

Rezoning Application: PD 23-0584
Zoning Hearing Master Date: January 16, 2024
BOCC Land Use Meeting Date: March 19, 2024



**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Tampa General Contractors, LLC
FLU Category: RES-2
Service Area: Rural
Site Acreage: 2.71 AC
Community Plan Area: Little Manatee South
Overlay: None



Introduction Summary:

The existing zoning is ASC-1 (Agricultural, single Family) which permits agricultural and single family residential uses; pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow an eating establishment pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

Zoning:	Existing	Proposed
District(s)	ASC-1	PD
Typical General Use(s)	Single-Family Residential/Agricultural	Eating establishment
Acreage	2.71 AC	2.71 AC (118, 048 S.F.)
Density/Intensity	1 DU/AC	Gross Floor Area: 6,340 Square Feet, including a 374 square feet elevator area Outdoor Patio area/ Observation Deck: 1,312 Square Feet Total Building Area: 7,652 Square Feet 120 Total Seats 7,652 sf proposed GFA / 118,048 sf site area = 0.062 FAR (as proposed for PD 23-0584)
Mathematical Maximum*	2 dwelling units	118,048 sf site area x 0.25 FAR (as permitted in RES-2 FLU) = 29,512 S.F.

*number represents a pre-development approximation

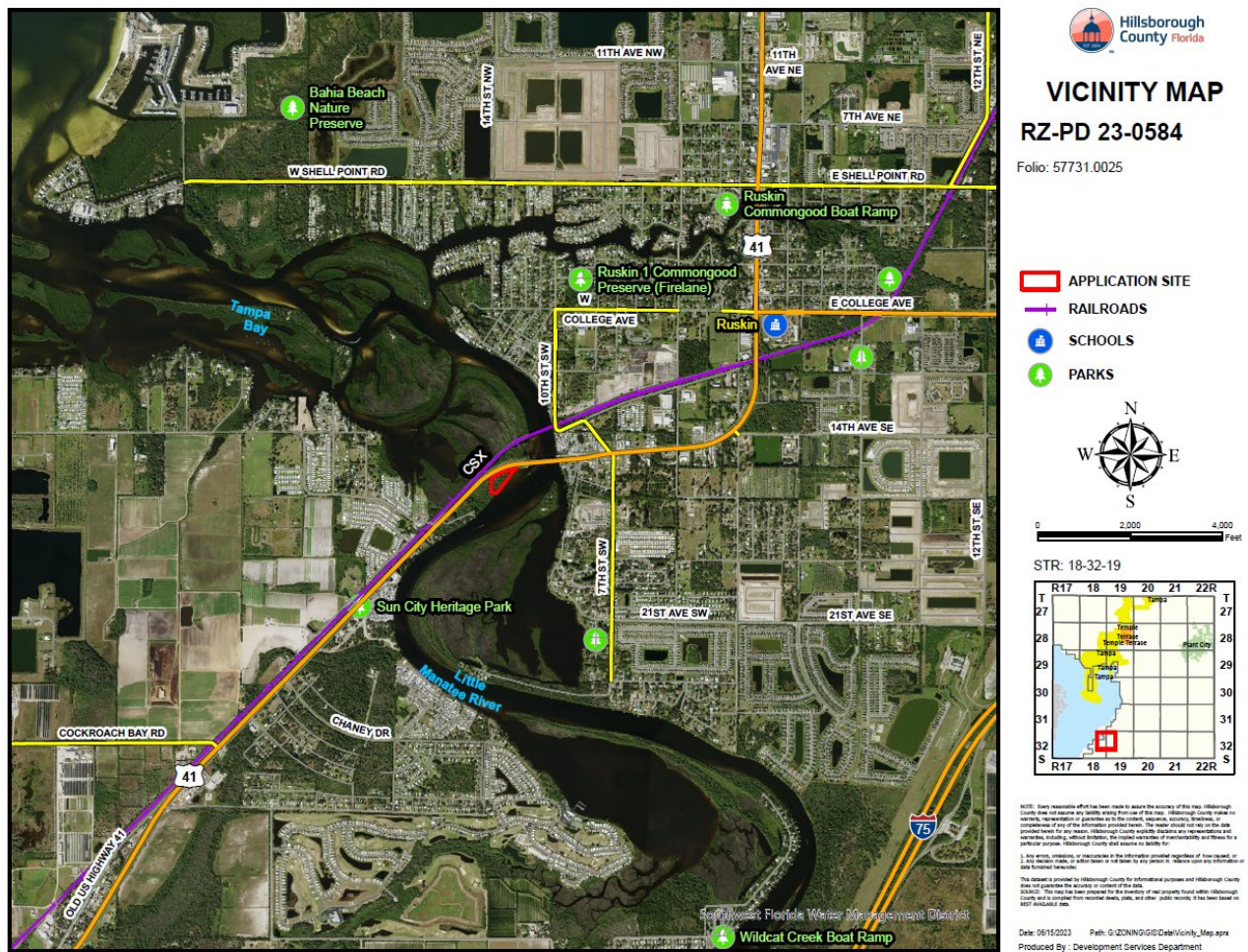
Development Standards:	Existing	Proposed
District(s)	ASC-1	PD
Lot Size / Lot Width	43,560 sf / 150'	118,048 sf / 560'
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	Minimum 50' Front Minimum 10' Rear Minimum 20' Sides
Height	50'	60'

Additional Information:

PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	LDC Part 6.06.00 (Landscaping/Buffering)
Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable, subject to proposed conditions

