

Rezoning Application: 23-0828 (REMAND)

Zoning Hearing Master Date: January 16, 2024

BOCC Land Use Meeting Date: March 19, 2024

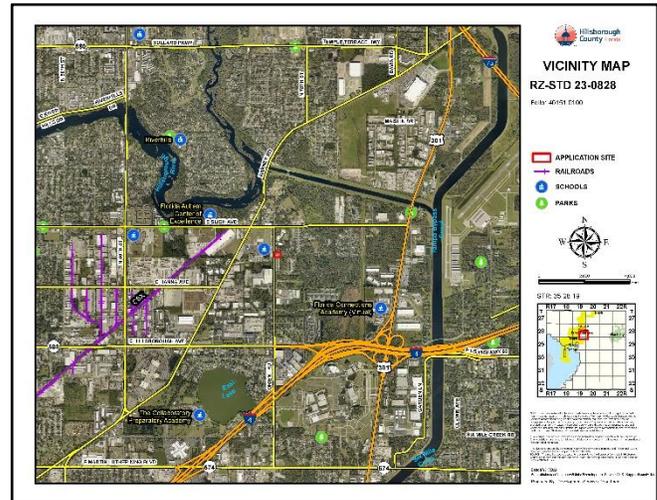


Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Orient Road Holdings
 FLU Category: Community Mixed-Use -12 (CMU-12)
 Service Area: Urban
 Site Acreage: 1.20 +/-
 Community Plan: East Lake-Orient Park
 Area: None
 Overlay: None
 Request: Rezone from **Agricultural Single-Family Conventuonal-1 (AS Conventional -1)** to **Commercial General with Restrictions (CG -R)**.



Request Summary:

The request is to rezone from the existing from Agricultural Single-Family Conventional -1 (ASC-1) to Commercial General (CG) zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10,000 square feet (sf). The applicant has proposed restrictions to certain commercial uses; proposed additional buffering and screening to the north, east and south property lines; restrictions to hours of operation to mitigate and enhance an appropriate transition between residential and proposed commercial zoned parcel, vehicle trip restrictions and limitation on number of access point to reduce/minimize impacts and address spacing issues/concerns with the access to address transportation concerns.

Zoning:	Current ASC-1 Zoning	Proposed CG Zoning
Uses	Single-Family Conventional Residential/Agricultural	General Commercial, Office and Personal Services
Acreage	1.20+/- Acres (ac)	1.20+/- ac/ 52,272 sf
Density / Intensity	1 du per 1 acre	F.A.R. 0.27
Mathematical Maximum*	1 Dwelling Unit (du)	14,113 sf
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.		

Development Standards:	Current ASC-1 Zoning	Proposed CG Zoning
Density / Intensity	1 du per 1 acre	F.A.R. 0.27
Lot Size / Lot Width	43,560 sf / 150'	10,000 sf / 75'
Setbacks/Buffering and Screening	50' - Front 50' - Rear 15' - Sides	30' - Front (West) 20' Type B Buffer - Rear (East) 20' Type B Buffer - Sides (South & North)
Height	50'	50'

Additional Information:

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

Additional Information:

Planning Commission Recommendation	Inconsistent
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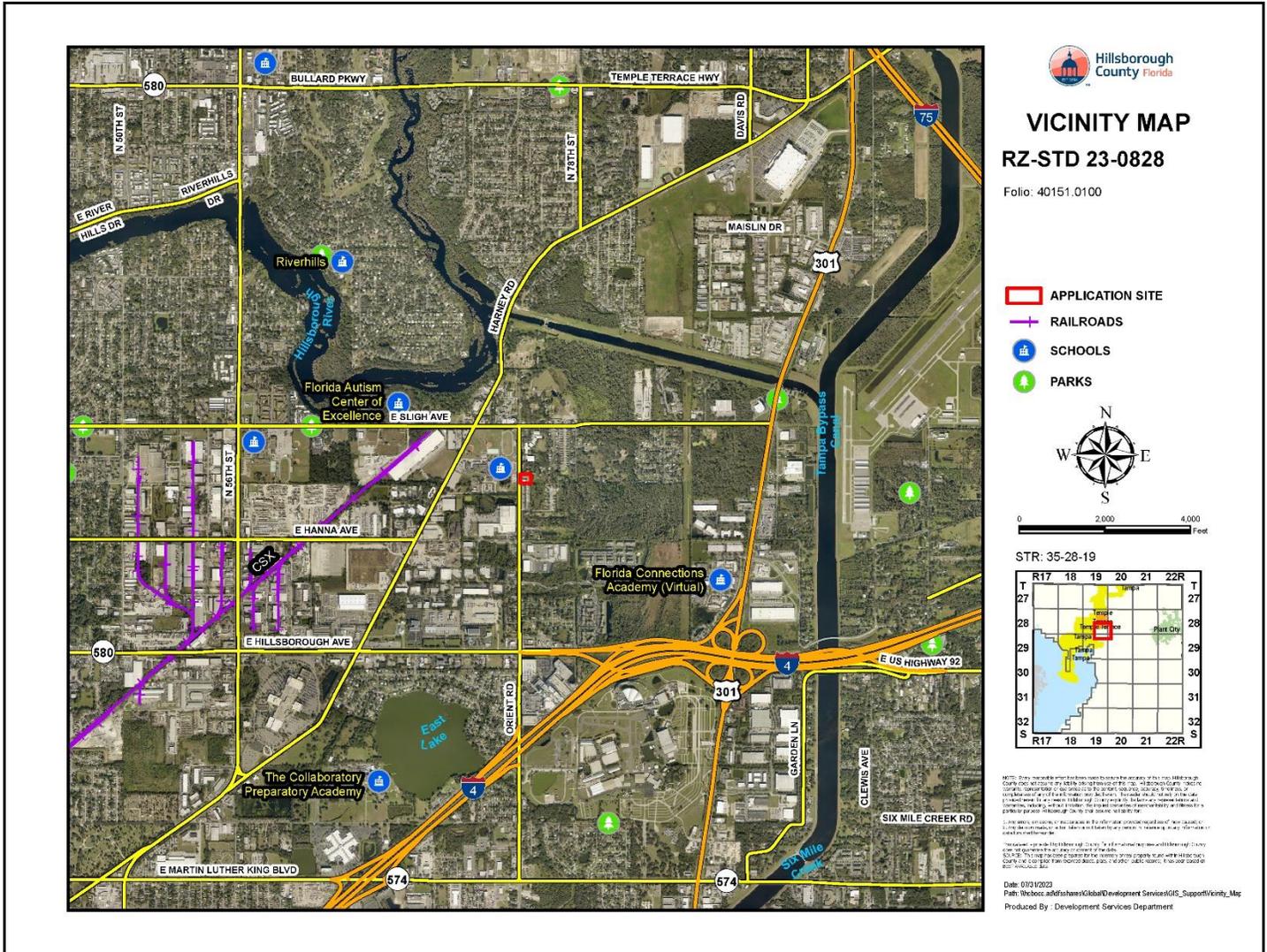
Additional Information:

Development Services Department Recommendation

Not Supported

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



Context of Surrounding Area:

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west. The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.

2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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
Orient Road	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" 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	14	1	1
Proposed	1,540	84	198
Difference (+/-)	+1,526	+83	+197

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance <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:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	This agency has no comments.
Check if Applicable: <input 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 type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	See Staff Report
Utilities Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments Provided
Impact/Mobility Fees N/A			
Comprehensive Plan:	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 type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area which comprises of a mixture of uses to include residential, commercial, institution type uses and rural-agricultural. The subject site is surrounded by properties with a CMU-12 category to the north, south and east; and Public/Quasi Public (P/QP) to the west.

