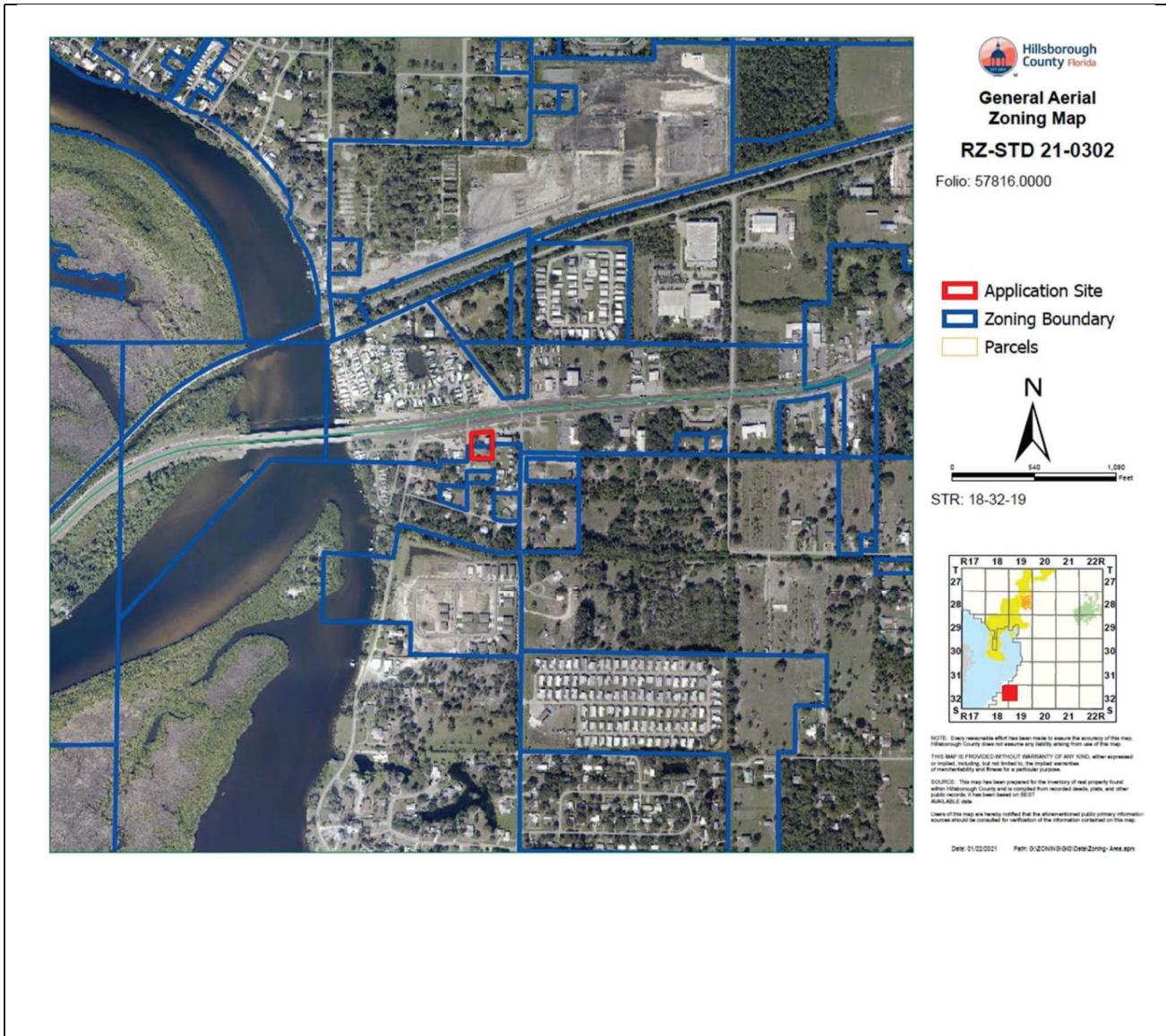




# Hillsborough County Florida

## STAFF REPORT

<b>SUBJECT:</b>	RZ 21-0302	<b>PLANNING AREA:</b>	RUSKIN
<b>REQUEST:</b>	Rezone to Commercial General (CG)	<b>SECTOR:</b>	Urban
<b>APPLICANT:</b>	Josephine Morgana Pittman		
<b>Existing Zoning District:</b> Commercial General (CG) & Residential- Single-Family Conventional – 6 (RSC-6)		<b>Future Land Use Category:</b> Residential - 12 (Res-12)	



