

Rezoning Application: 23-0082

Zoning Hearing Master Date: April 17, 2023

BOCC Land Use Meeting Date: June 13, 2023

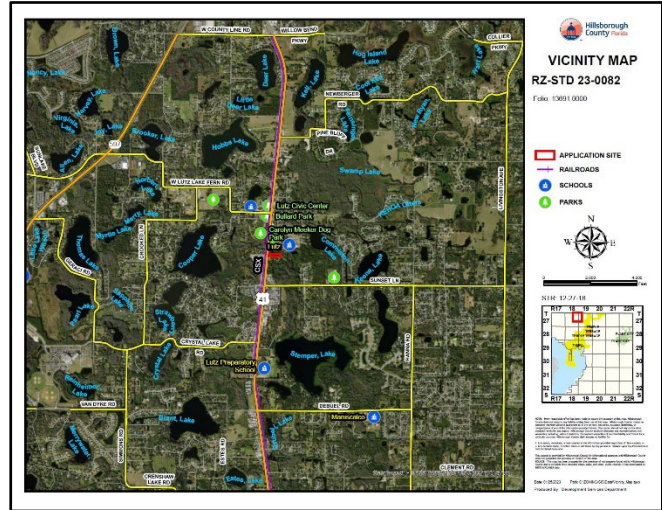


Hillsborough County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: C & C Investment Properties of Tampa LLC
 FLU Category: Residential -6 (R-6)
 Service Area: Rural
 Site Acreage: 1.24+/-
 Community Plan Area: Lutz
 Overlay: None
 Request: Rezone from **Residential-Single-Family Conventional – 6 (RSC-6)** to **Commercial General with Restrictions (CG)**.



Request Summary:

The request is to rezone from the existing **Residential- Single-Family Conventional – 6 (RSC-6)** zoning district to the proposed to **Commercial General (CG)** zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet.

Zoning:

Uses	Current RSC-6 Zoning	Proposed CG - Zoning
	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services
Acreage	1.24+/- Acres; 54,014 sq. ft	1.24+/- ac
Density / Intensity	1 dwelling Unit (du)/ 7, 000 sq. ft	0.27 F.A.R.
Mathematical Maximum*	7 dwelling units	14,583 sq. ft

* *Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.*

Development Standards:

	Current RSC-6 Zoning	Proposed CG- Zoning
Density/ Intensity	1 du/ 7, 000 sq. ft	0.27 F.A. R / 9,056 sq. ft
Lot Size / Lot Width	7, 000 sq. ft/ 70'	10, 000 sq. ft/ 75'
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	30' – Front (West) 0' – Side (North) 20' – Side (South) 20' Type B Buffering 20' – Rear (East) 20' Type B Buffering
Height	35'	50'

Additional Information:

