

**Rezoning Application: 24-0775**  
**Zoning Hearing Master Date:** December 16, 2024  
**BOCC Land Use Meeting Date:** February 11, 2025

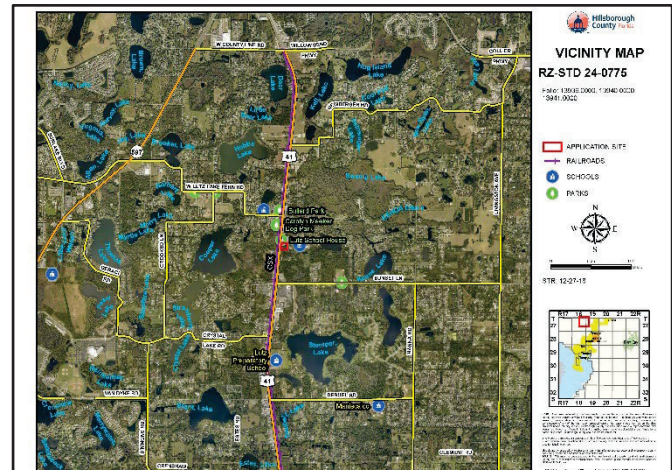


**Hillsborough  
County Florida**

Development Services Department

## 1.0 APPLICATION SUMMARY

**Applicant:** Todd Pressman  
**FLU Category:** Residential -6 (Res-6)  
**Service Area:** Rural  
**Site Acreage:** 1.97 +/-  
**Community Plan Area:** Lutz  
**Overlay:** None  
**Request:** Rezone from Business – Professional Office (BPO) to Commercial General (CG)



### Request Summary:

The request is to rezone from the existing Business Professional Office (BPO) zoning district to the proposed Commercial General) zoning district. The proposed zoning for CG permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 10,000 square feet (sf).

### Zoning:

Uses	Current BPO Zoning			Proposed CG Zoning
	Business Professional Office			Commercial General
Acreage	1.595 +/- Acres (ac); 69,478.2 sf.	0.14 +/- ac; 6,098.4 sf	0.225 +/- ac; 9, 801 sf	1.97 +/- ac; 85,813.2 sf
Density / Intensity	0.20 Floor Area Ratio (FAR)			0.25 FAR (per LDC 6.01.01. footnote 29)
Mathematical Maximum*	13, 895.6 sf	1,219.68 sf	1,960.2 sf	21,453.3 sf

### Development Standards:

	Current BPO Zoning	Proposed CG Zoning
Density / Intensity	17,162.64 sf / 0.20 FAR	0.25 FAR
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/ Buffering and Screening	30' - Front (East) & (North) 20' / B – Side & Rear (W & S) (Lutz Rural Development Standards are applicable.)	30' - Front (North, West & East) 20' /B – Side & Rear (W & S) (Lutz Rural Development Standards are applicable.)
Height	50'	50'

### Additional Information:

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

### Additional Information:

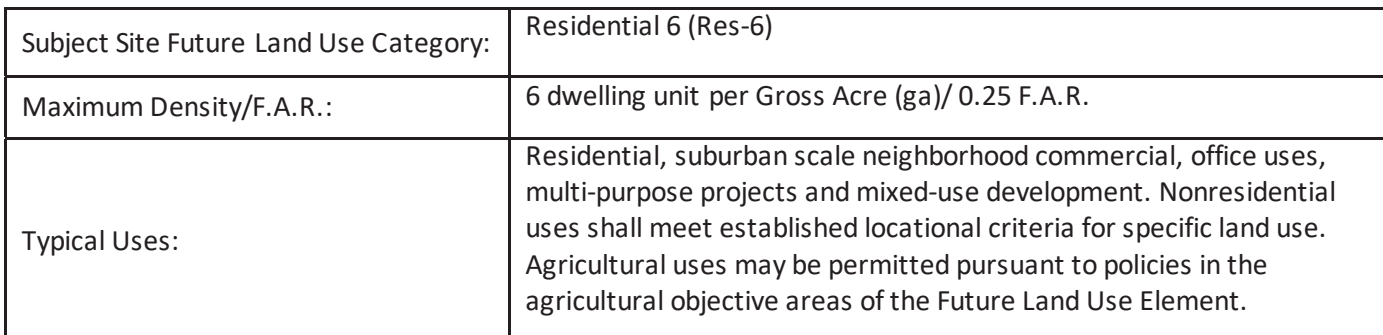
Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