## **Application Review Summary and Recommendation**

### **1.0 Summary**

#### **1.1 Project Narrative**

The request is to rezone one parcel totaling approximately 0.549 acres from the existing Commercial General (CG) and Residential- Single-Family Conventional – 6 (RSC-6) zoning district to the proposed Commercial General (CG) zoning district. The site is located at 2112 S 41 HWY, Ruskin, at the south-east intersection of S US Hwy and 8<sup>th</sup> Street SW. The underlying future land use (FLU) category of the subject parcel is Residential 12 (Res-12).

#### **1.2 Compliance Overview with Land Development Code and Technical Manuals**

No variation or variances to the Hillsborough County Land Development Code (LDC) are being requested at this time. The site will comply with and conform to applicable policies and regulations, including but not limited to, the LDC, Site Development and Technical Manuals.

#### **1.3 Analysis of Recommended Conditions**

In accordance with the Hillsborough County Land Development Code Section 6.11.16 – Apartment Commercial, the restriction would be restricting current commercial and residential use to current foot-print 1800 sq. ft.

#### **1.4 Evaluation of Existing and Planned Public Facilities**

The site is located within the Hillsborough County Urban Service Area; therefore, the subject property should be served by Hillsborough County Water and Wastewater Service. The site is currently serviced by well water and public wastewater. There is a 12-inch watermain which exists approximately 150 feet from the site and is located east of the subject property within the south Right-of-Way of 7<sup>th</sup> Street SW. There is a 3-inch wastewater low pressure force main adjacent to the subject site approximately 50 feet and is located west of the property within the west Right-of-Way of 8<sup>th</sup> Street SW.

Transit service is not located to service this site.

The subject property is located on S US Highway 41, a divided 4-lane arterial roadway under the jurisdiction of the Florida Department of Transportation (FDOT). The roadway consists of approximately 12-foot wide lanes, 5-foot wide sidewalks, and paved shoulders on both sides of the roadway. Currently, there are plans to widen S US Highway 41, but the plans identified no need for additional right-of-way along the applicant's property to accommodate the future widening of this roadway.

Transportation staff has reviewed the application and offers no objections. The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 1,597 average daily trips, 356 trips in the a.m. peak hour, and 127 trips in the p.m. peak hour. This segment of US Highway 41 and 8th Street SW are not shown on the Hillsborough County Corridor Preservation Plan, as such, no preservation is needed. 8th Street SW is not considered a major county or state roadway and is not included in the 2019 Hillsborough County Level of Service (LOS) Report. 8<sup>th</sup> Street SW is considered a substandard road. The developer will be required to improve 8<sup>th</sup> Street SW to current County standards unless otherwise approved through the Section 6.04.02.B. administrative variance process. As this is a Euclidean zoning request, the administrative variance and/or design exception from the TTM will be considered at the time of plat/site/construction plan review.

### **1.5 Environmental/Natural Resources**

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.

The property is located within 500 feet of a mapped Potable Water Well; and therefore, allowable uses may be further prohibited or restricted in accordance with the requirements of Part 3.05.05 of the LDC. The site appears to have no wetland or other surface water areas exist on the site.

