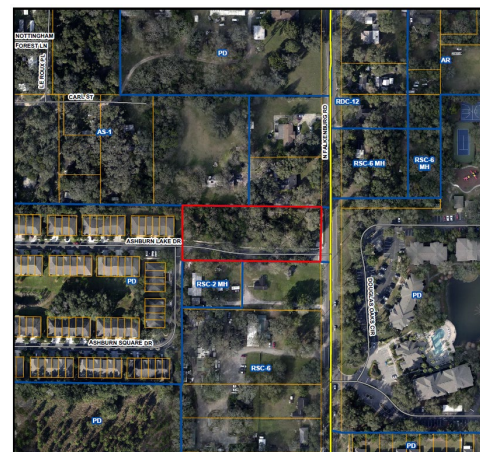


Rezoning Application:
MM 22-1236
 Zoning Hearing Master Date:
 April 17, 2023
 BOCC Land Use Meeting Date: June 13, 2023



1.0 APPLICATION SUMMARY

Applicant: Hill Ward Henderson, P.A.
 FLU Category: Community Mixed Use -12
 Service Area: Urban
 Site Acreage: 1.54 acres
 Community Plan Area: East Lake/Orient Park
 Overlay: None



Existing Approvals:
PD 03-0119 was approved by the Board of County Commissioners on April 8, 2003, to allow up to 302 townhomes in the 29.42-acre area designated as Parcel “A” and an office / retail establishment in the 1.54-acre area designated as Parcel “B”. No subsequent modifications have occurred since approval.

Proposed Modifications:
 The applicant is seeking a major modification to the existing Planned Development PD 03-0119 that is approved for 302 townhomes on Parcel “A” and an office / retail establishment / daycare on the remaining 1.54-acre area designated as Parcel “B”.

Existing Option 1:
 The applicant proposes **no changes** to the existing entitlements which shall be considered “Option 1”.

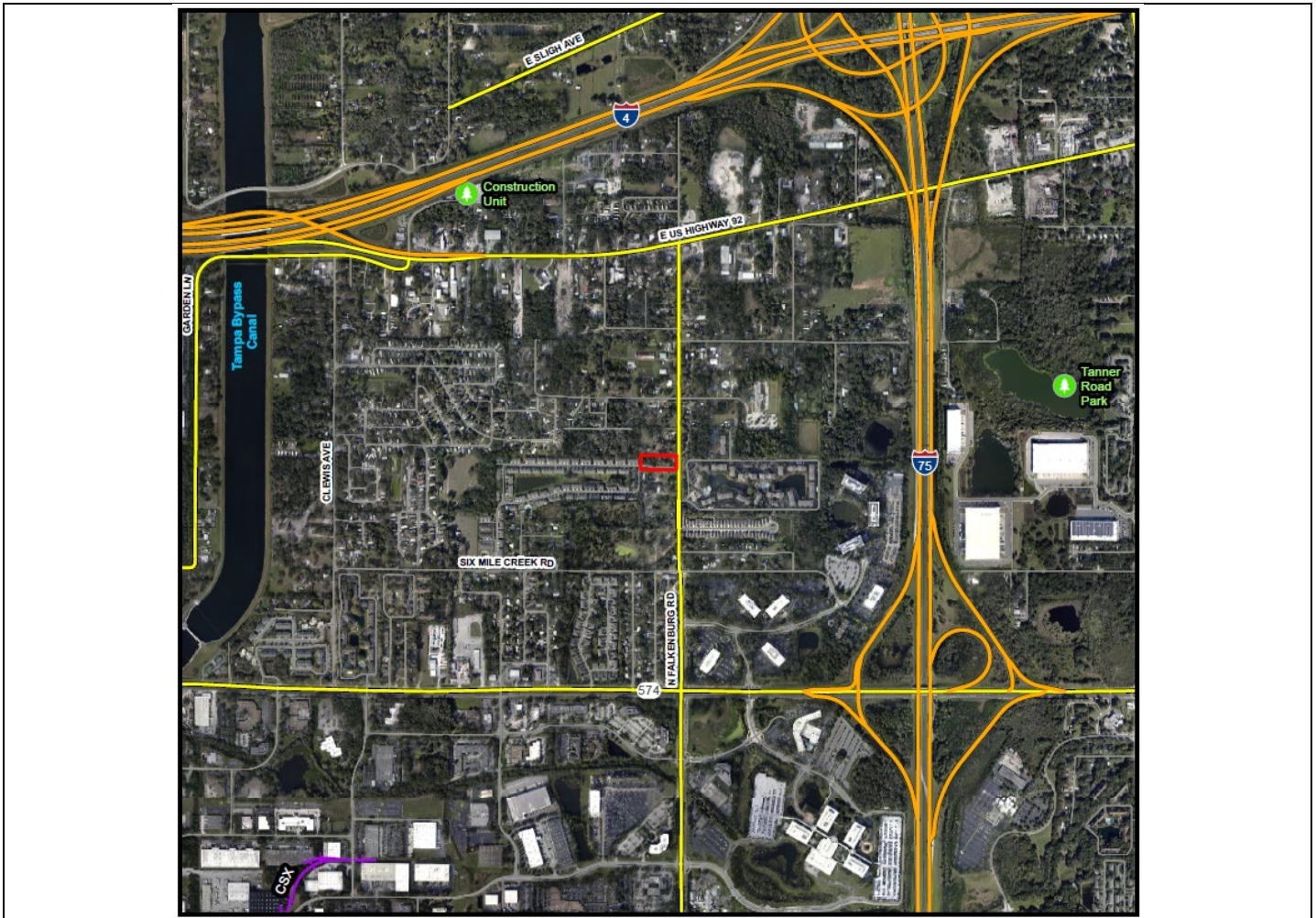
New Proposed Option 2:
 The applicant proposes a new development Option 2, to allow the 1.54-acre **Parcel “B”** area to be developed with up to 16 townhomes.

