

Nonconformity Special Use Permit: SU 22-1222

Zoning Hearing Master Date:

November 14, 2022

BOCC Land Use Meeting Date:

January 10, 2023

**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Douglas Denboer

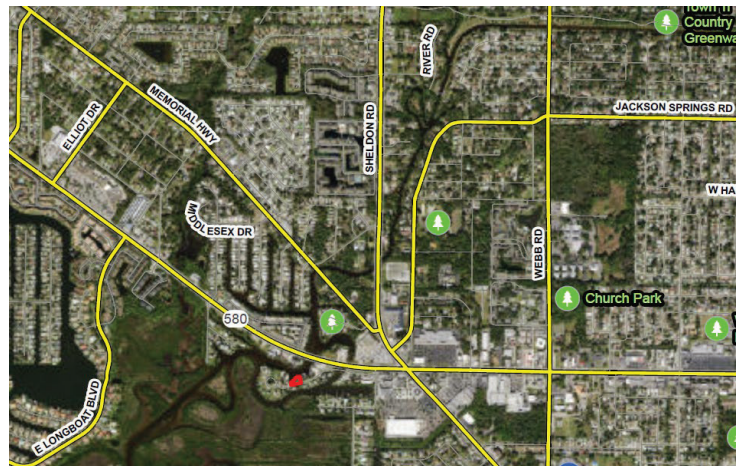
FLU Category: RES-6

Service Area: Urban

Site Acreage: 0.28 +/-

Community Plan Area: Town N' Country

Overlay: None

**Introduction Summary:**

The subject property received a nonconforming use and a nonconforming structure determination in February 2002 under DNC 22-0023. The use of two duplex structures on property zoned RSC-6 (Residential, Single-Family Conventional) was found to be legally nonconforming. Additionally, the setback for the westernmost duplex was deemed to have a legally nonconforming front yard setback of 15.7 feet (25 feet required in the RSC-6 zoning district). Per Land Development Code Section 11.03.06.J.1, any expansion, change or rebuilding of a legal nonconforming use requires approval by the Board of County Commissioners under a Nonconformity Special Use Permit. BOCC approved nonconformity expansions are permitted once and may not exceed 50% of the intensity.

Subsequent to the approval of DNC 22-0023, the westernmost duplex was removed. The structure was not the property owner's primary residence and is located on parcel containing more than one dwelling; therefore, the legal nonconforming classification of the duplex structure containing 2 units is removed. The parcel now contains one duplex structure (2 units).

Existing Approval(s):	Proposed Modification(s):
Two duplex structures (4 units) on property zoned RSC-6.	Approval for the rebuilding of one duplex structure (2 units) on property zoned RSC-6.
Two duplex structures (4 units) on property zoned RSC-6.	Approval of a 50% expansion of the one duplex structure (2 units), resulting in 3 units. The rebuilding of 3 units on the single parcel cannot be in the form a triplex or any other more intensive multi-family structure. Redevelopment may occur as one duplex structure and one single-family structure or as three single-family structures on one parcel.

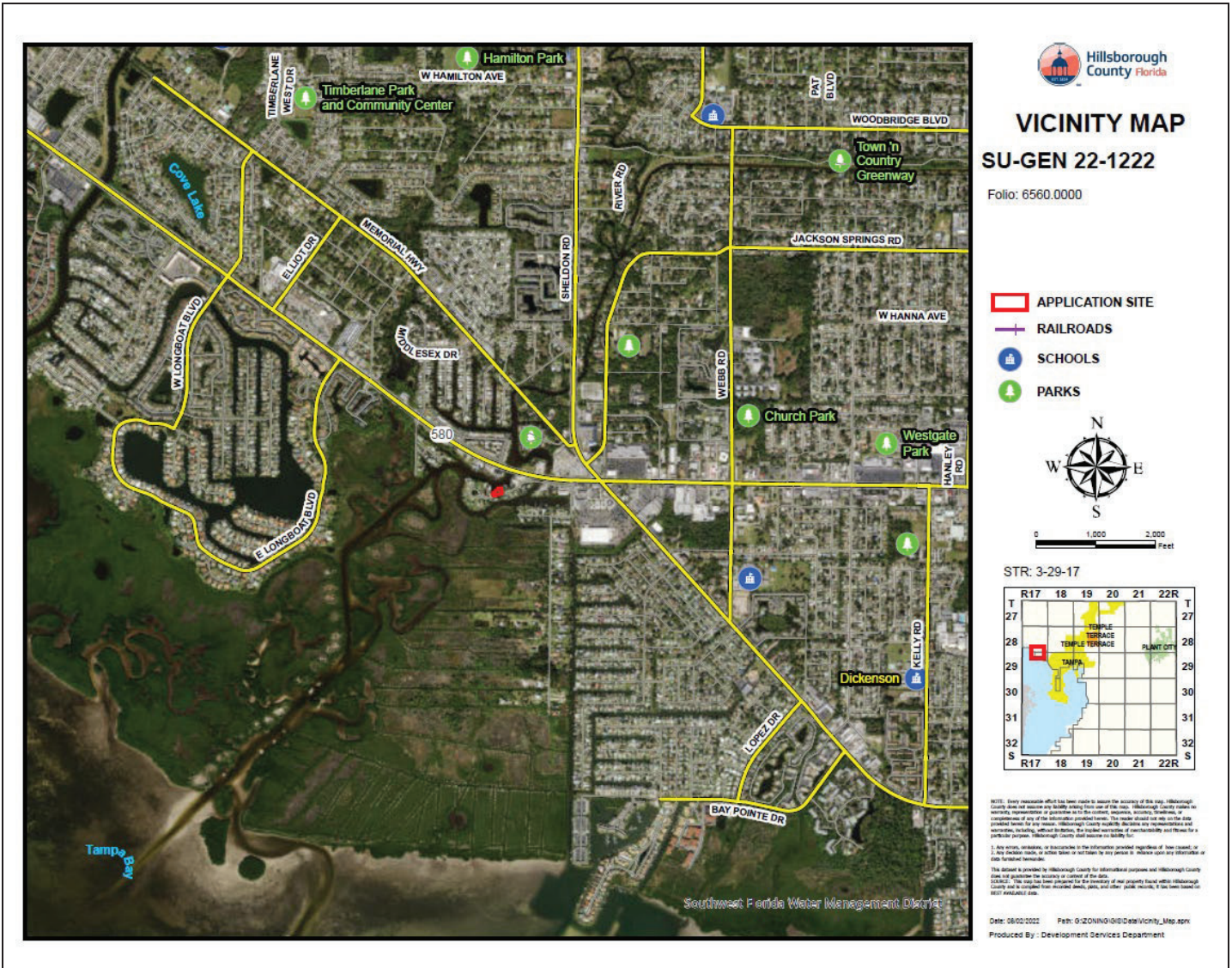
Additional Information:

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

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

2.1 Vicinity Map

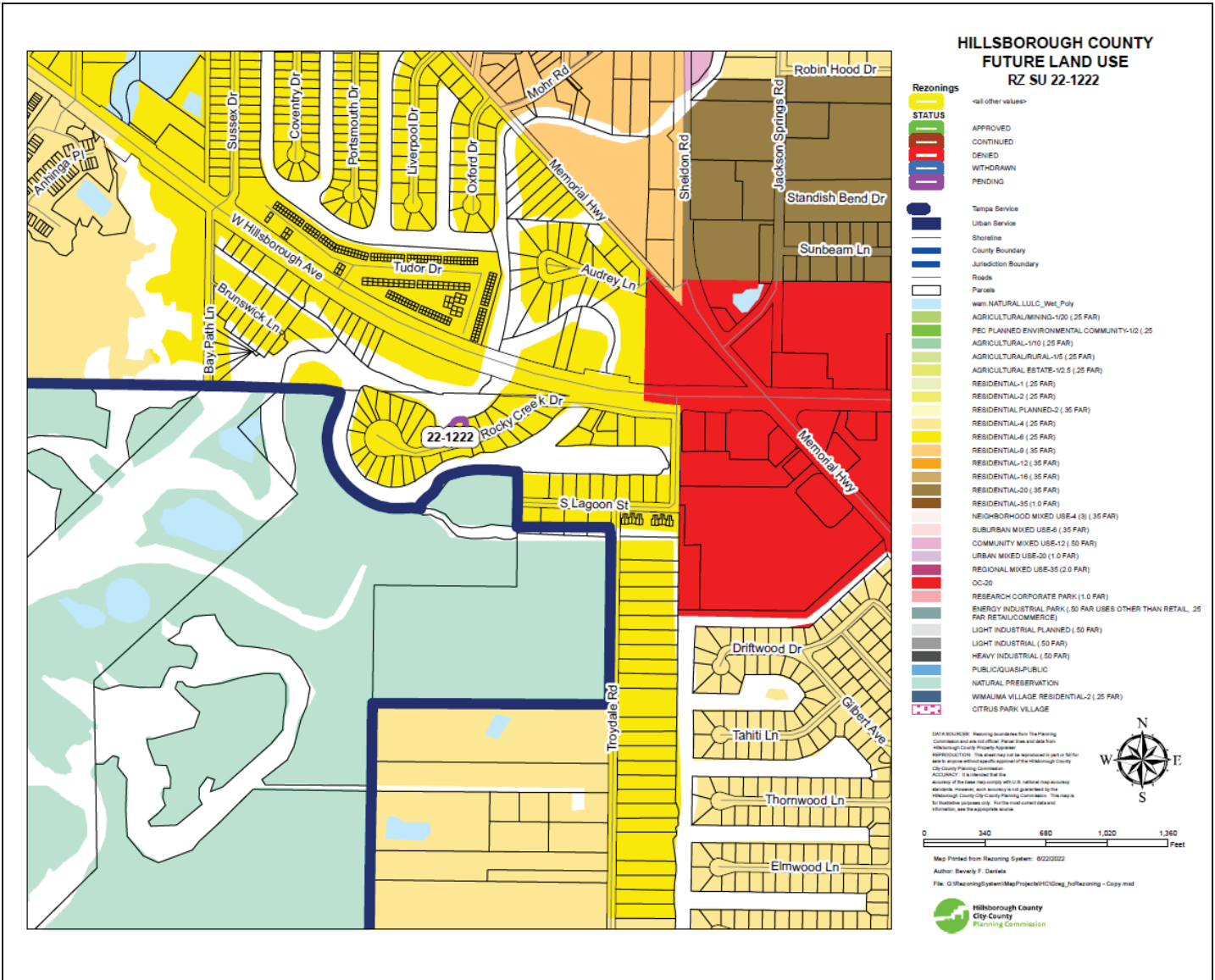


Context of Surrounding Area:

