

Rezoning Application: RZ-STD 21-1348
Zoning Hearing Master Date: November 15, 2021
BOCC Land Use Meeting Date: January 11, 2022

1.0 APPLICATION SUMMARY

Applicant: John Forest Turbiville / Conservation & Environmental Lands Department
FLU Category: Natural Preservation (N)
Service Area: Urban
Site Acreage: 24.8 MOL
Community Plan Area: Gibsonton & South Shore Areawide Systems
Overlay: None



Introduction Summary:

The existing zoning is Planned Development (PD 07-0879) which permits Single-Family Residential (Conventional Only) uses pursuant to the development standards in the table below. The proposed zoning is Agricultural Rural (AR) which allows Single-Family Residential/Agricultural uses pursuant to the development standards in the table below.

Zoning:	Existing	Proposed
District(s)	PD 07-0879	AR
Typical General Use(s)	Single-Family Residential (Conventional Only)	Single-Family Residential/Agricultural
Acreage	24.8 MOL	24.8 MOL
Density/Intensity	1 du/gross acre	1 du/5 gross acres
Mathematical Maximum*	24 units	4 units

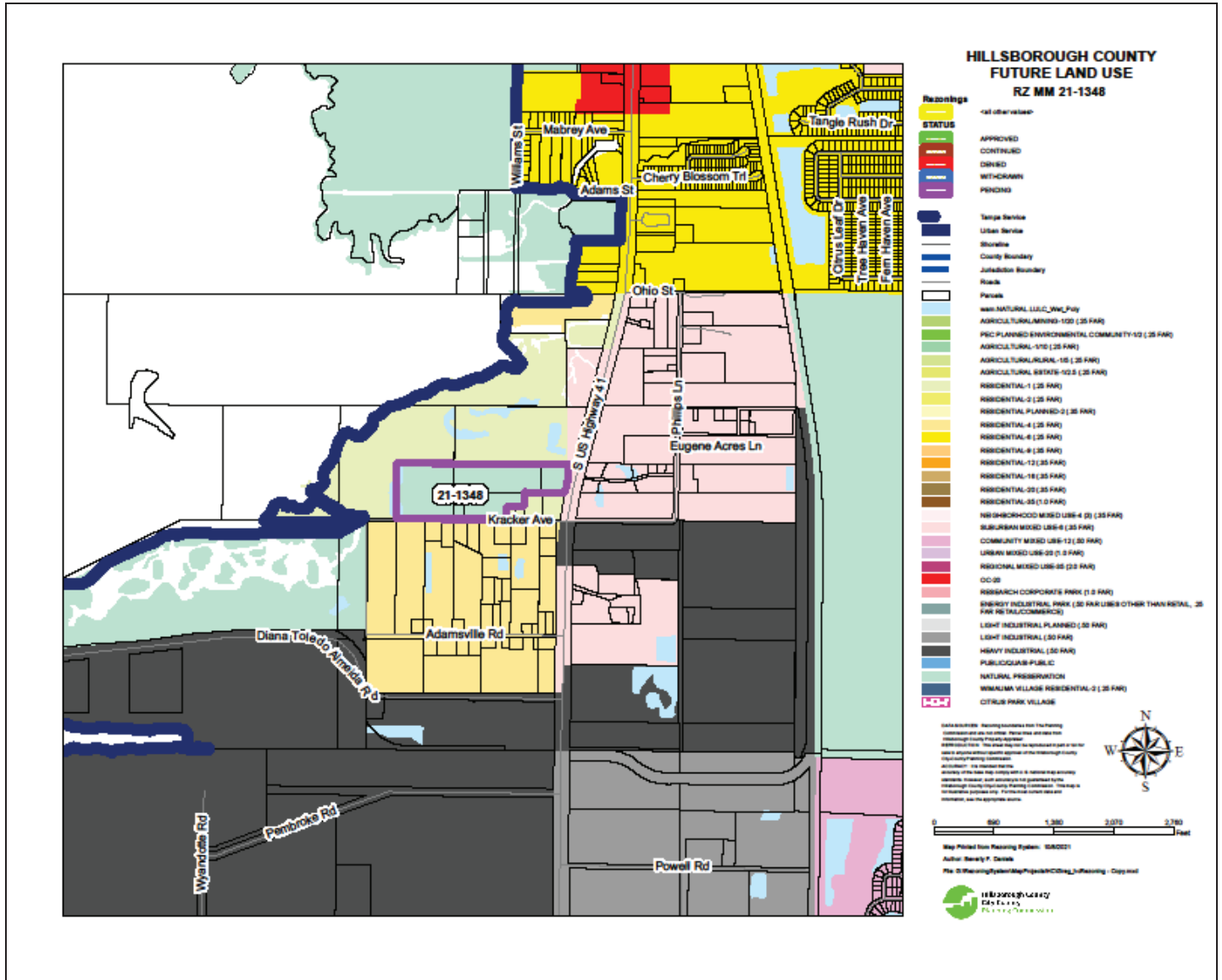
*number represents a pre-development approximation

Development Standards	Existing	Proposed
District(s)	PD 07-0879	AR
Lot Size / Lot Width	10,000 sf / 80'	217,800 sf / 150'
Setbacks/Buffering and Screening	25' Front 25' Rear 10' Sides	50' Front 50' Rear 25' Sides
Height	35'	50'

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable
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2.0 LAND USE MAP SET AND SUMMARY DATA

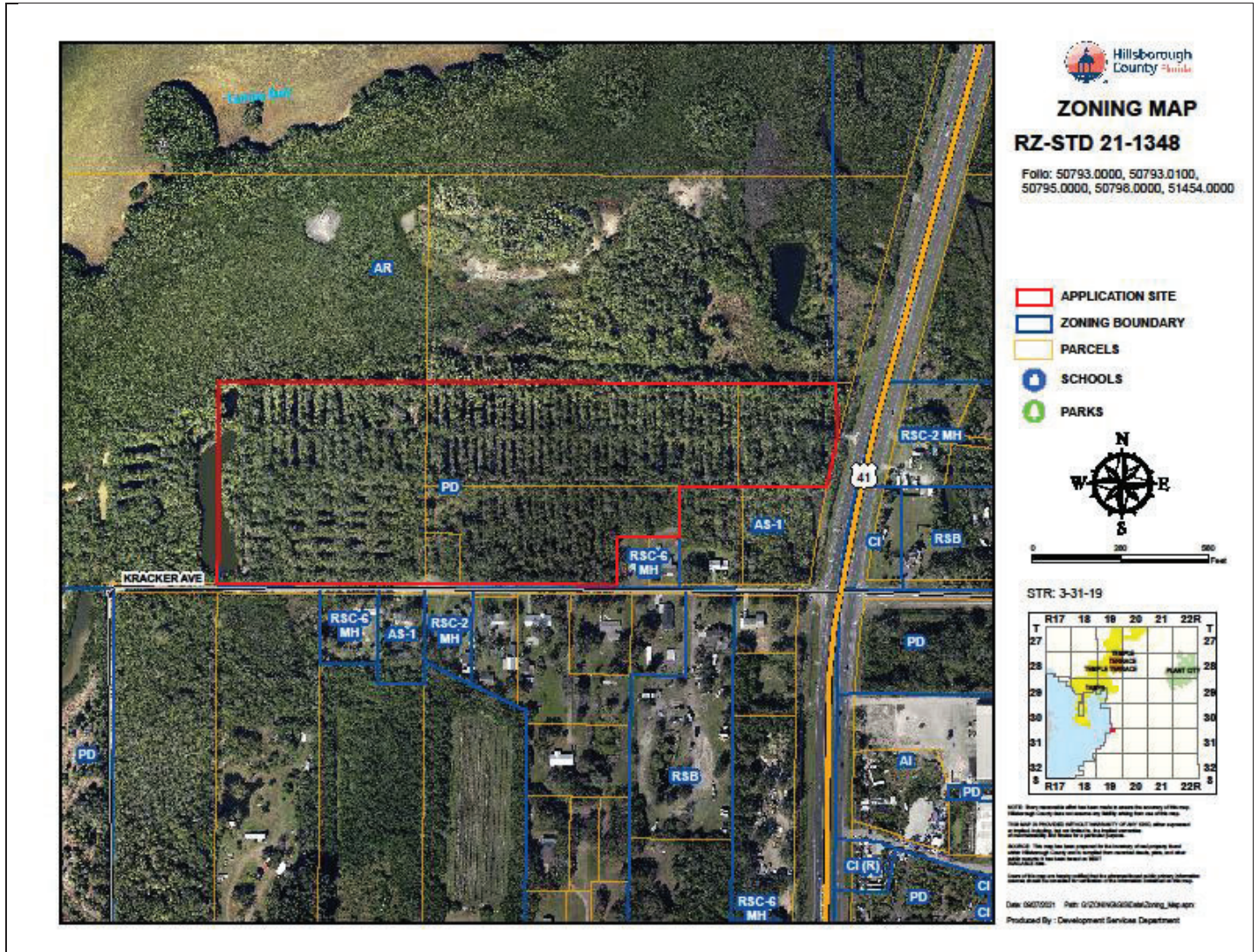
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Natural Preservation (N)
Maximum Density/F.A.R.:	Not Applicable
Typical Uses:	Open space or passive nature parks.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant
South	RSC-2, RSC-6, AS-1, AR	2 du per ga, 6 du per ga, 1 du per ga, 1 du per 5 ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
East	RSC-2, RSC-6, AS-1	2 du per ga, 6 du per ga, 1 du per ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
West	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant

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 Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kracker Ave.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,637	58	154
Proposed	0	0	0
Difference (+/-)	-1,637	-58	-154

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

Connectivity and Cross Access Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance Not applicable for this request

Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input checked="" type="checkbox"/> Significant Wildlife Habitat <input checked="" type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	There will be no additional public utilities or roads.
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The purpose of the rezoning is to allow for the excavating of 220 tropical fish ponds to recontour and revegetate the area in order to restore the natural habitat and wetlands. No residential, commercial or other impervious facilities will be permitted on the parcels. There will be no additional public utilities or roads. The site is located at 6038 Kracker Avenue, which is 900 feet northwest of the intersection of Kracker Avenue and South US Highway 41. The parcel is located in an area comprised of vacant wetlands, single-family residential and commercial. The subject parcel is directly adjacent to wetlands to the north and west and both zoned AR. To the south is single-family residential and vacant parcels zoned RSC-2, RSC-6, AS-1 & AR. To the east is also single-family residential and vacant parcels zoned RSC-2, RSC-6 & AS-1. The subject property is designated Natural Preservation (N) on the Future Land Use map. The Planning Commission finds the proposed use consistent with the Comprehensive Plan. The proposed rezoning will protect vital green space and provide expanded recreational opportunities in the area. The surrounding uses and districts are similar to the request; rural low-density single-family lots and vacant wetlands; therefore, the rezoning of the subject parcel from PD 07-0879 to AR would be consistent with the existing zoning pattern of the area.

Based on the above considerations staff finds the requested AR zoning district compatible with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request approvable.

Zoning Administrator Sign Off:



J. Brian Grady
Wed Nov 3 2021 14:22:03

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

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

6.0 FULL TRANSPORTATION REPORT (see following pages)**AGENCY REVIEW COMMENT SHEET**

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: Gibsonton/South

DATE: 11/02/2021
AGENCY/DEPT: Transportation
PETITION NO: STD RZ 21-1348

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | This agency has no comments. |
| <input checked="" type="checkbox"/> | This agency has no objection. |
| <input type="checkbox"/> | This agency objects for the reasons set forth below. |

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 1,637 average daily trips, 58 trips in the a.m. peak hour, and 154 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to this request.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone 5 parcels totaling +/- 24.58 acres from Planned Development (PD) to Agricultural/Rural (A/R). The site is located +/- 0.13 miles west of the intersection of US Hwy 41 and Kracker Ave. The Future Land Use designation of the site is Natural Preservation (N).

Trip Generation Analysis

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

Approved Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 24 Single Family Dwelling Units (ITE Code 210)	1,637	58	154

Proposed Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
A/R, 24.58-acre Conservation and Preservation Area	0*	0*	0*

*There is no ITE Code in the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition available to calculate trip generation for a Conservation and Preservation Area. However, removing all entitlements from the subject property in perpetuity for conservation and preservation would result in minimal trip generation.

Trip Generation Difference:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-1,637	-58	-154

The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 1,637 average daily trips, 58 trips in the a.m. peak hour, and 154 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on both Kracker Ave and US Hwy 41. Kracker Ave is a two-lane, substandard, Hillsborough County maintained local roadway without curb and gutter. There are no pedestrian or bike facilities on either side of Kracker Ave. US HWY 41 is a 4-lane, divided, arterial, FDOT maintained roadway.

US HWY 41 is included as a 6-lane roadway in the Hillsborough County Corridor Preservation Plan.

SITE ACCESS

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

LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 41	BIG BEN RD	SYMMES	D	C
KRACKER AVE.	N/A*	N/A*	N/A*	N/A*

*KRACKER AVE. is not a regulated roadway and is not included in the 2020 Level of Service (LOS) report.

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

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER:	RZ STD 21-1348
DATE OF HEARING:	November 15, 2021
APPLICANT:	John Forest Turbiville / Conservation & Environmental Lands Dept.
PETITION REQUEST:	The request is to rezone a parcel of land from PD to AR
LOCATION:	900 feet northwest of the intersection of Kracker Ave. & S. US Highway 41
SIZE OF PROPERTY:	24.82 acres m.o.l.
EXISTING ZONING DISTRICT:	PD 07-0879
FUTURE LAND USE CATEGORY:	N
SERVICE AREA:	Urban

DEVELOPMENT REVIEW STAFF REPORT*

***Please note that formatting issues prevented the entire staff report from being included in the Hearing Master’s Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

1.0 APPLICATION SUMMARY

Applicant: John Forest Turbiville / Conservation & Environmental Lands Department

FLU Category: Natural Preservation (N)

Service Area: Urban

Site Acreage: 24.8 MOL

Community Plan Area: Gibsonton & South Shore Areawide Systems

Overlay: None

Introduction Summary:		
Zoning:	Existing	Proposed
District(s)	PD 07-0879	AR
Typical General Use(s)	Single-Family Residential (Conventional Only)	Single-Family Residential/Agricultural
Acreage	24.8 MOL	24.8 MOL
Density/Intensity	1 du/gross acre	1 du/5 gross acres
Mathematical Maximum*	24 units	4 units