### **1.6 Comprehensive Plan Consistency**

The subject property is designated Residential-12 (RES-12) on the Future Land Use Map. The subject property does not meet Commercial Locational Criteria. However, a waiver request to the Commercial Locational Criteria was submitted. Planning Commission staff sees no initial concerns with the proposed use and finds the proposed use consistent with Comprehensive Plan.

### **1.7 Compatibility**

The site is located in an area comprised of urban high-density residential, low-density Residential, office commercial, light industrial, suburban mixed use-6. A majority of the area north of S US Hwy 41 is within the RES-12 and OC-20 FLU category that can potentially permit commercial, office, and multi-purpose uses that meet the locational criteria. The overall area is also within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. Thus, the proposed rezoning is consistent with the surrounding development pattern.

As shown in Exhibit 2, the site is adjacent to properties zoned CG & CI (to the north), CG & RSC-6 (to the east and west), and RCS-6 and RCS-6 MH (to the south).

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

Based on the above considerations, staff finds the proposed CG zoning district is compatible with the existing zoning districts and development pattern in the area.

### **1.8 Agency/Department Comments**

The following agencies and departments reviewed the request and offer no objections:

- Florida Department of Transportation
- Water Resource Services
- Conservation and Environmental Lands Management
- Environmental Protection Commission
- Transportation

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APPLICATION: RZ 21-0302

ZHM HEARING DATE: March 15,2021

BOCC MEETING DATE: May 11, 2021

CASE REVIEWER: Isis Brown

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**1.9 Exhibits**

Exhibit 1: Project Aerial

Exhibit 2: Zoning Map

Exhibit 3: Future Land Use Map

**2.0 Recommendation**

Based on the above considerations, staff recommends approval of the request.


<b>Staff's Recommendation: Approvable</b>	
Zoning Administrator Sign-off:	 J. Brian Grady Wed Mar 3 2021 14:59:50