The site is located south of Hillsborough Avenue within the Town and Country community. The area is developed with residential uses – both single-family and multi-family. Commercial uses are found along the Hillsborough Avenue corridor, as well as around the intersection of Hillsborough Avenue and Memorial Highway located east of the subject site.

2.0 LAND USE MAP SET AND SUMMARY DATA

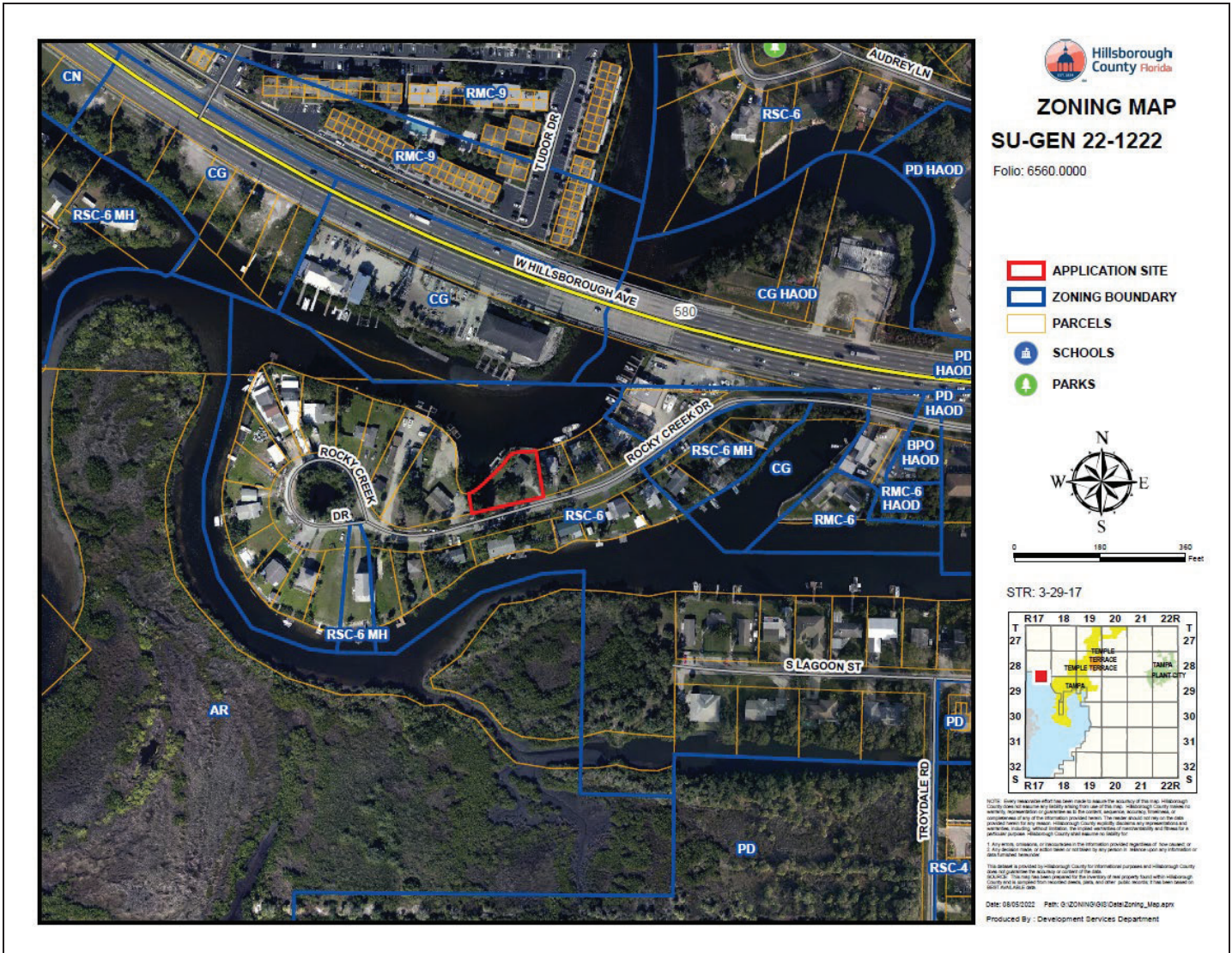
2.2 Future Land Use Map



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

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

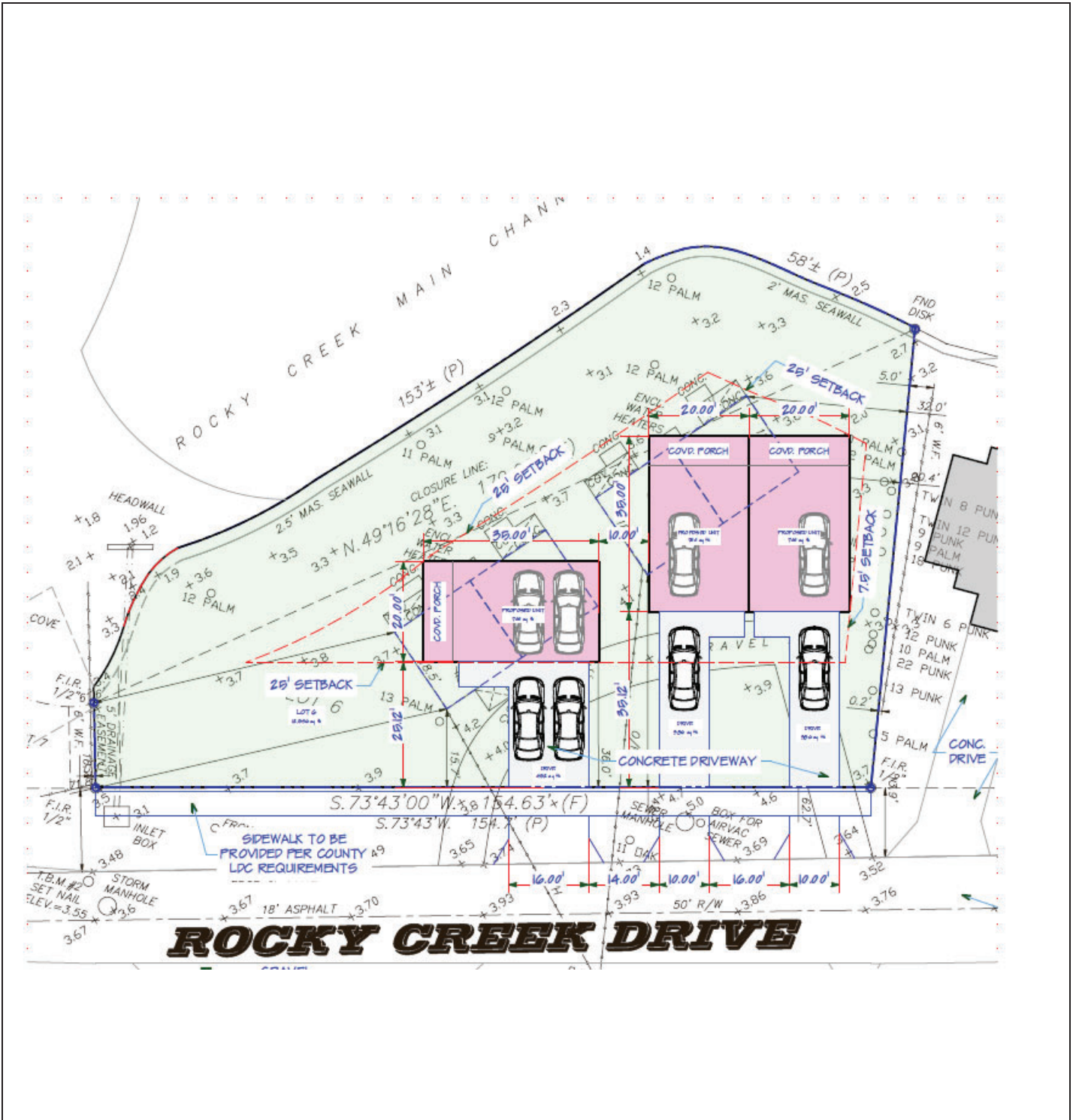


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CG	0.25	General Commercial uses	Commercial and Canal,
South	RSC-6	6 units per acre	Single-Family Residential	Single-Family Residential
East	RSC-6	6 units per acre	Single-family Residential	Single-Family Residential
West	RSC-6	6 units per acre	Single-family Residential	Single-family Residential

2.0 LAND USE MAP SET AND SUMMARY DATA

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



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
Rocky Creek Dr.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	15	1	1
Proposed	22	1	2
Difference (+/-)	+7	0	+1

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

Notes:

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
N/A	Choose an item.	Choose an item.
	Choose an item.	Choose an item.

