of units should the flex request be approved. Additionally, the proposed PD does not request units above what was previously approved. Rather, the proposed PD provides more land area to develop the site.

Staff has not identified any compatibility concerns with the request.

5.2 Recommendation


Not supported.

Staff acknowledges that the the proposed application is for the purpose of increasing the land area for an already approved 204 unit multi-family project. As discussed in Section 5.1 (Compatibility), the new request does not create compatibility issues and the project is maintaining or providing adequate mitigation in regards to building height, setbacks, and buffering and screening. However, the Planning Commission staff has found the request inconsistent and is not supportive of the flex request due specific Community Plan language. Give this, the implementing zoning and proposed density (due to the flex request) cannot be supported by Development Services.

6.0 PROPOSED CONDITIONS

N/A

Zoning Administrator Sign Off:



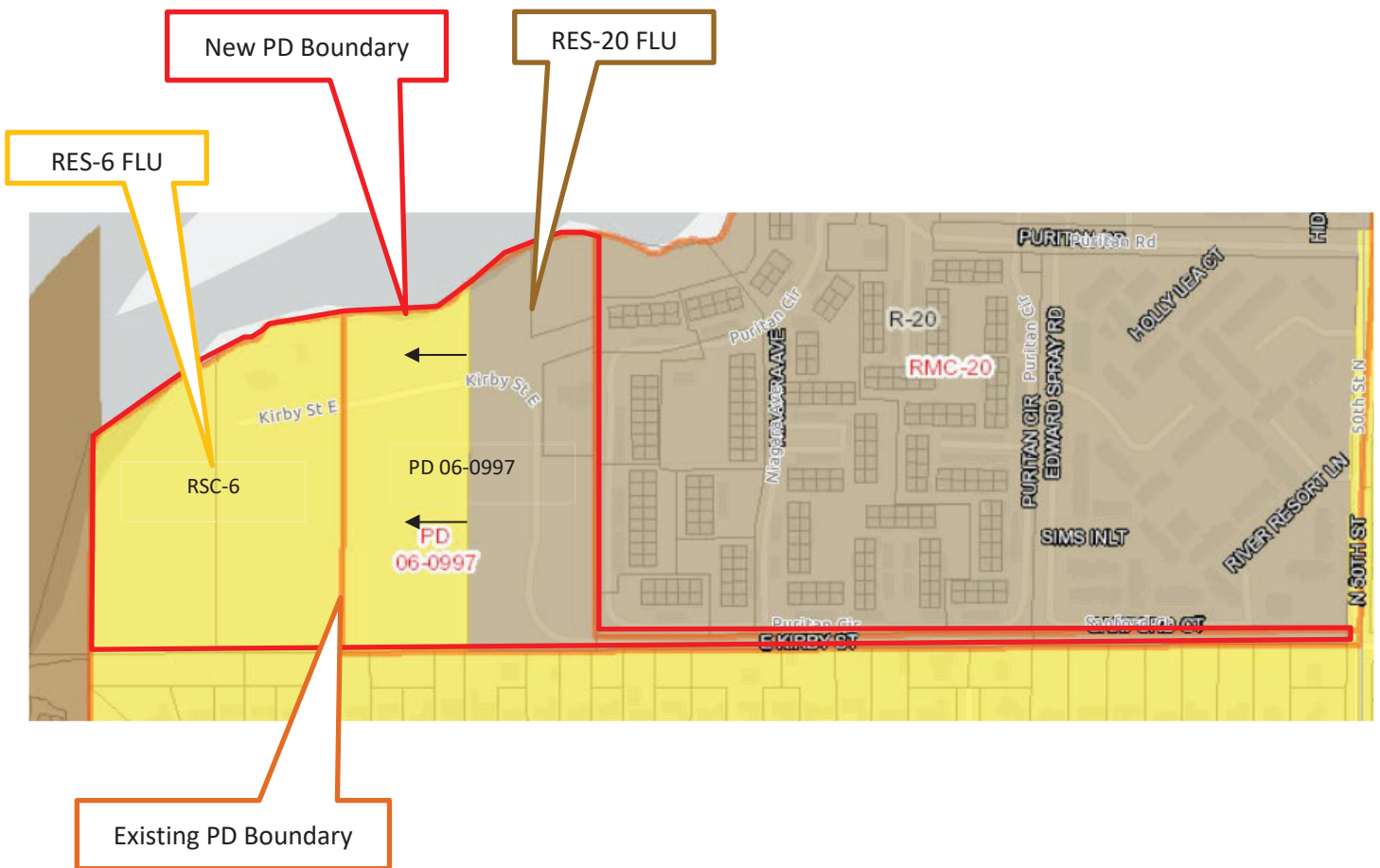
J. Brian Grady
Tue Jan 10 2023 07:28:22

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

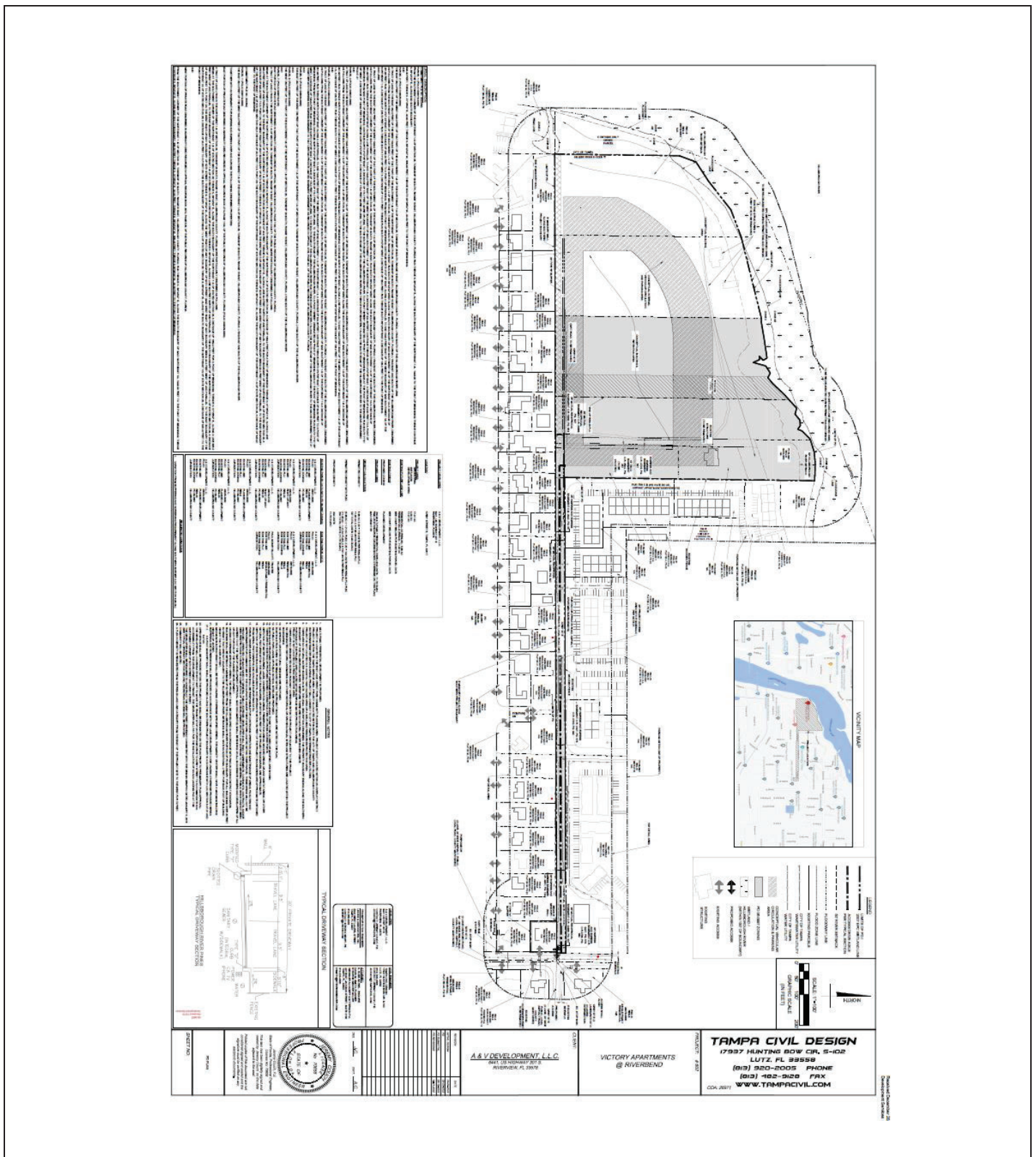
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are 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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

The project proposes a flex of the OC-20 Future Land Use (FLU) category within the site. The site is currently within the RES-6 and RES-20 FLU categories. As shown below, the RES-6 FLU category is within the western and central portion of the site (depicted in yellow) comprising 11.35 acres. The RES-20 FLU category is within the eastern portion of the site, as