The adjacent properties are zoned ASC-1 to the north, east and west. Residential Single Family Conventional (RSC-4) to the north; Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 to the east; and PD to the south and south-east.

The Site is located along Orient Road, a designated scenic corridor. As a result, this may trigger additional buffering and tree plantings as required by Part 6.06.03.1 of the Land Development Code. Additionally, the subject site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service will be services by The City of Tampa.

Staff finds the request is not consistent and compatible with the existing and emerging zoning and development pattern along this portion of Orient Road. The property's frontage is along the east side of Orient Road to the north and south of the subject parcel between the block formed by Sligh Ave (to the north) and Rough Road (to the south) is zoned for residential type uses. To mitigate the proposed CG zoning district in-fill along Orient Road the applicant has proposed the following restrictions:

1. All business activity shall be carried on internally within the building(s) on site. There shall be no exterior business activity.
2. A uniform opaque screening shall be applied on the existing fencing along the front (west) of the property to screen the use from the street.
3. Operating hours shall be from Monday through Saturday from the hours of 8 am to 6 pm. There will be no Sunday hours of operation.
4. The following uses shall be restricted from the property:
 - a. C-Store with or without gas sales., Motor vehicle repair,
 - b. Fast food with or without drive thru,
 - c. Blood/plasma center, and
 - d. Recyclable materials recovery facility
 - e. No Car Wash facility
5. Restriction/cap on daily trips: Restriction to a maximum of 10 peak hour trips based on the trip generation and the threshold for determined impact for substandard roadway improvements.
6. Compliance with Hillsborough County Land Development code section 6.04.03.1 number access points. Based on discussion with staff, the subject must also restrict to a maximum of one access point.

5.2 Recommendation

Transportation Review staff originally objected to the application due to concerns regarding the number and design of access to the parcel to Orient Road. In response as part of the remand, the applicant has offered the following restriction:

1. Access to the subject site will be restricted to only one access on Orient Road and will be built as a roadway consistent with Hillsborough County standards. With this restriction, Transportation Review staff is no longer in objection to the application.

Based on the above considerations, staff finds the request approvable.

6.0 PROPOSED CONDITIONS:

1. All business activity shall be carried on internally within the building(s) on site. There shall be no exterior business activity.
2. A uniform opaque screening shall be applied on the existing fencing along the front (west) of the property to screen the use from the street.
3. Operating hours shall be from Monday through Saturday from the hours of 8 am to 6 pm. There will be no Sunday hours of operation.
4. The following uses shall be restricted from the property:
 - a. C-Store with or without gas sales., Motor vehicle repair,
 - b. Fast food with or without drive thru,
 - c. Blood/plasma center, and
 - d. Recyclable materials recovery facility
 - e. No Car Wash facility
5. Restriction/cap on daily trips: Restriction to a maximum of 10 peak hour trips based on the trip generation and the threshold for determined impact for substandard roadway improvements, of which is determined from of ITE Code 180 (Specialty Contractor) 3,500 sf of the existing use using ITE 180 generates 24 daily trips, and 7 peak hour trips.
6. Compliance with Hillsborough County Land Development code section 6.04.03.I number access points. Based on discussion with staff, the subject must also restrict to a maximum of one access point.

Zoning Administrator Sign Off:	 J. Brian Grady Tue Jan 9 2024 08:10:06
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary

APPLICATION NUMBER: RZ STD 23-0828 (REMAND)

ZHM HEARING DATE: January 16, 2024

BOCC LUM MEETING DATE: March 19, 2024

Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: ~~10/04/23~~ Rev 10/16/23
Revised 01/05/24

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: East Lake Orient Park/Northeast

PETITION NO.: STD 23-0828

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 1.2 acres from Agricultural Single-Family Conventional (ASC-1) to Commercial General - Restricted (CG-R). Transportation staff originally objected to the application due to access spacing and number of access points permitted by the Hillsborough County Land Development Code. **The case has been remanded and the applicant has since proffered the following transportation related restrictions to address previous objection Rationale:**

- Restriction/cap on daily trips: Restriction to a maximum of 10 peak hour trips based on the trip generation and the threshold for de minimus impact for substandard roadway improvements, of which is determined from ITE Code 180 (Specialty Contractor) 3,500 sf of the existing use using ITE 180 generates 24 daily trips, and 7 peak hour trips.
- Compliance with Hillsborough County Land Development code section 6.04.03.I number access points. Based on discussion with staff, the subject must also restrict to a maximum of one access point.

