Rezoning Application: 23-0082 REVISED

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 7, 2023



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: C & C Investment Properties of

Tampa LLC

FLU Category: Residential -6 (R-6)

Service Area: Rural

Site Acreage: 1.24+/Community Plan Area: Lutz

Reguest: Rezone from Residential- Single-

None

Family Conventional – 6 – (RSC-6) to Commercial General with

Restrictions (CG - R).



Request Summary:

Overlay:

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 and to the location of uses.

Zoning:					
	Current RSC-6 Zoning	Proposed CG-R Zoning			
Uses	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services			
Acreage	1.24+/- Acres; 54,014 sq. ft	1.24+/- ac			
Density / Intensity	1 dwelling Unit (du)/ 7, 000 sq. ft	0.27 <u>0.25</u> F.A.R.			
Mathematical Maximum* 7 dwelling units 14,583 13,504 sq. ft					
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.					

Development Standards:				
	Current RSC-6 Zoning	Proposed CG- Zoning		
Density/ Intensity	1 du/ 7, 000 sq. ft	0.27 F.A. R / 9,056 - <u>13,504</u> sq. ft		
Lot Size / Lot Width	7, 000 sq. ft/ 70'	10, 000 sq. ft/ 75'		
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	30' – Front (West) 0' – Side (North) 20' – Side (South) 20' Type B Buffering 20' – Rear (East) 20' Type B Buffering		
Height	35′	50′		

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

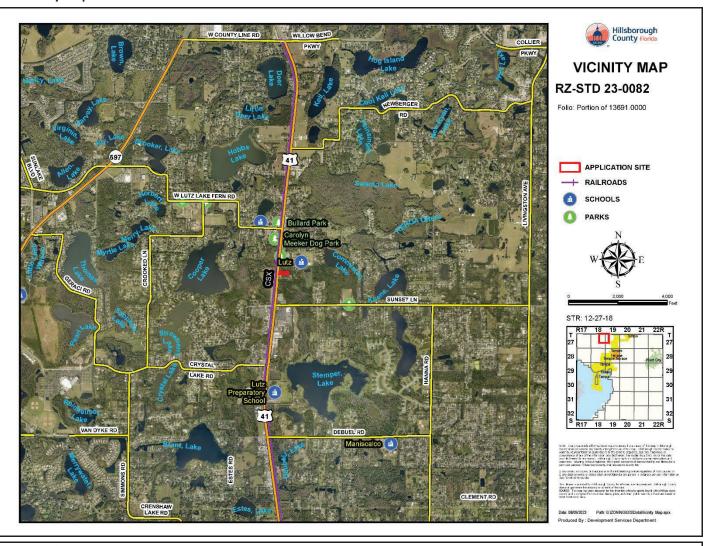
ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Additional Information:	
Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



Context of Surrounding Area:

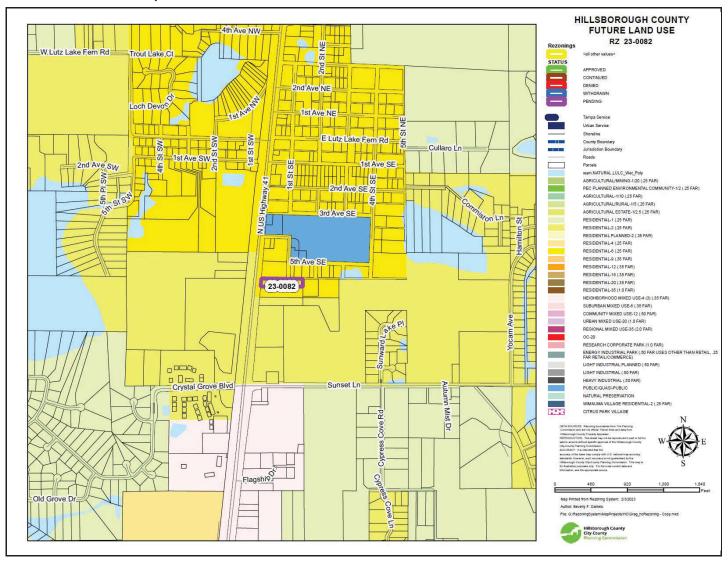
The site is surrounded by properties with Single-Family Residential, Agricultural, Business Professional, Office and Commercial General type uses. The immediate adjacent properties are zoned Residential Single-Family Conventional – 6 (RSC-6) to the north and east; Commercial General (CG) and RSC-6 to 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.

APPLICATION NUMBER: RZ STD 23-0082

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Case Reviewer: Isis Brown

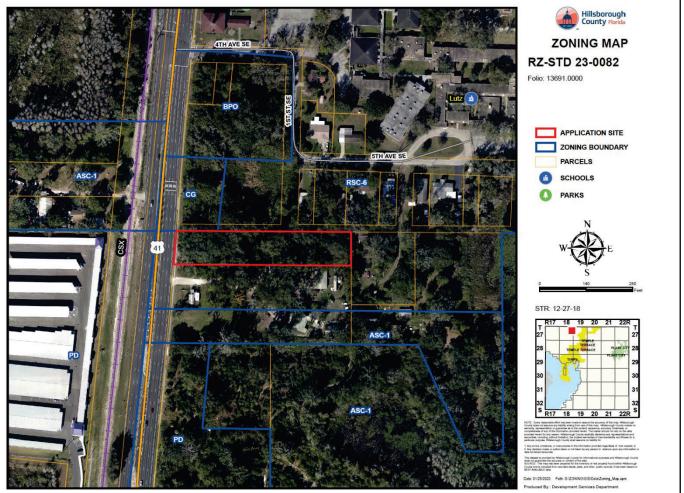
Subject Site Future Land Use Category:	Residential 6 (Res-6)
Maximum Density/F.A.R.:	6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or 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.

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Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



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

ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 18, 2023 November 7, 2023	Case Reviewer: Isis Brown
2.0 LAND USE MAP SET	AND SUMMARY DATA	
2.4 Proposed Site Plan (partial provided below fo	r size and orientation purposes. See Section 8.0 for full site plan)
		Not Applicable

APPLICATION NUMBER:

RZ STD 23-0082 *REVISED*

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

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 	
1 st Street SE	County Local – Portions Rural and Unimproved	2 Lanes ⊠ Substandard Road ⊠ Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements ☑ Other - TBD 	

Case Reviewer: Isis Brown

Project Trip Generation ☐ Not applicable for this request						
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips					
Existing	66 5 7					
Proposed	4,060	388	300			
Difference (+/-)	(+) 3,994					

^{*}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:				

ZHM HEARING DATE: September 18, 2023
BOCC LUM MEETING DATE: November 7, 2023

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	□ Yes 図 No	□ Yes 図 No	
Natural Resources	☐ Yes ☐ No	☐ Yes ☐ No	No comments provided
Conservation & Environmental Lands Mgmt.	☐ Yes ☐ No	☐ Yes ☐ No	No comments provided
Check if Applicable: ☐ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☑ Wellhead Protection Area	☐ Significant Wild ☐ Coastal High Ha	azard Area	Corridor
☐ Surface Water Resource Protection Area☐ Potable Water Wellfield Protection Area	☐ Adjacent to ELA		
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation ☐ Design Exception/Adm. Variance Requested ☐ Off-site Improvements Provided ☑ N/A Utilities Service Area/ Water & Wastewater	☐ Yes ☑ No ☐ N/A	□ Yes □ No ⊠ N/A	
☐ Urban ☐ City of Tampa ☐ Rural ☐ City of Temple Terrace	□ Yes □ No	☐ Yes ☐ No	No comments provided
Hillsborough County School Board Adequate □ K-5 □6-8 □9-12 ⊠ N/A Inadequate □ K-5 □6-8 □9-12 ⊠ N/A	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission ☐ Meets Locational Criteria ☐ N/A ☑ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☐ Density Bonus Requested ☐ Consistent ☐ Inconsistent	☑ Inconsistent☐ Consistent	⊠ Yes ⊠ No	

Case Reviewer: Isis Brown

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

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.

Case Reviewer: Isis Brown

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 lot's size, lot configuration, transition and compatibility concerns, the applicant has proposed the following: 1) the rear (eastern portion) of 156' be reserved and conditioned only to allow for retention, stormwater and septic tank use, and; 2) 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 1st Street SE and 4th Ave SE to the north which as operation/safety issues as also outlined in their agency comment. If direct access to US 41, could be granted in the future in conjunction with above listed proposed site layout and restrictive site uses maybe the request may be more favorable and supportable.

However, without access to US 41, direct access to the site would be restricted to 1st 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 1st 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. If access was assured to be provided to US 41, staff could find the request compatible with the proposed restrictions. However, given the access issues as outlined herein staff continues to have compatible concerns with the subject application.

5.2 Recommendation

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

The applicant is proposing the following restrictions:

- 1. The rear (eastern portion) of 156' shall be reserved and conditioned only to allow for retention, stormwater and septic tank use.
- 2. The following uses shall 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.

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023 Case Reviewer: Isis Brown

Zoning Administrator Sign Off:

J. Brian Grady Mbn Sep 18 2023 14:10:55

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

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

APPLICATION NUMBER:	RZ STD 23-0082 REVISED	
ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 18, 2023 November 7, 2023	Case Reviewer: Isis Brown
8.0 PROPOSED SITE PLAN	N (FULL)	
		Not Applicable

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

Case Reviewer: Isis Brown

TO: Zoning Technician, Development Services Department		DATE: 3/10/2023 Revised: 8/12/2023 Revised: 9/12/2023	
		AGENCY/DEPT: Transportation	
		PETITION NO: RZ 23-0082	
	This agency has no comments.		
\square	This agency has no objection.		
	This agency has no objection, subject to the	listed or attached conditions.	
X	This agency objects for the reasons set forth	below.	

RATIONALE FOR OBJECTION

- 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."
- 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.
- 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 1st 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).
- 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.

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

- 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 4th 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. The applicant reached out to FDOT to for an informal comments, and received comments from an FDOT staff person which happened outside of their normal review process. County staff understands that FDOT staff person was trying to provide a quick review, and so issued findings which were opposite to the findings issues by the FDOT Traffic Operations Department (based on having incomplete information regarding the site). That FDOT staff subsequently withdrew their comments, leaving the objection to stand. FDOT staff indicated they would try to schedule a meeting with the applicant to obtain formal comments; however, as of the date of this report writing no such meeting has been held and/or no formal comments have been placed into the record. The correspondence chain has been attached.
- 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 4th 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 1st 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.

ZHM HEARING DATE: Se BOCC LUM MEETING DATE: No

September 18, 2023 November 7, 2023

Case Reviewer: Isis Brown



Photo showing congestion and queuing issues at US 41 and 4th 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 <u>Trip Generation Manual</u>, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
1979	Way Volume	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-	Total Peak Hour Trips	
	Way Volume	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
Subtotal:	4,060	388	300

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ovember 7, 2023 Case Reviewer: Isis Brown

Trip Generation Difference:

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

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	То	LOS Standard	Peak Hour Directional LOS
US 41	Sunset Ln.	County Line Road	D	С

Source: Hillsborough County 2020 Level of Service Report.

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	RZ STD 23-0082
DATE OF HEARING:	September 18, 2023
APPLICANT:	C & C Investment Properties of Tampa, LLC
PETITION REQUEST:	The request is to rezone a parcel of land from RSC-6 to CG (R)
LOCATION:	750 feet Southeast of the Intersection of 4 th Ave. SE and N. US Hwy 41
SIZE OF PROPERTY:	1.24 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.

1.0 APPLICATION SUMMARY

Applicant: C & C Investment Properties of Tampa LLC

FLU Category: Residential -6 (R-6)

Service Area: Rural

Site Acreage: 1.24+/-

Community Plan Area: Lutz

Overlay:None

Request: Rezone from Residential- Single- Family Conventional – 6 – (RSC-6) to Commercial General with Restrictions (CG - 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 and to the location of uses.

Proposed CG-R Zoning

General Commercial, Office and Personal Services

Development Standards:

Additional Information:

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

1.24+/- Acres; 54,014 sq. ft 1 dwelling Unit (du)/ 7, 000 sq. ft 7 dwelling units

1.24+/- ac 0.27 0.25 F.A.R. 14,583 13,504 sq. ft

Development Services Department

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
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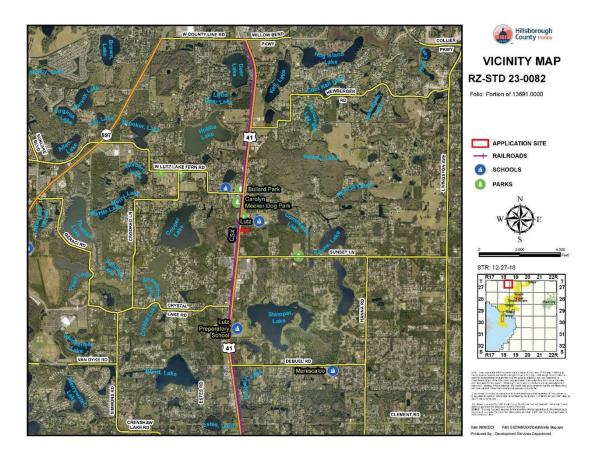
Additional Information:

RZ STD 23-0082 *REVISED*

Planning Commission Recommendation: Inconsistent

Development Services Department Recommendation: Not Supportable

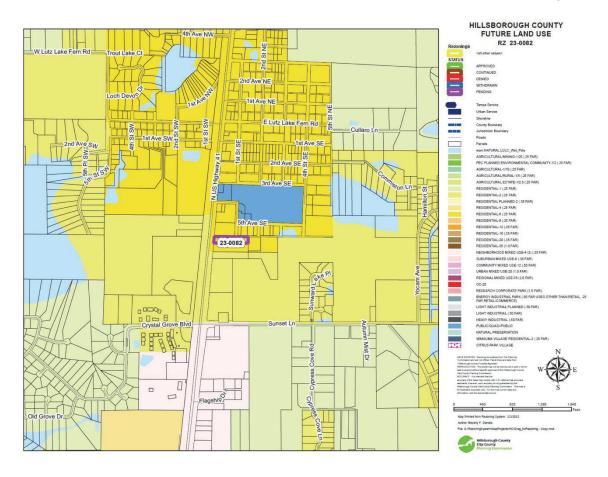
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



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



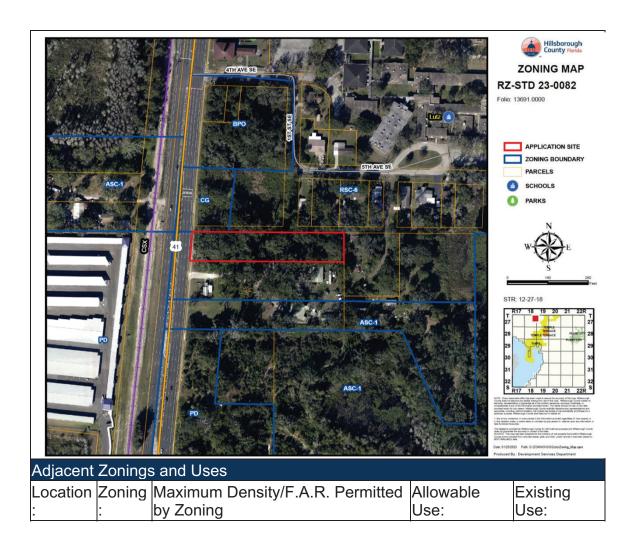
Subject Site Future Land Use Category: Maximum Density/F.A.R.:

Residential 6 (Res-6)

6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.

Typical Uses: Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

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



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

Classification Current Conditions Select Future Improvements

	3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)				
Adjoinii	ng Roadways (check				
	FDOT Principal Arterial - Urban	6 Lanes □Substandard Road ⊠Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other		
Otioot	County Local – Portions Rural and Unimproved	2 Lanes ⊠Substandard Road ⊠Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements ☑ Other - TBD 		
Connectivity and Cross Access ⊠Not applicable for this request Design Exception/Administrative Variance ⊠Not applicable for this request					
	Exception/Administra	ative Variance ⊠Not ap _l	olicable for this request		
	•	ative Variance ⊠Not app	· -		
4.0 ADD	•	RMATION & AGENCY C	·		
4.0 ADE Environ Environr	DITIONAL SITE INFOR	Conditions Ad Requested Info	OMMENTS SUMMARY ditional ormation/Comments		

□ Significant Wildlife Habitat					
□ Coastal High Hazard Area					
□ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property					
□ Other					
Public Facilities:			Additional Information/Comments		
Objections Transportation					
☐ Design Exception/Adm. Variance Requested ☐ Offsite Improvements Provided ☑ N/A	□ Yes ⊠ No □ N/A	□ Yes □ No ⊠ N/A			
Utilities Service Area/ Water & Wastewater □Urban □ City of Tampa ⊠Rural □ City of Temple Terrace	□ Yes □No	□ Yes □No	No comments provided		
Hillsborough County School Board Adequate □ K-5 □6-8 □9-12 ⊠N/A Inadequate □ K-5 □6-8 □9-12 ⊠N/A	□ Yes □ No	□ Yes □ No			

Impact/Mobility Fees

N/A

Comprehensive Plan: Find	dings	Conditions Requested	Additional Information/Comments
Planning Commission ☐ Meets Locational Criteria ☐N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☐Density Bonus Requested ☐Consistent	\boxtimes	⊠Yes ⊠No	
□Inconsistent			

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 lot's size, lot configuration, transition and compatibility concerns, the applicant has proposed the following: 1) the rear (eastern portion) of 156' be reserved and conditioned only to allow for retention, stormwater and septic tank use, and; 2) 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 1st Street SE and 4th Ave SE to the north which as operation/safety issues as also outlined in their agency comment. If direct access to US 41, could be granted in the future in conjunction with above listed proposed site layout and restrictive site uses maybe the request may be more favorable and supportable.

However, without access to US 41, direct access to the site would be restricted to 1st 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 1st Street SE, staff finds

the request not compatible as the proposed commercial use would functionally be at the dead end of a local street immediately bounded by properties zoned RSC- 6. If access was assured to be provided to US 41, staff could find the request compatible with the proposed restrictions. However, given the access issues as outlined herein staff continues to have compatible concerns with the subject application.