## 2.1 Vicinity Map





## 2.2 Future Land Use Map





## 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)**

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Principal Arterial - Urban	2 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 - TBD
4 <sup>th</sup> Avenue SE	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other - TBD
1 <sup>st</sup> Street SE	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other - TBD

**Project Trip Generation** ☐ Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	580	50	63
Proposed	3,928	235	300
<b>Difference (+/-)</b>	<b>+ 3,348</b>	<b>-185</b>	<b>+237</b>

\*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		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** ☒ 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 &amp; AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments provided
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This agency has no comments.
Check if Applicable: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input checked="" type="checkbox"/> Wellhead Protection Area  <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area             </div> <div> <input type="checkbox"/> Significant Wildlife Habitat  <input 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>Lutz Rural Development Overlay District</u> </div> </div>			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	See Agency's report
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" 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	See Agency's comment
<b>Hillsborough County School Board</b> 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Agency's report
<b>Impact/Mobility Fees</b> N/A			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" 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 on the east side of N. US Highway 41 in Lutz. The site is surrounded by properties with Single-Family Residential, Agricultural, Business Professional, Office and Commercial General type uses. The immediate adjacent properties are zoned Residential Single-Family Conventional – 6 (RSC-6) to the north and east; Commercial General (CG) to the south, and North US Highway 41 to the west. The subject site’s immediate surrounding area consists of properties within the Residential -6 FLU category.


The subject site sits south to a historic resource or landmark. The Old Lutz Elementary School historic landmark is located on the NE corner of North US Highway 41 and 4<sup>th</sup> Avenue SE and registered on both the National Register and as a local historic landmark. The Old Lutz Elementary School building was built in 1927 and is of Georgian Revival architectural style. Although a HRRB review is not required of subject rezone 24-0775, consideration and sensitivity to the historic landmark should be taken when evaluating the subject rezone application 24-0775. The Old Lutz Elementary School is a local and nationally designated landmark. Designation Report, Preservation Plan, and Design Guidelines for the Old Lutz Elementary School building have been placed in the case file for informational purposes only. The project as proposed will not require any building design for proposed development adjacent to the landmark.

Transportation Review staff have objected to the intensification of the site due to concerns, as outlined in their attached agency comment, that access to US 41 is not guaranteed by the Florida Department of Transportation (FDOT) and thus access may be via 1<sup>st</sup> Street SE and/or 4<sup>th</sup> Ave SE to the north and east, which has operation/safety issues as also outlined in their agency comment. Additionally, The Hillsborough County Public School District has issued objections similar to Transportation concerns and is outlined in their attached School Board agency comment.

Given the access issues as outlined herein staff continues to have compatible concerns with the subject application.

5.2 Recommendation

Based on the above considerations, staff finds the request is not supportable.

Zoning Administrator Sign Off:	
<b>SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN &amp; BUILDING REVIEW AND APPROVAL.</b> 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.	



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## 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: 7/15/2024

Revised: 9/02/24

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Lutz/Northeast

PETITION NO: RZ 24-0775

- ☐ 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.