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input checked="" type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	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	
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input 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 type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees (Fee estimate is based on a 2,000 square foot, Single Family Detached Unit) Mobility: \$9,183 per unit Parks: \$2,145 per unit School: \$8,227 per unit Fire: \$335 per unit Single Family Detached per unit = \$20,160 (Fee estimate is based on a 1,200 square foot, 3 Bedroom Duplex Units) Mobility: \$8,178 x2 = \$16,356 Parks: \$1,555 x2 = \$3,110 School: \$3,891 x2 = \$7,782 Fire: \$249 x2 = \$498 Multi-Family (1-2 story) per unit = \$13,873 x2 = \$27,746				

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located within an isolated neighborhood, located on a single street (Rocky Creek Drive). Rocky Creek Drive, where closest to Hillsborough Avenue, is developed with commercial uses, office uses, and multi-family uses. Remaining portions of Rocky Creek Drive are developed with single-family uses with canal access available. The subject site was developed with two duplex structures (one with a nonconforming front yard setback) in 1957, prior to the area being zoned. Upon redevelopment of the site, the parcel will be more conforming – changing from two duplex structure to one duplex structure and one single-family structure. Additionally, new structures will comply with RSC-6 zoning district setbacks providing a 25 foot setback along Rocky Creek Drive.

Based upon the above, staff has not identified any compatibility issues associated with the requests.

5.2 Recommendation

Approvable, subject to proposed conditions.

6.0 PROPOSED CONDITIONS

Requirements for Certification:

1. The site plan shall remove any reference to "triplex."

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted October 25, 2022.

1. This Special Use Permit shall permit the rebuilding of one duplex structure on folio 6560.0000. Notwithstanding DNC 22-0023, the development of two duplex structures on the property shall not be permitted due to the removal of one duplex structure subsequent to DNC 22-0023 and prior to approval of this Special Use Permit.
2. This Special Use Permit authorizes a onetime nonconforming use expansion of 50%, resulting in a total of three units permitted on folio 6560.000. The parcel shall contain one duplex structure and one single-family home on one lot, which shall not be subdivided. The use of a triplex structure on the parcel shall not be permitted.
3. Structures shall be located where generally shown on the site plan and shall comply with the RSC-6 zoning district setbacks and maximum height requirements.
4. The developer shall construct a sidewalk along the entire project frontage on Rocky Creek Dr.
5. Approval of this Special Use Permit by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
6. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
7. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW 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).
8. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

Zoning Administrator Sign Off:



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

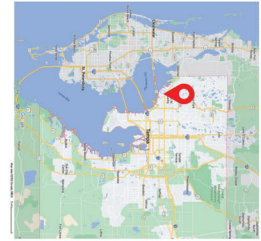
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

None.

8.0 SITE PLANS (FULL)

8.1 Proposed Site Plan (Full)



COUNTY MAP

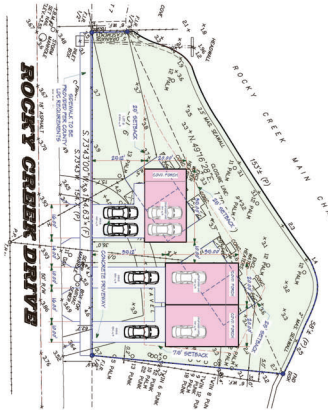


VELOCITY MAP



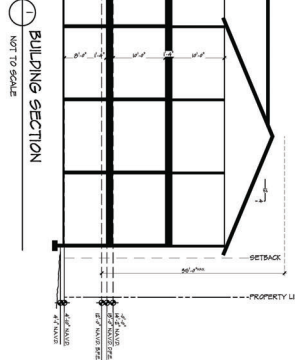
AERIAL PICTURE

THE DENBOER TRI-PLEX
 PROJECT SUMMARY: 3-UNIT DEVELOPMENT, 2-STORY OVER GARAGE AND UNFINISHED STORAGE 3 BEDROOM, 2.5 BATH, KITCHEN, OPEN LAYOUT LIVING, DINING & COVERED PORCHES.



SITE PLAN

UNITS: 3-BEDROOM, 2.5-BATH, 1,100 SQ. FT. OVER GARAGE AND UNFINISHED STORAGE 3-BEDROOM, 2.5-BATH, 1,100 SQ. FT. OVER GARAGE AND UNFINISHED STORAGE 3-BEDROOM, 2.5-BATH, 1,100 SQ. FT. OVER GARAGE AND UNFINISHED STORAGE. THE PROPERTY IS LOCATED IN CLASS ZONE A-2.5/1. THE PROPERTY IS LOCATED IN CLASS ZONE A-2.5/1. THE PROPERTY IS LOCATED IN CLASS ZONE A-2.5/1.



BUILDING SECTION
 NOT TO SCALE

SECTION	DESCRIPTION	REMARKS
FOUNDATION	CONCRETE FOUNDATION	AS PER SPECIFICATIONS
FLOORING	CERAMIC TILE	AS PER SPECIFICATIONS
WALLS	CONCRETE BLOCK	AS PER SPECIFICATIONS
CEILING	DROPPED CEILING	AS PER SPECIFICATIONS
ROOFING	ASPH/FLT SHINGLES	AS PER SPECIFICATIONS
MECHANICAL	A/C SYSTEM	AS PER SPECIFICATIONS
ELECTRICAL	WIRING	AS PER SPECIFICATIONS
PLUMBING	WATER SUPPLY	AS PER SPECIFICATIONS
PAINT	INTERIOR PAINT	AS PER SPECIFICATIONS
LANDSCAPING	GRASS SEED	AS PER SPECIFICATIONS

CODE COMPLIANCE DATA: THE PROJECT IS SUBJECT TO THE FLORIDA BUILDING CODE, 2018 EDITION, WITH ALL AMENDMENTS THROUGH JANUARY 1, 2022. THE PROJECT IS SUBJECT TO THE FLORIDA BUILDING CODE, 2018 EDITION, WITH ALL AMENDMENTS THROUGH JANUARY 1, 2022. THE PROJECT IS SUBJECT TO THE FLORIDA BUILDING CODE, 2018 EDITION, WITH ALL AMENDMENTS THROUGH JANUARY 1, 2022.

PRELIMINARY
 NOT FOR CONSTRUCTION
 DATE OF ISSUE: 01/10/23
 NOR

3 PRE-MANUFACTURED UNITS DEVELOPMENT
DOUG DENBOER
 8017-8019 ROCKY CREEK DR
 TAMPA
 FLORIDA 33616

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/03/2022

REVIEWER: Richard Perez, AICP, Executive Planner AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: TNC/ Northwest

PETITION NO: SU-GEN 22-1222

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

CONDITIONS OF APPROVAL

- The developer shall construct a sidewalk along the entire project frontage on Rocky Creek Dr.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting special use approval for a +/- 0.28-acre lot with an existing nonconforming status due the previously 4 multifamily attached dwelling units that existed. The property owner demolished the two of the units and is now seeking approval to build back with one (1) additional unit for a total of 3 multi-family units. Without the special use approval the lot would be entitled to only 2 multi-family unit (duplex).

The subject site is located on the north side of Rocky Creek Dr. and zoned Residential, Suburban Conventional - 6 (RSC-6). The future land use designation is Residential 6, R-6.

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario.

Previous Nonconforming Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 2 Multi-Family Units (ITE LUC 220)	15	1	1

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 3 Multi-Family Units (ITE LUC 220)	22	1	2

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	+7	0	+1

The proposed rezoning is anticipated to result in an increase in potential trip generation by +7 daily trips and +1 pm peak hour trip.

By policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE AND SITE ACCESS

Rocky Creek Dr. is a publicly maintained, substandard local roadway. The roadway consists of +/- 19-foot paved surface in fair condition, lying within an estimated +/- 47 to 50-foot wide right-of-way along the project's boundary. There are no sidewalks or bicycle facilities present in the vicinity or the proposed project.

While Rocky Creek Dr. is substandard; by policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis provided the roadways meet minimum life safety standards (i.e. 15 feet of pavement in a 20-foot clear area).

SITE ACCESS AND CONNECTIVITY

The proposed PD site plan proposes Type I residential driveway connections on Rock Creek Dr. generally consistent with the surrounding residential properties and the existing nonconforming status of the subject property.

The proposed site plan shows a sidewalk along the project frontage on Rocky Creek Dr. The developer will be required to construct a sidewalk along the entire project frontage on Rocky Creek Dr. consistent with the County LDC. If there is not sufficient right-of-way to fit a standard sidewalk with the roadway, then the applicant will be required to place the sidewalk on the subject property and establish a public easement.