Transportation staff has reviewed the restrictions and no longer objects to the proposed rezoning.

Previous Objection Rationale:

Staff has provided the previous objections and added explanation as to how the new restrictions address the issues.

1. The site currently has two (2) access connection to Orient Rd., whereas only one access connection would appear to be required pursuant to Section 6.04.03.I of the Hillsborough County LDC.

[Staff Comment: The applicant has proffered a restriction that would only allow 1 access to Orient Road.]

2. In the vicinity of the proposed project, Orient Rd. is functionally classified as a collector roadway, and has a posted speed limit of 40 mph. The minimum connection spacing for a Class 6 collector roadway is 245 feet.

[Staff Comment: The applicant has proffered a restriction that limits the peak hour trip generation of the site and reduces the number of access points, improving the access situation for the subject site.]

3. The proposed zoning represents a significant intensification of daily and peak hour trips that will impact adjacent roadways, including Orient Rd.

[Staff Comment: The applicant has proffered a restriction limits the development potential of the use to 10 peak hour trips, which is the threshold for de minimus impact for substandard roadway.

4. There are only +/- 229 feet between the driveway on the parcel to the north of the project, and the driveway on the parcel to the south of the project. Given the limited parcel frontage, the site cannot meet minimum access spacing standards on its own.

[Staff Comment: The applicant has proffered a restriction that limits the use of the property to 10 peak hours trips. This limit will minimize the potential intensification of the property compared to the existing use.]

5. There does not appear to be sufficient right-of-way to accommodate required turn lanes which would be triggered by development which could occur if the proposed zoning were approved as presented. Additionally, such turn lanes would conflict with access connections to properties to the north and south of the subject site.

[Staff Comment: The applicant has proffered restrictions for the rezoning that limits the use to 10 peak hour trips, which will not require turn lanes.]

SITE ACCESS

The site will be limited to one full vehicular and pedestrian access to Orient Road.

Staff notes that, regardless of this review, the developer/property owner will be required to comply with all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

Trip Generation Analysis

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

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 1 Single Family Dwelling Units (ITE Code 210)	14	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 5,000 sf Specialty Trade Contractor (ITE Code 180)	49	8	10

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+35	+7	+9

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has a frontage on Orient Road. Orient Road is a 2-lane, substandard, undivided, Hillsborough County maintained, collector roadway. Orient Road lies within +/- 66 feet of Right of Way in the vicinity of the project. Orient Road does not have sidewalks on either side of the roadway within the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

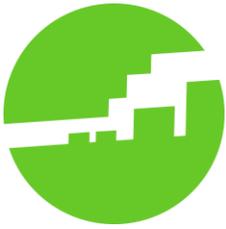
Orient Road is included as a 2-lane enhanced roadway in the Hillsborough County Corridor Preservation Plan (CPP). Sufficient right of way will be required to be preserved for the planned improvement at the time of plat/site/construction plan review.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
ORIENT RD	HILLSBOROUGH AVE	SLIGH AVE	D	C

Source: [2020 Hillsborough County Level of Service \(LOS\) Report](#)



