

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The request is to rezone a 1.24 acre parcel zoned Agriculture Single Family Conventional (ASC-1) to Commercial General (CG). The subject parcel is located in the south side of Gibsonton Drive approximately 600 feet east of the intersection of Gibsonton Drive and US 41. The subject property is located in the Residential-6 (RES-6) Comprehensive Plan Future Land Use Category and is adjacent to other commercial uses to the east and west.

The site is currently developed with a single-family home and with garage structures behind the home. Aerial photography indicates the site has been utilized for parking large trucks in the recent past. Storage of trucks is not a permitted use under the existing ASC-1 or the GC zoning designations.

1.2 Compliance Overview with Land Development Code and Technical Manuals

No variation or variances to the land development code are being requested at this time. The site will comply with and conform to applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code, Site Development and Technical Manuals.

1.3 Evaluation of Existing and Planned Public Facilities

The site is located within the Hillsborough County Urban Service Area. Wastewater Service will not be available to serve the subject property.

Transportation staff has no objection to the request. Access to the property is from Gibsonton Drive. The proposed rezoning would result in an increase of trips potentially generated by development of the subject parcel by 2,642 average daily trips, 224 trips in the a.m. peak hour, and 191 trips in the p.m. peak hour.

1.4 Comprehensive Plan Consistency

The Comprehensive Plan Designation for the parcels is currently RES – 1. The Planning Commission indicates they find the proposed rezoning *inconsistent* with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County.

1.5 Compatibility

Adjacent zoning and uses are as follows:

LOCATION	ZONING	LAND USE
North	RSC-9 MH and RSB	ROW – Gibsonton Drive / Residential
South	AR	Vacant
East	ASC-1	Non-Conforming Commercial Use / SF Residential
West	CG	Auto Repair Facility

Exhibit 3: Matrix of Adjacent Uses

The area surrounding the subject parcel on the north side of Gibsonton Drive consists of mostly Conventional Single-Family Homes and Mobil Homes on varied lot sizes which are zoned RSC-9 MH.

The parcels on the south side of Gibsonton Drive consist mostly of commercial uses with lots, generally 1 acre and larger with a variety of zoning designations. The commercial uses are both conforming and non-conforming to their zoning designations.

Selected photos of the developed parcels along the south side of Gibson Drive in proximity to the subject parcel starting from the east and heading west are as shown below:

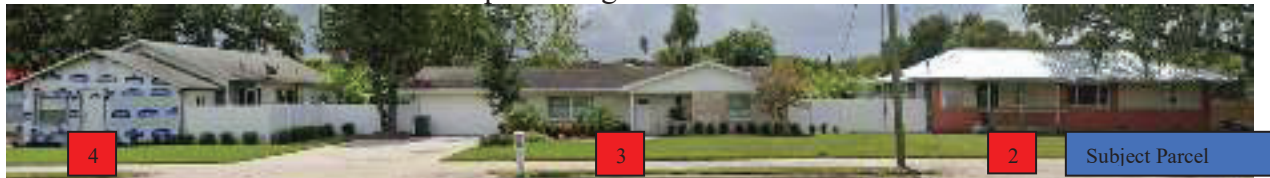
1. An Auto Repair facility zoned CG



2. Subject Parcel

3. Unknown commercial use zoned ASC-1 presenting as a SF Home

4. Contractor's office zoned RSC-6 presenting as a SF Home



5. Paving company zoned CN and RSB
6. Single Family Residence zoned RSC-6



7. A Church zoned ASC-1
8. A Single-Family Residence with 3 Acres zoned ASC-1
9. Metal recycling facility zoned AR with a RES-6 Comp Plan Designation



As demonstrated above the lots on the south side of Gibsonton Drive in proximity to the subject parcel host a variety of different commercial uses and non-conformities to their zoning designations. The preponderance of commercial uses in proximity to the subject site would appear to support the applicant's request for rezoning to CG. Compatibility with the uses on parcels in the surrounding area is not at issue.

1.6 Agency Comments

The following reviewing agencies provided comments for this request:

- Hillsborough County , Environmental Protection Commission. Indicates the presence of wetlands on the site.
- Hillsborough County Water Resources
- Hillsborough County, Development Services, Transportation

1.7 Exhibits

Exhibit 1: Project Aerial

Exhibit 2: Matrix of Adjacent uses

Exhibit 3: Selected Photos of Existing Use in Proximity to Subject Parcel

Exhibit 4: Immediate Area Zoning Map

Exhibit 5: Future Land Use Map


2.0 Recommendation

The inconsistency determination by Planning Commission notes Goal 4a of the Gibsonton Community Plan which encourages small professional businesses and specialty retail in the area of the subject rezoning. The CG zoning district permits professional business and specialty retail but also other uses which would not be considered professional business or specialty retail. Therefore, staff concurs that a standard CG zoning district would result in further movement away from the goals of the Gibsonton Community Plan. In addition, given that the parcels along this stretch of Gibsonton drive are not uniformly zoned for commercial uses future rezoning of these parcels could occur as envisioned by the Gibsonton community plan.