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

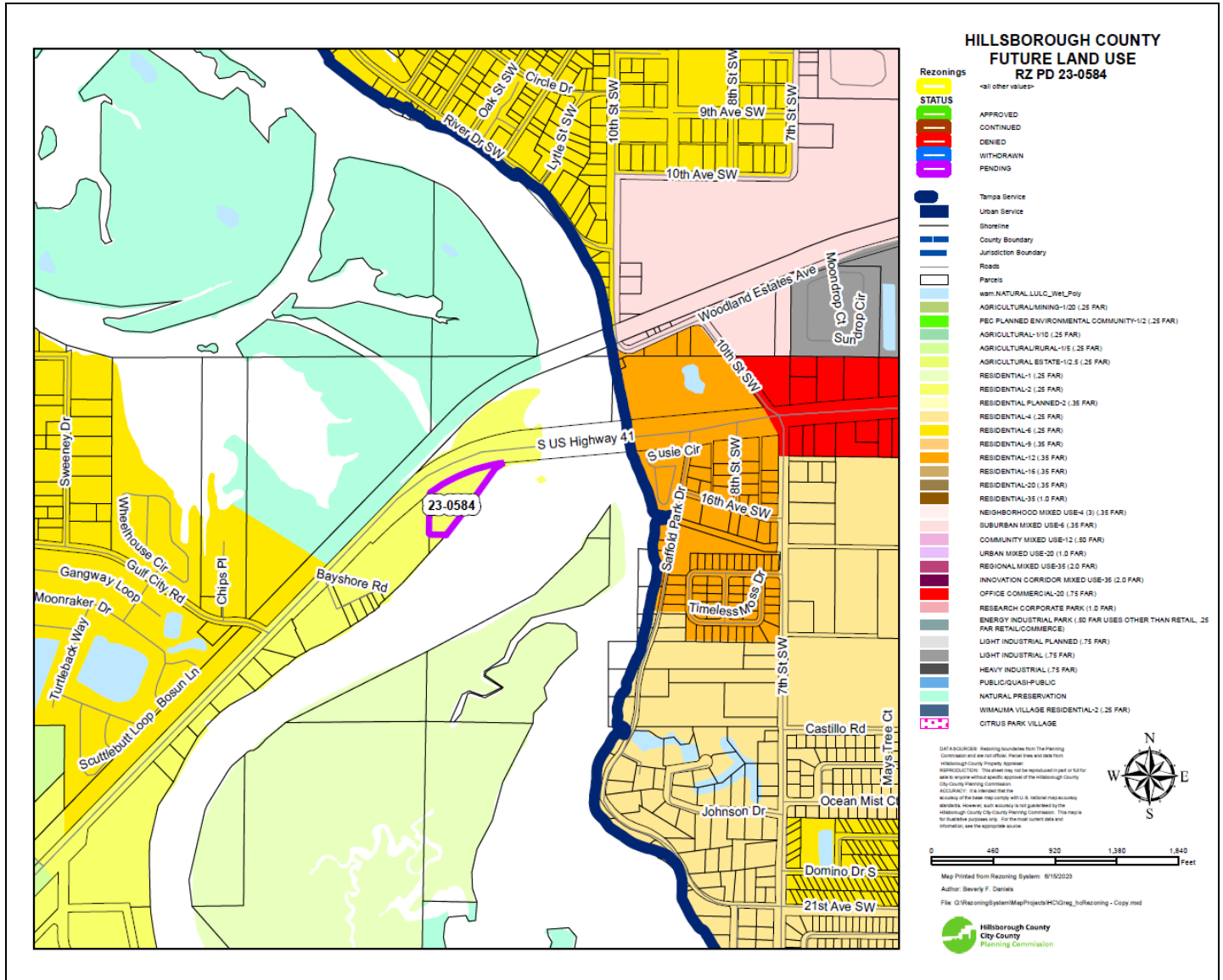


Context of Surrounding Area:

The parcel is located along S US Highway 41, a 4 lane divided Principal Arterial Road, with commercially zoned properties to the southwest, and one vacant property zoned ASC-1 to the north. Adjacent to the southeast is the Little Manatee River.

2.0 LAND USE MAP SET AND SUMMARY DATA

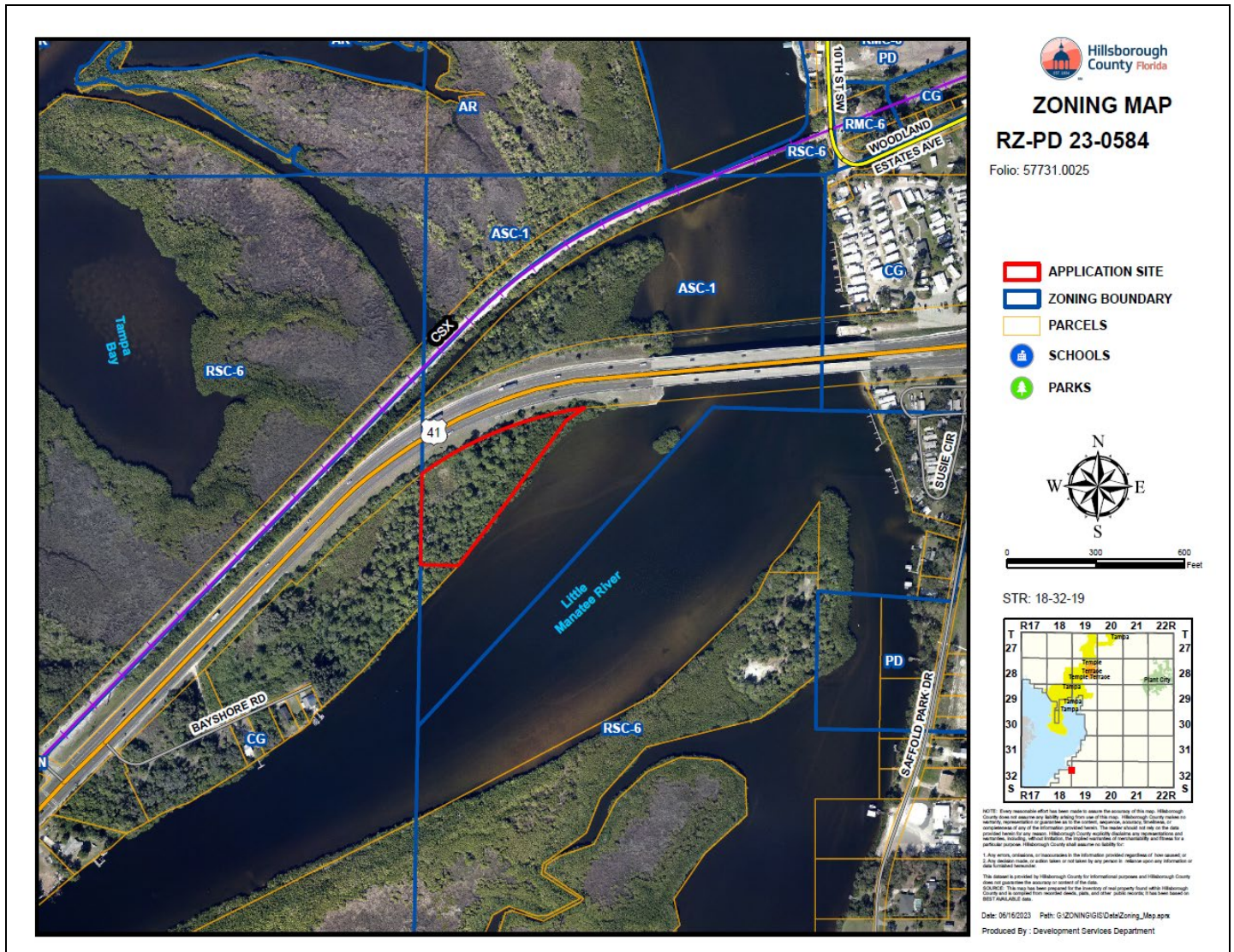
2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-2
Maximum Density/F.A.R.:	2 DU/GA, 0.25 FAR
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects.