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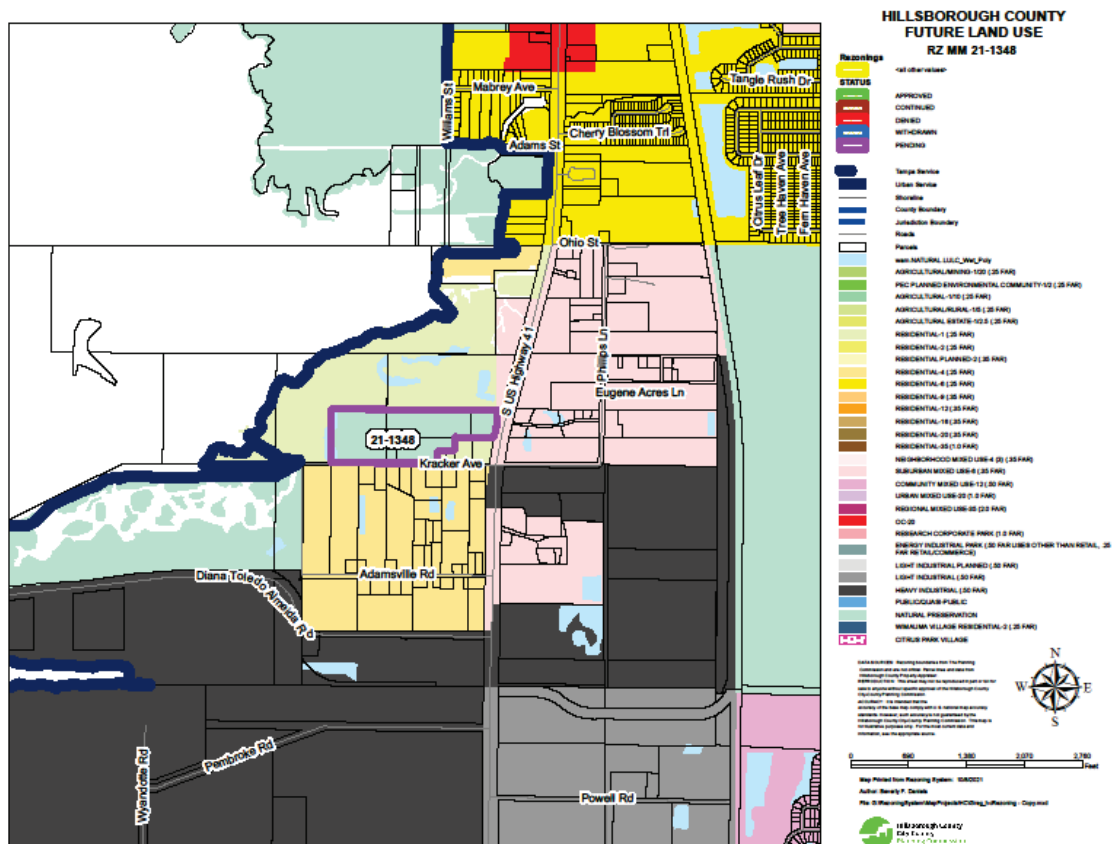
*number represents a pre-development approximation

Development Standards Existing Proposed		
District(s)	PD 07-0879	AR
Lot Size / Lot Width	10,000 sf / 80'	217,800 sf / 150'
Setbacks/Buffering and Screening	25' Front 25' Rear 10' Sides	50' Front 50' Rear 25' Sides
Height	35'	50'
Planning Commission Recommendation:		Development Services Recommendation:
Consistent		Approvable

Context of Surrounding Area:

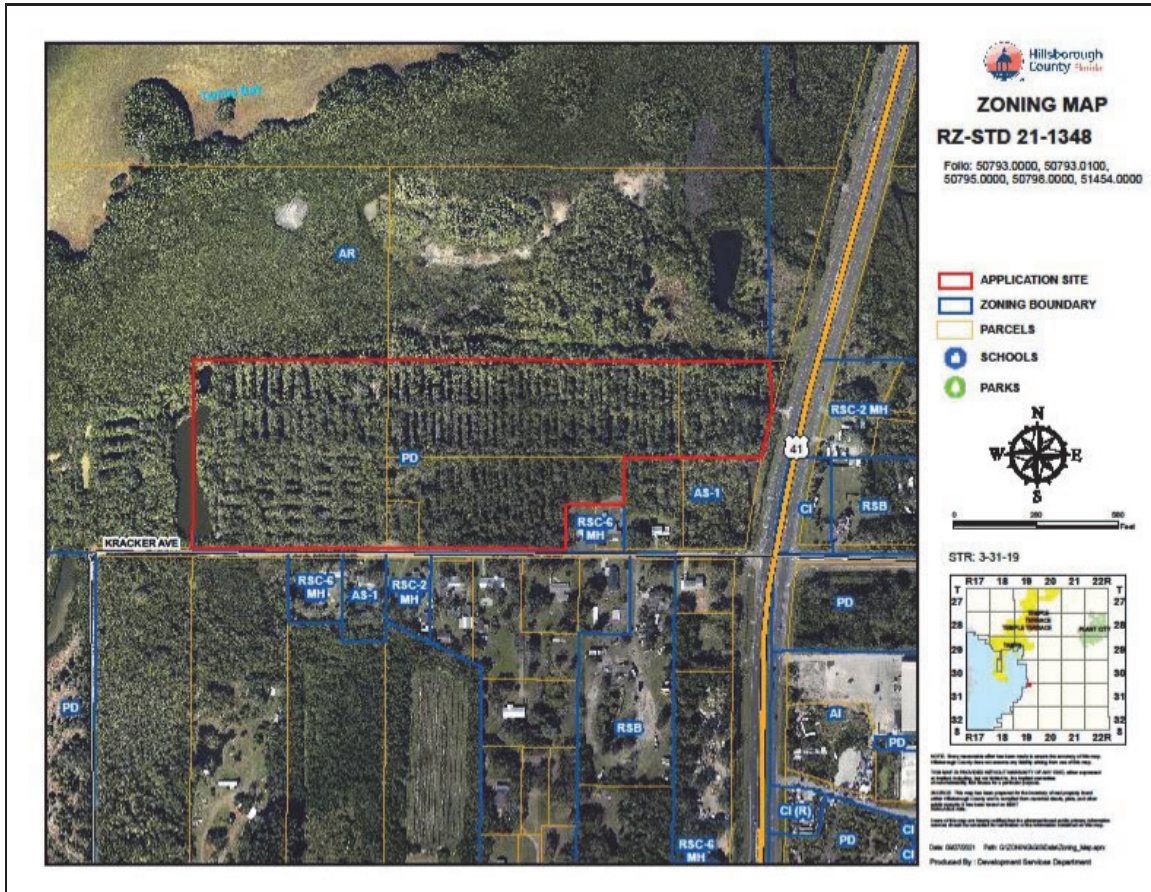
The area consists of vacant wetlands, single-family residential and a commercial building supplier. The subject parcel is directly adjacent to wetlands to the north and west and single-family residential to the south.

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



Subject Site Future Land Use Category:	Natural Preservation (N)
Maximum Density/F.A.R.:	Not Applicable
Typical Uses:	Open space or passive nature parks.

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



Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant
South	RSC-2, RSC-6, AS-1, AR	2 du per ga, 6 du per ga, 1 du per ga, 1 du per 5 ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
East	RSC-2, RSC-6, AS-1	2 du per ga, 6 du per ga, 1 du per ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
West	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant

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 Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kracker Ave.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,637	58	154
Proposed	0	0	0
Difference (+/-)	-1,637	-58	-154

*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		Finding
			Cross Access	
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.

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Potable Water Wellfield Protection Area <input checked="" type="checkbox"/> Significant Wildlife Habitat <input checked="" type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	There will be no additional public utilities or roads.

Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Density Bonus Requested Consistent Inconsistent

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The purpose of the rezoning is to allow for the excavating of 220 tropical fish ponds to recontour and revegetate the area in order to restore the natural habitat and wetlands. No residential, commercial or other impervious facilities will be permitted on the parcels. There will be no additional public utilities or roads. The site is located at 6038 Kracker Avenue, which is 900 feet northwest of the intersection of Kracker Avenue and South US Highway 41. The parcel is located in an area comprised of vacant wetlands, single-family residential and commercial. The subject parcel is directly adjacent to wetlands to the north and west and both zoned AR. To the south is single-family residential and vacant parcels zoned RSC-2, RSC-6, AS-1 & AR. To the east is also single-family residential and vacant parcels zoned RSC-2, RSC-6 & AS-1. The subject property is designated Natural Preservation (N) on the Future Land Use map. The Planning Commission finds the proposed use consistent with the Comprehensive Plan. The proposed rezoning will protect vital green space and provide expanded recreational opportunities in the area. The surrounding uses

and districts are similar to the request; rural low-density single-family lots and vacant wetlands; therefore, the rezoning of the subject parcel from PD 07-0879 to AR would be consistent with the existing zoning pattern of the area.

Based on the above considerations staff finds the requested AR zoning district compatible with the existing zoning and development pattern in the area.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on November 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition and submitted a revised staff report into the record. He stated that the revisions were not substantive.

Mr. Ross Dickerson Division Manager for the Environmental Management Section of the Conservation & Environmental Lands Management Department testified as the applicant. Mr. Dickerson stated that the request is to rezone from a Planned Development to agricultural. The applicant is partnered with the Southwest Florida Water Management District and AECOM. The site is 24.5 acres and was purchased by the County's ELAPP program in 2012. The site was formerly developed in the 1970's through the 1990's with a fish farm. The request is to rezone the property to Agricultural Rural. The rezoning will facilitate a future request for a Special Use application to excavate the fish farm and return the property to its native upland and wetland habitats. Mr. Dickerson showed photos of the property which has the 220 fish ponds on-site. The site also contains overgrown tangles of Brazilian Pepper trees. He explained the benefits of the restoration and added that there are homeless camps and trash on the property. Mr. Dickerson detailed the restoration process and stated that there is a coastal system with cabbage palms, scattered oaks and grasses. Milkweed will be planted which will provide a food plant for monarch butterflies.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated that the request is to rezone the property from Planned Development to Agricultural Rural to permit the excavation of 220 tropical fish ponds to recontour and revegetate the area to restore the natural habitat and vegetation. Mr. Grandlienard described the surrounding zoning districts and land uses and stated that the rezoning will provide vital green space and expand the recreational opportunities in the area.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Natural Preservation Future Land Use classification and the Gibsonton Community Planning Area and Urban Service Area. Ms. Papandrew testified that the request is initiated by the Hillsborough County Conservation and Environmental Management Department for publicly owned land for the purposes

of environmental protection. The request meets Objective 9 and Policies 9.1 and 9.2 regarding the preservation of environmentally sensitive lands. The request is also consistent with Objective 2 and Policy 2.5 of the Coastal Management Element regarding the development of a wetland mitigation program via cooperation with other agencies but that does not impede local control. The property is located within the Coastal High Hazard Area and meets the exception provided for in Policy 6.3 and 10.4 of the Coastal Management Element. Ms. Papandrew concluded her presentation by stating that the Planning Commission finds the proposed rezoning consistent with the Gibsonton Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. None replied.

Hearing Master Finch asked for members of the audience in opposition to the application. None replied.

County staff and Mr. Dickerson did not have additional comments.

The hearing was then concluded.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

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

FINDINGS OF FACT

1. The subject property is 24.82 acres in size and is currently zoned Planned Development 07-0879 (PD) and is designated Natural Preservation (N) by the Comprehensive Plan. The property is located within the Gibsonton Community Planning Area and the Urban Service Area.
2. The applicant is requesting a rezoning to the Agricultural Rural (AR) zoning district.
3. The subject property was previously developed from the 1970's to the 1990's with a fish farm. The property was acquired in 2012 by the County's Environmental Lands Acquisition and Protection Program (ELAPP).

4. The Planning Commission staff supports the request. The Planning Commission found that the request meets Objective 9 and Policies 9.1 and 9.2 regarding the preservation of environmentally sensitive lands. The Planning Commission also found the request is consistent with Objective 2 and Policy 2.5 of the Coastal Management Element regarding the development of a wetland mitigation program via cooperation with other agencies but that does not impede local control. The property is located within the Coastal High Hazard Area and meets the exception provided for in Policy 6.3 and 10.4 of the Coastal Management Element. The Planning Commission found the application consistent with the Gibsonton Community Plan and the Comprehensive Plan.
5. The rezoning will facilitate the request for a Special Use application to excavate the existing 220 fish ponds and restore the natural upland and wetland habitat thereby increasing the amount of recreational opportunities in the area.
6. The request for the AR zoning district on the subject property is compatible with the surrounding zoning districts and the N Future Land Use category.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The applicant is requesting a rezoning to the AR zoning district. The property is 24.82 acres in size and is currently zoned PD 07-0879 and designated N by the Comprehensive Plan. The property is located in the Gibsonton Community Planning Area and the Urban Service Area.

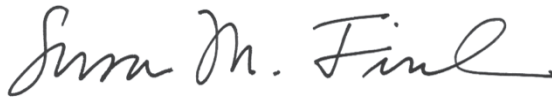
The property was previously developed from the 1970's to the 1990's with a fish farm. The property was acquired in 2012 by the County's Environmental Lands Acquisition and Protection Program (ELAPP).

The Planning Commission found the request consistent with numerous Policies that promote the protection of environmentally sensitive lands and supports the rezoning.

The request for the AR zoning district on the subject property will facilitate the request for a Special Use application to excavate the existing 220 fish ponds and restore the natural upland and wetland habitat thereby increasing the amount of recreational opportunities in the area. The rezoning application is compatible with the surrounding zoning districts and the N Future Land Use category.

RECOMMENDATION

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

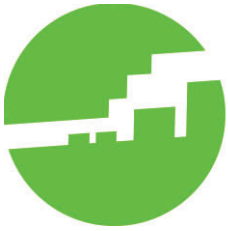


**Susan M. Finch, AICP
Land Use Hearing Officer**

Date

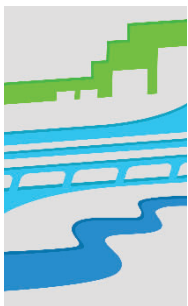
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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: November 15, 2021 Report Prepared: November 5, 2021	Petition: RZ 21-1348 6038 Kracker Avenue North of Kracker Avenue, west of US Highway 41 South.
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Natural Preservation
Service Area	Urban
Community Plan:	Gibson, Southshore
Requested Zoning:	Planned Development (PD) to Agricultural Rural (A/R) to allow for wetland and habitat restoration on Hillsborough County Conservation and Environmental Lands.
Parcel Size (Approx.):	24.8 +/- acres (1,080,288 sq. ft.)
Street Functional Classification:	Kracker Avenue– Local US Highway 41 South - Arterial
Locational Criteria	N/A
Evacuation Zone	The subject property is in Evacuation Zone A