Additional Information:	
PD Variation(s):	None Requested as part of this application
Waiver(s) to the Land Development Code:	No waivers requested.

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable, subject to conditions.
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2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



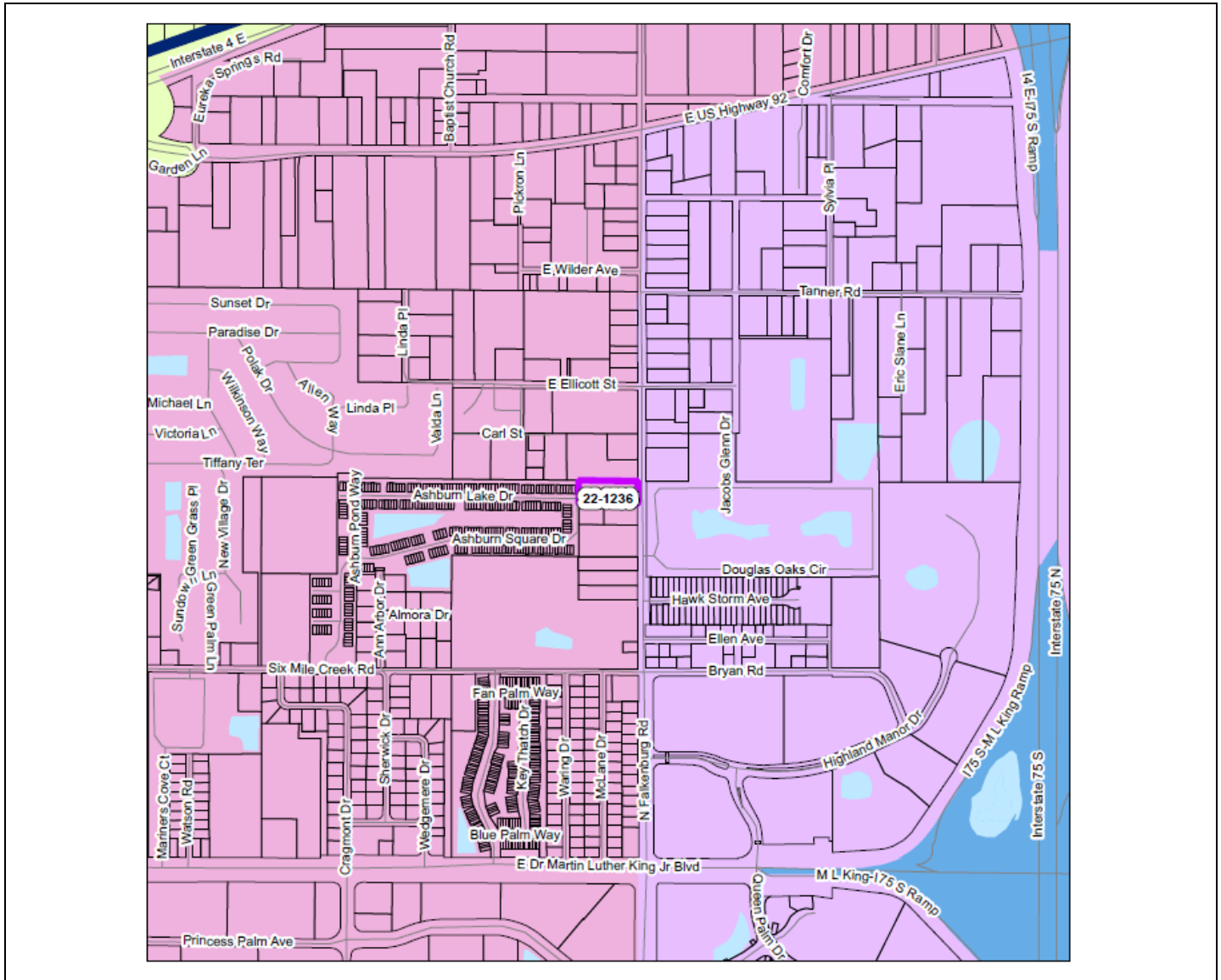
Context of Surrounding Area:

The subject site is located at Ashburn Lake Drive and Falkenburg Road North, approximately 640 feet south of the intersection of Elliot Street East and Falkenburg Road North. The 1.54 +/- acre property is located approximately 1,150 feet north of Six Mile Creek Road and Bryan Road. The site is currently undeveloped.

- South of the site is RSC-2 and RSC-6 zoned property, developed with a single-family home and mobile home.
- Immediately east of the subject site Falkenburg Road North. East across Falkenburg Road North is a multifamily residential development.
- To the west of the subject site is a Parcel "A" of the development and developed with townhomes.
- North of the subject site is RDC-12 and AS-1, developed with single-family residential.