well as the access road (depicted in brown) comprising 5.96 acres. The requested flex would allow the RES-20 FLU category further westward into the site at a maximum of 500 feet, thereby providing an addition 1.21 acres at the density of 20 units per acre. Under the flex request, 7.17 acres would allow 20 units per acre and 10.41 acres would allow 6 units per acre for a maximum of 205 units (11.8 units per acre). Without the flex request, 11.35 acres would allow 6 units per acre and 5.96 acres would allow 20 units per acre, resulting in 187 units (10.8 units per acre).



8.0 PROPOSED SITE PLAN (FULL)



9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

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

DATE: 01/09/2023
AGENCY/DEPT: Transportation
PETITION NO: PD 22-1338

- | | |
|----------|---|
| | This agency has no comments. |
| | This agency has no objection. |
| X | This agency has no objection, subject to the listed or attached conditions. |
| | This agency objects for the reasons set forth below. |

CONDITIONS OF APPROVAL

- If PD 22-1338 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated December 14, 2022) from the Section 6.04.03.L Hillsborough County Land Development Code (LDC) requirement to improve the roadway to current County standards. The Administrative Variance was found approvable by the County Engineer (on December 29, 2022). If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will not be required to improve 50th Street to county standard.
- The Access Drive Aisle shall meet the following standards:
 - 9.5-foot travel lanes
 - 5’10’’ sidewalk on one side.
 - Modified F curb on one side and a Type D Curb on the other side.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.