**RATIONALE FOR OBJECTION**

- The rezoning proposes a major intensification of the site and includes three separate parcels that have frontage on US Highway 41 (FDOT roadway), 4<sup>th</sup> Ave SE and 1<sup>st</sup> Street SE (both Hillsborough County roadways). Both 4<sup>th</sup> Ave and 1<sup>st</sup> Street back up during school drop off and release time as documented in the images in this report. Due to the backup issues on these roadways, Hillsborough County staff cannot support access to either of these roadways as access would be potentially unsafe during these standstill times.
- ~~Transportation staff has advised the applicant that a restriction removing access on both 4<sup>th</sup> and 1<sup>st</sup> would be problematic as the subject rezoning is made up of 3 separate parcels. Restricting access from 4<sup>th</sup> would render folio 13940.0000 without legal access if the property were sold to a separate owner after the rezoning was approved. Since restrictions to access would be required and staff cannot support the elimination of legal access to a parcel, staff must object to the proposed rezoning.~~

[Transportation staff revised this report to remove the concern about granting an easement to oneself as recently passed Florida Legislation (HB 799) potentially provides for this ability. The applicant has not submitted any new information to pursue this strategy or indicated as such in the documents in the record. If the Applicant were to pursue an easement following this recent legislation, they would still need to get the location of the easement to be supported by FDOT and documented support for the proposed rezoning from FDOT. Transportation staff cannot support the rezoning until these two issues have been addressed.]

- Transportation staff has advised the applicant that the standard rezoning process is much more rigid and rezoning the parcel to a Planned Development would allow for additional analysis to be conducted to address the access concerns. A Planned Development would be able to include a restricted site plan that would restrict access while avoiding removing legal access to the folios included in the rezoning. The applicant was made aware of this recommended route to address the access issues and has elected to proceed with the standard rezoning with no proposed restrictions.
- Transportation staff met with FDOT concerning the subject rezoning. FDOT indicated that they have several concerns with the rezoning and that the development may be insufficient to address the development needs. Concerns include the potential need for extension of the existing southbound turn lane, stacking in through lanes or right of way, and impacts to safety and operational impacts. Detailed FDOT comments have been submitted to the record that outlines their concerns and requirements for the subject rezoning.



- Given the project's problems with other County facilities as noted above, staff believes intensification of uses on the site is inappropriate and cannot be supported as proposed.
- Both FDOT's and the County's best opportunity to argue against the appropriateness of such intensification is during the legislative (zoning) stage of the land development process, and the applicant's desire to move forward with the zoning and sort these issues out at the time of site/construction plan review cannot be supported.
- Given the above, staff recommends denial of the proposed zoning request.



Photo showing congestion and queuing issues at US 41 and 4<sup>th</sup> Ave. SE

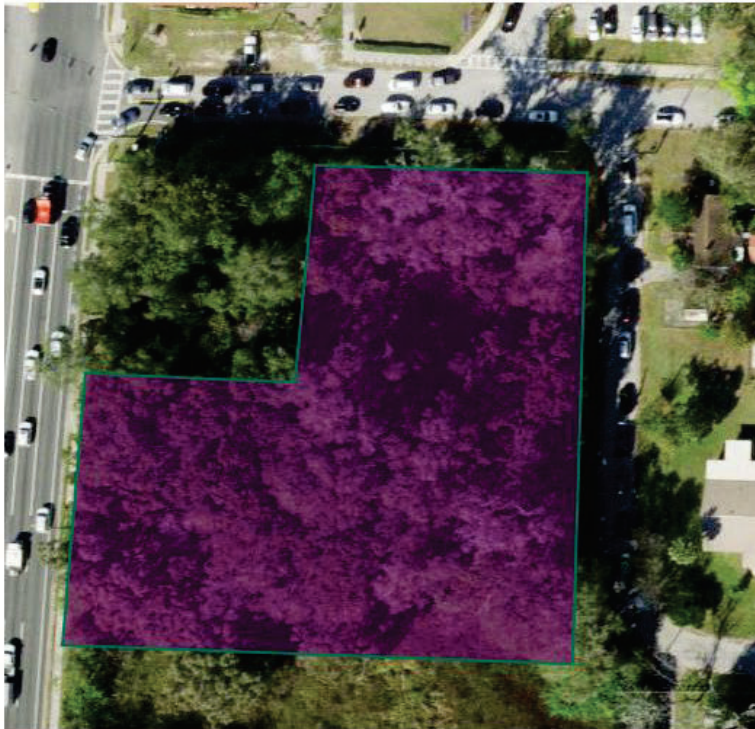


Photo showing congestion and queuing on 4th Ave and 1st Street

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone three parcels totaling +/- 1.95 acres from Business Professional Office (BP-O) to Commercial (CG). Staff notes that high trip intensity uses including but not limited to fast food restaurants with drive thru, convenience store with or without gas sales, and motor vehicle repair type uses would be permitted.

Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip generation and site access analysis for the proposed project. 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, 11<sup>th</sup> Edition.

**Approved Uses:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BP-O, 16,000 sf Medical Office (ITE LUC 720)	580	50	63

**Proposed Uses:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
GC, 6,000 sf Fast-Food Restaurants with Drive-Through (ITE LUC 933)	2,804	198	198
GC, 10,000 sf Pharmacy/Drugstore with Drive-Through (ITE LUC 881)	1,124	37	102
<b>Subtotal:</b>	<b>3,928</b>	<b>235</b>	<b>300</b>

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+3,348</b>	<b>+185</b>	<b>+237</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

US 41 is a 6-lane, divided, principal arterial roadway owned and maintained by the Florida Department of Transportation (FDOT). The roadway is characterized by +/- 11-foot travel lanes in the vicinity of the proposed project). Along the project's frontage, the roadway lies within a +/- 210-foot-wide combined right-of-way (for the highway and parallel CSX facility which runs along the west side of the roadway in this area). There are +/- 5-foot-wide sidewalks along the east side of the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide bicycle facilities present along both sides of the roadway in the vicinity of the proposed project. 4<sup>th</sup> Ave SE is a 2-lane, substandard Hillsborough County-maintained local roadway. There is a partial sidewalk along the north side of the roadway in the vicinity of the project and no sidewalk along the project's frontage. The roadway is characterized by +/- 11-foot travel lanes in the vicinity of the proposed project). 1<sup>st</sup> Street SE is a 2-lane, substandard, Hillsborough County-maintained local roadway. The roadway is characterized by +/- 11-foot travel lanes in the vicinity of the proposed project). There is no sidewalk on either side of the roadway within the vicinity of the project.

**SITE ACCESS**

Transportation Section staff did identify concerns regarding future project access, as noted in the "Rationale for Objection" section hereinabove. 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 an Euclidean zoning case are non-binding and will have no regulatory value at the time of plat/site/construction plan review.

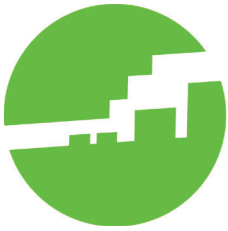
#### **ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

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

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US 41	Sunset Ln.	County Line Road	D	C

Source: Hillsborough County 2020 Level of Service Report.





**Hillsborough County  
City-County  
Planning Commission**

**Plan Hillsborough**  
[planhillsborough.org](http://planhillsborough.org)  
[planner@plancom.org](mailto:planner@plancom.org)  
813 – 272 – 5940  
601 E Kennedy Blvd  
18<sup>th</sup> floor  
Tampa, FL, 33602

Unincorporated Hillsborough County Rezoning Consistency Review	
<b>Hearing Date:</b> December 16, 2024 <b>Report Prepared:</b> December 5, 2024	<b>Case Number:</b> RZ 24-0775 <b>Folio(s):</b> 13940.0000, 13939.0000 & 13941.0000 <b>General Location:</b> East of North US Highway 41, west of 1 <sup>st</sup> Street SE, south of 4 <sup>th</sup> Avenue SE and north of Sunset Lane
<b>Comprehensive Plan Finding</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use</b>	Residential-6 (6 du/ga; 0.25 FAR)
<b>Service Area</b>	Rural
<b>Community Plan(s)</b>	Lutz
<b>Rezoning Request</b>	Rezone from Business, Professional Office (BPO) to General Commercial (CG)
<b>Parcel Size</b>	+/- 1.97 acres
<b>Street Functional Classification</b>	North US Highway 41 – <b>State Principal Arterial</b> 1st Street SE – <b>Local</b> 4th Avenue SE – <b>Local</b> Sunset Lane – <b>County Collector</b>
<b>Commercial Locational Criteria</b>	Does not meet; waiver request submitted
<b>Evacuation Area</b>	None

