



**Hillsborough County
City-County
Planning Commission**

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Unincorporated Hillsborough County Rezoning Consistency Review	
Hearing Date: July 22, 2024 Report Prepared: July 11, 2024	Case Number: PD 24-0538 Folio(s): 76763.1500 General Location: North of Boyette Road, east of Carr Road, west of Bell Shoals Road, and south of the Alafia River
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-4 (4 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan(s)	Riverview
Rezoning Request	Agricultural Rural (AR) to Planned Development (PD) to allow for 57 single-family detached dwelling units, 12,000 square feet of freestanding emergency room use and 10,000 square feet of medical office use
Parcel Size	+/- 18.06 acres
Street Functional Classification	Carr Road - Local Boyette Road - County Arterial Bell Shoals Road - County Collector
Commercial Locational Criteria	Does not meet; waiver requested

Evacuation Area	None
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Table 1: COMPARISON OF SURROUNDING PROPERTIES			
Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-4	AR	Recreational / Open Space
North	Residential-4	AR + RSC-3	Multi-Family + Single Family / Mobile Home
South	Residential-4	PD	Single Family / Mobile Home + HOA
East	Residential-4	AR + RSC-3	Public / Quasi-Public / Institutions + HOA
West	Residential-4	AR	Public / Quasi-Public / Institutions

Staff Analysis of Goals, Objectives and Policies:

The +/- 18.06-acre subject site is located north of Boyette Road and east of Carr Road, west of Bell Shoals Road and south of the Alafia River. The subject site is in the Urban Service Area and is within the limits of the Riverview Community Plan.

The applicant requests to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow for 57 proposed single-family detached units, 12,000 square feet of freestanding emergency room use, and 10,000 square feet of medical office use. No density bonuses have been requested.

The subject site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The proposed residential use is reflective of the surrounding development pattern, however, the nature of the proposed 24 hour emergency room causes significant compatibility concerns as the site is located in a low density/low intensity residential Future Land Use category that does not meet Commercial Locational Criteria (CLC).

Per Objective 8, Future Land Use categories outline the maximum level of intensity or density and range of permitted land uses allowed in each category. The applicant requests a maximum of 57 residential units. For the 14.33 acres dedicated to residential, 4 dwelling units per gross acre allows for a maximum of 57 dwelling units. Appendix A contains a description of the character and intent permitted in each of the Future Land Use categories. The site is within the Residential-4 (RES-4) Future Land Use category. The RES-4 Future Land use category allows the following uses: “low density residential development, suburban scale neighborhood commercial, offices, and multi-purpose projects that are serving the area”. As the language above states, low density residential uses are allowed. The RES-4 category also allows certain non-residential uses at a maximum Floor Area Ratio (FAR) of 0.25, subject to Commercial Locational Criteria (CLC), which this site does not meet. Although the 3.73 acres dedicated to non-residential uses allows for consideration of a maximum of 40,619 square feet and the proposal only includes 22,000 square feet, the site does not meet CLC, which is adopted Comprehensive Plan policy direction that seeks to direct neighborhood serving commercial uses in lower intensity Future Land Use categories to major intersections. A waiver to CLC has been requested by the applicant.

The Comprehensive Plan requires that all development meet or exceed the land development regulations in Hillsborough County (FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2). On June 5, 2024, Transportation comments were filed and state that they have no objection to the request, subject to conditions.

The site has approximately 0.91 acres of wetlands, which is less than 25% of the overall acreage. The Environmental Protection Commission Wetlands Division has reviewed the proposed site and has determined that a resubmittal is not necessary. Given that there is a separate approval process for wetland impacts with the Environmental Protection Commission and they currently do not object, Planning Commission staff finds this request consistent with Objective 13 and associated policies in the FLUE and Objective 3.5 in the Environmental and Sustainability Section (ESS).

The proposal partially meets the intent of the Neighborhood Protection policies outlined in the Future Land Use Element (FLUE), including policy direction in the Community Design Component (CDC) (FLUE Objective 16, CDC Objective 12-1, CDC Policy 12-1.4). The proposal includes appropriate setbacks and buffers for the residential portion of the northern portion of the site. It also shows preservation of existing trees along the eastern boundary, where feasible. In addition, the stormwater retention areas proposed within the development serve as a buffer. However, the residential use will share the drive aisle with the proposed 24 hour emergency room and proposed medical office use to the south, which does not allow for a gradual transition of intensity between uses. In addition, the proposed 24 hour emergency room and medical office have only a 20' front setback and will not complement the single family residential to the south across Boyette Road. Given the operating characteristics of the 24 hour emergency room, including loud siren noise from the ambulances and the round-the-clock vehicular and pedestrian traffic, the proposed emergency room would be situated from a site design perspective in a location that would likely cause significant compatibility issues with the residential to the south. Overall, the request is inconsistent with the policy direction under Objective 16 and CDC Objective 12-1 related to compatibility and neighborhood protection.