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: January 16, 2024 Report Prepared: January 4, 2024	Petition: RZ 23-0828 REMAND 6501 Orient Road <i>On the east side of Orient Road, south of Sligh Avenue East & north of Rough Road</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Community Mixed Use-12 (12 du/ga; 0.5 FAR)
Service Area	Urban
Community Plan	East Lake-Orient Park
Request	Agricultural Single-Family Conventional (ASC-1) to Commercial General-Restricted (CG-R)
Parcel Size	1.2 +/- acres (52, 272 square feet)
Street Functional Classification	Orient Road – County Collector East Sligh Avenue – County Collector Rough Road – Local
Locational Criteria	N/A
Evacuation Zone	E



Context

- The approximately 1.2 +/- acre subject site is located on the east side of Orient Road, south of Sligh Avenue East and north of Rough Road.
- The subject site is located within the Urban Service Area and is within the limits of the East Lake Orient Park Community Plan.
- The subject site is designated as Community Mixed Use-12 (CMU-12) on the Future Land Use Map (FLUM), which can consider up to a maximum of 12 dwelling units per gross acre and a maximum intensity of 0.5 FAR. The intent of the CMU-12 Future Land Use category is to designate areas that are urban in intensity and density of uses. Typical uses of the CMU-12 Future Land Use category include residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses.
- CMU-12 surrounds the subject site to the north, east, and south. Public/Quasi Public (P/QP) is located west across Orient Road. The Research Corporate Park (RCP) designation is located further southwest.
- The subject site currently contains light industrial uses. Agricultural uses abut the north and east boundaries of the subject site. Single family uses are located directly south and further east and north. The Tampa Bay Technical High School is located directly west across Orient Road. Agricultural and vacant uses are located further southwest. The area surrounding the subject site contains a mixture of residential, agricultural, and school uses.
- The subject site is currently zoned as Agricultural Single Family Conventional (ASC-1). The ASC-1 zoning district extends east, west, and north. There is a small pocket of Residential Single Family Conventional (RSC-4) north of the subject site. The Residential Single Family Conventional (RSC-6), Planned Development (PD), and ASC-1 zoning districts are interspersed east of the subject site. PD zoning is located directly south and further southwest.
- The applicant is requesting to rezone the subject site from Agricultural Single Family Conventional (ASC-1) to Commercial General-Restricted (CG-R).

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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.*

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.*

Relationship to Land Development Regulations

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

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

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

Neighborhood/Community Development

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

Policy 16.1: *Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:*

- a) *locational criteria for the placement of non-residential uses as identified in this Plan,*

- b) *limiting commercial development in residential land use categories to neighborhood scale;*
- c) *requiring buffer areas and screening devices between unlike land uses;*

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

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

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

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

Community Design Component

5.1 COMPATIBILITY

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

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

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.

LIVABLE COMMUNITIES ELEMENT: East Lake-Orient Park Community Plan

Goals

Economic Development – *Provide opportunities for business growth and jobs in the East Lake-Orient Park community.*

- *Create a commercial redevelopment area along 56th Street from the Temple Terrace boundary to Harney Road and along Hillsborough Avenue from 56th Street to Orient Road.*
- *Create a commercial/mixed-use district along Orient Road from Hillsborough Avenue to Columbus Drive.*

Housing – *Create housing opportunities.*

- *Evaluate land uses along Orient Road to allow higher density quality residential dwelling units.*

Staff Analysis of Goals, Objectives and Policies

The approximately 1.2 +/- acre subject site is located on the east side of Orient Road, south of Sligh Avenue East and north of Rough Road. The subject site is located in the Urban Service Area and is within the limits of the East Lake-Orient Park Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Community Mixed Use-12 (CMU-12). The applicant is requesting to rezone the subject site from Agricultural Single Family Conventional (ASC-1) to Commercial General-Restricted (CG-R). At the BOCC Land Use meeting on December 12th, 2023, the Board of County Commissioners remanded this application to the January 16th, 2024 ZHM meeting to allow the applicant to submit additional restrictions.