Table 1: COMPARISON OF SURROUNDING PROPERTIES			
Vicinity	Future Land Use Designation	Zoning	Existing Land Use
Subject Property	Residential-6	BPO	Vacant
North	Public/Quasi-Public	RSC-6	Public / Quasi-Public / Institutions + Educational
South	Residential-6	RSC-6 + CG	Vacant + Single Family / Mobile Home
East	Public/Quasi-Public	RSC-6	Educational + Single Family / Mobile Home
West	Residential-6 + Residential-2	RSC-6 + ASC-1	Right of Way / Roads / Highways + Public / Quasi-Public / Institutions + Single Family / Mobile Home

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

The 1.97 ± acre subject site is located east of North US Highway 41, west of 1st Street SE, south of 4th Avenue SE and north of Sunset Lane. The site is located within the Rural Area and is located within the limits of the Lutz Community Plan. The applicant is requesting to rezone the subject property from Business, Professional Office (BPO) to General Commercial (CG) with two proposed restrictions submitted.

The site has a Future Land Use designation of Residential-6 (RES-6), which allows for consideration of up to 6.0 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.25. The RES-6 Future Land Use category is intended to designate areas that are suitable for residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Nonresidential uses must meet Commercial Locational Criteria in this Future Land Use category.

Objective 4 of the Future Land Use Element (FLUE) asserts that 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. The intent of the Business, Professional Office (BPO) zoning district is to provide for office development uses and not set a precedent for the introduction of inappropriate use into the area where the zoning district can also be utilized as a transitional district between residential development and commercial districts. Introducing and expanding the pattern of the Commercial General (CG) zoning district on the subject site which would allow non compatible uses in the area and increase development in the rural service area. The request is therefore inconsistent with Objective 1, Objective 8 and Policies 8.1 and 8.2 of the FLUE. 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 rezoning to CG would not be compatible with the surrounding development pattern, which includes residential development directly to the east. The subject site is currently vacant and existing single family residential uses are located directly to the east and further south of the subject site. Public/quasi-public and institutional uses exist north of the subject site. To the east and north of the subject site are educational uses. To the west of the subject site is Right-of-Way (US 41). The area to the south of the subject site is vacant.

The applicant has not proposed any mitigation measures of the proposed and undefined CG uses between the educational and single-family residential uses. The proposed rezoning does not meet FLUE Objective 16 and its accompanying policies (FLUE Policies 16.1, 16.2, 16.3, and 16.10) that relate to neighborhood protection. The proposed rezoning does not provide any information regarding buffering and screening techniques that could assist in providing a gradual transition of intensities between the low density residential and educational uses to the higher intensity commercial zoning. In addition,

To the north and east of the subject site is zoned Residential - Single-Family Conventional (RSC-6). To the west is Single-Family Conventional (RSC-6) and Agricultural - Single-Family Conventional (ASC-1). To the south is a parcel with split zoning, with roughly half of the parcel to the west being Commercial – General (CG) and the portion to the east being Single-Family Conventional (RSC-6). That same zoning pattern can also be located further north of the subject site as well. The request to rezone the three subject parcels, totaling approximately 1.97 acreage, would disrupt the established CG zoning pattern along the eastern side of US Highway 41. In this area, the CG zoning pattern exists along a major roadway and the rear half of the properties are RSC-6, which acts as a natural buffer from the single-family uses to the west. A rezoning to CG would introduce a development pattern that does not match the character of the surrounding area and is therefore inconsistent with FLUE Policy 1.4 and the policies that modify FLUE Objective 16.

The subject site does not meet Commercial Locational Criteria (CLC). According to FLUE policy 22.2, a site in the RES-6 FLUE category must be within 900 feet of a qualifying intersection. The closest qualifying intersection to the subject site is US Highway 41, a six-lane roadway with Lutz Lake Fern Road, a two-lane roadway. The distance from the subject site and the qualifying intersection is roughly 1,400 feet, therefore, the site does not meet Commercial Locational Criteria. FLUE Objective 22 seeks to scale new commercial development consistent with the character of the area. A request to waive the CLC criteria, per FLUE policy 22.8, has been submitted. Planning Commission staff cannot support the CLC waiver request because there does not appear to be any unique circumstances that would warrant the support of a waiver to CLC. In addition, the proposed rezoning to CG is not consistent with the existing pattern and character of the area and is not located at a major intersection where more intense uses are expected per FLUE Policy 22.5. Planning Commission staff recommends that the Board of County Commissioners deny the waiver for the CLC requirement.

According to the revised request, uploaded into Optix on October 31, 2024, two restrictions have been submitted. The developer will dedicate the right of way for the widening of 4<sup>th</sup> Avenue SE, to allow a second traffic lane to egress out to North US Highway 41. Access would be from North US Highway 41 and 1<sup>st</sup> Street SE. The second restriction is that the following uses will not be allowable: minor and major vehicle repair and convenience stores with or without gas.



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). However, at the time of uploading this report, Transportation comments were not yet available in Optix and thus were not taken into consideration for analysis of this request.

The Environmental Protection Commission (EPC) Wetlands Division has not reviewed the proposed rezoning. Our records indicate that wetlands may be located within the subject property and will need to be reviewed by the EPC. 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 and associated policies in the E&S.

The subject site does not meet the intent of the Lutz Community Plan. The Plan desires to locate new commercial zoning is encouraged to locate at the three existing activity nodes along U.S. Highway 41: within Lutz's historic downtown area to Newberger Road; from Crystal Lake Road to Sunset Lane; and Crenshaw Lake Road area. There are no proposed restrictions submitted with this rezoning request and therefore an approval for CG zoning would allow for the full range of CG uses on the entire 1.97 acres of the property. Allowable uses in the CG zoning district have the potential to introduce new and incompatible uses within this area, including major motor vehicle repair, kennels, car wash facilities, gas stations, fast food restaurants and other similar uses that are not located within this area and are not compatible with the established development pattern. Because the site does not meet CLC nor is located within one of the Lutz Community Plan activity nodes, and does not achieve compatibility between new and existing uses, the request is not in line with the vision of the Community Plan.

Overall, staff finds that the proposed use is not an allowable use in the RES-6, is not compatible with the existing development pattern found within the surrounding area and does not support the vision of the Lutz Community Plan. The proposed rezoning would not allow for development that is consistent with the Goals, Objectives, and Policies of the Future Land Use Element of the *Unincorporated Hillsborough County Comprehensive Plan*.

#### **Recommendation**

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

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

##### **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.*

### **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.*

### **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: locational criteria for the placement of non-residential uses as identified in this Plan, 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 16.10:** Any density increase shall be compatible with existing, proposed or planned surrounding development. 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.

**Policy 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

## **Community Design Component (CDC)**

### **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**

**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.*

### **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 22.5:** *When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services or specialty retail (i.e. antiques, boutiques) toward the edges of the 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.*

### **ENVIRONMENTAL & SUSTAINABILITY SECTION**



**Objective 3.8:** *Manage flora, fauna, and uplands to ensure a healthy, functioning environment, economy, and quality of life.*

**Policy 3.8.1:** *Protect and conserve Significant Wildlife Habitat and ensure a no net loss of Essential Wildlife Habitat.*

**Policy 3.8.2:** *Continue to prohibit unmitigated encroachment into the 100-year floodplain to protect and conserve the functions and natural wildlife habitat attributes where they exist within the 100-year floodplains of rivers and streams as provided under local rules and regulations including mitigation as required.*

**Policy 3.8.3:** *Maintain local wildlife and wildlife habitat protection and management programs to protect native plants and wildlife.*

**Policy 3.8.4:** *Continue to apply adopted criteria, standards, methodologies, and procedures that require the development and implementation of management plans for Significant or Essential Wildlife Habitat determined to provide particularly valuable and manageable habitat qualities.*

**Objective 3.9:** *Manage natural preserves to ensure a healthy, functioning environment, economy, and quality of life.*

**Policy 3.9.9:** *Protect natural resources, coastal resources, publicly owned, or managed natural preserves from adverse impacts attributable to adjacent land uses. Continue to require development activities on adjacent properties to comply with adopted criteria, standards, methodologies, and procedures to prevent adverse impacts.*

## **LIVABLE COMMUNITIES ELEMENT: LUTZ COMMUNITY PLAN**

### **Strategies:**

*To ensure the implementation of the Vision formulated by the residents of the Lutz community the following strategies will guide future growth and redevelopment.*

### **Commercial Character**

*The Lutz community desires to retain existing and encourage new commercial uses geared to serving the daily needs of area residents in a scale and design that complements the character of the community. Currently there is approximately 301,559 square feet of commercial approved but not built within the community planning area.*

*The Lutz community seeks to ensure that commercial development and special uses in the community are properly placed to enhance the utility and historic character of the downtown. The community does not want new commercial and special use development to force the creation of development that does not complement the character of the area. To ensure that new commercial development is consistent with the character of the Lutz community, design guideline standards have been created and adopted into the County's land development regulations.*

### **These regulations ensure that:**

- *commercial uses are developed in character and/or scale with the rural look of the community and the environment;*

- *the Lutz downtown, generally located at the intersection of Lutz Lake Fern Road and US Highway 41, is recognized as community activity center, and defined as an overlay district within the County's Land development regulations;*
- *the Lutz Downtown Center Zoning District incorporates design guidelines which reflect the historic development pattern already in place and promote desirable complements to that pattern. These standards include:*
  1. *recognizing proximity of the historic old Lutz schoolhouse and its Georgian Revival architecture (and incorporating this into new schools);*
  2. *interruptions in roof lines and structures;*
  3. *public courtyards or open space(s) with shade trees;*
  4. *architectural features to emphasize the location of the downtown;*
  5. *residential style roof lines;*
  6. *outside structure facades made of wood siding, brick or vinyl material;*
  7. *preserved natural areas to act as buffers along perimeters;*
  8. *ground level monument signage standards in scale and related to architectural character overlay district;*
  9. *drought tolerant trees and vegetation plantings for shade, screening and buffers along roadways; and,*
  10. *nighttime lighting that mimics gaslights or kerosene lights (circa early 1900's).*
- *the commercial activity centers identified in the North Dale Mabry Corridor Plan will be maintained (Figure 3 (of the Lutz background documentation));*
- *new commercial zoning is encouraged to locate at the three existing activity nodes along U.S. Highway 41(Figure 4 (of the Lutz background documentation):*
  1. *Lutz's historic downtown area to Newberger Road;*
  2. *Crystal Lake Road to Sunset Lane; and*
  3. *Crenshaw Lake Road area*

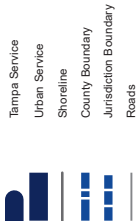
HILLSBOROUGH COUNTY  
FUTURE LAND USE

RZ 24-0775

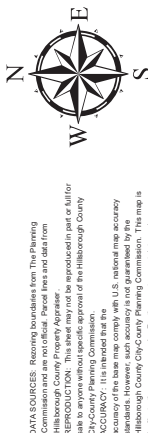
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Rezoning

STATUS



- wam NATURAL LULC\_Wet\_Poly
- AGRICULTURAL MINING-120 (25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- 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. This map is for informational purposes only and is not intended to be used as a legal document. It is intended that the user of this map will verify the accuracy of the information shown on this map. The map is not a warranty, representation, or statement of fact. It is provided as a service to the public. The map is not a warranty, representation, or statement of fact. It is provided as a service to the public. The map is not a warranty, representation, or statement of fact. It is provided as a service to the public.

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Author: Beverly F. Daniels

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