Context

- The approximately 24.8-acre subject property is located on the north side of Kracker Avenue, west of US Highway 41 South. The subject property is located in the Urban Service Area. It falls within the limits of the Gibsonton Community Plan and the Southshore Areawide Systems Community Plan. The entire site is within the Coastal High Hazard Area.
- The subject site's Future Land Use designation is Natural Preservation (N). Typical uses of the Natural Preservation Future Land Use are open space or passive natural parks. Residential-1 (RES-1) is located to the north, west and east. Residential-4 (RES-4) is located to the south. Suburban Mixed-Use-6 is located to the east.
- The subject property is zoned as a Planned Development (PD). Agricultural Rural (AR) abuts the site on the north, west and southwest sides. Agricultural Single-Family-1 (AS-1) is located to the east and southeast. There are small pockets of Residential Single-Family Conventional-6 (RSC-6), Residential Single-Family Conventional-2 (RSC-2) and Residential Show Business (RSB) to the south of the site.
- The subject site is developed with tropical fish ponds which the applicant will be excavating. There are single-family residential dwellings to the east and the south. Public Utilities are located to the northeast. Vacant land is located to the north and east.
- The applicant (Hillsborough County) is requesting to rezone the property from Planned Development (PD) to Agricultural Rural (AR) in order to allow for the remove the existing tropical fish ponds and the restoration of natural habitats and wetlands of the Hillsborough County owned lands.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Policy 1.4: *Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

Relationship to Land Development Regulations

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

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

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

Environmental Considerations

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

Policy 13.6: The County shall protect significant wildlife habitat, and shall prevent any further net loss of essential wildlife habitat in Hillsborough County, consistent with the policies in the Conservation and Aquifer Recharge Element and Land Development Code.

Coastal Management Element

Objective 2: There shall continue to be no net loss of ecological value of wetlands authorized in the coastal area of Hillsborough County. The County shall continue to seek to achieve a measurable annual increase in restored tidal wetland acreage through the continued restoration of degraded natural wetlands until all economically and environmentally feasible tidal wetland restoration is accomplished.

Policy 2.5: The County shall support development of a unified and coordinated wetland compensatory mitigation and restoration program by federal, state and local environmental regulatory agencies that will not weaken local regulatory authority, will ensure replacement of ecological value and function, and will require restoration of tidal wetlands, where environmentally and economically feasible.

Objective 6: Residential land uses within the coastal high hazard area shall be limited to those areas which are planned to accommodate such development through the provision of adequate public facilities and services. Such development must meet storm velocity standards and be provided with adequate hurricane evacuation capability.

Policy 6.2: New development within the coastal high hazard area shall continue to be subject to the applicable site plan review process. As a component of the review process, the property owner shall provide adequate data to assess the impacts of the proposed development upon existing infrastructure within the coastal high hazard area, as well as level of service standards established for shelter capacity and clearance times.

Policy 6.3: New development and substantial expansions of existing uses within the coastal high hazard area, other than government-owned or leased facilities, shall be approved through a planned unit development rezoning process for the following:

1. Commercial or industrial development on more than five acres of land; and
2. Residential subdivision development requiring platting.

For those developments within both the coastal high hazard area and the I-75 Corridor, the more restrictive requirements shall apply.

Objective 10: *Limit public expenditures for infrastructure and facilities in the coastal high hazard area.*

Policy 10.4: *All new buildings, structures, uses and substantial expansions of existing uses, for commercial or industrial development on more than five acres of land or residential subdivisions exceeding ten lots, within the Coastal High Hazard Area (CHHA), other than government owned or leased facilities, shall be approved through a planned unit development process.*

Environment and Sustainability Section

Objective 3.9: *Manage natural preserves to ensure a healthy, functioning environment, economy and quality of life.*

Policy 3.9.2: *Increase the acreage of natural preserve lands, ensure their protection, proper use and implementation of appropriate management activities.*

Policy 3.9.3: *Continue to implement the Jan K. Platt Environmental Lands Acquisition and Protection Program (ELAPP), at funding levels equal to or greater than the current funding.*

Policy 3.9.9 *Protect natural resources, coastal resources, publicly owned, or managed natural preserves from adverse impacts attributable to adjacent land uses. Continue to require development activities on adjacent properties to comply with adopted criteria, standards, methodologies, and procedures to prevent adverse impacts.*

LIVEABLE COMMUNITIES ELEMENT: Gibsonton Community Plan

Open Space System with Accessible Low-Impact Recreation

Greenways with trails connect the Golden Aster Scrub Nature Preserve to the Shultz property, and then northward on the west side of U. S. 41 to the Davis Land Environmental Lands Acquisition and Protection Program (ELAPP) site. The Tampa Electric Company (TECO) power line right-of-way is now a north-south trail connecting Apollo Beach to the Alafia River. This links the East Bay High School area, Golden Aster Scrub Nature Preserve, Ekker ELAPP site, Gibsonton Elementary School and the Alafia River. A pedestrian bridge can be seen over Bullfrog Creek. The use of the TECO right-of-way is a feature of the Hillsborough County Greenways Plan. Another trail links along Riverview Drive, U.S. 41 and Lula Street. This connects the Showmen's Museum, the Giant's Camp and Bullfrog Creek. An eastward link from U.S. 41 along the south shore of the Alafia River connects our special Riverfront Revitalization area.

The Alafia River and Bullfrog Creek have become blueways, thereby providing recreational and environmental education with enhanced access and protection policies. Kayak/canoe access points have been added on Bullfrog Creek, at U. S. 41 and at the new pedestrian bridge. Since the successful adoption of a special master plan to safeguard natural resources the community enjoys additional access and low impact recreation along the Tampa Bay shoreline.

5. NATURAL RESOURCES

Goal 5: Gibsonton will protect and enhance its public lands for conservation and recreation purposes by:

- Planning its public lands as an open space system rather than a collection of individual sites; and
- Increasing the connectivity of public lands through trails and canoe/kayak/boat routes.

Strategies:

Open Space, Recreation and Interpretive System Strategy

- Prepare and carry out a master plan for public access and recreation, offering low-impact recreational facilities compatible with the natural resource characteristics and capacity.
- Integrate access and recreation with the open space system as well as local community parks and river walks.
- Acquire or negotiate an easement for connecting Golden Aster Scrub Nature Preserve to Shultz Park, and work with County and Tampa Electric Company (TECO) to develop a major north-south greenway trail connection along TECO power line corridor, from East Bay High School to the Alafia River.
- Provide a pedestrian bridge over Bullfrog Creek at/near Ekker ELAPP site, with a kayak/canoe launching facility.
- Work with agencies and other organizations to develop and promote blueways along the Alafia River, Tampa Bay Shoreline and Bullfrog Creek. Carry out conservation projects throughout this system to protect, restore and enhance natural resources.
- Require new developments along Bullfrog Creek and the Alafia River to provide open public access to the waterfront via public riverfront parks.
- Require all waterfront development to install “softened shorelines”.
- Enhance facilities at Gardenville Recreation Center with gymnasium and fitness trail.

LIVEABLE COMMUNITIES ELEMENT: Southshore Areawide Systems Community Plan

Environmental Objective

The community is working to achieve harmony between development and the natural environment; ensuring that the bay and the supporting water systems are clean and healthy, supporting wildlife and recreation. Species habitats represent an extensive, interlocking network of environmental resources.

The community desires to:

1. Sustainability - Manage environmental resources and species habitats to maintain, protect and enhance the flora and fauna using an integrated, inclusive approach.
 - a) Support implementation of the Hillsborough County Greenways Systems Plan and goals and objectives of the Greenways Master Plan and recommend further refinement and expansion as new development occurs.
 - b) Encourage the identification of environmental linkages, and the integration of associated environmental resources (i.e. waterways and greenways) within prospective development plans.

