

**Rezoning Application: 23-0082 (REVISED)**

Zoning Hearing Master Date: August 21, 2023

BOCC Land Use Meeting Date: October 10, 2023

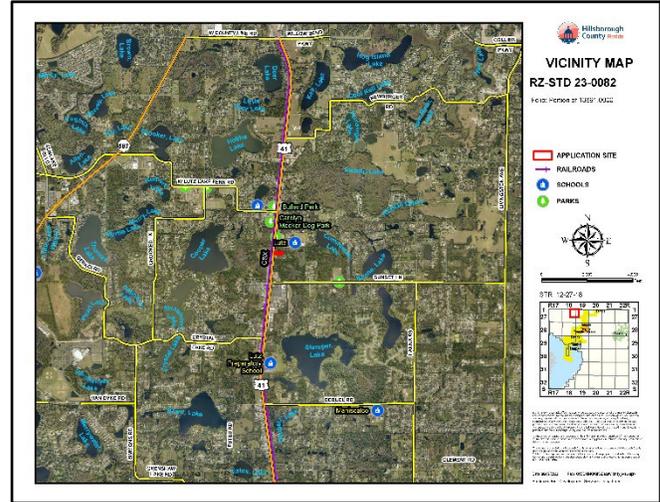


**Hillsborough County Florida**

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: 0.82 +/- of 1.24+/-  
 Community Plan Area: Lutz  
 Overlay: None  
 Request: Rezone from **Residential- Single-Family Conventional – 6 – (RSC-6)** to **Commercial General with Restrictions (CG - R)**.



**Request Summary:**

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