5.2 Recommendation

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

The applicant is proposing the following restrictions:

- 1. The rear (eastern portion) of 156' shall be reserved and conditioned only to allow for retention, stormwater and septic tank use.
- 2. The following uses shall 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.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 18, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Todd Pressman 200 Second Avenue South # 451 St. Petersburg testified on behalf of the applicant. Mr. Pressman showed a PowerPoint presentation and described the location of the subject property. He stated that the rear 156 feet is proposed for stormwater retention and septic tank usage which equates to 31 percent of the total site. The applicant has agreed to prohibit the use of fast food restaurants, convenience stores with gas and motor vehicle repair. He added that there is a 20-foot right-of-way between the property and the northern parcels. Mr. Pressman stated that the property owner to the north who previously had concerns recently sold her home and he had not heard from the new owner. He testified that he met with residents but had not been able to reach the property owner to the south. Mr. Pressman discussed the Lutz Community Plan and its recognition of US 41 as a high capacity road and one of the few that runs north and south. He detailed the surrounding land uses and zoning districts and stated that Goal 12 and Objective 12.1 of the Comprehensive Plan's Community Design Element indicates that new developments should recognize the existing community pattern which, in the subject case, is a strong trend of CG and commercial land uses. A waiver of commercial locational criteria was filed and based upon the intensity of US 41 and the development pattern in the area. Mr. Pressman stated that the restrictions agreed to by the applicant mitigate adverse impacts. He described the FDOT concern regarding access spacing. He stated

that the County's Transportation Review staff expressed concerns regarding the intersection as it carries high volumes for the school. He added that transportation issues are reviewed at the site plan review stage for Euclidean rezoning applications.

Mr. Mike Bernstein 19537 Deer Lake Road testified as a property owner along with his son. Mr. Bernstein showed photos of the adjacent parcels and stated that he had originally planned to build an office and met with the neighbors to listen to their concerns. This meeting resulted in the plan to reduce the zoning where the existing residences are located adjacent to the rear. He added that he cleaned the property up and noted that the house adjacent to the rear is operating a business that no one has complained about. Mr. Bernstein discussed the concerns of the neighbors regarding traffic and stated that US 41 is a six-lane road and his project will not impact the traffic condition. He testified that he believed his access is grandfathered with DOT and the proposed office will generate less traffic than multiple homes on-site. Mr. Bernstein discussed his proposed office hours and stated that the existing train that travels through Lutz between 4:30 and 6:30 in the morning creates noise that no one would want to live next to.

Hearing Master Finch asked Mr. Pressman if it was his understanding, based upon the County's staff report, that FDOT would not grant direct access to US 41. Mr. Pressman replied that FDOT will not approve it at this point and that he is not able to get a meeting with them until mid-October. He added that the proposed access will be through wetlands or US 41.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the applicant requested a rezoning from RSC-6 to Commercial General with Restrictions to permit commercial, office and personal services on a lot with a minimum square footage of 10,000 square feet. Ms. Brown detailed the applicant's restrictions and stated that the site does not meet commercial locational criteria. The Planning Commission staff found the request inconsistent due to compatibility concerns. The County's Transportation reviewers also had objections to the intensification of the site. Ms. Brown testified that due to the Transportation comments that access to US 41 would not be granted, staff finds that the request is not supportable at this time.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Massey stated that the subject property is within the Residential-6 Future Land Use classification and the Rural Service Area and Lutz Community Planning area. Ms. Massey described the intent of the Rural Service Area and stated that a rezoning to CG would directly conflict with Policy 4.1 as it would allow encroachment into the residential area east of the site. She stated that the request does not meet the intent of Objective 16 regarding neighborhood protection. She stated that the request does not meet commercial locational criteria as it is not within the required distance from the qualifying

intersection. Staff recognizes the adjacent parcel zoned CG but subject zoning would allow commercial encroachment due to the shape and size of the lot. Planning Commission staff does not support the waiver as staff has compatibility concerns with the commercial uses next to existing residential areas. She concluded her presentation by stating that the Planning Commission finds the proposed rezoning inconsistent 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.

Mr. Jay Muffly 102 5th Avenue Southeast, Lutz testified in opposition. Mr. Muffly stated that he is with the Lutz Civic Association and that the CG to the north was a mom and pop motel which partially disappeared with the widening of US 41 and the remainder fell into disrepair and was torn down. He added that First Street is partially in a wetland and wetland setback area. Mr. Muffly testified that the Lutz Civic Association supports the County's staff findings and supports residential development on the subject property.

Mr. James Ratliff of the County's Transportation Review Section testified that he had a correction to his staff report due to the applicant's revision for a restriction on the use of the rear portion of the property. He cited the revised trip generation rates and stated that every parcel has a right to access for the minimal beneficial use of the property which is generally considered to be single-family residential. He added that FDOT is not saying that they won't honor that driveway connection but rather that they aren't guaranteed access if the minimum access standards are not met if the use of the property is intensified. Mr. Ratliff testified that the request intensifies the use by an additional 4,000 daily trips and 383 peak hour trips. He stated that he did not believe it was appropriate to grant an intensification of the property when it has not been demonstrated that the parcel has safe access. It is DOT and the County's position to object to a rezoning and access that is not compliant with the regulations at the time of rezoning.

Hearing Master Finch asked Mr. Ratliff to confirm that the FDOT issue is that the proposed access point does not meet spacing standards. Mr. Ratliff replied that was correct.

Ms. Heinrich of the Development Services Department did not have additional comments.

Mr. Pressman testified during the rebuttal period that while he appreciated Mr. Muffly coming to the hearing to testify in opposition, not one adjacent property owner had been heard from. He added that the emphasis should be placed on

what would be the best use of the site. He questioned if the best use is residential with a train virtually running though it or commercial with restrictions in the rear along US 41. Mr. Pressman concluded his comments by stating that CG is the best use of the property.

The hearing was then concluded.

EVIDENCE SUBMITTED

Ms. Heinrich submitted a revised County staff report into the record. Mr. Pressman submitted a copy of his PowerPoint presentation 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 1.24 acres in size and is currently zoned 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 has proposed Restrictions that pertain to requiring the retention, stormwater and septic tank to be located in the rear 156 feet of the subject property to increase compatibility with the adjacent residential parcels. The applicant has also proposed a Restriction to prohibit fast food restaurants with drive-thrus, convenience stores with or without gas sales and motor vehicle repairs on-site. The remaining CG uses would be permitted, if approved.
- 3. The Planning Commission staff does not support the rezoning request. The Planning Commission stated that the property is located in the Rural Service Area and stated that a rezoning to CG would directly conflict with Policy 4.1 as it would allow encroachment into the residential area east of the site. Staff stated the request does not meet the intent of Objective 16 regarding neighborhood protection. The request does not meet commercial locational criteria as it is not within the required distance from the qualifying intersection. Planning Commission staff testified that although the adjacent parcel zoned CG but subject zoning would allow commercial encroachment due to the

shape and size of the lot. Planning Commission staff does not support the waiver as staff has compatibility concerns with the commercial uses next to existing residential areas. The Planning Commission found the application inconsistent with both the Lutz Community Plan and the Comprehensive Plan.

4. The Development Services Department also has compatibility concerns with the request and does not support the application.

County Transportation Review staff testified that FDOT would not permit the requested access to US 41 and thus access would be provided via 1st Street SE and 4th Avenue to the north which would result in operational and safety concerns.

- 5. A small portion of the property fronts US 41 with the majority of the parcel having frontage on 3rd Avenue SE to the north, 4th Street SE to the east and 5th Avenue SE to the south. The abutting parcels to the north, south and east are zoned RSC-6 and developed with residential homes with the exception of a small parcel to the northwest which fronts US 41.
- 6. One person testified in opposition was provided at the Zoning Hearing Master hearing. The citizen represented the Lutz Civic Association and stated that they support the County's staff report and requested that the parcel remain residentially zoned. He added that the CG to the north was a small motel which was partially taken with the widening of US 41 and that the remainder of the motel fell into disrepair and was torn down. He added that First Street is partially in a wetland and wetland setback area.
- 7. In response to the County's Transportation staff testimony that FDOT would not grant direct access to US 41, the applicant's representative stated that parcels are required to be provided access.

County staff testified in rebuttal that guaranteed access pertains to a single residential use and not the intensification of the land use for commercial development. County staff stated that FDOT would not grant access to US 41 as the parcel does not meet the FDOT required spacing between access points.

8. The proposed rezoning to CG-R is not consistent with the Land Development Code due to its location in the Rural Service Area and the abutting residential development and zoning districts. The applicant's proposed Restriction to limit the uses of the rear portion of the property does not mitigate the testimony of County Transportation staff that FDOT would not grant direct access to US 41 thereby requiring the commercial project to access via local roads. The rezoning request is not consistent with the Comprehensive Plan as the parcel does not meet commercial locational criteria and is not compatible with the surrounding area.

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

The rezoning request is not in compliance with and does not 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 not 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 1.24 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 Plan.

The applicant proposed Restrictions that pertain to requiring the retention, stormwater and septic tank to be located in the rear 156 feet of the subject property to increase compatibility with the adjacent residential parcels. The applicant has also proposed a Restriction to prohibit fast food restaurants with drive-thrus, convenience stores with or without gas sales and motor vehicle repairs on-site. The remaining CG uses would be permitted, if approved.

The Planning Commission staff does not support the rezoning request based on non-compliance with several Plan Policies and the fact that the parcel is located in the Rural Service Area and does not meet commercial locational criteria and does not support the requested waiver due to compatibility concerns with the commercial uses next to existing residential areas. The Planning Commission found the application inconsistent with both the Lutz Community Plan and the Comprehensive Plan.

The Development Services Department also had compatibility concerns and does not support the rezoning request. County Transportation Review staff testified that FDOT would not permit the requested access to US 41 and thus access would be provided via 1st Street SE and 4th Avenue to the north which would result in operational and safety concerns.

In response to the County's Transportation staff testimony that FDOT would not grant direct access to US 41, the applicant's representative stated that parcels are required to be provided access. County staff testified in rebuttal that guaranteed access pertains to a single residential use and not the intensification of the land use for commercial development. County staff stated that FDOT would not grant access to US 41 as the parcel does not meet the FDOT required spacing between access points.

One person testified in opposition was provided at the Zoning Hearing Master hearing. The citizen represented the Lutz Civic Association and stated that they support the County's staff report and requested that the parcel remain residentially zoned. He added that the CG to the north was a small motel which was partially taken with the widening of US 41 and that the remainder of the motel fell into disrepair and was torn down. He added that First Street is partially in a wetland and wetland setback area.

The proposed rezoning to CG-R is not consistent with the Land Development Code due to its location in the Rural Service Area and the abutting residential development and zoning districts. The applicant's proposed Restriction to limit the uses of the rear portion of the property does not negate or mitigate the testimony of County Transportation staff that FDOT would not grant direct access to US 41 thereby requiring the commercial project to access via local roads. The rezoning request is not consistent with the Comprehensive Plan as the parcel does not meet commercial locational criteria and is not compatible with the surrounding area.

RECOMMENDATION

October 9, 2023

Date

Based on the foregoing, this recommendation is for **DENIAL** of the CG-R rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.

Susan M. Finch. AICP

Sum M. Fine

Land Use Hearing Officer



Unincorporated Hillsborough C	County Rezoning
Hearing Date: September 18, 2023	Petition: RZ 23-0082
Report Prepared: September 6, 2023	Southeast of 4 th Ave SE and N US Highway 41 Intersection
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Residential-6 (6du/ga; 0.25 FAR)
Service Area	Rural
Community Plan	Lutz
Request	Rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG)
Parcel Size	1.24 ± acres (54,101 square feet)
Street Functional Classification	US Highway 41 - State Principal Arterial SE 4 th Avenue - Local
Locational Criteria	Does not meet; waiver request received.
Evacuation Zone	None



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

Context

- The 1.24-acre subject property is located approximately 750 feet southeast of 4th Avenue SE and North US Highway 41 Intersection.
- The site is located within the Rural Area and is located within the limits of the Lutz Community Plan.
- The subject property is located within the Residential-6 (RES-6) Future Land Use category, which can be considered for a maximum density of up to 6 dwelling units per gross acre and a maximum intensity of 0.25 Floor Area Ratio (FAR). The RES-6 Future Land Use category is intended for areas that are suitable for low density residential development. Typical uses include, but 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 4th Avenue SE and North US Highway 41. The site is in the Rural Area and is located within the limits of the Lutz Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-6 (RES-6). The applicant is requesting a rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG).

Objective 4 of the Future Land Use Element (FLUE) notes that 20% of the growth in the region will occur within the Rural Area. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential uses and long-term agricultural uses that can exist without the threat of urban or suburban encroachment. A rezoning to CG would directly conflict with this policy, as the range of uses would allow for urban encroachment into the area located east of the subject site.

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

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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

RZ 23-0082 7

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*.

RZ 23-0082 8

HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ 23-0082

<all other values>

Tampa Service Urban Service wam.NATURAL.LULC_Wet_Poly

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/MINING-1/20 (.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-2 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR)

RESIDENTIAL-4 (.25 FAR) RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-12 (.35 FAR)

RESIDENTIAL-16 (.35 FAR)

RESIDENTIAL-20 (.35 FAR)

RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

COMMUNITY MIXED USE-12 (.50 FAR) URBAN MIXED USE-20 (1.0 FAR)

REGIONAL MIXED USE-35 (2:0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE) LIGHT INDUSTRIAL PLANNED (.50 FAR)

LIGHT INDUSTRIAL (.50 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION



Map Printed from Rezoning System: 2/3/2023

FIe: G\RezoningSystem\MapProjects\HC\Greg_hcRezoning - Copy.mxd



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 3/10/2023

Revised: 8/12/2023

Revised: 9/12/2023

REVIEWER: James Ratliff, AICP, PTP AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: LU/Northwest PETITION NO: RZ 23-0082

	This agency has no comments.
	This agency has no objection.
	This agency has no objection, subject to the listed or attached conditions.
X	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 1st 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 4th 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. The applicant reached out to FDOT to for an informal comments, and received comments from an FDOT staff person which happened outside of their normal review process. County staff understands that FDOT staff person was trying to provide a quick review, and so issued findings which were opposite to the findings issues by the FDOT Traffic Operations Department (based on having incomplete information regarding the site). That FDOT staff subsequently withdrew their comments, leaving the objection to stand. FDOT staff indicated they would try to schedule a meeting with the applicant to obtain formal comments; however, as of the date of this report writing no such meeting has been held and/or no formal comments have been placed into the record. The correspondence chain has been attached.
- 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 4th 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 1st 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 4th Ave. SE

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a \pm 0.824 ac. portion (i.e. the westernmost \pm 370 feet) of a \pm 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. \pm 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, 11th 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-	Total Peak Hour Trips	
	Way Volume	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
Subtotal:	4,060	388	300

Trip Generation Difference:

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

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	То	LOS Standard	Peak Hour Directional LOS
US 41 Sunset Ln.		County Line Road	D	С

Source: Hillsborough County 2020 Level of Service Report.

From: Roth, Mecale < <u>Mecale.Roth@dot.state.fl.us</u>>

Sent: Thursday, August 24, 2023 9:58 AM

To: Todd Pressman < todd@pressmaninc.com >; Carroll, Allison < Allison.Carroll@dot.state.fl.us > Cc: Carroll, Allison < Allison.Carroll@dot.state.fl.us >; Allen, Thomas < Thomas.Allen@dot.state.fl.us >;

Croft, Todd < Todd.Croft@dot.state.fl.us >; Ratliff, James < RatliffJa@hillsboroughcounty.org >

Subject: RE: Pressman: Hillsborough county rezoning application 23-0082

External email: Use caution when clicking on links, opening attachments or replying to this email.

Ok, we will get you in before that date then. Let us look at the schedule.

Thank you,



Permit Coordinator II

2822 Leslie Rd. Tampa Fl. 33619 813 - 612 – 3237

Mecale.roth@dot.state.fl.us



From: Todd Pressman < todd@pressmaninc.com>

Sent: Thursday, August 24, 2023 9:57 AM

To: Roth, Mecale < Mecale.Roth@dot.state.fl.us >; Carroll, Allison < Allison.Carroll@dot.state.fl.us > Cc: Pressman Todd < todd@pressmaninc.com >; Carroll, Allison < Allison.Carroll@dot.state.fl.us >; Allen, Thomas < Thomas.Allen@dot.state.fl.us >; Croft, Todd < Todd.Croft@dot.state.fl.us >; Ratliff James

<RatliffJa@hillsboroughcounty.org>

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

Thank you.

Yes, I need a pre-ap asap, please, my last zoning hearing is 9/18.

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701
Cell. 727-804-1760
Fx. 1-800-977-1179

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On Aug 24, 2023, at 9:53 AM, Roth, Mecale < Mecale.Roth@dot.state.fl.us > wrote:

Good morning Todd,

It has come to my attention that this property had already been reviewed by our Traffic Operations Department and based on the existing conditions and the ability to connect to adjacent roadway, which I was not aware was an option, the department has determined that a nonconforming access would not be issued for this parcel. Coordination with local government will be required to obtain access via the side street. If you have any other questions, you are more than welcome to come in for a pre application meeting if you contact Allison she'd be more than happy to set one up for you. I apologize for the confusion. This is why I mentioned before reviewing the property for you, I would issue you vague comments having little information on the project. Unfortunately, the comments I sent you prior are no longer valid. If you need me to provide an official statement, I will. I can send a revision to the comments I sent, or a letter, if you or the county need to see something other than this email. Let me know.

Sincerely,



Permit Coordinator II

2822 Leslie Rd. Tampa Fl. 33619 813 - 612 – 3237

Mecale.roth@dot.state.fl.us



From: Todd Pressman <todd@pressmaninc.com>

Sent: Tuesday, August 15, 2023 1:28 PM

To: Roth, Mecale < Mecale. Roth@dot.state.fl.us>

Cc: Pressman Todd <<u>todd@pressmaninc.com</u>>; Carroll, Allison <<u>Allison.Carroll@dot.state.fl.us</u>>; Allen,

Thomas <Thomas.Allen@dot.state.fl.us>; Croft, Todd <Todd.Croft@dot.state.fl.us>

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

Thank you or your time, consideration and quick communications.

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701
Cell. 727-804-1760
Fx. 1-800-977-1179

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On Aug 15, 2023, at 1:23 PM, Roth, Mecale < Mecale.Roth@dot.state.fl.us > wrote:

Todd.

Here are my comments as promised. A little late, but right on time for me. I also created a PDF on FDOT letterhead in case you need to provide official notes to the county as proof that you have discussed the property with the Department.