- c) *Continue efforts to control and eradicate invasive non-native plant and animal species on public and private lands by coordination among county, state and regional agencies; prioritization of target sites; and public education.*
- d) *Support participation and expansion of opportunities with community cleanup programs.*
- e) *Continue to identify, protect, acquire, and manage open space for the purpose of conservation, preservation, and provision of open space corridors, and park and recreational needs, through programs such as the Environmental Lands Acquisition and Protection (ELAPP) Program.*
- f) *Coordinate with the land acquisition programs of regional, state, and federal agencies to encourage the connection of existing publicly owned parcels of land into a greenway system.*
- g) *Continue to work with the Florida Department of Environmental Protection (FDEP), Hillsborough County Environmental Protection Commission (EPC), and other government agencies to monitor and protect air and soil resources.*

Staff Analysis of Goals, Objectives and Policies:

The applicant is requesting to rezone the 24.8-acre subject property from a Planned Development (PD) to Agricultural Rural (AR) in order to recontour and revegetate the subject lands for ecological restoration. The previous Planned Development rezoning was for the approval of 24 single-family residential dwellings. The site was purchased by Hillsborough County for the purposes of ecological restoration and had been operating as a tropical fish farm. The site currently has 220 fish ponds on it, all of which will be excavated.

The subject site's Future Land Use Category is Natural Preservation (N). The intent of the Natural Preservation Future Land Use is "to recognize public or privately owned lands of significant environmental importance set aside primarily for conservation purposes." In this case, the proposed standard rezoning is being initiated by the Hillsborough County Conservation and Environmental Management Department for the publicly owned land that was purchased for the purposes of environmental restoration. The proposed rezoning will remove entitlements for residential development which are not permitted in the Natural Preservation Future Land Use Category. The proposed rezoning therefore meets the intent of Objective 9 and Policies 9.1 and 9.2 of the Future Land Use Element.

The proposed rezoning meets the intent of Objective 13 and Policy 13.6 of the Future Land Use Element which seeks the preservation and restoration of environmentally sensitive lands in the county.

The proposed rezoning meets the intent of Objective 2 and Policy 2.5 of the Coastal Management Element of the Comprehensive Plan that requires the county to have no net ecological loss of wetlands in the County. Policy 2.5 specifically supports the development of a wetland mitigation program via cooperation with other agencies but does not impede local control. The subject site is under county ownership for the sole purpose of wetland and ecological restoration and thus meets the intent of these policies.

The entirety of the site is in the Coastal High Hazard Area and meets the exception provided in Policies 6.3 and 10.4 of the Coastal Management Element of the Comprehensive Plan as government owned or leased facilities are not required to undergo a rezoning through a Planned Development rezoning process.

The proposed rezoning also meets the intent of Objective 3.9 and Policies 3.9.2, 3.9.3 and 3.9.9 in the Environment and Sustainability Section of the Comprehensive Plan that seek to maintain the environmental health of natural preserves through the expansion of such lands and support for the County's Environmental Lands Acquisition and Protection Program (ELAPP) program and maintain compatibility with the surrounding area. The proposed rezoning to AR is compatible with the low-density rural nature of the surrounding area and provides the open space land uses that are characteristic of the Residential-1 designated lands that surrounds the subject site to the north and west.

The proposed rezoning meets the intent of Goal 5 of the Gibsonton Community Plan which seeks to protect and enhance its public lands for the purposes of conservation and recreation. The community plan wishes to achieve its conservation goals as part of a larger system of open lands that are connected via trails, rather than as isolated sites. The intent of the rezoning would be to expand the open space network in Gibsonton as the site is in proximity to the Fred and Idah Schultz Nature Preserve that is mentioned in the community plan. The restoration the ecological function of the subject site and is therefore related to the health of the entire open space network in Gibsonton. The proposed rezoning also meets the intent of the Environmental Objective of the Southshore Areawide Systems Community Plan that specifically mentions the county's identification of ELAPP lands for the purposes of environmental restoration, with a strong emphasis on restoring local fauna and flora and limiting invasive species through environmental management techniques. The recontouring of wetlands and restoration of natural habitats proposed by the applicant further the visions for environmental conservation in both respective community plans.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and that is compatible with the existing and planned development pattern found in the surrounding area.

Recommendation

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



AGENCY COMMENTS

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AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: Gibsonton/South

DATE: 11/02/2021
AGENCY/DEPT: Transportation
PETITION NO: STD RZ 21-1348

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | This agency has no comments. |
| <input checked="" type="checkbox"/> | This agency has no objection. |
| <input type="checkbox"/> | This agency objects for the reasons set forth below. |

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 1,637 average daily trips, 58 trips in the a.m. peak hour, and 154 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to this request.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone 5 parcels totaling +/- 24.58 acres from Planned Development (PD) to Agricultural/Rural (A/R). The site is located +/- 0.13 miles west of the intersection of US Hwy 41 and Kracker Ave. The Future Land Use designation of the site is Natural Preservation (N).

Trip Generation Analysis

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

Approved Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 24 Single Family Dwelling Units (ITE Code 210)	1,637	58	154

Proposed Zoning:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
A/R, 24.58-acre Conservation and Preservation Area	0*	0*	0*

*There is no ITE Code in the Institute of Transportation Engineer’s Trip Generation Manual, 10th Edition available to calculate trip generation for a Conservation and Preservation Area. However, removing all entitlements from the subject property in perpetuity for conservation and preservation would result in minimal trip generation.

Trip Generation Difference:

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-1,637	-58	-154

The proposed rezoning would result in a decrease of trips potentially generated by development of the subject site by 1,637 average daily trips, 58 trips in the a.m. peak hour, and 154 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on both Kracker Ave and US Hwy 41. Kracker Ave is a two-lane, substandard, Hillsborough County maintained local roadway without curb and gutter. There are no pedestrian or bike facilities on either side of Kracker Ave. US HWY 41 is a 4-lane, divided, arterial, FDOT maintained roadway.

US HWY 41 is included as a 6-lane roadway in the Hillsborough County Corridor Preservation Plan.

SITE ACCESS

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

LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 41	BIG BEN RD	SYMMES	D	C
KRACKER AVE.	N/A*	N/A*	N/A*	N/A*

*KRACKER AVE. is not a regulated roadway and is not included in the 2020 Level of Service (LOS) report.

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kracker Ave.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,637	58	154
Proposed	0	0	0
Difference (+/-)	-1,637	-58	-154

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

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

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

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 Steffanie L. Wickham WASTE DIVISION
 Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

SPECIAL USE	
<p>HEARING DATE: 11/15/21</p> <p>PETITION NO.: 21-1348</p> <p>EPC REVIEWER: Mary James</p> <p>CONTACT INFORMATION: (813) 627-2600 X1233</p> <p>EMAIL: jamesm@epchc.org</p>	<p>COMMENT DATE: 10/12/21</p> <p>PROPERTY ADDRESS: 6038 Kracker Avenue, Gibsonton</p> <p>FOLIO #: 050793-0000; 050793-0100; 050795-0000; 050798-0000; 051454-0000</p> <p>STR: 3-31S-19E</p>
<p>REQUESTED ZONING: PD (Planned Development) to AR (Agriculture/Rural)</p>	
FINDINGS	
WETLANDS PRESENT	YES
SITE INSPECTION DATE	08/18/2021
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Fish ponds and ditches
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</p> <ul style="list-style-type: none"> • Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals. • Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC). 	