**Zoning:**

Uses	Current RSC-6 Zoning	Proposed CG-R Zoning
	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services
Acreage	1.24+/- Acres; 54,014 sq. ft	0.824 +/- ac; 35,893.44 sf
Density / Intensity	1 dwelling Unit (du)/ 7, 000 sq. ft	0.27 F.A.R.
Mathematical Maximum*	7 dwelling units	9,691 sf

\* *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 / 9,691 sf
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:**

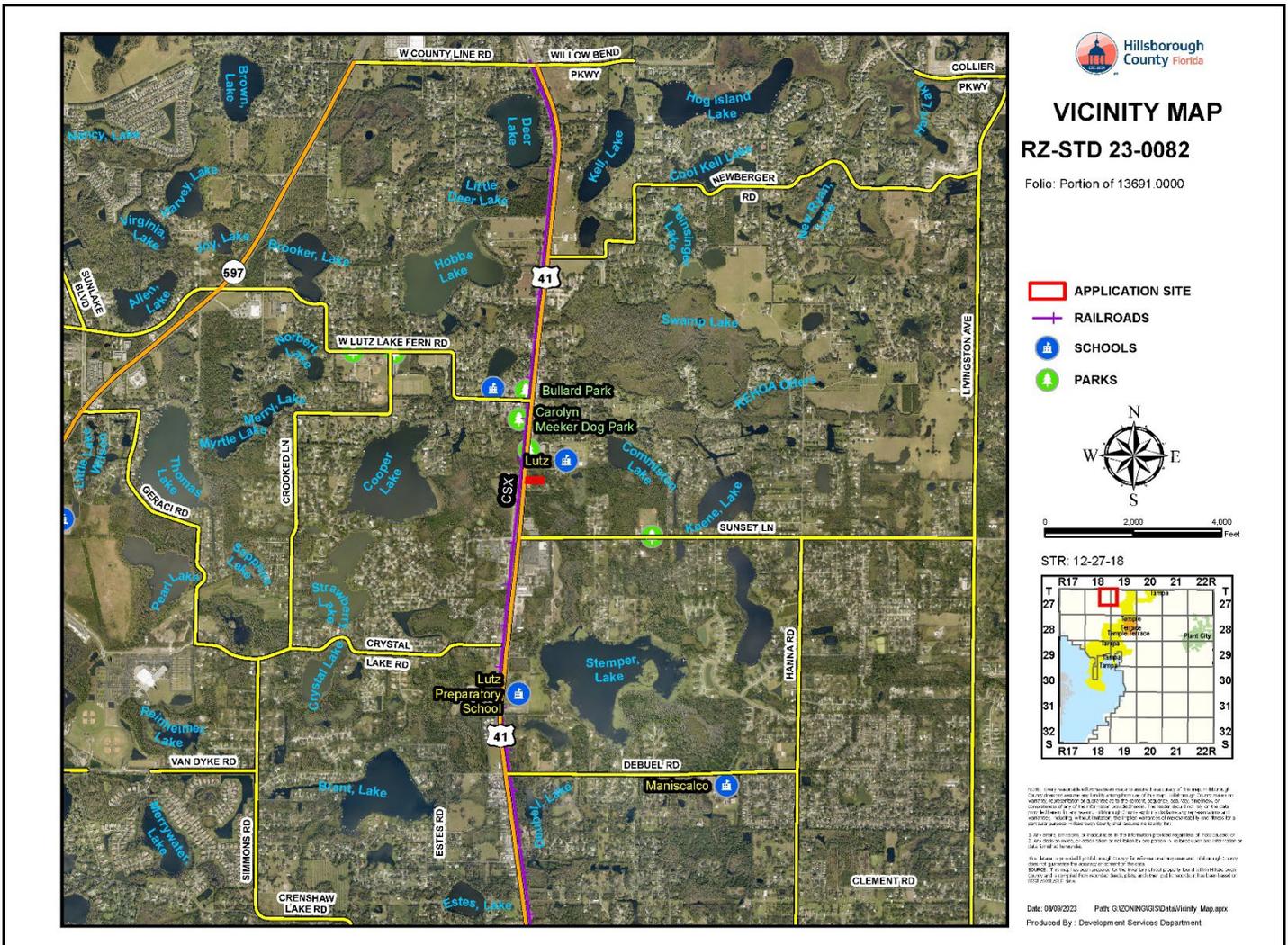
PD Variations	N/A
Waiver(s) to the Land Development Code	None