EXHIBIT 1



**Project Location Map**  
**RZ-STD 21-0302**

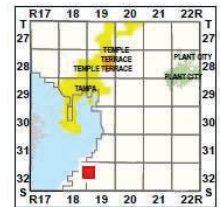
Folio: 57816.0000

- Application Site
- Parcels



0 60 120 Feet

STR: 18-32-19



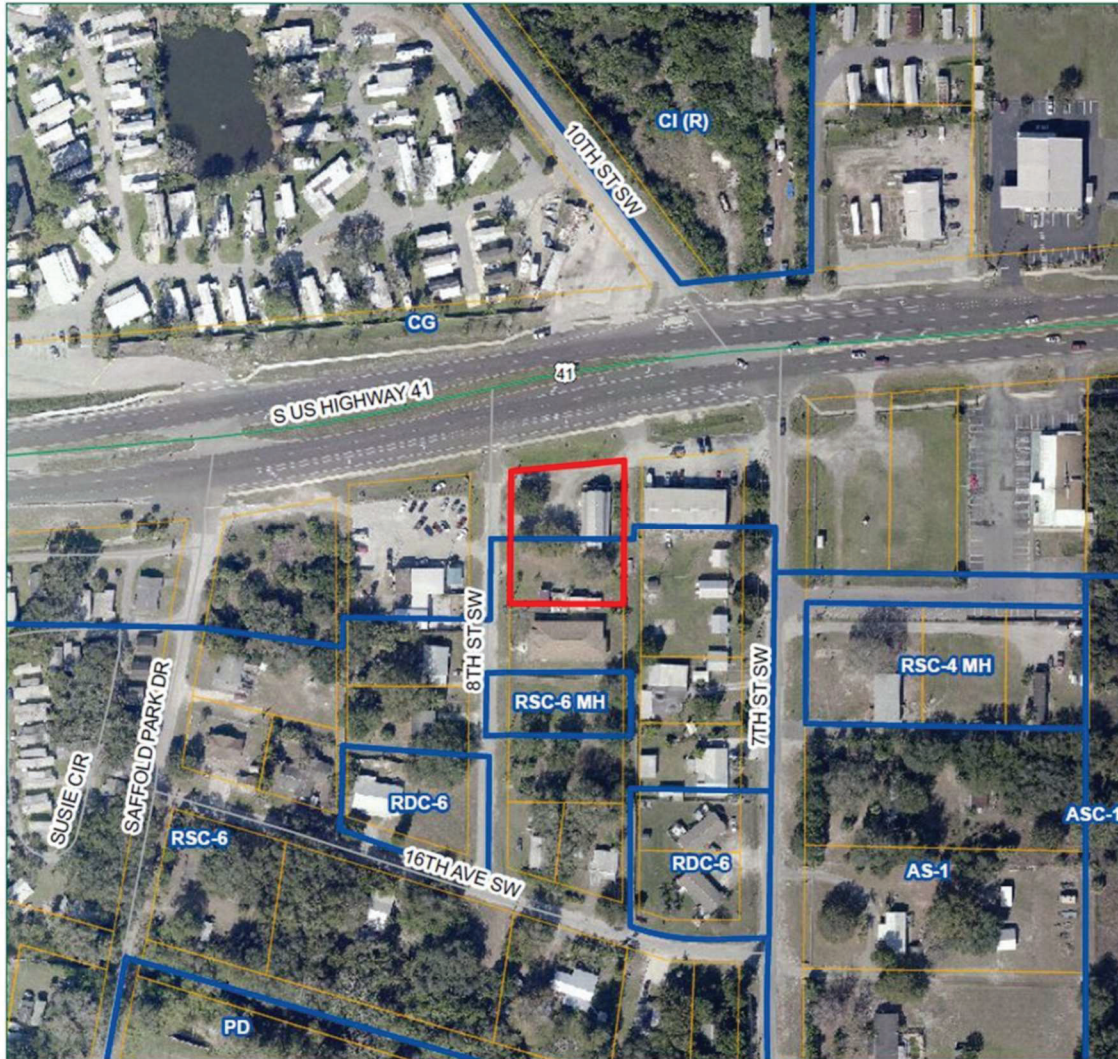
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THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: The map has been prepared for the inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other public records. It has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

