Rezoning Application:

RZ-STD 24-0356

Zoning Hearing Master Date:

March 25, 2024

BOCC Land Use Meeting Date: Ma

May 07, 2024



Development Services Department

Applicant:	Justin A Marx	
FLU Category:	R-6	GG CONTRACTOR OF THE CONTRACTO
Service Area:	Rural	
Site Acreage:	0.15+/-	
Community Plan Area:	Lutz	Construction of the state of th
Overlay:	None	

Introduction Summary:

The applicant requests to rezone the property from RSC-6 to CG-R as to create parking for their proposed country store and café on the adjacent parcel to the west.

Zoning: Existing		Proposed		
District(s)	RSC-6	CG-R		
Typical General Use(s)	Single-Family Residential (Conventional Only)	Parking		
Acreage	0.15+/-	0.15+/-		
Density/Intensity	6 DU per GA/ FAR: NA	0 DU per GA/ FAR: 0.27		
Mathematical Maximum*	0 Units/ FAR: NA	0 Units/ FAR: 1,764 Sq. Ft.		

 $[\]hbox{*number represents a pre-development approximation}\\$

Development Standards:	Existing	Proposed	
District(s)	RSC-6	CG-R	
Lot Size / Lot Width	7,000 Sq. Ft./70'	10,000 Sq. Ft./75′	
Setbacks/Buffering and Screening	 Front & Rear: 25' Side: 7.5' Buffering & Screening: 20'/B to the north 	Buffering & Screening: 20'/B to the east	
Height	35′	50′	

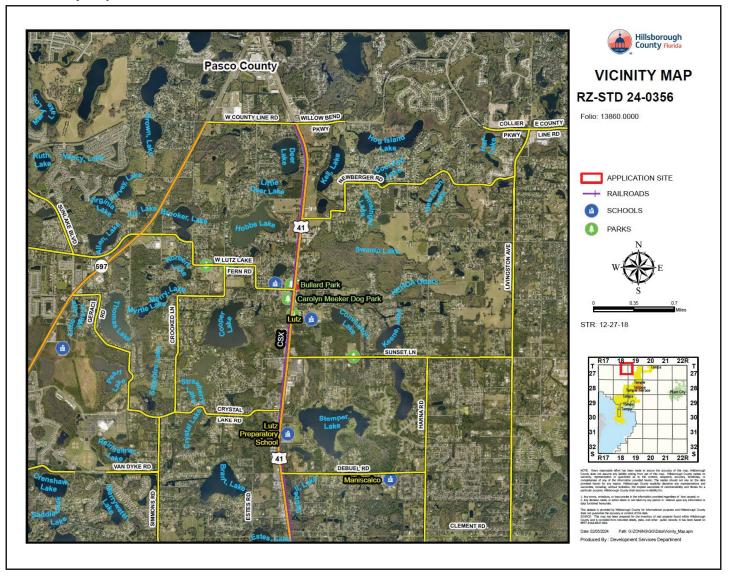
Additional Information:				
PD Variation(s)	None requested as part of this application			
Waiver(s) to the Land Development Code	NA			

Planning Commission Recommendation:	Development Services Recommendation:		
Consistent	Approvable with restrictions		

Case Reviewer: Carolanne Peddle

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



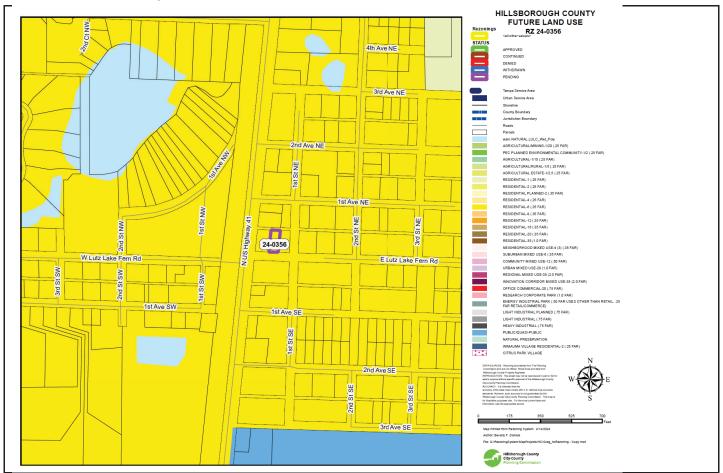
Context of Surrounding Area:

The subject parcel is located along the eastern portion of N US Highway 41 in an area comprised of CG, CN, LDC, and RSC - 6 zoning districts. To the east of the property and along N US Highway 41 the properties are a mixture of commercial and residential uses. To the west of the subject property and across N US Highway 41 the uses consist of county owned properties and single-family residential uses. Furthermore, all surrounding properties have a Future Land Use designation of R-6.