2.0 LAND USE MAP SET AND SUMMARY DATA

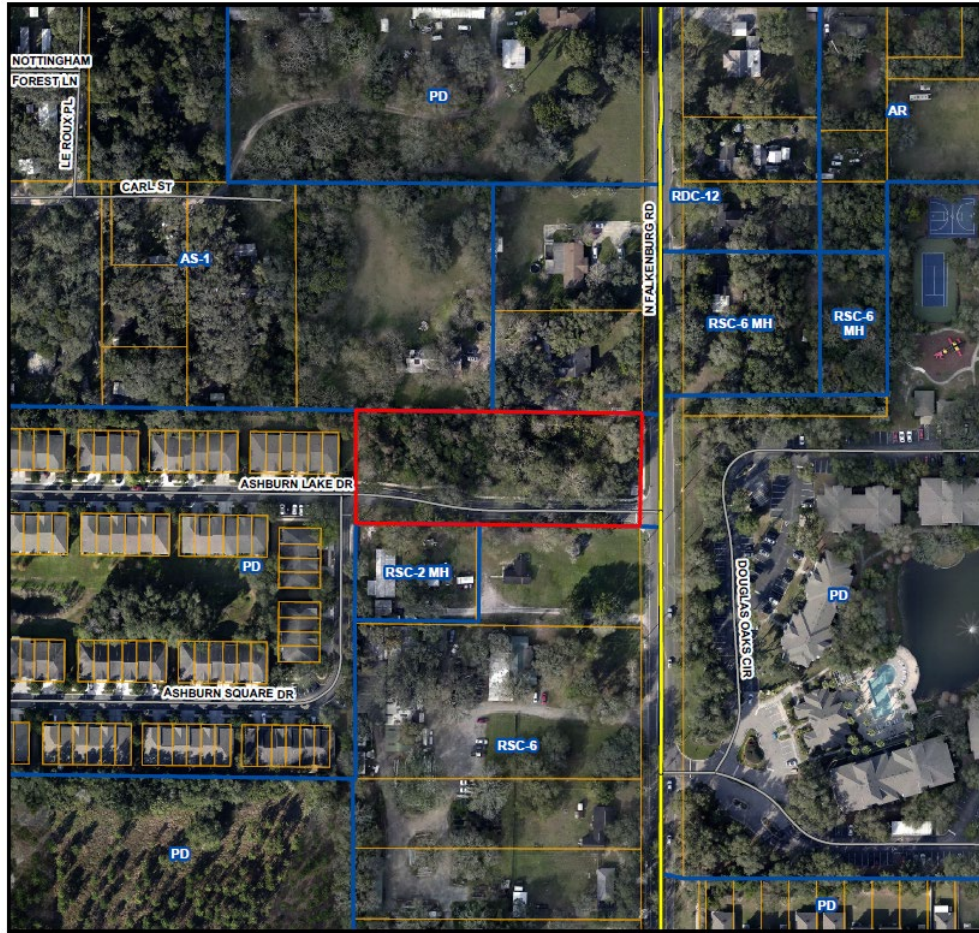
2.2 Future Land Use Map



Subject Site Future Land Use Category:	CMU-12
Maximum Density/F.A.R.:	Non-residential: Maximum 0.5 FAR Residential: 12 dwelling units per acre
Typical Uses:	Typical uses in the Community Mixed Use-12 include residential, community retail commercial, offices, research park, light industrial, multi-purpose, clustered residential, mixed-use.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