EXHIBIT 2

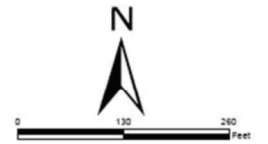


**Immediate Aerial  
Zoning Map**

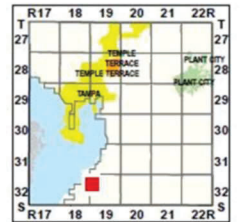
**RZ-STD 21-0302**

Folio: 57816.0000

- Application Site
- Zoning Boundary
- Parcels



STR: 18-32-19

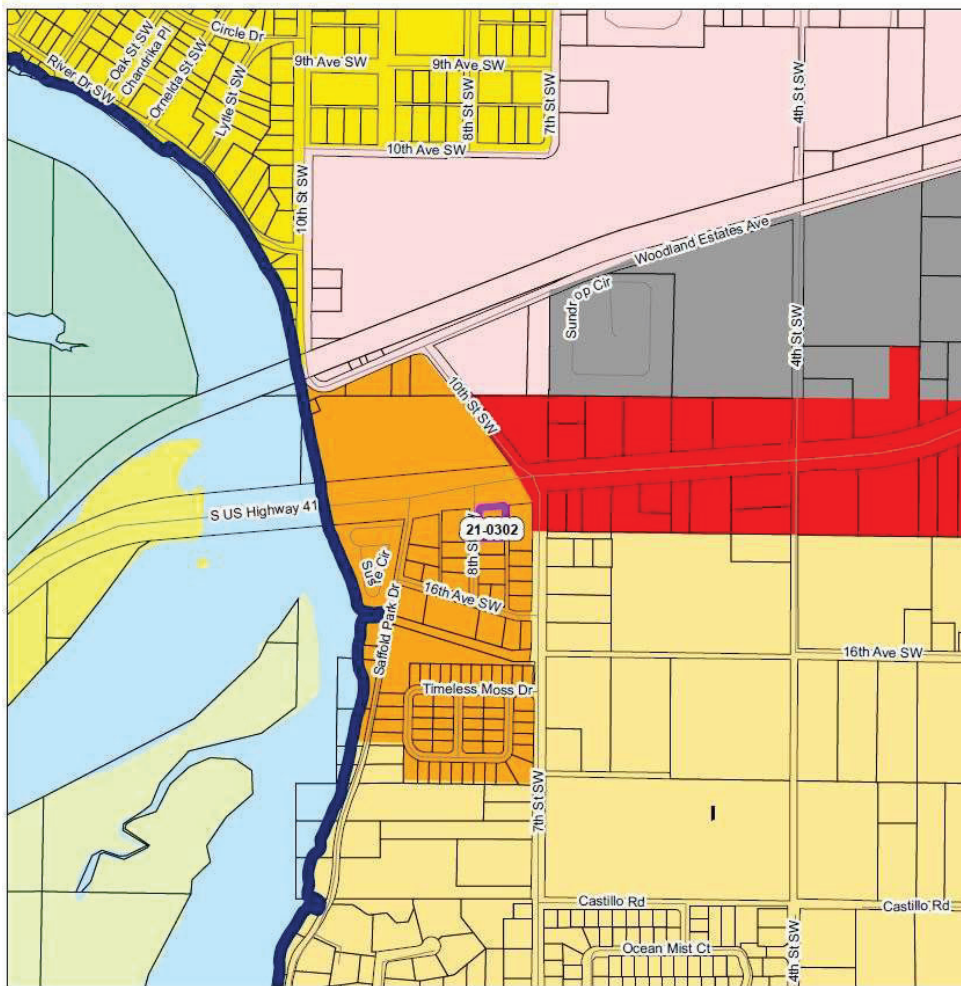


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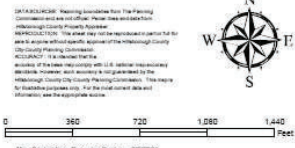
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EXHIBIT 3



HILLSBOROUGH COUNTY  
 FUTURE LAND USE  
 RZ 21-0302

- Rezoning**  
 not other values
- STATUS**
- APPROVED
  - CONTINUED
  - DENIED
  - WITHDRAWN
  - PENDING
- Tempo Service  
 Urban Service  
 Shoreline  
 County Boundary  
 Jurisdiction Boundary  
 Road  
 Parcel
- AGRICULTURAL/AMMIN-100 (25 FAR)
  - REC PLANNED ENVIRONMENTAL COMMUNITY-102 (25 FAR)
  - AGRICULTURAL-110 (25 FAR)
  - AGRICULTURAL/RURAL-05 (25 FAR)
  - AGRICULTURAL ESTATE-10.5 (25 FAR)
  - RESIDENTIAL-1 (25 FAR)
  - RESIDENTIAL-2 (25 FAR)
  - RESIDENTIAL PLANNED-2 (35 FAR)
  - AGRICULTURAL/RURAL-05 (25 FAR)
  - RESIDENTIAL-4 (25 FAR)
  - RESIDENTIAL-6 (25 FAR)
  - RESIDENTIAL-8 (35 FAR)
  - RESIDENTIAL-12 (35 FAR)
  - RESIDENTIAL-16 (35 FAR)
  - RESIDENTIAL-20 (35 FAR)
  - RESIDENTIAL-35 (1.0 FAR)
  - NEIGHBORHOOD MIXED USE-4 (35 FAR)
  - SUBURBAN MIXED USE-4 (35 FAR)
  - COMMUNITY MIXED USE-12 (50 FAR)
  - URBAN MIXED USE-20 (1.0 FAR)
  - REGIONAL MIXED USE-45 (2.0 FAR)
  - OC-20
  - RESEARCH CORPORATE PARK (1.0 FAR)
  - ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCIAL)
  - LIGHT INDUSTRIAL PLANNED (50 FAR)
  - LIGHT INDUSTRIAL (50 FAR)
  - HEAVY INDUSTRIAL (50 FAR)
  - PUBLIC/QUAS-PUBLIC
  - NATURAL PRESERVATION
  - WINDHOLM VILLAGE RESIDENTIAL-2 (25 FAR)
  - CITRUS PARK VILLAGE
  - WATER
  - WATER