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

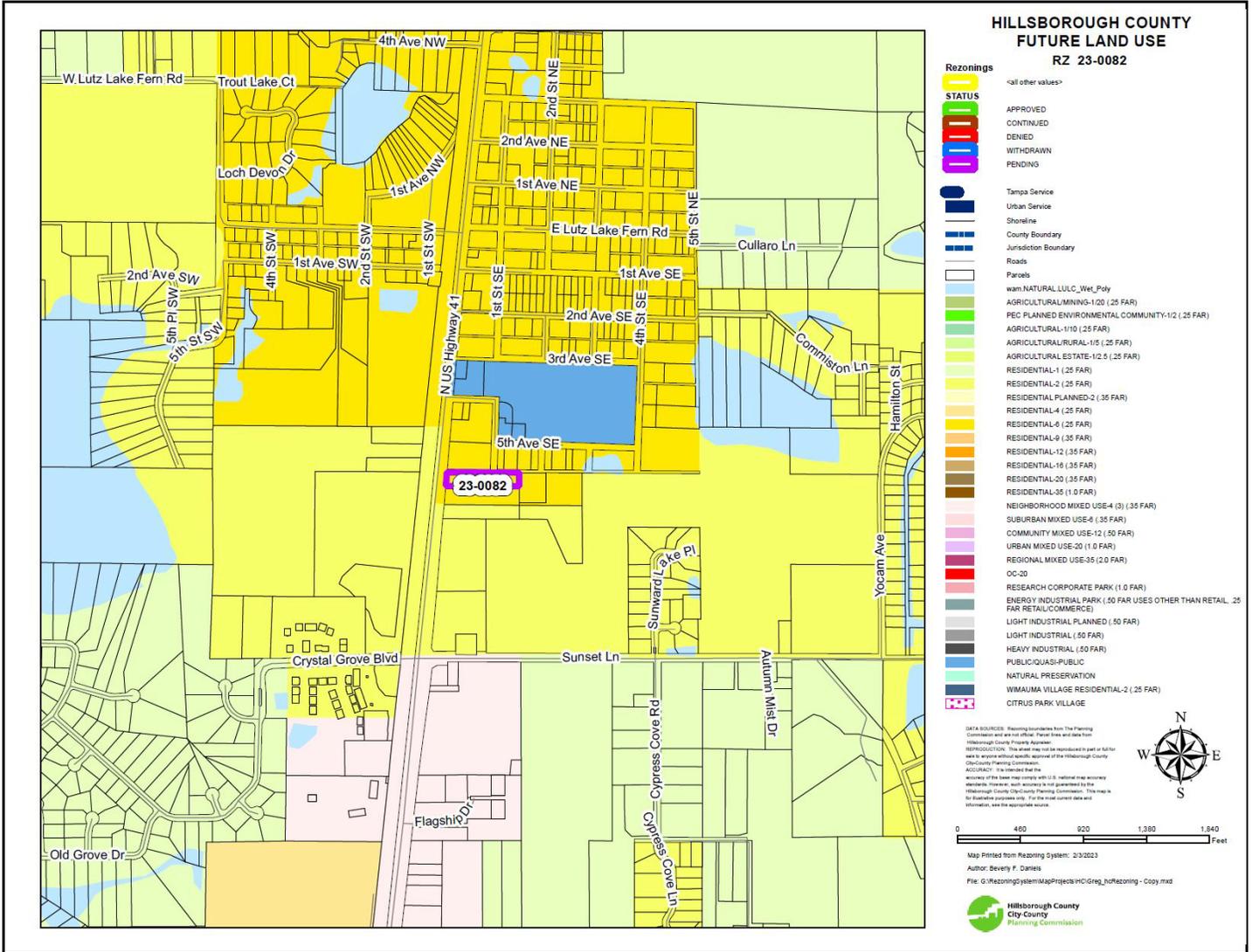


Context of Surrounding Area:

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**

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

Not Applicable

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

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 checked="" 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
1 <sup>st</sup> Street SE	County Local – Portions Rural and Unimproved	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	66	5	7
Proposed	4,060	388	300
Difference (+/-)	<b>(+) 3,994</b>	<b>(+) 383</b>	<b>(+) 293</b>

\*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access <input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY			
Environmental:	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
<b>Transportation</b> <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	
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comments provided
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b> N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A <input type="checkbox"/> Density Bonus Requested <input type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	<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.

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. To address the lots size, lot configuration, transition and compatibility concerns, the applicant has proposed that the following uses be prohibited on the subject site: Fast food restaurants with drive thru, Convenience store with or without gas sales, and Motor vehicle repair type uses.

Transportation Review staff have objected to the intensification of the site due to concerns, as outlined in their attached agency comment, that access to US 41 will not be granted by the Florida Department of Transportation (FDOT) and thus access would be via 1<sup>st</sup> Street SE and 4<sup>th</sup> Ave SE to the north which as operation/safety issues as also outlined in their agency comment. Without access to US 41, direct access to the site would be restricted to 1<sup>st</sup> Street SE which is unimproved right-of-way that dead ends into the property along the northern boundary. Parcels on both sides of the unimproved right-of-way are zoned RSC-6. If access were limited to 1<sup>st</sup> Street SE, staff finds the request not compatible as the proposed commercial use would functionally be at the deadend of a local street immediately bounded by properties zoned RSC-6. As noted in the Transportation Review comments, the applicant was advised to meet with FDOT to obtain further input/clarification regarding access to the site, consistent with the agency comments provided by FDOT which recommended the applicant reach out to FDOT. At the time of the of the staff report, those further discussion had not occurred.