Environmental Excellence in a Changing World

Environmental Protection Commission - Roger P. Stewart Center
 3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org

INFORMATIONAL COMMENTS:

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

- The subject property contains wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

mj/mst

cc: Diversified Professional Services Corp, dstedje@dps-corp.com
Forest Turbiville, Turbivillej@hillsboroughcounty.org

Statement of Record

The South County service area (generally south of the Alafia River) has seen significant customer growth over the recent past. As new customers are added to the system there is an increased demand for potable water that is causing delivery issues during certain periods of the year. The greatest demand for water occurs during the spring dry season, generally the months of March through May. During the dry season of 2021 the Water Resources Department was challenged to deliver water to the southern portions of the service area to meet customer expectations for pressure and flow. While Levels of Service per the Comprehensive Plan were met, customers complained of very low pressure during early morning hours. Efforts to increase flow and pressure to the south resulted in unacceptably high pressures in the north portions of the service area. The Florida Plumbing Code limits household pressure to 80 psi to prevent damage to plumbing and possible injury due to system failure. The Department had to balance the operational challenges of customer demand in the south with over pressurization in the north, and as a result, water pressure and flow in the South County service area remained unsatisfactory during the dry period of 2021.

As a result of demand challenges, the Department initiated several projects to improve pressure and flow to the south area. Two projects currently under construction CIP C32001 - South County Potable Water Repump Station Expansion and CIP C32011 - Potable Water In-Line Booster Pump will increase the delivery pressure to customers.

These projects are scheduled to be completed and operational prior to the 2022 dry season, and must demonstrate improved water delivery through the highest demand periods before additional connections to the system can be recommended during such dry season.

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: PD21-1348 REVIEWED BY: Randy Rochelle DATE: 10/11/2021

FOLIO NO.: 50793.0000, 50793.0100, 50795.0000, 50798.0000 & 51454.0000

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A 18 inch water main exists (adjacent to the site), (approximately feet from the site) and is located within the west Right-of-Way of S. US Highway 41. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include two funded CIP projects that are currently under construction, C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and will need to be completed by the County prior to issuance of any building permits prior to June 1, 2022, that will create additional demand on the system.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

- A 4 inch wastewater force main exists (adjacent to the site), (approximately 2870 feet from the site) and is located within the west Right-of-Way of S. US Highway 41. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems

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VERBATIM TRANSCRIPT

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
November 15, 2021
ZONING HEARING MASTER: SUSAN FINCH

C1:
Application Number: RZ-STD 21-1348
Applicant: John Forest Turbiville,
Conservation & Environmental
Lands Dept.
Location: 900' NW of Kracker Ave & S US
Highway 41 intersection
Folio Number: 050793.0000, 050793.0100,
050795.0000, 050798.0000 &
051454.0000
Acreage: 24.82 acres, more or less
Comprehensive Plan: N
Service Area: Urban
Existing Zoning: PD 07-0879
Request: Rezone to AR

1 MR. GRADY: The next item is agenda item
2 C-1, Rezoning-Standard 21-1348. The applicant is
3 John Forest Turbiville, Conservation &
4 Environmental Lands Department.

5 The request is to rezone from a Planned
6 Development to AR, Agricultural Residential. Chris
7 Grandlienard will provide staff recommendation
8 after presentation by the applicant.

9 HEARING MASTER FINCH: All right. Is the
10 applicant here?

11 MR. REGISTER: I believe the applicant is
12 virtual. I believe you're muted, sir.
13 Mr. Dickerson, I believe you're muted. I'm going
14 to unmute you. Go ahead.

15 MR. DICKERSON: I'm sorry. I'm here to
16 speak on behalf of the Department. My name is Ross
17 Dickerson, and I'm the division manager for the
18 environmental management section of the
19 Conservation & Environmental Lands Management
20 Department.

21 I'm going to share my screen. We have a
22 quick presentation. A little different than what
23 we've been talking about this evening. We'd like
24 to actually go backwards from a Planned Development
25 to Agricultural. Can everybody see my screen?

1 MR. REGISTER: Yes, we can.

2 GMR. DICKERSON: Great. Again, my name is
3 Ross Dickerson. I'm an environmental lands
4 division manager with the Conservation &
5 Environmental Land Management Department. I'll be
6 presenting on RZ-STD 21-1348, which requests
7 rezoning parcels purchased for preservation from
8 Planned Development to Agricultural Rural.

9 We're joined by our project partners, the
10 Southwest Florida Water Management District Swim
11 Team and AECOM to answer any questions after the
12 presentation.

13 The Kracker Avenue ELAPP project consists of
14 five contiguous parcels located west of U.S. 41 on
15 the north side of Kracker Avenue in Gibsonton. The
16 five parcels -- I guess my presentation is going to
17 keep going.

18 The five parcels collectively totalling
19 24-and-a-half acres was purchased in the Jan K.
20 Platt Environmental Lands Acquisition Protection
21 program for restoration and preservation in 2012.

22 The parcels formerly comprised the tropical
23 fish farm in the '70s through the 1990s. Our
24 rezoning request today is to go from Planned
25 Development, which it's currently zoned as, to

1 Agricultural Rural, and the Future Land Use
2 designation of the property is currently
3 preservation.

4 This rezoning is being requested for
5 consistency with managing the property for
6 long-term conservation and preservation and that
7 this will facilitate obtaining a Special Use
8 excavation permit for restoration of the site from
9 altered fish farms to native upland and wetland
10 habitats.

11 Here's a picture of the property in 1968
12 showing the 220 fish ponds that are still present
13 on the site and also structures that have been --
14 sorry. And now it's not letting me pause it. That
15 have been recently removed.

16 The County has partnered with the Southwest
17 Florida Water Management District's swim program to
18 restore the site back to natural communities more
19 representative of Florida ecosystems.

20 In ts current condition, the property
21 contains over 200 small linear ponds overgrown with
22 tangles of Brazilian pepper trees. The benefits of
23 this project include better fish habitat, for
24 better habitat for wildlife and game, higher visual
25 appeal for the public and more recreational uses

1 for the adjacent residents.

2 Here is the current conditions. You can see
3 it's overgrown with Brazil peppers. There is some
4 native plants out there, mostly cabbage ponds, but
5 again, it's 220 fish farms for those abandoned
6 buildings, and we need this rezoning to facilitate
7 restoration.

8 This slide and the next slide show images of
9 conditions on the site just prior to the start of
10 ongoing restoration activities, including the
11 presence of trash, homeless camps, exotic
12 vegetation, abandoned buildings which have been
13 removed, and over 200 man-made fish ponds.

14 Current conditions, clockwise from top
15 right, homeless camp, abandoned buildings, man-made
16 fish ponds, which are stagnant, and illegal
17 dumping. The proposed improvements to the property
18 include the removal of former fish farm buildings
19 and associated debris.

20 This will be followed by the clearing of the
21 exotic vegetation and preservation of some of the
22 native oaks and cabbage palms and backfilling of
23 the fish ponds.

24 Then the site will be recontoured to create
25 a wide freshwater slough and wetlands, and the

1 tidal lagoons to sustain freshwater flow through
2 the pond and wetlands. Reclaimed water may be
3 used. Berms will be installed to allow access for
4 management, help direct water flow, and provide a
5 short nature trail for recreation.

6 In the uplands, a wildflower garden will be
7 planted to provide habitat for monarch butterflies
8 and other pollinators. This image shows the site
9 following completion of the habitat improvements.

10 Following construction of the project,
11 maintenance crews will conduct routine removal of
12 invasive exotic plants. This will ensure that
13 native species installed during construction can
14 successfully establish and compete against the
15 undesirable invasive species.