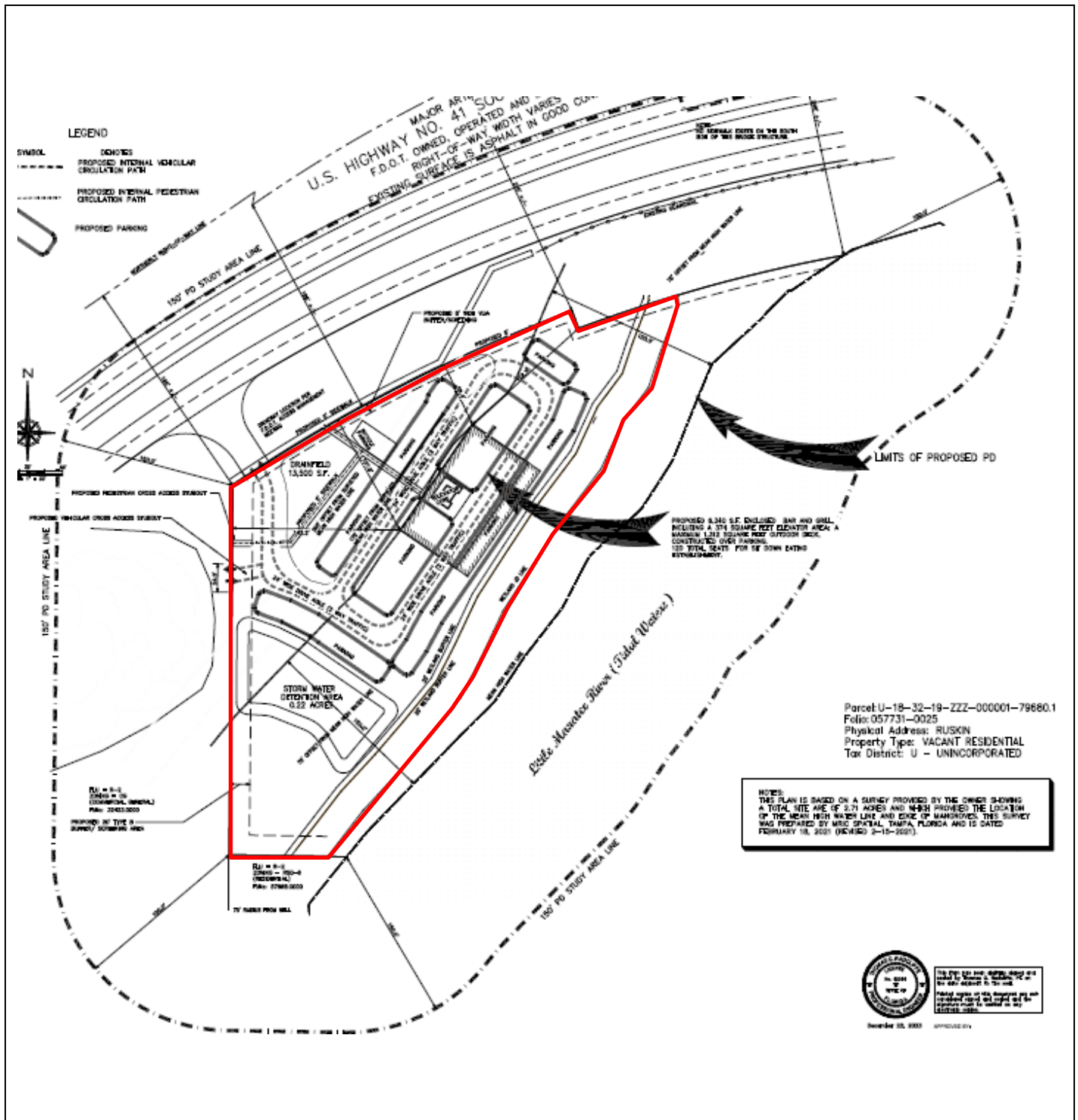
2.0 LAND USE MAP SET AND SUMMARY DATA

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	ASC-1	1 DU/AC	Agricultural, Single Family	Vacant
South	RSC-6	6 DU/AC	Single Family	Vacant
East	ASC-1	1 DU/AC	Agricultural, Single Family	Little Manatee River
West	CG	0.27 FAR	Commercial General	Vacant



APPLICATION NUMBER: PD 23-0584

ZHM HEARING DATE: January 16, 2024

BOCC LUM MEETING DATE: March 19, 2024

Case Reviewer: Tania C. Chapela

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
US 41	FDOT Principal Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation ☐ Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	19	1	2
Proposed	820	73	69
Difference (+/-)	(+) 801	(+) 72	(+) 67

*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	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West		None	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance ☒ Not applicable for this request

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	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 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	
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: <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 checked="" 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 checked="" type="checkbox"/> Other <u>Eagles Nest</u>			
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 type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees Retail - High Turnover Restaurant w/ patio dining (Per 1,000 s.f.) Mobility: \$51,533 * 7.345 = \$378,509.89 Fire: \$313 * 7.345 = \$2,298.99				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments

Planning Commission				
<input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Inconsistent	<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> Locational Criteria Waiver Requested	<input type="checkbox"/> No	<input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> No	
<input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A				

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

Planning Commission staff found this project consistent with no compatibility concerns. The adjacent properties to the south and west are zoned ASC-1 and RSC-6, and are vacant. Furthermore, staff finds the site constraints and applicable environmental regulations do not allow compliance with building LDC height restrictions.

