

**PD Modification Application:
MM 23-0520**

Zoning Hearing Master Date: 10/16/23

BOCC Land Use Meeting Date: 12/12/23

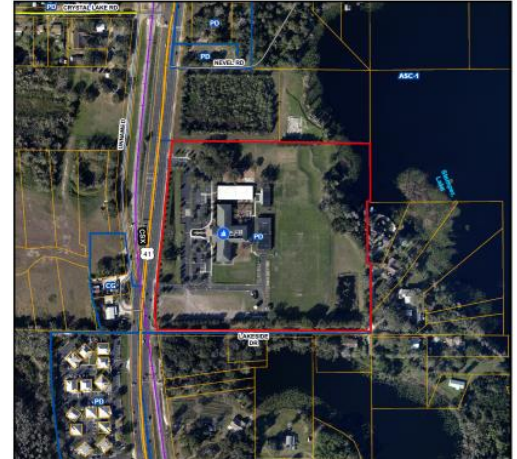


**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Lutz Preparatory School, Inc.
 FLU Category: RES-1, NMU-4
 Service Area: Rural
 Site Acreage: +/- 22.96 acres
 Community Plan Area: Lutz
 Overlay: None



Introduction Summary:

PD 18-0638 was approved in 2018 to allow for an expansion of the existing charter school approval from 800 students to 1102 students, with the addition of a childcare to the operation of existing kindergarten thru grade 8.

The current PD allows up to 119,336-square-feet of charter school uses with a maximum 982 students in grades pre-K thru 8, and up to 5,664-square-feet of childcare center uses with a maximum enrollment of 120 students and maximum overall 125,000 sf for all structures. **The applicant is requesting a major modification** to the previously approved **Plan Development (18-0638)**, as follows:

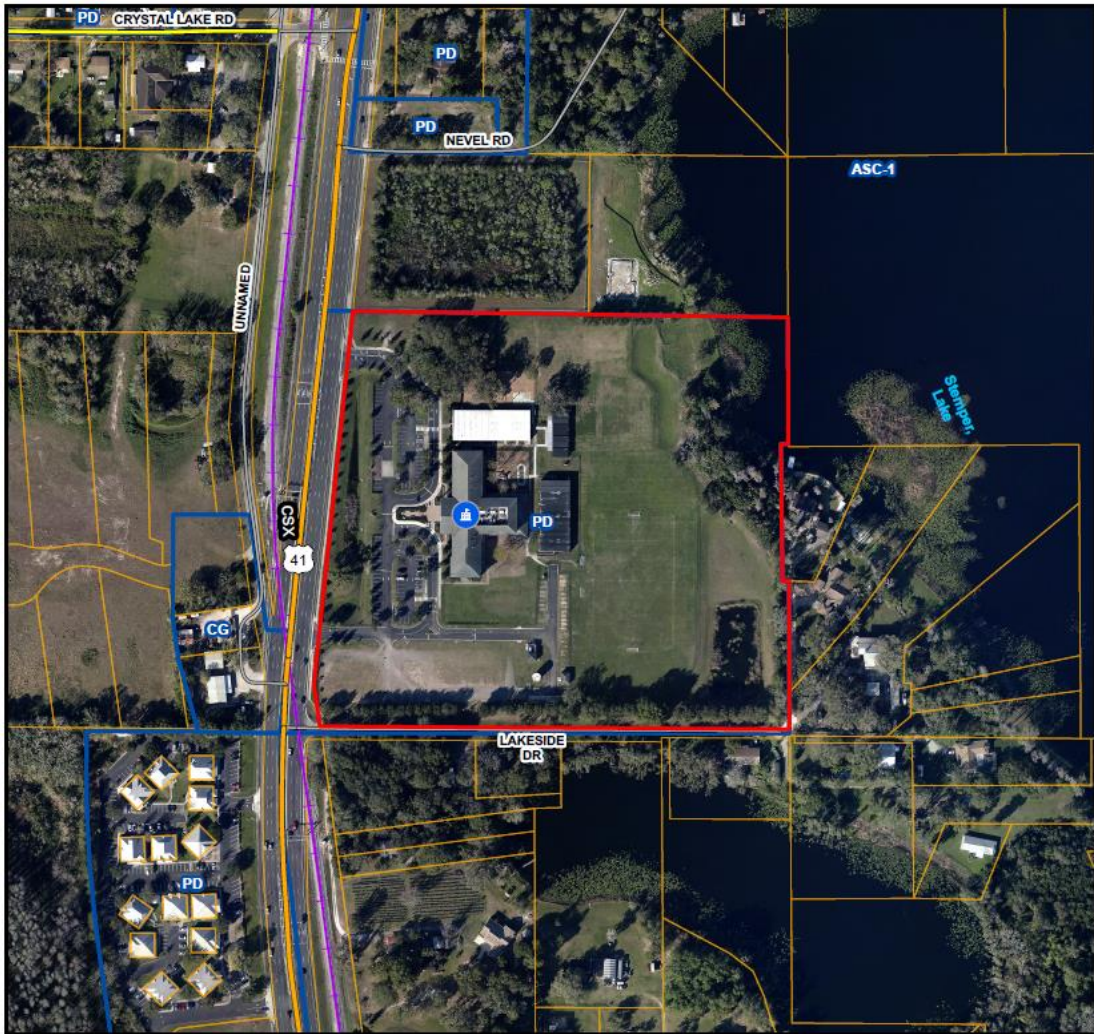
- The **proposal requests** to allow for the ability to accommodate any combination of pre-K thru 8 (minimum 782 students/max. 982 students) and childcare (minimum 120 childcare students/maximum 320 childcare students), up to the previously approved combined total of 1,102 students. **No change in the number of total students.**
- The applicant is also requesting to be permitted to extend utilities into Rural Area pursuant to Comprehensive Plan Policy 4.3.1.b which allows for extensions to address a public health hazard documented by the Health Department or other regulatory agency.

| Existing Approval(s): | Proposed Modification(s): |
|---|--|
| Current: 982 (K thru 8) + 120 (childcare) = 1,102 students | Proposed: 782 (K thru 8) + 320 (childcare) = 1,102 students [Minimum] [Maximum] [Max. Total] |
| | |

| Additional Information: | |
|---|--|
| PD Variation(s): | None Requested as part of this application |
| Waiver(s) to the Land Development Code: | None requested. |

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

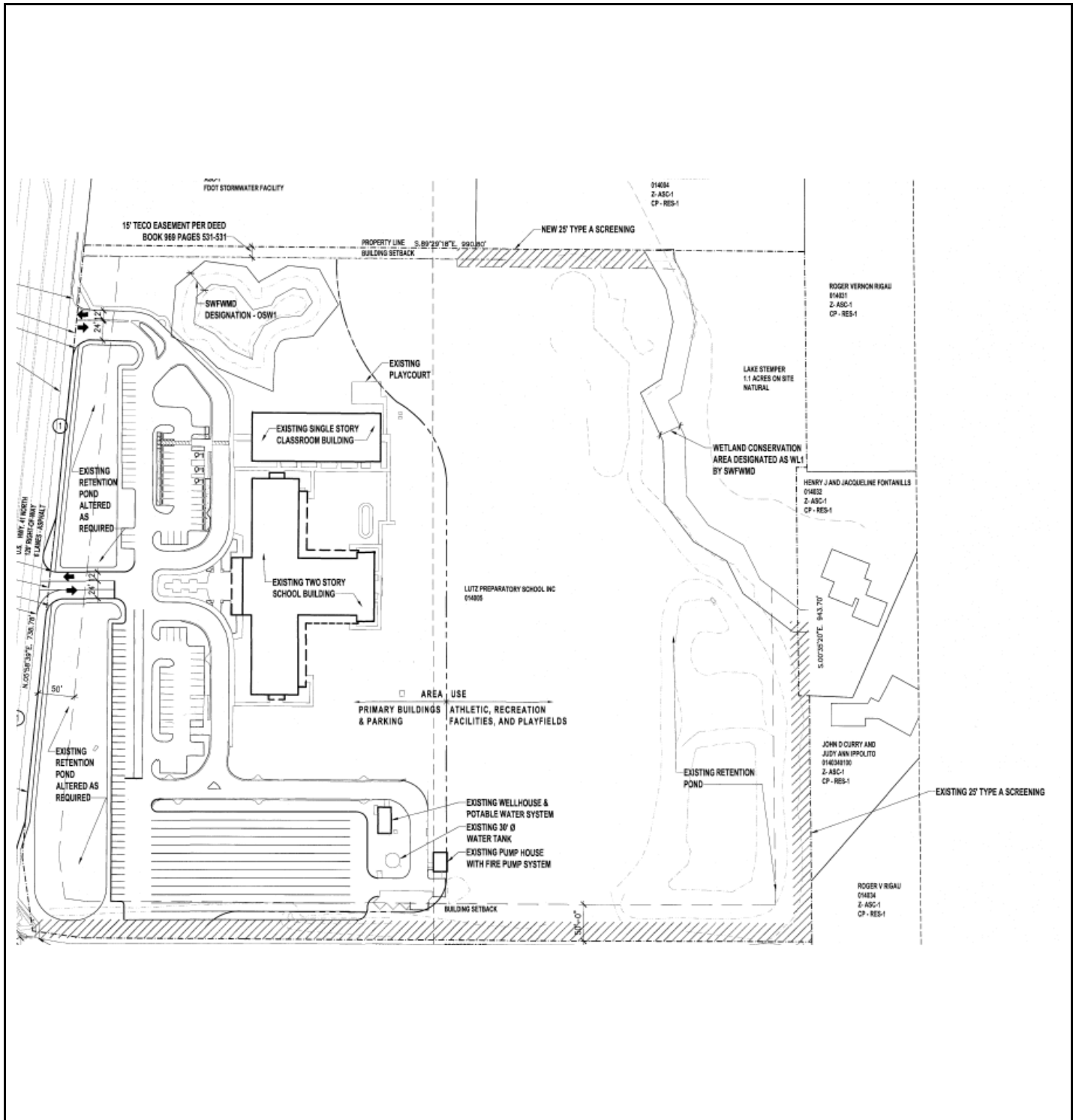


Adjacent Zonings and Uses

| Location: | Zoning: | Maximum Density/F.A.R. Permitted by Zoning District: | Allowable Use: | Existing Use: |
|-----------|------------------------------------|--|---|------------------------------------|
| North | ASC-1 | 1 du per acre | Agricultural and related uses & Single-family Residential | Single-family & vacant |
| South | ASC-1 | 1 du per acre | Agricultural and related uses & Single-family Residential | Single-family & vacant |
| East | ASC-1 | 1 du per acre | Agricultural and related uses & Single-family Residential | Single-family residential and lake |
| West | CG, ASC-1 & N. U.S. Highway 41 ROW | ASC-1: 1 du per acre CG: Max. 0.27 FAR | Agricultural and ag.-related uses, SF, and commercial | Commercial and Vacant |

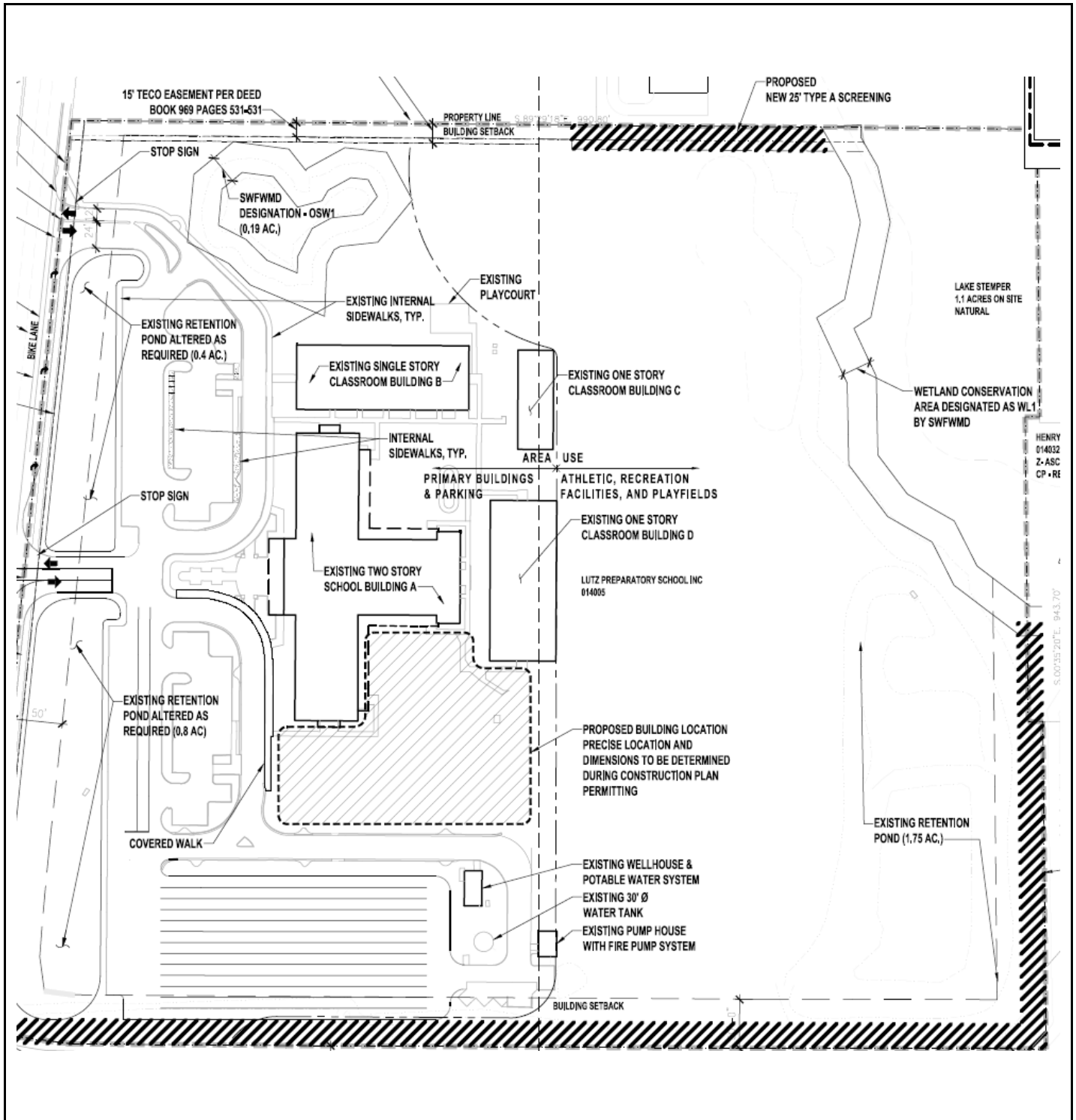
2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

| Adjoining Roadways (check if applicable) | | | |
|--|---------------------------------|---|---|
| Road Name | Classification | Current Conditions | Select Future Improvements |
| US 41 | FDOT Principal Arterial - Urban | 6 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| | Choose an item. | Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |

| Project Trip Generation <input type="checkbox"/> Not applicable for this request | | | |
|--|----------------------------|----------------------|----------------------|
| | Average Annual Daily Trips | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
| Existing | 4,444 | 1,116 | 336 |
| Proposed | 4,522 | 1,056 | 405 |
| Difference (+/-) | (+) 78 | No Change* | (+) 69 |

**In the event the developer utilizes the existing approved scenario, there will be no change in the maximum trip generation potential in the a.m. peak period. In the event the new option is utilized, a.m. peak hour traffic will decrease by 60 trips.*

| Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request | | | | |
|--|----------------|--------------------------------|--------------|-----------|
| Project Boundary | Primary Access | Additional Connectivity/Access | Cross Access | Finding |
| North | | None | None | Meets LDC |
| South | | None | None | Meets LDC |
| East | | None | None | Meets LDC |
| West | X | Vehicular & Pedestrian | None | Meets LDC |
| Notes: | | | | |

| Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request | | |
|--|-----------------|-----------------|
| Road Name/Nature of Request | Type | Finding |
| | Choose an item. | Choose an item. |
| | Choose an item. | Choose an item. |
| Notes: | | |

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

| INFORMATION/REVIEWING AGENCY | | | | |
|---|--|--|--|--|
| Environmental: | Comments Received | Objections | Conditions Requested | Additional Information/Comments |
| Environmental Protection Commission | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Natural Resources | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Conservation & Environ. Lands Mgmt. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input checked="" type="checkbox"/> Potable Water Wellfield Protection Area <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 Surface Water Resource Protection | | | | |
| Public Facilities: | Comments Received | Objections | Conditions Requested | Additional Information/Comments |
| Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | See "Transportation Summary Report" |
| Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | The Water Resources Department has no objections to Lutz Preparatory Academy connecting to the County's water and wastewater system. The location for a Point of Connection shall be determined upon evaluating the Academy's application for service. |
| Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Impact/Mobility Fees | | | | |

ZHM HEARING DATE: October 16, 2023
 BOCC LUM MEETING DATE: December 12, 2023

Case Reviewer: Tim Lampkin, AICP

| Comprehensive Plan: | Comments Received | Findings | Conditions Requested | Additional Information/Comments |
|--|---|--|---|--|
| <p>Planning Commission</p> <p><input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A</p> <p><input checked="" type="checkbox"/> Locational Criteria Waiver Requested</p> <p><input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Density Bonus Requested</p> <p><input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Inconsistent</p> | <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> | <p><input checked="" type="checkbox"/> Inconsistent</p> <p><input type="checkbox"/> Consistent</p> | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> | <p>See "Hillsborough County Planning Commission Review" dated October 4, 2023.</p> |

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject property is currently developed with a school and located on the west side of North U.S. Highway 41. Existing land uses within the area include ASC-1 located to the east and south of the subject site. The property is bounded by Lakeside Drive to the south and North U.S. Highway 41 to the west. West across U.S. Highway 41 is property zoned Commercial General and ASC-1. The ASC-1 property located directly west across the highway right-of-way is presently vacant but platted for 14 lots.

In June 2004, a Special Use (04-1343) for a kindergarten thru grade 8 private school was approved per Section 6.11.75 of the Land Development Code for three folios (140005.000, 14007.0000 and 14009.0000). Subsequently, an application for **PD 18-0638** was approved in 2018 to allow for an expansion of the existing charter school approval from 800 students to 1102 students, with the addition of a childcare to the operation of existing kindergarten thru grade 8.

The applicant is requesting a major modification to the previously approved Plan Development (18-0638), as follows: The current PD allows up to 119,336-square-feet of charter school uses with a maximum 982 students in grades pre-K thru 8, and up to 5,664-square-feet of childcare center uses with a maximum enrollment of 120 students. The proposal requests to allow for the ability to accommodate any combination of pre-K thru 8 (minimum 782 students) and childcare (maximum 320 students), up to the previously approved combined total of 1,102 students. **No change in the number of total students.**

The applicant does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering). The applicant also does not propose any changes to the previously approved site plan, other than related to the proposed new building area, and to change the breakdown of childcare and grades kindergarten thru grade 8 students.

The proposed project is **not** a restricted or prohibited activity for WRPA Zone 1 and the PWWPA. The proposed project is **not** located within a Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Land Development Code. Hillsborough County Environmental Services Division (EVSD) has no objection. Based on the most current data, the proposed project is located within a Wellhead Resource Protection Area (WRPA) Zone 1 and Potable Water Wellfield Protection Area (PWWPA), as defined in Part 3.05.00 of the Land Development Code.

The Planning Commission found the requested use modifications to be consistent with applicable goals, objectives and policies, however, has found, as summarized in Section 7 of this report, the overall request inconsistent based on the request to be allowed to connect to public utilities.

Transportation

A detailed review of the transportation may be found in the transportation "Agency Review Comment sheet dated October 9, 2023.

Based on the adjacent zonings and uses identified above in the report, staff finds the proposed PD zoning district compatible with the existing zoning districts and development pattern in the area. The subject site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code.

5.2 Recommendation

Based on the above and **issues outlined in Section 7 of this report**, staff finds the request approvable.

6.0 PROPOSED CONDITIONS

Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:

- Incorporate sheet PD-3 from the 5/11/23 submittal into the certified plan set; and,
- Modify the Site Plan (Sheet PD-1) to revise the "Proposed Use" portion of the site data table. As currently shown the table indicates a maximum of 1,102 students are possible within the school, which is inaccurate. Specifically, table must be revised to accurately describe the combined maximum enrollment, and individual minimum and maximum enrollments for each use, consistent with the proposed revisions to condition 2, hereinabove.
- Modify the Vehicular Circulation Plan (Sheet PD-2) to:
 - At the location where 13 queue lanes converge to dual lanes, change the label reading "Lot Attendant" to instead state "Lot Attendant(s)";
 - Modify the label reading "Sufficient Management of Queue Lanes to Be Provided by Lot Attendant" to instead state "Sufficient Management of Queue Lanes to Be Provided by Lot Attendant(s)";
 - Show the shading for new pavement on site, in accordance with the legend.

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted August 18, 2023.

1. The project shall be limited to a private school in accordance with Section 6.11.88 of the Land Development Code and childcare center in accordance with Section 6.11.24 of the Land Development Code.

2. ~~The project shall be permitted up to 119,336 s.f. of charter school uses with up to 982 students in grades K-8, and up to 5,664 s.f. of childcare center uses with a maximum enrollment of 120 students.~~ The project shall be permitted up to 125,000 s.f. of grade level K-8 charter school and childcare center uses, with up to a combined total of 1,102 students. Notwithstanding the above:

a. Enrollment within the charter school shall be limited to a minimum of 782 and a maximum of 982 students in grades K-8, subject to the above maximum combined limits ; and,

b. Enrollment within the childcare center uses shall be limited to a minimum enrollment of 120 students and a maximum enrollment of 320 students, subject to the above combined maximum limits.

3. Development standards for the project shall be as follows:

| | |
|---------------------------------------|---------|
| Gross floor area: | 125,000 |
| Maximum height: | 50 feet |
| Required front yard (south and west): | 50 Ft. |
| Required side yard (north and east): | 15 feet |
| Number of floors: | 2-story |

4. The maximum building size for each individual building shall be fifty thousand (50,000) square feet. Any increase in this individual building size will require a new Special Use Permit. Connections between buildings by an enclosed or open covered structure shall be permitted and shall not be

counted towards the fifty thousand (50,000) square foot maximum for individual buildings. However, unless the connection is fully open with only a roof, the connection shall count towards the maximum permitted square footage requirement of 125,000 square feet. Connections shall be permitted at each level or story of the building. Portable classroom structures shall be permitted anywhere on the project site except for within required yards, with total square footage of such classroom structures to be included in the maximum of 125,000 square feet.

5. The developer shall have the right to connect to public water and wastewater services.
6. A buffer of 25 feet in width shall be required along the entire southern, eastern, and northern property lines where the project abuts residential uses. Screening shall be provided to include a continuous hedge of Wax Myrtle (*Myrica cerifera*), 25 gallon, 6 feet high x 4 ft spr., planted 4'0" on center. Additionally the buffer on the southern property line will contain 64 Live Oak (*Quercus virginiana*), 30 gallon, 9'11" height x 4'-5' spr., planted approximately 25'0" on center, and a 3 foot berm with the required screening to be planted on top of said berm. The buffer along the northern property line shall not be required when abutting the FDOT Stormwater Facility.
7. Any fencing will need to be in accordance with Section 3.09.02.B.2 of the Lutz Rural Area Development Standards.
8. Use of exterior amplified sound shall be permitted in conjunction with school events. All sound levels from the property shall comply with EPC Chapter 1-10, sound and noise levels. To ensure compliance with this requirement, all exterior amplified music shall be integrated through a sound limiter. Exterior amplified sound shall be prohibited after 9:00 p.m, with exemptions allowed for emergency notifications and weather alerts.
9. Billboards and pole signs shall be prohibited.
10. Outdoor lighting related to the use of any outdoor athletic or recreational uses is permitted however, evening illumination associated with school functions shall be terminated by 9:00 p.m. All possible steps shall be taken to minimize light impact on surrounding properties. Outdoor lighting shall be directed to playing fields and away from surrounding properties.
11. All lighting on the subject site shall be in accordance with Section 3.09.10 of the Lutz Rural Area Development Standards, which includes compliance with LDC, Part 6.10.00, Exterior Lighting.
12. Water activities are limited to non-motorized watercrafts and only in conjunction with sailing, canoeing, sculling and associated school athletic and educational activities. Two motorized watercrafts are permitted for safety use. Public use of the school's boat ramp is prohibited.
13. The area shown as Athletic and Recreational Facilities shall be restricted to athletic fields, recreational areas, and accessory buildings for these uses. All accessory buildings shall be required to meet the primary building setbacks.
14. All athletic and recreational facilities and playfields are to be setback either fifty (50) feet from the Lake Stemper property line or the setback delineated by the EPC, whichever is greater. All athletic and recreational facilities and play fields are to be setback fifty (50) feet from the

- Lakeside Drive property line and fifteen (15) feet from the northern property line abutting non-residential uses and twenty-five (25) feet from the northern property line abutting residential uses.
15. The project shall be restricted to two (2) access driveways on US 41. Concurrent with the next increment of development following approval of MM 23-0520, ~~the~~ southernmost existing driveway shall be closed and a new driveway constructed as shown on the PD Site Plan. Construction access shall be limited to those locations shown on the PD site plan which are also proposed vehicular access connections. The developer shall include a note in each site/construction plan submittal which indicates same.
 16. Concurrent with the next increment of development following approval of MM 23-0520, ~~The~~ the developer shall:
 - ~~a.~~ Construct northbound to eastbound right turn lanes on US 41 at both project access driveways;
 - b. Relocate the existing directional median opening serving the northernmost project driveway, such that it serves the relocated (southernmost) project driveway; and,
 - c. Construct a southbound to eastbound left turn lane on US 41 into the relocated (southernmost) project driveway.

~~This~~ The above improvements may require the developer to dedicate or otherwise acquire additional right-of-way. Design of the turn lanes shall be subject to review and approval of the Florida Department of Transportation.
 17. Parking shall be provided in accordance with the General and Event Parking Plan (sheet 3 of 3). Modifications to event parking plans shall be permitted, subject to review and approval of Hillsborough County Public Works.
 18. Annually, at the beginning of each school year during the fourth week of class, the developer (at its sole expense) shall conduct traffic monitoring to assess the sufficiency of queuing both on-site and off-site at the project access points. Such report shall be submitted to the Hillsborough County Development Service and Public Works Departments, and to Access Management and Permitting, Florida Department of Transportation, District 7. This annual monitoring requirement shall remain in effect for one (1) year beyond the time the total enrollment reaches maximum school enrollment (i.e., up to 982 students, depending upon the final allocation of students between the child care center and charter school uses). In the event that significant off-site queuing of vehicles at arrival or dismissal times is found, the school shall be required to submit corrective measures, which could include implementing staggered arrival/departure times and/or a revised on-site circulation plan to alleviate off-site queuing. Such revised plan shall be subject to review and approval by Hillsborough County Public Works and the Florida Department of Transportation.
 19. Notwithstanding anything on the PD Site Plan or herein these conditions to the contrary;
bicycle/pedestrian access shall be permitted anywhere along the property boundary.
 20. Notwithstanding anything on the PD Site Plan or Vehicle Circulation Plan to the contrary:

- a. The southernmost driveway shall be restricted to the Drop-Off and Pick-Up (DO/PU) of K-8 Charter School students during Charter School DO/PU periods, ~~and shall also be utilized for any daycare students being dropped off or picked up "curbside" by a parent during the Charter School DO/PU periods;~~ and,
 - b. The northernmost driveway shall be restricted during Charter School DO/PU periods to traffic associated with the childcare center use, as well as parents of Charter School students who park and escort their child(ren) into or out of campus, and traffic associated with K-8 DO/PO exiting the site.
21. Access management, vehicle queuing, and staff placement shall occur consistent with the Vehicle Circulation Plan (sheet 2 of 3) during Charter School DO/PU periods, or as otherwise specified herein these conditions. Modifications to this plan may be submitted consistent with Condition ~~5~~18, above, or as otherwise approved by Hillsborough County Public Works and the Florida Department of Transportation. Notwithstanding anything herein these conditions or shown on the plans to the contrary, the area of the driveway within FDOT's minimum throat depth shall not count towards the minimum vehicular queue required by Sec. 6.03.13. of the Hillsborough County LDC.
 22. Notwithstanding anything shown on the PD Site Plan or General and Event Parking Plan to the contrary, parking for the Child Care Center uses shall comply with the design requirements within Sections 6.11.24.A. ~~and C.~~
 23. The developer shall construct all site access improvements/median modifications required by its FDOT Access Management Permit. This may include, but shall not be limited to, additional site access improvements at the intersection of US 41 and Crystal Lake Rd.
 24. The charter school and childcare center uses shall not permit students to be dropped off outside of the project, including along the property's US 41 frontage. In such instance, the school and/or childcare center shall take any and all actions necessary to ensure such violations of the conditions of approval, Site Plan, and/or Traffic Circulation and Queuing Exhibit are cured.
 25. Concurrent with the next increment of development following approval of MM 23-0520, the developer shall submit an updated trip generation and site access analysis which is based on the final allocation of students between the charter school and childcare center uses, as well as a worst-case scenario for highest trip impacts in the future. Additionally, the study shall examine the queue storage at the intersection of US 41 and Crystal Lake Rd. in order to support FDOT's decision making efforts with respect to turn lane design and any potential additional improvements required pursuant to condition 23, above.
 26. The building, parking areas, and stormwater pond shall be located where generally depicted on the site plan.
 27. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

28. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
29. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
30. Final design of buildings, storm water retention area, and ingresses/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
31. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
32. The planting of required trees shall be sensitive to overhead electric utility lines. Trees that exceed a mature, overall height of 20 feet shall not be planted within 30 feet of an existing or proposed overhead electric utility line.
33. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC), regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan approval.
34. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
35. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C

Zoning Administrator Sign Off:



J. Brian Grady
Tue Oct 10 2023 11:07:01

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

CONNECTION TO WATER / WASTEWATER IN THE RURAL AREA

The subject property is in the Rural Area and the applicant is requesting to be permitted to connect to public wastewater in accordance with Comprehensive Plan Policy 4.3.1.b which allows for extensions to address a public health hazard documented by the Health Department or other regulatory agency. In support of their request the applicant has submitted communications from the Health Department and the Environmental Protection Commission (EPC) confirming the amount of wastewater flow would require construction of package wastewater treatment facility and effluent disposal system (WWTP) under the regulation of the EPC. EPC has offered no objection to connection and is supportive of the school connecting to public wastewater (approximately ½ mile away) to eliminate any negative environmental impacts and odor issues association with the operation of an onsite WWTP. Since the subject policy speaks to documentation of a public health hazard, the Planning Commission has found the comments submitted by the Health Department and EPC insufficient for a finding of consistency with the subject policy.

Staff notes Land Development Regulations addressing allowance for connections in the Rural area (Section 4.02.02.C.) are broader than the subject policy in terms of the situations under which expansion can be permitted as it allows for considerations of documented health or environmental situations, but it also limits the consideration to existing development. Therefore, while EPC's comment addresses a qualifying environment situation, the LDC regulations are technically not applicable to the subject request since it is for new/additional development. Notwithstanding, given the conflicting scenarios under which extensions of utilities can be considered, staff is supportive of the request to allow extension of wastewater utilities given the support of EPC for the connection. Staff also notes the subject Comprehensive Plan policy is being proposed to be updated to better align the policy with the Land Development Code in terms of environmental protection scenarios under which extensions can be considered.

8.0 SITE PLANS (FULL)

8.1 Approved Site Plan (Full) Page 1 of 3

GENERAL NOTES

NEW TURN LANE LENGTH & CONDITIONS SUBJECT TO FOOT REVIEW BY THE COUNTY ENGINEER. TURN LANE & WAY IN ACCESS TO BE COORDINATED BY THE OWNER WITH THE COUNTY ENGINEER.

LOT FOR CONSTRUCTION

LUTZ PREPARATORY SCHOOL

FOR

17951 US-41, LOT 17, 33549

SITE PLAN

PAGE 1 OF 3

GENERAL NOTES

NEW TURN LANE LENGTH & CONDITIONS SUBJECT TO FOOT REVIEW BY THE COUNTY ENGINEER. TURN LANE & WAY IN ACCESS TO BE COORDINATED BY THE OWNER WITH THE COUNTY ENGINEER.

LOT FOR CONSTRUCTION

LUTZ PREPARATORY SCHOOL

FOR

17951 US-41, LOT 17, 33549

SITE PLAN

PAGE 1 OF 3

GENERAL NOTES

NEW TURN LANE LENGTH & CONDITIONS SUBJECT TO FOOT REVIEW BY THE COUNTY ENGINEER. TURN LANE & WAY IN ACCESS TO BE COORDINATED BY THE OWNER WITH THE COUNTY ENGINEER.

LOT FOR CONSTRUCTION

LUTZ PREPARATORY SCHOOL

FOR

17951 US-41, LOT 17, 33549

SITE PLAN

PAGE 1 OF 3

GENERAL NOTES

NEW TURN LANE LENGTH & CONDITIONS SUBJECT TO FOOT REVIEW BY THE COUNTY ENGINEER. TURN LANE & WAY IN ACCESS TO BE COORDINATED BY THE OWNER WITH THE COUNTY ENGINEER.

LOT FOR CONSTRUCTION

LUTZ PREPARATORY SCHOOL

FOR

17951 US-41, LOT 17, 33549

SITE PLAN

PAGE 1 OF 3

GENERAL NOTES

NEW TURN LANE LENGTH & CONDITIONS SUBJECT TO FOOT REVIEW BY THE COUNTY ENGINEER. TURN LANE & WAY IN ACCESS TO BE COORDINATED BY THE OWNER WITH THE COUNTY ENGINEER.

LOT FOR CONSTRUCTION

LUTZ PREPARATORY SCHOOL

FOR

17951 US-41, LOT 17, 33549

SITE PLAN

PAGE 1 OF 3

8.2 Proposed Site Plan (Full) Page 1 of 2



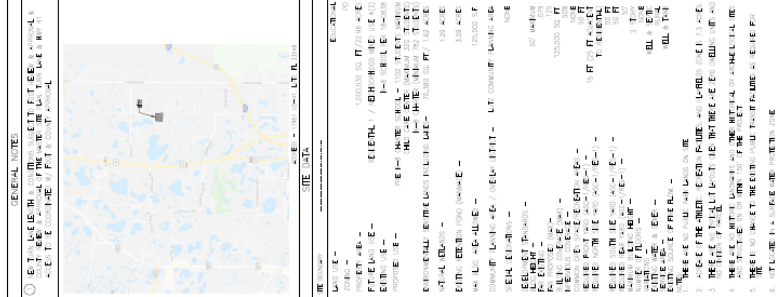
vhb
501 E Kennedy Boulevard
Suite 1000
Boca Raton, FL 33432
Certificate of Authorization
Number PA #9382

Owner
Lutz Preparatory School
17951 US-41
Lutz, FL 33549

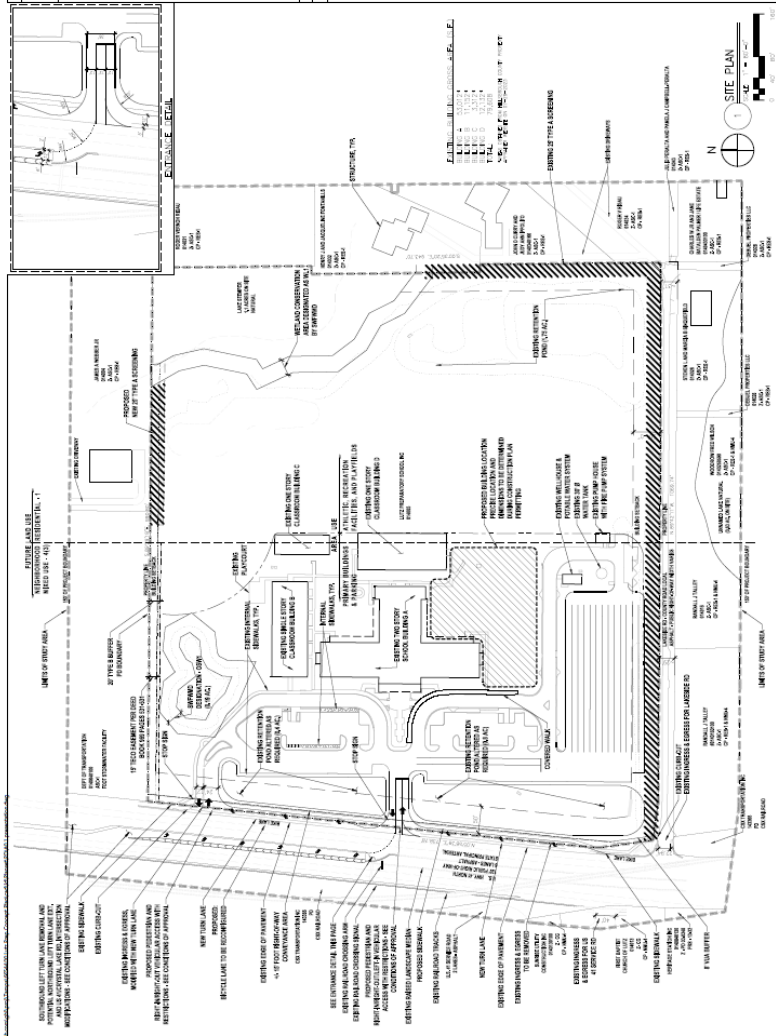
Lutz Preparatory School
17951 US-41
Lutz, FL 33549

Vertical Datum (MVD) 8664.00
23-0520

PD-1



GENERAL NOTES
1. SITE PLAN SHALL BE CONSIDERED AS THE MOST ACCURATE AND CONTROL DOCUMENT FOR THE PROJECT.
2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.



GENERAL NOTES
1. SITE PLAN SHALL BE CONSIDERED AS THE MOST ACCURATE AND CONTROL DOCUMENT FOR THE PROJECT.
2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

APPLICATION NUMBER: MM 23-0520

ZHM HEARING DATE: October 16, 2023

BOCC LUM MEETING DATE: December 12, 2023

Case Reviewer: Tim Lampkin, AICP

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 10/09/2023

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING SECTOR/AREA: Northwest/ LU

PETITION NO: MM 23-0520

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to listed or attached conditions.
- This agency objects, based on the listed or attached grounds.

NEW AND REVISED CONDITIONS OF APPROVAL

Revised Conditions

- 2. The project shall be permitted up to ~~119,336~~ 125,000 s.f. of grade level K-8 charter school and child care center uses, with up to a combined total of 1,102~~982~~ students. Notwithstanding the above:
 - a. Enrollment within the charter school shall be limited to a minimum of 782 and a maximum of 982 students in grades K-8, subject to the above maximum combined limits; and,
 - b. Enrollment within the ~~up to 5,664 s.f. of~~ childcare center uses ~~with a~~ shall be limited to a minimum enrollment of 120 students and a maximum enrollment of ~~120~~ 320 students, subject to the above combined maximum limits.

[Transportation Review Section staff is proposing to modify this condition to reflect the applicant's request.]

- 14. The project shall be restricted to two (2) access driveways on US 41. Concurrent with the next increment of development following approval of MM 23-0520, ~~The~~ the southernmost existing driveway shall be closed and a new driveway constructed as shown on the PD Site Plan. Construction access shall be limited to those locations shown on the PD site plan which are also proposed vehicular access connections. The developer shall include a note in each site/construction plan submittal which indicates same.

[Transportation Review Section staff is proposing to modify this condition to reflect the applicant's request, for clarity, and to comport with current practice.]

- 15. Concurrent with the next increment of development following approval of MM 23-0520, ~~T~~the developer shall:
 - a. ~~construct~~ Construct northbound to eastbound right turn lanes on US 41 at both project access driveways;

- b. Relocate the existing directional median opening serving the northernmost project driveway, such that it serves the relocated (southernmost) project driveway; and,
- c. Construct a southbound to eastbound left turn lane on US 41 into the relocated (southernmost) project driveway.

~~This~~ The above improvements may require the developer to dedicate or otherwise acquire additional right-of-way. Design of the turn lanes shall be subject to review and approval of the Florida Department of Transportation.

[Transportation Review Section staff is proposing to modify this condition to reflect the applicant's request and FDOT comments received regarding the proposal.]

17. Annually, at the beginning of each school year during the fourth week of class, the developer (at its sole expense) shall conduct traffic monitoring to assess the sufficiency of queuing both on-site and off-site at the project access points. Such report shall be submitted to the Hillsborough County Development Service and Public Works Departments, and to Access Management and Permitting, Florida Department of Transportation, District 7. This annual monitoring requirement shall remain in effect for one (1) year beyond the time the total enrollment reaches maximum school enrollment (i.e. up to 982 students, depending upon the final allocation of students between the child care center and charter school uses). In the event that significant off-site queuing of vehicles at arrival or dismissal times is found, the school shall be required to submit corrective measures, which could include implementing staggered arrival/departure times and/or a revised on-site circulation plan to alleviate off-site queuing. Such revised plan shall be subject to review and approval by Hillsborough County Public Works and the Florida Department of Transportation.

[Transportation Review Section staff is proposing to modify this condition to reflect the applicant's request.]

19. Notwithstanding anything on the PD Site Plan or Vehicle Circulation Plan to the contrary:

- a. The southernmost driveway shall be restricted to the Drop-Off and Pick-Up (DO/PU) of K-8 Charter School students during Charter School DO/PU periods, ~~and shall also be utilized for any daycare students being dropped off or picked up "curbside" by a parent during the Charter School DO/PU periods;~~ and,
- b. The northernmost driveway shall be restricted during Charter School DO/PU periods to traffic associated with the childcare center use, as well as parents of Charter School students who park and escort their child(ren) into or out of campus, and traffic associated with K-8 DO/PO exiting the site.

[Transportation Review Section staff is proposing to modify this condition to reflect the applicant's request.]

20. Access management, vehicle queuing, and staff placement shall occur consistent with the Vehicle Circulation Plan (sheet 2 of 3) during Charter School DO/PU periods, or as otherwise specified herein these conditions. Modifications to this plan may be submitted consistent with Condition §17,

above, or as otherwise approved by Hillsborough County Public Works [and the Florida Department of Transportation](#). [Notwithstanding anything herein these conditions or shown on the plans to the contrary, the area of the driveway within FDOT's minimum throat depth shall not count towards the minimum vehicular queue required by Sec. 6.03.13. of the Hillsborough County LDC.](#)

[Transportation Review Section staff is proposing to modify this condition to correct a previous error in condition numbering, for clarity, and to reflect current practice.]

21. Notwithstanding anything shown on the PD Site Plan or General and Event Parking Plan to the contrary, parking for the Child Care Center uses shall comply with the design requirements within Sections 6.11.24.A. ~~and C.~~

[Transportation Review Section staff is proposing to modify this condition to reflect BOCC approved changes to the LDC, which eliminated certain special requirements for childcare center uses.]

22. The developer shall construct all site access improvements/median modifications required by its FDOT Access Management Permit. [This may include, but shall not be limited to, additional site access improvements at the intersection of US 41 and Crystal Lake Rd.](#)

New Conditions

- The charter school and childcare center uses shall not permit students to be dropped off outside of the project, including along the property's US 41 frontage. In such instance, the school and/or childcare center shall take any and all actions necessary to ensure such violations of the conditions of approval, Site Plan, and/or Traffic Circulation and Queuing Exhibit are cured.
- Concurrent with the next increment of development following approval of MM 23-0520, the developer shall submit an updated trip generation and site access analysis which is based on the final allocation of students between the charter school and childcare center uses, as well as a worst-case scenario for highest trip impacts in the future. Additionally, the study shall examine the queue storage at the intersection of US 41 and Crystal Lake Rd. in order to support FDOT's decision making efforts with respect to turn lane design and any potential additional improvements required pursuant to **condition 22**, above.

Other Conditions

- The charter school and childcare center uses shall not permit students to be dropped off outside of the project, including along the property's US 41 frontage. In such instance, the school and/or childcare center shall take any and all actions necessary to ensure such violations of the conditions of approval, Site Plan, and/or Traffic Circulation and Queuing Exhibit are cured.
- Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:
 - Incorporate sheet PD-3 from the 5/11/23 submittal into the certified plan set; and,
 - Modify the Site Plan (Sheet PD-1) to revise the "Proposed Use" portion of the site data table. As currently shown the table indicates a maximum of 1,102 students are possible within the school,

which is inaccurate. Specifically, table must be revised to accurately describe the combined maximum enrollment, and individual minimum and maximum enrollments for each use, consistent with the proposed revisions to condition 2, hereinabove.

- Modify the Vehicular Circulation Plan (Sheet PD-2) to:
 - At the location where 13 queue lanes converge to dual lanes, change the label reading “Lot Attendant” to instead state “Lot Attendant(s)”;
 - Modify the label reading “Sufficient Management of Queue Lanes to Be Provided by Lot Attendant” to instead state “Sufficient Management of Queue Lanes to Be Provided by Lot Attendant(s)”;
 - Show the shading for new pavement on site, in accordance with the legend.

PROJECT OVERVIEW AND TRIP GENERATION

The applicant is requesting a Major Modification (MM) to a +/- 22.96 ac. parcel, currently zoned Planned Development (PD) 18-0638. The current PD is approved for up to 119,336 s.f. of charter school uses with up to 982 students in grades K-8, and up to 5,664 s.f. of childcare center uses with a maximum enrollment of 120 students. The applicant is proposing to cap the total enrollment at 1,102 students, impose an individual maximum of 982 students for the school use, and impose an individual maximum of 320 for the childcare center uses. This would have the effect of leaving total student on site unchanged; however, the developer would be able to “reallocate” some of the existing charter school student enrollment to the childcare use enrollment. The developer has also proposed minimums for each use.

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the subject site. The transportation analysis does not represent a worst-case site access analysis for purposes assigning trips between the two project access connections. There were also differences between the applicant’s traffic study and staff’s assumptions below (i.e. staff utilized data from a 2017 study in lieu of ITE data, which does not include rates for a K-8 charter school, thereby requiring data from LUC 530 for private K-8 schools to be used instead). As demonstrated by the study, the existing approved zoning represents the worst-case development scenario in the a.m. peak hour. Should the applicant reallocate students from the charter school to the childcare center uses, the overall trip generation potential of the subject site would decrease in the a.m. peak hour, but increase overall and in the p.m. peak period. Staff notes that FDOT has required the applicant prepare a revised analysis when it submits its request for site/construction plan approval, and staff has included such condition in the proposed conditions included hereinabove.

Transportation Review Section staff prepared the below comparison of the maximum trip generation potential of the project under the existing and proposed zoning designations. Data presented below is based on data from the Institute of Transportation Engineer’s Trip Generation Handbook, 11th Edition, as well as a 2017 study of K-8 charter schools which was prepared by the Florida Department of Transportation.

Existing Zoning:

| Land Use/Size | 24 Hour Two-Way Volume | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
|--|------------------------|----------------------|----------------------|
| PD, Charter School K-8 (2017 FDOT Study AM, LUC 530 AADT and PM)– 962 students | 3,954 | 1,029 | 250 |
| PD, 120 childcare center students (ITE LUC 565) | 490 | 87 | 86 |
| Subtotal: | 4,444 | 1,116 | 336 |

Proposed Zoning (New “Option”):

| Land Use/Size | 24 Hour Two-Way Volume | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
|--|------------------------|----------------------|----------------------|
| PD, Charter School K-8 (2017 FDOT Study AM, LUC 530 AADT and PM)– 782 students | 3,214 | 837 | 203 |
| PD, 320 childcare center students (ITE LUC 565) | 1,308 | 219 | 202 |
| Subtotal: | 4,522 | 1,056 | 405 |

Trip Generation Difference (Currently Approved to Worst-Case):

| Land Use/Size | 24 Hour Two-Way Volume | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
|--------------------|------------------------|----------------------|----------------------|
| Difference: | (+ 78 | No Change* | (+ 69 |

**In the event the developer utilizes the existing approved scenario, there will be no change in the maximum trip generation potential in the a.m. peak period. In the event the new option is utilized, a.m. peak hour traffic will decrease by 60 trips.*

EXISTING TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

US 41 is a 6-lane, divided, principal arterial roadway in above average condition. The roadway is characterized by 11-foot wide lanes. There are +/- 5-foot wide sidewalks and +/- 4-foot wide bicycle lanes along both sides of US 41 in the vicinity of the proposed project.

COMPATIBILITY OF ACCESS/ SITE CIRCULATION/ OTHER CONSIDERATIONS

The applicant has coordinated with the Florida Department of Transportation (FDOT) regarding access improvements that will be required to serve the project. FDOT is requiring construction of a right turn lane into the project at each driveway, closure of the existing median opening serving the northern project driveway, as well as relocation of the existing southern driveway further north in order to create a new directional median opening in a location which does not interfere with the CSX rail line cross arms and signal equipment. The developer will also be required to construct a southbound left turn lane into this new median opening, and potentially reconfigure the intersection of US 41 and Crystal Lake Rd. (to be determined at site depending upon the outcome of the FDOT required traffic analysis).

The applicant has not indicated any fixed Drop-Off and Pick-Up times (DO/PU) for the school, and none were required or included in the approved 2005 Special Use. Staff has included the standard condition for new/expanded private and charter schools that requires modification of the proposed vehicle circulation plans or other mitigation measures in the event the proposed access and circulation plans are insufficient to prevent impacts to US 41 from queueing vehicles. In this instance, one such mitigation measure could be institution of staggered arrival/dismissal times

Regardless of the above, staff has proposed a condition that requires traffic associated with the dropping-off or picking-up of a charter school student to utilize the southernmost driveway during DO/PU times. The condition also requires all traffic associated with the daycare center use and certain charter school traffic (i.e. parents parking and walking their children into the facility) to utilize the northernmost access driveway during charter school DO/PU times. This condition ensures that both uses can operate simultaneously on the site without interfering with traffic operations of the other use.

Sheet 2 of the applicant’s site plan shows proposed traffic circulation patterns and the required vehicle queue area, and Sheet 3 shows the event parking plan, as required by Section 6.03.13 of the Hillsborough County Land Development Code (LDC). This plan generally meets the LDC’s requirement for demonstrating that stacking during the DO/PU of students can be accommodated on site.

Pick-Up/Drop-Off Impacts

Consistent with recent practice for sites with schools, staff has included a condition to address the potential of students being dropped off outside of the charter school/ childcare center site, which would require the school and childcare center to take any and all action necessary to cure the issues.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for the adjacent roadway facility has been included below for reference.

| Roadway | From | To | LOS Standard | Peak Hour Directional LOS |
|---------|------------|------------|--------------|---------------------------|
| US 41 | Debuel Rd. | Sunset Ln. | D | C |

Source: Hillsborough County 2020 Level of Service Report

Transportation Comment Sheet

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

| Adjoining Roadways (check if applicable) | | | |
|--|---------------------------------|---|---|
| Road Name | Classification | Current Conditions | Select Future Improvements |
| US 41 | FDOT Principal Arterial - Urban | 6 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| | Choose an item. | Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| | Choose an item. | Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |
| | Choose an item. | Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width | <input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other |

| Project Trip Generation <input type="checkbox"/> Not applicable for this request | | | |
|--|----------------------------|----------------------|----------------------|
| | Average Annual Daily Trips | A.M. Peak Hour Trips | P.M. Peak Hour Trips |
| Existing | 4,444 | 1,116 | 336 |
| Proposed | 4,522 | 1,056 | 405 |
| Difference (+/-) | (+) 78 | No Change* | (+) 69 |

**In the event the developer utilizes the existing approved scenario, there will be no change in the maximum trip generation potential in the a.m. peak period. In the event the new option is utilized, a.m. peak hour traffic will decrease by 60 trips.*

| Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request | | | | |
|--|----------------|--------------------------------|--------------|-----------|
| Project Boundary | Primary Access | Additional Connectivity/Access | Cross Access | Finding |
| North | | None | None | Meets LDC |
| South | | None | None | Meets LDC |
| East | | None | None | Meets LDC |
| West | X | Vehicular & Pedestrian | None | Meets LDC |
| Notes: | | | | |

| Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request | | |
|--|-----------------|-----------------|
| Road Name/Nature of Request | Type | Finding |
| | Choose an item. | Choose an item. |
| | Choose an item. | Choose an item. |
| Notes: | | |

Transportation Comment Sheet

| 4.0 Additional Site Information & Agency Comments Summary | | | |
|---|---|--|--|
| Transportation | Objections | Conditions Requested | Additional Information/Comments |
| <input type="checkbox"/> Design Exception/Adm. Variance Requested <input checked="" type="checkbox"/> Off-Site Improvements Provided | <input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



**Hillsborough County
City-County
Planning Commission**

| Unincorporated Hillsborough County Rezoning | |
|--|--|
| Hearing Date: October 16, 2023 Report Prepared: October 4, 2023 | Petition: RZ 23-0520 17951 North 41 Highway <i>Directly east of North US Highway 41 and north of Lakeside Road</i> |
| Summary Data: | |
| Comprehensive Plan Finding | INCONSISTENT |
| Adopted Future Land Use | Neighborhood Mixed Use- 4 (4 du/ga; 0.35 FAR) Residential-1 (1 du/ga; 0.25 FAR) |
| Service Area | Rural Area |
| Community Plan | Lutz |
| Request | Major Modification (MM) to a Planned Development (PD 18-0638) to accommodate an increase in enrollment to the previously approved total of 1,102 students and to increase the existing school from 79, 608 square feet to 125,000 square feet. |
| Parcel Size | ± 22.46 acres (± 978,357 square feet) |
| Street Functional Classification | North US Highway 41 – State Principal Arterial Lakeside Drive- Local |
| Locational Criteria | N/A |
| Evacuation Zone | None |



Context

- The approximately 22.46-acre subject site is located directly east of North US Highway 41 and north of Lakeside Road.
- The site is located within the Rural Area and is within the limits of the Lutz Community Plan.
- The subject property is located within both the Neighborhood Mixed-Use 4 (NMU-4) and Residential-1 (RES-1) Future Land Use categories. The NMU-4 Future Land Use category can be considered for a maximum density of 4 dwelling units per gross acre. Suburban scale neighborhood commercial is limited to 110, 000 sq. ft. or 0.25 Floor Area Ratio (FAR), whichever is less intense. Actual square footage is dependent on the classification of the roadway intersection where a project is located. Office uses, research corporate park uses, multi-purpose and mixed use projects at an FAR up to 0.35 can be considered. The intent of the NMU-4 Future Land Use is to provide for areas of urban/suburban intensity and density. Typical uses include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. The RES-1 Future Land Use category can be considered for a maximum of 1 dwelling unit per gross acre or a maximum of 0.25 FAR. The RES-1 Future Land Use is intended to designate areas for rural residential uses that are compatible with short-term agricultural uses. Typical uses in the RES-1 category include farms, ranches, residential uses, rural scale neighborhood commercial uses, offices and multi-purpose projects.
- The immediate area surrounding the subject site consists of NMU-4 on each side of US Highway 41, with RES-1 abutting the NMU-4. The subject site is split with two Future Land Use categories - the western portion designated as NMU-4 and the eastern portion designated as RES-1.
- The subject site currently serves as the location of Lutz Preparatory School. Single family residential uses surround the site to the northeast, east, southeast, and south. Also, to the east there are vacant uses. To the north there are also public/quasi-public/institution uses. To the west of US Highway 41 there are a variety of uses such as homeowner association, heavy industrial, light commercial and vacant uses. There are additional homeowner association lands to the south.
- The subject site is currently zoned as Planned Development (18-0638). The subject is surrounded by Agricultural Single-Family Conventional-1 (ASC-1) zoning to the north, east, south and west. There is Commercial General (CG) and additional PD zoning districts west past North US Highway 41.
- The applicant is requesting a Major Modification (MM) to a Planned Development (PD 18-0638) to accommodate an increase in enrollment to the previously approved total of 1,102 students and to increase the existing school from 79,608 square feet to 125,000 square feet. As part of this application, it is also requested that the school connect to Hillsborough County water and wastewater.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Rural Area

Objective 4: *The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.*

Policy 4.1: *Rural Area Densities Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned Development pursuant to the PEC ½ category, or rural community which will carry higher densities.*

Land Use Categories

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

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

Relationship To Land Development Regulations

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

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

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

Neighborhood/Community Development

Objective 16: Neighborhood Protection *The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that*

will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

Policy 16.2: 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

Objective 17: Neighborhood and Community Serving Uses

Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

Policy 17.1: Residential support uses (child care centers, adult care centers, churches, etc.) is an allowable land use in any of the residential, commercial and industrial land use plan categories consistent with the following criteria: The facility shall be of a design, intensity and scale to serve the surrounding neighborhood or the non-residential development in which it occurs, and to be compatible with the surrounding land uses and zoning.

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.

ONE WATER CHAPTER

Objective 4.3: Limit public potable water and wastewater lines from being extended into the Rural Area, except under specified conditions.

Policy 4.3.1.d: Public potable water and wastewater lines shall not be permitted to be extended into the Rural Area unless this extension occurs to:

- C. Address a public health hazard documented by the Health Department or other regulatory agency;

D. Provide for the extension of centralized potable water or wastewater infrastructure to serve Hillsborough County Public Schools operated by the Hillsborough County School Board, so long as the service lines are designed to accommodate solely the service demands of the school, consistent with the Interlocal Agreement for School Facilities Planning and Siting and School Concurrency;

LIVABLE COMMUNITIES ELEMENT: Lutz Community Plan

Schools

The educational needs of the children in the Lutz community are a high priority for the residents of the community. As the School District of Hillsborough County determines that additional school facilities are needed to serve these children, the citizens of Lutz respectively request that:

- the planning and development of schools reflects the character of the community and the historic character of the old Lutz schoolhouse and its Georgian Revival architecture (incorporating this into new schools);*
- sensitive siting to the environment, avoiding major environmental areas, with no schools built on or within environmentally areas;*
- high schools be located on major (4 lane or greater) roads and be designed to serve the student population generated by the Lutz community;*
- middle and elementary schools be designed to accommodate drop-offs and pick-ups on site, without interrupting traffic flow on local streets;*
- a public involvement program, is utilized which includes meaningful input from the community in the development of a long-range plan, for school locations within the community; and*
- schools and other publicly-owned community facilities such as libraries, parks and community centers can be collocated to allow for shared resources and savings in cost.*

Staff Analysis of Goals, Objectives and Policies:

The approximately 22.46 acre subject site is located directly east of North US Highway 41 and north of Lakeside Road. The subject site is in the Rural Area and is within the limits of the Lutz Community Plan. The subject site's Future Land Use classification is Neighborhood Mixed Use-4 (NMU-4) and Residential-1 (RES-1). The applicant is requesting a Major Modification (MM) to a Planned Development (PD-18-0638) to accommodate an increase in enrollment to the previously approved total of 1,102 students and to increase the existing school from 79,608 square feet to the previous PD conditions of approval for 125,000 square feet. As part of this application, it is also requested that the school connect to Hillsborough County water and wastewater.

The applicant is seeking to accommodate for the previously approved total of 1,102 students and to utilize the remaining square footage permitted under the original 125,000 square feet PD conditions to construct an expanded structure on the site. The existing square footage is 79,608 and the applicant is seeking an additional 45,392 square feet in the general area of the proposed new building envelope. The subject site sits within the Rural Area where according to Objective 4 of the Future Land Use Element (FLUE) notes that 20% of the growth in the region will occur. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential uses and long-term agricultural uses that can exist without the threat of urban or suburban encroachment. A Major Modification to PD 18-0638 would allow for development that is aligned with this policy direction as it will be a low intensity residential support use. A school is considered a residential support use

thus helps serve as a transition of use, as the surrounding area consists of primarily single-family, homeowner association, agricultural, light commercial, heavy industrial, and vacant uses. Furthermore, the site is situated within both the NMU-4 and RES-1 Future Land Use categories. Both Future Land Use categories allow for consideration of residential support uses. PD 18-0638 was approved for a maximum student enrollment of 1,102 students and 125,000 square feet. The applicant is seeking per their revised narrative submitted on August 18, 2023, a Major Modification to allow for a combination of K-8 students and childcare students in accordance with the maximum numbers of each type of student included within the traffic analysis. The applicant seeks the ability to have any combination of childcare and K-8 students subject to a minimum of 782 and a maximum of 982 K-8 students, and a maximum of 320 and a minimum of 120 childcare students, the enrollment in no case would exceed 1,102 students per the applicant's narrative uploaded into Optix on August 18, 2023.

Additionally, the existing approved PD 18-0638 provides for a maximum of 125,000 square feet of charter school and daycare uses. The majority of the structures on the revised site plan submitted to Optix on August 18, 2023, have already been constructed. The applicant with this application seeks to utilize the remaining square footage permitted under the original PD conditions of approval. The new structure will be used in connection with the approved uses of the existing PD 18-0638. The new structure will be located on the southern portion of the site.

Currently, the school's existing square footage total is 79,608 square feet. The applicant is seeking approximately 45,392 in additional square footage for the proposed new building envelope from the previously approved PD conditions of 125,000 square feet. The subject site sits in both the NMU-4 and RES-1 Future Land Use categories. RES-1 covers 12.75 acres of the total 22.46 acres, while NMU-4 covers the remaining 9.71 acres. The proposed square footage total falls below the 0.25 Floor Area Ratio (FAR) maximum of RES-1. The site is allowed consideration for up to 138,847.5 square feet and the proposed Major Modification will fall below the 0.25 max FAR. A maximum consideration of up to 0.35 FAR is permitted within the NMU-4 Future Land Use category. Within the NMU-4 Future Land Use category the site is permitted consideration of up to 148,038.66 square feet. The proposed Major Modification of 125,000 square feet will be below the 0.35 FAR for NMU-4. Therefore, the proposal is consistent with the allowable FAR and uses under both Future Land Use categories and is also consistent with Objective 8 and Policy 8.1 of the FLUE.

The proposed rezoning meets the intent of FLUE Objective 16 and associated policies relating to neighborhood protection. The subject site currently serves as the location for Lutz Preparatory School, which serves as both a childcare center and a charter school for kindergarten through eighth (K-8) grade students. Single family residential uses surround the site to the northeast, east, south, and southeast. The proposed expansion of the charter school will not only provide a residential support use to the nearby established single family residential, but it will also provide for an adequate transition in intensity between the heavy industrial and light commercial uses to the west of North US Highway 41. The proposal is compatible with the existing surrounding development pattern that includes residential, commercial, and industrial uses. The application is consistent with Objective 12 and Policy 12-4.1 of the Community Design Component (CDC) of the FLUE, as well as Policies 16.1, 16.2 and 16.3 of the FLUE. The proposal also meets the intent of FLUE Objective 17 and Policy 17.1 as the school is a residential support use and the improvements are designed to fit the character of a neighborhood.

The subject site meets the intent of the school component of the Lutz Community Plan. The Plan seeks to prioritize the educational needs of the children in the Lutz community. Residents seek the planning and development of schools that reflect the character of the community. The proposed Major Modification to PD 18-0638 complies with the policy direction outlined in the community plan.

However, Objective 4.3 of the One Water Chapter (OW) of the Unincorporated Hillsborough County Comprehensive Plan limits public potable water and wastewater lines from being extended into the Rural Area, except under specified conditions. OW Policy 4.3.1 states that public potable water and wastewater lines shall not be permitted to be extended into the Rural Area unless such extensions occur under specific circumstances. The applicable criterion in this case is OW Policy 4.3.1.c, which allows an extension of public potable water and wastewater lines to address a public health hazard that is documented by the Health Department or another regulatory agency. There are letters from both the Department of Health (DOH) and the Environmental Protection Commission (EPC) on file as part of the record. The letter from EPC indicates that EPC has no objection to connection to public wastewater and that such a connection would address potential negative environmental impacts; however, it does not specify a public health hazard that would be addressed. Similarly, the letter from DOH outlines permitting requirements, and that the expansion would not be able to be permitted through an onsite sewage treatment and disposal system. The letter from DOH does not indicate a public health hazard to be addressed. Though the application is compatible with the uses in the surrounding area and serves as a residential support use, at the time of the filing of this report, the documentation provided does not demonstrate a public health hazard to qualify for an exception from the policies outlined within the One Water Element. Therefore, Planning Commission staff cannot support this application on that basis, and has found the request inconsistent with the Goals, Objectives, and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

Recommendation

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

HILLSBOROUGH COUNTY

2021 AERIAL RZ MM 23-0520

<all other values>

Rezoning

- STATUS**
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING

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

- WATER NATURAL LULC_Web_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/QUASH-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. The rezoning status is for informational purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 5/19/2023
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Rez_23-0520_23-0520 - Copy.mxd