Case Reviewer: Carolanne Peddle

2.0 LAND USE MAP SET AND SUMMARY DATA

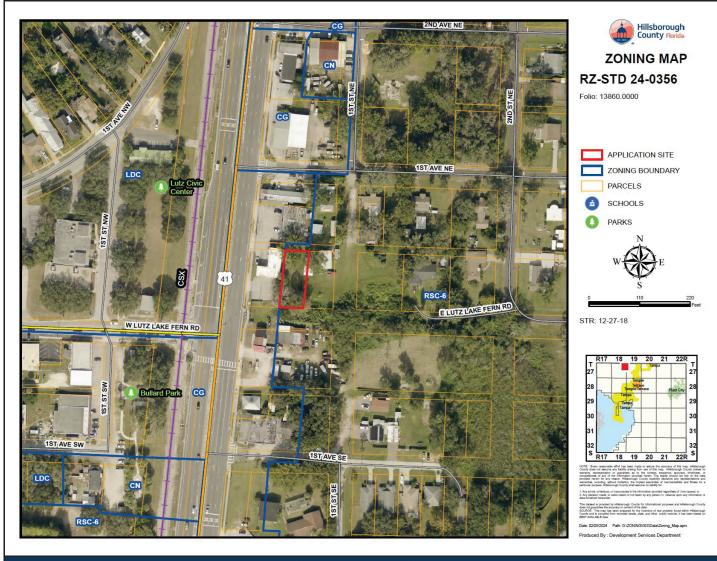
2.2 Future Land Use Map



Subject Site Future Land Use Category:	R-6		
Maximum Density/F.A.R.:	175,000 Sq. Ft./0.25 FAR		
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, multipurpose projects and mixed-use development. Nonresidential uses shall meet established locational criteria for specific land use. 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 District:	Allowable Use:	Existing Use:		
North	CG	NA, 0.27	General Commercial, Office and Personal Services	CONV STORE		
South	CG, RSC-6	NA, 0.27, 6 DU per GA /NA	General Commercial, Office and Personal Services, Single-Family Residential	MIXED USE RETAIL		
East	RSC-6	6 DU per GA /NA	Single-Family Residential	VACANT RESIDENTIAL		
West	CG	NA, 0.27	General Commercial, Office and Personal Services	CG		

APPLICATION NUMBER: RZ-STD 24-0356
ZHM HEARING DATE: March 25, 2023

BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided belowfor size and orientation purposes. See Section 8.0 for full site plan)



APPLICATION NUMBER: RZ-STD 24-0356

ZHM HEARING DATE: March 25, 2023

BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 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 □Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan☐ Site Access Improvements☐ Substandard Road Improvements☐ Other		

Project Trip Generation						
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips			
Existing	15	1	1			
Proposed	0	0	0			
Difference (+/1)	-1	-1	-1			

^{*}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:				

APPLICATION NUMBER: RZ-STD 24-0356
ZHM HEARING DATE: March 25, 2023

BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	□ Yes ⊠ No	☐ Yes ☑ No	
Natural Resources	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	□ Yes ⊠ No	☐ Yes ⊠ No	No comments.
Check if Applicable: ☐ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☑ Wellhead Protection Area ☐ Surface Water Resource Protection Area	☐ Significant W☐ Coastal High☐ Urban/Subur☐ Adjacent to E	Hazard Area ban/Rural Scenic(Corridor	
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation ☐ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided ☑ N/A	⊠ Yes □ No	□ Yes ⊠ No	□ Yes □ No ⊠N/A	See staff report.
Service Area/ Water & Wastewater ☐ Urban ☐ City of Tampa ☐ Rural ☐ City of Temple Terrace	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No	Yes
Hillsborough County School Board Adequate □ K-5 □6-8 □9-12 ⊠ N/A Inadequate □ K-5 □6-8 □9-12 ⊠	☐ Yes ☐ No	☐ Yes ☐ No	□ Yes □ No	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission	⊠ Yes □ No	☐ Inconsistent ⊠ Consistent	□ Yes ⊠ No	

APPLICATION NUMBER: RZ-STD 24-0356

ZHM HEARING DATE: March 25, 2023

BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject parcel is located along the eastern portion of N US Highway 41 in an area comprised of CG, CN, LDC, and RSC - 6 zoning districts. To the east of the property and along N US Highway 41 the properties are a mixture of commercial and residential uses. To the west of the subject property and across N US Highway 41 the uses consist of county owned properties and single-family residential uses. Furthermore, the property is separated from the north and south by plated right of way further buffering the lot. Additionally, all surrounding properties have a Future Land Use designation of R-6. The subject parcel will be restricted to uses limited to parking and utilities.

5.2 Recommendation

Based on the above considerations and proposed restriction, staff finds the proposed CG-R zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request approvable.

APPLICATION NUMBER: RZ-STD 24-0356

ZHM HEARING DATE: March 25, 2023

BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

6.0 PROPOSED RESTRICTION

1. The eastern 50 feet of folio 13860.0000 (Lot 7, Block 15 of Plat Book 1, Page 128 – East North Tampa Plat) shall be restricted to only parking and utility uses.

Zoning Administrator Sign Off:

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.

APPLICATION NUMBER:	RZ-STD 24-0356	
ZHM HEARING DATE:	March 25, 2023	Coco Doviousey Carolonno Doddlo
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7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS



APPLICATION NUMBER:	RZ-STD 24-0356		
ZHM HEARING DATE: BOCC LUM MEETING DATE:	March 25, 2023 May 07, 2023	Case Reviewer: Carolanne Peddle	
8.0 PROPOSED SITE PLAN (FULL)			
		N/A	

APPLICATION NUMBER: RZ-STD 24-0356

ZHM HEARING DATE: March 25, 2023
BOCC LUM MEETING DATE: May 07, 2023 Case Reviewer: Carolanne Peddle

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

REVIE	EWER: Alex Steady, AICP NING AREA/SECTOR: Lutz/ Northwest	PETITION NO.: STD 24-0356
	This agency has no comments.	
X	This agency has no objection.	
	This agency objects for the reasons set forth below.	

PROJECT SUMMARY AND ANALYSIS

The applicant requests to rezone one parcel totaling \pm 0.15 acres from Residential Single Family Conventional – 6 (RSC-6) to Commercial General – Restricted (CG-R). The proposed restriction states "The eastern 50 feet of Folio 13860.0000 (lot 7, Block 15 of Plat Book 1, Page 128 – East North Tampa Plat) shall be restricted to only parking and utility uses". The site is located on the east side of US Highway 41 \pm 0 feet north of the intersection of Lutz Lake Fern Road and US Hwy 41. The Future Land Use designation of the site is Residential – 6 (R-6).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available, as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning, including the proposed restriction, to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM, and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

Staff notes that, regardless of this review, the developer/property owner must comply with all Comprehensive Plan, LDC, TTM, and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case are non-binding and will have no regulatory value at the time of plat/site/construction plan review.

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 <u>Trip Generation Manual</u>, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
RSC-6, 1 Single-Family Dwelling Units (ITE Code 210)	15	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
CG-R, Parking and/or utility uses	0	0	0

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
Difference	-15	-1	-1

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 41. US Hwy 41 is a six-lane, divided, FDOT-maintained principal arterial roadway. Within the vicinity of the project, US Hwy 42 has a sidewalk on the east side. US Hwy 41 lies within +/ 123 feet of right of way within the project's vicinity.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From To LOS Standard Peak H Directional			
US HWY 41	SUNSET LANE	COUNTY LINE ROAD	D	С

Source: 2020 Hillsborough County Level of Service (LOS) 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 Hwy 41	FDOT Principal Arterial - Urban	6 Lanes □Substandard Road □Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements □ Other 	

Project Trip Generation □Not applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	15	1	1		
Proposed	0	0	0		
Difference (+/-)	-1	-1	-1		

^{*}Trips reported are based on net new external trips unless otherwise noted.

^{**}The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

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				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
□ Design Exception/Adm. Variance Requested□ Off-Site Improvements Provided☑ N/A	☐ Yes ☐N/A ☒ No	☐ Yes ⊠N/A ☐ No	See staff report.	

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: RZ STD 24-0356 DATE OF HEARING: March 25, 2024 **APPLICANT:** Justin A. Marx **PETITION REQUEST:** The request is to rezone a parcel of land from RSC-6 to CG-R LOCATION: 19013 N. US 41 Hwy **SIZE OF PROPERTY:** 0.14 acres m.o.l. **EXISTING ZONING DISTRICT:** RSC-6 **FUTURE LAND USE CATEGORY:** RES-6

Rural

SERVICE AREA:

DEVELOPMENT REVIEW STAFF REPORT

*Note: Formatting issues prevented the entire Development Services
Department staff report from being copied into the Hearing Master's
Recommendation. Therefore, please refer to the Development Services
Department web site for the complete staff report.



Applicant: Justin A Marx

FLU Category: R-6

Service Area: Rural

Site Acreage: 0.15 +/-

Community Plan Area: Lutz

Overlay: None

Introduction Summary:

The applicant requests to rezone the property from RSC-6 to CG-R as to create parking for their proposed country store and café on the adjacent parcel to the west.

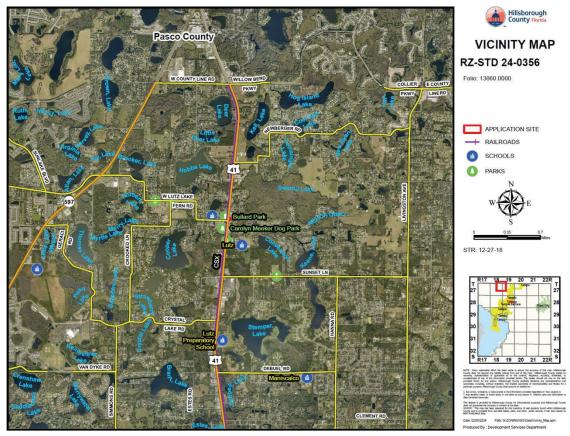
Additional Information:

Waiver(s) to the Land Development Code: N/A

Planning Commission Recommendation: Consistent

Development Services Recommendation: Approvable with restrictions

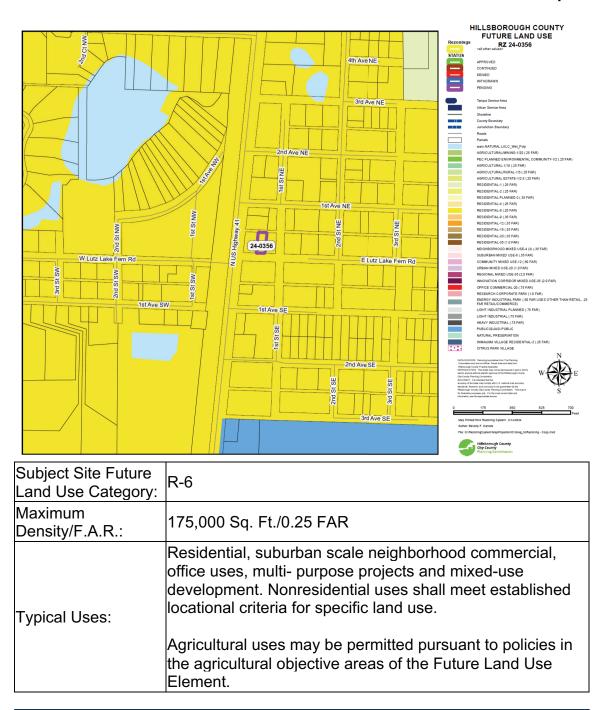
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



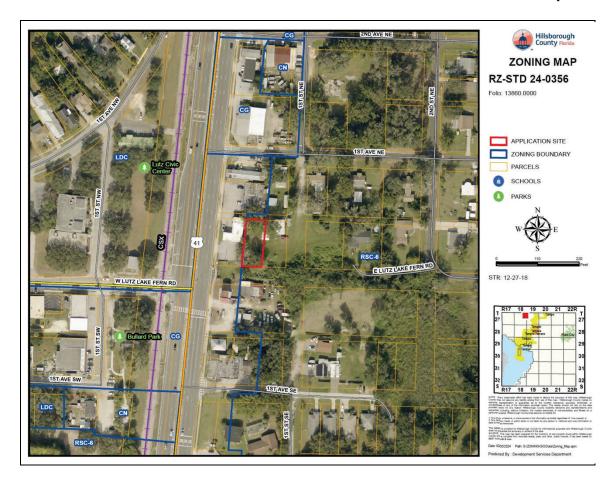
Context of Surrounding Area:

The subject parcel is located along the eastern portion of N US Highway 41 in an area comprised of CG, CN, LDC, and RSC - 6 zoning districts. To the east of the property and along N US Highway 41 the properties are a mixture of commercial and residential uses. To the west of the subject property and across N US Highway 41 the uses consist of county owned properties and single-family residential uses. Furthermore, all surrounding properties have a Future Land Use designation of R-6.

2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section8.0 for full site plan)

N/A

Classification Current Conditions Select Future Improvements

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)						
Adjoining Roadways (check if applicable)						
Us Hwy 41	6 La FDOT Principal Arterial - Urban				□Corridor Preservation Plan □ Site Access mprovements □ Substandard Road mprovements □Other	
Connectivity and Cross Access Not applicable for this request Design Exception/Administrative Variance Not applicable for this request						
4.0 AD	DITIONAL SITE II	NFOR	MATION &	AGENCY C	OMMENTS SUMMARY	
Environmental: Comments Received			Objections		Additional Information/Comments	
Environmental Protection Commission Natural Resources Conservation & Environ. Lands Mgmt.						
No comments.						
Check if Applicable: ☐ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit						
☑ Wellhead Protection Area						
□ Surface Water Resource Protection Area						
□ Potable Water Wellfield Protection Area □ Significant Wildlife Habitat □ Coastal High Hazard Area □ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property □ Other						
⊔ Otne	☐ Other					

Public Facilities: Comments Received	Objections		Additional Information/Comments	
Transportation ☐ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided ⊠N/A	⊠ Yes □No	□ Yes ⊠No	□ Yes □No ⊠N/A	See staff report.
Service Area/ Water & Wastewater □Urban □ City of Tampa □Rural □ City of Temple Terrace	⊠ Yes □No	□ Yes ⊠No	□ Yes ⊠No	Yes
Hillsborough County School Board Adequate □ K-5 □6-8 □9-12 ☒ N/A Inadequate □ K-5 □6-8 □9-12 ☒	□ Yes □No	□ Yes □No	□ Yes □No	

Impact/Mobility Fees

Comprehensive Plan Comments Received	Findings	Conditions Requested	Additional Information/Comments	
Planning Commission				
 ☑ Meets Locational Criteria □N/A □ Locational Criteria Waiver Requested □ Minimum Density Met ☑ N/A 	□No	□ Inconsistent ☑ Consistent		

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject parcel is located along the eastern portion of N US Highway 41 in an area comprised of CG, CN, LDC, and RSC - 6 zoning districts. To the east of the property and along N US Highway 41 the properties are a mixture of commercial and residential uses. To the west of the subject property and across N US Highway 41 the uses consist of county owned properties and single-family residential uses. Furthermore, the property is separated from the north and south by plated right of way further buffering the lot. Additionally, all surrounding properties have a Future Land Use designation of R-6. The subject parcel will be restricted to uses limited to parking and utilities.

5.2 Recommendation

Based on the above considerations and proposed restriction, staff finds the proposed CG-R zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request approvable.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 25, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Justin Marx 19115 Crooke Lane testified as the applicant. Mr. Marx stated that he is trying to develop a country store café in the Lutz area. He testified that he is trying to bring something local to the community that does not currently exist. Mr. Marx stated that the property is currently zoned residential and it is needed for his parking lot.

Ms. Carolanne Peddle, Development Services staff, testified regarding the County's staff report. Ms. Peddle stated that the applicant is requesting a rezoning from RSC-6 to CG with Restrictions. Ms. Peddle described the surrounding properties and stated that the Restrictions limit the use of the property to parking and utilities. Ms. Peddle stated that staff finds the rezoning compatible with the development pattern and finds the request approvable.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Residential-6 Future Land Use classification and the Rural Service Area. She stated that the request for the parking lot would serve the adjacent parcel that is owned by the applicant and would be used for the general store. Ms. Papandrew testified that the request is consistent with Policies 9.1 and 9.2 regarding zonings that are consistent with the Comprehensive Plan as

well as Objective 16 regarding redevelopment. Ms. Papandrew listed other policies which the request complies with and stated that staff found that the proposed rezoning consistent with the Lutz Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. No one replied.

Hearing Master Finch asked for members of the audience in opposition to the application. No one replied.

Ms. Heinrich of the Development Services Department testified that the wording of the Restriction is such because the applicant advised staff that he intends to combine the subject property with the lot to the west.

Mr. Marx thanked staff for their assistance.

The hearing was then concluded.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. The subject property is 0.14 acres in size and is currently Residential Single-Family Conventional-6 (RSC-6) and is designated Residential-6 (RES-6) by the Comprehensive Plan. The property is located within the Rural Service Area and the Lutz Community Planning Area.
- 2. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district. The applicant stated that he intends to open a country store on the adjacent parcel and use the subject property for parking for the store. A Restriction is proposed to limit the use of the subject property to parking and utility land uses only.

- 3. The Planning Commission staff supports the rezoning request. Staff found the request consistent with numerous policies and compatible with the surrounding area. The Planning Commission found the application to be consistent with the Lutz Community Plan and the Comprehensive Plan.
- 4. No testimony in opposition was provided at the Zoning Hearing Master hearing.
- The surrounding area is developed with general commercial land uses and the properties to the north, south and west are zoned Commercial General (CG). The parcel to the east is zoned RSC-6 and is vacant residential.
- 6. The proposed rezoning to CG-R is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code and the Comprehensive Plan.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The applicant is requesting a rezoning to the CG-R zoning district. The property is 0.14 acres in size and is currently zoned RSC-6 and designated RES-6 by the Comprehensive Plan. The parcel is located within the Rural Service Area and the Lutz Community Planning Area.

The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district. The applicant stated that he intends to open a country store on the adjacent parcel and use the subject property for parking for the store. A Restriction is proposed to limit the use of the subject property to parking and utility land uses only.

The Planning Commission supports the rezoning request and stated numerous policies that support the application. The Planning Commission found that the application to be consistent with the Lutz Community Plan and the Comprehensive Plan.

The proposed rezoning to CG-R is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code and the Comprehensive Plan.

RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the CG-R rezoning request with the Restriction prepared by the Development Services Department as indicated by the Findings of Fact and Conclusions of Law stated above.

April 15, 2024

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Unincorporated Hillsborough County Rezoning				
Hearing Date: March 25, 2024 Report Prepared: March 13, 2024	Petition: RZ 24-0356 19013 North US Highway 41 South of 1 st Avenue Northeast, east of North U.S. Highway 41			
Summary Data:				
Comprehensive Plan Finding	CONSISTENT			
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)			
Service Area	Rural Area			
Community Plan	Lutz			
Request	Rezoning from Residential Single Family Conventional (RSC-6) to Commercial General (CG) to allow for parking.			
Parcel Size	0.15 ± acres			
Street Functional Classification	North U.S. Highway 41 – State Principal Arterial West Lutz Lake Fern Road – County Collector 1st Avenue NE – Local			
Locational Criteria	Meets			
Evacuation Zone	None			



Plan Hillsborough planhillsborough.org planner@plancom.org 813 - 272 - 5940 601 E Kennedy Blvd 18th floor Tampa, FL, 33602

Context

- The 0.15 ± acre subject site is located south of 1st Avenue NE, and east of North US Highway 41.
- 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 consideration of up to 0.25 Floor Area Ration (FAR). The RES-6 Future Land Use category designates areas that are suitable for low density residential development. Typical uses within RES-6 include but are not limited to, residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use.
- RES-6 surrounds the subject site on all sides. Further south consists of the Public/Quasi-Public (P/Q-P) and Residential-2 (RES-2) Future Land Use categories. Residential-1 (RES-1) is further north.
- The subject site is currently vacant. There is vacant land to the immediate east as well.
 To the immediate west, north and south are Light Commercial uses. There are also single-family uses to the north and east.
- The site is currently zoned as Residential Single Family Conventional (RSC-6). RSC-6 extends to the north, south, east and areas to the west. To the immediate west is Commercial General (CG) zoning, which extends to the north, south and areas to the west across North U.S. Highway 41.
- The applicant is requesting a rezoning of Residential Single Family Conventional (RSC-6) to Commercial General-Restricted (CG-R) to only allow parking.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Rural Area

Rural areas will typically carry land use densities of 1 du/5 ga or lesser intense designations. The One Water Chapter outlines relevant language related to water, wastewater and septic in the Rural Area. Within the rural area there are existing developments that are characterized as suburban enclaves or rural communities. These are residential developments which have a more dense development pattern and character, usually 1 or 2 du/ga. These enclaves are recognized through the placement of land use categories that permit densities higher than 1 du/5 acres. New development of a character similar to the established community will be permitted to infill in a limited manner, but not be permitted to expand into areas designated with lower land use densities. Rural communities, such as Lutz, Keystone and Thonotosassa will specifically be addressed through community-based planning efforts. These communities, and others like them, have historically served as centers for community activities within the rural environment.

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

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.

Environmental Considerations

Objective 13: New development and redevelopment shall not adversely impact environmentally sensitive areas and other significant natural systems as described and required within the Conservation and Aquifer Recharge Element and the Coastal Management Element of the Comprehensive Plan.

Policy 13.3: Environmentally Sensitive Land Credit Density and FAR calculations for properties that include wetlands will comply with the following calculations and requirements for determining density/intensity credits:

Wetlands are considered to be the following:

Conservation and preservation areas as defined in the Conservation and Aquifer Recharge Element

Man-made water bodies as defined (including borrow pits)

If wetlands are less than 25% of the acreage of the site, density and intensity is calculated based on:

Entire project acreage multiplied by Maximum intensity/density for the Future Land Use Category

If wetlands are 25% or greater of the acreage of the site, density and intensity is calculated based on :

RZ 24-0356

Upland acreage of the site multiplied by 1.25 = Acreage available to calculate density/intensity based on that acreage is then multiplied by the Maximum Intensity/Density of the Future Land Use Category

Neighborhood/Community Development

Objective 16: Neighborhood Protection The neighborhood is 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 16.5: 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 use 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 improvements as well as other factors such as land use compatibility and environmental features of the site.

Policy 22.3: In order to address instances where a site does not exactly meet the dimension requirements of the Chart in Policy 22.2, the following will apply:

Where a proposed neighborhood commercial use is located such that the major roadway frontage associated with the proposed use exceeds the maximum distance specified in the Chart in Policy 22.2 but at least 75% of the frontage associated with the use is within that distance and under single ownership, then such proposed use may also be considered for approval.

When an intersection is shown on the adopted Highway Cost Affordable Long Range Transportation Plan, as a three way, or "T" intersection, consideration for commercial development can occur as if there were a full intersection for locational purposes, but when determining the appropriate size development for each quadrant the configuration of the road may not support maximum square footage's due to limiting nature of the intersection.

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

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.

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.

LIVABLE COMMUNITIES ELEMENT: Lutz Community Plan

STRATEGIES

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

Commercial Character

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

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

These regulations ensure that:

- commercial uses are developed in character and/or scale with the rural look of the community and the environment;
- the Lutz downtown, generally located at the intersection of Lutz Lake Fern Road and US Highway 41, is recognized as community activity center, and defined as an overlay district within the County's Land development regulations;
- the Lutz Downtown Center Zoning District incorporates design guidelines which reflect the historic development pattern already in place and promote desirable complements to that pattern. These standards include:
 - 1. recognizing proximity of the historic old Lutz schoolhouse and its Georgian Revival in roof lines and structures;
 - 2. interruptions in roof lines and structures:
 - 3. public courtyards or open space(s) with shade trees;
 - 4. architectural features to emphasize the location of the downtown;
 - 5. residential style roof lines:
 - 6. outside structure facades made of wood siding, brick or vinyl material;
 - 7. preserved natural areas to act as buffers along perimeters;
 - 8. ground level monument signage standards in scale and related to architectural character overlay district:
 - 9. drought tolerant trees and vegetation plantings for shade, screening and buffers along roadways; and,
 - 10. nighttime lighting that mimics gaslights or kerosene lights (circa early 1990's).
- the commercial activity centers identified in the North Dale Mabry Corridor Plan will be maintained (Figure 3 (of the Lutz background documentation);
- new commercial zoning is encouraged to locate at the three existing activity nodes along U.S. Highway 41 (Figure 4 (of the Lutz background documentation):
 - 1. Lutz's historic downtown area to Newberger Road;
 - 2. Crystal Lake Road to Sunset Lane; and
 - 3. Crenshaw Lake Road area

Livability/Safety

In order to ensure livable roadways in the community the County shall encourage development of pedestrian/equestrian trails along the roadways identified in the 2015 Scenic Corrido Map, in the Future Land Use Element. Off-road pedestrian/equestrian trails ad bikeways will developed whenever possible in the preserved greenway corridors identified in Hillsborough Greenways Master Plan. Off-road trails and bikeways will be developed when possible in these greenways. The 1995 Greenways Master Plan was used in identifying pedestrian trails, which should be included to provide connectivity.

The following transportation concepts will be supported:

- utilizing existing transportation corridors (e.g., rail lines, US Highway 41, etc.) to make transit accessible for our aging population and to complement our commercial corridors;
- keeping development consistent with what the roads can handle without widening existing roadways;
- providing multi-modal transportation such as bike pathways or lanes, trails and sidewalks;
 and
- utilizing traffic calming measures to reduce speed on roads

Staff Analysis of Goals, Objectives, and Policies:

The 0.15 ± acre subject site is located south of 1st Avenue NE, and east of North US Highway 41 and West Lutz Lake Fern Road. The site is in the Rural Area and located within the limits of the Lutz Community Plan. The subject site's Future Land Use classification is Residential-6 (RES-6). The applicant is requesting a rezoning from Residential Single Family Conventional (RSC-6) to Commercial General-Restricted (CG-R) to only allow parking. The parking lot would accommodate parcel 13859.0000, which is also owned by the applicant, and will be a proposed local family owned and operated general store.

The Future Land Use Element permits new development within the Rural Area that is similar in character to the existing community. Objective 4 of the Future Land Use Element (FLUE) of the Comprehensive Plan notes that 20% of the growth in the region will occur within the Rural Area without the threat of urban or suburban encroachment. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential. The subject site is within the Rural Area and the proposed rezoning RSC-6 to CG-R is similar in character to the CG uses to the immediate west, north and south. The subject site also is in line with the CG uses to the north. The consistent with this policy direction.

The intention is to rezone the subject site to only allow parking. Objective 9 of the FLUE states that all existing and future land development regulations shall be made consistent with the Comprehensive Plan. Policies 9.1 and 9.2 allow for approving zoning that is consistent with the Comprehensive Plan and developments that meet the regulations established by Hillsborough County. At the time of drafting this report, Planning Commission staff had not received transportation comments. Therefore, staff's finding did not take transportation comments into consideration for the analysis of the request.

The proposal meets the intent of FLUE Objective 16 and its accompanying policies 16.1,16.2, 16.3 and 16.10 that require new development, infill and redevelopment to be compatible with the surrounding area in character, lot size and density. Goal 12 and Objective 12-1 of the Community Design Component (CDC) in the FLUE requires new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is made of light commercial and single-family uses, as well as vacant land. The parcel to the immediate east of the subject site is vacant.

The subject site meets the Commercial Character strategies in the Lutz Community Plan. 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 Lutz downtown which is located at the intersection of Lutz Lake Fern Road and U.S. Highway 41, is recognized as community activity center, and defined as an overlay district within the County's Land development regulations. The site is directly east of U.S. Highway 41 and West Lutz Lake Fern Road.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives, and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

Recommendation

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

RZ 24-0356

HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ 24-0356

Urban Service Area

Jurisdiction Boundary County Boundary

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR) RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR) RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-9 (.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) REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)

ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE) RESEARCH CORPORATE PARK (1.0 FAR) OFFICE COMMERCIAL-20 (.75 FAR)

LIGHT INDUSTRIAL PLANNED (.75 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) HEAVY INDUSTRIAL (.75 FAR) NATURAL PRESERVATION PUBLIC/QUASI-PUBLIC

CITRUS PARK VILLAGE

525

Map Printed from Rezoning System: 2/14/2024

AGENCY COMMNENTS

AGENCY REVIEW COMMENT SHEET

REVIE	EWER: Alex Steady, AICP NING AREA/SECTOR: Lutz/ Northwest	PETITION NO.: STD 24-0356
	This agency has no comments.	
X This agency has no objection.		
This agency objects for the reasons set forth below.		

PROJECT SUMMARY AND ANALYSIS

The applicant requests to rezone one parcel totaling \pm 0.15 acres from Residential Single Family Conventional – 6 (RSC-6) to Commercial General – Restricted (CG-R). The proposed restriction states "The eastern 50 feet of Folio 13860.0000 (lot 7, Block 15 of Plat Book 1, Page 128 – East North Tampa Plat) shall be restricted to only parking and utility uses". The site is located on the east side of US Highway 41 \pm 0 feet north of the intersection of Lutz Lake Fern Road and US Hwy 41. The Future Land Use designation of the site is Residential – 6 (R-6).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available, as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning, including the proposed restriction, to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM, and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

Staff notes that, regardless of this review, the developer/property owner must comply with all Comprehensive Plan, LDC, TTM, and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case are non-binding and will have no regulatory value at the time of plat/site/construction plan review.

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 <u>Trip Generation Manual</u>, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
RSC-6, 1 Single-Family Dwelling Units (ITE Code 210)	15	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, Parking and/or utility uses	0	0	0

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-15	-1	-1

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Hwy 41. US Hwy 41 is a six-lane, divided, FDOT-maintained principal arterial roadway. Within the vicinity of the project, US Hwy 42 has a sidewalk on the east side. US Hwy 41 lies within +/ 123 feet of right of way within the project's vicinity.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service					
Roadway	From	То	LOS Standard	Peak Hr Directional LOS	
US HWY 41	SUNSET LANE	COUNTY LINE ROAD	D	С	

Source: 2020 Hillsborough County Level of Service (LOS) 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 Hwy 41	FDOT Principal Arterial - Urban	6 Lanes □Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other		

Project Trip Generation ☐ Not applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	15	1	1		
Proposed	0	0	0		
Difference (+/-)	-1	-1	-1		

^{*}Trips reported are based on net new external trips unless otherwise noted.

^{**}The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

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				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
□ Design Exception/Adm. Variance Requested□ Off-Site Improvements Provided☑ N/A	☐ Yes ☐N/A ☒ No	☐ Yes ⊠N/A ☐ No	See staff report.	



RON DESANTIS GOVERNOR 11201 North McKinley Drive Tampa, FL 33612 JARED W. PERDUE, P.E. SECRETARY

MEMORANDUM

DATE: January 8, 2024

TO: Justin Marx

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT

Donald Marco, FDOT Mecale' Roth, FDOT Allison Carroll, FDOT

Richard Perez, Hillsborough County

SUBJECT: RZ-STD 24-0356, 19013 and 10915 N 41 Hwy, Lutz

This project is on a state road, US 41.

It is recommended that the applicant meet with FDOT before zoning approval to discuss access to a state road. A virtual or in-person pre-application meeting may be scheduled through Ms. Allison Carroll in the District Seven Tampa Operations offices. Ms. Carroll can reach at 813-245-1680 or at Allison.Carroll@dot.state.fl.us

Thank you for the opportunity to comment.

END OF MEMO

COMMISSION

Gwendolyn "Gwen" W. Myers CHAIR Harry Cohen VICE-CHAIR Donna Cameron Cepeda Ken Hagan Pat Kemp Michael Owen Joshua Wostal



DIRECTORS

Janet D. Lorton EXECUTIVE DIRECTOR Elaine S. DeLeeuw ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Diana M. Lee, P.E. AIR DIVISION Michael Lynch WETLANDS DIVISION Rick Muratti, Esq. LEGAL DEPT Steffanie L. Wickham WASTE DIVISION

AGENCY COMMENT SHEET

REZONING		
HEARING DATE: March 25, 2024	COMMENT DATE: February 16, 2024	
PETITION NO.: 24-0356	PROPERTY ADDRESS: 19013 US 41 Highway,	
EPC REVIEWER: Kelly M. Holland	North - Lutz	
CONTACT INFORMATION: (813) 627-2600 X 1222	FOLIO #: 0138610000	
EMAIL: hollandk@epchc.org	STR: 12-27S-18E	
REQUESTED ZONING: Rezone from RSC-6 to Commercial Standard Restricted		

FINDINGS			
WETLANDS PRESENT	NO		
SITE INSPECTION DATE	NA		
WETLAND LINE VALIDITY	NA		
WETLANDS VERIFICATION (AERIAL PHOTO,	February 16, 2024		
SOILS SURVEY, EPC FILES)			

The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.

INFORMATIONAL COMMENTS:

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

EPC staff reviewed the above referenced parcel in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite.

 Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application".
 Once approved, the formal wetland delineation would be binding for five years.

Kmh / app

ec: Justin Marx, Applicant – lutzcountrystore@gmail.com

Environmental Excellence in a Changing World

ENVIRONMENTAL SERVICES DIVISION

Hillsborough County Florida

PO Box 1110 Tampa, FL 33601-1110

Agency Review Comment Sheet

NOTE: Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

TO: Zoning Review, Development Services REQUEST DATE: 2/1/2024

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 2/13/2024

PROPERTY OWNER: Lutz Liam LLC PID: 24-0356

APPLICANT: Justin A Marx

LOCATION: 19013 N 41 Hwy Lutz, FL 33549

FOLIO NO.: 13860.0000

AGENCY REVIEW COMMENTS:

Based on the most current data, the project is located within Wellhead Resource Protection Area (WRPA) Zone 1 and is subject to the prohibitions and restrictions defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

Based on the most current data, the project is not located within Wellhead Resource Protection Area (WRPA) Zone 2, Potable Water Wellfield Protection Area (PWWPA), and/or a Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

AGENCY REVIEW COMMENT SHEET

TO:	ZONING TECHNICIAN, Planning Growth Man	agement	DATE: 8 Feb. 2024		
REV	REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management				
APP	LICANT: Justin Marx	PETITION NO: 1	RZ-STD 24-0356		
LOC	ATION: 19013 N. U.S. Hwy 41, Lutz, FL 33549				
FOL	IO NO: <u>13860.0000</u>	SEC: <u>12</u> TWN: <u>2</u>	27 RNG: <u>18</u>		
\boxtimes	This agency has no comments.				
	This agency has no objection.				
	The agency has no objection.				
	This agency has no objection, subject to listed	or attached condition	ons.		
Ш	This agency objects, based on the listed or atta	acnea conditions.			
COMMENTS:					

WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETITION NO.: RZ-STD 24-0356 REVIEWED BY: Clay Walker, E.I. DATE: 2/2/2024 FOLIO NO.: 13860.0000				
	71.00			
WATER				
	The property lies within the Water Service Area. The applicant should contact the provider to determine the availability of water service.			
	A inch water main exists _ (adjacent to the site), _ (approximately feet from the site) This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.			
	Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include and will need to be completed by the prior to issuance of any building permits that will create additional demand on the system.			
WASTEWATER				
	The property lies within the Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.			
	A inch wastewater gravity main exists \bigsilon (adjacent to the site), \bigsilon (approximately _ feet from the site) This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.			
	Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include and will need to be completed by the prior to issuance of any building permits that will create additional demand on the system.			
COMM	MENTS: The subject site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service is not generally allowed. If the site is required or otherwise allowed to connect to the potable water and/or wastewater systems, there will be offsite improvements required that extend beyond a connection to the closest location with existing infrastructure. These points-of-connection will have to be determined at time of application of service as additional analysis will be required to make the final determination.			

VERBATIM TRANSCRIPT

Ь	ZHM Hearing March 25, 2024	
	OROUGH COUNTY, FLORIDA f County Commissioners	
IN RE: ZONE HEARING MASTER HEARINGS)))))))	
ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS		
BEFORE:	Susan Finch Land Use Hearing Master	
DATE:	Monday, March 25, 2024	
TIME:	Commencing at 6:00 p.m. Concluding at 10:24 p.m.	
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Second Floor Boardroom Tampa, Florida 33601	

Reported by: Diane DeMarsh, AAERT No. 1654 DIGITAL REPORTER

```
1
             MS. HEINRICH: Our next item is Item C.4, Standard
 2
    Rezoning 24-0356. The applicant is requesting to rezone
    property from RSC-6 to CGR. Carolanne Peddle will present Staff
 3
    findings after the applicant. And I believe the applicant may
   be attending virtually.
              HEARING OFFICER: Okay. Is the applicant --
 6
              MR. MARX:
                        Hi.
             HEARING OFFICER: Good evening.
 8
              MR. MARX: Hi. Can you hear me?
 9
10
                  Good evening. My name is Justin Marx. Address
              Hi.
11
    is 19115 Crooked Lane in Lutz, Florida.
              First of all, thank you guys very much for having us.
12
13
    Hopefully, this is quick for you quys. You -- we are trying to
    do a country store cafe in the Lutz area. We're a -- we're a
14
15
    small family. And we just want to bring something local to the
    community that there isn't currently. And we need this property
16
17
    for parking. And right now, you know, the -- the lot that we
18
    took over is zoned residential and we just need it for a parking
19
    lot. And it's -- it's a very small area and we're just trying
    to keep in zone with the -- the neighborhood and try to get to
20
21
    the same field what's -- what used to be there, which is just
    kind of growing into more industrial. So we're trying to bring
22
23
    what was formally Lutz back to Lutz.
              And that's pretty much what we're trying to do.
24
25
    That's all we have.
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1 HEARING OFFICER: All right. Thank you very much. 2 appreciate that. 3 We'll go to Development Services. MS. PEDDLE: Good evening. HEARING OFFICER: Good evening. MS. PEDDLE: Development Services, Carolanne Pedddle. 6 This is Standard Rezoning 24-0356. The applicant is requesting to rezone the property 8 from RSC-6 to CG with restriction -- restrictions. 9 restriction is written as the eastern 50 feet of folio 10 11 13860.004, lot seven, Block 15 of Plat Book 1, Page 128. north Tampa plat shall be restricted to only parking and utility 12 13 uses. 14 The subject partial is located along the eastern portion of north U.S. Highway 41 in an area comprised of GC, CN and LDC and RSC-6 zoning districts. To the east of the property 16 and along North U.S. Highway Highway 41, the properties are a 17 mixture of commercial and residential uses. To the west of the 18 19 subject property and across North U.S. Highway, the uses consist 20 of county owned properties and single-family residential uses. 21 Therefore, the property -- furthermore, excuse me, the 22 property is separated from the north and south by plat of 23 right-of-way further buffering the lot. Additionally, all surrounding properties have a future land use designation of 24 R-6. Again, the subject parcel will be restricted to uses 25

limited to parking and utilities. 1 Based on the above consideration and proposed 3 restrictions, Staff finds the proposed CGR rezoning district is compatible with the existing area's rezoning or excuse me, zoning districts and development pattern. Therefore, the Staff finds the request approvable. HEARING OFFICER: Thank you so much. MS. PEDDLE: Thank you. 8 HEARING OFFICER: Planning Commission. MS. PAPANDREW: Andrea Papandrew, Planning Commission 10 Staff. 11 Site is in the Residential-6 Future Land Use Category 12 The site is located within the Lutz 13 in the rural area. 14 Community Plan. The proposed parking lot would accommodate parcel 13859.000, which is also owned by the applicant as a proposed local family owned and operated general store. 16 17 Future Land Use Element permits new development within the rural 18 area that is similar in character to the existing community. 19 Policy 4.1 characterizes the rural area of low density, a large 20 lot residential. The proposed is similar in character --21 character to commercial general uses to the immediate west, 22 north and south and is consistent with policy direction. 23 Policies 9.1, 9.2 allow for proved zoning as consistent with the comprehensive plan and developments that 24 meet the regulations established by Hillsborough County. At the 25

time of this Staff's Report, we have not received transportation 1 comments, so they're not reflected in our analysis. 2 The proposal meets the intent of Objective 16 and 3 Policies 16.1, 16.2, 16.3 and 16.10, that require new development in-fill and redevelopment to be compatible with the surrounding area in character lot size and density. Goal 12 and Objective 12-1 of the community design component requires new development to recognize the existing community and be 8 compatible with the predominant character of the surrounding 10 area. 11 (Indiscernible) land use pattern is made of light 12 commercial and single-family uses and vacant land. The parcel 13 to the immediate east is vacant. The site meets the commercial 14 character strategies in the Lutz Community Plan. The Lutz 15 Community seeks to ensure that commercial development and special uses are properly placed to enhance the utility, 16 17 historic character of the downtown. Lutz Downtown is at the 18 intersection of Lutz Lake Fern Road and U.S. Highway 41 and 19 recognized as a community activity center. And the site is 20 directly east of this intersection. 21 Based upon the above considerations, Planning 22 Commission Staff find the proposed rezoning consistent with the 23 Unincorporated Hillsborough County Comprehensive Plan. 2.4 HEARING OFFICER: Thank you so much. 25 Is there anyone in the room or online that would like

to speak in support? Anyone in favor? I'm seeing no one. 1 2 Anyone in opposition to this request? All right. No 3 one. Ms. Heinrich, anything else? 5 MS. HEINRICH: Yes. I would just add for you in case when you're reviewing this after this hearing, if you're wondering about the verbiage of the restriction, the applicant has told us he intends to combine this lot with a lot to the And then together that will be recognized under that folio referenced. So that is why it's referenced as the east 10 11 50 feet of that folio. Because I know today, if you were to look at the folio, there would be no east 50 feet because 12 it's -- it's a small --13 14 HEARING OFFICER: I see. 15 (Simultaneous speaking.) 16 HEARING OFFICER: It was subdivided out. 17 MS. HEINRICH: Yes. That is written in an expectation 18 as the applicant has told us he will be combining those lots. HEARING OFFICER: Understood. Thank you for that 19 clarification. I appreciate it. 20 21 All right. Sir, as the applicant you have the last 22 word, if you'd like. You don't have to take it. 23 MR. MARX: I just want to thank everybody, the zoning commission, Michelle and Carolanne have been super helpful 24 25 because we're new -- new to this. And it's been a complicated

1	process, but thank you very much.
2	HEARING OFFICER: Thank you. I appreciate those
3	comments. Thank you.
4	All right. Then with that, we'll close
5	MR. MARX: Thank you.
6	HEARING OFFICER: Rezoning 24-0356 and go to the
7	next case.
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EXHIBITS SUBMITTED DURING THE ZHM HEARING

NONE

PARTY OF RECORD

NONE