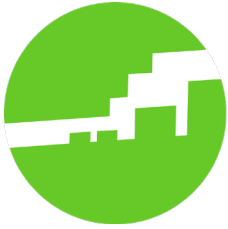
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 Author: Beverly F. Daniels  
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**Hillsborough County**  
 City/County

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**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> March 15, 2021	<b>Petition: RZ 21-0302</b>
<b>Report Prepared:</b> March 2, 2021	<i>South of US Highway 41 just east of 8<sup>th</sup> Street Southwest</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	Residential-12 (12 du/ga; 0.50 FAR)
<b>Service Area:</b>	Urban
<b>Community Plan:</b>	Ruskin
<b>Requested Zoning:</b>	Commercial General (CG) and Residential Single Family Conventional-6 (RSC-6) to CG
<b>Parcel Size (Approx.):</b>	0.54± acres (23,914.44 square feet)
<b>Street Functional Classification:</b>	8 <sup>th</sup> Street Southwest- <b>Local</b> US Highway 41- <b>State Principal Arterial</b>
<b>Locational Criteria:</b>	Does not meet; waiver requested
<b>Evacuation Area:</b>	The subject property is within Evacuation Zone B



## **Context**

- The 0.54± acre site is located east of 8th Street SW and US Highway South 41 intersection and is located within the Urban Service Area (USA).
- The subject property is located within the limits of the Ruskin Community Plan.
- The subject property's Future Land Use is designated Residential-12 (RES-12). Typical uses in the RES-12 Future Land Use designation include residential, urban scale neighborhood commercial, office uses, multi-purpose projects and mixed use development. Non-residential uses shall meet established locational criteria for specific land use.
- The site and the immediate surrounding parcels are designated as RES-12. East of the subject site is designated as Office Commercial-20 (OC-20). Further to the southeast is Residential-4 (RES-4). North is Suburban Mixed Use-6 (SMU-6) and to the northeast is Light Industrial (LI).
- The northern half of the subject property is zoned Commercial General (CG) and has a retail business in operation. The southern half of the parcel is zoned Residential Single Family Conventional-6 (RSC-6). To the north of the parcel is CG, Commercial Intensive (CI) and Planned Development (PD). East of the subject parcel is RSC-6, Residential Duplex Conventional-6 (RDC-6), PD, and Agricultural Single Family Conventional-1 (ASC-1). To the south is RSC-6, RDC-6, PD and ASC-1. To the west is CG, ASC-1, RSC-6 and Agricultural Rural (AR) zoning classification.
- The subject property does not meet the Commercial Locational Criteria. The applicant has submitted a Commercial Locational criteria waiver that identifies important circumstances and unique conditions that require consideration, per Future Land Use Element (FLUE) Policy 22.8.
- The applicant is requesting to rezone the subject site from CG and RSC-6 to CG.

## **Compliance with Comprehensive Plan:**

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

### ***Future Land Use Element***

#### ***Urban Service Area***

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

***Policy 1.4:*** Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian

or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

### **Neighborhood/Community Development**

**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; 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.

### **Commercial-Locational Criteria**

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

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

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

**Policy 22.2:** The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The

locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short-range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.