The subject site is located 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. The proposed request is consistent with this policy direction. Though it meets the goal of Objective 1, it does not meet the compatibility criteria set by FLUE Policy 1.4. 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 subject site directly abuts single-family residential dwellings to the south. Single family dwelling units are also located north and east. A rezoning to CG-Restricted (CG-R) would not be harmonious or compatible with the single family-residential character of the area to the north, east and south. To address the Board of County Commissioner's remand of the application, the applicant submitted a list of proposed restrictions that includes convenience stores (with and without gasoline sales), motor vehicle repair, fast food restaurants (with or without drive thru), blood and plasma donation centers, recyclable material recovery facilities, and car washes on January 2nd, 2024. The newly submitted restricted list of uses is similar to what was submitted with the original application. It includes car washes on the list of prohibited uses and also includes a restriction on daily trips and a restriction to one access point on the site. Although Planning Commission Staff is receptive towards the proposed list of restricted uses, the remaining range of CG uses and their intensities present significant compatibility concerns with the residential uses located near the subject site.

FLUE Objective 8 and Policies 8.1 and 8.2 require potential uses to be evaluated with their respective assigned Future Land Use categories. The subject site is located within the CMU-12 Future Land Use category, which is intended to designate areas that are urban in density and intensity of uses. Non-residential uses are not required to meet established Commercial-Locational Criteria within the CMU-12 Future Land Use category. Rather, CMU-12 requires non-residential land uses to be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Although the applicant has submitted a list of restrictions and operating hours, the remaining range of CG uses would still allow for adverse impacts on the residential areas near the site. The application is therefore inconsistent with this policy direction.

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 October 16th 2023, Transportation Section staff officially objected to the request. At the time of uploading this report, no additional comments have been uploaded to Optix for official review. The requested rezoning is still subject to all local, state, and federal land development regulations.

FLUE Objective 16 and its accompanying policies require the protection of existing neighborhoods through various mechanisms. FLUE Policy 16.1 states that established and planned neighborhoods and communities shall be protected by implementing buffering and screening techniques between unlike land uses. Planning Commission staff acknowledge the buffering and screening techniques that were submitted with the proposed restrictions on January 2nd, 2024. These include a Type B buffer along the northern and eastern boundaries of the site, screening in the front facing boundary of the site, and operating hours. Although these techniques aim at remedying adverse impacts, the remaining range of CG uses would still be incompatible with the proposed fencing and landscape buffers. Some of the remaining incompatible CG uses include department stores, funeral homes and mortuaries (with or without accessory crematoriums), general retail goods and stores, mail and package services, mail order office, mail order pickup facilities, pawnshop, recreational vehicle sales and rental services, shopping centers, vehicle auction, wedding chapel, wholesale distribution, freestanding emergency room, and ambulance services. Similarly, Policies 16.2 and 16.3 seek to ensure that uses are complementary to each other and that there are gradual transitions between unlike uses. The proposed CG zoning district is too intense for the residential character of the surrounding area. Although the subject site is located along a collector roadway, it is within an established neighborhood, making the proposed rezoning inconsistent with FLUE Policy 16.5 as well.

The Community Design Component (CDC) in the Future Land Use Element provides guidance on developments that should relate to the predominant character of their surroundings. It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (CDC Objective 12-1). The land use pattern east of Orient Road mainly consists of single family residential and school uses. The request would not allow for development that recognizes this existing development pattern and is therefore inconsistent with Goal 12, Objective 12-1, and Policy 12-1.4 of the CDC.

The proposed rezoning request is inconsistent with the intent of the East Lake Orient Park Community Plan. The plan's Economic Development Goal seeks to create commercial redevelopment along 56th street and to create a commercial/mixed use district along Orient Road from Hillsborough Avenue to Columbus Drive. The subject site is not located within either of these areas where commercial development is to be directed. By contrast, the plan's Housing Goal seeks to evaluate land uses along Orient Road to allow for higher density dwelling units. In considering this goal and the residential nature of the surrounding area, the proposed rezoning to CG would now allow for development that is inconsistent with the East Lake Orient Park Community Plan.

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

Recommendation

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

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