Finally, the proposed 0.06 FAR is considerably under the maximum 0.25 FAR permitted in the RES-2 FLU category, while Commercial General (CG) zoning is located directly west and southwest. Although single family residential development exists nearby, some of those uses exist on properties zoned CG, and therefore nonconforming.

Given the above, staff finds the proposed development to be compatible with the surrounding properties and in keeping with the general development pattern of the area.

5.2 Recommendation

Staff recommends approval of the applicant’s request, subject to conditions.

6.0 PROPOSED CONDITIONS

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted December 22, 2023.

Prior to certification, the applicant shall provide a revised site plan showing compliance with development standards as stated in the conditions, below.

- 1. The project shall be permitted a maximum of 6,340 enclosed square feet, including a 374 square feet elevator area; a maximum 1,312 Square feet Outdoor Deck, a 120 total seats for Sit Down Eating Establishment at which food/beverages are served (1) by a waitress/waiter to patrons seated at booths or tables; or (2) cafeteria style.
- 2. This rezoning does not approve any alcoholic Beverage Permit. A separate Special or Conditional Use permit will be necessary.
- 3. The location of structures shall be as generally shown on the site plan. The project shall be developed in accordance with the following development standards:

- Minimum Lot Size: 2.71 Acres
- Minimum Lot Width: 560-Feet
- Minimum Front Building Setback: 50-Feet
- Minimum Side Building Setbacks: 20-Feet
- Rear Building: 0-Feet to the 30 feet wetland buffer line

Maximum Building Coverage: 7,652 S.F

Maximum Impervious Surface: 32%

Maximum building Height: 60- feet

4. A 20 feet Buffer, type B screening is required along the west and south property boundaries. Otherwise, buffer and screening shall comply with LDC 6.06.06 Buffering and Screening provisions. A cross access point shall be permitted.

5. In addition to a solid waste dumpster, a recycling dumpster shall also be provided in accordance with Land Development Code 6.03.15.

6. 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.

7. The construction and location of the proposed wetland impacts are not approved by this correspondence but have been 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).

8. 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).

9. 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. Future impacts to the west for cross-access should be avoided to the greatest extent possible.

10. Natural Resources staff identified a number of significant trees on the site including potential Grand Oaks. Every effort must be made to avoid the removal of and design the site around these trees. The site plan may be modified from the Certified Site Plan to avoid tree removal.

11. An evaluation of the property supports the presumption that listed animal species may occur or have restricted activity zones throughout the property. Pursuant to the Land Development Code (LDC), a wildlife survey of any endangered, threatened or species of special concern in accordance with the Florida Fish and Wildlife Conservation Commission Wildlife Methodology Guidelines shall be required. This survey information must be provided upon submittal of the preliminary plans through the Land Development Code's Site Development or Subdivision process. Essential Wildlife Habitat as defined by the LDC must be addressed, if applicable, in consideration with the overall boundaries of this rezoning request.

12. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas.

13. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.

14. The construction and location of any proposed environmental impacts are not approved by this correspondence, but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.

15. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

16. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.

17. Construction access shall be limited to those locations shown on PD site plan which are also vehicular access connections. The developer shall include a note in each site/construction plan submittal which indicates same.


18. The site shall be served by and restricted to one (1) vehicular access connection to US 41. Additionally, the developer shall construct one (1) vehicular and pedestrian cross access stubout to its western property boundary as shown on the PD site plan.

19. Bicycle parking shall be in compliance with Land Development Code Section 6.05.02.P

20. Compact parking spaces will be in compliance with Land Development Code Section 6.05.02.I.

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

Zoning Administrator Sign Off:


J. Brian Grady
Tue Jan 9 2024 13:28:29

APPLICATION NUMBER: PD 23-0584

ZHM HEARING DATE: January 16, 2024

BOCC LUM MEETING DATE: March 19, 2024

Case Reviewer: Tania C. Chapela

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.

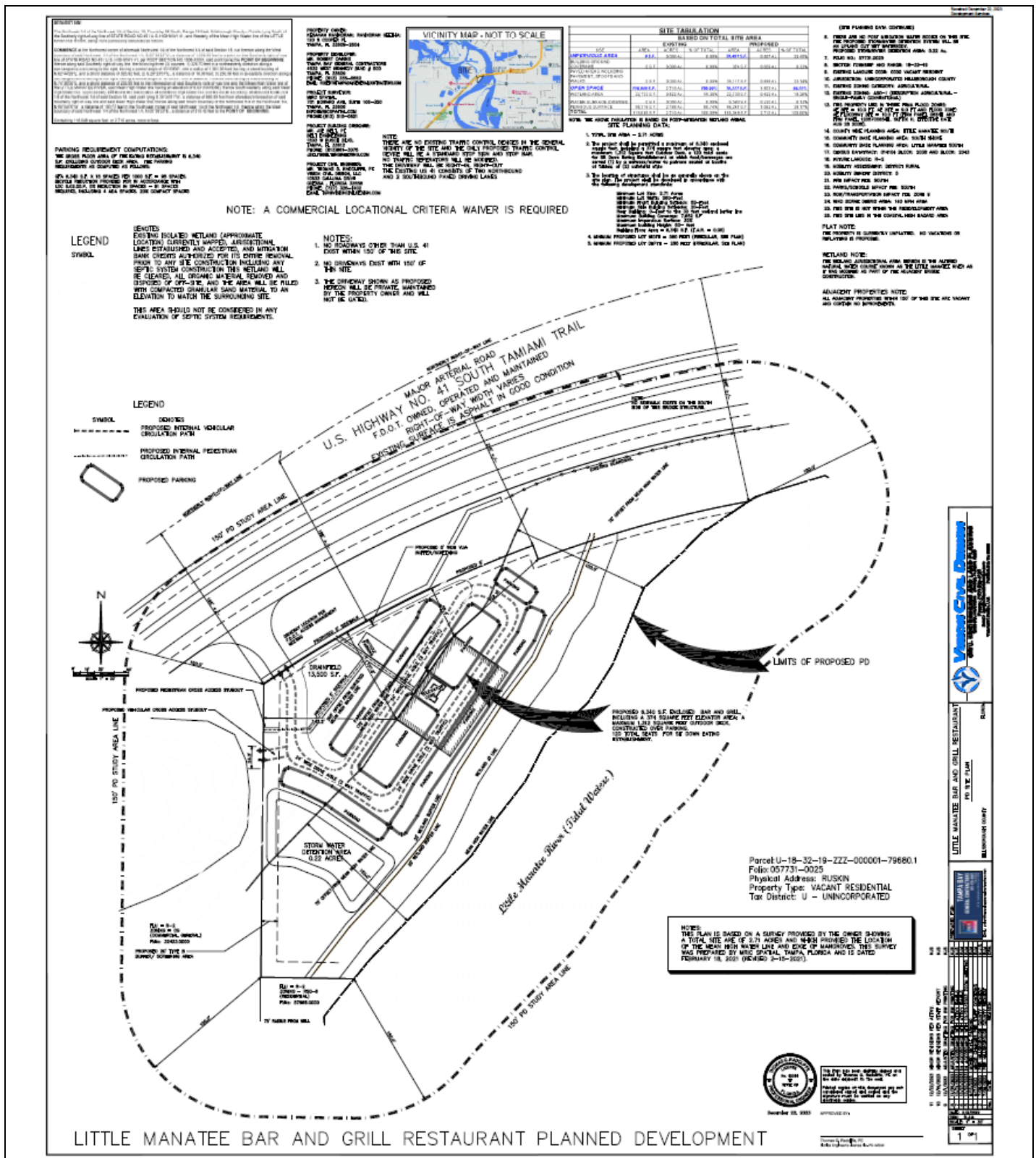
7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

The property is in a heavily wooded area along the edge of Little Manatee River; it lies in the Coastal Hazard Area, contains Wetlands, and an Eagle Nest is on or immediately adjacent to the subject site. Also, the Natural Resources staff supports the presumption that listed animal species may occur or have restricted activity zones throughout the property. However, exceptions to these requirements are applicable to the subject site, and Staff has also provided specific guidelines to enforce them.

Per LDC Sec. 4.01.06.A.6 Trees and Other Vegetation provisions; removal of native trees having a Diameter at Breast Height (DBH) of five inches or greater within 100 feet of the Little Manatee River line shall be prohibited, except when reasonable property use is not possible without removal. Natural Resources staff identified a number of significant trees on the site, including the protected area described above. Nevertheless, it has been determined that the proposed development is not feasible without tree removal, and this project is therefore exempted from these provisions. Also, PD Conditions have been provided so the site plan may be modified from the Certified Site Plan to avoid tree removal.

Connection to water and sewer utilities is not permitted in the Rural Area. Nonetheless, LDC Sec 3.04.02 Septic Tanks prohibits the use of septic tanks for new development in the Coastal High Hazard Area, allowing some exceptions applicable to this project. Staff has determined that no reasonable alternative exists for the sewage treatment, and finds that the drain field area should be allowed at the proposed location, 170 feet from the mean high water line. Also, the Executive Director of the EPC authorized Wetlands impacts for site access, stormwater pond, and drain field on June 27, 2023 (EPC# 75719). Moreover, the developer must provide a listed animal species wildlife survey upon submittal of the preliminary plans through the Land Development Code's Site Development or Subdivision process. Finally, the Eagle Nest must also be surveyed and located on the site plans when plans are submitted for construction review to ensure all requirements for site development restrictions are followed, including altering the site design from what is shown on the PD site plan.

8.0 PROPOSED SITE PLAN (FULL)



9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 12/08/2023

Revised: 1/09/2023

REVIEWER: James Ratliff, AICP, PTP, Principal Planner

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: LMS/ South

PETITION NO: RZ 23-0584

- ☐ 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.

PROPOSED CONDITIONS

1. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
2. Construction access shall be limited to those locations shown on PD site plan which are also vehicular access connections. The developer shall include a note in each site/construction plan submittal which indicates same.
3. The site shall be served by and restricted to one (1) vehicular access connection to US 41. Additionally, the developer shall construct one (1) vehicular and pedestrian cross access stubout to its western property boundary as shown on the PD site plan.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 2.71 ac. parcel from Agricultural Single-Family Conventional – 1 (ASC-1) to Planned Development (PD). The applicant is seeking to entitle the project to permit an elevated 7,652 s.f. eating establishment (6,340 g.s.f. plus a 1,312 s.f. observation deck).

Consistent with the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff notes that the applicant analyzed peak hour of generator, rather than peak hour of the adjacent street (as is the usual process and as provided for the Development Review Procedures Manual). As such, the applicant's analysis does not represent the impacts during the morning and afternoon rush hours, i.e. the peak hour of the adjacent street (which are expected to be less, as shown in staff's analysis below). Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer's Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 2 single-family detached residential units (ITE LUC 210)	19	1	2

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 7,652 s.f. High-turnover Sit-Down Restaurant (ITE LUC 932)	820	73	69

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 801	(+) 72	(+) 67

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

US 41 is a 4-lane, divided, publicly maintained (by FDOT), principal arterial roadway characterized by +/- 12-foot travel lanes in above average condition. Along the project's frontage, the roadway lies within a +/- 200-foot-wide right-of-way. There are no sidewalks along US 41 in the vicinity of the proposed project. There are +/- 5-foot-side bicycle facilities (on paved shoulders) present along both sides of US 41 in the vicinity of the proposed project.

SITE ACCESS AND CONNECTIVITY

Vehicular and pedestrian access to the project will be via US 41. The applicant will also be required to construct a vehicular and pedestrian cross access to the western boundary, consistent with Sec. 6.04.03.Q. of the LDC, and as shown on the PD site plan.

TRANSIT FACILITIES

Transit facilities are not required pursuant to Sec. 6.03.09. of the LDC.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

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

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US 41	Cockroach Bay Rd.	7 th St. SW	D	C

Source: Hillsborough County 2020 Level of Service 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
US 41	FDOT Principal Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input checked="" 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
	Choose an item.	Choose an item. Lanes <input 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
	Choose an item.	Choose an item. Lanes <input 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
	Choose an item.	Choose an item. Lanes <input 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	19	1	2
Proposed	820	73	69
Difference (+/-)	(+) 801	(+) 72	(+) 67

*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	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West		None	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> 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:		

Transportation Comment Sheet

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	



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: January 16, 2024 Report Prepared: January 4, 2024	Petition: PD 23-0584 Folio 57731.0025 <i>On the east side of US Highway 41, north of Bayshore Road and south of Safford Park Drive</i>
Summary Data:	
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Residential-2 (2 du/ga; 0.25 FAR)
Service Area	Rural
Community Plan	Little Manatee South, SouthShore Areawide Systems Plan
Request	Agricultural Single Family Conventional (ASC-1) to Planned Development (PD) for the purpose of developing a 6,340 sq. ft. eating establishment
Parcel Size	2.71 ± acres (118,047.6 square feet)
Street Functional Classification	US Highway 41 – State Principal Arterial Bayshore Road – Local
Locational Criteria	Does not meet; waiver requested
Evacuation Zone	A



Context

- The 2.71 ± acre subject property is located on the east side of US Highway 41, north of Bayshore Road and south of Safford Park Drive.
- The site is located within the Rural Area and is located within the limits of the Little Manatee South Community Plan and the SouthShore Areawide Systems Plan.
- The subject property is located within the Residential-2 (RES-2) Future Land Use category, which can be considered for a maximum density of 2 dwelling units per gross acre and a maximum intensity of 0.25 FAR. The RES-2 Future Land Use category is intended to designate areas that are best suited for non-urban density residential development requiring a limited level of urban services, included in appropriate locations, lots large enough to safely accommodate private wells and septic tanks or a combination of septic tanks and public water. In addition, suburban level neighborhood commercial, office and multi-purpose projects serving the non-urban areas may be permitted, subject to the Goals, Objectives, and Policies of the Land Use Element. Typical uses include but not limited to residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use.
- The RES-2 Future Land Use category surrounds the subject site to the north, south, and southwest. The Natural Preservation (N) Future Land Use category is located further west and north across US Highway 41. The Residential-12 (RES-12) and Residential-1 (RES-1) Future Land Use categories are located east across the Little Manatee River.
- The subject site and the surrounding area to the north, west, and south are currently vacant. Public institutional uses are located directly east along the Little Manatee River. There are single family dwelling units further south of the site along Bayshore Road. The area is mostly vacant with public institutional uses that are owned by the Tampa Port Authority.
- The subject site is currently zoned as Agricultural Single Family Conventional (ASC-1). ASC-1 extends to the north across US Highway 41. Commercial General (CG) zoning is located directly west and southwest. Residential Single Family Conventional (RSC-6) is located further west and northwest. To the east, across the Little Manatee River, are the RSC-6 and CG zoning districts.
- The applicant is requesting a rezoning from Agricultural Single Family Conventional (ASC-1) to Planned Development (PD) for the purpose of developing a 6,340 square foot eating establishment with an outdoor patio and associated parking facilities.
- The property contains approximately 22,733 square feet (0.52 acres) of wetlands.

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.*

Land Use Categories

Objective 8: *The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.*

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

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

Policy 8.7: *Calculation of density/intensity of conservation and preservation land must follow the provisions of the Environmentally Sensitive Land Credit outlined in Policy 13.3.*

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.

Environmental Considerations

Objective 13: New development and redevelopment shall not adversely impact environmentally sensitive areas and other significant natural systems as described and required within the Conservation and Aquifer Recharge Element and the Coastal Management Element of the Comprehensive Plan.

Policy 13.3: Environmentally Sensitive Land Credit

Density and FAR calculations for properties that include wetlands will comply with the following calculations and requirements for determining density/intensity credits:

Wetlands are considered to be the following:

Conservation and preservation areas as defined in the Conservation and Aquifer Recharge Element

Man-made water bodies as defined (including borrow pits).

If wetlands are less than 25% of the acreage of the site, density and intensity is calculated based on:

Entire project acreage multiplied by Maximum intensity/density for the Future Land Use Category

If wetlands are 25% or greater of the acreage of the site, density and intensity is calculated based on:

Upland acreage of the site multiplied by 1.25 = Acreage available to calculate density/intensity based on

That acreage is then multiplied by the Maximum Intensity/Density of the Future Land Use Category

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 22.8: The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.

Community Design Component

4.0 COMMUNITY LEVEL DESIGN

4.3 COMMERCIAL CHARACTER

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

POLICY 9-1.2: Avoid "strip" development patterns for commercial uses.

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 with the established character of the surrounding neighborhood.

POLICY 12-1.4: Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

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

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

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

ONE WATER ELEMENT

Goal 1: Protect and preserve water resources.

Objective 1.2: Continue to collaborate with state, regional and local agencies to ensure the provision and protection of water resources.

Policy 1.2.2: Collaborate with the Environmental Protection Commission (EPC) and SWFWMD to ensure that consumptive use of groundwater or drainage does not adversely lower water tables or surface water levels, reduce base flows, adversely affect lakes or wetlands, or increase current levels of saltwater intrusion by including these agencies in the appropriate development approval processes.

ENVIRONMENTAL AND SUSTAINABILITY SECTION

GOAL 3: Support the preservation, conservation, restoration, and management of natural resources while maintaining or enhancing environmental quality.

Objective 3.5: Apply adopted criteria, standards, methodologies and procedures to manage and maintain wetlands and/or other surface waters for optimum fisheries and other environmental values in consultation with EPC.

Policy: 3.5.1 Collaborate with the EPC to conserve and protect wetlands and/or other surface waters from detrimental physical and hydrological alteration. Apply a comprehensive planning-based approach to the protection of wetland ecosystems assuring no net loss of ecological values provided by the functions performed by wetlands and/or other surface waters authorized for projects in Hillsborough County.

Policy 3.5.2: Collaborate with the EPC through the land planning and development review processes to prohibit unmitigated encroachment into wetlands and/or other surface waters and maintain equivalent functions.

Policy 3.5.4: Regulate and conserve wetlands and/or other surface waters through the application of local rules and regulations including mitigation during the development review process.

Goal 5: Ensure rivers are cleaner, safer and more attractive; protect their natural ecological functions which support plant and animal Wildlife; and promote the enhancement of the rivers as recreational and aesthetic assets to the surrounding community. This goal and its associated objectives and policies shall be known as the River Corridor Policy Overlay.

Objective 5.2: Preserve and restore natural vegetative and wildlife habitats and preserve archaeological resources along rivers and primary tributaries.

Policy 5.2.1 Natural riverbanks, levees and vegetative buffers along river and tributaries shall be conserved, preserved, and restored unless authorized by the appropriate regulatory agencies.

LIVABLE COMMUNITIES ELEMENT: Little Manatee South Community Plan

Goal 2 Protect Environmental Areas

Of the approximately 23,000 acres in the Little Manatee South community planning area 6,846 acres or 29% of the area is identified on the Future Land Use map as Natural Preservation, and an additional 2,800 acres or 12% of area is identified as Water (42% combined). Therefore, the protection, preservation and enhancement of public access to the archeological, historical, environmental and ecological assets and natural features found within the Little Manatee South Community Plan boundary is an important objective of this Community Plan. This can be achieved by maintaining conservation areas, regulating access to these assets, appropriately designing development around them and maintaining native flora and fauna in these areas.

Strategies

Long term planning is critical for this area so as to avoid piecemeal, unplanned development which will result in the loss of the community's character. The community's character includes natural preservation and conservation areas; rivers, creeks, bayous and wetland systems; and open vistas. These include:

- Cockroach Bay Aquatic Preserve (sea grass beds and natural fish hatchery area)
- Little Manatee River
- Little Manatee Water Shed
- Little Manatee River State Recreation Area (Park)
- Heritage Park and Cockroach Bay Park
- Environmental Land Acquisition Protection Program (ELAPP) preservation areas
- Surface Water Improvement Management (SWIM) project areas (wading bird rockery)

To protect, support and enhance the Cockroach Bay Aquatic Preserve and its surrounding shoreline and uplands, and the Little Manatee River, an evaluation of the various existing designations, management authorities, and protective measures and enforcement processes in this area is needed. An integrated approach, with key stakeholder participation and vetting in the planning process should be encouraged through the following:

- Engaging overlapping authorities to be more jointly active in the management of these areas.

- Joint agency management of uplands, islands, and aquatic waters out to a 6 foot depth starting at the mouth of the Little Manatee River running south to the Manatee County line.

Goal 5 Economic Development

The Little Manatee South Community desires to improve opportunities for private sector investment while respecting and building upon the existing character found within the Little Manatee South Community through, such means as, education, better transportation facilities, sustainable development and the opportunity for the creation of new businesses at appropriate times.

Strategies

To promote economic growth and support ecologically based recreation, commercial fishing, and ecotourism opportunities the following will be undertaken:

- *Ecotourism: – Support wildlife observation, photography, boating access to the Gulf of Mexico and Little Manatee River, (canoeing/kayaking, hiking, fishing, hiking, bicycling, horseback riding, and camping) as defining by Eco-Tourism Objective 27 and Policies 27.1 and 27.2 of the Future Land Use Element.*

LIVABLE COMMUNITIES ELEMENT: SouthShore Areawide Systems Plan

Economic Development Objective

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

The community desires to pursue economic development activities in the following areas:

1. Land Use/ Transportation

- a. Analyze, identify and market lands that are available for economic development, including: residential, commercial, office, industrial, agricultural (i.e., lands that already have development orders or lands that are not developable.)*
- b. Recognize preferred development patterns as described in individual community plans, and implement the communities' desires to the greatest extent possible (including codification into the land development code). I.e., activity center, compatibility, design and form, pedestrian and bicycle/trail connectivity.*

Staff Analysis of Goals, Objectives and Policies:

The 2.71 ± acre subject property is located on the east side of US Highway 41, north of Bayshore Road and south of Safford Park Drive. The site is located within the Rural Area and is located within the limits of the Little Manatee South Community Plan and the SouthShore Areawide Systems Plan. The applicant is requesting to rezone the site from Agricultural Single Family Conventional (ASC-1) to Planned Development (PD) for the purpose of developing a 6,340 sq. ft. eating establishment.

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. FLUE Policy 4.1 asserts that densities throughout the Rural Area shall be no higher than 1 dwelling unit per 5 gross acres, unless located within an area identified with a higher density land use

category. The subject site is within the RES-2 Future Land Use category, which allows for the consideration of non-residential uses, subject to locational criteria. Since the request is allowable for consideration under the site's RES-2 Future Land Use designation, the proposal is consistent with FLUE Objective 4 and Policy 4.1 as they relate to the Rural Area. Similarly, FLUE Objective 8 and Policy 8.1 assert that each land use category shall outline the range of permitted land uses based on building type, residential density, functional use, and the physical composition of the land. Non-residential uses are allowable for consideration under RES-2 and are subject to locational criteria. The subject site does not meet Commercial Locational Criteria (CLC) and the applicant has submitted a request for these criteria to be waived.

According to FLUE Objective 9 and Policy 9.2, all development proposals must meet or exceed all local, state and federal land development regulations. On January 3rd, 2024, the Hillsborough County Environmental Protection Commission (EPC) provided revised comments, stating that the development's cross-access point would result in future wetland impacts on the folio located directly west of the subject site. These wetland impacts are not currently authorized by EPC and a revised site plan submittal has been recommended by their agency. These impacts may not be consistent with the Comprehensive Plan. Planning Commission staff recommend that the applicant redesign the site plan to utilize the available upland areas and avoid impacts to wetlands. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan. If the application proceeds, EPC has stated that a separate wetland / mitigation proposal must be submitted to their agency for review. The wetlands and other surface waters (OSW) to the west must be delineated in order to avoid adverse impacts prior to the issuance of any building or land alteration permits or other developments. This proposal must comply with these requirements outlined by EPC in order to be consistent with Objective 9 and Policy 9.2 of the Future Land Use Element. At the time of uploading this request, comments from Zoning and Transportation staff were not yet available in Optix.