Other Conditions

Prior to PD site plan certification, the applicant shall revise the PD site plan to:

- Add a note that states “Parking shall be provided per LDC.”
- Add a note that states “Sidewalks to be provided per LDC.”

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone nine parcels totaling +/- 17.78 acres from Residential Single Family Convention – 6 (RSC-6) and Planned Development (PD-06-0997) to a new Planned Development (PD). The proposed new Planned Development does not change the existing approved entitlements from PD-06-0997 (204 Dwelling Units) and only proposes to add additional acreage and redesigned the layout of the site plan. The site is generally located on the western side of intersection of Kirby Street and 50th Street. The Future Land Use designation of the site is Residential – 6 (RES-6) and Residential – 20 (RES-20).

Trip Generation Analysis

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a detailed transportation analysis. 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, 10th Edition.

Approved Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 43 Single Family Dwelling Units (ITE code 210)	406	32	43
PD, 204 Multifamily Dwelling Units (ITE code 221)	1,110	73	90
Total	1,516	105	133

Proposed Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 204 Multi Family Dwelling Units (ITE code 221)	1,110	73	90

Trip Generation Difference:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-406	-32	-43

The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 406 average daily trips, 32 trips in the a.m. peak hour, and 43 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The subject property has frontage on 50th Street and Kirby Street. 50th Street is a 2-lane, substandard, Hillsborough County maintained, local roadway, characterized by +/-20 ft. wide pavement. 50th Street lies within a range of +/- 54 to +/- 56 feet of ROW. There is intermittent sidewalk on the eastern side and sidewalk on the western side of the roadway within the vicinity of the proposed project.

Kirby Street is 2-lane, substandard, Hillsborough County maintained, local roadway, characterized by +/- 20 ft. of pavement. 50th Street lies within a range of +/- 54 to +/- 56 feet of ROW. The existing right-of-way on Kirby Street is +/-50 feet. There are sidewalks on the north side Kirby Streets and no sidewalks on the south side of the roadway within the vicinity of the project.

REQUESTED VARIANCE

50th Street is a substandard road. The land development code indicates that a developer would need to improve the road up to county standards unless an Administrative Variance is submitted and found approvable. The applicant's Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated December 14, 2022) Section 6.04.03.L Hillsborough County Land Development Code (LDC) requirement to improve the roadway to current County standards. The Administrative Variance was found approvable by the County Engineer (on December 29, 2022). If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will not be required to improve 50th Street to county standard.

SITE ACCESS

The project is proposing a full access connection on 50th Street via an access drive aisle. As part of the approval of PD 06-0997, a typical section for the access drive aisle was approved. The typical section of

the access drive aisle is included on the site plan in the typical driveway section and contains the following standards: 9.5 foot travel lanes, a 5'10" sidewalk on one side of the driveway and Modified F curb on one side and a Type D Curb on the other side of the driveway.

ROADWAY LEVEL OF SERVICE (LOS)

50th Street and Kirby Street are not regulated roadway and was not included in the Level of Service (LOS) Report.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
50 th Street	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kirby Street	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,516	105	133
Proposed	1110	73	90
Difference (+/-)	-406	-32	-43

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East	X	None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
50 th Street/ Substandard Road	Administrative Variance Requested	Approvable
Notes:		

4.0 Additional Site Information & Agency Comments Summary

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



LINCKS & ASSOCIATES, INC.

December 14, 2022

Mr. Michael Williams, PE
County Engineer Development Review Director
Hillsborough County
601 East Kennedy Blvd., 20th Floor
Tampa, FL 33602

Re: Victory Apartments @ Riverbend
PD 22-1338
Folio 39021-0000
39016-0200
39016-0120
39020-0000
39025-0000
39023-0000
39018-0000
39019-0000
39029-0000

Lincks Project Number: 22168

The purpose of this letter is to request a Section 6.04.02.B Administrative Variance to Section 6.04.03L of the Hillsborough County Land Development Code, which requires improvement of projects taking access to a substandard road to improve the roadway to current County standards between the project driveway and the nearest standard road.

The developer proposes to modify the existing Planned Development for the property to add additional land (folio 3919-0000, 39018-0000, and 39029-0000). The existing PD allows 204 Multi-Family dwelling units with one (1) access to 50th Street that aligns with Kirby Street on the east side of 50th Street.

The proposed modification will not change the number of dwelling units or the access for the project.

The subject property is within the Urban Service Area and as shown on the Hillsborough County Roadways Functional Classification Map, 50th Street is a local roadway and based on recent counts, it is not anticipated to exceed 5,000 vehicles per day, therefore it would be considered a local road.

Table 1 provides the trip generation for the proposed land uses. Table 2 provides the local road determination for 50th Street.

5023 West Laurel Street
Tampa, FL 33607
813 289 0039 Telephone
8133 287 0674 Telefax
www.Lincks.com Website

Mr. Mike Williams
December 14, 2022
Page 2

The following provides a description of the segment of 50th Street from Kirby Street to Sligh Avenue:

- The pavement is approximately 20 feet wide.
- There is intermittent miami curb on the east side of the roadway.
- There is sidewalk on the west side of the roadway for the entire length and intermittent sidewalk on the east side.
- There are speed bumps along the roadway.