ROADWAY LEVEL OF SERVICE

As Rocky Creek Dr. is not regulated roadways and not included on the 2020 Hillsborough County Level of Service (LOS) Report, no LOS information has been provided for the proposed project.

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
Rocky Creek Dr.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

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Existing	15	1	1
Proposed	22	1	2
Difference (+/-)	+7	0	+1

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

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

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
N/A	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
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See transportation review comments.

**COUNTY OF HILLSBOROUGH
RECOMMENDATION OF THE
LAND USE HEARING OFFICER****

APPLICATION NUMBER:	SU-GEN 22-1222
DATE OF HEARING:	November 14, 2022
APPLICANT:	Doug Denboer
PETITION REQUEST:	The request is for a Special Use for the rebuilding of one duplex structure (2 units) and one single-family home or three single-family homes on one parcel
LOCATION:	8919 Rocky Creek Drive
EXISTING ZONING DISTRICT:	RSC-6
FUTURE LAND USE CATEGORY:	RES-6
SERVICE AREA:	Urban

****Note: The Zoning Hearing Master's Decision was amended to a Recommendation to correct a scrivener's error regarding the processing of SU GEN 22-1222 to the Board of County Commissioners for their final decision. The Findings of Fact and support for the request was not changed.**

STAFF REPORT

1.0 APPLICATION SUMMARY

Applicant: Douglas Denboer

FLU Category: RES-6

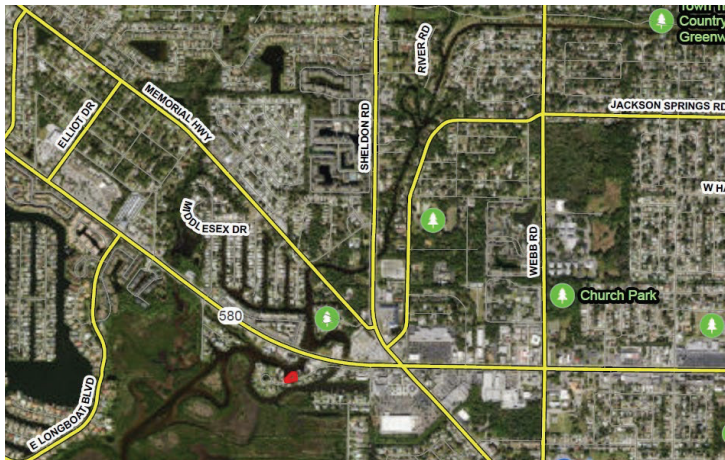
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Site Acreage: 0.28 +/-

Community Plan Area: Town N' Country

Overlay: None

Development Services Department



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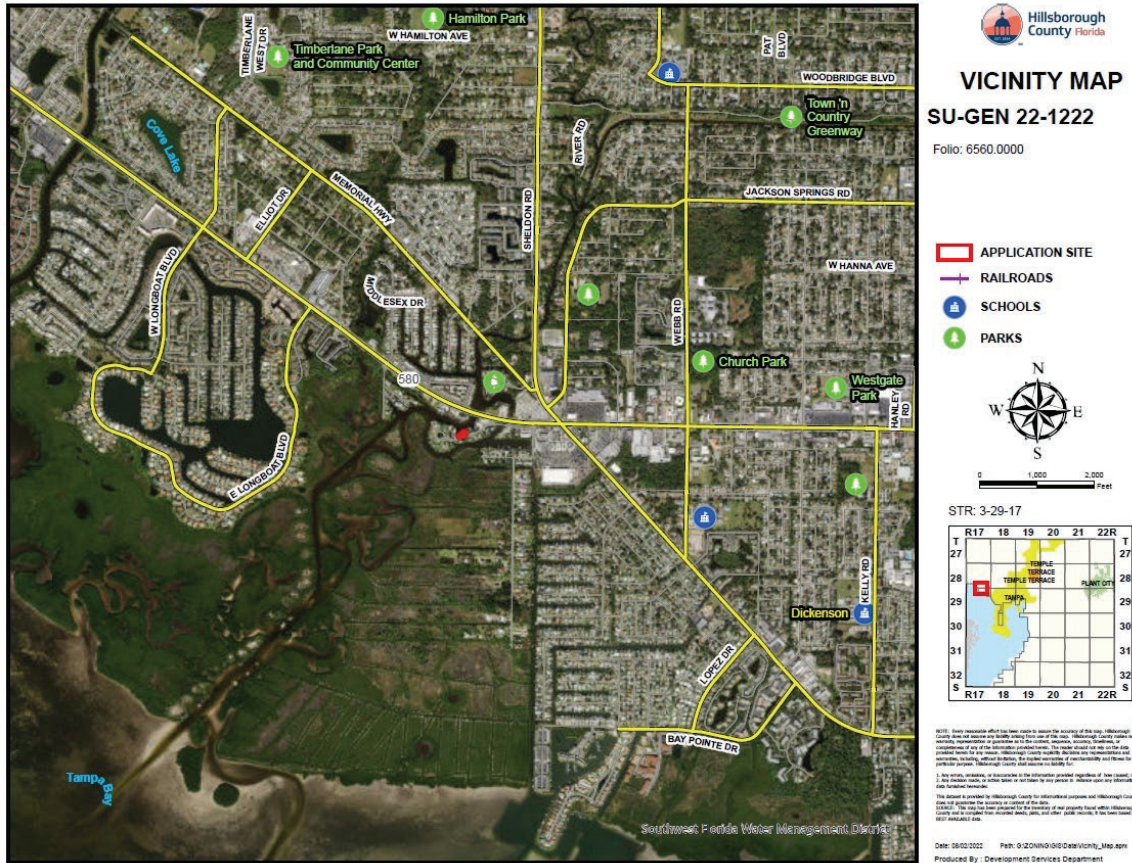
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Additional Information:			
PD Variation(s):		None Requested as part of this application	
Waiver(s) to the Land Development Code:		None Requested as part of this application	
Planning Commission Recommendation:		Development Services Recommendation:	
Consistent		Approvable, subject to proposed conditions	

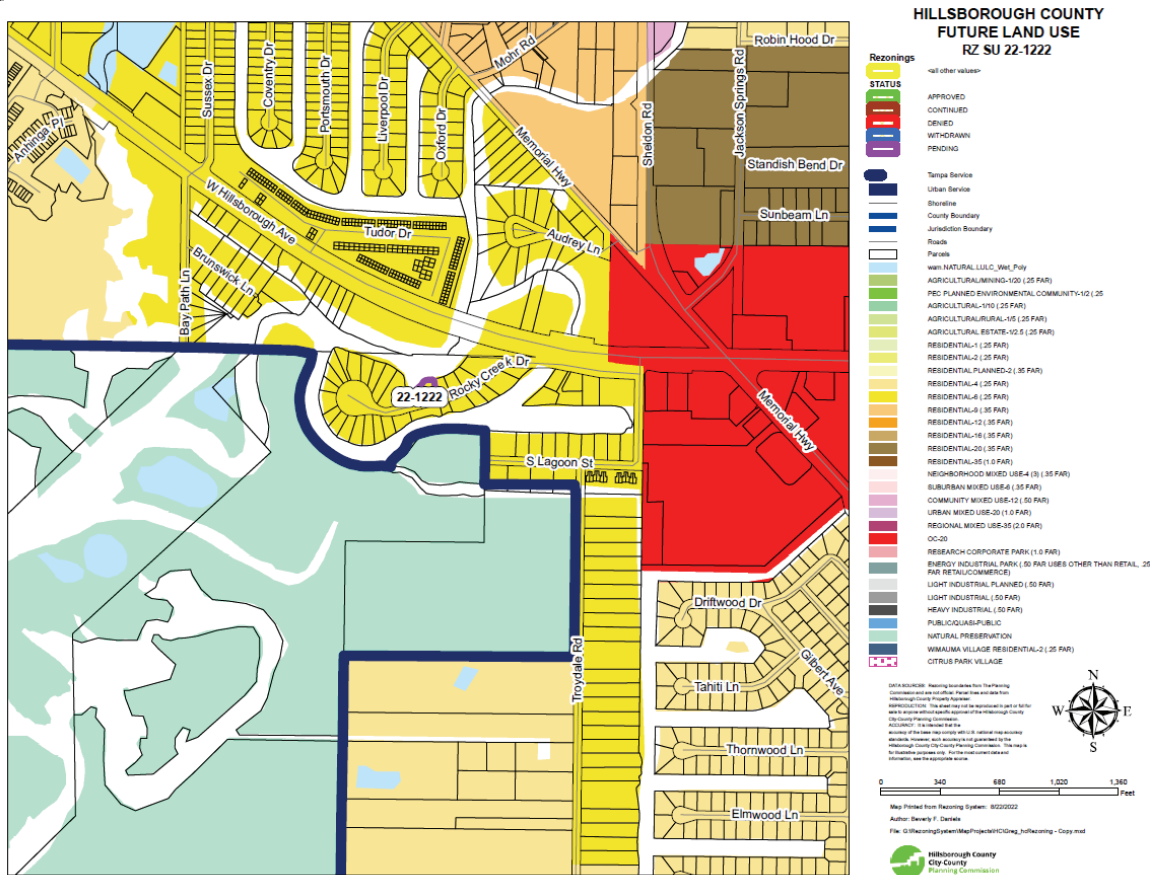
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Context of Surrounding Area:

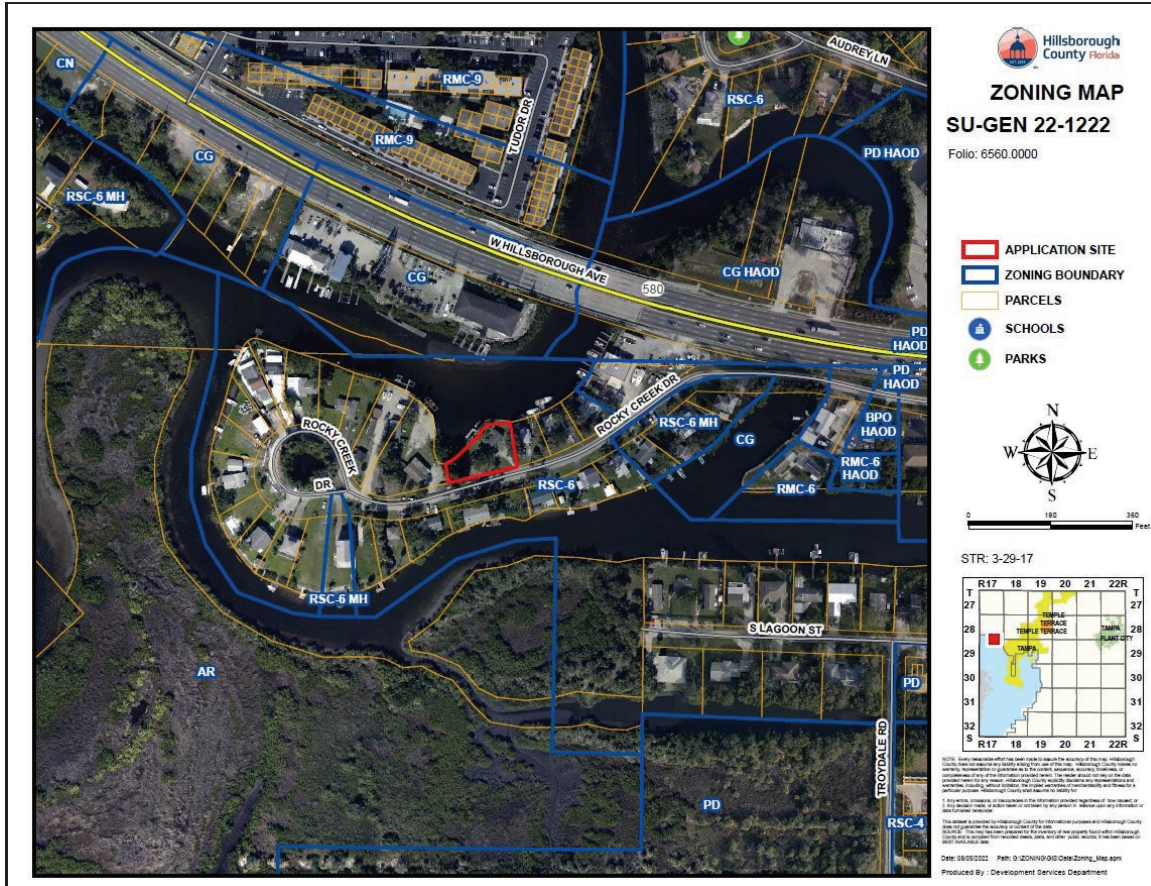
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2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



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

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

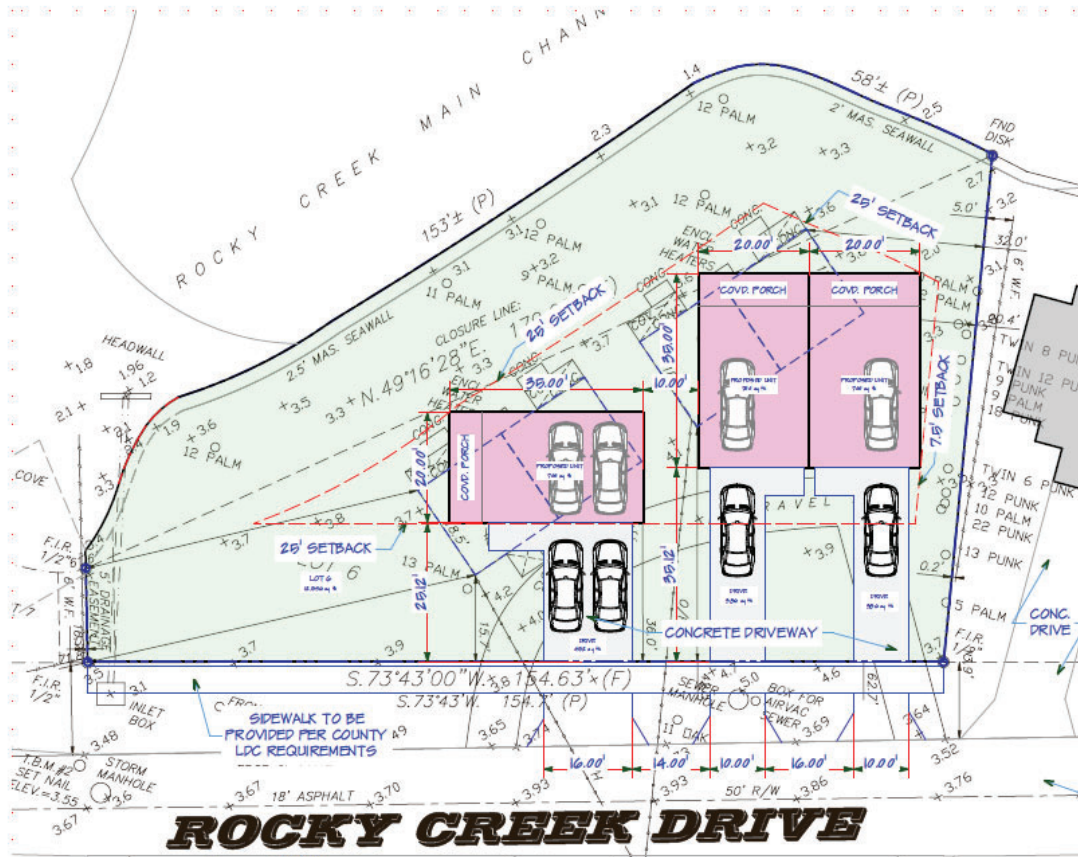


Adjacent Zonings and Uses

Location :	Zoning :	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
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2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



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Road Name/Nature of Request	Type	Finding
N/A	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental Protection Commission

Natural Resources

Yes No

Conservation & Environ. 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 _____

Transportation

- Design Exc./Adm. Variance Requested Off-site Improvements Provided

Objections

Service Area/ Water & Wastewater

- Urban City of Tampa
- Rural City of Temple Terrace

Hillsborough County School Board

- Adequate K-5 6-8 9-12 N/A Inadequate K-5 6-8 9-12 N/A

Impact/Mobility Fees

(Fee estimate is based on a 2,000 square foot, Single Family Detached Unit)

Mobility: \$9,183 per unit
 Parks: \$2,145 per unit
 School: \$8,227 per unit

Fire: \$335 per unit
 Single Family Detached per unit = \$20,160

(Fee estimate is based on a 1,200 square foot, 3 Bedroom Duplex Units)

Mobility: \$8,178 x2 = \$16,356
 Parks: \$1,555 x2 = \$3,110
 School: \$3,891 x2 = \$7,782

Fire: \$249 x2 = \$498
 Multi-Family (1-2 story) per unit = \$13,873 x2 = \$27,746



Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located within an isolated neighborhood, located on a single street (Rocky Creek Drive). Rocky Creek Drive, where closest to Hillsborough Avenue, is developed with commercial uses, office uses, and multi-family uses. Remaining portions of Rocky Creek Drive are developed with single-family uses with canal access available. The subject site was developed with two duplex structures (one with a nonconforming front yard setback) in 1957, prior to the area being zoned. Upon redevelopment of the site, the parcel will be more conforming – changing from two duplex structure to one duplex structure and one single-family structure. Additionally, new structures will comply with RSC-6 zoning district setbacks providing a 25 foot setback along Rocky Creek Drive.

Based upon the above, staff has not identified any compatibility issues associated with the requests.

5.2 Recommendation

Approvable, subject to proposed conditions.

SUMMARY OF HEARING

This Cause came on for hearing before the Hillsborough County Land Use Hearing Officer on November 14, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the Petition.

Mr. Doug Denboer 5953 Mohr Lott Tampa testified as the applicant. Mr. Denboer stated that he is applying for a nonconformity special use to allow for three dwelling units located at 8919 Rocky Creek Drive. He added that two distressed duplexes were on-site since 1957 and he is proposing to build one new duplex consisting of two units and then one single-family home which will be two-stories in height on stilts. Mr. Denboer testified that the structures will be all required setbacks and height limitations. He concluded his remarks by stating that the sidewalk to be provided along Rocky Creek Drive and that the project will be a big improvements to the property and the neighborhood.

Hearing Master Finch asked Mr. Denober to confirm that there were two duplexes on-site and that he has removed one. Mr. Denober replied that was correct. Hearing Master Finch asked Mr. Denober if he planned to build a single-family home and tearing down the second duplex for a total of three units. Mr. Denober replied that was correct and added that there would be three units instead of the four which were previously located on the property.