In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five-year transportation Capital Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

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

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

**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.

**Policy 9-1.3:** New commercial zoning is encouraged to locate at activity centers and commercial redevelopment areas.

## ***Livable Communities Element – Ruskin Community Plan***

### ***Ruskin Community Plan Goals and Strategies***

***Goal 1: Downtown Ruskin – Revitalize Ruskin’s business center along US 41, enhance the appearance of the district, and promote business growth that is compatible with our small town community.***

- *Encourage commercial development and redevelopment within downtown Ruskin and the Town Center and direct commercial development away from Shell Point Road West and 19<sup>th</sup> Avenue N.W.*

***Goal 2. Economic Development – Provide opportunities for business growth and jobs in the Ruskin community.***

- *Promote commercial development at a scale and design that reflects the character of the community. Ensure that future commercial development avoids “strip” development patterns.*

#### **Staff Analysis of Goals, Objectives and Policies:**

**The applicant is requesting to rezone the 0.54± acre site from Commercial General and Residential Single Family Conventional-6 (CG/RSC-6) to Commercial General (CG).**

**The subject property is located within the Urban Service Area (USA) and also within the limits of the Ruskin Community Plan.**

**Future Land Use Element (FLUE) Objective 16 and its accompanying policies require the protection of existing neighborhoods from new development and redevelopment of adjacent properties through various instruments, such as buffering and screening (FLUE Policies 16.1, 16.3).**

**Goal 9 of the Community Design Component calls for the creation of a commercial design standard in scale and design that complements the surrounding neighborhood. Policy 9-1.2 and Policy 9-1.3 of the Community Design Component calls for the avoidance of any development of strip commercial and that any new commercial zoning be located at activity centers and commercial redevelopment centers.**

**This parcel’s location does not meet Commercial Locational Criteria per FLUE Policy 22.1 and FLUE Policy 22.2. However, the applicant has submitted a Commercial Locational Criteria waver.**

**The wavier cites important circumstances and unique conditions that require consideration. It states that the commercial business, first established in the mid 1970’s, in operation ever since, and long before the County’s Comprehensive Plan was created, should be given grandfathered consideration. Within the two-story structure, the owner currently resides on site, above the commercial business. Additionally, it was the County, in the mid 1990’s, who combined the two parcels and gave it the split zoning it has today. The intention of the rezoning application is to remove the split zoning and restore the entire parcel to CG.**

**FLUE Policy 22.7 states that Commercial Locational Criteria is not the only factor to be considered. Factors such as land use compatibility must also be considered. The site is adjacent to a CG zoned parcels on both sides, and all along US Highway 41. To the rear of the property along 8<sup>th</sup> Street SW are residential dwellings that are zoned RDC-6 and RSC-6 MH. Development Services Department's staff proposed a condition to the applicant restricting the CG use to just the front portion of the site. This restriction would create an additional buffer allowing the site to maintain compatibly with the adjacent residential uses.**

**The proposed rezoning does support the vision of the Ruskin Community Plan, as stated in Goal 1 and Goal 2. These goals focus on creating opportunities for small businesses and specialty neighborhood retail. Permitting this site to be rezoned to CG is consistent with the vision of the Ruskin Community Plan.**

**Overall, the proposed rezoning and companion Commercial Locational Criteria waiver request would allow for a development that is consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, as well as the Ruskin Community Plan.**