The request is to waive the requirement to improve 50th Street (between the project access and Sligh Avenue) to current County TS-3 standards, the standards for which are found within the Hillsborough County Transportation Technical Manual. The specific waivers are as follows:

1. Miami Curb – There is intermittent curb along the roadway
2. Sidewalk – There is intermittent sidewalk on the east side of the roadway

(a) there is an unreasonable burden on the applicant,

Adding the miami curb and sidewalk would be an unreasonable burden on the applicant for the following reasons:

1. 50th Street is an established residential street
2. There are a number of speed bumps along the roadway to slow traffic
3. The subject rezoning is not increasing the number of approved residential dwelling units
4. The property has limited frontage along 50th Street

(b) the variance would not be detrimental to the public health, safety and welfare,

There is continuous sidewalk on the west side of 50th Street which is on the same side of the roadway as the project. In addition, there are a number of speed bumps along the roadway to slow traffic and improve the safety of the roadway. Therefore, the variance would not be detrimental to the public health, safety and welfare.

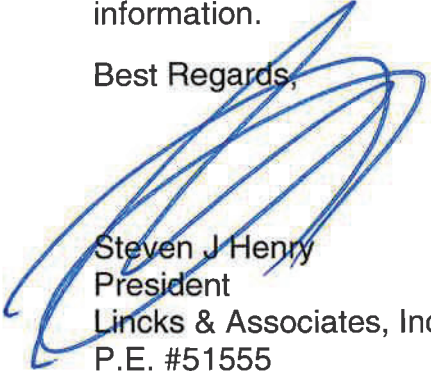
(c) without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall give valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.

50th Street is the only access for the project. Without the access to 50th Street, reasonable access for the project could not be provided.

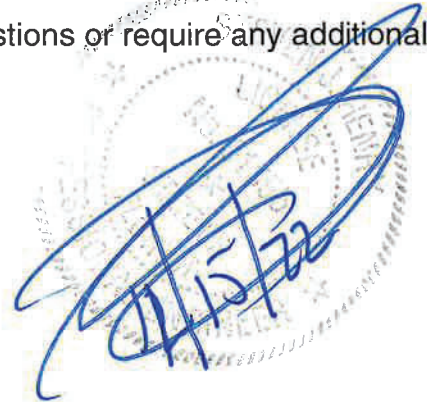
Mr. Mike Williams
December 14, 2022
Page 3

Please do not hesitate to contact us if you have any questions or require any additional information.

Best Regards,



Steven J Henry
President
Lincks & Associates, Inc.
P.E. #51555



Based on the information provided by the applicant, this request is:

- _____ **Disapproved**
- _____ **Approved**
- _____ **Approved with Conditions**

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E, (813) 276-8364, TiradoS@hillsboroughcounty.org.

Date _____

Sincerely,

**Michael J. Williams
Hillsborough County Engineer**

TABLE 1
TRIP GENERATION (1)

<u>Land Use</u>	<u>ITE</u> <u>LUC</u>	<u>Size</u>	<u>Daily</u> <u>Trip Ends</u>	<u>AM Peak Hour</u> <u>Trip Ends</u>		<u>PM Peak Hour</u> <u>Trip Ends</u>			
				<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>		
Single Family	210	204 DU's	926	18	60	78	49	31	80

(1) Source: ITE Trip Generation Manual, 11th Edition, 2021.

Mr. Mike Williams
December 14, 2022
Page 5

TABLE 2
50TH STREET

<u>Roadway</u>	<u>Location</u>	<u>Size</u>	<u>Existing</u>		<u>Peak</u>		<u>Daily</u>	<u>Daily</u>	<u>Total</u>		
			<u>NB</u>	<u>SB</u>	<u>NB</u>	<u>SB</u>				<u>Traffic (3)</u>	<u>Project Traffic (4)</u>
50th Street	South of Kirby Street	AM	97	135	232	101	140	241	3,022	417	3,439
		PM	155	107	262	161	111	272			

(1) Counts dated 8/16/22.

(2) Existing count adjusted to peak season based on FDOT adjustment factor of 1.04.

(3) Peak Season Traffic converted to daily volume based on FDOT K = 0.09.

(4) See Table 1, Trip Generation - 45% to and from the south.