Ms. Michelle Heinrich of the Development Services staff testified regarding the County staff report. Ms. Heinrich stated that the request is for a Special Use to both rebuild and expand the legal non-conforming special use permit as outlined the Land Development Code. She stated that the property is zoned RSC-6 and is 0.28 acres in size. A determination of legal non-conformity was made in February of 2022 to recognize the two duplex structures for a total of four units. The westernmost duplex has been removed leaving one duplex or two units on-site. Ms. Heinrich stated that expansions are only permitted one time and are limited to a maximum of 50 percent. So in this case, a maximum of three units can be developed on the property. The expansion cannot result in a more intense use such as a triplex or other multi-family structure. Ms. Heinrich described the surrounding uses and stated that the proposed conditions require compliance with the RSC-6 zoning setbacks and prohibit a subdivision. Therefore, staff finds the request approvable.

Ms. Andrea Papandrew with the Planning Commission staff testified that the subject property is located in the Residential-6 Future Land Use category and the Urban Service Area and the Town and Country Community Plan. She described the request and testified that it is consistent with Policy 9.2 and 9.3 regarding compliance with the Land Development Code regulations. Ms. Papandrew stated that staff found the request consistent with the goals, policies and objectives of the Comprehensive Plan.

Hearing Master Finch asked the audience for members in support. None replied.

Hearing Master Finch asked the audience for members in opposition. There were none.

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

The hearing was then concluded.

EVIDENCE SUBMITTED

No evidence was 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.

CONCLUSIONS OF LAW

The Staff Report prepared by the Development Services Department constitutes competent and substantial evidence.

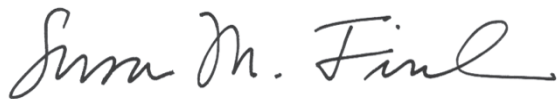
FINDINGS OF FACT

1. The subject property is zoned Residential Single-Family Conventional-6 (RSC-6)) and designated Residential-6 (RES-6) by the Comprehensive Plan. The property is also located in the Urban Service Area and the Town and Country Community Planning Area.
2. The subject property was approved for a Non-Conforming Use and Non-Conforming Structure in February 2022 (DNC 22-0023). The applicant testified that two duplex structures (four units) were located on the property since 1957.
3. The Special Use request is to rebuild and expand the legal non-conforming special use permit as outlined the Land Development Code.
4. The applicant testified that he has removed one of the duplex units and intends to remove the second duplex. He plans to rebuild one duplex and one single-family dwelling unit on-site for a total of three units.
5. The Special Use requires compliance with the RSC-6 zoning setbacks and maximum height limitations.

6. The applicant will construct a sidewalk along the entire project frontage on Rocky Creek Drive.
7. The requested expansion of the non-conforming use will reduce the non-conformity from four units to three units thereby lessening the impact to the surrounding area and making the property more in compliance with the Land Development Code.

SPECIAL USE RECOMMENDATION

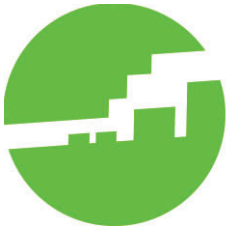
Based on the foregoing, this recommendation is for **APPROVAL** of the Special Use permit to rebuild and expand the legal non-conforming special use for one duplex unit (two units) and one single-family home for a total of three units as outlined the Land Development Code.



January 24, 2023

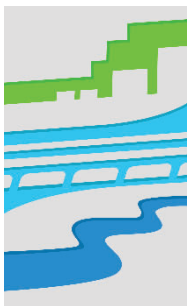
Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: November 14, 2022	Petition: SU 22-1222
Report Prepared: November 2, 2022	8919 Rocky Creek Drive <i>North side of Rocky Creek Drive and south of Hillsborough Avenue</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-6 (6 du/ga; 0.25 FAR)
Service Area:	Urban
Community Plan:	Town 'N Country
Special Use Request:	Special Use to construct 3 dwelling units with legally nonconforming rights
Parcel Size (Approx.):	0.28 +/- acres (12,196.8 square feet)
Street Functional Classification:	Rocky Creek Drive – Local Hillsborough Avenue – Principal Arterial
Locational Criteria:	N/A
Evacuation Area:	A



Context

- The subject site is located on approximately 0.28± acres on the north side of Rocky Creek Drive and south of Hillsborough Avenue. The site is in the Urban Service Area and within the limits of the Town 'N Country Community Plan.
- The subject site's Future Land Use designation is Residential-6 (RES-6). Typical uses of RES-6 include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- The subject site is surrounded by RES-6 FLU category to the north, east and west, and Natural Preservation (N) to the south. Further east is designated as Office Commercial-20 (OC-20). The site is mainly surrounded by single family residential on Rocky Creek Drive and light and heavy commercial uses along Hillsborough Avenue.
- The site is located completely within the Coastal High Hazard Area.
- The subject site is zoned Residential, Single-Family Conventional (RSC-6) and is surrounded by RSC-6 zoning on all sides. Further north and east along Hillsborough Avenue is Commercial, General (CG) zoning.
- The applicant requests a Special Use permit to construct 3 dwelling units with legally nonconforming rights.

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.

Land Use Categories

Objective 8: The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for

an area. A table of the land use categories and description of each category can be found in Appendix A.

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

Relationship to Land Development Regulations

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

Policy 9.2: *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.*

Policy 9.3: *In implementing this Comprehensive Plan, Hillsborough County shall continue to recognize legal non-conforming uses and permit the rebuilding or expansion of existing legal non-conforming uses which do not have any significant adverse effects on adjacent properties. With the exception of principle residences or uses or structures destroyed by an act of God, the expansion of non-conforming uses and rebuilding of non-conforming uses, shall not occur more than once. The expansion or rebuilding shall not result in an increase of the intensity of use which exceeds fifty (50) percent of the existing intensity or the maximum building square footage within the plan category, except in conformance with policy 21.4. However, the expansion may permit the construction of a use that is less intense than the existing non-conforming use. The new use may still be non-conforming with the plan. All expansions or rebuilding shall be consistent with other plan policies.*

Staff Analysis of Goals Objectives and Policies:

The subject site is located on approximately 0.28 ± acres on the north side of Rocky Creek Drive and south of Hillsborough Avenue. The site is in the Urban Service Area and within the limits of the Town 'N Country Community Plan. The applicant requests a Special Use permit to construct 3 dwelling units with legally nonconforming rights.

The subject site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The proposed residential use is consistent with the single family and two-family residential uses that surround the site on Rocky Creek Drive.

Although the proposed density is higher than what would be expected on a site of this acreage in the RES-6 FLU category and within the Coastal High Hazard Area, the applicant

has received a “Nonconforming Use and Nonconforming Structure Determination” from the Hillsborough County Department of Development Services stating that the property is approved for two two-family dwellings. The owner has since demolished the easternmost duplex, eliminating their nonconforming rights to that building. However, the westernmost duplex still exists on the property, and according to the Land Development Code, the owner is permitted a 50% expansion of the remaining nonconformity. Therefore, the owner is legally permitted to rebuild three dwellings, as two currently remain on the property. The proposal includes one single family dwelling and one duplex on the site, totaling three dwelling units. The proposal meets RSC-6 setback requirements. Therefore, the proposal is consistent with Objective 9 and Policy 9.2 and 9.3 of the Future Land Use Element.

The Town ‘N Country Community Plan does not include any applicable policies or strategies that address this subject property.

Overall, staff finds that the proposed residential development is compatible with the existing development pattern found within the surrounding area. The proposed Special Use would allow for development that is consistent with the Goals, Objectives, and Policies of the Future Land Use Element of the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