Objective 13 of the FLUE prohibits new development from adversely impacting environmentally sensitive areas. On December 20th, 2023, the Hillsborough County Natural Resources Agency formally stated that their agency has no objection, subject to attached restrictions that pertain to the trees, wildlife, and wetlands on the subject site. According to the revised site plan uploaded on December 22nd, 2023, wetlands cover less than 25% of the subject site (19.26%). The application would also be subject to the official comments submitted by EPC on January 3rd, 2024. Before the issuance of any building or land alteration permits or other developments, the wetland and OSW to the west must be delineated and approved by EPC. Approval by EPC is required for the application to be consistent with FLUE Objective 13 and Policy 13.3.

The subject site is within the RES-2 Future Land Use category and is therefore subject to the Commercial-Locational Criteria (CLC) established by FLUE Objective 22 and Policy 22.1. The closest qualifying intersection is identified at US Highway 41 and Gulf City Road, which is approximately 1,500 feet away from the subject site. The subject site falls outside of the 900-foot distance required for the RES-2 category under FLUE Policy 22.2 and therefore does not meet CLC. On October 25th, 2023, the applicant submitted a CLC waiver request pursuant to FLUE Policy 22.8. In the waiver request, the applicant stated that the subject site is an appropriate area for suburban scale neighborhood commercial development. The waiver request also emphasizes that the proposed restaurant use would benefit the surrounding area, as there are several mobile home and single family

residential uses. Lastly, the waiver request notes that the proposed restaurant would promote the goals of ecotourism and economic development within the Little Manatee South community area.

Planning Commission staff have reviewed the CLC waiver request and recommend that the Board of County Commissioners grant the waiver. The intent of Commercial Locational Criteria is to avoid strip commercial development within designated land use categories. The subject site is not adjacent to any existing commercial uses which limits the ability for future strip commercial development along US Highway 41 near the subject site. The request for an eating establishment also limits the potential for traditional strip commercial development since the proposal has a designated use. Overall, Planning Commission staff recommend approval of the CLC waiver request that was submitted by the applicant.

Goal 9 and Policy 9-1.2 of the Community Design Component (CDC) establish guidelines for commercial character throughout the county, noting that that commercial developments should be implemented in a manner that complements the character of the community and avoid “strip” development patterns. CDC Goal 12, Objective 12-1, and Policy 12-1.4 also emphasize that new developments should be designed in a manner that is compatible with the character of the surrounding neighborhood. The design of the restaurant is intended to be complementary towards the area along the Little Manatee River. The site plan includes wetland buffer lines to ensure that the subject site is compatible with the area along the river. This organized and purposeful site design helps ensure that the overall development is organized and purposeful, which is consistent with CDC Goal 17, Objective 17-1, and Policy 17-1.4.

Goal 1 of the One Water Element seeks to protect and preserve water resources. The Natural Resources Agency has stated no objection to this request, subject to the proposed conditions provided on December 20th, 2023. Similarly, the Environmental Protection Commission has stated that a wetland impact proposal, along with wetland / OSW delineations to the west, are necessary to verify the avoidance of wetland impacts. Based upon this feedback from local environmental agencies, the request is consistent with Objective 1.2 and Policy 1.2.2 of the One Water Element, as long as the applicant complies with official comments provided by EPC. Similarly, Goal 3 and its associated Policies of the Environmental and Sustainability Section seek to protect, preserve, conserve, and manage natural resources through collaboration with EPC. Collaboration with EPC through the land planning and development review process is essential to regulate and conserve wetlands and/or other surface waters through the application of local rules and regulations. Goal 5 and Objective 5.2 of the Environmental and Sustainability Section also seek to protect rivers and to preserve and restore wildlife and vegetation. More specifically, Policy 5.2.1 seeks to protect natural riverbanks, levees and vegetative buffers along river and tributaries unless authorized by the appropriate regulatory agencies. The conditions provided by the Natural Resources Agency and the revised comments from EPC both aim at upholding these Objectives, Goals, and Policies. So long as the application complies with requirements made by the Natural Resources Agency and EPC, the proposed Planned Development is consistent with the One Water Element and the Environmental and Sustainability Section.

The subject site is located within the limits of the Little Manatee South Community Plan. Goal 2 of this community seeks to protect environmental areas, noting that the community’s character includes natural preservation and conservation areas, such as the Little Manatee River. The Plan asserts that in order to protect and support the Little

Manatee River, it is essential to engage overlapping authorities to have an active role in the management of these areas. As previously stated in this staff report, both the Natural Resources Agency and the Environmental Protection Commission have reviewed this application. Similarly, Goal 5 of the community plan seeks to improve economic opportunities for the Little Manatee South area. Supporting ecotourism along the Little Manatee River is one of the strategies associated with this goal. The proposed outdoor deck helps meet the ecotourism strategy of supporting wildlife observation in a manner that is sustainable, given that the proposed restaurant includes an outdoor deck. Based upon these considerations, the request is consistent with Goals 2 and 5 of the Little Manatee South Community Plan.

The subject site is also located within the limits of the SouthShore Areawide Systems Plan. As part of the Plan's Economic Development Objective, the community desires to identify lands that are available for economic development, including uses such as eating establishments and other commercial and retail uses. This Objective also seeks to recognize preferred development patterns as described in individual community plans. Since this application has obtained feedback from local environmental agencies, which is a specific goal outlined in the Little Manatee South Community Plan, the request is also consistent with the SouthShore Areawide Systems Plan as well.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Unincorporated Hillsborough County Comprehensive Plan. The rezoning request is compatible with the existing development pattern in the area and is consistent with the SouthShore Areawide Systems Plan as well as the Little Manatee South Community Plan.

Recommendation

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