APPENDIX



PD PLAN



HILLSBOROUGH COUNTY ROADWAYS
FUNCTIONAL CLASSIFICATION MAP



HILLSBOROUGH COUNTY ROADWAYS FUNCTIONAL CLASSIFICATION

Infrastructure & Development Services



Legend

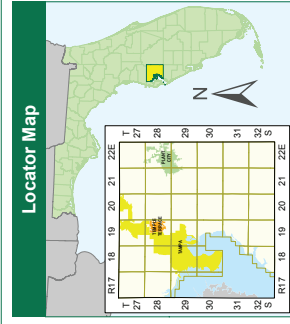
- Functional Classifications
Authority, Classification
- State, Principal Arterial
 - State, Arterial
 - Hillsborough, Arterial
 - Hillsborough, Collector
 - Urban Service Area Boundary
 - City Limits

The Hillsborough County Roadway Functional Map will be used in all matters in the Hillsborough County Land Development Code (LDC) that relate to functional classification of roads. Some, but not all, examples of those matters are as follows:

- PART 3.02.00 INTERSTATE-75 PLANNED DEVELOPMENT DISTRICTS
- PART 3.03.00 PLANNED DEVELOPMENT DISTRICTS
- PART 4.03.00 PLANNED DEVELOPMENT DISTRICTS
- PART 5.03.00 PLANNED DEVELOPMENT DISTRICTS
- PART 6.02.00 SUBDIVISION STANDARDS AND GUIDELINES
- PART 6.07.00 FENCES AND WALLS
- PART 6.08.00 FENCES AND WALLS
- PART 12.01.00 DEFINITIONS AND SPECIAL USES

OTHER PARTS OF THE LDC NOT LISTED ABOVE.

In addition to subject matters in the LDC, Functional Classification of roads plays an important role in administering the Residential Traffic Control Program and the Neighborhood Traffic Calming Program.

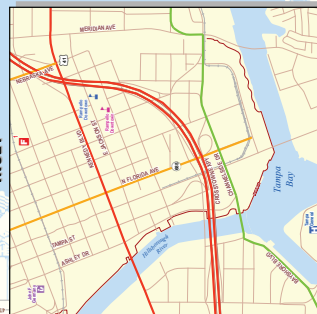
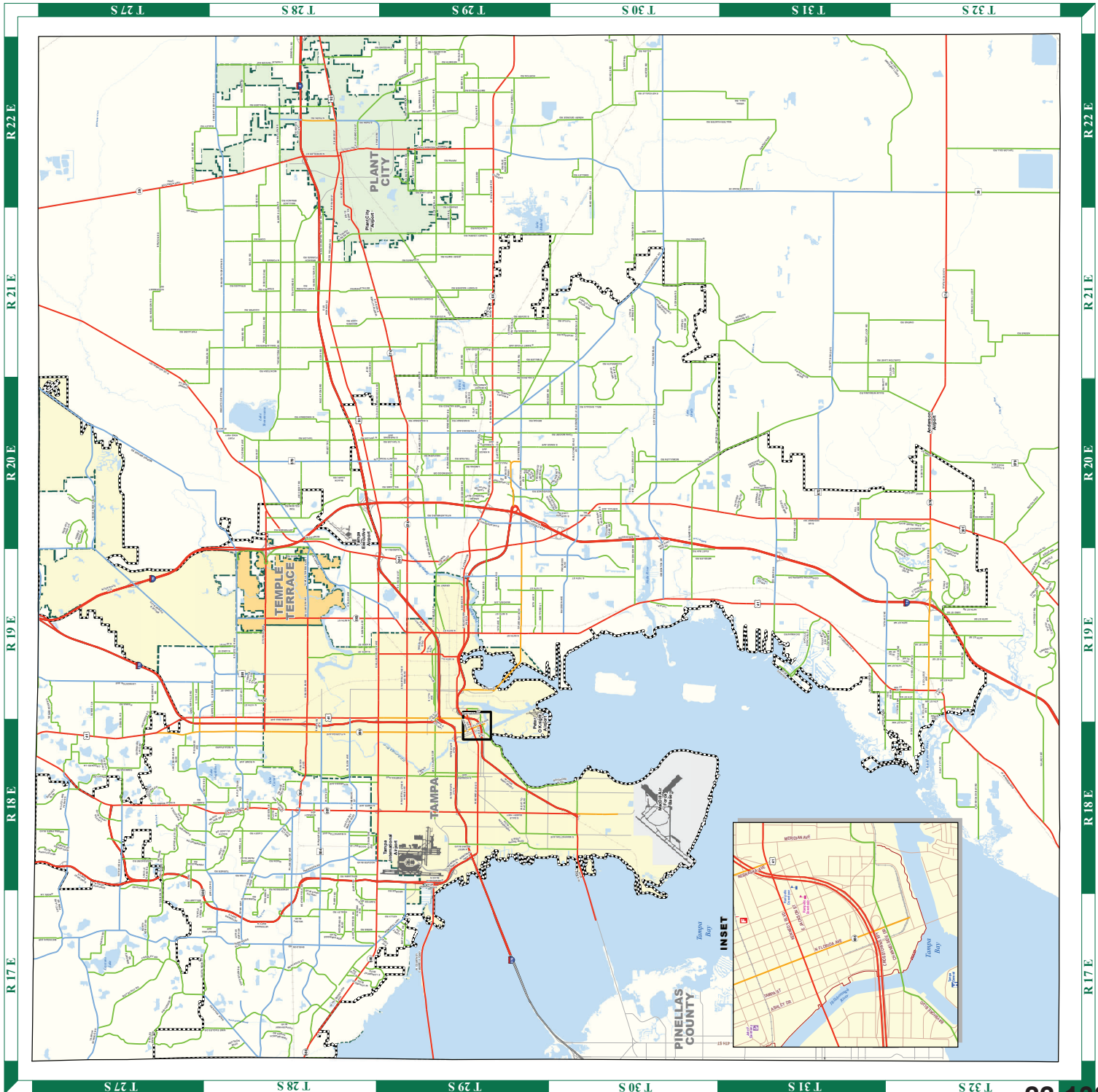


NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not warrant, represent, or guarantee the accuracy of the information shown on this map. The map is for informational purposes only and does not constitute an offer or any other financial product. The map is not intended to be used as a basis for any investment decision. The map is not intended to be used as a basis for any investment decision. The map is not intended to be used as a basis for any investment decision.

SOURCE: The map has been prepared for the inventory of road property lines within Hillsborough County and is not intended to be used as a basis for any investment decision. The map is not intended to be used as a basis for any investment decision. The map is not intended to be used as a basis for any investment decision.

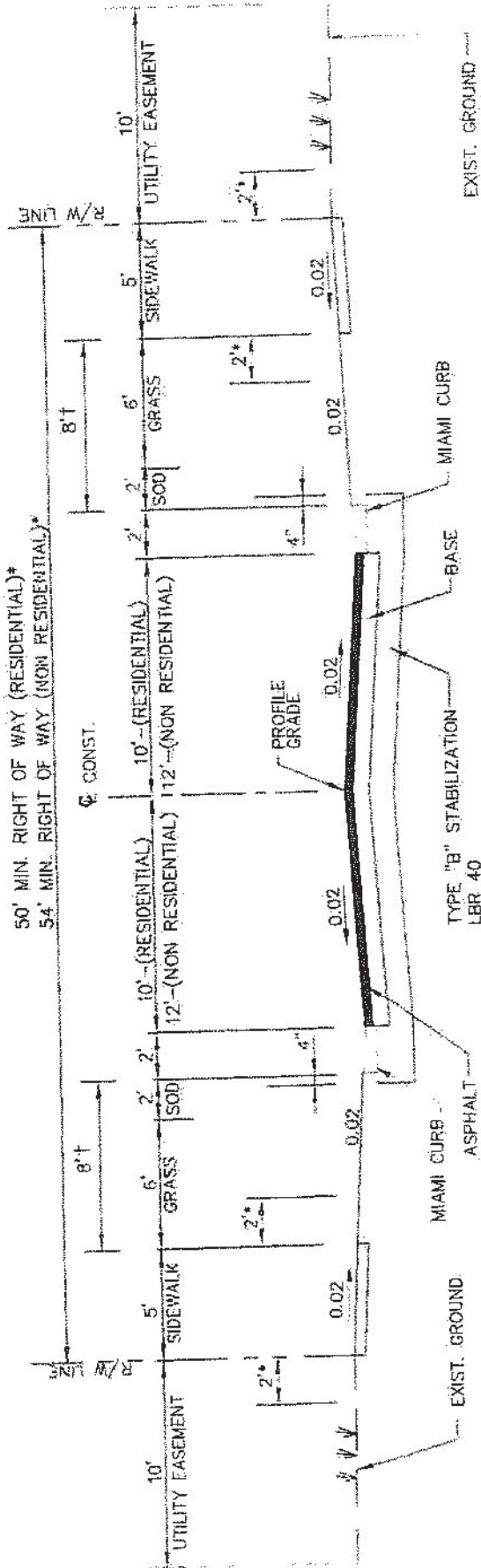
For verification of the information contained on this map, please contact the Planning and Development Services Department at the following address:

601 E. Kennedy Blvd
Tampa, FL 33602
(813) 272-5610
printroom@hillsboroughcounty.org



TS-3





TYPICAL SECTION

N.T.S.

LESS THAN 5,000 AADT

MAX. ALLOWABLE DESIGN SPEED - 35 MPH

1. ALL DIMENSIONS SHOWN ARE MINIMUM.
2. SEE APPROPRIATE SECTIONS OF TECHNICAL MANUAL FOR DESIGN PARAMETERS.
3. PROVIDE 2' MINIMUM CLEARANCE FROM FENCES, WALLS, HEDGES, ABOVEGROUND UTILITIES OR IMPROVEMENTS, DROP OFFS, OR FROM THE TOPS OF BANKS WITH SLOPES STEEPER THAN 1 TO 4, THAT INTERFERE WITH THE SAFE, FUNCTIONAL USE OF THE SIDEWALK. INTERMITTENT ABOVEGROUND UTILITIES, OR MATURE TREES, 2' OR LESS IN DIAMETER MAY BE PLACED IN THIS 2' STRIP AS FAR FROM THE SIDEWALK AS POSSIBLE, IF NOT IN THE CLEAR ZONE.
4. SEE SIDEWALK PROTECTION OPTIONS, DRAWING NO. 10-16 SHEET 7 OF 7 FOR USE WHEN TREES ARE PLANTED IN THE PARKWAY AREA (BETWEEN THE BACK OF CURB AND SIDEWALK).
5. SOD SHALL BE PLACED IN TWO ROWS STAGGERED. (BOTH TEMPORARY AND PERMANENT)