The subject site does not meet Commercial Locational Criteria (CLC) in accordance with FLUE Objective 22 and its associated policies. The site is located west and approximately 2,500 linear feet from the intersection of Boyette Road and Bell Shoals Road, the nearest qualifying intersection. The applicant has requested a waiver to CLC with an accompanying justification. The applicant states that the exception to the CLC requirement should be eligible under Policy 22.6 because of the exception for office uses rather

than the retail form of commercial uses. Planning Commission staff has evaluated the waiver request and notes that operating characteristics of the 24 hour emergency room are not compatible with the surrounding existing residential uses to the south and northeast, nor the proposed residential uses in the proposed Planned Development. In the previous rezoning for the subject site, PD 22-0075, Planning Commission staff thoroughly vetted the list of smaller scale and less intense proposed uses and determined that 24 hour uses were not appropriate nor compatible. The surrounding development pattern has not changed significantly since that 2022 rezoning and still does not warrant an intensive 24 hour emergency room use on a site that does not meet CLC. PC Staff recommends denial of the waiver to CLC.

The Community Design Component (CDC) in the Future Land Use Element of the Comprehensive Plan contains policy direction about designing developments that relate to the predominant character of the surroundings (CDC Goal 12). 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). This area is low-density and intensity in nature, and a 24 hour emergency room use would intensify the area and would directly conflict with this policy direction.

The site is located within the limits of the Riverview Community Plan. Goal 1 of the Plan strives to achieve better design and densities compatible with Riverview vision. The policies under this Goal aim to avoid commercial strip patterns and provide appropriate and compatible buffers and transitions to existing, adjacent land uses. The request to have a 24 hour emergency room located directly adjacent to residential uses in the north, northeast and south does not meet the intent of this policy direction as there is no appropriate buffer or transition between uses. The operating characteristics of this use would prohibit these uses from existing harmoniously.

Overall, staff finds that the proposed 24 hour emergency room use is not compatible with the existing development pattern found within the surrounding area and does not support the vision of the Riverview Community Plan. The proposed Planned Development would not allow for development that is consistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

Based upon the above considerations and the following Goals, Objectives and Policies, Planning Commission staff finds the proposed Planned Development **INCONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.

Staff Identified Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* Related to the Request:

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 1.2: Minimum Density All new residential or mixed use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

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

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

Relationship to Land Development Regulations

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

Policy 9.1: 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

Neighborhood/Community Development

Objective 16: Neighborhood Protection – The neighborhood is the 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.

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 22.8: *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 (CDC)

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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.*

Environmental and Sustainability Section (ESS)

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.

LIVABLE COMMUNITIES ELEMENT: Riverview

Goal 1 *Achieve better design and densities that are compatible with Riverview's vision.*

- *Develop Riverview district-specific design guidelines and standards.*

The standards shall build on recognizable themes and design elements that are reflective of historic landmarks, architecture and heritage of Riverview. The mixed-use, residential, non-residential and roadway design standards shall include elements such as those listed.

Mixed Use-Commercial-Residential

- *Incorporate traditional neighborhood development (TND) and Crime Prevention through Environmental Design (CPTED) techniques and principles in design standards.*
- *Develop visually pleasing sign standards that prohibit pole signs and require monument signs. It also is the desire of the community to limit or keep out any additional billboard signs.*
- *Avoid "strip" development patterns for commercial uses.*
- *Enhance the ability to walk or bike between adjoining commercial areas.*
- *Promote aesthetically pleasing subdivision entrances, formal and manicured landscapes and other amenities such as street furniture, public art, and creative paving techniques.*
- *Promote diversity in housing type and style to counter generic subdivision look.*
- *Provide appropriate and compatible buffers and transitions to existing, adjacent land uses particularly with agricultural operations and the lands acquired for preservation and/or open space.*
- *Require natural and attractive stormwater retention facilities, such as standards for gently sloping grass sides/banks and prohibiting hard (i.e. concrete, asphalt) surfaces and aeration techniques: screen and buffer ponds with natural vegetation or berms or at a minimum vinyl fencing with vines, prohibit plain exposed chain link fencing. Encourage master stormwater facilities.*

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 24-0538

<all other values>

Rezonings

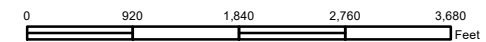
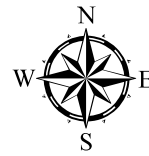
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

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

- wam.NATURAL.LULC_Wet_Poly
- AGRICULTURAL/MINING-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)
- INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
- OFFICE COMMERCIAL-20 (.75 FAR)
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.75 FAR)
- LIGHT INDUSTRIAL (.75 FAR)
- HEAVY INDUSTRIAL (.75 FAR)
- PUBLIC/QUASI-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.
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Map Printed from Rezoning System: 3/15/2024

Author: Beverly F. Daniels

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