**Recommendation**

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

# HILLSBOROUGH COUNTY FUTURE LAND USE

## RZ 21-0302

<all other values>

Rezoning  
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

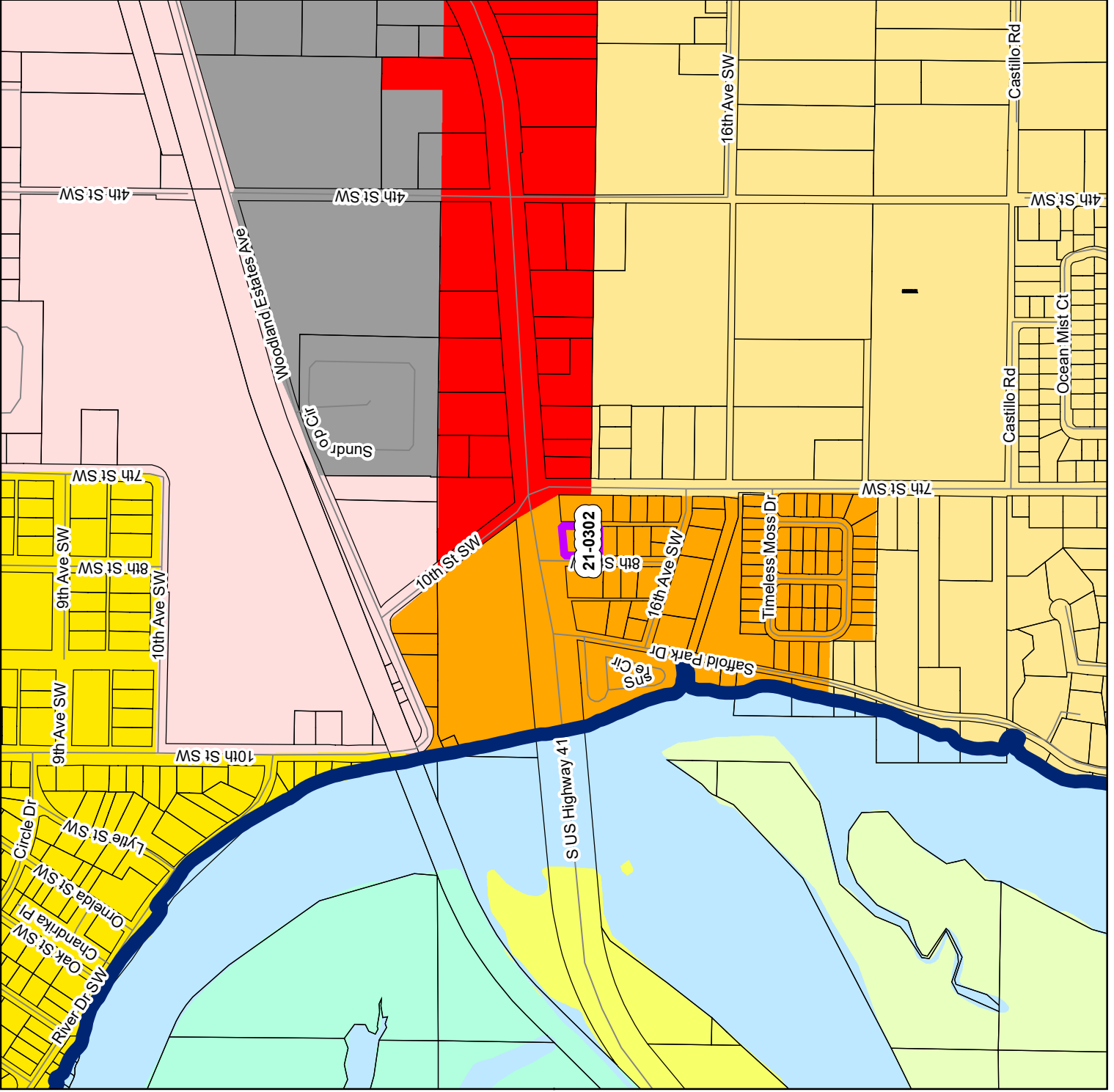
- Tampa Service
- Urban Service
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- AGRICULTURAL/MIXING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASI-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE
- WATER
- WATER



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official Parcel lines and data from Hillsborough County Property Appraiser. This map is for informational purposes only and does not constitute an offer of any services. No warranty is made by the City of Hillsborough for use to anyone without specific approval of the Hillsborough County Planning Commission. ACCURACY: It is intended that the information on this map be accurate to the best of our knowledge. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, see the appropriate source.

Map Printed from Rezoning System: 2/5/2021  
 Author: Beverly F. Daniels  
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