We cannot deny you access, and from what I can tell, the only access option you have is to the state road. The following criteria would likely apply to the access:

- If possible, the Department would prefer to not have new, non-conforming access to the state road, and would rather it be taken a side street or a conforming shared driveway.
- 2. It would be a non-conforming driveway due to our spacing guidelines, which means it does not meet the required spacing from adjacent connections (driveways, median openings, signals) for the speed limit and type of roadway you are accessing. The spacing for this class 5 roadway with a speed limit of 45 MPH would require 245'

- between driveways or adjacent roadways, and 660' from the nearest directional median opening, or 1320' from a full median opening.
- 3. Since you do not meet any of those spacing standards (no matter where you put the driveway) the driveway will be subject to removal in the future if we determine there is better access to be used. This would likely be through a shared driveway.
- 4. To preserve the shared access option, we would require you to provide legally recorded cross access easements to the north and south property lines 24' wide, and a minimum of 30' setback from the 6" white travel lane line.
- 5. The speed limit would require a minimum of 25' radii up to 35' on the ingress and egress.
- 6. A sidewalk connection to the state road.
- 7. We will need to see a truck turning template for the largest vehicle entering and exiting the site.
- 8. An access permit would be required since the land is vacant and being developed.
- 9. Land use and a trip generation would be needed to determine if a traffic study will need to be done.
- 10. A survey will also need to be provided to determine if a drainage permit or exception would be required. Pre and post basin maps and volume calcs would also need to be provided.

Anything more in depth would require more information, but this will give you an idea of where we stand. The county will mainly want to know if we are going to allow access or not. Let us know if you proceed with the project after the county meeting, and we will get you a proper pre app when you are ready. Have a good week.

Thank you,

Mecale' Roth

Permit Coordinator II

2822 Leslie Rd. Tampa Fl. 33619 813 - 612 – 3237

Mecale.roth@dot.state.fl.us

<image001.png><image002.png><image003.png><image004.png><image005.png>

From: todd@pressmaninc.com <todd@pressmaninc.com>

Sent: Thursday, August 10, 2023 2:42 PM

To: Roth, Mecale < Mecale.Roth@dot.state.fl.us>

Cc: Carroll, Allison <Allison.Carroll@dot.state.fl.us>; Allen, Thomas <Thomas.Allen@dot.state.fl.us>

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

THANK YOU again, rezoning to commercial general which is your typical commercial uses. Gas stations & vehicle repair & convenience stores specifically prohibited.

The primary thing to know & NEED to know is if you allow access from 41. Tying into the school to the North will never work as they have huge back-up's at school start & end times & then the effected citizens in the immediate vicinity will never accept that & the county does not like or want commercial traffic mixing with school or residential traffic (lol, of course, I am not speaking for the county!).

THANKS again.

Todd Pressman
President, Pressman & Assoc., Inc,
200 2nd Avenue, South, #451
St. Petersburg, Fl. 33701
Ph. 727-804-1760

Email: Todd@Pressmaninc.com

Fx. 1-888-977-1179

Web: WWW. Pressmaninc.com

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On Aug 10, 2023, at 2:18 PM, Roth, Mecale < Mecale.Roth@dot.state.fl.us > wrote:

Right, she usually just sends people my way. What zoning are you proposing? Do you have any ideas further than that? I can give you an idea of traffic generations for whatever ideas might be proposed so you know what scenarios you may be face and what the triggering point is and why. Feel free to tell me what you **need**to know or **want** to know, if anything, and I'll get you what you need. These vague inquiries can pop off in any direction with a single change in detail, so the more I know, the more I can provide better comments, naturally, or if all you want are

vague comments, I have no problem with that either. Let me know. I'll start working on the vague version.

Mecale' Roth

Permit Coordinator II

2822 Leslie Rd. Tampa Fl. 33619 813 - 612 – 3237

Mecale.roth@dot.state.fl.us

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<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

From: todd@pressmaninc.com <todd@pressmaninc.com>

Sent: Thursday, August 10, 2023 2:12 PM

To: Roth, Mecale < Mecale.Roth@dot.state.fl.us >

Cc: Carroll, Allison < Allison.Carroll@dot.state.fl.us >; Allen, Thomas < Thomas.Allen@dot.state.fl.us >

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

I don't get any comments from Lindsey other than to check in with you. THANK YOU.

Todd Pressman
President, Pressman & Assoc., Inc,
200 2nd Avenue, South, #451
St. Petersburg, Fl. 33701
Ph. 727-804-1760

Email: Todd@Pressmaninc.com

Fx. 1-888-977-1179

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On Aug 10, 2023, at 2:07 PM, Roth, Mecale < Mecale.Roth@dot.state.fl.us > wrote:

Todd,

I will take a look at the property and give you some general comments on what we would and wouldn't allow under the proposed zoning changes and provide any possible construction conflicts I foresee. I recall you talking with Lindsey Mineer, so I imagine she sent you our way, is this correct? If so, then you will need to provide comments from us to take to the county for this meeting. For time's sake, may I have the location or address and general proposal. I apologize, I am very busy, and it would help to not have to dig back through emails to figure it all out. I will try to get you comments today, or worst case it may be Monday.

Thank you,

Mecale' Roth

Permit Coordinator II

2822 Leslie Rd. Tampa Fl. 33619 813 - 612 – 3237

Mecale.roth@dot.state.fl.us

<image001.png>

<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

From: Todd Pressman < todd@pressmaninc.com > Sent: Thursday, August 10, 2023 11:15 AM

To: Carroll, Allison < Allison. Carroll@dot.state.fl.us>

Cc: Pressman Todd <todd@pressmaninc.com>; Allen, Thomas <Thomas.Allen@dot.state.fl.us>; Roth,

Mecale < Mecale. Roth@dot.state.fl.us >

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

I have the Zoning Hearing Master on 8/21 for this application, is it possible to get comments from you for this rezoning per what we've discussed, versus a formal pre-application?

How long would would it take th get a pre-application meeting set up?

Thank you.

TODD PRESSMAN
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Cell. 727-804-1760
Fx. 1-800-977-1179

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On Aug 10, 2023, at 10:57 AM, Todd Pressman <todd@pressmaninc.com> wrote:

Thanks, Allison. This not a site plan application. We do not have a site plan. This is just the zoning "cog" being reviewed of the "rectangle" for CG uses. I'd suggest I continue with the Euclidan rezoning hearings and the issue of access to be determined at site planning/permitting, if even the parcel is approved for the re-zoning, or if the applicant wants to hire a civil engineer and transportation consultant can start to look into those issues, which of course can be timely and really not (in my opinion only) premature considering again, this is just a Euclidian rezoning.

I'd be happy to hear your thoughts and again thank you for your quick response.

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701

Cell. 727-804-1760 Fx. 1-800-977-1179

CAUTION: The approvals that Pressman & Associates, Inc., gain are only part of the entire development process and additional permits, reviews, approvals, applications and submittals WILL absolutely be required at the city, county state or federal levels. It is not the case that a zoning type approval entitles you to proceed with any development of a project of any type. ALSO, Pressman & Associates, Inc. is NOT a law firm, Mr. Todd Pressman is not an Attorney & any & all advise or consultation is not to be accepted as legal advice in any manner

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On Aug 10, 2023, at 10:48 AM, Carroll, Allison < Allison.Carroll@dot.state.fl.us > wrote:

Ok, in that case, we should definitely hold a pre-application meeting, which can be done via Microsoft Teams, online.

To schedule this meeting, we need an aerial showing existing features, preferably with at least a line drawing of your proposed development and access design superimposed on it. A preliminary site plan for your civil improvements, including right-of-way work, is also needed. A project narrative is also helpful in determining how matters will be handled from FDOT's point of view. Finally, please let us have your trip-generation report based on the 11th edition of the ITE.

Thank you,

Allison Carroll
Permit Coordinator II
<image001.jpg>
Allison.Carroll@dot.state.fl.us

813.245.1680

M,T,Th,F: 6.00 am - 4.30 pm

FDOT-OSP v3.0 (All Types) - One Stop Permitting

From: Todd Pressman < todd@pressmaninc.com > Sent: Thursday, August 10, 2023 10:35 AM

To: Carroll, Allison < Allison.Carroll@dot.state.fl.us>

Cc: Pressman Todd <todd@pressmaninc.com>; Allen, Thomas <Thomas.Allen@dot.state.fl.us>; Roth,

Mecale <Mecale.Roth@dot.state.fl.us>

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

Access was expected from 41.

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701
Cell. 727-804-1760
Fx. 1-800-977-1179

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On Aug 10, 2023, at 10:33 AM, Carroll, Allison < Allison.Carroll@dot.state.fl.us > wrote:

No problem.

Do you have any kind of development concept sketch showing how the access would work, for this parcel?

Frontage development on a Florida State Road requires at least minimal permitting; however, what type will depend on how you plan to access your parcel, even if your only access is being taken from the side street.

Thanks again,

Allison Carroll
Permit Coordinator II
<image001.jpg>

Allison.Carroll@dot.state.fl.us

813.245.1680

M,T,Th,F: 6.00 am – 4.30 pm

FDOT-OSP v3.0 (All Types) - One Stop Permitting

From: Todd Pressman < todd@pressmaninc.com > Sent: Thursday, August 10, 2023 10:14 AM
To: Carroll, Allison < Allison.Carroll@dot.state.fl.us >

Cc: Pressman Todd <todd@pressmaninc.com>

Subject: Re: Pressman: Hillsborough county rezoning application 23-0082

EXTERNAL SENDER: Use caution with links and attachments.

Good morning and thank you for your the quick response.

This is not a site plan rezoning, just 'Euclidian', for the 1.24 acre parcel. The rezoning would be to Commercial General zoning uses. It is a deep but thin parcel, thank you:

<image002.png>

<image003.png>

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701
Cell. 727-804-1760
Fx. 1-800-977-1179

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On Aug 10, 2023, at 9:08 AM, todd@pressmaninc.com wrote:

Good morning, Mr. Roth referred me to you regarding this question as to whether a pre-application is necessary or if you just have some comments for me, per below. thank you

Todd Pressman
President, Pressman & Assoc., Inc,
200 2nd Avenue, South, #451
St. Petersburg, Fl. 33701
Ph. 727-804-1760

Email: Todd@Pressmaninc.com

Fx. 1-888-977-1179

Web: WWW. Pressmaninc.com

CAUTION: The approvals that Pressman & Associates, Inc., gain are only part of the entire development process and additional permits, reviews, approvals, applications and submittals WILL absolutely be required at the city, county state or federal levels. It is not the case that a zoning type approval entitles you to proceed with any development of a project of any type. ALSO, Pressman & Associates, Inc. is NOT a law firm, Mr. Todd Pressman is not an Attorney & any & all advise or consultation is not to be accepted as legal advice in any manner

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Begin forwarded message:

From: Todd Pressman <todd@pressmaninc.com>

Date: August 9, 2023 at 5:01:12 PM EDT

To: "Roth, Mecale" < Mecale.Roth@dot.state.fl.us >, Thomas.allen@dot.state.fl.us

Cc: Pressman Todd <todd@pressmaninc.com>

Subject: Pressman: Hillsborough county rezoning application 23-0082

Good afternoon. Per a communication in the county record, I am emailing to see if a pre-ap is required for this site/application, thank you. This is located North US 41, Lutz, FL., 750 Ft SE of 4th Ave., SE & US Highway 41 Intersection. Folio #: 13691.0000, Thankyou:

<Screenshot 2023-08-09 at 4.57.36 PM.png>

TODD PRESSMAN
President, Pressman & Associates, Inc.
200 2nd Ave., South #451
St. Petersburg, FL 33701
Cell. 727-804-1760
Fx. 1-800-977-1179

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<SR 45 10 040 000 MP 13.642 Lutz Property For Todd Pressman.pdf>

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
US 41	FDOT Principal Arterial - Urban	6 Lanes □Substandard Road ⊠Sufficient ROW Width	☐ Corridor Preservation Plan☐ Site Access Improvements☐ Substandard Road Improvements☐ Other	
1 st St. SE	County Local – Portions Rural and Unimproved	2 Lanes ⊠ Substandard Road ⊠ Sufficient ROW Width (for Urban)	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements ⋈ Other - TBD 	
	Choose an item.	Choose an item. Lanes ☐ Substandard Road ☐ Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other	
	Choose an item.	Choose an item. 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	66	5	7		
Proposed	4,060	388	300		
Difference (+/-)	(+) 3,994	(+) 383	(+) 293		

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

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.

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:	Notes:			

Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
☐ Design Exception/Adm. Variance Requested☐ Off-Site Improvements Provided	⊠ Yes □N/A □ No	☐ Yes ⊠ No		



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

MEMORANDUM

DATE: April 21, 2023

TO: Todd Pressman

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT

Donald Marco, FDOT Mecale' Roth, FDOT Tom Allen, FDOT

Richard Perez, Hillsborough County

SUBJECT: RZ-STD 23-0082, N US 41, Lutz

This project is on a state road, US 41.

It is recommended that 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. You can call Ms. Mecale' Roth or Mr. Tom Allen at 813-612-3200, or email Mecale.Roth@dot.state.fl.us or Thomas.allen@dot.state.fl.us.

Thank you for the opportunity to comment.

END OF MEMO

COMMISSION

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



DIRECTORS

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

AGENCY COMMENT SHEET

REZONING			
HEARING DATE: March 20, 2023	COMMENT DATE: February 28, 2023		
PETITION NO.: 23-0082	PROPERTY ADDRESS: N. US Hwy 41, Lutz		
EPC REVIEWER: Abbie Weeks	FOLIO #: 0136910000		
CONTACT INFORMATION: (813) 627-2600 X1101	STR: 12-27S-18E		
EMAIL: weeksa@epchc.org			

REQUESTED ZONING: From RSC-6 to CG

FINDINGS			
WETLANDS PRESENT	NO		
SITE INSPECTION DATE	02/24/2023		
WETLAND LINE VALIDITY	NA		
WETLANDS VERIFICATION (AERIAL PHOTO,	No apparent wetlands onsite. Wetlands exist		
SOILS SURVEY, EPC FILES)	offsite to the north.		

INFORMATIONAL COMMENTS:

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site 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 the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.

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.

Aow/

ec: todd@pressmaninc.com



School Impact Review - No Comment or Objection

Date Issued:	3/20/2023	Acreage:	1.24	(+/- acres))
--------------	-----------	----------	------	-------------	---

Jurisdiction: Hillsborough County Proposed Zoning: CG

Case Number: RZ 23-0082 Future Land Use: R-6

Address: no address Maximum Residential Units: n/a

Parcel Folio Number(s): 13691.0000 Residential Type: n/a

Х	The District has no comment. The proposed development would not meet the threshold for School Concurrency.
	The District has no objection, subject to listed or attached conditions.

NOTE:

The information provided above is valid for sixth months from the date issued. Please contact the School District for an updated review as necessary.

andrea a Hingone

Andrea A. Stingone, M.Ed.
Department Manager, Planning & Siting
Growth Management Department
Hillsborough County Public Schools
E: andrea.stingone@hcps.net

P: 813.272.4429 C: 813.345.6684

ENVIRONMENTAL SERVICES DIVISION



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: 9/8/2023

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 9/20/2023

APPLICANT: C & C Investment Properties of Tampa PID: 23-0082

LLC

LOCATION: 0 Lutz, FL 33549

FOLIO NO.: 13691.0000

AGENCY REVIEW COMMENTS:

Based on the most current data, the proposed project is located within Wellhead Resource Protection Area (WRPA) Zone 1, as defined in Part 3.05.00 of the Land Development Code (LDC); therefore, the prohibited and restricted activities setforth by this part of the LDC apply to the subject Folio.

In accordance with Part 3.04.05, the following activities are restricted in the Wellhead Resource Protection Areas Zone 1, shall require an Operating Permit, and may require a Closure Permit from the County:

• Any new facility that uses, handles, stores, or generates a Regulated Substance in an amount equal to or greater than the Final Reportable Quantity (RQ) must be permitted by and meet the requirements of State and Local environmental permitting agencies and this Part.

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

WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETIT	TON NO.:	STD23-0082	REVIEWED BY:	Randy Rochelle	DATE: <u>2/9/2023</u>
FOLIO NO.:		13691.0000			
			WATER		
	The prope	erty lies within th ntact the provide	e er to determine the a	Water Service availability of wate	Area. The applicant er service.
	the site) the likely of-connect	and is located w point-of-connect	rithin the east Right ion, however there	of-Way of N. US could be addition	pproximately feet from Highway 41. This will be nal and/or different pointsor service. This is not a
	the Count need to b		n. The improvemen the prior to		eted prior to connection to and will building permits that will
			WASTEWAT	ER	
	The prope	erty lies within th ntact the provide	eer to determine the	Wastewater Serv availability of was	ice Area. The applicant tewater service.
	feet from connectio	the site) n, however the	re could be additi	. This onal and/or diffe	site), [(approximately _ s will be the likely point-of- erent points-of-connection s is not a reservation of
	connection and will no	n to the County eed to be compl	's wastewater syste	m. The improver prior to issuan	be completed prior to ments include ace of any building permits
COMM	Area, ther generaly a metered or required or	refore connection allowed. As there connection could be allowed as a content of the connection could be allowed as a connection.	n to the County wat e is a water main lo	er and/or wastewa cated adjacent to ter line extension ning of the develo	the subject site a single would allowed unless it is opment meets the

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management DATE: 27 January 202			<u> </u>		
REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management					
APF	APPLICANT: Todd Pressman PETITION NO: RZ-STD 23-0082				
LOC	LOCATION:				
FOI	LIO NO: <u>13691.0000</u>	SEC:	TWN:	RNG:	
					_
\boxtimes	This agency has no comments.				
	This against has no chication				
Ш	This agency has no objection.				
	This agency has no objection, subject to listed	or attached	conditions.		
_					
	This agency objects, based on the listed or atta	ched condit	ions.		
COM	COMMENTS: .				