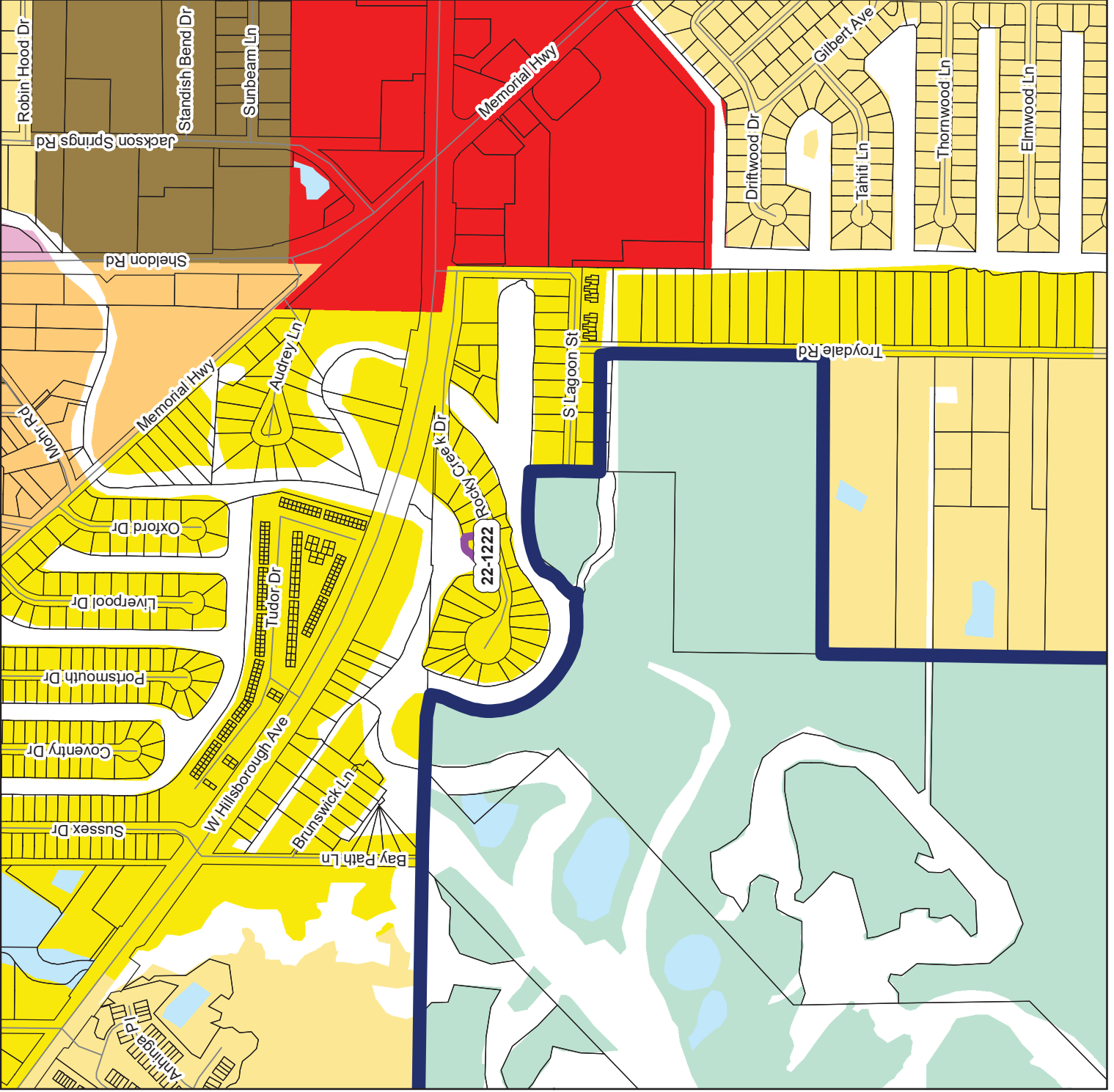
Based upon the above considerations, Planning Commission staff finds the proposed Special Use **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*, subject to the conditions proposed by the Development Services Department.

HILLSBOROUGH COUNTY FUTURE LAND USE RZ SU 22-1222

<all other values>

- Rezoning**
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- Tampa Service
 Urban Service
 Shoreline
 County Boundary
 Jurisdiction Boundary
 Roads
 Parcels
 w/m NATURAL LULC, Wet Poly
 AGRICULTURAL/MINING-120 (.25 FAR)
 PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
 AGRICULTURAL-1/10 (.25 FAR)
 AGRICULTURAL-RURAL-1/5 (.25 FAR)
 AGRICULTURAL-ESTATE-1/2.5 (.25 FAR)
 RESIDENTIAL-1 (.25 FAR)
 RESIDENTIAL-2 (.25 FAR)
 RESIDENTIAL PLANNED-2 (.35 FAR)
 RESIDENTIAL-4 (.25 FAR)
 RESIDENTIAL-6 (.25 FAR)
 RESIDENTIAL-9 (.35 FAR)
 RESIDENTIAL-12 (.35 FAR)
 RESIDENTIAL-16 (.35 FAR)
 RESIDENTIAL-20 (.35 FAR)
 RESIDENTIAL-35 (1.0 FAR)
 NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
 SUBURBAN MIXED USE-6 (.35 FAR)
 COMMUNITY MIXED USE-12 (.50 FAR)
 URBAN MIXED USE-20 (1.0 FAR)
 REGIONAL MIXED USE-35 (2.0 FAR)
 OC-20
 RESEARCH CORPORATE PARK (1.0 FAR)
 ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
 LIGHT INDUSTRIAL PLANNED (.50 FAR)
 LIGHT INDUSTRIAL (.50 FAR)
 HEAVY INDUSTRIAL (.50 FAR)
 PUBLIC/QUASIPUBLIC
 NATURAL PRESERVATION
 WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
 CITRUS PARK VILLAGE

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning status is for informational purposes only and is subject to the final decision of the Hillsborough County Planning Commission.
 ACCURACY: It is intended that this map be used for informational purposes only. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose.



Map Printed from Rezoning System: 8/22/2022
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Gis\Rezoning - Copy.mxd





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/03/2022

REVIEWER: Richard Perez, AICP, Executive Planner AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: TNC/ Northwest

PETITION NO: SU-GEN 22-1222

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

CONDITIONS OF APPROVAL

- The developer shall construct a sidewalk along the entire project frontage on Rocky Creek Dr.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting special use approval for a +/- 0.28-acre lot with an existing nonconforming status due the previously 4 multifamily attached dwelling units that existed. The property owner demolished the two of the units and is now seeking approval to build back with one (1) additional unit for a total of 3 multi-family units. Without the special use approval the lot would be entitled to only 2 multi-family unit (duplex).

The subject site is located on the north side of Rocky Creek Dr. and zoned Residential, Suburban Conventional - 6 (RSC-6). The future land use designation is Residential 6, R-6.

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario.

Previous Nonconforming Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 2 Multi-Family Units (ITE LUC 220)	15	1	1

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 3 Multi-Family Units (ITE LUC 220)	22	1	2

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	+7	0	+1

The proposed rezoning is anticipated to result in an increase in potential trip generation by +7 daily trips and +1 pm peak hour trip.

By policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE AND SITE ACCESS

Rocky Creek Dr. is a publicly maintained, substandard local roadway. The roadway consists of +/- 19-foot paved surface in fair condition, lying within an estimated +/- 47 to 50-foot wide right-of-way along the project's boundary. There are no sidewalks or bicycle facilities present in the vicinity or the proposed project.

While Rocky Creek Dr. is substandard; by policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis provided the roadways meet minimum life safety standards (i.e. 15 feet of pavement in a 20-foot clear area).

SITE ACCESS AND CONNECTIVITY

The proposed PD site plan proposes Type I residential driveway connections on Rock Creek Dr. generally consistent with the surrounding residential properties and the existing nonconforming status of the subject property.

The proposed site plan shows a sidewalk along the project frontage on Rocky Creek Dr. The developer will be required to construct a sidewalk along the entire project frontage on Rocky Creek Dr. consistent with the County LDC. If there is not sufficient right-of-way to fit a standard sidewalk with the roadway, then the applicant will be required to place the sidewalk on the subject property and establish a public easement.

ROADWAY LEVEL OF SERVICE

As Rocky Creek Dr. is not regulated roadways and not included on the 2020 Hillsborough County Level of Service (LOS) Report, no LOS information has been provided for the proposed project.

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
Rocky Creek Dr.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	15	1	1
Proposed	22	1	2
Difference (+/-)	+7	0	+1

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

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

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
N/A	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
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See transportation review comments.

COMMISSION

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 Pat Kemp VICE-CHAIR
 Harry Cohen
 Ken Hagan
 Gwendolyn “Gwen” W. Myers
 Kimberly Overman
 Stacy White



DIRECTORS

Janet D. Lorton EXECUTIVE DIRECTOR
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 Steffanie L. Wickham WASTE DIVISION
 Sterlin Woodard, P.E. WETLANDS DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: 10/24/2022</p> <p>PETITION NO.: 22-1222</p> <p>EPC REVIEWER: Melissa Yanez</p> <p>CONTACT INFORMATION: (813) 627-2600 X1360</p> <p>EMAIL: yanezm@epchc.org</p>	<p>COMMENT DATE: 9/1/2022</p> <p>PROPERTY ADDRESS: 8919 Rocky Creek Dr, Tampa, FL 33615</p> <p>FOLIO #: 0065600000</p> <p>STR: 03-29S-17E</p>
<p>REQUESTED ZONING: From RSC-6 to RMC-6</p>	
FINDINGS	
WETLANDS PRESENT	YES
SITE INSPECTION DATE	1/17/2021
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Rocky Creek is located waterward of the existing seawall
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</p> <ul style="list-style-type: none"> Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The 	

Environmental Excellence in a Changing World

wetland/ OSW 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).

- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

INFORMATIONAL COMMENTS:

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- The subject property appears to contain wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- 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.
- 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

My/aow

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 30 Aug. 2022

REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management

APPLICANT: Douglas Den

PETITION NO: SU-GEN 22-1222

LOCATION: Not listed

FOLIO NO: 6560.0000

SEC: _____ TWN: _____ RNG: _____

- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: SU22-1222 REVIEWED BY: Randy Rochelle DATE: 9/9/2022

FOLIO NO.: 6560.0000

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A 12 inch water main exists (adjacent to the site), (approximately 740 feet from the site) and is located north of the subject property within the south Right-of-Way of W. Hillsborough Avenue. 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. This is not a reservation of capacity.

- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

- A 4 inch wastewater vacuum force main exists (adjacent to the site), (approximately ___ feet from the site) and is located within the Right-of-Way of Rocky Creek Drive. 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. This is not a reservation of capacity.

- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.



NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services

DATE: 11/03/2022

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Doublas George Denboer

PETITION NO: 22-1222

LOCATION: 8919 Rocky Creek Rd

FOLIO NO: 6560.0000

Estimated Fees:

(Fee estimate is based on a 2,000 square foot, Single Family Detached Unit)

Mobility: \$9,183 per unit

Parks: \$2,145 per unit

School: \$8,227 per unit

Fire: \$335 per unit

Single Family Detached per unit = \$20,160

(Fee estimate is based on a 1,200 square foot, 3 Bedroom Duplex Units)

Mobility: \$8,178 x2 = \$16,356

Parks: \$1,555 x2 = \$3,110

School: \$3,891 x2 = \$7,782

Fire: \$249 x2 = \$498

Multi-Family (1-2 story) per unit = \$13,873 x2 = \$27,746

Project Summary/Description:

Urban Mobility, Northwest Park/Fire - 1 single family home, 1 duplex



VERBATIM TRANSCRIPT

1 We've also constructed the northbound right turn lane
2 on 301 into the access. In addition to that, we've added the
3 westbound left turn lane from our project access onto 301. Then
4 we've also added the southbound left turn lane on 301 at Saffold
5 Road, the northbound right turn lane on 301 at Saffold Road.
6 And then we've also done the Saffold Road improvements, which
7 included both adding an unpaved shoulder and turn lanes. And
8 there's certain sections that where we own adjacent to it, we've
9 added sidewalk and ten-foot trail along that roadway. So those
10 are the improvements that have already been done or actually
11 done and we're about ready to certify those complete to the
12 County and the DOT.

13 HEARING MASTER: All right. Thank you so much.

14 MS. CORBETT: And that concludes our presentation and
15 we respectfully request approval.

16 HEARING MASTER: Thank you so much. We'll close major
17 modification 22-1301 and go to the last case.

18 MR. GRADY: The last -- the last item is Agenda Item
19 E.1 is a special use general application, 22-1222. It's a
20 special use best use permit for a nonconforming special use
21 permit to modify and change existing legal nonconforming use and
22 density associate of the property that's currently zoned RSC-6.
23 Michelle Heinrich will provide staff presentation recommendation
24 after presentation by the applicant.

25 HEARING MASTER: Good evening.

1 MR. DENBOER: Good evening. My name is Doug Denboer
2 and I live at 5953 Mohr Loop in Tampa 33615. And I'm requesting
3 a nonconformity specially use permit to allow for three living
4 units at the 8919 Rocky Creek Drive. Two distressed duplexes
5 existed on the site since 1957 and I'm proposing to build one
6 new -- new duplex consisting of two, two-story living units on
7 top of stilts and then one single-family unit consisting of a
8 two-story building on stilts. The buildings are going to
9 conform with all required setbacks and height limits. And the
10 sidewalk will provide along Rocky Creek Drive for the
11 transportation review request. And I think the project will be
12 a -- a big improvement to the property and to the neighborhood.
13 I'm just asking for you to approve my application.

14 HEARING MASTER: Let me just ask you a quick question
15 just to make sure I understand. So there were two duplexes on
16 the -- or the -- I guess there were --

17 MR. DENBOER: Yeah.

18 HEARING MASTER: -- two duplexes. And you -- you've
19 removed one --

20 MR. DENBOER: Yeah.

21 HEARING MASTER: -- and you're going to build a
22 single-family home?

23 MR. DENBOER: Right.

24 HEARING MASTER: And you're going to leave the other
25 duplex?

1 MR. DENBOER: No. I'm going to build a new duplex.

2 HEARING MASTER: You're going to tear that one down --

3 MR. DENBOER: Yeah.

4 HEARING MASTER: -- and build a new one.

5 MR. DENBOER: Replace. Yes.

6 HEARING MASTER: All right.

7 MALE SPEAKER: So he's replacing all units to be total
8 three. Yeah.

9 MR. DENBOER: Right.

10 MALE SPEAKER: Three new units, yeah, instead of the
11 four. Yes.

12 HEARING MASTER: Okay. I understand. Thank you so
13 much. If you could please sign-in with the clerk's office.
14 Development Services.

15 MS. HEINRICH: Good evening. Michelle Heinrich,
16 Development Services, as the applicant mentioned, this
17 application is being sought to both rebuild and expand the legal
18 non-conforming use under a non-conformity special use permit as
19 outlined in LDC. The site is zone RSC-6 and in 0.28 acres in
20 size. A determination of legal non-conformity was made in
21 February of this year to recognize two duplex structures, so
22 that's four residential units, in a non-conforming set back.
23 The westernmost duplex has been removed, leaving one duplex
24 structure or two units on the property to be addressed under
25 this special use permit. Expansions are permitted only one time

1 and are limited to a maximum of 50%. So in this case, that will
2 provide the applicant with a maximum of -- of three units that
3 can be on the property.

4 The expansion cannot result in a more intense use such
5 as triplex, quadruple or other multi-family structure.
6 Therefore, the expansion permits one single-family detached unit
7 and a duplex unit, which will provide three units on the
8 property. The duplexes were constructed in the 1950s in an area
9 that has been developed with single-family homes on Rocky Creek
10 Drive. Rocky Creek Drive is located off of Hillsborough Avenue
11 and that area is developed with commercial office and
12 multi-family uses.

13 Further westward, the properties are developed with
14 single-family with canal access on both the north and south
15 side. Staff has found the rebuilding of the duplex structure
16 and the expansion will not have any adverse impacts on adjacent
17 properties. Additionally, the site will be less non-conforming
18 with three rather than four units. Proposed conditions of
19 approval require compliance with RSC-6 zoning district set back
20 and prohibits subdivision of the parcel.

21 Based upon these factors, we recommend and approval
22 subject to proposed conditions and I'm available if you have any
23 questions.

24 HEARING MASTER: I appreciate you explaining the
25 expansion part. I -- I wondered about that process-wise and so

1 I appreciate that explanation. Thank you so much. Planning
2 Commission.

3 MS. PAPANDREW: Andrea Papandrew, Planning Commission
4 Staff. The site is in the Residential-6 future land use
5 category. It is within the urban service area and the limits of
6 the town and country community plan. The site is in the urban
7 service area where according to Objective one of the future land
8 use element, 80% of the county's growth is to be directed.
9 Policy 1.4 requires all new developments to be compatible with
10 the surrounding area. Noting that compatibility does not mean
11 the same as rather, it refers to the sensitivity of development
12 proposals and maintain the character of existing development.

13 The proposed residential use is consistent with a
14 single-family and a two resident family residential uses that
15 surround the site on Rocky Creek Drive. Although the proposed
16 density is higher than what is expected in the site of this
17 acreage in the Residential-6 future use category and within the
18 coastal high hazard area, the applicant has received a
19 non-conforming use and non-conforming structure termination from
20 the Hillsborough County Department of Development Services,
21 stating that the property is approved for two, two three family
22 dwelling.

23 The owner has demolished the eastern most duplex,
24 eliminating the non-conforming rights to that building. The
25 westernmost duplex still exist in the property and according to

1 Land Development Code, the owner is permitted a 50% expansion.

2 The proposal includes one single-family dwelling and
3 one duplex and the site for three dwelling units. The proposal
4 meets RSC-6 setback requirements and therefore is consistent
5 with Objective nine, Policy 9.2 and Policy 9.3 of the Future
6 Land Use Element. The town and country community plan does not
7 include any applicable policies or strategies that addresses the
8 subject property.

9 Based upon the above considerations, the Planning
10 Commission Staff finds the proposed specially use consistent
11 with the Unincorporated Hillsborough County Comprehensive Plan,
12 subject to conditions, proposed by Development Services
13 Department. Thank you.

14 HEARING MASTER: Thank you. I appreciate it. Is
15 there anyone in the room or online that would like to speak in
16 support? I'm seeing no one. Anyone in opposition to this
17 request? All right. I see no one. Sir, anything else before
18 we close? All right. Thank you for that.

19 And we'll close special use permit 22-1222 and adjourn
20 the hearing. Thank you all for your time and testimony.

21 (Remote Zoning Master Hearing concluded at 10:13 p.m.)

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
)
IN RE:)
)
LAND USE HEARING OFFICER)
HEARINGS)
)
-----X

LAND USE HEARING OFFICER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, October 17, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 9:10 p.m.

PLACE: Robert W. Saunders, Sr. Public
Library
Ada T. Payne Community Room
1505 N. Nebraska Avenue
Tampa, Florida 33602

Reported via Zoom Videoconference by:

Julie Desmond, Court Reporter
U.S. Legal Support

1 the November 14, 2022, Zoning Hearing Master
2 Hearing.

3 Item A.28, Specialist General 22-1222. This
4 application is not awarded. The hearing is being
5 continued to the November 14, 2022, Zoning Hearing
6 Master Hearing.

7 Item A.29, Rezoning PD 22-1223. This
8 application is being continued by the applicant to
9 the November 14, 2022, Zoning Hearing Master
10 Hearing.

11 Item A.30, Rezoning PD 22-1224. This
12 application is being continued by the applicant to
13 the November 14, 2022, Zoning Hearing Master
14 Hearing.

15 Item A.31, Rezoning PD 22-1225. This
16 application not awarded. The hearing is being
17 continued to the November 14, 2022, Zoning Hearing
18 Master Hearing.

19 Item A.32, Rezoning PD 22-1226. This
20 application is being continued by the applicant to
21 the November 14, 2022, Zoning Hearing Master
22 Hearing.

23 Item A.33, Major Mod Application 22-1228.
24 This application is being continued by the
25 applicant to the November 14, 2022, Zoning Hearing



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE