Rezoning Application: 23-0100

Zoning Hearing Master Date: April 17, 2023

BOCC Land Use Meeting Date: June 13, 2023



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: David Wright/ TSP Companies,

Inc.,

FLU Category: Residential - 4 (Res-4)

Service Area: Rural

Site Acreage: 5.59 +/Community Plan Area: None

Overlay: None

Request: Rezone from Agricultural Single-

Family Residential Conventional -

1 (ASC-1) and Commercial Neighborhood (CN) to

Commercial Neighborhood (CN).



Request Summary:

The request is to rezone from the existing Agricultural Single-Family Residential Conventional -1 (ASC-1) and Commercial Neighborhood (CN) zoning districts to the proposed Commercial Neighborhood (CN) zoning district. The proposed zoning for CN permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 7,000 square feet (sf).

Zoning:				
	Current ASC-1 Zoning	Current CN Zoning	Proposed CN Zoning	
Uses	Agricultural Single-Family Residential	Commercial	Commercial Neighborhood	
	Conventional	Neighborhood (CN)	(CN)	
Acroago	1.15 +/- Acres (ac)	4.41 +/- ac;	5.56 +/- ac;	
Acreage	1.15 +/- Acres (ac)	192,099.6 sf	242,193.60 sf	
Density / Intensity	1 dwelling unit (du)/ 1 ac	F.A.R. 0.20	F.A.R. 0.20	
Mathematical Maximum*	1 dwelling unit	38.419.92 sf	48,438.72 sf	

^{*} Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.

Development Standa	rds:		
	Current ASC-1 Zoning	Current CN Zoning	Proposed CN Zoning
Density / Intensity	1 du/ 1 Ac	Max. F.A.R. 0.20	Max. F.A.R. 0.20
Lot Size / Lot Width	1 acre (43,560 sf)/150'	0.16 Ac (7,000 sf)/70'	0.16 Ac (7,000 sf)/70'
Setbacks/Buffering and Screening		Front - 30' (South).	Front - 30' (South).
	Front & Rear - 50' — South & North) Sides - 15' (East & West)	Sides - 20' with Type B Buffer –	Sides - 20' with Type B Buffer –
		(North-West & East).	(North-West & East).
		Sides - 0' (South-West)	Sides - 0' (South-West)
		Rear - 20' with Type B Buffer	Rear - 20' with Type B
		(North).	Buffer (North).
Height	50′	35′	35'

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

Development Services Department Recommendation

ZHM HEARING DATE: April 17, 2023 BOCC LUM MEETING DATE: June 13, 2023

Additional Information:

Planning Commission Recommendation

Consistent

Approvable

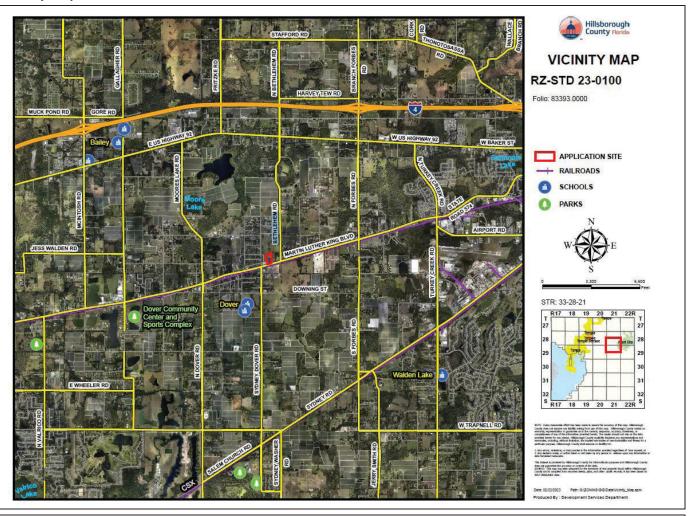
Case Reviewer: Isis Brown

ZHM HEARING DATE: April 17, 2023
BOCC LUM MEETING DATE: June 13, 2023

Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



Context of Surrounding Area:

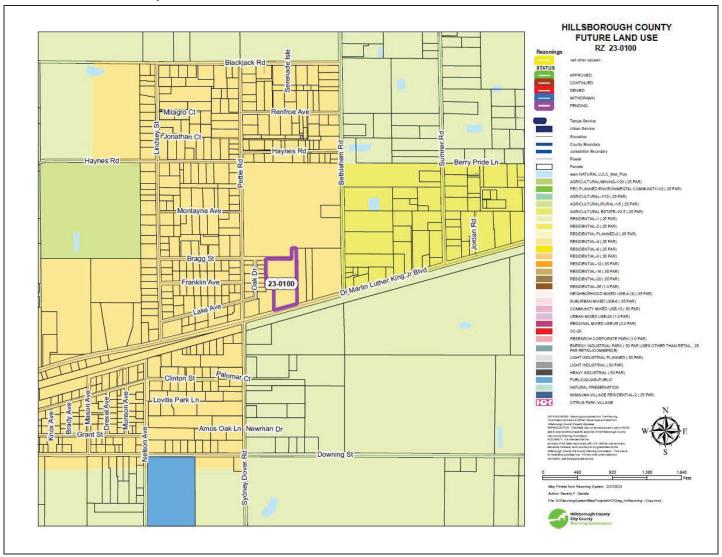
The site is located in an area which comprises of a mixture of uses to include: agricultural use, single-family residential use, commercial general uses and commercial neighborhood uses. The surrounding area consists of properties within the Res-4 (North, East and West), Res-1 (South) FLU categories. Surrounding properties are zoned as follows: ASC-1 (to the north and east), RSC-6, CN and CG (to the west), and Dr. MLK Jr. Blvd and ASC-1 (to the south).

ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



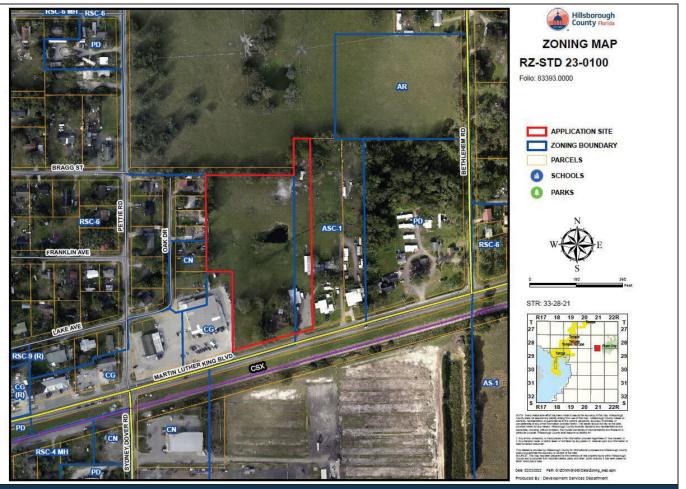
Subject Site Future Land Use Category:	Residential 4 (Res-4)
Maximum Density/F.A.R.:	4 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

ZHM HEARING DATE: April 17, 2023 BOCC LUM MEETING DATE: June 13, 2023

CC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

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	Agricultural - Single-Family Residential Conventional (ASC-1)	1 du / 1 a	Single-Family Residential Conventional /Agricultural		
	Dr. MLK jr. Blvd	N/At	Street	Street	
South	CN	115,259.8 sq. ft	Neighborhood Commercial, Office and Personal Services	Vacant	
	RSC-6	1 du / 7,000 sf	Single-Family Residential Conventional	Single-Family Residence	
West	CN	FAR 0.20	Neighborhood Commercial, Office and Personal Services	Vacant	
	CG	FAR 0.20	General Commercial, Office and Personal Services	Retail	
East	Agricultural - Single-Family (AS-1)	1 du / 1 a	Single-Family Residential/Agricultural	Agricultural - Single-Family	

BOCC LUM MEETING DATE:	April 17, 2023 June 13, 2023	Case Reviewer: Isis Brown
2.0 LAND USE MAP SET	T AND SHMMARY D	ρατα
2.4 Proposed Site Plan	(partial provided be	elow for size and orientation purposes. See Section 8.0 for full site plan)
		Not Applicable
1		

APPLICATION NUMBER:

RZ STD 23-0100

APPLICATION NUMBER:	RZ STD 23-0100	
ZHM HEARING DATE:	April 17, 2023	
BOCC LUM MEETING DATE:	June 13, 2023	Case Reviewer: Isis Brown

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	
Martin Luther King Blvd	FDOT Principal Arterial - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	☑ Corridor Preservation Plan☐ Site Access Improvements☐ Substandard Road Improvements☐ Other	

Project Trip Generation □ Not applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	2,078	91	251		
Proposed	4,536	169	433		
Difference (+/-)	+2,458	+78	+182		

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

Connectivity and Cross Access Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance ⊠Not applicable for this request				
Road Name/Nature of Request Type Finding				
	Choose an item.	Choose an item.		
	Choose an item.	Choose an item.		
Notes:				

APPLICATION NUMBER: RZ STD 23-0100
ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	☐ Yes ☑ No	☐ Yes 図 No	"No wetlands onsite"
Natural Resources	☐ Yes ☐ No	☐ Yes ☐ No	No comments provided
Conservation & Environmental Lands Mgmt.	☐ Yes ☐ No	☐ Yes ☐ No	This agency has no comments.
Check if Applicable:	-	-	
☐ Wetlands/Other Surface Waters	☐ Significant Wil	dlife Habitat	
☐ Use of Environmentally Sensitive Land Credit	☐ Coastal High H	azard Area	
☐ Wellhead Protection Area	☐ Urban/Suburb	an/Rural Scenic	Corridor
☐ Surface Water Resource Protection Area	☐ Adjacent to EL	APP property	
☐ Potable Water Wellfield Protection Area	☐ Other		
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation			
☐ Design Exception/Adm. Variance Requested	□ Yes	☐ Yes	
☐ Off-site Improvements Provided	⊠ No	□ No	
⊠ N/A	□ N/A	⊠ N/A	
Utilities Service Area/ Water & Wastewater			
□Urban □ City of Tampa	☐ Yes ☑ No	☐ Yes ☑ No	
⊠Rural ☐ City of Temple Terrace	△ NO	△ NO	
Hillsborough County School Board			
Adequate □ K-5 □6-8 □9-12 ⊠N/A	☐ Yes	☐ Yes	No comments provided
Inadequate □ K-5 □6-8 □9-12 ⊠N/A	□ No	│ □ No	,
Impact/Mobility Fees N/A			
		Conditions	Additional
Comprehensive Plan:	Findings	Requested	Information/Comments
Planning Commission			
☑ Meets Locational Criteria □N/A	☐ Inconsistent	□ Yes	
☐ Locational Criteria Waiver Requested		⊠ No	
☐ Minimum Density Met ☐ N/A			

ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The surrounding properties are zoned as follows: ASC-1 (to the north and east), RSC-6, CN and CG (to the west), and Dr. MLK Jr. Blvd and ASC-1 (to the south). The site is located in an area which comprises of a mixture of uses to include agricultural use, single-family residential use, commercial general uses, and Commercial Neighborhood uses. The immediate surrounding area consists of properties within the Res-4 (to the north, east and west), and Res-1 (to the south) FLU categories. The Res-4 and Res-1 FLU categories have the potential to permit agricultural, single-family residential and some commercial, office and multipurpose uses.

The site is located in the Rural Service Area and is outside the Hillsborough County Urban Service Area. However, an 8-inch water main exists approximately 70 feet from the subject site and is located west of the subject property within the west Right-of-Way of Railroad Street. Additionally, A 3-inch wastewater low pressure force main exists adjacent to the site and is located within the east Right-of-Way of Railroad Street. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service.

The size and depth of the subject parcel in relation to other adjacent commercial uses would create a zoning/development pattern that is consistent with the existing zoning and development pattern of the commercial uses/zoning districts in the area.

5.2 Recommendation

Based on the above considerations, staff finds the proposed CN zoning district is compatible with the existing zoning districts and development pattern in the area. Staff finds the request **Approvable**.

Zoning Administrator Sign Off:

Mon Apr 10 2023 08:03:09

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

APPLICATION NUMBER: RZ STD 23-0100

ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

ZHM HEARING DATE: BOCC LUM MEETING DATE:	April 17, 2023 June 13, 2023		Case Reviewer: Isis Brown		
8.0 PROPOSED SITE PLAN (FULL)					
		Not Applicable			

APPLICATION NUMBER:

RZ STD 23-0100

APPLICATION NUMBER: RZ STD 23-0100 ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

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 Rural/Northeast		DATE: 04/07/2023 AGENCY/DEPT: Transportation PETITION NO.: STD 23-0100
	This agency has no comments.	
X	This agency has no objection.	
REPO	This agency objects for the reasons set forth below. RT SUMMARY AND CONCLUSIONS	

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 2,458 average daily trips, 78 trips in the a.m. peak hour, and 182 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 5.59 acres from Commercial Neighborhood (CN) and Agricultural Single Family Conventional – 1 (ASC-1) to only Commercial Neighborhood (CN). The site is located on the north side of Martin Luther King Blvd +/- 0.08 miles east of the intersection of Pettie Road and Martin Luther King Blvd. The Future Land Use designation of the site is Residential-4 (R-4).

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11th

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
ASC-1, 1 Single Family Dwelling Unit (ITE Code 210)	9	1	1
CN, 38,000 sf Strip Retail Plaza (ITE Code 822)	2,069	90	250
Subtotal	2,078	91	251

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
and the second s	Way Volume	AM	PM
CN, 48,000 sf Shopping Center (ITE Code 821)	4,536	169	433

APPLICATION NUMBER: RZ STD 23-0100
ZHM HEARING DATE: April 17, 2023

BOCC LUM MEETING DATE: June 13, 2023 Case Reviewer: Isis Brown

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
**************************************	way volume	AM	PM
Difference	+2,458	+78	+182

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Martin Luther King Blvd. Martin Luther King Blvd is a 2-lane, undivided, FDOT maintained, principal arterial roadway. Martin Luther King Blvd lies within +/- 64 feet of Right of Way in the vicinity of the project. Martin Luther King Blvd does not have sidewalks on either side of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Martin Luther King Blvd is included in the Hillsborough County Corridor Preservation Plan as a 2 lane enhanced roadway. Sufficient ROW will be required to be preserved at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service					
Roadway	From	To	LOS Standard	Peak Hr Directional LOS	
M L KING BLVD	MCINTOSH RD	FORBES RD	D	C	

Source: 2020 Hillsborough County Level of Service (LOS) Report

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

DATE OF HEARING: April 17, 2023 APPLICANT: David Wright / TSP Companies, Inc.
5 ·
•
PETITION REQUEST: The request is to rezone a parcel of land from ASC-2 and CN to CN
LOCATION: 14760 Dr. Martin Luther King Jr. Blvd.
SIZE OF PROPERTY: 5.59 acres m.o.l. (1.15 ac. Zoned ASC-1)
EXISTING ZONING DISTRICT: ASC-1 and CN (1.15 ac. Zoned ASC-1)
FUTURE LAND USE CATEGORY: RES-4

Rural

SERVICE AREA:

а

DEVELOPMENT REVIEW STAFF REPORT

*Note: Formatting issues prevented the entire Development Services
Department staff report from being copied into the Hearing Master's
Recommendation. Therefore, please refer to the Development Services
Department web site for the complete staff report.

1.0 APPLICATION SUMMARY

Applicant: David Wright/ TSP Companies, Inc.,

FLU Category: Residential - 4 (Res-4)

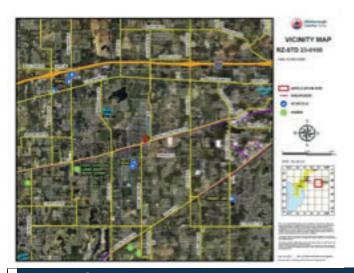
Service Area: Rural

Site Acreage: 5.59 +/-

Community Plan Area: None

Overlay: None

Request: Rezone from Agricultural Single- Family Residential Conventional - 1 (ASC-1) and Commercial Neighborhood (CN) to Commercial Neighborhood (CN).



Request Summary:

The request is to rezone from the existing Agricultural Single-Family Residential Conventional -1 (ASC-1) and Commercial Neighborhood (CN) zoning districts to the proposed Commercial Neighborhood (CN) zoning district. The proposed zoning for CN permits development limited to retail uses and personal services

in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 7,000 square feet (sf).

Additional Information:

Setbacks/Buffering and Screening	Sides - 15'	Front - 30' (South). Sides - 20' with Type B Buffer – (North-West & East). Sides - 0' (South- West) Rear - 20' with	Front - 30' (South). Sides - 20' with Type B Buffer – (North-West & East). Sides - 0' (South-West) Rear - 20' with Type B Buffer (North).
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PD Variations: N/A

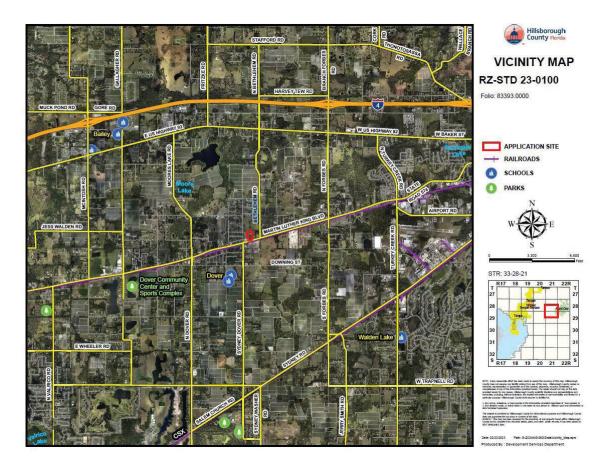
Waiver(s) to the Land Development Code: None

Additional Information:

Planning Commission Recommendation: Consistent

Development Services Department Recommendation: Approvable

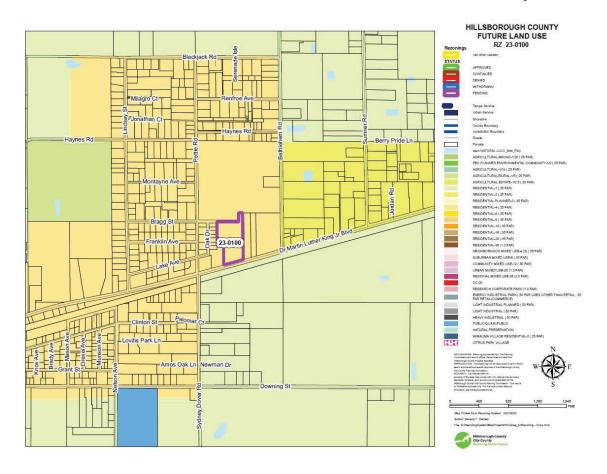
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

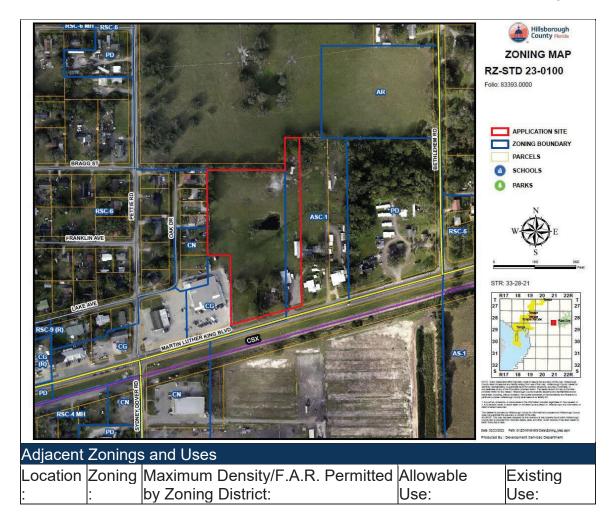
The site is located in an area which comprises of a mixture of uses to include: agricultural use, single-family residential use, commercial general uses and commercial neighborhood uses. The surrounding area consists of properties within the Res-4 (North, East and West), Res-1 (South) FLU categories. Surrounding properties are zoned as follows: ASC-1 (to the north and east), RSC-6, CN and CG (to the west), and Dr. MLK Jr. Blvd and ASC-1 (to the south).

2.0 LAND USE MAPSAND SUMMARY DATA 2.2 Future Land Use Map



Typical Uses: Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



2.0 LAND USE MAP AND SUMMARY DATA

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

Not Applicable

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT) Adjoining Roadways (check if applicable) □ Corridor Preservation Plan 2 Lanes Martin FDOT Principal ☐ Site Access Luther King □Substandard Road Arterial - Urban **Improvements** Blvd □Sufficient ROW Width □ Substandard Road Improvements □ Other **Project Trip Generation** □Not applicable for this request Connectivity and Cross Access ⊠Not applicable for this request 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY INFORMATION/REVIEWING **AGENCY** Conditions Additional Objections Requested Information/Comments Environmental: **Environmental Protection Commission Natural Resources** Conservation & Environmental Lands Mgmt. Check if Applicable: □ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☐ Wellhead Protection Area ☐ Surface Water Resource Protection Area ☐ Potable Water Wellfield Protection Area ☐ Significant Wildlife Habitat ☐ Coastal High Hazard Area □ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property □ Other Conditions Additional Public Facilities: **Objections** Requested Information/Comments Transportation ☐ Yes ☒ No ☐ Yes ☐ No □ Design Exception/Adm. \square N/A \boxtimes N/A Variance Requested □ Off-site Improvements

Provided			
⊠ N/A			
Utilities Service Area/ Water & Wastewater			
□Urban □ City of Tampa ⊠Rural □ City of Temple Terrace	□ Yes ⊠ No	□ Yes ⊠ No	
Hillsborough County School Board			
Adequate □ K-5 □6-8 □9- 12 ⊠N/A Inadequate □ K- 5 □6-8 □9-12 ⊠N/A	□ Yes □ No	□ Yes □ No	No comments provided
Impact/Mobility Fees			
N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission	□ Inconsistent ⊠ Consistent	□ Yes ⊠ No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The surrounding properties are zoned as follows: ASC-1 (to the north and east), RSC-6, CN and CG (to the west), and Dr. MLK Jr. Blvd and ASC-1 (to the south). The site is located in an area which comprises of a mixture of uses to include agricultural use, single-family residential use, commercial general uses, and Commercial Neighborhood uses. The immediate surrounding area consists of properties within the Res-4 (to the north, east and west), and Res-1 (to the south) FLU categories. The Res-4 and Res-1 FLU categories have the potential to permit agricultural, single-family residential and some commercial, office and multi- purpose uses.

The site is located in the Rural Service Area and is outside the Hillsborough County Urban Service Area. However, an 8-inch water main exists approximately

70 feet from the subject site and is located west of the subject property within the west Right-of-Way of Railroad Street. Additionally, A 3-inch wastewater low pressure force main exists adjacent to the site and is located within the east Right-of-Way of Railroad Street. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service.

The size and depth of the subject parcel in relation to other adjacent commercial uses would create a zoning/development pattern that is consistent with the existing zoning and development pattern of the commercial uses/zoning districts in the area.

5.2 Recommendation

Based on the above considerations, staff finds the proposed CN zoning district is compatible with the existing zoning districts and development pattern in the area. Staff finds the request **Approvable**.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on April 17, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. David Wright P.O. Box 273417 Tampa testified regarding the requesting rezoning application from Commercial Neighborhood and Agricultural Single Family Residential Conventional to Commercial Neighborhood. He stated that there is a 70 foot parcel of land that is 1.15 acres in size on the east side that is zoned ASC-1. Both planning staffs find the request approvable. Mr. Wright testified that the request is consistent with the surrounding area and the FDOT staff reviewed the proposed retail development including access to State Road 574.

Hearing Master Finch asked Mr. Wright about the total acreage of the site being 5.59 acres and to confirm the ASC-1 portion of the parcel. Mr. Wright replied it is 1.15 acres.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the request is to rezone the property from ASC-1 and CN to CN. She described the surrounding zoning districts and stated that the request is consistent with the RES-4 land use category. Staff found the request approvable.

Ms. Melissa Lienhard, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Lienhard stated that the subject property is within the Residential-4 Future Land Use classification and also located within the Rural

Service Area. Ms. Lienhard described the surrounding area and testified that the request meets Policy 4.1 regarding large residential lots as well as Objective 16 regarding the need for new developments to preserve, protect and enhance existing neighborhoods. Ms. Lienhard concluded her presentation by stating that the parcel meets commercial locational criteria and that the Planning Commission finds the proposed rezoning consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. No one replied.

Hearing Master Finch asked for members of the audience in opposition to the application. No one replied.

County staff and Mr. Wright did not have additional comments.

The hearing was then concluded.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. The subject property is 5.59 acres in size and 1.15 acres is currently zoned Agricultural Single-Family Conventional-1 (ASC-1) and 4.44 acres is currently zoned Commercial Neighborhood (CN) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Rural Service Area.
- 2. The applicant is requesting a rezoning of the 1.15 acres to the Commercial Neighborhood (CN) zoning district.
- 3. The Planning Commission staff supports the request. The Planning Commission found that the parcel meets commercial locational criteria and found the application consistent with the Comprehensive Plan.
- 4. The property is surrounded by parcels zoned CN to the south and west and land uses are a mixture of residential and commercial.

5. The proposed rezoning is consistent with the Comprehensive Plan and compatible with the development pattern in the surrounding area.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The applicant is requesting a rezoning to the CN zoning district. The property is 5.59 acres in size (4.44 acres zoned CN and 1.15 acres zoned ASC-1) and designated RES-4 by the Comprehensive Plan.

The Planning Commission found that the parcel meets commercial locational criteria and the request is consistent with the surrounding development pattern and the Comprehensive Plan.

The subject property is located in an area with a mixture of residential and commercial land uses. The proposed rezoning is compatible with the development pattern in the area and is consistent with the Land Development Code and the Comprehensive Plan.

RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the CN rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above

May 8, 2023

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Unincorporated Hillsborough County Rezoning				
Hearing Date: April 17, 2023 Report Prepared: April 5, 2023	Petition: RZ 23-0100 14760 Dr. Martin Luther King Jr. Boulevard East of the Intersection of Dr. Martin Luther King Jr. Boulevard and Petite Road			
Summary Data:				
Comprehensive Plan Finding	CONSISTENT			
Adopted Future Land Use	Residential-4 (4 du/ga; 0.25 FAR)			
Service Area	Rural Area			
Community Plan	N/A			
Request	Rezoning the Agricultural, Single-Family Conventional (ASC-1) portion of the property to Commercial Neighborhood (CN)			
Parcel Size	5.59 ± acres (243,868.40 sq. ft.)			
Street Functional Classification	Dr. Martin Luther King Jr. Boulevard -Arterial			
Locational Criteria	Meets			
Evacuation Zone	None			



Context

- The 5.59 ± acre subject property is located east of the intersection between Dr. Martin Luther King Jr. Boulevard and Petite Road.
- The site is located within the Rural Service Area and is not located within the limits of a community plan.
- The subject property is located within the Residential-4 (RES-4) Future Land Use category, which can be considered for a maximum density of up to 4 dwelling units per gross acre. The RES-4 Future Land Use category designates areas that are suitable for low density residential development. In RES-4, suburban scale neighborhood commercial, office, multi-purpose or mixed-use projects are limited to a maximum intensity of 175,000 sq. ft. or 0.25 FAR, whichever is less intense. The RES-4 Future Land Use category designates areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, office, multi-purpose, and mixed-use projects serving the area may be permitted subject to the Goals, Objectives, and Policies of the Land Use Element and applicable development regulations as well as conform to established locational criteria for specific land use. Typical uses in the RES-4 FLU category include but are not limited to residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects.
- Directly to the north, east, and west of the subject site is the Residential-4 (RES-4) Future Land Use category. To the south is Residential-1 (RES-1), further east is Residential-2 (RES-2), and further northwest is Agricultural/Rural 1/5 (AR-1/5).
- The site currently utilizes light commercial uses. The areas directly north and east are agricultural. Single-family, vacant, and additional light commercial uses are interspersed west of the subject site. Light commercial and single-family uses are located south across Dr. Martin Luther King Jr. Boulevard.
- The site is currently zoned as Commercial Neighborhood (CN) and Agricultural, Single-Family Conevtional-1 (ASC-1). East of the subject site is additional ASC-1, and further east and northeast are Agricultural Rural (AR) and Planned Development (PD). South of the site is primarily ASC-1. Southwest of the site is CN. West of the subject site are additional CN, Commercial General (CG), and Residential Single Family Conventional (RSC-6) zonings.
- The applicant is requesting a rezoning of the Agricultural, Single-Family Conventional (ASC-1) portion of the property to Commercial Neighborhood (CN).

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

Rural Area

Rural areas will typically carry land use densities of 1 du/5 ga or lesser intense designations. The One Water Chapter outlines relevant language related to water, wastewater and septic in the Rural Area. Within the rural area there are existing developments that are characterized as

suburban enclaves or rural communities. These are residential developments which have a more dense development pattern and character, usually 1 or 2 du/ga. These enclaves are recognized through the placement of land use categories that permit densities higher than 1 du/5 acres. New development of a character similar to the established community will be permitted to infill in a limited manner, but not be permitted to expand into areas designated with lower land use densities. Rural communities, such as Lutz, Keystone and Thonotosassa will specifically be addressed through community-based planning efforts. These communities, and others like them, have historically served as centers for community activities within the rural environment.

Objective 4: The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.

Policy 4.1: Rural Area Densities Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned Development pursuant to the PEC ½ category, or rural community which will carry higher densities.

Relationship To Land Development Regulations

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

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

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

Neighborhood/Community Development

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

Policy 16.1: Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as: a) locational criteria for the placement of non-residential uses as identified in this Plan, b) limiting commercial development in residential land use categories to neighborhood scale; c) requiring buffer areas and screening devices between unlike land uses.

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

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

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

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

Neighborhood and Community Serving Uses

Objective 17: Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

Commercial Locational Criteria

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

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

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

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

Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

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.

4.1 RURAL RESIDENTIAL CHARACTER

Goal 7: Preserve existing rural uses as viable residential alternatives to urban and suburban areas.

Objective 7-1: Support existing agricultural uses for their importance as a historical component of the community, their economic importance to the County and for the open space they provide.

4.3 COMMERCIAL CHARACTER

Goal 9: Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.

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.

Staff Analysis of Goals, Objectives, and Policies:

The 5.59 ± acre subject property is located on the north side of Dr. Martin Luther King Jr. Boulevard, east of Pettie Road and northeast of Sydney Dover Road. The site is located within the Rural Service Area and is not located within the limits of a Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-4 (RES-4). The applicant is requesting a rezoning of a portion of the existing parcel from Agricultural, Single-Family Conventional (ASC-1) to full Commercial Neighborhood (CN).

The Future Land Use Element permits new development within the Rural Area that is similar in character to the existing community. Objective 4 of the Future Land Use Element (FLUE) of the Comprehensive Plan notes that 20% of the growth in the region will occur within the Rural Service Area without the threat of urban or suburban encroachment. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential. The subject site is within the Rural Area and the proposed rezoning of the parcel from ASC-1 and CN to CN is similar in character to the surrounding area.

The subject site is within the Rural Area and is adjacent to existing CN uses to the west and southwest. There are also additional CN uses further west of the parcel. Commercial General (CG) uses are found directly west of the site, and further west as well. Existing land uses of light commercial are located directly west, southwest, and further west, east, and south from the site. The existing CN parcels located west, southwest, and further west are all within the RES-4 FLU Category. Objective 9 of the FLUE states that all existing and future land development regulations shall be made consistent with the Comprehensive Plan. Policies 9.1 and 9.2 allow for approving zoning that is consistent with the Comprehensive Plan and developments that meet the regulations established by Hillsborough County.

FLUE Objective 16 emphasizes the need for new developments to preserve, protect, and enhance existing neighborhoods and communities. Policy 16.1 restricts incompatible land uses through mechanisms such as locational criteria for non-residential uses and limiting development in residential land use categories to neighborhood scale. This Policy also requires buffer areas between unlike land uses. Policies 16.2 and 16.3 state the need for gradual transitions between incompatible land uses. Policy 16.5 touches upon the restriction of higher intensity non-residential land uses adjacent to established neighborhoods, to collectors and arterials, and to locations external to established and developing neighborhoods. The subject site is situated directly outside nearby single-family residential uses, and directly on Dr. Martin Luther King Jr. Boulevard, an arterial roadway. Objective 17 of the FLUE allows for certain non-residential land uses to be located and designed in a manner that is compatible to the surrounding residential development pattern. The proposed rezoning reflects a development pattern that is consistent with the surrounding area.

FLUE Objective 22 establishes Commercial Locational Criteria (CLC) for neighborhood serving commercial uses. Policy 22.1 states that non-residential uses provide a means to ensure appropriate neighborhood serving commercial development be consistent with the surrounding residential character. It also emphasizes the need for 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 consistent with the surrounding residential uses. Policy 22.2 asserts that the maximum amount of neighborhood serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram located in the FLUE. The subject site is in the RES-4 FLU category and it does meet locational criteria. It is located within 900 feet of the nearest qualifying intersection node of Sydney Dover Road and Dr. Martin Luther King Jr. Boulevard, and therefore meets Commercial Locational Criteria. Maximum square footage of proposed buildings on the site shall be limited to 120,000 square feet. Policy 22.7 states that neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development must be compatible with surrounding existing development. The proposed rezoning is consistent with this policy direction.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives, and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

Recommendation

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

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) RESIDENTIAL PLANNED-2 (.35 FAR) wam.NATURAL.LULC_Wet_Poly AGRICULTURAL-1/10 (.25 FAR) HEAVY INDUSTRIAL (.50 FAR) LIGHT INDUSTRIAL (.50 FAR) RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-16 (.35 FAR) RESIDENTIAL-20 (.35 FAR) RESIDENTIAL-1 (.25 FAR) RESIDENTIAL-4 (.25 FAR) RESIDENTIAL-6 (.25 FAR) RESIDENTIAL-9 (.35 FAR) Hillsbarough County City-County Planning Commission Jurisdiction Boundary <all other values> County Boundary Tampa Service WITHDRAWN CONTINUED Urban Service PENDING Author: Beverly F. Daniels DENIED Shoreline OC-20 460 STATUS Berry Pride Ln= Jordan Rd Sumner Rd = Dr. Martin Luther, King Jr. Bwd ■Downing St Bethlehem Rd Renfroe Ave Haynes Rd Oak Dr 23-0100 əjsj Serenade Newman Dr Blackjack Rd Palomar, Ct. Sydney Dover Rd Amos Oak Ln Pettie Rd Lake Ave Franklin Ave Montayne Ave Bragg St St. Condition Ct. Lovitis Park Ln Clinton St ■ Milagro Ct evA nosleM ■Haynes Rd Brady Ave

HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ 23-0100

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/MINING-1/20 (.25 FAR)

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

RESIDENTIAL-2 (.25 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) RESIDENTIAL-35 (1.0 FAR)

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

REGIONAL MIXED USE-35 (2:0 FAR) URBAN MIXED USE-20 (1.0 FAR)

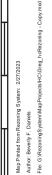
ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE) RESEARCH CORPORATE PARK (1.0 FAR)

LIGHT INDUSTRIAL PLANNED (.50 FAR)

NATURAL PRESERVATION PUBLIC/QUASI-PUBLIC

CITRUS PARK VILLAGE

1,380 920



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

REVIE	oning Technician, Development Services Department CWER: Alex Steady, Senior Planner NING AREA/SECTOR: East Rural/Northeast	DATE: 04/07/2023 AGENCY/DEPT: Transportation PETITION NO.: STD 23-0100
	This agency has no comments.	
X	This agency has no objection.	
	This agency objects for the reasons set forth below.	

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 2,458 average daily trips, 78 trips in the a.m. peak hour, and 182 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 5.59 acres from Commercial Neighborhood (CN) and Agricultural Single Family Conventional – 1 (ASC-1) to only Commercial Neighborhood (CN). The site is located on the north side of Martin Luther King Blvd +/- 0.08 miles east of the intersection of Pettie Road and Martin Luther King Blvd. The Future Land Use designation of the site is Residential-4 (R-4).

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
ASC-1, 1 Single Family Dwelling Unit (ITE Code 210)	9	1	1
CN, 38,000 sf Strip Retail Plaza (ITE Code 822)	2,069	90	250
Subtotal	2,078	91	251

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
CN, 48,000 sf Shopping Center (ITE Code 821)	4,536	169	433

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	viuy voiume	AM	PM
Difference	+2,458	+78	+182

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Martin Luther King Blvd. Martin Luther King Blvd is a 2-lane, undivided, FDOT maintained, principal arterial roadway. Martin Luther King Blvd lies within +/- 64 feet of Right of Way in the vicinity of the project. Martin Luther King Blvd does not have sidewalks on either side of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to Martin Luther King Blvd. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Martin Luther King Blvd is included in the Hillsborough County Corridor Preservation Plan as a 2 lane enhanced roadway. Sufficient ROW will be required to be preserved at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From			Peak Hr Directional LOS
M L KING BLVD	MCINTOSH RD	FORBES RD	D	С

Source: 2020 Hillsborough County Level of Service (LOS) Report

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
Martin Luther King Blvd	FDOT Principal Arterial - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	☑ Corridor Preservation Plan☐ Site Access Improvements☐ Substandard Road Improvements☐ Other	

Project Trip Generation □Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Existing	2,078	91	251	
Proposed	4,536	169	433	
Difference (+/-)	+2,458	+78	+182	

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

Connectivity and Cross Access ⊠Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance ⊠Not applicable for this request				
Road Name/Nature of Request Type Finding				
	Choose an item.	Choose an item.		
Choose an item. Choose an item.				
Notes:				

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
□ Design Exception/Adm. Variance Requested□ Off-Site Improvements Provided☑ N/A	☐ Yes ☐ N/A ⊠ No	☐ Yes ⊠N/A ☐ No		



RON DESANTIS GOVERNOR

11201 North McKinley Drive Tampa, FL 33612 JARED W. PERDUE, P.E. SECRETARY

MEMORANDUM

DATE: February 24, 2023

TO: David Wright, TSP Companies, Inc.

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT

Joel Provenzano, FDOT

Richard Perez, Hillsborough County

SUBJECT: RZ-STD 23-0100. 14760 Dr Martin Luther King Jr Blvd, Dover

This project is on a state road, MLK.

This site was reviewed at a Pre-Application meeting with FDOT on 8/25/20 for four 9,000 sf buildings for retail. The FDOT Pre-Application Finding is attached.

Also attached is the Transportation Systems Management & Operations (TSM&O) Study for SR 574 at the project location.

Thank you for the opportunity to comment.

END OF MEMO

Attachment: FDOT Pre-Application Finding

Transportation Systems Management & Operations (TSM&O) Study for

SR 574













RON DESANTIS GOVERNOR

2822 Leslie Road Tampa, FL 33619 KEVIN J. THIBAULT, P.E. SECRETARY

August 25th, 2020

THIS PRE-APPLICATION FINDING MAY NOT BE USED AS A BASIS FOR PERMIT APPROVAL AFTER 2/25/2021.

THIS DOCUMENT IS NOT A PERMIT APPROVAL

Re: PRE-APPLICATION REVIEW FOR ACCESS CONNECTION PERMIT REQUEST

Date: August 25, 2020 State Road#: 574

Time: 11:45 AM Section ID #: 10 090 000
Applicant: Ravi Alur Mile Post: 10.170
Project: Retail Road Class: 5

Location: 14750 E. Dr. MLK Blvd. MPH: 45 MPH

County: Hillsborough DW/Sig Spacing: 245' 1320'
Folio#: 083445-0000 Median Spacing: 660' 1320'

Dear Mr. Alur,

A Pre-application Review of the subject project was conducted at your request. The purpose of the Pre-application Review is to establish the permit category, number, type, general location, and associated features of access connections for the applicant's property to the state road. We have given the plans, as presented, a thorough review and our comments and findings are as follows:

We disapprove	the concept as	presented	with	the fo	ollowing	consider	ations.

- ☐ We approve the concept as presented with the following conditions/considerations.
- We approve the concept as submitted and we invite you to submit a permit application package to the Permits Office with engineering drawings that reflect the concept proposed in this meeting.
- ☐ We are prepared to continue the review of the concept with the District Variance Committee.
- ☐ We are prepared to continue the review of the concept as presented with the following considerations.

Conditions and Comments:

This project proposes to modify access to SR 574, a class 5 roadway with a speed limit of 45 MPH. Florida Administrative Code, Rule Chapter 14-97, requires 245' driveway spacing, 660'directional, 1320' full median opening spacing, and 1320' signal spacing between connections, therefore, the proposed access would be considered non-conforming in accordance to the rule chapter 1996/97 for connection spacing.

FDOT recommendations,

- 1. Estimated daily trips of 1,359 vehicles based on ITE land use code 820. Connection Category D.
- 2. Retaining water in proposed stormwater pond on the north side of the property.
- 3. Driveway may be better positioned by lining up with the eastern drive aisle.
- 4. Provide future shared access to eastern and western properties (permittee agrees). Show on plans.
- 5. Widen MLK to allow for EB left turn lane; should begin in the median opening in front of the western property that has dual driveways with access to the median opening. Turn lane will start approximately in front of adjacent western property's easternmost driveway.
- 6. FDOT recommends maintaining southern EOP line to extend three lane sections across property's frontage (maintain about approximately 850').
- 7. Will need to verify CSX's ROW and potential utility conflicts (required offsets).
- 8. Break median opening in front of adjacent eastern property (skip stripes).
- 9. Traffic study will be required.
- 10. Be sure not to encroach into CSX R/W during work.
- 11. Damaged pavement in widened areas will have to be evaluated for replacement. See pictures below, taken 8/27/2020.
- 12. Will have to replace rumble striping if widened.
- 13. 36' wide, 50' radial driveway is preferred, but if that cannot be met, we will review proposal in application submittal
- 14. . Maintain paved shoulders around driveway and up to R/W line.
- 15. Sidewalk along frontage and to tie into building(s).
- 16. When applying on-line, at http://osp.fdot.gov, we recommend doing the following:
 - a. Use the Rule Chapter 14-96.005 "Check List" attachment for completeness prior submitting the permit package. This will save time during the review process.
 - b. Upload a copy of this letter with application submittal.
 - c. <u>Assign a name to the project and put it next to applicants' name in Tab 1 of the application.</u> This will be used throughout the permitting process for identification and communication purposes.
 - d. Use "identifying" files names when uploading documentation into OSP.
- 17. Plans shall be per the current Standard Plans and FDM. The 2020-21 Standard Plans goes into effect July 1, 2020.
- 18. Lighting of sidewalks and/or shared paths must be to current standards (FDM section 231). Newly implemented FDOT Context classifications updated the required sidewalk widths (FDM section 222.2.1.1). Where sidewalk is being added and/or widened, the lighting will be analyzed to ensure sidewalks are properly lighted per FDOT FDM standards. Reference the following link for details:

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf 2

- 19. Permit #, SR #, Road Section ID, Mile Post, Roadway Class, Lt or Rt Roadway, and Posted Speed Limit, at the project location, must be on the plans Key/Cover Sheet.
- 20. **All Plans and Documents submitted** in OSP **need to be signed and sealed**. The permit will not be approved if they are not signed and sealed.
- 21. The following FDOT Permits may additionally be required:
 - a. Access Permit / Construction Agreement
 - b. **Drainage Permit or Exemption** (Please contact Antonius Lebrun (Antonius.Lebrun@dot.state.fl.us) should you have any questions.)

- c. **Utility Permit** for any utility connections within the FDOT R/W (Except those that are exempt from permitting by the 2017 FDOT Utility Accommodation Manual).
- d. Temporary Access Permit

If you do not have access to a computer, and are unable to apply through our One Stop Permitting website, you must submit your application to,

Florida Department of Transportation 2822 Leslie Rd. Tampa, Fl. 33619 Attn: Mecale' Roth

Favorable review of the proposed generally means that you may develop plans complying with the review comments and submit them, within six months, to the Department for permit processing and further review. The Pre-application is for the applicant to discuss, with Department staff, the proposed site design for compliance and constructability in relation to the Standard Plans, and look at options, potential obstacles, or unforeseen issues. The review findings are not binding and subject to change. The applicant's Engineer of Record is responsible for the technical accuracy of the plans. In keeping with the intent of the Rule, the Department will attempt to abide with the review comments to the extent that necessary judgment is available to the Permits Engineer. Unfavorable review generally means that a permit application, based on the design proposal, would likely be denied.

If you do not agree with Pre-Application meeting results and would like to schedule an AMRC meeting, contact Traffic Ops, David Ayala at 813-975-6717.

For any other questions or assistance, please feel free to contact me.

Sincerely,

Mecale' Roth

Permit Coordinator II Tampa Operations Office - 813-612-3237 Cell- 813-460-1121

Meeting Attendees:

Guests- Ravi Alur aspireeng@yahoo.com;

FDOT- Matt Campbell matthew.campbell@dot.state.fl.us

Mecale' Roth <u>mecale.roth@dot.state.fl.us</u>

Holly Champion holly.champion@dot.state.fl.us

Joel Provenzano

Ryan Bogan ryan.bogan@dot.state.fl.us

Dan Santos daniel.santos@dot.state.fl.us

Lindsey Mineer lindsey.mineer@dot.state.fl.us

3.14.4 Aboveground Utility Offsets

Aboveground utility offsets are dependent upon the roadside being restricted or non-restricted. Restricted roadsides are roadsides along predominantly curbed urban roadways with design speeds of forty-five (45) mph or less and narrower than the offsets in *UAM Table 3.14.4*. Non-Restricted Roadsides are all other roadsides. The aboveground utility offset for restricted roadsides is four (4) feet from the face of curb. Where sections of curbs are missing, it is five and one-half (5.5) feet from the edge of the lane. The aboveground utility offset within a non-restricted roadside is the distance obtained from *UAM Table 3.14.4*. This offset is measured, perpendicular to the edge of lane, away from the roadway, and along slopes no steeper than 1 vertical:4horizontal.

Table 3.14.4 Aboveground Utility Offsets for Non-Restricted Roadsides (feet)					
		Desig	gn Spee	d (mph)	
	<45	<u>45</u>	50	55	>55
Travel Lanes or Multiple-Lane Ramps with Traffic Volumes ≥ 1500 AADT	18	24	24	30	36
Travel Lanes or Multiple-Lane Ramps with Traffic Volumes < 1500 AADT	16	20	20	24	30
Auxiliary Lanes or Single Lane Ramps with Traffic Volumes ≥ 1500 AADT	10	14	14	18	24
Auxiliary Lanes or Single Lane Ramps with Traffic Volumes < 1500 AADT	10	14	14	14	18

To determine the appropriate aboveground utility offset, select the distance from *UAM Table 3.14.4* based on the lane type, traffic volume, and design speed. When FDOT cannot provide the design speed or traffic volume, the posted speed or a traffic volume > 1500 AADT shall be used respectively. When applying these distances in the field, slopes steeper than 1vertical:4horizontal are sometimes present within a portion of the aboveground utility offset. In those cases, the remaining portion of the aboveground utility offset, or ten (10) feet whichever is greater, is extended beyond the toe of the steeper than 1vertical:4horizontal slopes. In cases where the required offset extends beyond the available FDOT R/W, the offset requirement shall be reduced to reach the R/W line, but not extended beyond the R/W line.

3.14.5 Aboveground Utility Practical Considerations

When determining whether any aboveground utility is as close to the R/W line as practical, FDOT shall consider factors such as:

- Aboveground encroachments onto private property.
- National Electrical Safety Code (NESC),
- 3) UAM Section 3.4, or other State or Federal codes/regulations.
- Conflicts with other existing overhead or underground facilities.
- Trees on adjacent private property (where adequate future trimming would require encroachment on private property).
- 6) Guy wire requirements.
- Alignment of existing pole line.
- Trees within the FDOT R/W (where there is room to install the utility outside the required distance in UAM Section 3.14.4).

Section 3.14.4).



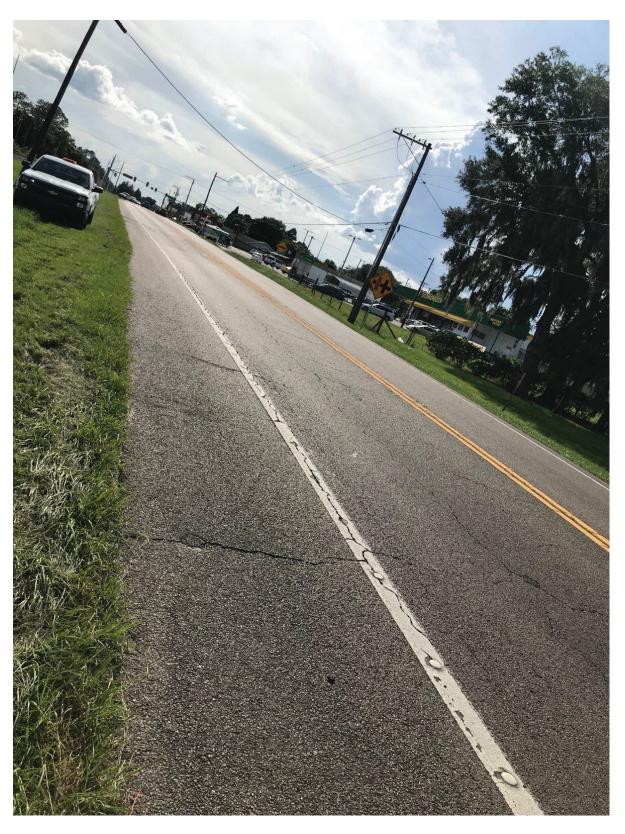
This is looking east from just west of the driveway



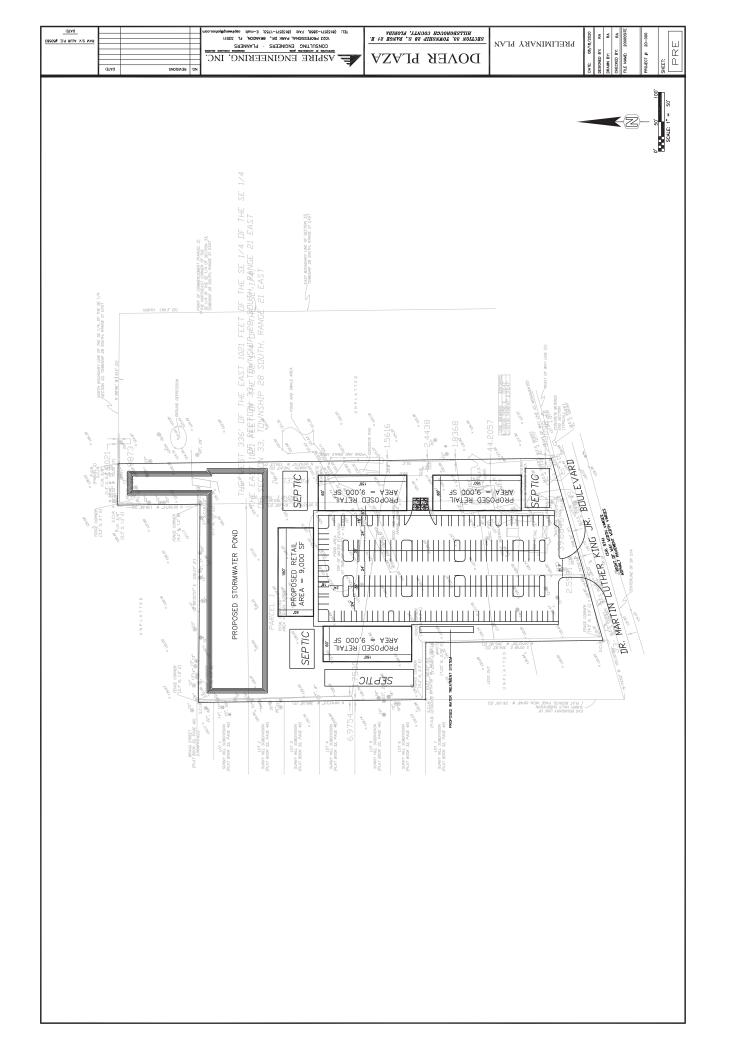
This is looking at the westerly neighbor and where the "new" asphalt begins. It is the only real bad spot in 1000' or better



No thru traffic sign and driveway



Looking west from in front of driveway.



Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday

Setting/Location: General Urban/Suburban

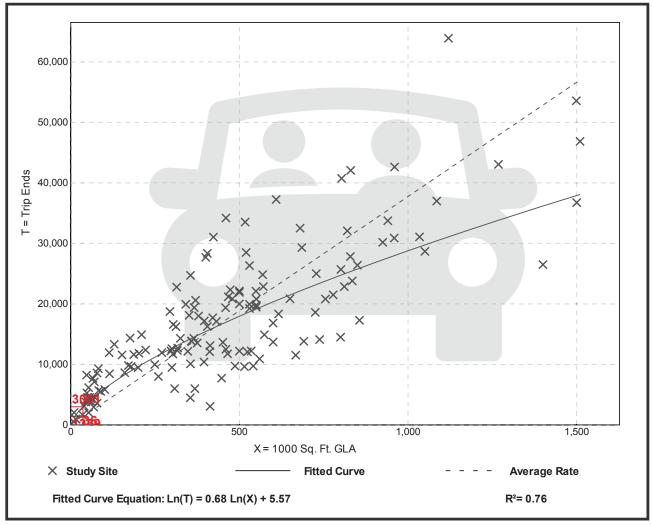
Number of Studies: 147 Avg. 1000 Sq. Ft. GLA: 453

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

83445.0000 **Dover Plaza -** 14750 E MLK. Four 9,000 sf buildings for retail.

There is no PD&E Study at this location.

The MLK TSM&O Study page is below:



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AGENCY COMMENT SHEET

REZONING

HEARING DATE: April 17, 2023 COMMENT DATE: March 17, 2023

PETITION NO.: STD 23-0100 PROPERTY ADDRESS: 14760 East Dr. Martin

Luther King Jr Boulevard, Dover EPC REVIEWER: Kelly M. Holland

FOLIO #: 0833930000

CONTACT INFORMATION: (813) 627-2600 X 1222

EMAIL: hollandk@epchc.org

STR: 33-28S-21E

REQUESTED ZONING: Unified all parcel zonings from ASC-1 to CN

FINDINGS			
WETLANDS PRESENT	YES		
SITE INSPECTION DATE	NA		
WETLAND LINE VALIDITY	VALID TO 1/13/28		
WETLANDS VERIFICATION (AERIAL PHOTO,	Central portion of the project area		
SOILS SURVEY, EPC FILES)			

RECOMMENDED ZONING RESUBMITTAL COMMENTS:

- 1. With the lack of detail on the plans provided, it is unclear to whether wetland impacts are proposed. Please provide additional details to clarify the proposed project and to ensure wetland impacts are avoided.
- 2. If wetland impacts are proposed, they will have to be authorized by the Executive Director of the Environmental Protection Commission (EPC). EPC staff recommends that the applicant design a site plan to utilize the available upland areas and avoid impacts to the wetlands, pursuant to the EPC Wetlands rule, Chapter 1-11, Rules of the EPC and the adopted Basis of Review for Chapter 1-11. Chapter 1-11 prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan. If you choose to proceed with the wetland impacts depicted on the plan, a separate wetland impact/mitigation proposal and appropriate fees must be submitted to this agency for review.

3. The submitted plans accurately depict the approved wetland lines for the project area as determined by Southwest Florida Water Management District staff. The wetland line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

INFORMATIONAL COMMENTS:

- The acreage of the wetland areas, and associated wetland setbacks, may result in the applicant's inability to construct the project as envisioned, and it may be necessary to reduce the scope of the project and/or redesign the proposed development layout to avoid wetland impacts.
- Please note that the construction and location of any proposed wetland/other surface water
 impacts and mitigation plan shall be reviewed separately by EPC pursuant to Chapter 1-11
 and Basis of Review. Please be aware that a submittal provides no reliance that the wetlands
 may be developed as proposed and that EPC staff cannot approve plans at the construction
 phase if unapproved wetland impacts are depicted.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface
 waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface
 waters are further defined as Conservation Areas or Preservation Areas and these areas must be
 designated as such on all development plans and plats. A minimum setback must be
 maintained around the Conservation/Preservation Area and the setback line must also be
 shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as
 clearing, excavating, draining or filling, without written authorization from the Executive
 Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of
 Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of
 Chapter 1-11.

kmh / cb

ec: David Wright, Agent - <u>david@tspco.net</u>

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management DATE: 11 April 2023					
REV	IEWER:	Bernard W. Kaiser, Conservation and I	Environmenta	l Lands Manag	gement
APP	LICANT	: <u>David Wright</u>	PETITION	NO: <u>RZ-STD 2</u>	23-0100
LOC	ATION:	14760 Dr. Martin Luther King Jr. Blvd, D	Oover, FL 335	<u>72</u>	
FOL	IO NO:	<u>83393.0000</u>	SEC:	TWN:	RNG:
\boxtimes	This ag	gency has no comments.			
	This ag	gency has no objection.			
	This ag	gency has no objection, subject to listed	or attached c	onditions.	
	This ag	gency objects, based on the listed or atta	ached condition	ons.	
COMI	MENTS:				

VERBATIM TRANSCRIPT

	<u>-</u>
	OROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
	X
IN RE:)
ZONE HEARING MASTER HEARINGS)))
	X
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Susan Finch Land Use Hearing Master
DATE:	Monday, April 17, 2023
TIME:	Commencing at 6:00 p.m. Concluding at 9:43 p.m.
	isco Webex Videoconference by: DeMarsh, CER No. 1654

1 MS. HEINRICH: Our next case is Item C.5, Standard Rezoning 23-0100. The applicant is requesting property 2 currently zoned RSC-1 and CN to the CN zoning district. 3 Isis Brown will present Staff findings after allocation by the applicant. 6 HEARING MASTER: All right. I understand the applicant is virtual. MR. WRIGHT: Yes. Good evening, Madam Hearing 8 Officer. 9 10 HEARING MASTER: Good evening. 11 MR. WRIGHT: My name is David Wright, president of TSP 12 Companies. Our address is P.O. Box 273417, Tampa 33688. And I had to miss work. 13 14 Tonight I'm presenting a request to rezone the subject 15 property from commercial neighborhood and agricultural 16 single-family residential Conventional-1 to commercial 17 neighborhood. Specifically, there's a 70-foot swamp of land with 1.15 acres on the east side of the parcel that is zoned 18 ASC-1 that we're seeking to rezone to CN. Development Services 19 20 Staff finds this request to be approvable. Planning Commission 21 Staff found the request to be consistent with the future of 22 Hillsborough Comprehensive Plan for Unincorporated Hillsborough 23 County highlights there's some other findings. The size with the subject parcel in relation to the other adjacent commercial 24 uses were created zoning development pattern that is consistent 25

with the existing zoning and development pattern of the 1 commercial uses in the area. 2 The proposed rezoning reflects a development pattern 3 that is consistent with the surrounding area. The subject property meets the loc -- commercial locational criteria requirements for properties in the RES-4 Future Land Use Category. The overall proposed rezoning would allow for development that is consistent with the goals, objectives of the 8 policies of the Comprehensive Plan. FDOT Staff reviewed this property for proposed retail development, including access to 10 11 State Road 574. And Staff approved concept, subject to review and approval by an official permit application. We provided 12 13 public notice as required by the Land Development Code. 14 we're not contacted by any citizens regarding this request. 15 With that, I respectfully request your recommendation of approval. And I'm available for any questions. Thank you. 16 17 HEARING MASTER: Just one quick question, Mr. Wright. 18 I just want to verify the property is identified as being zoned ASC-1 and CN for a total of 5.59 acres. Can you just verify for 19 20 me what the acreage amount is for that ASC-1? 21 MR. WRIGHT: Yes. 1.15. HEARING MASTER: 1.15. 22 23 MR. WRIGHT: And that's depicted on the zoning plot plan in the record. 24 25 HEARING MASTER: Perfect. That answers my only

question. Thank you so much. Development Services. 1 MS. BROWN: Isis Brown, Development Services. 2 3 Application 23-0100. The request is to rezone from an existing -- an existing 5.59 acres, which has the zoning of 1.15 acres of ASC-1 zoning and 4.41 of CN to proposed CN zoning district. The surrounding properties are zoned as follows. ASC to the north and east, RSC CN and CG to the west and Dr. MLK Junior Boulevard and ASC to the south. The side is located in 8 an area which comprises of a mixture of uses, including 9 agricultural uses, single-family residential and commercial, 10 generally -- commercial general uses and commercial neighborhood 11 12 uses. 13 The surrounding area is consistent and located within 14 the RES-4 Future Land Use Category. The site is located in a 15 rural service area and it's outside of Hillsborough County's Urban service area. However, an -- an eight-inch water main 16 17 exists approximately 70 feet from the subject property and is 18 located west of the subject property within the west 19 right-of-way of Railroad Street. 20 Additionally, a three-inch waste water low pressure 21 force main is adjacent to the located site in the east 22 right-of-way of Railroad Street. Based on the above 23 consideration, Staff finds that the proposed CN zoning district is compatible with the existing district and development pattern 24 of the area. And Staff finds the request approvable. 25

1 HEARING MASTER: Thank you so much. I appreciate it. 2 Planning Commission. Melissa Lienhard, County Commission 3 MS. LIENHARD: 4 The subject property is located in the Residential-4 Future Land Use Category. It is in the rural area. And the subject property is not located within limits of the Community The Residential-4 Land Use Category designates areas that are suitable for low-density residential development. 8 Future Land Use Element permits new development within the rural area that is similar to the character of the existing community. 10 11 Objective 4 of the Future Land Use Element notes that 20% of the 12 growth of the region will occur within the rural area without the threat of urban or suburban encroachment. 13 14 Policy 4.1 characterizes the rural area as low-density 15 large lot residential. The subject site is within the rural 16 area and the proposed rezoning of the parcel from ASC-1 and CN 17 to CN is similar in character to the surrounding area. 18 Land Use Objective 16 emphasizes the need for new developments 19 to preserve, protect and enhance existing neighborhoods. Policy 20 16.1 restricts incompatible land uses through mechanism such as 21 locational criteria for non-residential uses and limiting 22 development and residential land use categories to neighborhood 23 scale. Policy 16.5 touches upon the restriction of higher 24 intensity non-residential land uses adjacent to establish 25 neighborhoods to two collectors and arterials and to locations

1	that are external to establish in developing neighborhoods.
2	The subject site is situated directly on Dr. Martin
3	Luther King Junior Boulevard, which is an arterial roadway. The
4	proposed rezoning reflects a development matter that is
5	consistent with the surrounding area and is consistent with this
6	policy of direction. The subject site also meets commercial
7	locational criteria as it's located within 900 feet of the
8	nearest qualifying intersection node of Disney, sorry, Disney
9	Sydney Dover Road and Dr. Martin Luther King Junior Boulevard.
10	Maximum square footage on the site is limited to a 0.25 FAR or
11	120,000 square feet, whichever is less.
12	Based upon those considerations, Planning Commission
13	Staff finds the proposed rezoning consistent with Unincorporated
14	Hillsborough County Comprehensive Plan. Thank you.
15	HEARING MASTER: Thank you. Is there anyone that
16	would like to speak in support? I'm seeing no one. Anyone in
17	opposition to this request? No one.
18	Development Services.
19	MS. HEINRICH: Nothing further.
20	HEARING MASTER: All right. Mr. Wright, anything
21	before we close?
22	MR. WRIGHT: Nothing further. Thank you.
23	HEARING MASTER: All right. Thank you. We'll close
24	rezoning 23-0100 and go to the next case.
25	

EXHIBITS SUBMITTED DURING THE ZHM HEARING

NONE

PARTY OF RECORD

NONE