VERBATIM TRANSCRIPT

	-
	OROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
IN RE: ZONE HEARING MASTER HEARINGS))))
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, September 18, 2023
TIME:	Commencing at 6:00 p.m. Concluding at 10:54 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Tampa, FL 33601
Reported by: Diane DeMarsh, AAERT No.	1654

1	PROCEEDINGS
2	HEARING MASTER: Good evening. If you could, please
3	stand for the Pledge of Allegiance.
4	(Pledge of Allegiance said in unison.)
5	HEARING MASTER: Thank you. Please be seated.
6	Good evening, everyone. I want to welcome you to the
7	September 18, 2023, zoning hearing master hearing. My name is
8	Susan Finch, and I will be presiding as the hearing officer over
9	tonight's cases.
10	Let me start by introducing Ms. Michelle Heinrich.
11	She is with the County's Development Services Department, and
12	she will introduce other staff numbers that will participate in
13	our hearing tonight as well as go over any changes to our
14	agenda.
15	Ms. Heinrich.
16	MS. HEINRICH: Yes. Thank you. We have with the
17	County Attorney's Office, Mary Dorman; and with the Planning
18	Commission, Jillian Massey.
19	And I'll go ahead, like you mentioned, and go over the
20	changes to tonight's Agenda. The first one, Agenda Page 6, this
21	is Standard Rezoning 23-0082. And for this application, we
22	needed to correct the staff report that the proposed zoning is
23	CGR.
24	Number two, Agenda Page 7, Rezoning Standard
25	Rezoning 23-0552. For this one, we needed to correct that the

So, with that, we'll close rezoning 23-0203, the 1 remand, and we'll go to the next case. 2 3 MS. HEINRICH: Our next case is Item C.1, Standard Rezoning 23-0082. This is a request to rezone property from RSC-6 to CG-R. Isis Brown with Development Services will provide staff findings after the applicant's presentation. HEARING MASTER: Good evening. TODD PRESSMAN: Good evening, Hearing Officer. Todd 8 Pressman, 200 Second Avenue South, Number 451, Saint Petersburg. 9 I do have a PowerPoint for you. Is that up for you? 10 HEARING MASTER: Yes, I see it. 11 TODD PRESSMAN: The site is located in the Lutz area 12 13 just north of Sunset Point Road, as you can see here. 14 the site as the property appraiser has it on Northwest Highway 15 The issue is RSC-6 to CG-R for 0.82 acres. We have a 16 number of restrictions. 17 One is that the rear 156 feet will only be used for 18 storm water retention and septic, which is approximately 31 percent of the site. The other is restriction of uses, which is 19 20 no fast food, stores, no C store with gas, no motor vehicle 21 repair. 22 So the area that is restricted, as you can see, is 156 feet more or less. That reduces or eliminates impacts on 23 residential, which is primarily to the rear. There's one to the 24 25 south. So these would be the areas that are reduced because of

that restriction. 1 There's also a 20-foot -- there's also a 20-foot 2 3 right-of-way between the property and the northern properties, which only the rear are residential. I'll also note to you that the property to the north where the word residential, RES, is, we just found out one woman who we met with did have concerns. Our understanding is that she sold her home and there's a new owner there. We have not 8 heard from that owner. We did meet with residents, which mostly consisted of 10 11 a few folks of the Lutz citizens group and Ms. 12 Fenasca (phonetic). Again, Ms. Fenasca, as I was checking 13 records today, is no longer the owner on that north property. 14 Of course, this site is CG and requires 20-foot B 15 screening and buffering, so it would provide a substantial 16 buffer to the north residential. We've had no contact with the resident on the south. 17 18 Tried to reach out a couple of times and not been able to reach 19 anyone in that regard. So we have not heard from anyone else 20 other than a few of the Lutz citizens group organization. 21 So located on North US Highway 41, it is a six-lane 22 divided highway. It carries 39,500 vehicles per day. It's 23 obviously a major arterial roadway. It's also a dedicated truck route under Hillsborough County. 24 25 The Lutz Community Plan recognizes Highway 41 as a

substantial north and south access between counties, so it is a 1 very busy road. It's a very high-capacity road and one of the few that run north-south through the county. 4 Under the Future Land Use map, we're R-6, which allows for suburban, commercial, office, multipurpose, and mixed-use development. Under the zoning map, we have CG abutting to the north, and then across the street is PD 00-0303. A little -zooming a little bit further out, a Seven-Eleven under CG use 8 has been approved and a CN for Walgreens to the south. 10 further to the north is a strong -- even stronger trend of CG 11 along 41. 12 Now, the PD across the street is 18-06 -- well, it's 13 actually -- I'm sorry. That's correct, 18-0640 -- 75,000 square 14 feet for office, sit-down restaurant, specialty, retail, 15 drugstore, and childcare. So that's a very intense use right 16 across the street as well. The Planning Commission notes that community design 17 18 component Goal 12 and Objective 12.1 indicate that new 19 developments should recognize the existing community pattern. 20 We would submit to you, looking at the zoning along 41 is a 21 very, very strong trend of CG and commercial uses. And in that 22 analysis, there's no mention of the Highway 41 intensity of 23 truck routes, and the high vehicle use which is referred to, of course, is a highway. 24 25 The Planning Commission also notes and indicates that

this would be encouraging utilization of urbanization of the rural area. Our contention is, clearly, by zoning maps and approvals in the immediate area, it already is urbanized and urbanized quite well.

Now, the location-- the location criteria is interesting looking at this site. We did submit a waiver, and that's based upon the development pattern, development trend, and the intensity of Highway 41 which is major arterial. But it's about 35 to 38 feet short of the distance requirement under the locational waiver. In fact, the distance for the locational criteria or the distance that it refers to actually lands on the property, but, as you heard in the prior case, requires the full property be covered and, again, we're very, very short. So, while the Planning Commission placed a lot of emphasis -- or placed some emphasis on it not meeting locational criteria, we come very close to it, exceptionally close in this circumstance.

Policy 16.3 which the Planning Commission refers to notes that development and redevelopment shall be integrated with adjacent land use through the creation of like uses. We have CG abutting to the north, strong CG and commercial uses right across the street and to the south.

Mitigation of adverse impacts, we've added a lot of restrictions, most specifically to buffer the residential uses to the rear, to the north, and to the south. And the -- again, Planning Commission looks at locational criteria which I've

discussed with you.

Development Services notes on the staff report that

the site is surrounded by single-family, agricultural, business,

professional, office, and general -- commercial-general types.

They looked at the issue of access which we've had a lot of

communication back and forth with FDOT and the County, which has

kind of gone back and forth. The zoning department notes that

if access was assured to be provided to 41, which at this point

it's not, that the staff could find the request compatible with

the proposed restrictions.

We've had a lot of catch-22s with transportation.

Basically, DOT is concerned about spacing issues, and the other concern is high volumes to the north. So neither way is very positive as we've talked with FDOT and we've talked with the County. Going to the north would involve all the Lutz Elementary School traffic which circulates through and out the Highway 41. Transportation notes expressed concerns with that intersection and that route because it carries high volumes for the school.

When 41 was expanded, an access point or an expanded access point was placed at the site of the a right-of-way, as you can see. But getting mapping from EPC going to the north would go directly through a wetland area. These are a series of mappings from EPC that show wetlands would be destroyed moving through in that direction. So at this point, we've had a lot of

discussions with FDOT, and they -- and those discussions going 1 back and forth. And the County is not happy about it, and, of course, that drags the other departments down. But we feel the site should be evaluated under a zoning basis as a standard condition because even the Transportation Department notes that generally for projects with Euclidian zoning designation or projects with potential transportation impacts are evaluated at the time of plant site 8 construction plan review. But those issues, in my opinion, got way ahead of a standard rezoning, as I just showed you in the 10 11 comments from the Transportation Department. 12 So, in summary, we've done a really great job 13 restricting and shaping this application to be compatible 14 with -- and meet the uses, zoning, and approvals in the mediate 15 vicinity. The site is also, significantly, characterized as nonresidential by Highway 41, the locational criteria, and US 41 16 17 zoning, and vehicle -- or arterial roadway, and land use 18 criteria that do support the application. 19 So, with that, Mr. Bernstein, who is the property owner, he'll take a few minutes. 20 21 HEARING MASTER: All right. And then I have a 22 question whenever you'd like for me to do that. Good afternoon, sir. Good evening. 23 MR. BERNSTEIN: Hello. Mike Bernstein, 19537 Deer 2.4 Lake Road. I'm partners on the property with my son. 25

trying to get rezoned.

Todd, can you pull up the picture that shows the piece of property south next to us? There it is. Yeah, that's good.

When we purchased the property, we were thinking about building our office there, and we wanted to make sure that we were gonna be good neighbors to people surrounding us. We had a meeting in our office so we can listen to their concerns and everything else.

That's one of the reasons why, like Todd was saying, that we did reduce the zoning back where there was residence -- the two resident's homes were at so that it would be a lot more greenery right behind their homes. And I even told them that I would work with them on whatever kind of fence, you know, that we could make it that they'd be happy with as far as that goes.

First thing we did when we purchased the property, we went in there and we took, like, six loads of trash off the property. All kinds of needles and everything from people living back there and everything else. Nobody complained about that, but we did clean that up.

If you look at the piece of property south of us, you can see there's a house in the back which they've been operating a business back there, working on cars and vehicles and everything else, which I don't think anybody's really complained about that because they haven't seen it, you know, as far as that goes. But that is to the south of us.

2.4

Like I said, the -- the people north of us, we did try to cut the zoning back, and we were talking to them. Some of the comments that they gave us at the meeting that we had in my office was that our one septic tank that we were gonna put there was gonna help make their wells more polluted than what they were now. And I tried to explain to them that we -- if we did put houses back there, there'd be many more septic tanks than our just one small right there, as far as that goes. We'd have to put it back to where the State says it would have to be a mound as far as that goes. So that should not be a concern.

The second concern -- another concern they had was the backup from the Lutz Elementary School. We would not make that any worse for the simple reason that is a six-lane road. They only back up on the first lane. We would have two more lanes just to go right by it, so we would not impact on that whatsoever as -- as far as that goes.

Also, going back to DOT, when we purchased the property, it was my understanding, if you look at each one of the pieces of property with the partial numbers, DOT, when they six-laned the road, they put everybody's cut-in already for them. So we felt like that we should be basically grandfathered in, so there shouldn't be a problem, or they never would have put the cut-in there as far as that goes.

We would probably have less vehicles coming in and out of our office than if we were to put multiple housing back there

in the area. That would be running seven days a week, where my 1 office is only open Monday through Friday from approximately eight to five. And we're not there in the evenings whatsoever, so there's not gonna be any noise as far as that goes. So I don't think that would be a impact, you know, whatsoever. And then we got the -- the people that work on the 6 cars next. And then another thing that we feel like that really 8 makes it work, that we fit in, would be compatible with the 9 10 The County Commission just approved about a hundred yards 11 south of us a new Seven-Eleven gas station. So we think that's a -- that would be -- we'd be less of an impact than what that 12 is as far as that goes. 13 14 As far as them saying that there should be houses 15 built there, I totally disagree. I lived there in Lutz right off the county line and Highway 41. I have to listen to a train 16 17 that comes by there multiple times in the middle of the week, 18 anywhere from 4:30 to 6:30 in the morning, which would be right 19 out in front of this piece of property. I could not imagine 20 anybody wanting to live next to a train that rings its horn 21 every morning multiple times going right through downtown Lutz, 22 as far as that goes, plus living next to the gas station. 23 We just feel like that we -- we want to be good

The one lady who was right next to us, the house that would be

24

25

neighbors.

That's one of the reasons why we had the meeting.

right next to us as far as that goes, that we would impact the 1 most, she sold her house. I don't know if it had anything to do with us or not. But that was one of the reasons why -- her concern was that -- build too close to the house. We changed that basically for her, as far as that goes, to be a good neighbor. And it would still work for us too, so we would both be happy as far as that goes. We just feel that we would fit the neighborhood with 8 the new building there, instead of having a vacant lot that 9 people were gonna be consistently dumping trash there, sleeping 10 11 back there, and everything else. That's not going to change unless there's building on those properties right there. Thank 12 13 you. 14 HEARING MASTER: Thank you so much. If you could 15 please sign it. 16 Mr. Pressman, did that complete your presentation? 17 TODD PRESSMAN: Yes. 18 HEARING MASTER: Okay. I want to go back to the DOT issue. So the conversation with DOT about direct access to 41, 19 the staff report in the transportation section says they're not 20 21 going to grant it. Is that your understanding? 22 TODD PRESSMAN: My understanding is that they're not 23 gonna approve it to -- at this point. We were not able to get a meeting with DOT until mid October. But, at the same time, 24 there's a catch 22 going to the north because DOT has great 25

concerns about doing that as well. So it's a standoff, and it's 1 2 a catch 22. DOT also requires a site plan. This is a standard 3 zoning; we don't have a site plan. So we've been trying to work one way or the other. Clearly, access has to get in one way or the other way. It's either gonna be through wetlands and FDOT concerns to the north, or it's gonna be FDOT concerns and 41. HEARING MASTER: All right. Thank you. That was one 8 of the questions. I appreciate it. 9 All right. We go to Development Services. Good 10 11 evening. MS. BROWN: Good evening. Isis Brown, Development 12 Services. This is case 23-0082, Standard Rezone. 13 The request 14 to rezone RSC-6 parcel, approximately 1.24 acres, to 15 commercial-general with restrictions. The proposed restrictions permits commercial, office, and personal services development on 16 a lot containing minimum square footage of 10,000. 17 18 The applicant has offered some restrictions. The site is located on the east side of US Highway 41 in Lutz within the 19 Residential-6 Future Land Use category. The subject site is 20 21 outside of the urban service area with publicly owned and operated potable water and wastewater, which can -- which is 22 23 actually on the east right-of-way on US Highway 41. The site does not locational criteria. The Planning 2.4 25 Commission staff has found that the request is inconsistent due

to other compatibility concerns. The parcel immediately to the 1 north is zoned CG and BPO. The subject parcel is not similar in 3 configuration to the adjacent CG zoned property to the north and a significant amount of RSC zoned properties. To address the lot size and lot configuration, transition, and compatibility concerns, the applicant has 6 proposed the following: 8 One, the rear east portion, 156 feet -- approximately 156 feet be reserved and conditioned only to allow for 9 retention, stormwater, and septic use. And two, the following 10 11 uses will be prohibited on the subject site, which includes fast food restaurants with drive-through, convenience store with or 12 13 without gas station sales, and motor vehicle repair type uses. 14 Transportation review staff has -- had some objections 15 to the intensification of the site due to the concerns, as outlined in their report. 16 17 The zoning -- Development Services -- if we -- if 18 direct access to US 41 could be granted in the future in 19 conjunction with the above-listed proposed site layout and 20 restricted site uses, maybe the request may be more favorable and supportable. However, without access to US 41, direct 21 access to the site would be restricted to First Street 22 23 Southeast, which is to the north of that property, with more coming in. 24 25 If access was assured to be provided to the -- from US

41, staff would find compatibility with the proposed 1 restrictions. However, given that access is used as a line within staff reports and concerns, Development Services finds the request is not supportable at this time. HEARING MASTER: Ms. Brown, let me just ask you. was hearing that they revised the staff report, and I don't readily see what the reason is. If you could just point me to 8 that. 9 On Page 1, the FAR. MS. BROWN: Sure. 10 HEARING MASTER: I see. 11 MS. BROWN: At the top, yes, ma'am. 12 HEARING MASTER: Okay. 13 MS. BROWN: And per 6.01.01 with Future Land Use 14 RES-6, the FAR is 0.25 and not 0.27. 15 HEARING MASTER: Okay. So those calculations were corrected. 16 17 MS. BROWN: Yes. 18 HEARING MASTER: Okay. I see. Perfect. Thank you so 19 That was my only question. much. 20 All right. Planning Commission. MS. MASSEY: Jillian Massey with Planning Commission 21 22 The subject property is in the Residential-6 Future Land 23 Use Future Land Use category. It is in the rural area and located within the limits of the Lutz Community Plan. 2.4 Objective 4 of the Future Land Use element notes that 25

20 percent of growth in this region will occur in the rural
area. Future Land Use element Policy 4.1 characterizes the
rural area as low-density, large lots, 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 encroachment on the residential area located to the east of the site. The proposed rezoning does not meet the intent of the neighborhood protection policies under Future Land Use Objective 16. 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.

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. The subject site does not meet the commercial-locational criteria as defined in Future Land Use element Objective 22, as it is not located within the required distance from the qualifying intersection.

Staff reviewed the request for a waiver and did not identify any unique circumstances that would lend support to a the waiver. Although the subject site is abutting CG, the

proposed rezoning would allow for potential 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 Lutz Community Plan vision desires to retain existing and encourage new commercial uses that are geared towards serving the general 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 to the east of the subject site. The proposed subject site sits outside the desired area for commercial development and the commercial zoning nodes where new development is encouraged. The property is not within the three existing activity nodes along US Highway 41 located in 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 locational criteria for nonresidential uses in the Residential-6 Future Land Use category. And, based on these considerations, Planning Commission staff finds that the proposed rezoning is inconsistent with the Unincorporated Hillsborough County Comprehensive Plan.

1	HEARING MASTER: Thank you so much.
2	At this time, we'll call for anyone who would like to
3	speak in support, either in the room or online. Anyone in
4	favor?
5	Seeing no one, anyone in opposition to this request?
6	All right. I see one gentleman coming forward. While he's
7	coming forward, is there either anyone else in the room or
8	online that would like to speak in opposition?
9	UNIDENTIFIED SPEAKER: There should be somebody
10	online.
11	HEARING MASTER: Okay. Is that true? Can you verify
12	that for me, please? Is there someone online?
13	THE CLERK: We do not have anyone signed in online at
14	this time.
15	HEARING MASTER: Okay. Thank you so much.
16	All right, sir. Give us your name and address.
17	MR. MUFFLY: Jay Muffly, 102 Fifth Avenue Southeast,
18	Lutz. I live one-half block north of this property. I'm also
19	with the Lutz Civic Association. On the CG that's immediately
20	to the north, that was a mom and pop motel that a large part of
21	it disappeared with 41 being widened, and the rest of it fell in
22	disrepair and was torn down a few years ago. And, he's correct;
23	First Street is upon wetland and setback area.
24	The neighbors, us, the Lutz Civic Association, we
25	support staff findings at this time. I don't it's just a

piece of property that's sitting there, and it's -- I just can't 1 think of a really good use for it except residential. But -and the train does not bother me. A few years ago they came out and they wanted to make Lutz a silent zone for a railroad, and Lutz said no. But we find this department recommends not 6 supportable, Transportation Department objects, and it's not compatible. And, with that, I will say good evening and thank 8 you very much. 9 HEARING MASTER: Thank you for coming down. 10 11 appreciate it. If you could please sign in. All right. Seeing no one else in opposition, we'll go 12 13 back to Development Services. 14 Ms. Heinrich, I neglected to call on either Mr. 15 Ratliff or Mr. Perez if they wanted to weigh in. I assume they're available online? 16 MS. HEINRICH: Yeah. James Ratliff is the reviewer 17 18 for Transportation, and I was going to bring it up anyway because he does have a revision in his report --19 20 HEARING MASTER: Oh, perfect. 21 MS. HEINRICH: -- that he needs to put on the record. 22 But he is the reviewer for this and is available for any 23 questions. 2.4 HEARING MASTER: Okay. Mr. Ratliff? Good evening. 25 MR. RATLIFF: Hello. Good evening. James Ratliff,

Transportation Review Section. I did want to place one

correction to my staff report on the record. I believe there

was a last-minute restriction that was offered regarding the -
the back portion. I can't remember how many feet it was, but

back so many hundred feet of -- in order to have no residential

units on that portion of the property. And so, therefore, my

staff report should have been revised to remove the two

single-family detached dwelling units from the proposed uses

table.

So, essentially, the -- the revised impact or the trip generation difference would be an increase of 3,975 trips, an increase in 382 AM peak hour trips, and an increase in 291 PM peak hour trips. So, again, slightly less of an impact but still -- still a significant impact.

And -- and if I may just respond to some of the testimony I heard earlier. And, again, hopefully this is clear in my report. But every parcel has a right to access in the minimal beneficial use of property which is generally considered to be one single-family dwelling unit. FDOT isn't saying that they won't honor that driveway connection that the property owner mentioned was put in when the road was widened. What -- what DOT and the County are saying is that you don't have the right to intensify a property when you can't meet -- demonstrate the ability to meet minimum access management standards which were designed to protect the safety and operational efficiency

of the public roadway system.

So for a residential development, certainly, you know, and for that minimal beneficial use or -- again, I'm not exactly sure what DOT's specific standards are for developing under its existing zoning, but certainly they would be able to utilize that US 41 access that DOT had put in. The issue here is the significant intensification of an additional 4,000 daily trips almost and 383 peak hour trips. And, again, we don't believe it's good practice to grant additional intensity which is likely unconstructable based on the known information in the record when it hasn't been demonstrated the ability to be able to be safely accessed.

And, again, our strongest regulatory position and DOT's position is to object to access that is noncompliant or otherwise concerning at the time of zoning and not site subdivision. The applicant, you know, was required to go meet with the DOT; that didn't happen. There's a possibility that additional, you know -- you know, it might have been that they could have said, well, we can put conditions on the record if you go a PD route and are able to work with other adjacent property owners to kind of figure out how you can all get together and share access between you. But, again, that never happened.

And so to come in under Euclidian position where we're not able to evaluate those issues and DOT isn't able to request

those conditions is what's leading us to our position on this 1 2 request. 3 HEARING MASTER: Thank you. Mr. Ratliff, just to confirm, the DOT issue is it doesn't meet spacing. Is that right, spacing standards? MR. RATLIFF: Correct. 6 HEARING MASTER: Okay. Thank you so much. I really appreciate it. 8 9 Ms. Heinrich, anything else before we move on? MS. HEINRICH: No, ma'am. 10 11 HEARING MASTER: All right. Mr. Pressman, we'll go back to you for rebuttal. 12 have five minutes. 13 14 TODD PRESSMAN: Thank you, Hearing Officer. I'll keep 15 this short. We appreciate Mr. Muffly coming down with the Lutz group, but I think it's important to emphasize, as we know now, 16 that we have not heard from a single abutting or even nearby 17 18 owner. We worked very hard on that. 19 And in regard to concerns of the staff reports of 20 impacts, clearly it demonstrates, as we've noticed the site 21 quite a number of times and the big yellow signs, that no one 22 who could be impacted is here or is objecting. And, as Mr. 23 Bernstein said, I think it's important to place emphasis that what would be the best use for the site. Is it residential with 2.4 a train running virtually through it with restrictions to the 25

1	rear, with a strong commercial use along 41, six-lane highway?
2	That's why we came forward with CG because we do
3	believe if you take all those elements into account, this is the
4	best use for the property. So we would ask you to consider your
5	analysis, your determination, your narrative on compatibility
6	issues, on the site being supportable by CG. We think those are
7	important comments for the Board of County Commissioners to see,
8	and we appreciate the consideration and the staff. Thank you.
9	HEARING MASTER: Thank you for that. I appreciate it.
10	And we'll close rezoning 23-0082 and go to the next
11	case.
12	MS. HEINRICH: Our next item is Item C.2, Standard
13	Rezoning 23-0552. The applicant is requesting a rezoning from
14	A-R to CI-R. Carolanne Peddle with Development Services will
15	provide staff findings after the applicant's presentation.
16	HEARING MASTER: All right. And I believe the
17	applicant is virtual; is that correct?
18	MS. STEWART: Yes, I am.
19	HEARING MASTER: All right. Good evening. If you
20	could start by giving us your name and address. And I don't
21	quite see you yet.
22	MS. STEWART: I'm up here in the
23	HEARING MASTER: There you are. Go ahead. Thank you.
24	MS. STEWART: Hi. Sure. Good evening, Madam Hearing
25	Officer. My name is Linda Stewart. I'm a planner with Morris

ZHM Hearing August 21, 2023

	agust 21, 2025		
HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS			
IN RE:	X)		
ZONE HEARING MASTER) HEARINGS)			
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS		
BEFORE:	PAMELA JO HATLEY Land Use Hearing Master		
DATE:	Monday, August 21, 2023		
TIME:	Commencing at 6:00 p.m. Concluding at 8:43 p.m.		
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Tampa, Florida 33601		
Reported by: Diane DeMarsh, AAERT No.	1654		

ZHM Hearing August 21, 2023

1	PROCEEDINGS
2	
3	HEARING MASTER: All right. Good evening. And
4	welcome to the August 21, 2023 Zoning Hearing Master Meeting.
5	I'm Pamela Jo Hatley. I'll be your Zoning Hearing Master this
6	evening. Before we get started, please stand, if you're able,
7	for the Pledge of Allegiance.
8	(Pledge of Allegiance said in unison.)
9	HEARING MASTER: All right. Welcome again to the
10	August 21, 2023 Zoning Hearing Master Meeting. I'm
11	Pamela Jo Hatley.
12	If you have any items on you tonight that make noise,
13	would you please silence those at this time? And we'll, first
14	hear from Michelle Heinrich with Hillsborough County Development
15	Services Department who will introduce Staff and an agenda
16	changes.
17	MS. HEINRICH: Good evening. Michel Heinrich,
18	Development Services. We also have with us to my left is Mary
19	Dorman with the County Attorney's Office. And with the
20	Planning Commission we have Bryce Fehringer.
21	And the changes to the Agenda that I need to go over
22	starts with Agenda page six, Item C.1, Rezoning 23-0082. Staff
23	has requested a continuance of this application to
24	September 18, 2023 ZHM hearing.
25	Agenda page seven, Item C.5, Rezoning 23-0640. Staff

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
X) IN RE:) ZONE HEARING MASTER)
HEARINGS)
ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS
BEFORE: PAMELA JO HATLEY Land Use Hearing Master
DATE: Monday, July 24, 2023 TIME:
Commencing at 6:00 p.m. Concluding at 9:30 p.m.
Reported via Cisco Webex Videoconference by: Samantha Kozlowski, Digital Reporter

ZHM Hearing ---July 24, 2023

1 MS. HEINRICH: Thanks. Would you like me to go through the published continuances? 2 HEARING MASTER: Sure. 3 4 MS. HEINRICH: Our first one is Item A.1, Major Mod This application is being continued by Staff to the August 21, 2023 ZHM hearing. Item A.2, PD 22-1503. This application is being withdrawn from the ZHM process. Item A.3, Major Mod 22-1637. This application is 9 being continued by the applicant to the August 21, 2023 ZHM 10 11 hearing. Item A.4, Major Mod 22-1638. This application is 12 13 being continued by the applicant to the August 21, 2023 ZHM 14 hearing. 15 Item A.5, PD 22-1647. This application is being continued by Staff to the August 21, 2023 ZHM hearing. 16 17 Item A.6, Standard Rezoning 22-1681. This application 18 is been withdrawn from the ZHM process. Item A.7 23-0059. This application is out of order to 19 20 be heard and is being continued to the August 21, 2023 ZHM 21 hearing. Item A.8, Standard Rezoning 23-0082. This application 22 23 is out of order to be heard and is being continued to the August 21, 2023 ZHM hearing. 24 25 Item A.9, PD 23-0109. This application is out of

HILLSBOROUGH COUNTY, FLORIDA Board of County Commissioners

IN RE:

ZONE HEARING MASTER

HEARINGS

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ZONE HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch

Zoning Hearing Master

DATE:

Tuesday, June 20, 2023

TIME:

Commencing at 6:32 p.m. Concluding at 10:28 p.m.

PLACE: Hillsborough County Board of

Commissioners

601 East Kennedy Boulevard

Second Floor

Tampa, Florida 33601

Reported via Zoom Videoconference by: Jennifer Cope, Court Reporter No. GG 187564

1 of order to be heard and is being continued to the July 2 24th, 2023 ZHM Hearing. Item A-8, PD 22-1604. 3 This application is being withdrawn from the ZHM 4 process. Item A-9, Major Mod 22-1637. This application is out of order to be heard and is being continued 6 7 to the July 24th, 2023 ZHM Hearing. Item A-10, Major Mod 22-1638. This application is out of 8 order to be heard and is being continued to the 10 July 24th, 2023 ZHM Hearing. Item A-11, PD 22-1647. This application is 11 12 being continued by staff to the July 24th, 2023 ZHM 13 Item A-12, PD 22-1688. This application Hearing. 14 is out of order to be heard and is being continued 15 to the July 24th, 2023 ZHM Hearing. 16 Item A-13, PD Number 23-0059. This 17 application is out of order to be heard and is 18 being continued to the July 24th, 2023 ZHM Hearing. 19 Item A-14, Standard Rezoning 23-0082. 20 application is out of order to be heard and is being continued to the July 24th, 2023 ZHM Hearing. 21 2.2 Item A-15, Major Mod Application 23-0161. 23 This application is being withdrawn from the ZHM process. Item A-16 PD 23-0181. This application 24 25 is being continued by the applicant to the July

ZHM Hearing April 17, 2023

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	OROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
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IN RE:)
ZONE HEARING MASTER HEARINGS)))
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	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Susan Finch Land Use Hearing Master
DATE:	Monday, April 17, 2023
TIME:	Commencing at 6:00 p.m. Concluding at 9:43 p.m.
	isco Webex Videoconference by: DeMarsh, CER No. 1654

1	PROCEEDINGS
2	
3	HEARING MASTER: Good evening. If you could please
4	stand for the Pledge of Allegiance.
5	(Pledge of Allegiance said in unison.)
6	HEARING MASTER: Thank you. Please be seated.
7	Good evening, everyone. I want to welcome you to the
8	April 17, 2023 Zoning Hearing Master Hearing. My name is
9	Susan Finch and I will be presiding as the hearing master over
10	this evening's cases. Let me welcome two our guides for the
11	first time, Ms. Michelle Heinrich. She's with Development
12	Services Department. She will now be leading this effort.
13	Mr. Grady is I bet you he's going to be on the beach somewhere.
14	He's been doing this several years. But anyway.
15	So Ms. Heinrich, if you will introduce the other staff
16	members on dais and go over any changes we have tonight for
17	tonight's agenda.
18	MS. HEINRICH: Sure. Also joining us to my left is
19	Mary Dorman with the County Attorney's Office and
20	Melissa Lienhard with the Planning Commission. And we do have
21	two staff or continuance requests that need to be taken out for
22	you to deem if those are continued or not.
23	The first one is Agenda page six, Item C.4, Standard
24	Rezoning 23-0082.
25	HEARING MASTER: All right. Is the applicant here?

ZHM Hearing April 17, 2023

1 If you could give us your name and MS. HEINRICH: address before you start. 2 Todd Pressman. 200 2nd Avenue South, 3 MR. PRESSMAN: Saint Petersburg. We received a number of concerns and communications from the neighborhood in Lutz to the association. So we are seeking to continue to June. I'm already making arrangements to meet with any interested citizens. I did send -- we did send a letter out just making folks aware that we 8 would be asking for this, not indicating that it could be -would be proved, that we were going to make a request this 10 11 evening. We're also looking at making fundamental changes as to 12 13 what was originally submitted to reduce or looking at reducing 14 and potentially eliminating what's being requested from the 15 original application. So changes to the application, changes in zoning and having a good discussion with residents who are 16 17 concerned. 18 HEARING MASTER: All right. And you think you can 19 accomplish that by June 20th? 20 MR. PRESSMAN: Yes. I'm already in touch with two 21 locations up in north county for the meeting. As soon as this 22 is approved we'll schedule those or confirm those and then send 23 out a notice. HEARING MASTER: All right. Let me ask the audience 2.4 25 either in the room or online. If there's anyone here to speak

ZHM Hearing April 17, 2023

to Item C.4 on the Agenda, it's Rezoning 23-0082. If you'd like 1 to address the continuance only, not the merits of the case, please feel free to come forward. MR. MUCCLY: We're okay with the continuance. HEARING MASTER: Sir, I'm sorry, but you do have to be on the record. If you could just give us your name and address real quick. 8 MR. MUCCLY: Jay Muccly, 102 5th Avenue SE, Lutz, Florida 33549. 9 HEARING MASTER: All right. And you're okay with a 10 11 continuance? It would be a June 20th at 6:00 p.m. MR. MUCCLY: I'd rather do it today, but I understand 12 13 his concerns. 14 HEARING MASTER: Thank you very much. I appreciate 15 Is there anyone else that would like to address the -that. 16 THE CLERK: Sir --HEARING MASTER: -- continuance. 17 18 THE CLERK: -- sir, could I get you to sign-in, 19 please? 20 HEARING MASTER: All right. I'm seeing no one. we'll continue Rezoning 23-0082 to the June 20, 2023 Zoning 21 22 Hearing Master Hearing at 6:00 p.m. 23 Ms. Heinrich, you said there was a second one? 2.4 25

1	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS	
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3	X	
4	IN RE:	
5	ZONE HEARING MASTER) HEARINGS)	
6	nearings) X	
7	A	
8	ZONING HEARING MASTER HEARING	
9	TRANSCRIPT OF TESTIMONY AND PROCEEDINGS	
10	BEFORE: PAMELA JO HATLEY Land Use Hearing Master	
11	DATE: Monday, March 20, 2023	
12		
13	TIME: Commencing at 6:00 p.m. Concluding at 8:08 p.m.	
14	PLACE: Hillsborough County Board of	
15	County Commissioners 601 East Kennedy Boulevard 2nd Floor Boardroom	
16	Tampa, Florida 33601	
17		
18	Reported in person by:	
19	Brittany Bridges, CER No. 1607 U.S. Legal Support	
20	4200 West Cypress Street, Suite 750 Tampa, Florida 33607	
21	(813)223-7321	
22		
23		
24		
25		

Zoning Hearing Master Hearing.

Item A22, Rezoning Standard 22-1681. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A23, Rezoning PD 22-1688. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A24, Rezoning PD 22-1701. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A25, Rezoning PD 22-1702. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A26, Rezoning PD 22-1703. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A27, Rezoning PD 22-1706. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

Item A28, Rezoning Standard 23-0081. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master Hearing.

And Item A29, Rezoning Standard 23-0082. This application is out of order to be heard and is being continued to the April 17, 2023 Zoning Hearing Master

EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR. [DATE/TIME: 9/18/29	ZHM] PHM, LUHO PAGE 1 OF 6 23 6 PM HEARING MASTER: SUSAn Finch
	2) GFT TEARING MASTER. JOS 4/1 1 1/10.
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME Todd Pressman
23-6369	
	CITY St. Pete STATE FL ZIP 33 M/PHONE
APPLICATION #	PLEASE PRINT SUSAN SWIFT
23-0263	MAILING ADDRESS 607 S. BALLYGODD St = 101
	MAILING ADDRESS 607 S. BALLYGADE ST #101 CITY PHONES 747 9100
APPLICATION #	PLEASE PRINT OF THE NAME
27-0082	MAILING ADDRESS OF JULY SEP 2 445
	CITY . P. STATET ZIPTED PHONE 1260
APPLICATION #	NAME Michael Bernstein
27-6082	MAILING ADDRESS 19537 Deer Lake Rd
	CITY Thut STATE T ZIEBS 19 PHONE 8/3293/930
APPLICATION #	PLEASE PRINT NAME JAY A Muffly
23-0082	PLEASE PRINT NAME JAY A MUFFIG MAILING ADDRESS 102 5Th AVE 5E CITY LUTE STATE FL ZIP 33549 PHONE 949-2224
-	CITY LUTE STATE FL ZIP 33549 PHONE 949-2224
APPLICATION #	PLEASE PRINT NAME Linda Stewart
23-055	MAILING ADDRESS 6992-B Professional Parlary East
VS	CITY <u>Stasota</u> State /- ZIP34248 PHONE

SIGN-IN SHEET: RFR, DATE/TIME:	ZHM, PHM, LUHO 23 CPM HEARING MASTER: SUSAN FINCH
	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	PLEASE PRINT Mollie Shen
23-0552	MAILING ADDRESS 55 13 Rgin From Ch. CITY Plant City STATE F ZIP 3356 PHONE
VS	CITY / CANT CTY STATE / ZIP 356) PHONE
APPLICATION #	PLEASE PRINT NAME Tonethon Hoke
23-0552	MAILING ADDRESS 55/3 Rain Frog In
	CITY Plant City STATE F1 ZIP 33507 PHONE 8/3-2205 151
APPLICATION #	NAME Gretchen Genrich Hoke
23-0552	MAILING ADDRESS 5513 Rain Frog Cane CITY Plant City STATE F ZIP 355 PHONE 83-704
-	CITY Plant City STATE F ZIP 336 PHONE 83-757-398
APPLICATION#	NAME Mollie Genrich
27-8552	MAILING ADDRESS 5521 Rain Freq Cn.
VS	CITY Plant CitySTATE FL ZIP 3567 PHONE
APPLICATION #	NAME Margaret Thompson
23-0352	MAILING ADDRESS 5567 Rain Frag (n
US	CITY Plant Citystate FL ZIP JELDPHONE
	NAME Charles Genrich
	MAILING ADDRESS 5521 Rain Frog Lo.
V \$	CITY Plant City STATE FL ZIP 3567 PHONE

SIGN-IN SHEET: RFR, ZHM PHM, LUHO PAGE 3 OF 6		
DATE/TIME: <u>9/18/2</u>	ZHM PHM, LUHO 13 C PM HEARING MASTER: SUSAN FINCH	
	ARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION #	NAME RUTH LONDONO	
23-0571	MAILING ADDRESS 1502 W. Busch Blvd CITY TPA STATEFL ZIP 33612 PHONE (813) 919-7802	
ŕ	CITY TPA STATE FL ZIP 33612 PHONE (813) 919-7802	
APPLICATION #	PLEASE PRINT NAME Isoloche albert	
23-657		
	MAILING ADDRESS 1000 N. ashley Dr. CITY Tampa STATE A ZIP 3360 PHONE 331-0976	
APPLICATION #	PLEASE PRINT TU MGI	
23-6640	MAILING ADDRESS 14031 N. Dale Masty Hwy	
	CITY Tampa STATEFL ZIP 33618 PHONE (\$13/962-6230	
APPLICATION #	PLEASE PRINT TU Mgi	
23-8790	MAILING ADDRESS 14231 N. Dala Maby Hwy.	
	MAILING ADDRESS 14231 N. Dala Maby Hwy. CITY TAMPN STATE To ZIP PHONE (8/3/962-623)	
APPLICATION #	PLEASE PRINT NAME MA	
23-0790	MAILING ADDRESS 14031 N. Dale Maby	
	CITY Town STATE 12 ZIP 33618PHONE 813 962-6230	
APPLICATION #	NAME Aleathea HOSKINS	
23-0792	MAILING ADDRESS 2108 Silvan Springs Dr	
	CITY DOVEY STATE FL ZIP 33527 PHONE 813-431-993	

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME: 4/18/23 6PM HEARING MASTER: SUSAN Finch		
DATE/TIME: $\frac{9/180}{6}$	LE GENT HEARING MASTER: SUSAN Finch	
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION #	NAME TEri Wagner	
27-6792	MAILING ADDRESS 2108 Arch MC Donald Dr	
	CITY DOE STATE L ZIP33500 PHONE 8134346722	
APPLICATION #	PLEASE PRINT NAME DUNA WIJSON	
23-0792	MAILING ADDRESS 2102 AICH MIDONGIS DOVO	
•	CITY <u>01011</u> STATE <u>FL</u> <u>ZIP 33527</u> PHONE <u>309-287-9</u> 739	
APPLICATION #	PLEASE PRINT NAME NAME	
23-0792	MAILING ADDRESS 14031 N. Dale Mabry Hwy CITY TMMPA STATE \[\int \text{ZIP} \frac{33618}{23618} \text{PHONE} \(\frac{\xi_1}{2} \) \[\frac{962-623}{2} \]	
	CITY TAMPA STATE ZIP 336/8 PHONE (8/3) 962-623	
APPLICATION #	PLEASE PRINT JUSTIN CILLMON	
73-0799	MAILING ADDRESS 2/06 Silvan Silvan	
	CITY DOVO STATE F ZIP 325 PHONE 23 335-494	
APPLICATION #	NAME Tow Berry	
23-6792	MAILING ADDRESS /620 S Done R	
	CITY DOW STATE P/ ZIP 3 25 27 PHONE 813 23 0 75 36	
APPLICATION #	NAME Lami Cor be #	
23-68416	MAILING ADDRESS 101 & Koned g 15/0d	
	CITY JAMPA STATE A ZIP 3360 ZPHONE 913-27-7 -842	

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME:	
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION #	NAME Kathyn Barry
73-6846	MAILING ADDRESS 3028 Colonial Ridge Dr
&J 0114	CITY Brandon STATE FL ZIP 3351 PHONE 540-419-5122
APPLICATION #	PLEASE PRINT STELL TENEM
23-0846	MAILING ADDRESS SUZ3 WILAMEL ST
	CITY PA STATE ZIP 33607 E 13-2E9 (C39)
APPLICATION #	PLEASE PRINT NAME PLEASE PRINT NAME PLEASE PRINT NAME
23-0059	MAILING ADDRESS 401 E Jucksym
	CITYSTATEZIPPHONE <u>J(7</u>
APPLICATION #	PLEASE PRINT NAME RYAN MANASSE 2500
27-8659	MAILING ADDRESS 401 & TACKSIN ST STE 3100
	CITY TIMPL STATE 37472 ZIP 33602 PHONE 613-225-2500
APPLICATION #	PLEASE PRINT NAME Steve Schmitt
23-0109	MAILING ADDRESS 5545 Wildwood Dr.
Vs	CITY Rend STATE W ZIP89511 PHONE
APPLICATION #	PLEASE PRINT NAME Levin Reali
23-8414	MAILING ADDRESS 401 E Jackson JT #2100
	CITY Tanga STATE FL ZIP 33602 PHONE 813.222-5009

SIGN-IN SHEET: RFR,	ZHM PHM, LUHO 23 6 PM HEARING MASTER: SUSAN Finch
DATE/TIME: $\frac{9/18/3}{3}$	23 6 PMHEARING MASTER: SUSAN Finch
	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	PLEASE PRINT NAME Alexandra Schaler
23-0578	MAILING ADDRESS 400 W. ASNley DV. Suite 100
	CITY TOMPOR STATE FL ZIP 33602 PHONE 850-319-6787
APPLICATION #	PLEASE PRINT REYES
23-6578	MAILING ADDRESS 10433 ALDER GREEN DR
	CITY Q IVERY IN STATE FL ZIP 3378 PHONE 845-598-
APPLICATION #	PLEASE PRINT NAME Chim
23-0578	MAILING ADDRESS 10371 Scarlett BK: mman DR.
	CITY Riverview DETATE F ZIP 33578PHONE 706-410-7533
APPLICATION#	PLEASE PRINT Cathy Aponte
23-0578	MAILING ADDRESS 1340 Scarlett Skimmer Dr.
VS	CITY RIVER VIEWSTATE FL ZIP 33578 PHONE
APPLICATION #	PLEASE PRINT NAME BE ENRY
23 - 6598	MAILING ADDRESS UZ3 W. LAVIEST
	CITY TOP STATE ZIP PHONE 0039
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEPHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: September 18, 2023

HEARING MASTER: Susan Finch PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 23-0203	Susan Swift	1. Applicant Presentation Packet	No
RZ 23-0082	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0082	Todd Pressman	2. Applicant Presentation Packet	No
RZ 23-0552	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0552	Jonathan Hoke	2. Opposition Presentation Packet	No
RZ 23-0552	Gretchen Hoke	3. Opposition Presentation Packet	No
RZ 23-0571	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0571	Ruth Londono	2. Applicant Presentation Packet	No
RZ 23-0573	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0573	Isabelle Albert	2. Applicant Presentation Packet	Yes (Copy)
RZ 23-0640	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0792	Aleathea Hoskins	1. Opposition Presentation Packet	No
RZ 23-0792	Tu Mai	2. Applicant Presentation Packet	No
RZ 23-0846	Michelle Heinrich	1. Revised Staff Report – Email	No
RZ 23-0846	Kami Corbett	2. Applicant Presentation Packet	No
RZ 23-0059	Mark Bentley	Applicant Presentation Packet	Yes (Copy)
RZ 23-0109	Michelle Heinrich	1. Revised Staff Report – Email	No
MM 23-0414	Michelle Heinrich	1. Revised Staff Report- Email	No
MM 23-0414	Kevin Reali	2. Applicant Presentation Packet	No
MM 23-0578	Michelle Heinrich	1. Revised Staff Report – Email	No
MM 23-0578	Alexandra Schaler	2. Applicant Presentation Packet	No

SEPTEMBER 18, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, September 18, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduced Development Services (DS).

A. WITHDRAWALS AND CONTINUANCES

Michelle Heinrich, DS, introduced staff, and reviewed changes/withdrawals/continuances.

Susan Finch, ZHM, overview of ZHM process.

Mary Dorman, Senior Assistant County Attorney, overview of oral argument/ZHM process.

Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 23-0203

Michelle Heinrich, DS, called RZ 23-0203.

Testimony provided.

Susan Finch, ZHM, closed RZ 23-0203.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 23-0082

Michelle Heinrich, DS, called RZ 23-0082.

Testimony provided.

Susan Finch, ZHM, closed RZ 23-0082.

C.2. RZ 23-0552

- Michelle Heinrich, DS, called RZ 23-0552.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0552.

C.3. RZ 23-0571

- Michelle Heinrich, DS, called RZ 23-0571.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0571.

C.4. RZ 23-0573

- Michelle Heinrich, DS, called RZ 23-0573.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0573.

C.5. RZ 23-0640

- Michelle Heinrich, DS, called RZ 23-0640.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0640.

C.6. RZ 23-0792

- Michelle Heinrich, DS, called RZ 23-0792.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0792.

MONDAY, SEPTEMBER 18, 2023

C.7. RZ 23-00846

- Michelle Heinrich, DS, called RZ 23-0846.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0846.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 23-0059

- Michelle Heinrich, DS, called RZ 23-0059.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0059.

D.2. RZ 23-0109

- Michelle Heinrich, DS, called RZ 23-0109.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0109.

D.3. RZ 23-0369

- Michelle Heinrich, DS, called RZ 23-0369.
- Testimony presented.
- Susan Finch, ZHM, continued RZ 23-0369 to November 13, 2023, ZHM.

D.4. MM 23-0414

- Michelle Heinrich, DS, called MM 23-0414.
- Testimony provided.
- Susan Finch, ZHM, closed MM 23-0414.

MONDAY, SEPTEMBER 18, 2023

D.5. MM 23-0578

- Michelle Heinrich, DS, called MM 23-0578.
- Testimony provided.
- Susan Finch, ZHM, closed MM 23-0578.

ADJOURNMENT

Susan Finch, ZHM, adjourned meeting at 10:54 p.m.

Rezoning Application: 23-0082 REVISED

Zoning Hearing Master Date: September 18, 2023

BOCC Land Use Meeting Date: November 7, 2023



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: C & C Investment Properties of

Tampa LLC

FLU Category: Residential -6 (R-6)

Service Area: Rural

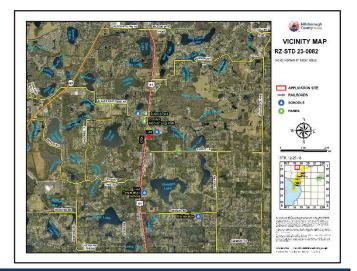
Site Acreage: 1.24+/-

Community Plan Area: Lutz Overlay: None

Request: Rezone from Residential- Single-

Family Conventional – 6 – (RSC-6) to Commercial General with

Restrictions (CG - 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 and to the location of uses.

Zoning:				
	Current RSC-6 Zoning	Proposed CG-R Zoning		
Uses	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services		
Acreage	1.24+/- Acres; 54,014 sq. ft	1.24+/- ac		
Density / Intensity	1 dwelling Unit (du)/ 7, 000 sq. ft	0.27 <u>0.25</u> F.A.R.		
Mathematical Maximum* 7 dwelling units 14,583 13,504 sq. ft				
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.				

Development Standards:				
	Current RSC-6 Zoning	Proposed CG- Zoning		
Density/ Intensity	1 du/ 7, 000 sq. ft	0.27 F.A. R / 9,056 - <u>13,504</u> sq. ft		
Lot Size / Lot Width	7, 000 sq. ft/ 70'	10,000 sq. ft/ 75'		
Setbacks/Buffering and Screening	25' - Front 7.5' – Sides 25' - Rear	30' – Front (West) 0' – Side (North) 20' – Side (South) 20' Type B Buffering 20' – Rear (East) 20' Type B Buffering		
Height	35'	50′		

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

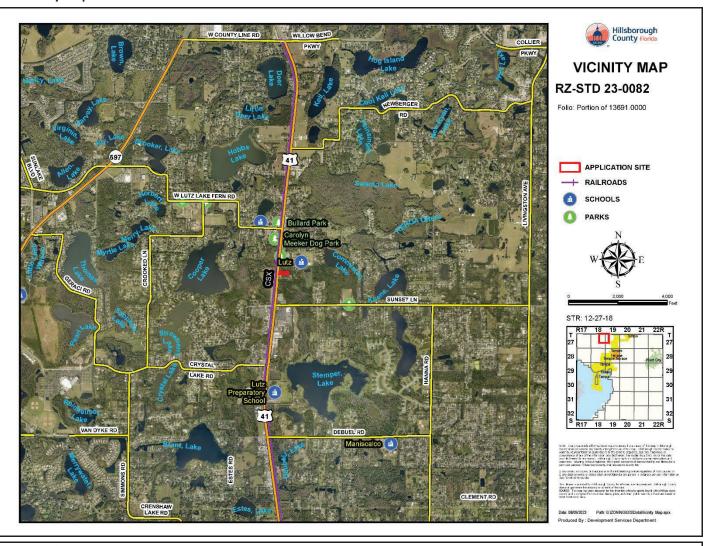
ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Additional Information:	
Planning Commission Recommendation	Inconsistent
Development Services Department Recommendation	Not Supportable

Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map



Context of Surrounding Area:

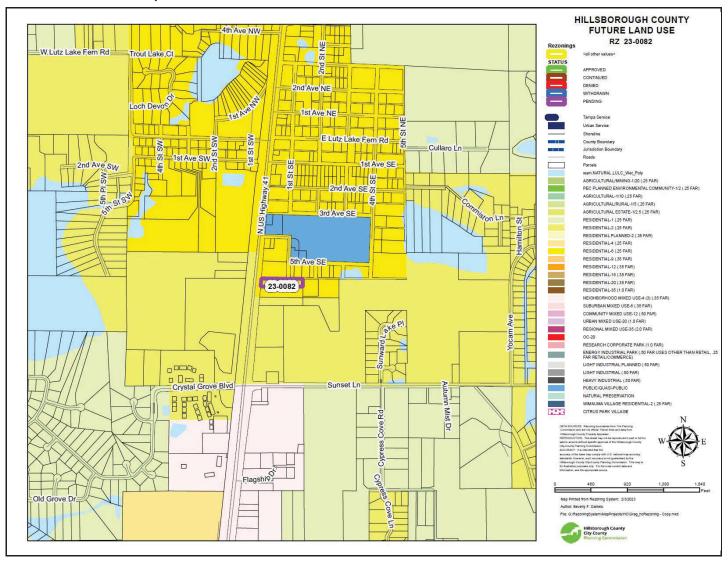
The site is surrounded by properties with Single-Family Residential, Agricultural, Business Professional, Office and Commercial General type uses. The immediate adjacent properties are zoned Residential Single-Family Conventional – 6 (RSC-6) to the north and east; Commercial General (CG) and RSC-6 to 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.

APPLICATION NUMBER: RZ STD 23-0082

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Case Reviewer: Isis Brown

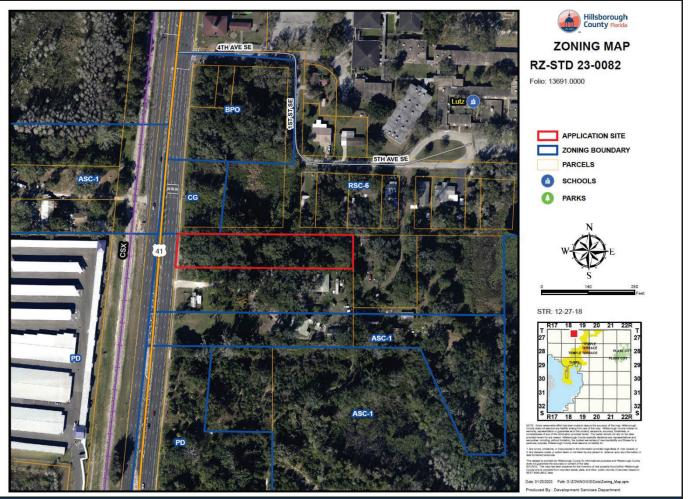
Subject Site Future Land Use Category:	Residential 6 (Res-6)
Maximum Density/F.A.R.:	6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or 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.

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



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

ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 18, 2023 November 7, 2023	Case Reviewer: Isis Brown				
2.0 LAND USE MAP SET AND SUMMARY DATA						
2.4 Proposed Site Plan (2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)					
		Not Applicable				

APPLICATION NUMBER:

RZ STD 23-0082 *REVISED*

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

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 	
1 st Street SE	County Local – Portions Rural and Unimproved	2 Lanes ⊠ Substandard Road ⊠ Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements ☑ Other - TBD 	

Case Reviewer: Isis Brown

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

^{*}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:		·			

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	☐ Yes	☐ Yes	miormation/ comments
Natural Resources	⊠ No □ Yes	⊠ No □ Yes	No comments provided
Conservation & Environmental Lands Mgmt.	☐ No ☐ Yes ☐ No	☐ No ☐ Yes ☐ No	No comments provided
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	□ No □ No □ No □ No □ No □ Significant Wildlife Habitat □ Coastal High Hazard Area □ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property □ Other □ Other □ No □ N		
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation □ Design Exception/Adm. Variance Requested □ Off-site Improvements Provided 図 N/A Utilities Service Area/ Water & Wastewater □ Urban □ City of Tampa 図 Rural □ City of Temple Terrace	☐ Yes ☑ No ☐ N/A ☐ Yes ☐ No	☐ Yes ☐ No ☑ N/A ☐ Yes ☐ No	No comments provided
Hillsborough County School Board Adequate □ K-5 □ 6-8 □ 9-12 ⋈ N/A Inadequate □ K-5 □ 6-8 □ 9-12 ⋈ N/A	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission ☐ Meets Locational Criteria ☐ N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☐Density Bonus Requested ☐ Consistent ☐ Inconsistent	☑ Inconsistent☐ Consistent	⊠ Yes ⊠ No	

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

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.

Case Reviewer: Isis Brown

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 lot's size, lot configuration, transition and compatibility concerns, the applicant has proposed the following: 1) the rear (eastern portion) of 156' be reserved and conditioned only to allow for retention, stormwater and septic tank use, and; 2) 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 1st Street SE and 4th Ave SE to the north which as operation/safety issues as also outlined in their agency comment. If direct access to US 41, could be granted in the future in conjunction with above listed proposed site layout and restrictive site uses maybe the request may be more favorable and supportable.

However, without access to US 41, direct access to the site would be restricted to 1st 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 1st 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. If access was assured to be provided to US 41, staff could find the request compatible with the proposed restrictions. However, given the access issues as outlined herein staff continues to have compatible concerns with the subject application.

5.2 Recommendation

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

The applicant is proposing the following restrictions:

- 1. The rear (eastern portion) of 156' shall be reserved and conditioned only to allow for retention, stormwater and septic tank use.
- 2. The following uses shall 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.

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023 Case Reviewer: Isis Brown

Zoning Administrator Sign Off:

J. Brian Grady Mbn Sep 18 2023 14:10:55

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

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

APPLICATION NUMBER:	RZ STD 23-0082 REVISED					
ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 18, 2023 November 7, 2023	Case Reviewer: Isis Brown				
8.0 PROPOSED SITE PLAN (FULL)						
		Not Applicable				

ZHM HEARING DATE: September 18, 2023 BOCC LUM MEETING DATE: November 7, 2023

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

Case Reviewer: Isis Brown

TO:	Zoning Technician, Development Services Dep	artment	DATE: 3/10/2023 Revised: 8/12/2023 Revised: 9/12/2023
REV	TEWER: James Ratliff, AICP, PTP	AGENCY/DEPT: Tra	nsportation
PLA	NNING AREA/SECTOR: LU/Northwest	PETITION NO: R	Z 23-0082
	This agency has no comments.		
Ш	This agency has no objection.		
	This agency has no objection, subject to the	listed or attached conditions	
X	This agency objects for the reasons set forth	below.	

RATIONALE FOR OBJECTION

- 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."
- 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.
- 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 1st 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).
- 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.

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- 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 4th 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. The applicant reached out to FDOT to for an informal comments, and received comments from an FDOT staff person which happened outside of their normal review process. County staff understands that FDOT staff person was trying to provide a quick review, and so issued findings which were opposite to the findings issues by the FDOT Traffic Operations Department (based on having incomplete information regarding the site). That FDOT staff subsequently withdrew their comments, leaving the objection to stand. FDOT staff indicated they would try to schedule a meeting with the applicant to obtain formal comments; however, as of the date of this report writing no such meeting has been held and/or no formal comments have been placed into the record. The correspondence chain has been attached.
- 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 4th 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 1st 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.
- Given the above, staff recommends denial of the proposed zoning request.

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Photo showing congestion and queuing issues at US 41 and 4th 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 <u>Trip Generation Manual</u>, 11th 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-	Total Peak Hour Trips	
	Way Volume	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
Subtotal:	4,060	388	300
	4,060	388	

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Trip Generation Difference:

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

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.

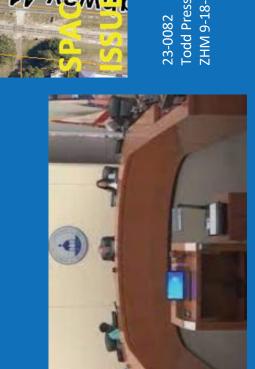
Roadway	From	То	LOS Standard	Peak Hour Directional LOS
US 41	Sunset Ln.	County Line Road	D	С

Source: Hillsborough County 2020 Level of Service Report.

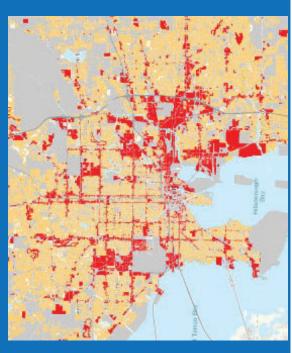


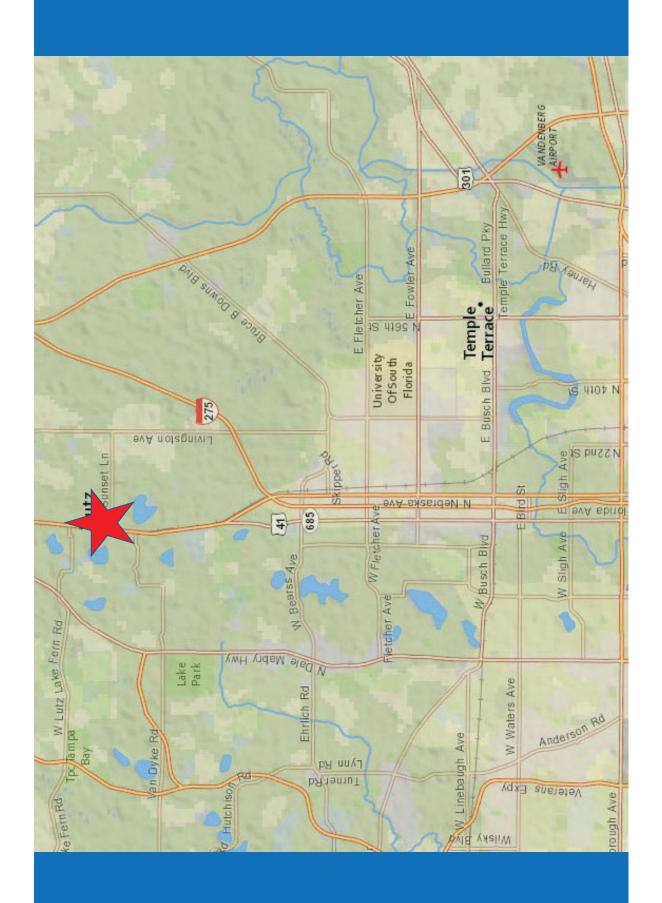
RZ-STD 23-0082

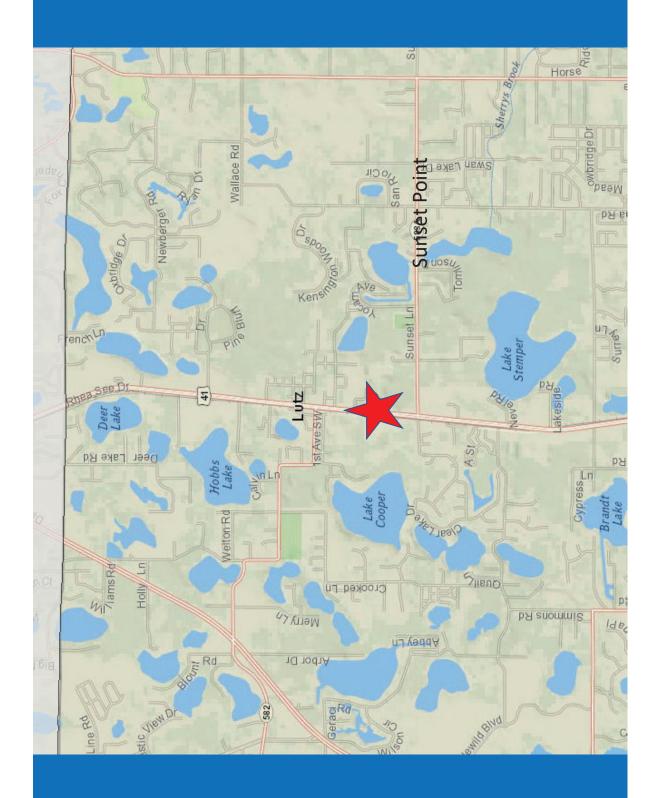
P/QP P/QP











Property Appraiser



Issue: RSC-6 to CG-R. .82 acres

Restrictions:

1) Rear 156' only for stormwater, retention & septic. 31% of site.

2) No fast food, no C-store/gas, no motor vehicle repair



Area Restricted

Reduces impact on residential



Area Restricted

Reduces impact on residential



20' B Buff/Screen Additional

20' B Buff/Screen Additional



Additional Restrictions:

- Fast food restaurants with drive thru.
- Convenience store with or without gas sales.
- Motor vehicle repair type uses.

Property Appraiser 1st St SE N US Highway 4100

2 00 de Tomlinson Dr Nye Park LOCATION_DESC SOUTH OF SUNSET LN US HWY 41 SRB045 44,500 42,500 44,500 **FDOT** Count Station 115500 ROADWAYID LOCATION MILEPOST SOURCE Zoom to Yr2017 Yr2018 Yr2019 Yr2020 Yr2021

US Hwy. 41 - 6 lane highway - 39,500 Vehicles/Day

- Major

Arterial

SIERRA PINES BLVD

Dedicated Truck Route

Truck Route Plan

Lutz Community Plan: The improved Dale Mabry Highway and US Highway 41 both provide substantial north/south access between Hillsborough and Pasco Counties.

P/QP P/QP NMU-4-1 NMU-4 R-2

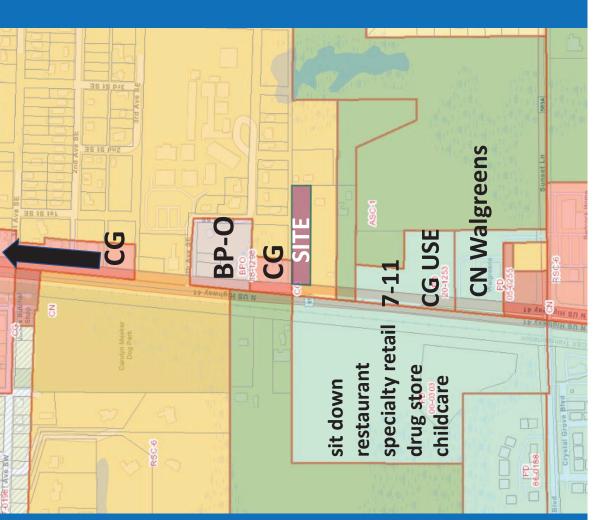
FLU Map

R-6: Suburban commercial, offices, multi-purpose and mixed-use dev.

Zoning Map CG Abuts on North

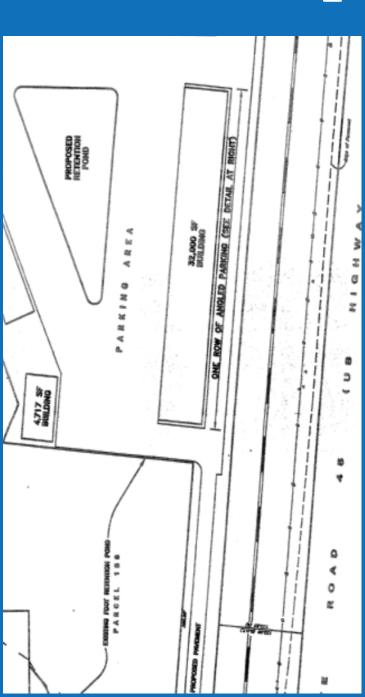


Zoning Map



BPO 18-1298 SITE 9 ь убиндін su и 臣 4 YEWIGH SU N RSC-6 PD 00-

Zoning Map/PD Approved



PD 00-0303/ 18-0640 75,000 SF office, sit down restaurant specialty retail...drug store,

childcare

U.S. 41

Objective 12-1 indicate that new developments should recognize the existing PLANNING COMMISSION: "The Community Design Component Goal 12 and community pattern"

No mention of the Highway 41 commercial trend nor intensity of Highway 41

PLANNING COMMISSION: "under the Rural Residential Character section, also indicates the need to preserve rural uses as viable residential alternatives to <u>urban and suburban areas...as the proposed development is encouraging</u> urbanization of the rural area".

Locational Waiver Submitted

Development Pattern & trend on Hwy. 41

Major Arterial



38' mol, short of the locational criteria distance

(Rule: cover 75% of parcel)

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

1.a) the creation of like uses; or

2.b) creation of complementary uses; or

3.c) mitigation of adverse impacts; and

4.d) transportation/pedestrian connections

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

properties with Single-Family Residential, Agricultural, Business Development Services: "Staff Report: The site is surrounded by Professional, Office and Commercial General type uses".

"If access was assured to be provided to US 41, staff could find the request compatible with the proposed restrictions".

Classic Catch - 22. Transportation

Transportation Dept.

generation and site access analysis for the proposed project". "Consistent with the Development Review Procedures Manual (DRPM), the applicant was not required to submit a trip

project's potential transportation impacts...County Transportation Technical Manual (TTM) requirements are evaluated at the time of "Generally, for projects with a Euclidean zoning designation, a plat/site/construction plan review".



Mix school and residential traffic





Tran. Dept:

"Additionally, one intersection which FDOT expressed concerns with was the intersection of 4th Ave. SE and US 41, which carries high volumes of traffic due to that being the sole vehicular access to Lutz Elementary School..."

Subject Site with access point improvement on R/W



Re: Pressman: 23-0082/Wetland Impact To: "Weeks, Abbie" <weeksa®epchc.org> Cc: Pressman Todd <todd®pressmaninc.com>

Good morning Todd,

the unimproved right of way. I have attached the historic aerials for the subject It appears that the proposed access to the north may impact wetlands within site for reference to help approximate the potential wetland areas

Abbie N. O'Hern Weeks, C.W.E., Environmental Scientist

Wetlands Division

Environmental Protection Commission

3629 Queen Palm Drive, Tampa, FL 33619

EPC Map. FDOT & County Access Directed



EPC Map. FDOT & County Access Directed



EPC Map. FDOT & County Access Directed



criteria...compatibility....cohesion...pending transportation determinations as indicated Site should be evaluated per zoning done in the future

Summary:

- compatible and meets uses, zoning and approvals in the immediate - Done a great job on restricting and shaping this application to be vicinity
- Site is also significantly characterized as non-residential by 41 Hwy., locational criteria & US 41 Hwy. Zoning
- Land Use criteria that do support the application

PARTY OF RECORD

Rome, Ashley

From: Hearings

Sent: Tuesday, April 4, 2023 7:40 AM

To: Rome, Ashley

Subject: FW: RZ-STD 23-0082

Attachments: IMG_0912.JPG; IMG_0913.JPG

From: JAY MUFFLY <jaymuffly@msn.com> Sent: Monday, April 3, 2023 11:31 PM

To: Hearings < Hearings @ Hillsborough County. ORG >

Subject: RZ-STD 23-0082

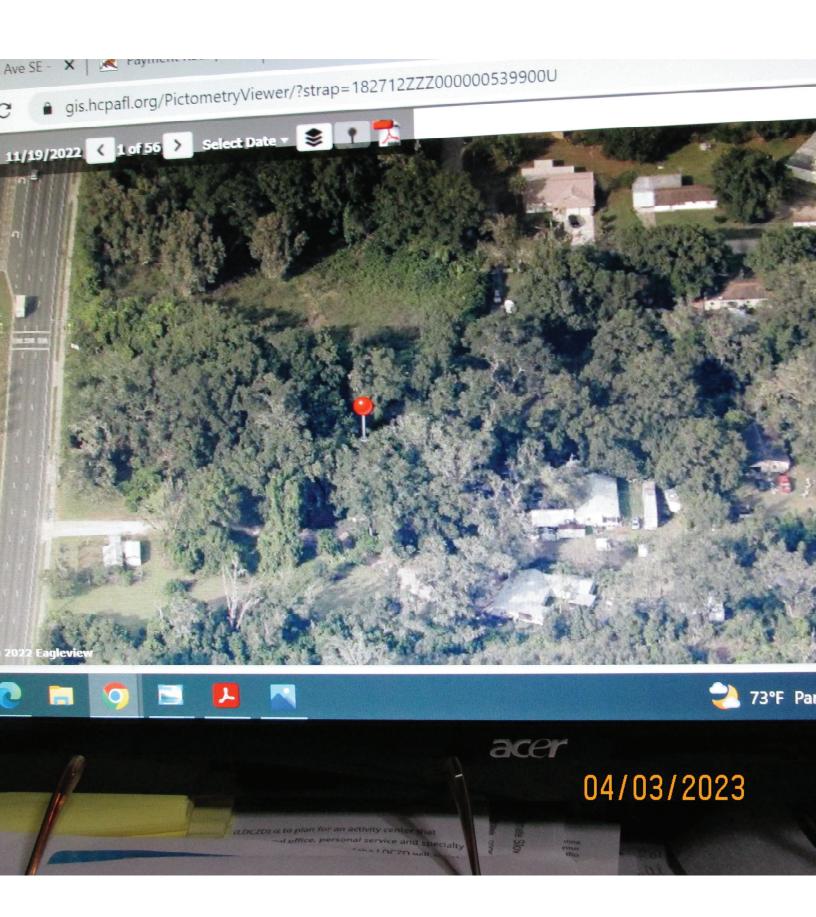
External email: Use caution when clicking on links, opening attachments or replying to this email.

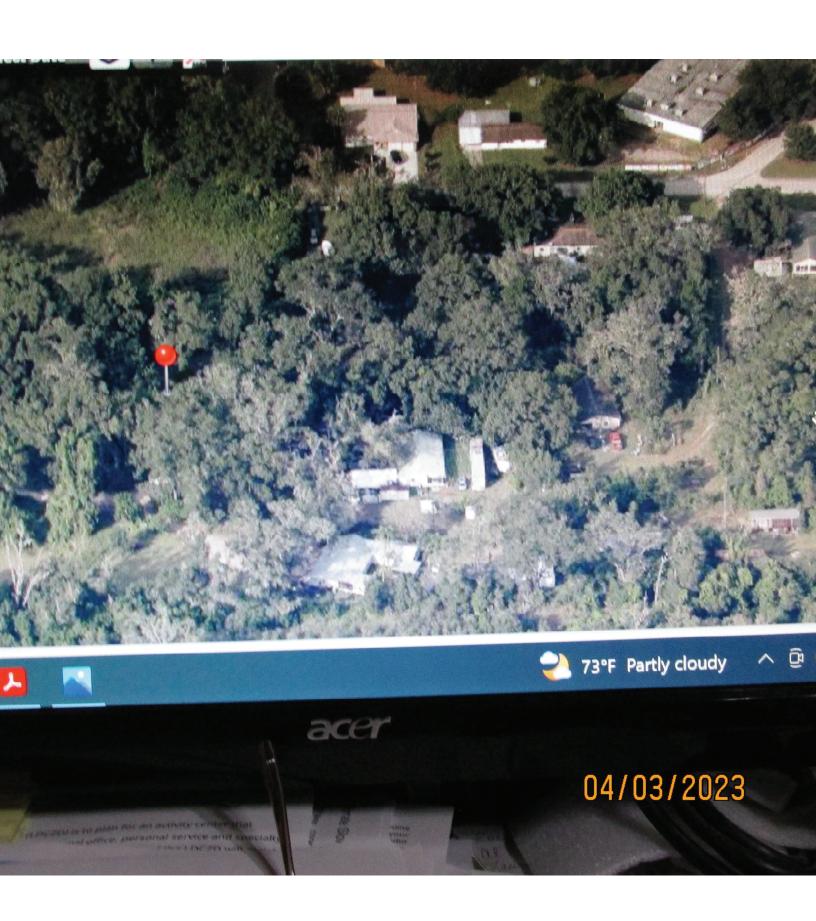
PGM Staff and ZHM

The Lutz Civic Association Inc. opposes this Rezoning. As you look at the photos you will see that this property is sounded by long-time single-family residents. This is not compatible with the neighborhood and the Lutz Community Plan.

We ask that you recommend denial of this petition, because it does not meet any Commercial Criteria in the Lutz Plan and is not Neighborhood Compatible.

Jay A. Muffly Lutz Civic Association Inc. 102 5th Avenue SE Lutz, FL 33549





Rome, Ashley

From: Hearings

Sent: Wednesday, August 16, 2023 3:54 PM **To:** Rome, Ashley; Timoteo, Rosalina; Brown, Isis

Subject: FW: RZ STD 23-0082

Attachments: 23-0082+PC+08-09-2023 Inconsistent.pdf; 23-0082+S+Rep+REV+08-21-23 Brian

Grady Not suppurtable.pdf; 23-0082+TransRev+08-14-23 Objects.pdf

From: JAY MUFFLY < jaymuffly@msn.com> Sent: Wednesday, August 16, 2023 2:53 PM

To: Hearings < Hearings@HillsboroughCounty.ORG>

Subject: RZ STD 23-0082

External email: Use caution when clicking on links, opening attachments or replying to this email.

As a neighbor and a citizen of Lutz I am opposed to this Rezoning. It is not compatible with the Lutz Community Plan or the local neighborhood. There are other commercial areas available in Lutz. I have attached the Planning Commision, Staff, and Transportation reports. I agree with everything they say and ask for a recommendation of denial.

Jay A. Muffly 102 5th Ave. SE Lutz, Fl 33549



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



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

Context

- The 1.24-acre subject property is located approximately 750 feet southeast of 4th Avenue SE and North US Highway 41 Intersection.
- The site is located within the Rural Area and is located within the limits of the Lutz Community Plan.
- The subject property is located within the Residential-6 (RES-6) Future Land Use category, which can be considered for a maximum density of up to 6 dwelling units per gross acre and a maximum intensity of 0.25 Floor Area Ratio (FAR). The RES-6 Future Land Use category is intended for areas that are suitable for low density residential development. Typical uses include, but 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 4th Avenue SE and North US Highway 41. The site is in the Rural Area and is located within the limits of the Lutz Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-6 (RES-6). The applicant is requesting a rezoning from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG).

Objective 4 of the Future Land Use Element (FLUE) notes that 20% of the growth in the region will occur within the Rural Area. FLUE Policy 4.1 characterizes the Rural Area as low-density, large lot residential uses and long-term agricultural uses that can exist without the threat of urban or suburban encroachment. A rezoning to CG would directly conflict with this policy, as the range of uses would allow for urban encroachment into the area located east of the subject site.

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

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

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

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

Goal 7 of the Community Design Component (CDC), under the Rural Residential Character section, also indicates the need to preserve rural uses as viable residential alternatives to urban and suburban areas. CDC Goal 17, and Objectives 17-1 and 17-1.4 all reflect upon the importance of commercial areas developing in a manner that enhances the character and ambiance of the area. The applicant has 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*.

FUTURE GLANDE DISPENICES

RZ 23-0082



CONTINUED DENIED

WITHDRAWN

PENDING

County Boundary Tampa Service Urban Service Shoreline

wam.NATURAL.LULC_Wet_Poly

Jurisdiction Boundary

AGRICULTURAL/MINING-1/20 (.25 FAR)

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR)

RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL-2 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR)

RESIDENTIAL-4 (.25 FAR) RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-16 (.35 FAR)

RESIDENTIAL-20 (.35 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) RESIDENTIAL-35 (1.0 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)

RESEARCH CORPORATE PARK (1.0 FAR)

ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.50 FAR) LIGHT INDUSTRIAL (:50 FAR)

HEAVY INDUSTRIAL (.50 FAR) NATURAL PRESERVATION PUBLIC/QUASI-PUBLIC

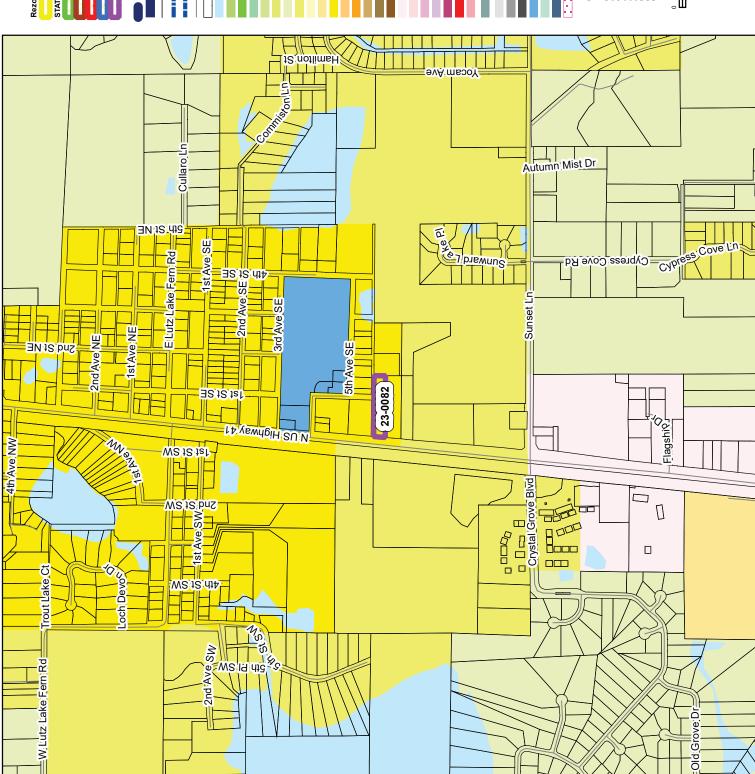
WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) CITRUS PARK VILLAGE

1,380 920

460

Old Grove

Fle: G\RezoningSystem\MapProjects\HC\Greg_hcRezoning - Copy.mxd Map Printed from Rezoning System: 2/3/2023 Hillsborough County
City-County
Planning Commission Author: Beverly F. Daniels



Rezoning Application: 23-0082 (REVISED)

Zoning Hearing Master Date: August 21, 2023

BOCC Land Use Meeting Date: October 10, 2023



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: C & C Investment Properties of

Tampa LLC

FLU Category: Residential -6 (R-6)

Service Area: Rural

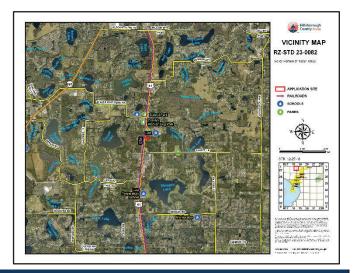
Site Acreage: 0.82 +/- of 1.24+/-

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:					
	Current RSC-6 Zoning	Proposed CG-R Zoning			
Uses	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	

APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

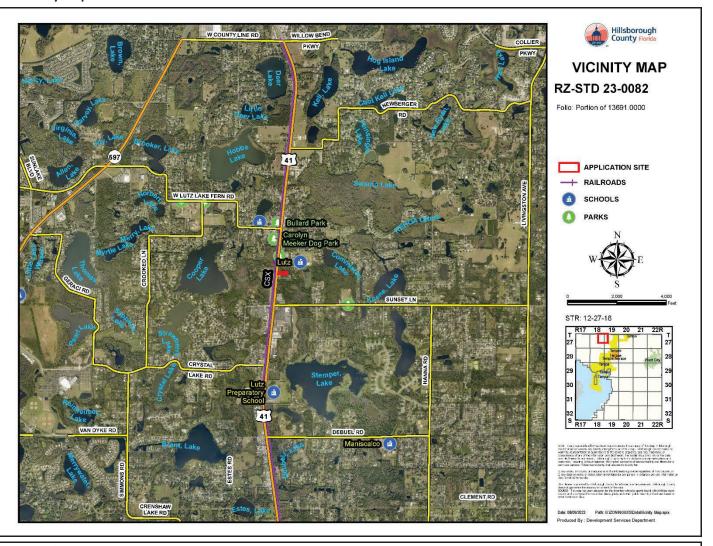
ZHM HEARING DATE: August 21, 2023 BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

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.

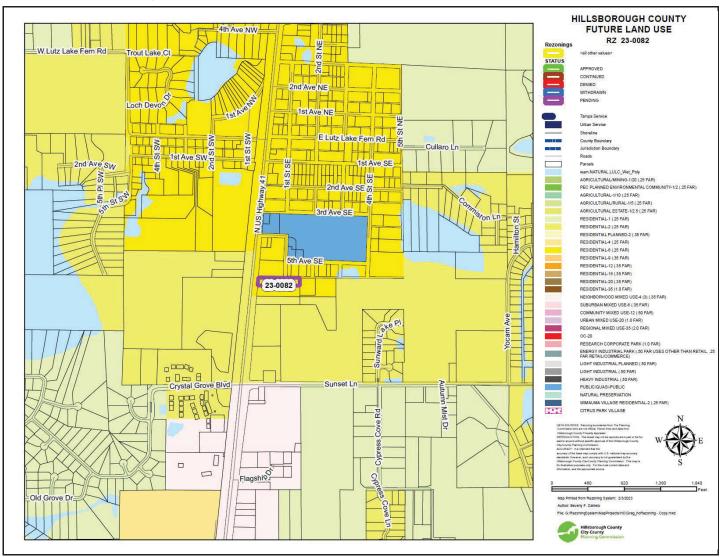
APPLICATION NUMBER: RZ STD 23-0082

ZHM HEARING DATE: August 21, 2023

BOCC LUM MEETING DATE: October 10, 2023 Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



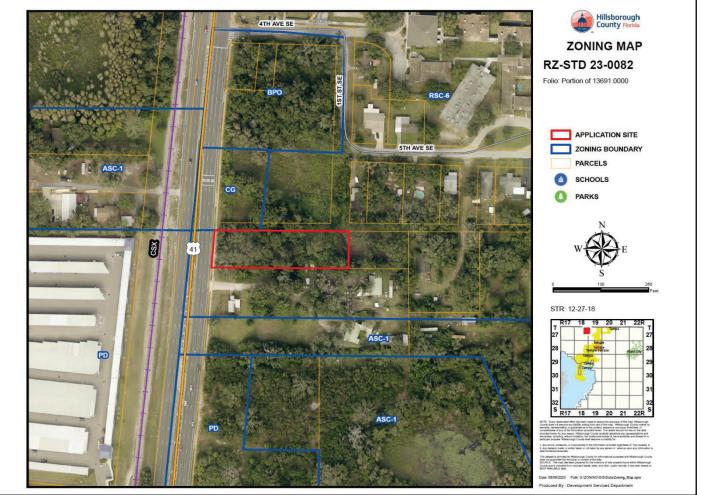
Subject Site Future Land Use Category:	Residential 6 (Res-6)
Maximum Density/F.A.R.:	6 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or 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.

ZHM HEARING DATE: August 21, 2023 BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



	Adjacent Zonings and Uses					
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning	Allowable Use:	Existing Use:		
Novth	CG	0.27 F.A.R.	General Commercial, Office and Personal Services	Vacant		
NOTET	North RSC-6 1 du/ 7, 000 sq.		Single-family Residential Conventional uses.	Single Family Residential Home		
South	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home		
West	N. US Highway 41	n/a	Street	Street		
East	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home		
Last	RSC-6	1 du/ 7, 000 sq. ft	Single-family Residential Conventional uses.	Single Family Residential Home		

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Case Reviewer: Isis Brown

2.0 L	.AND	USE	MAP	SET	AND	SUMMARY	DATA
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2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)				
Not Applicable				

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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 		
1 st Street SE	County Local – Portions Rural and Unimproved	2 Lanes ⊠ Substandard Road ⊠ Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements ⋈ Other - TBD 		

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

^{*}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:					

ZHM HEARING DATE: August 21, 2023 BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Objections	Conditions Requested	Additional Information/Comments	
Environmental Protection Commission	☐ Yes 図 No	□ Yes 図 No		
Natural Resources	☐ Yes ☐ No	☐ Yes ☐ No	No comments provided	
Conservation & Environmental Lands Mgmt.	☐ Yes ☐ No	☐ Yes ☐ No	No comments provided	
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	☐ Coastal High Ha	cant Wildlife Habitat I High Hazard Area /Suburban/Rural Scenic Corridor nt to ELAPP property		
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments	
Transportation □ Design Exception/Adm. Variance Requested □ Off-site Improvements Provided ☑ N/A Utilities Service Area/ Water & Wastewater □ Urban □ City of Tampa ☑ Rural □ City of Temple Terrace	☐ Yes ☑ No ☐ N/A ☐ Yes ☐ No	☐ Yes ☐ No ☒ N/A ☐ Yes ☐ No	No comments provided	
Hillsborough County School Board Adequate □ K-5 □ 6-8 □ 9-12 ⊠ N/A Inadequate □ K-5 □ 6-8 □ 9-12 ⊠ N/A	□ Yes □ No	□ Yes □ No		
Impact/Mobility Fees N/A				
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments	
Planning Commission ☐ Meets Locational Criteria ☐ N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☐ Density Bonus Requested ☐ Consistent ☐ Inconsistent	☑ Inconsistent☐ Consistent	⊠ Yes □ No		

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ZHM HEARING DATE: August 21, 2023 BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

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 1st Street SE and 4th 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 1st 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 1st 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.

Zoning Administrator Sign Off:

'J. Brian Grady Mon Aug 14 2023 15:18:45

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APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

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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

Development Services

APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

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7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

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APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

ZHM HEARING DATE: August 21, 2023 October 10, 2023 BOCC LUM MEETING DATE:

Case Reviewer: Isis Brown

8.0 PROPOSED SITE PLAN (FULL)	
	1
Not Applicable	
	-1

APPLICATION NUMBER: RZ STD 23-0082 (REVISED)

7HM HEARING DATE:

BOCC LUM MEETING DATE:

August 21, 2023 October 10, 2023

Case Reviewer: Isis Brown

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department			DATE: 3/10/2023 Revised: 8/12/2023
REVIEWER: James Ratliff, AICP, PTP AGENCY/DEP			nsportation
PLAN	NNING AREA/SECTOR: LU/Northwest	PETITION NO: R	Z 23-0082
	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection, subject to the lie	sted or attached conditions.	
X	This agency objects for the reasons set forth b	elow.	

RATIONALE FOR OBJECTION

- 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."
- 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 1st 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.

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Case Reviewer: Isis Brown

- 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 4th 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 4th 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 1st 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 4th Ave. SE

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ZHM HEARING DATE: August 21, 2023 BOCC LUM MEETING DATE: October 10, 2023

Case Reviewer: Isis Brown

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a \pm -0.824 ac. portion (i.e. the westernmost \pm -370 feet) of a \pm -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. \pm -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 <u>Trip Generation Manual</u>, 11th Edition.

Approved Uses:

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

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
C,	Way Volume	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
Subtotal:	4,060	388	300

Trip Generation Difference:

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

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.

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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.

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ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

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

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

Source: Hillsborough County 2020 Level of Service Report.

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department			Revised: 8/12/2023
REVI	EWER: James Ratliff, AICP, PTP	AGENCY/DEPT: Tra	nsportation
PLAN	NNING AREA/SECTOR: LU/Northwest	PETITION NO: R	Z 23-0082
	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection, subject to the	listed or attached conditions	
X	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 1st 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 4th 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 4th 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 1st 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 4th Ave. SE

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a \pm 0.824 ac. portion (i.e. the westernmost \pm 370 feet) of a \pm 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. \pm 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 <u>Trip Generation Manual</u>, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	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-	Total Peak Hour Trips	
	Way Volume	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
Subtotal:	4,060	388	300

Trip Generation Difference:

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

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.

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Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
US 41	FDOT Principal Arterial - Urban	6 Lanes □Substandard Road ⊠Sufficient ROW Width	 □ Corridor Preservation Plan □ Site Access Improvements □ Substandard Road Improvements □ Other 	
1 st St. SE	County Local – Portions Rural and Unimproved	2 Lanes ⊠ Substandard Road ⊠ Sufficient ROW Width (for Urban)	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☒ Other - TBD	
	Choose an item.	Choose an item. Lanes ☐ Substandard Road ☐ Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other	
	Choose an item.	Choose an item. 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	66	5	7	
Proposed	4,060	388	300	
Difference (+/-)	(+) 3,994	(+) 383	(+) 293	

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

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.

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:		·	

Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
☐ Design Exception/Adm. Variance Requested☐ Off-Site Improvements Provided	⊠ Yes □N/A □ No	☐ Yes ⊠ No		

Brown, Isis

From: Hearings

Sent: Wednesday, September 13, 2023 3:00 PM **To:** Rome, Ashley; Timoteo, Rosalina; Brown, Isis

Subject: FW: RZ STD 23-0082

From: JAY MUFFLY <jaymuffly@msn.com> **Sent:** Wednesday, September 13, 2023 2:50 PM **To:** Hearings <Hearings@HillsboroughCounty.ORG>

Subject: RZ STD 23-0082

External email: Use caution when clicking on links, opening attachments or replying to this email.

I am Jay Muffly, 102 5th Avenue SE Lutz, FL 33549.

That is the Northwest corner of 1st Street SE and 5th Avenue SE, 1/2 Block north of this property.

I support the latest Planning Commission Recommendation (Inconsistent), Development Services Department Recommendation (Not Supportable), and Transportation Department Review Comment (Objects).

I'm also asking that you recommend denial.

Note: there our other Commercial Zoned properties for Sale between 4th Avenue SE and Newberger Road (some vacant land).

Jay A. Muffly

Rome, Ashley

From: Hearings

Sent: Monday, July 24, 2023 7:48 AM

To: Timoteo, Rosalina; Rome, Ashley; Brown, Isis **Subject:** FW: Zoning Request RZ-STD 23-0082

From: Mary Ann Peters <sanedesigns@gmail.com>

Sent: Saturday, July 22, 2023 11:21 AM

To: Hearings < Hearings@HillsboroughCounty.ORG>

Subject: Zoning Request RZ-STD 23-0082

External email: Use caution when clicking on links, opening attachments or replying to this email.

Good morning,

I am writing as a concerned citizen residing at 108 5th Ave SE, Lutz, FL 33549 in regards to the hearing notice RZ-STD 23-0082 for the property located at 750 FT SE of 4th Ave SE and N of US Hwy 41 intersection.

This property is located close to not just my home but Lutz K-8 school, and traffic is overwhelming during drop off and pick up times. Rezoning this property to commercial general would add considerably to the traffic on this road and jeopardize the safety of the students.

Additionally, there are already commercial buildings for rent north of this location which need occupants and which are in need of repair. Why should another building be constructed when there are appropriate locations already in place?

I am disabled and it would be difficult for me to come to the hearing in person but would like to participate via zoom if possible. Kindly let me know,

Regards,

Mary Ann Peters 336-624-9854 sanedesigns@gmail.com

Rome, Ashley

From: Hearings

Sent: Monday, April 3, 2023 7:43 AM

To: Rome, Ashley

Subject: FW: Application RZ-STD 23-0082

Attachments: house.JPG; house2.JPG; car.JPG; IMG_0949.jpg

From: Roberta Vanasco <bobbievan@hotmail.com>

Sent: Saturday, April 1, 2023 5:02 PM

To: Hearings < Hearings @ Hillsborough County. ORG >

Subject: Application RZ-STD 23-0082

External email: Use caution when clicking on links, opening attachments or replying to this email.

As a resident whose property adjoins the north side of the property listed as 750 FT Southeast of 4th Avenue SE, Lutz and N US Highway 41, I highly object to the proposal to rezone this property from RSC-6 to CG. To place a business in the middle (as it would be surrounded by houses on three of its four sides) of a residential area is absurd for the following reasons:

- 1. Potential personal safety issues
- 2. Decrease in property value
- 3. Impact on K8 school and traffic
- 4. Negative impact on indigenous wildlife
- 5. Close proximity of necessary businesses already in the area including: grocery, drug and retail store, gas station, storage facility, restaurants, post office and veterinarian, to name a few.

Photo 1: Car line, Highway 41

Photo 2: From my property line looking into lot

Photo3: From lot looking at my house

Photo 4: One of a family of deer

I am a 78 year old single lady and I greatly fear for my safety and peace of mind if you allow this zoning change to occur. Please vote NO.

Roberta Vanasco 101 5th Avenue SE Lutz 33549 813-486-2457 Sent from $\underline{\text{Mail}}$ for Windows