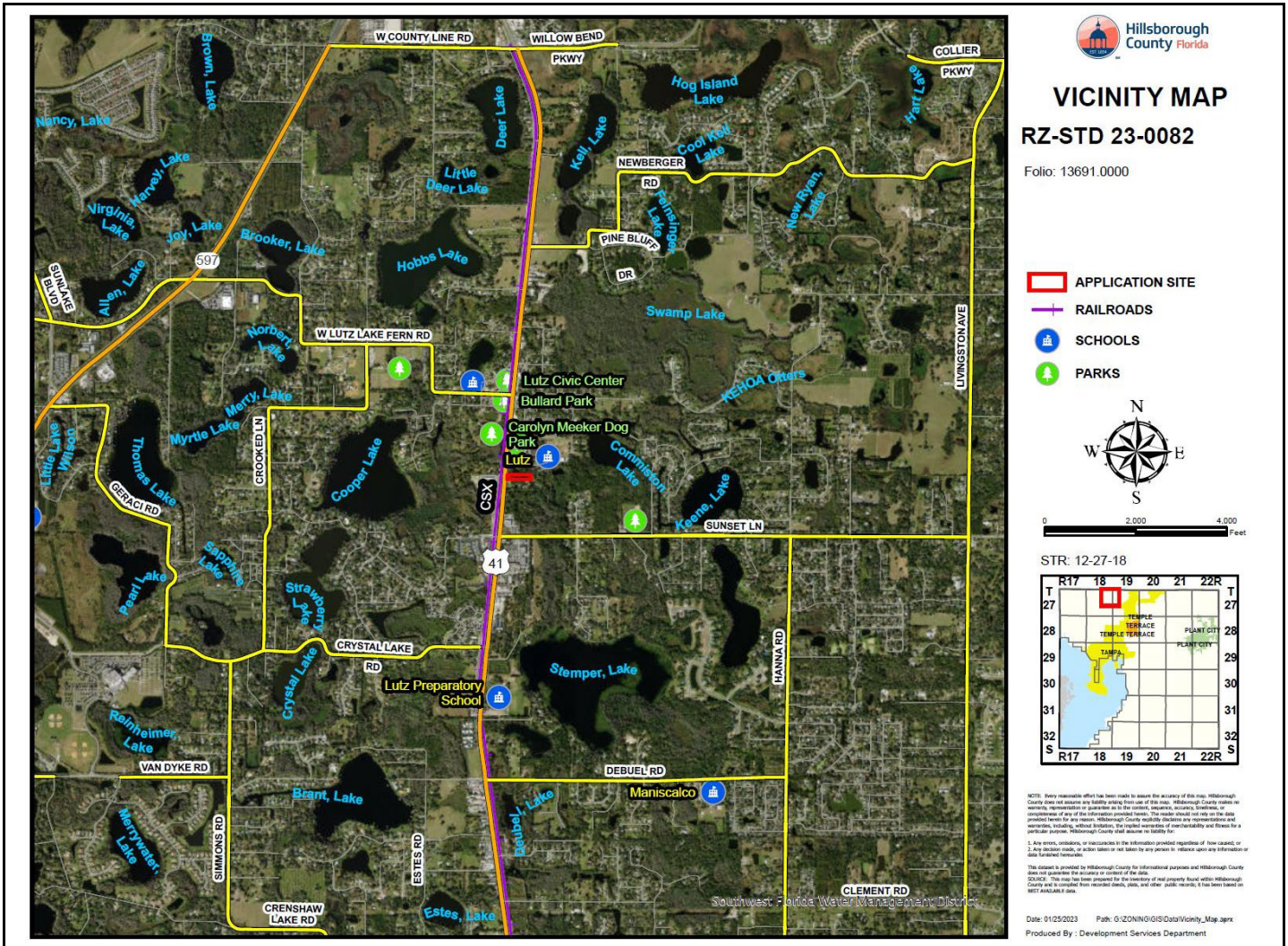
PD Variations	N/A
Waiver(s) to the Land Development Code	None

Additional Information:

Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

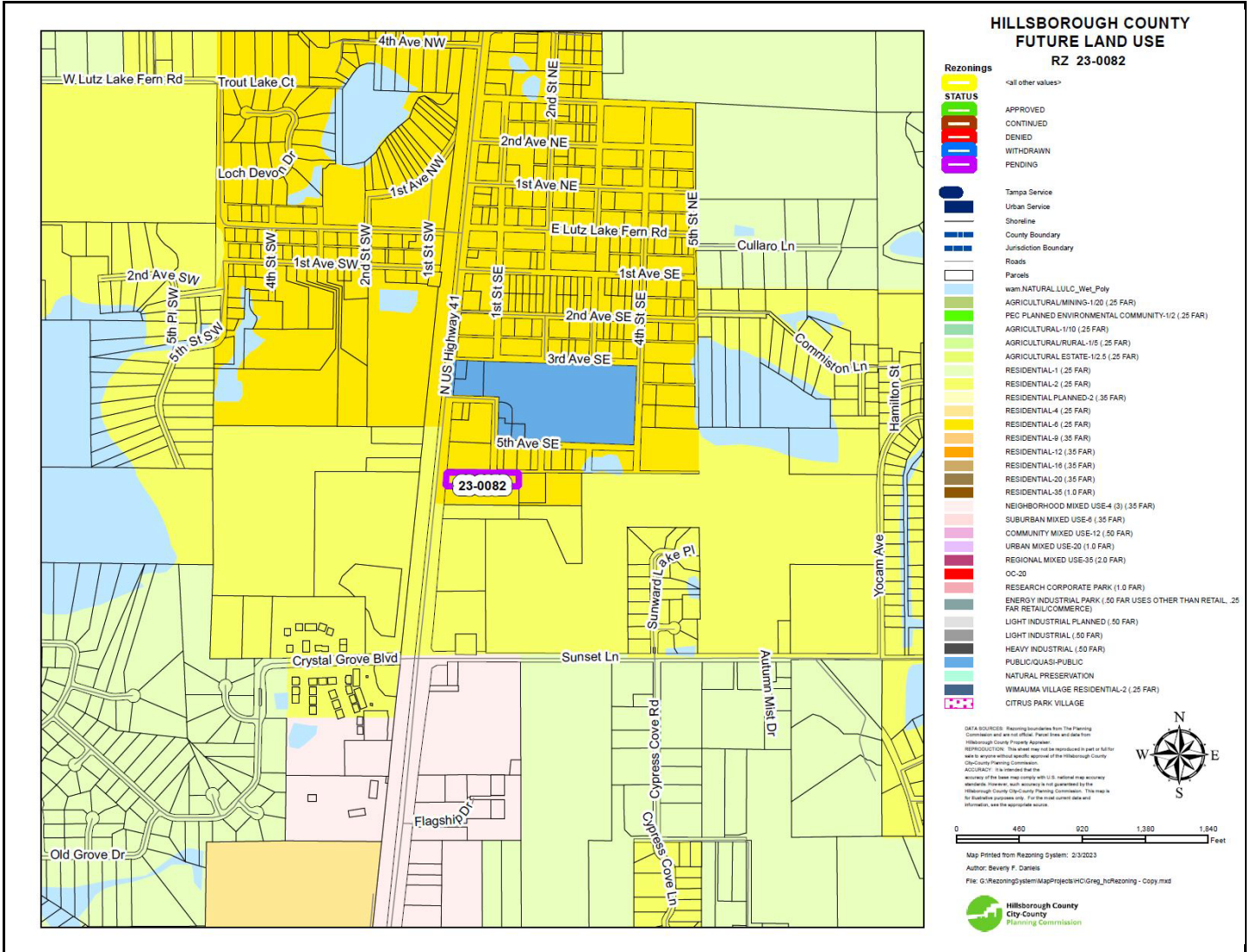


Context of Surrounding Area:

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) and RSC-6 to the north, and North US Highway 41 to the west. Subject site’s immediate surrounding area consist of properties within the Residential -6 FLU category.

2.0 LAND USE MAP SET AND SUMMARY DATA

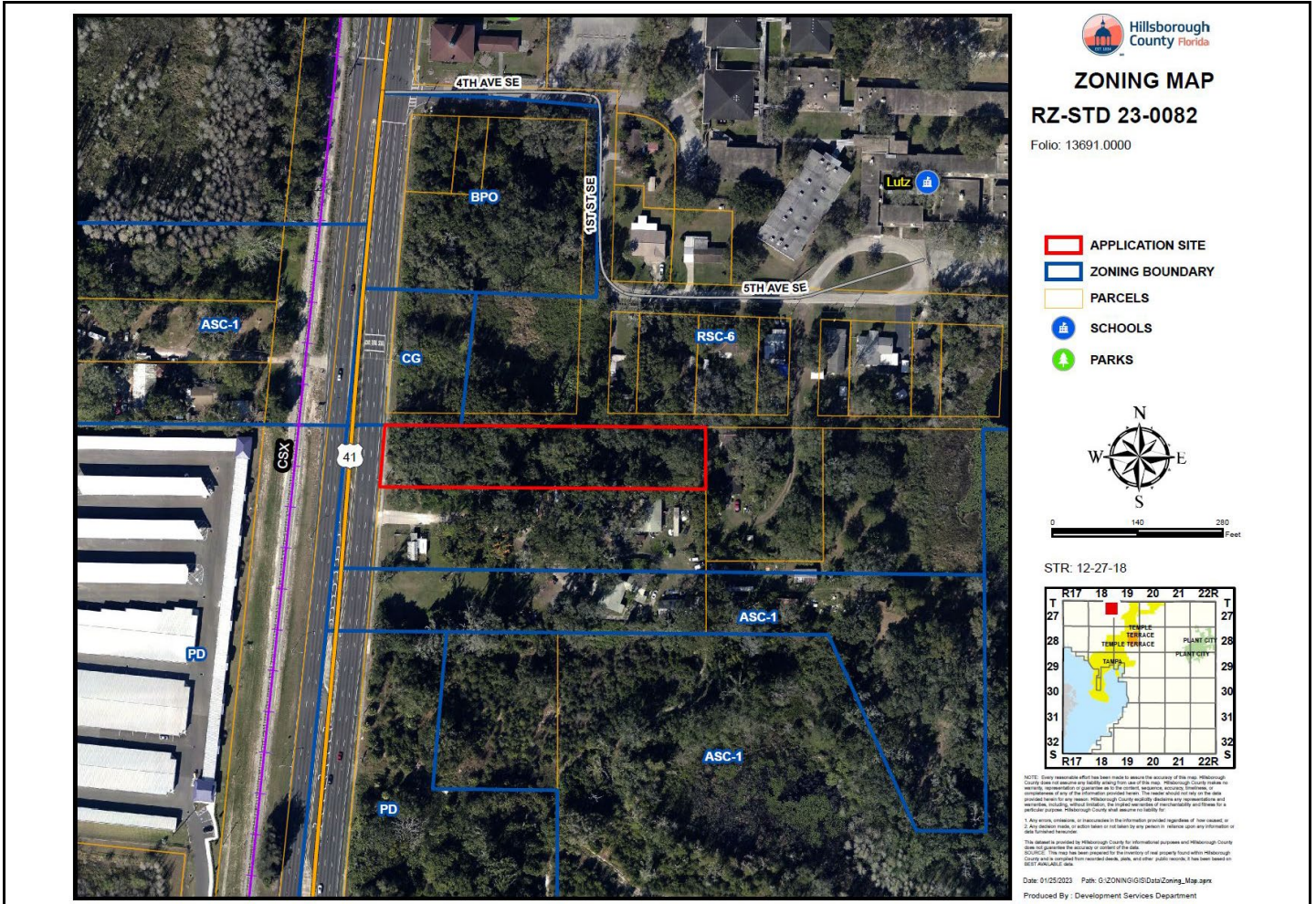
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 6 (Res-6)
Maximum Density/F.A.R.:	6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