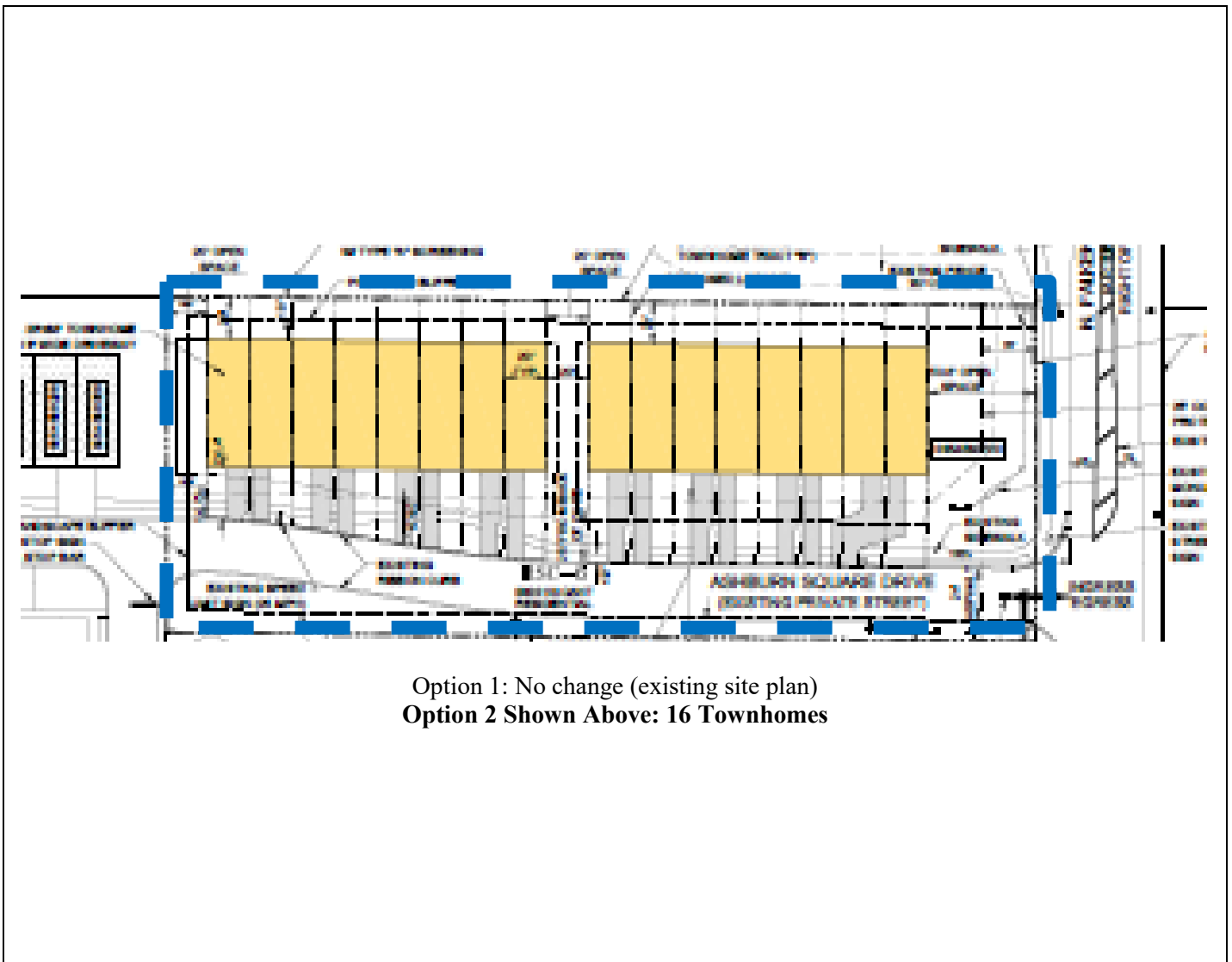


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RDC-12, AS-1	Minimum Lot Size RDC-12: 3,630 sf AS-1: 43,560 sf	Single-family Residential	Single-family Residential
South	RSC-2, RSC-6	Minimum Lot Size RSC-2: 21,780 sf RSC-6: 7,000 sf	Mobile Home / Single-family Residential	Mobile Home / Single-family Residential
East	N. Falkenburg ROW PD 00-1191	456 Multifamily units	Multifamily Residential	Multifamily Residential
West	PD 03-0119 (Parcel "A")	302 townhomes	Townhomes	Townhomes

2.0 LAND USE MAP SET AND SUMMARY DATA

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



Option 1 Existing Approval—NO PROPOSED CHANGE

Parcel A: up to 302 townhomes.

Parcel B: A maximum of 10,000-sf of professional services and childcare uses pursuant to conditions of approval.

Proposed Development Option 2 (Redevelopment of Parcel B):

To add a second development option to Parcel B to allow 16 townhomes.

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
N Falkenburg Rd.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Six Mile Creek	County Local - Rural	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	3,344	368	399
Proposed	2,290	152	181
Difference (+/-)	-1,054	-216	-218

*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		Emergency & Pedestrian	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
N. Falkenburg Rd./Substandard Roadway	Design Exception Requested	Approvable
N. Falkenburg Rd./Turn Lane Length	Design Exception 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 checked="" 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 report.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor (Lowell Rd.) <input type="checkbox"/> Adjacent to ELAPP property <input checked="" type="checkbox"/> Other: Airport Height Restriction, 70' AMSL 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation "Agency Review Comment Sheet"
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Adequate Facilities Analysis: Rezoning. Although Armwood High School is projected to be over capacity given existing approved development and the proposed amendment, state law requires the school district to consider whether capacity exists in adjacent concurrency service areas (i.e., school attendance boundaries). Currently, additional capacity exists in adjacent concurrency service areas at the high school level.

Impact/Mobility Fees:

Townhouse (Fee estimate is based on a 1,500 s.f., 1-2 Story)

Mobility: \$6,661 * 16 = \$106,576

Parks: \$1,957 * 16 = \$31,312

School: \$7,027 * 16 = \$112,432

Fire: \$249 * 16 = \$3,984

Total Townhouse: \$254,304

Urban Mobility, Northeast Parks/Fire - 16 additional Townhouse Units

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<p>Planning Commission</p> <p><input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A</p> <p><input type="checkbox"/> Locational Criteria Waiver Requested</p> <p><input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><input type="checkbox"/> Inconsistent</p> <p><input checked="" type="checkbox"/> Consistent</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>	<p>See Hillsborough County City-County Planning Commission review report for in-depth comments.</p>

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The +/-1.54 -acre subject site is located at Ashburn Lake Drive and Falkenburg Road North, approximately 640 feet south of the intersection of Elliot Street East and Falkenburg Road North. The property is located approximately 1,150 feet north of Six Mile Creek Road and Bryan Road. The 1.54-acre undeveloped subject site is located within the limits of the East Lake Orient Park Community Plan and inside the Urban Service Area.

The surrounding development pattern consists of a mixture of uses including single-family residential uses on the north, and south sides. Immediately west is a townhome development (PD 03-0119). There are some light commercial uses closer to Falkenburg Road. Mobile Home Parks are also located to the north and multifamily developments are located to the east. Commercial is also located further away heading north and south of the site.

The applicant seeks to add an additional development option to what is currently designated as the commercial option in the PD, which allows professional services and childcare uses on Parcel "B". Per the applicant's narrative the professional services and childcare uses have not generated interest over the past 20 years. Therefore, the applicant is proposing to add a development option to the approximate 1.54-acre Parcel "B" to allow 16 townhomes, like the existing 302 townhomes located to the immediate west of the subject site.

Pursuant to Land Development Code Section 6.06.06, a 5-foot landscape buffer with Type "A" screening is required on the northern and southern property boundaries of the 1.54-acre Parcel "B". The applicant's proposal exceeds this requirement and proposes a 10-foot-wide buffer with Type "A" screening to further ensure compatibility with the existing adjacent development along the north and south property boundaries developed with single-family homes and the proposed 16 townhomes proposed for Parcel "B". The applicant requests no Variations for Site Design. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering). The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code, Site Development and Technical Manuals.

The property lies within the City of Tampa Water Service Area. A 4-inch wastewater force main exists adjacent to the site and is located in the west right-of-way of North Falkenburg Road. 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 site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code.