16 And as you can see, we want to take those
17 fish ponds, recontour them to more natural ponds
18 that can be ephemeral. So they will dry up on
19 occasion. Connect to the saltwater features before
20 draining into Tampa Bay through ditches that are
21 currently on the west and south side of the
22 property.

23 The next habitat improvements after
24 construction is completed, the freshwater wetlands
25 may include deeper ponded areas and shallow zones

1 planted with marsh vegetation. This is what we're
2 hoping to accomplish out there. The tidal lagoon
3 will include saltwater channels, low islands that
4 will eventually be colonized with mangroves and
5 deep holes for fish.

6 So here's a representative of what that
7 should look like when we're done. The uplands will
8 be planted with native trees such as cabbage ponds,
9 oaks, and various shrubs. Large native bunch
10 grasses may also be installed.

11 So you'll see here is a coastal system with
12 the cabbage palms, scattered oaks and grasses.
13 Sorry. And one of the dominant plants that will be
14 planted in the butterfly garden will be milkweeds,
15 which is functioned as a larval food plant for
16 monarch butterflies. Other native wildflowers and
17 forest will be planted in this habitat as well.
18 And that's all we have.

19 HEARING MASTER FINCH: All right. So that
20 completes your presentation?

21 MR. DICKERSON: Yes, ma'am.

22 HEARING MASTER FINCH: All right. Thank you
23 so much. No questions at this time.

24 We'll go to Development Services.

25 MR. GRANDLIENARD: Good evening. Okay.

1 Here to speak about Application 21-1348. It's to
2 rezoning existing PD 07-0879 to Agricultural Rural
3 district.

4 The location is at 6038 Kracker Avenue in
5 Gibsonton, which is located 900 feet northwest of
6 the intersection of Kracker Avenue and South U.S.
7 Highway 41. It's in the Urban Service Area, and
8 it's also located in the Gibsonton Community Plan
9 and Southshore Areawide Systems Community Plan.

10 The Future Land Use designation is Natural
11 Preservation with R-1 to the north and west, R-1
12 and R-4 to the south, and SMU-6 to the east. This
13 density, intensity does not allow for constructions
14 of buildings, only for like caretaker buildings.

15 And the zoning classification is -- I'm
16 sorry, the zoning classification will be AR.
17 Zoning districts immediately to the north are zoned
18 AR. Zoning districts to the south, RSC-2, RSC-6,
19 AS-1, and AR. Zoning districts immediately to the
20 east, there's some RSC-2, RSC-6, and AS-1. And
21 zoning district immediately to the west is also AR.

22 The surrounding zoning and development
23 pattern consists of vacant wetlands to the north
24 and west, single-family residential community,
25 commercial building supplier to the south, and

1 other single-family residential to the east.

2 The subject parcel is directly adjacent to
3 wetlands to the north and west, and as I said,
4 single-family residential to the south.

5 The proposed commercial Agricultural Rural
6 use is to allow for the excavation of 220 tropical
7 fish ponds to recontour and revegetate the area in
8 order to restore the natural habitat and wetlands.

9 No residential, commercial, or other
10 impervious facilities will be permitted on the
11 parcels. This includes public utilities and roads.
12 The Planning Commission also found the proposed use
13 consistent with the Comprehensive Plan.

14 The proposed rezoning will protect vital
15 green space and provide expanded recreational
16 opportunities in the area. Surrounding uses and
17 districts are also similar to the request; rural,
18 low density single-family lots, and also vacant
19 wetlands.

20 Therefore, the rezoning of the subject
21 parcel from PD 07-0879 to AR would be consistent
22 with the existing zoning pattern in the area.

23 Based on the Natural Preservation Future Land
24 Use classification, the surrounding zoning
25 development pattern, and the proposed uses for the

1 AR zoning district, staff finds the request
2 supportable. Be glad to answer any questions you
3 may have.

4 HEARING MASTER FINCH: No questions at this
5 time.

6 Planning Commission, please.

7 MS. PAPANDREW: Andrea Papandrew, Planning
8 Commission staff.

9 Subject property is within the Natural
10 Preservation Future Land Use Category. It is
11 within the Urban Service Area and is located within
12 the Gibsonton and Southshore Areawide Systems
13 Community Plans.

14 The subject site's Future Land Use
15 classification is Natural Preservation. The intent
16 of Natural Preservation Land Use category is to
17 recognize public or privately owned lands of
18 significant environmental importance set aside
19 primarily for conservation purposes.

20 The proposed rezoning is being initiated by
21 the Hillsborough County Conservation and
22 Environmental Management Department for publicly
23 owned land that was purchased for the purposes of
24 environmental restoration.

25 The proposed rezoning will remove

1 entitlements for residential development which are
2 not permitted in the Natural Preservation Future
3 Land Use Category.

4 The proposed rezoning meets the intent of
5 Objective 9 and Policies 9.1, 9.2 of the Future
6 Land Use Element. The rezoning meets the intent of
7 Objective 13 and Policy 13.6 of the Future Land Use
8 Element which seeks the preservation restoration of
9 environmentally sensitive lands in the county.

10 The proposed rezoning meets the intent of
11 Objective 2, Policy 2.5 of the Coastal Management
12 Element that requires the County to have no
13 ecological loss of wetlands.

14 Policy 2.5 specifically supports the
15 development of a wetland mitigation program via
16 cooperation with other agencies but does not impede
17 local control.

18 The site is in the Coastal High Hazard Area
19 and meets the exception provided in Policy 6.3 and
20 10.4 of the Coastal Management Element as
21 government-owned or leased facilities are not
22 required to undergo a rezoning through Planned
23 Development rezoning process.

24 The proposed rezoning also meets the intent
25 of Objective 3.9 and Policies 3.9.2, 3.9.3, and

1 3.9.9 and environmental of sustainability section
2 of the Comprehensive Plan seeks to maintain the
3 environmental health of natural preserves through
4 the expansion of such lands and support for the
5 County's ELAPP program and maintain compatibility
6 with the surrounding area.

7 The proposed rezoning to AR is compatible
8 with the low density rural nature of the
9 surrounding area and provides the open space land
10 uses that are characteristic of the Residential-1
11 lands that surround the site to the north and west.

12 The proposed rezoning meets the intent of
13 Goal 5 of the Gibsonton Community Plan, which seeks
14 to protect and enhance its public lands for the
15 purposes of conservation and recreation.

16 The intent of the rezoning would be to
17 expand the open space network in Gibsonton as the
18 site is in proximity to the Fred and Idah Shultz
19 Nature Preserve. The restoration of the subject
20 site is related to the health of the entire open
21 space network in Gibsonton.

22 The rezoning also meets the intent of the
23 environmental objective of the Southshore Areawide
24 Systems Community Plan. It specifically mentions
25 the County's identification of ELAPP lands, the

1 purposes of environmental restoration.

2 Based upon the above considerations,
3 Planning Commission staff finds the proposed
4 rezoning consistent with the Future of Hillsborough
5 Comprehensive Plan for unincorporated Hillsborough
6 County. Thank you.

7 HEARING MASTER FINCH: Thank you so much.

8 Is there anyone in the room or online that
9 would like to speak in favor of this application?

10 Seeing no one, anyone in opposition? No
11 one.

12 Mr. Grady, anything else?

13 MR. GRADY: Nothing further.

14 HEARING MASTER FINCH: All right. We'll go
15 back to the applicant, who has the last word if you
16 need to.

17 MR. DICKERSON: We appreciate everybody's
18 support and that's all we have.

19 HEARING MASTER FINCH: All right. Thank you
20 then.

21 We'll close Rezoning 21-1348 and go to the
22 next case.

23

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