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	Allowable Use:	Existing Use:
North	CG	0.27 F.A.R.	General Commercial, Office and Personal Services	Vacant
	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home
South	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home
East	N. US Highway 41	n/a	Street	Street
West	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home
	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home

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

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Case Reviewer: Isis Brown

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 Hwy 41	FDOT Principal Arterial - Urban	6 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 Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	66	5	7
Proposed	2,976	115	78
Difference (+/-)	+2,910	+110	+71

*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 & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
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 type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Check if Applicable: <input 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 <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 type="checkbox"/> Other _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Utilities 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 type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input 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) and RSC-6 to the north, 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 is outside the Urban Service Area with publicly owned and operated potable water and wastewater facilities available. A 12-inch water main exists adjacent to the site and is located within the east Right-of-Way of N. US Highway 41. Thus, the proposed rezoning is consistent with the surrounding development pattern.

The site does not meet commercial location criteria, and The Planning Commission staff found the request inconsistent due to other compatibility concerns.

The parcel to the immediate north is zoned CG and BPO. The subject parcel is not similar in configuration with the adjacent CG zoned property to the north and is abuts a significant amount of RSC-6 zoned properties. Additionally, the CG zoning district permits fast food establishments with drive-thru, convenience stores with or without gas sales and motor vehicle repair type uses, which are of a compatibility concern given the surrounding development pattern.

5.2 Recommendation

Based on the above considerations, staff finds the proposed CG zoning district is not supportable.

<p>Zoning Administrator Sign Off:</p>	 <p>J. Brian Grady Fri Apr 7 2023 13:06:12</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

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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: 03/10/2023
REVIEWER: Alex Steady, Senior Planner	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: Lutz/Northwest	PETITION NO.: STD 23-0082

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 2,910 average daily trips, 110 trips in the a.m. peak hour, and 71 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 1.24 acre parcel from Residential Single Family Conventional – 6 (RSC-6) to Commercial General (CG). The site is located on the east side of US Hwy 41, +/- 0.23 miles north of the intersection of US Hwy 41 and Sunset Lane. The Future Land Use designation of the site is Residential-6 (RES-6).

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s *Trip Generation Manual*, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
RSC-6, 7 Single Family Dwelling Units (ITE 210)	66	5	7

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG, 10,000 sf Pharmacy/Drugstore with Drive - Through Window (ITE Code 881)	1,092	38	103
CG, 4,000 sf Fast Food Restaurant with Drive Through Window (ITE Code 934)	1,884	161	131

Subtotal	2,976	199	234
<i>Less Internal Capture:</i>	Not Available	8	82
<i>Passerby Trips:</i>	Not Available	76	74
<i>Net External Trips:</i>	2,976	115	78

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+2,910	+110	+71

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 41. US Hwy 41 is a 6-lane, divided, FDOT maintained, Principal Arterial roadway. US Hwy 41 lies within +/- 104 feet of Right of Way in the vicinity of the project. US Hwy 41 has sidewalk on the eastern side of the roadway, bike lanes on both sides of the roadway and curb and gutter on both sides of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to US Hwy 41. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 41	SUNSET LANE	COUNTY LINE RD	D	C

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



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: April 17, 2023	Petition: RZ 23-0082
Report Prepared: April 5, 2023	<i>Southeast of 4th Ave SE and N US Highway 41 Intersection</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-6 (6du/ga; 0.25 FAR)
Service Area	Rural
Community Plan	Lutz
Request	Rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG)
Parcel Size	1.24 ± acres (54,101 square feet)
Street Functional Classification	US Highway 41 - State Principal Arterial SE 4 th Avenue - Local
Locational Criteria	Does not meet; waiver request not received
Evacuation Zone	None



Context

- The 1.24-acre subject property is located approximately 750 feet southeast of 4th Avenue SE and North US Highway 41 Intersection.
- The site is located within the Rural Area and is located within the limits of the Lutz Community Plan.
- The subject property is located within the Residential-6 (RES-6) Future Land Use category, which can be considered for a maximum density of up to 6 dwelling units per gross acre and a maximum intensity of 0.25 Floor Area Ratio (FAR). The RES-6 Future Land Use category is intended for areas that are suitable for low density residential development. Typical uses include, but not limited to residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. The specific intent of RES-6 is to designate areas that are suitable for low density residential development.
- The subject site abuts North US Highway 41 directly to the west. Directly to the north, east and south the site is surrounded by the Residential-6 (RES-6) Future Land Use category. Farther north and northeast of the site is the Public Quasi-Public (P/QP) Future Land Use category. Farther south from the site and west of North US Highway 41 is the Residential-2 (RES-2) Future Land Use category, as well as the Neighborhood Mixed Use-4 (NMU-4), the Residential-4 (RES-4) and the Residential-1 (RES-1) Future Land Use categories.
- The area is mostly developed with single-family residential homes, two-family residential homes as well as light industrial, public/quasi-public, educational, light commercial and institutional uses. The property abuts single-family residential to the south, northeast, and northwest across North US Highway 41. Directly north there are vacant uses, further north are public quasi-public institutions uses. Northeast from the site are single-family residential uses and a school used for educational purposes.
- Zoning in this area includes Residential-Single Family Conventional-6 (RSC-6) directly south, east, southeast, north and northeast. Further south and southeast and east there is Agricultural-Single Family Conventional-1 (ASC-1) Planned Development (PD) zoning is found directly west, southwest and further south. Commercial-General (CG) zoning can be found directly northwest from the site. Further north there is also Business, Professional Office (BPO) zoning.

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.

Relationship To Land Development Regulations

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

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

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

Neighborhood/Community Development

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

Policy 16.1: Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as: a) locational criteria for the placement of non-residential uses as identified in this Plan, b) limiting commercial development in residential land use categories to neighborhood scale; c) requiring buffer areas and screening devices between unlike land uses.

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

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

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

Policy 16.4: To prevent the bisecting of established communities, the impact of major roadway and similar corridor projects on existing communities shall be evaluated by citizens and other affected parties through their inclusion in the predesign evaluation of alternatives, including route selection.

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

Commercial Locational Criteria

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

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

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

Policy 22.2: *The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.*

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

Policy 22.7: *Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements. The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.*

Policy 22.8: *The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.*

4.1 RURAL RESIDENTIAL CHARACTER

GOAL 7: *Preserve existing rural uses as viable residential alternatives to urban and suburban areas.*

OBJECTIVE 7-1: *Support existing agricultural uses for their importance as a historical component of the community, their economic importance to the County and for the open space they provide.*

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

Community Design Component

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

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

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

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.*

LIVABLE COMMUNITIES ELEMENT: Lutz Community Plan

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 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.*

Staff Analysis of Goals, Objectives and Policies:

The 1.24 ± acre subject property is located southeast of 4th Avenue SE and North US Highway 41. The site is in the Rural Area and is located within the limits of the Lutz Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-6 (RES-6). The applicant is requesting a rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG).