The Planning Commission found that the proposed rezoning would be consistent with the Unincorporated Hillsborough County Comprehensive Plan and the East Lake Orient Park Community Plan.

Transportation Design Exceptions Overview:

N. Falkenburg Rd. Substandard Road

North Falkenburg Road is a substandard local roadway, and the applicant's engineer of record submitted a design exception request for North Falkenburg Road to determine the specific improvements that would be required by the county engineer. Based on factors presented in the design exception request, the county engineer found the design exception request approvable. The developer will be required to construct +/-980 feet of sidewalk to fill in existing gaps on the east side of N. Falkenburg Rd., from the intersection of Six Mile Creek to Ashburn Square Dr consistent with the approved design exception.

N. Falkenburg Turn Lane

As the existing 180-foot turn lane serving the project access on N. Falkenburg Rd. does not meet the 285-foot minimum turn lane length per the DRPM due to the existing southbound to eastbound left turn lane at Douglas Oak Circle, the applicant’s Engineer of Record (EOR) submitted a Design Exception request (dated February 27, 2023) to determine that the existing turn lane would adequately serve the project site access. Based on factors presented in the Design Exception request, the County Engineer found the Design Exception request approvable

A full review may be found in the Transportation Agency Review Comment Sheet.

5.2 Recommendation

Based upon the above, staff finds the request APPROVABLE.

6.0 PROPOSED CONDITIONS

Prior to site plan certification, the applicant shall revise the PD site plan to replace the label “25’ CORRIDOR PROTECTION LINE” with “+/-25’ ROW PRESERVATION”.

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted March 28, 2023.

1. The project shall be limited to the following uses.

- Parcel A-a maximum of 302 town home dwelling units. Development standards shall be as follows:

Minimum lot width:	20 feet
Minimum lot depth:	50 feet
Maximum lot coverage:	100%
Maximum building height:	35 feet (two stories)
Setbacks (unless otherwise specified)	
Front yard:	0 feet
Rear Yard:	0 feet
Side Yard:	0 feet (15 feet between buildings)

Town homes along the property line of the project adjacent to the parcels located on the west side of Ann Arbor Drive shall be limited to four units per building.

- Parcel B:
 - Option 1: a maximum of 10,000 square feet of professional services and child care uses. Development standards shall be as follows:

Minimum lot size:	21,780 square feet
Minimum lot width:	50 feet
Maximum building height:	35 feet
Setbacks	
From PD boundary	20 feet
From Parcel A	25 feet
From Falkenburg Road	50 feet
From Entry Boulevard	25 feet

Buildings in Parcel B shall be designed to resemble a residential structure, including a pitched roof.

- Option 2: Up to 16 townhome dwelling units.

<u>Minimum lot width:</u>	<u>20 feet</u>
<u>Maximum lot depth:</u>	<u>60 feet</u>
<u>Maximum building height:</u>	<u>35 feet (2 stories)</u>
<u>Maximum lot coverage:</u>	<u>100%</u>

Setbacks

<u>From PD boundary</u>	<u>20 feet</u>
<u>From northern landscape buffer</u>	<u>10 feet</u>
<u>From Parcel A</u>	<u>25 feet</u>
<u>From Falkenburg Rd.</u>	<u>50 feet</u>
<u>From Entry Blvd.</u>	<u>25 feet</u>

2. Setback and buffers shall be as follows:

- There shall be a minimum 25-foot building setback for Parcel A from the parcels on the north and west sides of Ann Arbor Drive. There shall be a minimum 20-foot building setback from the remaining adjacent parcels. Buffering and screening shall be provided in accordance to the Hillsborough County Land Development Code. If a retention pond is located adjacent to lots identified by folio numbers 65327.0000, 65330.0000 and 65326.000, then no screening will be required adjacent to said folios. The pond shall be owned and maintained by the project's homeowner's association.
- For Parcel B, a 10-foot-wide Buffer Area shall be provided along the perimeter of the property along the north and south property boundary as depicted on the PD Plan. The 10-foot-wide Buffer shall be depicted on the plat.

3. Pursuant to the Hillsborough County Land Development Code, the developer shall provide a wildlife survey of any endangered, threatened or species of special concern in accordance with the Florida Fish and Wildlife Conservation Commission Wildlife Methodology Guidelines. The developer shall submit this survey to the Planning and Growth Management Department as part of the preliminary plan submittal required by the LDC Site Development or Subdivision review procedures.
4. Approval of the petition does not constitute a guarantee that the Environmental Protection Commission approvals necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands and does not grant any implied or vested rights to environmental impact approval.
5. Approval of this application does not ensure that water will be available at the time when the applicant seeks approval to actually develop.
6. The general design, location, and number of the access point(s) shall be regulated by the Hillsborough County Access Management regulations. The design and construction of curb cuts are subject to approval by the Hillsborough County Planning and Growth Management Department. Final design, if approved by Hillsborough County Planning and Growth Management Department may include, but is not limited to, left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.

6.1 The existing turnaround at the northern end of Ann Arbor Drive shall remain and shall be shown on the certified general site plan. There shall be no connection from this turnaround to the internal roads for the townhomes.

- ~~7. Prior to Construction Site Plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of left turn storage needed to serve development traffic. If,~~

~~with the addition of background and project traffic, and if warranted by the results of the transportation analysis, as determined by Hillsborough County, the developer shall provide, at his expense, left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, (for northbound to westbound traffic) on Falkenburg Road at both the project access and the intersection of Six Mile Creek Road/Falkenburg Road. The construction of these left turn lanes shall be approved by Hillsborough County Planning and Growth Management Department. All roadway construction of said left turn lanes shall be completed with proper transitions from the widened section to the existing roadway pavement.~~

7. The following shall apply to Parcel "B":

7.1 If PD 22-1236 is approved, the County Engineer will approve a Design Exception (dated February 27, 2023) which was found approvable by the County Engineer (on March 2, 2023). As N. Falkenburg Rd. is a substandard collector roadway, the developer will be required, with the initial increment of development, to construct +/-980 feet of sidewalk to fill in gaps in the existing sidewalks on the east side of the roadway from the intersection of Six Mile Creek to Ashburn Square Dr. consistent with the Design Exception.

7.2 If PD 22-1236 is approved, the County Engineer will approve a Design Exception (dated February 27, 2023) which was found approvable by the County Engineer (on March 2, 2023). As the length existing northbound to westbound left turn lane serving the project access on N. Falkenburg Rd. is substandard due to right of way constraints, the developer shall utilize the existing 180ft.

7.3 Notwithstanding anything shown in the PD site plan or in the PD conditions to the contrary, pedestrian access shall be allowed anywhere within the project and along the project boundary consistent with the LDC.

8. ~~The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ 03-0119), whichever comes first, up to 62 feet of right of way from the existing center line of right of way on Falkenburg Road, to accommodate for the one half of the right of way as needed for a four lane divided collector. This shall be up to 32 feet from the existing edge of right of way. As Falkenburg Rd. is identified on the Hillsborough County Corridor Preservation Plan as a future 4-lane improvement, the developer shall designate +/-25 feet of right of way preservation along the project frontage on Falkenburg Rd as shown on the PD site plan. Building setbacks shall be calculated from the future right-of-way line.~~

9. Access to Falkenburg Road for Parcel B (shown as the commercial tract) to Falkenburg Road shall be via the internal road only. No additional access to Falkenburg Road shall be permitted.

10. In the event there is conflict between a zoning condition of approval, as stated herein, and any written or graphic notation on the general site plan, the more restrictive requirement shall apply.

11. Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.

12. Within 90 days of approval of ~~RZ 03-0119 TH~~ MM 22-1236 by the Hillsborough County Board of County Commissioners, the developer shall submit to the County Planning and Growth Management Department a revised General Development Plan for certification reflecting all conditions detailed above.

~~13. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities in place at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.~~

13. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

Zoning Administrator Sign Off:



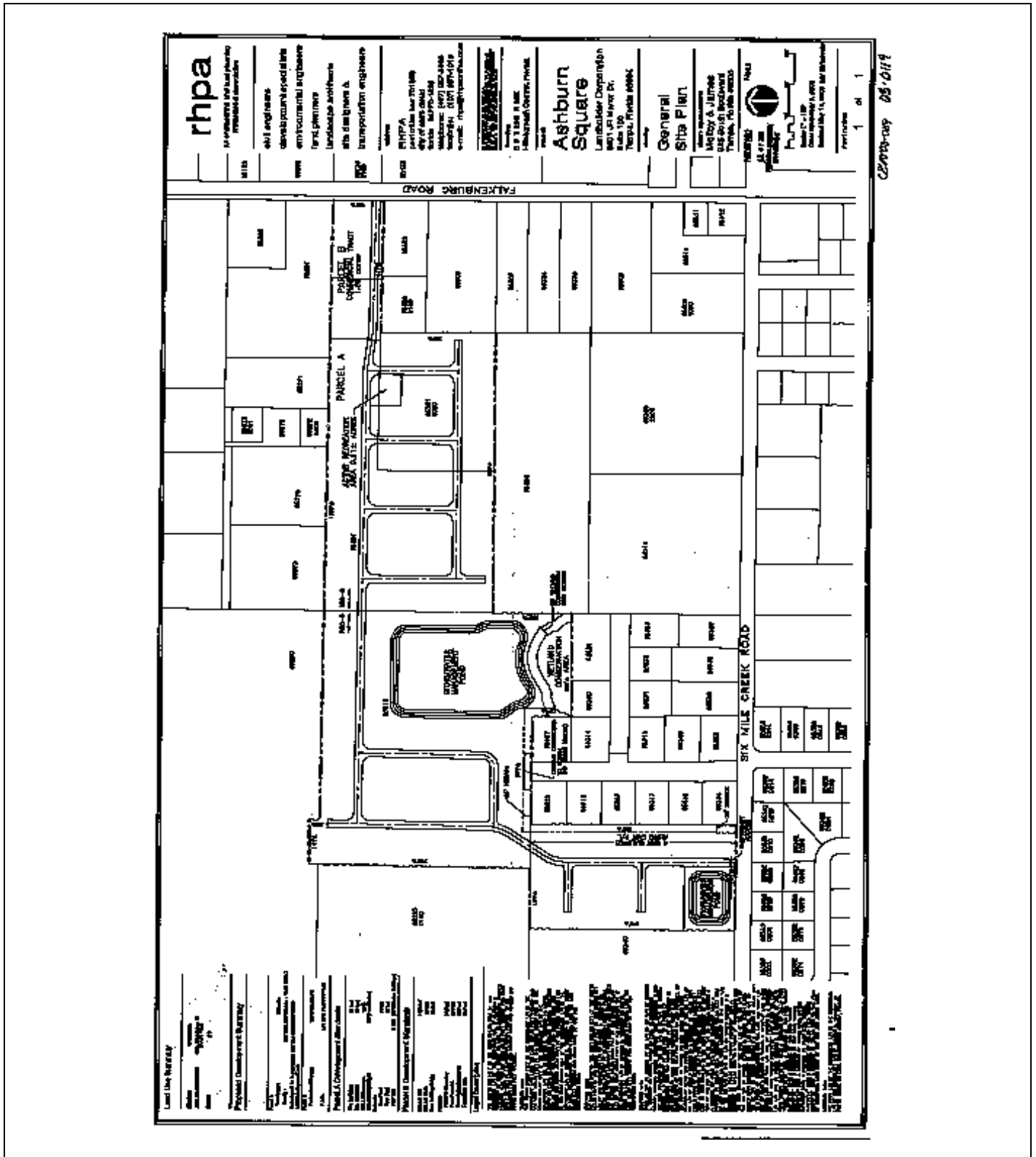
J. Brian Grady
Mon Apr 10 2023 07:30:16

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

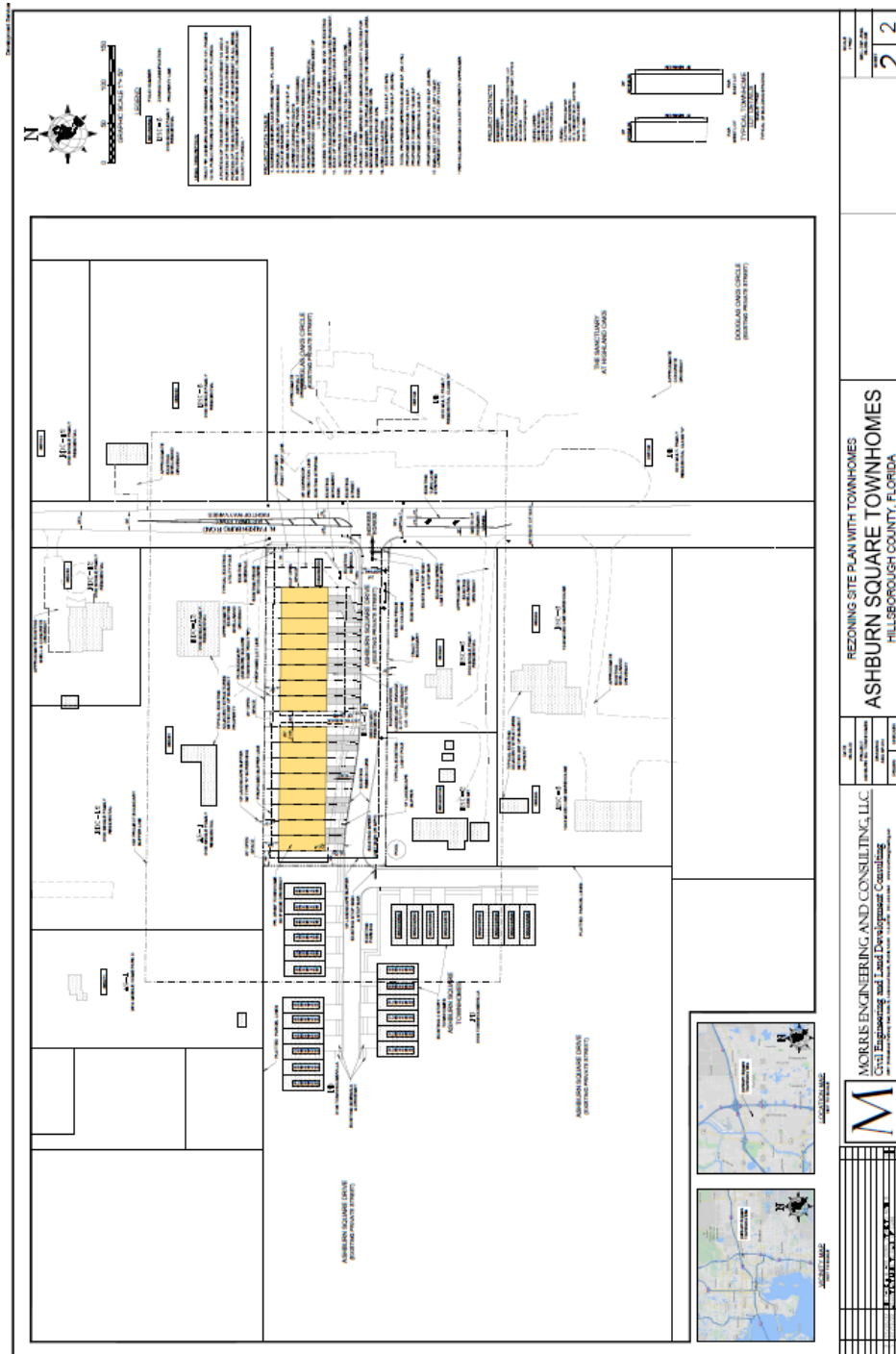
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

8.0 PROPOSED SITE PLAN (FULL) OPTION 1: NO CHANGE to Site Plan



8.0 PROPOSED SITE PLAN (FULL) OPTION 2



9.0 FULL TRANSPORTATION REPORT (see following pages)

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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: April 17, 2023 Report Prepared: April 5, 2023	Petition: PD 22-1236 Folio #: 65456.0700 <i>Northwest corner of North Falkenburg Road and Ashburn Lake Drive</i>
Summary Data:	
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Community Mixed Use-12 (12 du/ga; 0.50 FAR)
Service Area	Urban
Community Plan	East Lake Orient Park
Request	Major Modification to a Planned Development 03-0119 for the development of 16 townhomes as option 2 and to allow for professional office and service uses on Parcel B
Parcel Size (Approx.)	1.54 acres (67082.4 square feet)
Street Functional Classification	Falkenburg Road – Collector Ashburn Lake Drive - Local
Locational Criteria	N/A
Evacuation Zone	None



Context

- The approximately 1.54-acre subject site is located on the west side of Falkenburg Road, along Ashburn Lake Drive. It is in the Urban Service Area and is within the limits of the East Lake Orient Park Community Plan.
- The subject site's Future Land Use designation is Community Mixed Use-12 (CMU-12). Typical uses of CMU-12 include Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. Projects that are 20 acres in size or greater must demonstrate a mix of land uses in accordance with Policy 19.1. CMU-12 surrounds the site on the north, west and south sides. Urban Mixed-Use-20 (UMU-20) is located to the east of the site.
- The subject property is currently zoned as a Planned Development (PD). Residential Single Family Conventional-6 (RSC-6) and Residential Single-Family Conventional-2 (RSC-2) are located south of the site. Planned Developments are located to the west, southwest, east, and southeast of the site. Residential Duplex Conventional-12 (RDC-12) and RSC-6 is located to the north. Agricultural Single-Family Conventional-1 (ASC-1) is also located to the north.
- The subject site is currently vacant. The site is primarily surrounded by single-family residential uses on the north, west and south sides. There are some light commercial uses closer to Falkenburg Road. Mobile Home Parks are also located to the north and multifamily developments are located to the east. Light Commercial is also located to the north and to the south of the site.
- The applicant is requesting a Major Modification to a Planned Development 03-0119 for the development of 16 townhomes as option 2 and to allow for limited professional office and service uses on Parcel B.
- The subject site is within a wellhead protection zone.

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

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

Policy 1.4:

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

Relationship to Land Development Regulations

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

Policy 9.1:

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

Policy 9.2:

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

Neighborhood/Community Development

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

Policy 16.2:

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.

Policy 16.13:

Medium and high density residential and mixed use development is encouraged to be located along transit emphasis corridors, potential transit corridors on the MPO 2050 Transit Concept Map and collector and arterial roadways within the Urban Service Area.

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

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

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

section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.

Community Design Component

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

GOAL 17: Develop commercial areas in a manner which enhances the County's character and ambiance.

OBJECTIVE 17-1: Facilitate patterns of site development that appear purposeful and organized.

Policy 17-1.4: Affect the design of new commercial structures to provide an organized and purposeful character for the whole commercial environment.

Livable Communities Element: East Lake Orient Park Community Plan

Housing – Create housing opportunities.

- Support affordable housing opportunities that accommodate a diverse population and income levels and promote home ownership.
- Create a neighborhood redevelopment and rehabilitation program to revitalize the area south of US 92 in the vicinity of Falkenburg Road.

Staff Analysis of Goals, Objectives and Policies:

The approximately 1.54 acre subject site is located in the northwest quadrant of the Falkenburg Road North Ashburn Lake Drive intersection. 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 a Future Land Use classification of Community Mixed-Use-12 (CMU-12) on the Future Land Use Map. The applicant is requesting a Major Modification to a Planned Development 03-0119 for the development of 16 townhomes as option 2 and to allow for limited professional office and service uses on Parcel B. The subject site's Future Land Use is CMU-12. According to Appendix A of the Future Land Use Element, the intent of this category is to "be urban in intensity and density of uses, with development occurring as the provision and timing of transportation and public facility services necessary to support these intensities and densities are made available". The subject site is surrounded by

CMU-12 on the north, west and south sides. Urban Mixed-Use-20 is located across Falkenburg Road North on the east side of the subject site. The proposed major modification is in an area intended for a mixture of residential and commercial uses.

The proposed rezoning meets the intent of Objective 1 which requires that 80 percent of the growth of the county be within the Urban Service Area. 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 along a collector road where there are surrounding residential uses. The proposed development is consistent with Policy 1.4 compatibility. The proposed rezoning provides an opportunity for infill residential and the proposed limited professional office and services were already approved under the original rezoning and are proposing to limit the non-residential uses.

The subject site is in the CMU-12 Future Land Use category and is surrounded by residential uses. The proposed rezoning meets the intent of Objective 16 and Policies 16.2, 16.3, and 16.5, regarding compatibility, complementary uses, and the need to protect existing neighborhoods and communities as well as those that will emerge in the future. Objective 12-1 and Policy 12-1.4 of the Community Design Component (CDC) discuss how new development shall be compatible with the established character of the surrounding area. Objective 17-1 and Policy 17.1-4 seek to facilitate patterns of development that are organized and purposeful. This rezoning protects existing neighborhoods and provides for compatibility with the surrounding uses through mitigation techniques. The proposed residential does meet the compatibility requirements of Objective 16 and policies 16.2, 16.3, 16.8, 16.10 and 16.13 of the FLUE as the applicant’s site plan dated March 28, 2023, is consistent with the surrounding development patterns. The existing approval for commercial development on parcel B does not show a site layout. However, per the list of conditions a 10-foot-wide buffer is proposed along the north property boundary to help with mitigation. According to Objective 9 and Policy 9.2, all development proposals must meet or exceed all local, state and federal land development regulations. At the time of filing this report, Transportation and Zoning comments were not yet available in Optix and thus were not taken into consideration for the analysis of this request. The property is not subject to Commercial Locational Criteria pursuant to FLUE Policy 22.2, as the property is located in a mixed use Future Land Use category.

The subject site is within the East Lake Orient Park Community Plan that encourages the development of housing for all income levels. Moreover, the subject site is located in an area that is noted in the Community Plan for its redevelopment potential and the proposed rezoning can work to fulfill that direction in the Community Plan.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Hillsborough County Comprehensive Plan, and that is compatible with the existing and planned development pattern found in the surrounding area.

Recommendation

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

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