DRAWING NO. **TS-3**
SHEET NO. 1 OF 1

**LOCAL URBAN ROADS
(2 LANE UNDIVIDED)
TYPICAL SECTION**



**TRANSPORTATION
TECHNICAL
MANUAL**

REVISION DATE:
10/17



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: January 17, 2023 Report Prepared: January 5, 2023	Petition: PD 22-1338 Folios: 39018.0000, 39019.0000, 39020.0000, 39023.0000, 39021.0000, 39025.0000, 39016.0200, 39016.0120, and 39029.0000 <i>West of 50th Street North , and Kirby Street East, with frontage on the Hillsborough River</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-6 (6 du/ga, 0.25 FAR) Residential-20 (20 du/ga, 0.75/0.35 FAR)
Service Area	Urban
Community Plan	East Lake Orient Park
Requested Zoning	Residential Single Family Conventional-6 (RSC-6), and Planned Development (PD) to Planned Development (PD) for a 204-unit multi-family residential development
Parcel Size	17.78 +/- acres
Street Functional Classification	East Kirby Road – Local 50 th Street North – Local
Locational Criteria	N/A
Evacuation Zones	B, C, D



Context

- The approximately 17.78 ±acre subject site is located west of 50th Street North, and Kirby Street East. The site is located within the Urban Service Area and is within the limits of the East Lake Orient Park Community Plan.
- The subject site's Future Land Use designations are Residential-6 (RES-6) and Residential-20 (RES-20) on the Future Land Use Map. Typical uses of RES-6 include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed use development. Typical uses of RES-20 include residential, neighborhood commercial, office uses, multi-purpose projects and mixed use developments. Non-residential uses are required to meet established locational criteria for non-residential land uses in both RES-6 and RES-20.
- RES-6 is located to the south of the subject site and RES-20 is located to the east. The City of Tampa limits are located to the west and north of the site across the Tampa Bypass Canal with Future Land Use designations of R-35 and R-10.
- The subject property is currently zoned as Residential Single Family Conventional-6 (RSC-6) and Planned Development (PD). RSC-6 is located to the south and Residential Multi Family Conventional-20 (RMC-20) is located to the east.
- The subject site is currently vacant natural lands. Multi-family residential developments are located to the east and west and single family residential is located to the south and north.
- The applicant is requesting to rezone the subject site from Residential Single Family Conventional-6 (RSC-6) and Planned Development (PD) to Planned Development (PD) for the development of a 204 unit multi-family residential development.
- The applicant is proposing to utilize a flex from the RES-20 to the east pursuant to FLUE Policy 7.3.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area

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 7.3: The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:

Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.

The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.

No new flexes can be extended from an existing flexed area.

All flexes must be parallel to the land use category line.

Flexes are not permitted in the Rural Area or in areas specified in Community Plans. Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.

Flexes to increase residential density are not permitted in the Coastal High Hazard Area. Flexes are not permitted from a municipality into the unincorporated county.

A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.

Applicants requesting a flex must provide written justification that they meet the criteria for a flex as outlined below.

The Board of County Commissioners may flex the plan category boundary to recognize or grant a zoning district which is not permitted in the land use category but lies within the distance of a conforming land use category, as described above. Prior to the determination by the Board of County Commissioner, the staff of the Planning Commission shall make a recommendation on the consistency of the request with the Comprehensive Plan.

Policy 7.4: The criteria for consideration of a flex request are as follows:
The availability and adequacy of public facilities to serve the proposed development accommodated by the flex;

The compatibility with surrounding land uses and their density and intensity;

The utilization of the flex furthers other goals, objectives and policies of the Future Land Use Element.

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 16.2: 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 16.8: The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area, recognizing the choice of lifestyles described in this Plan.

Policy 16.10: Any density increase shall be compatible with existing, proposed or planned surrounding development. 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.

Community Design Component

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

LIVABLE COMMUNITIES ELEMENT: EAST LAKE ORIENT PARK COMMUNITY PLAN

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

- *Preserve existing single family residential (R-6) and allow no further expansion of Residential – 20 (R-20) in the area west of North 56th Street to the City of Tampa and north of Hanna Avenue to the City of Temple Terrace as indicated on the East Lake-Orient Park Community Plan Preferred Elements Map.*

Parks, Recreation, and Natural Resources – *Protect and enhance East Lake Orient Park’s natural environment.*

- *Wetlands shall be protected to the fullest extent of the law.*

Housing – *Create housing opportunities.*

- *Support affordable housing opportunities that accommodate a diverse population and income levels and promote home ownership.*

Staff Analysis of Goals, Objectives and Policies:

The approximately 17.78 ± acre subject site is located west of 50th Street North and East Kirby Street. The subject site is in the Urban Service Area and is in the limits of the East Lake Orient Park Community Plan. The subject site has two Future Land Use classifications, Residential-6 (RES-6) and Residential-20 (RES-20). The applicant is requesting to rezone the subject site from Residential Single Family Conventional-6 (RSC-6) and Planned Development (PD 06-0997) to Planned Development (PD) for a 204-unit multi-family residential development. The applicant is proposing to utilize a flex from the RES-20 FLU category to the east pursuant to Future Land Use Element (FLUE) Policy 7.3.

According to Appendix A of the Future Land Use Element, the intent of the RES-6 category is to “designate areas that are suitable for low density residential development.” The intent of the RES-20 category is to “designate areas for high density residential development, as well as urban scale neighborhood commercial, office, multi-purpose projects, and mixed use developments in accordance with the Goals, Objectives and Policies of the Land Use Element and applicable development regulations and locational criteria for specific land use.” RES-6 is located to the south of the subject site. RES-20 is located to the east. The city of Tampa limits are located to the west and north of the site across the Tampa By Pass Canal with Future Land uses of R-35 and R-10. The applicant is proposing to spread the

density permitted by the existing PD boundary (204 units) over the larger newer boundary (through the recent acquisition of the westernmost parcels) for a density of 11/du/ga over the entire project boundary.

The proposed rezoning meets the intent of Objective 1 which requires that 80 percent of the growth of the county to be within the Urban Service Area and of Policy 1.4 of the Future Land Use Element (FLUE). Policy 1.4 states that “Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.” In this case, the subject site is currently vacant and is adjacent to existing multifamily on the east and west sides. The surrounding uses are primarily single-family residential to the south, north and west. The buildings meet the 2:1 setback requirement to the south and east and will be a maximum of 55 feet high with only a 20 foot type B buffer and a 6’ masonry wall on the southern boundary. Besides the 20 foot buffer, the site includes a 0 foot buffer with a 6’ masonry wall along folio 39029.0000. No buffer is proposed on the east; however, the site plan notes there is an existing wood fence. A high density multi-family residential use consisting of 204 multi-family units will provide for an urban level intensity of housing types in an area that already has some multi-family development. The proposed rezoning provides an opportunity for infill residential development that is well placed within the county. The subject site is within both the RES-6 and RES-20 Future Land Use categories, but will be a buildout of approximately 11 du/ga. The previous PD approval would have intensified the eastern portion of the site at a much higher density, and this allows a gradual transition and spread of the density over a larger area.

The applicant proposes a flex of 1.21 acres of the Residential-20 (RES-20) located to the east. The proposed use does not meet the intent of Objective 7 and Policy 7.3 and 7.4 regarding flexes. A flex must demonstrate how it furthers other Goals, Objectives and Policies of the Comprehensive Plan. In this case, the flex conflicts with the language in the Community Plan.

According to FLUE Objective 9 and Policy 9.2, all development proposals must meet or exceed all local, state and federal land development regulations. The EPC Wetlands Division has reviewed the proposed rezoning. Based on comments from September 2022, in the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC will need to review the zoning again. The applicant has submitted a design exemption for 50th street and is seeking an administrative variance to Sections 6.04.03L and 6.04.02B of the Land Development Code. At the time of uploading this report, Transportation comments were not yet available and thus were not taken into consideration for analysis of this request.

The subject site is in the RES-6 and RES-20 Future Land Use categories and is surrounded by residential uses. There are single family residential uses locate to the north and south which and multi-family uses to the east and west of the site. The proposal meets the compatibility requirements of Objective 16 and Policies 16.2, 16.3, 16.8, 16.10 and 16.13 of the FLUE as the multifamily development complements the existing range of residential development in the area which includes single-family residential and multi-family uses. The subject site is located along a collector roadway in the Urban Service Area, which is preferred for high-density residential development per policy direction.

The Community Design Component (CDC) In the FLUE provides policy direction about designing neighborhoods that are related to the predominant character of the area. Goal

12 and Objective 12-1 require new development to be designed in a compatible way to the surrounding area. There is existing multi-family adjacent to the east and the site serves to continue multi-family residential development in a complementary manner to the residential development pattern on Kirby Street East and Puritan Road.

The subject site is within the East Lake Orient Park Community Plan that encourages protecting wetlands and the proposed site plan provides a 50' wetland area conservation setback line. The Community Plan also encourages the development of housing for all income levels and the proposal can fulfill this vision, however Planning Commission staff also note that the East Lake Orient Park Community Plan clearly states the following: " Preserve existing single family residential (RES-6) and allow no further expansion of Residential – 20 (RES-20) in the area west of North 56th Street to the City of Tampa and north of Hanna Avenue to the City of Temple Terrace as indicated on the East Lake-Orient Park Community Plan Preferred Elements Map." As this site is in this specified area, the requested flex is not supportable by Planning Commission staff as it would lead to a further expansion of RES-20 into RES-6, even though the actual buildout would be closer to 11 du/ga. While a flex was approved in 2006, this pre-dates the 2009 adoption of the East Lake Orient Park Community Plan. Therefore, the proposed development is not consistent with the East Lake Orient Park Community Plan.

Recommendation

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

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 22-1338

<all other values>

Rezonings
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Major Roads

- Parcels
- WATER NATURAL LULC, Wet Poly
- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASIPUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE



DATA SOURCES: Rezonings boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning data is for use as a guide only and is not intended to be used as a legal document. It is intended that the rezoning data be used in conjunction with the official zoning maps of Hillsborough County. ACCURACY: It is intended that the rezoning data be used in conjunction with the official zoning maps of Hillsborough County. Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 8/31/2022
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Reg_H\Rezoning_Copy.mxd