**5.2 Recommendation**

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

<p><b>Zoning Administrator Sign Off:</b></p>	 <p>J. Brian Grady Mon Aug 14 2023 15:18:45</p>
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APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

ZHM HEARING DATE: August 21, 2023

BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

**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

**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

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TO: Zoning Technician, Development Services Department	DATE: 3/10/2023 <i>Revised: 8/12/2023</i>
REVIEWER: James Ratliff, AICP, PTP	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: LU/Northwest	PETITION NO: RZ 23-0082

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- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

RATIONALE FOR OBJECTION

1. On April 21, 2023 Florida Department of Transportation (FDOT) staff submitted a letter to Optix advising “the applicant reach out to the District Seven Tampa Operations offices of the Florida Department of Transportation to determine if a Pre-Application meeting is required.”
2. Hillsborough County policy is to require all projects which take access to an FDOT roadway and are in the zoning stage of the land development process to obtain detailed comments from FDOT to determine whether access can be supported and, if so, under what conditions.
3. The applicant failed to obtain the required comments from FDOT.
4. Hillsborough County staff reached out to FDOT to determine whether they could conceptually comment on the application without the having gone through a more detailed review with the applicant. FDOT staff indicated that, “The parcel discussed will not meet the Departments minimum spacing standards for a connection to the state roadway and reasonable and adequate access to the parcel can be made by other means.”
5. FDOT staff also provided information regarding Florida Administrative Code 14-96.009, which states FDOT may issue a permit for connection only upon certain conditions being met, one of which is a determination that “a conforming connection is not attainable at the time of the permit application submittal” and that “denial would leave the property without access to the public road system” (among other factors).
6. The project abuts an unimproved 10-foot-wide County right-of-way which runs east-west along the northern project boundary and is of insufficient width to construct any access facilities. Additionally, staff notes that even if it were wide enough, FDOT may not approve a connection in this area, due to the non-confirming access spacing issues in this area.
7. The project also abuts an unimproved 50-foot-wide right-of-way which runs north-south (i.e. the 1<sup>st</sup> St. SE right-of-way). This right-of-way is of sufficient width to accommodate an extension of 1st St. SE south to the subject site (thereby providing access to the public roadway system).
8. Given this alternative available access and based on the information available, staff believes that access to the subject site from US 41 will not be permitted.

9. Unrelated to this specific project, FDOT has recently expressed to County staff concerns regarding operational/safety issues along this corridor in the immediate vicinity of the project (both to the north and south). Additionally, one intersection which FDOT expressed concerns with was the intersection of 4<sup>th</sup> Ave. SE and US 41, which carries high volumes of traffic due to that being the sole vehicular access to Lutz Elementary School (see below photo for an illustration of the problem).
10. Staff requested that the applicant request a continuance so that they could meet with FDOT and determine whether additional information and analysis might yield a different result. The applicant declined to continue to the case.
11. Based upon what we know today, the project is not likely to be granted access to US 41, all traffic to and from the site would have to travel through the problematic intersection of 4<sup>th</sup> Ave. SE and US 41.
12. Given the project's inability to provide conforming/safe access to US 41, and the safety and operational problems with other County facilities as noted above, staff believes intensification of uses on the site is inappropriate and cannot be supported.
13. Even if FDOT were grant access to US 41, other issues are present which have not been addressed. Specifically, the remnant portion of the site (i.e. the portion which would remain in the RSC-6 zoning district) would only have access through the CG zoned portion of the site. When that part of the site is subdivided to allow residential development, its access would have to occur through an extension of 1<sup>st</sup> St. SE or via an exclusive easement access to a new roadway stub built to accommodate shared US 41 access connection (since single-family detached residential uses cannot share a driveway access to commercial uses due to easement and other restrictions within the Hillsborough County Land Development Code). No solutions or restrictions to this issue have been discussed/proposed. Staff notes that this issue is essentially moot at this time given the current understanding that access to US 41 will not be permitted; however, staff has mentioned the issue to make it clear that other issues need to be addressed even if FDOT were to somehow issue alternative findings.
14. Both FDOT's and the County's best opportunity to argue against the appropriateness of such intensification is during the legislative (zoning) stage of the land development process, and the applicant's desire to move forward with the zoning and sort these issues out at the time of site/construction plan review is not a prudent course of action and cannot be supported.
15. Given the above, staff recommends denial of the proposed zoning request.



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

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone a +/- 0.824 ac. portion (i.e. the westernmost +/- 370 feet) of a +/- 1.24 ac. parcel from Residential Single-Family Conventional - 6 (RSC-6) to Commercial (CG) with Restrictions (CG-R). The remaining 160 feet of parcel depth (i.e. +/- 0.416 ac.) would remain RSC-6. The applicant is offering to restrict the CG portion such that the following uses would not be permitted:

“fast food restaurants with drive thru, convenience store with or without gas sales, and motor vehicle repair type uses.”

Staff notes that other high trip intensity uses including but not limited to restaurants without drive-up facilities, liquor stores, free-standing bars, lounges, nightclubs and dance halls, drug stores, medical marijuana dispensing facilities, microbreweries, specialty food stores, and walk-in and drive-through banks could still be permitted.

Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer’s Trip Generation Manual, 11<sup>th</sup> Edition.

**Approved Uses:**

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

**Proposed Uses:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 8,973 s.f. Fast-Food Restaurants without Drive-Through (ITE LUC 933)	4,041	387	298
RSC-6, 2 Single-Family Detached Dwelling Units	19	1	2
<b>Subtotal:</b>	<b>4,060</b>	<b>388</b>	<b>300</b>

**Trip Generation Difference:**

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+) 3,994</b>	<b>(+) 383</b>	<b>(+) 293</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

US 41 is a 6-lane, divided, principal arterial roadway owned and maintained by the Florida Department of Transportation (FDOT). The roadway is characterized by +/- 11-foot travel lanes in above average condition (in the vicinity of the proposed project). Along the project’s frontage, the roadway lies within a +/- 210-foot-wide combined right-of-way (for the highway and parallel CSX facility which runs along the west side of the roadway in this area). There are +/- 5-foot-wide sidewalks along the east side of the roadway in the vicinity of the proposed project. There are +/- 4-foot-wide bicycle facilities present along both sides of the roadway in the vicinity of the proposed project.

**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 and restrictions 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 (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), 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 (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did identify concerns regarding future project access, as noted in the “Rationale for Objection” section hereinabove. Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review.

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

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

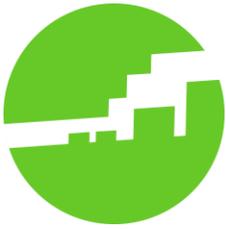
Level of Service (LOS) information for adjacent roadway sections is reported below.

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

Source: Hillsborough County 2020 Level of Service Report.

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**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> August 21, 2023	<b>Petition: RZ 23-0082</b>
<b>Report Prepared:</b> August 9, 2023	<i>Southeast of 4<sup>th</sup> Ave SE and N US Highway 41 Intersection</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding</b>	<b>INCONSISTENT</b>
<b>Adopted Future Land Use</b>	<b>Residential-6 (6du/ga; 0.25 FAR)</b>
<b>Service Area</b>	<b>Rural</b>
<b>Community Plan</b>	<b>Lutz</b>
<b>Request</b>	Rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG)
<b>Parcel Size</b>	1.24 ± acres (54,101 square feet)
<b>Street Functional Classification</b>	US Highway 41 - <b>State Principal Arterial</b> SE 4 <sup>th</sup> Avenue - <b>Local</b>
<b>Locational Criteria</b>	Does not meet; waiver request received.
<b>Evacuation Zone</b>	None



## **Context**

- The 1.24-acre subject property is located approximately 750 feet southeast of 4<sup>th</sup> 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 are 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 of 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 of 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 4<sup>th</sup> 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 provided a list of intended restriction uses for the proposed Commercial General on the subject site. The applicant proposes to restrict the following uses: fast food restaurants with drive thru, convenience store with or without gas sales, and motor vehicle repair type uses. Despite the proposed restrictions the proposed rezoning from RSC-6 to CG would not reflect a development pattern that is consistent with the character of the surrounding area.

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 the surrounding existing development pattern. 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, the applicant submitted a CLC waiver request for review. Staff reviewed the request and did not identify any unique circumstances that would lend support to a waiver request. Although the subject site is abutting CG the proposed rezoning would allow for the potential of uses that would encroach into the existing single-family residential neighborhood due to the shape and size of the lot. Therefore, staff recommends that the Board not grant the waiver.

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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