Objective 4 of the Future Land Use Element (FLUE) notes that 20% of the growth in the region will occur within the Rural Area. 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 rezoning to CG would directly conflict with this policy, as the range of uses would allow for urban encroachment into the area located east of the subject site.

The subject site is within the Rural Area and the proposed rezoning does not meet the intent of FLUE Objective 4 and Policy 4.1, as the proposed development is encouraging urbanization of the Rural Area. The subject site is surrounded by single-family residential uses to the south, east, and northeast. The singular Commercial General zoned parcel located directly north of the site is currently vacant and is designated as Residential-6 (RES-6) on the Future Land Use Map. The proposed rezoning from Residential Single-Family Conventional-6 (RSC-6) to Commercial General (CG) would encroach into the existing single family residential uses to the northeast, east and south of the subject site

and is therefore not consistent with the direction of this policy. FLUE Objective 9.1 also states that developments shall not be approved for zoning that is inconsistent with the Comprehensive Plan.

The proposed rezoning does not meet the intent of the Neighborhood Protection policies that modify FLUE Objective 16. The proposed rezoning would conflict with Objective 16, which strives to preserve, protect, and enhance neighborhoods and that new development must conform to the area. The policies under this Objective aim to establish that communities should be protected from incompatible land uses through mechanisms related to locational criteria, limiting commercial development in residential land use categories and requiring the use of buffer areas between unlike land uses.

The Community Design Component Goal 12 and Objective 12-1 indicate that new developments should recognize the existing community pattern and be designed in a way that is compatible with the area. The request does not protect existing neighborhoods and is not compatible with the area's single-family residential uses, public/quasi-public institutional uses and nature preservation uses.

Goal 7 of the Community Design Component (CDC), under the Rural Residential Character section, also indicates the need to preserve rural uses as viable residential alternatives to urban and suburban areas. CDC Goal 17, and Objectives 17-1 and 17-1.4 all reflect upon the importance of commercial areas developing in a manner that enhances the character and ambiance of the area. The applicant has not provided specific intent of use for the proposed Commercial General on the subject site. Therefore, a rezoning to Commercial General would not reflect a development pattern that is consistent with the existing development pattern.

FLUE Objective 22 establishes Commercial Locational Criteria (CLC) for neighborhood serving commercial uses. Policy 22.1 states that non-residential uses provide a means to ensuring appropriate neighborhood serving commercial development be consistent with the surrounding residential character. Policy 22.7 states that neighborhood commercial activities that serve the daily needs of residents in areas must be compatible with surrounding existing development. The proposed site does not meet Commercial Locational Criteria, as it is located over 1300 feet from the nearest qualifying intersection node at North US Highway 41 and Sunset Lane. Per FLUE Policy 22.8, an applicant may request a waiver to CLC, but the applicant did not avail themselves of this option. Moreover, staff did not identify any unique circumstances that would lend support to a waiver request.

The property site is situated within the limits of the Lutz Community Plan. The Lutz Community Plan vision desires to retain existing and encourage new commercial uses that are geared towards serving the daily needs of area residents in a manner that complements the character of their community. Residents also desire to maintain the area as a low density, semi-rural community. The proposed rezoning would directly conflict with the residential character located east of the subject site. The proposed subject site sits outside of the desired area for commercial development, and the commercial zoning nodes where new development is encouraged. The property site is not within the three existing activity nodes along U.S. Highway 41, located at Lutz's historic downtown area to Neuberger Road, Crystal Lake Road to Sunset Lane, and in the Crenshaw Lake Road area. The proposed rezoning conflicts with this policy direction as well as the established Commercial Locational Criteria for non-residential land uses in the RES-6 Future Land Use category.

Overall, the proposed rezoning would not allow for development that is inconsistent with the Goals, Objectives and Policies of the Unincorporated Hillsborough County Comprehensive Plan. The rezoning request is not compatible with the existing residential development pattern in the area.

Recommendation

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

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