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

Staff's Recommendation: Not Supportable

Zoning
Administrator
Sign-off:





Brian Grady
Fri Feb 5 2021 08:51:12

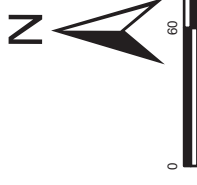


Immediate Aerial Zoning Map

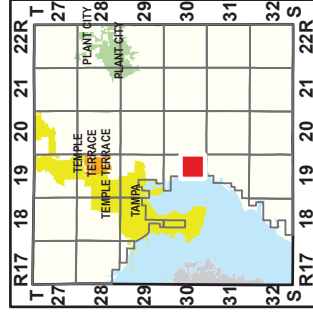
RZ-STD 20-1279

Folio: 50344.0000

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 26-30-19

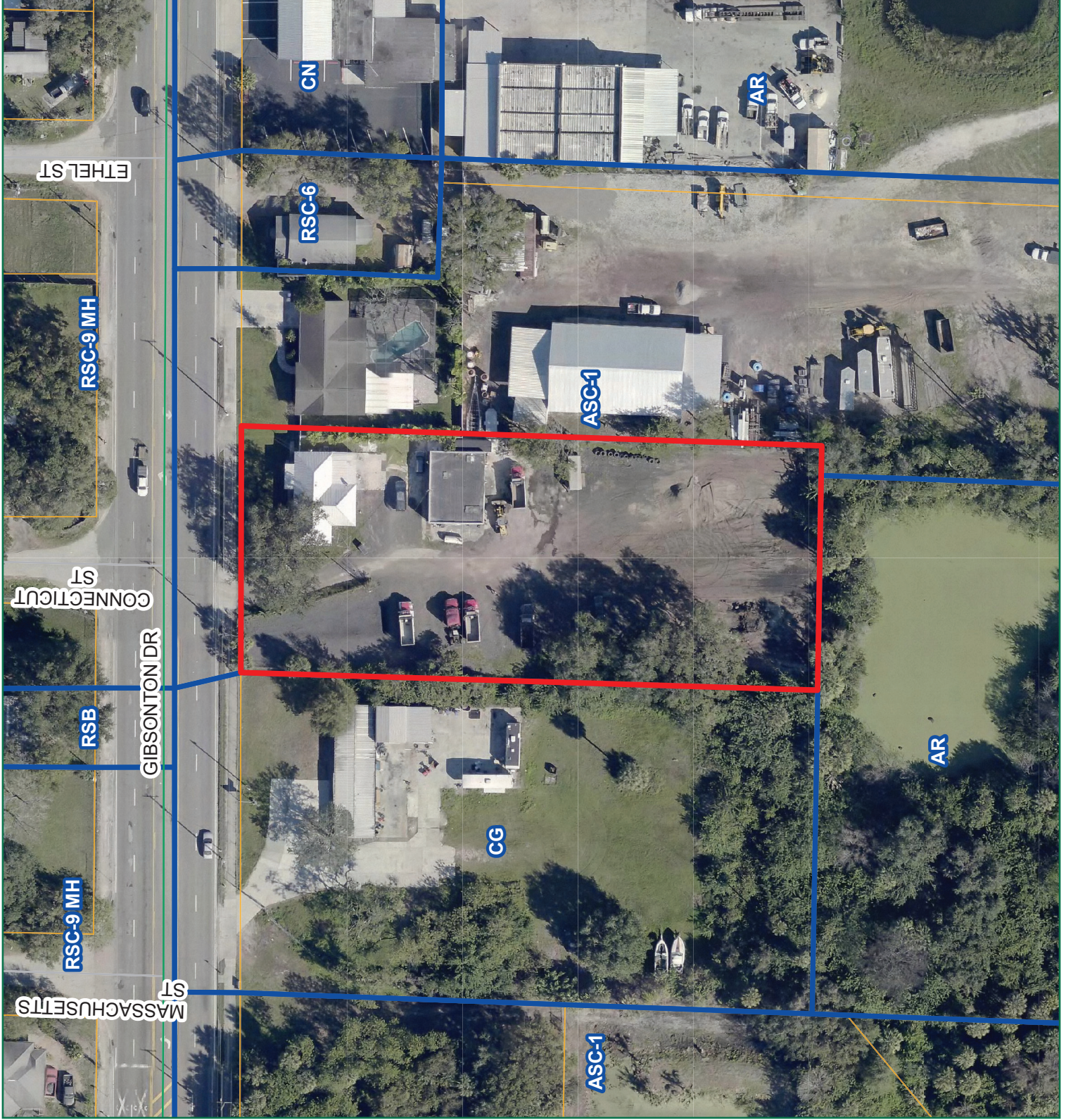


NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other public records; it has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.



**COUNTY OF HILLSBOROUGH
LAND USE HEARING OFFICER'S RECOMMENDATION**

Application number:	RZ 20-1279
Hearing date:	February 15, 2021
Applicant:	Magno Melo
Request:	Rezone a 1.24 acre parcel from ASC-1 to CG
Location:	6911 Gibsonton Drive, Gibsonton, on the south side of Gibsonton Drive, approximately 600 feet east of the Gibsonton Drive and US 41 intersection.
Parcel size:	1.24 acres
Existing zoning:	Agriculture Single-Family Conventional (ASC-1)
Future land use designation:	Residential-6 (6 du/ga; 0.25 FAR)
Service area:	Urban
Community planning area:	Gibsonton Community Plan

A. APPLICATION REVIEW
DEVELOPMENT SERVICES STAFF REPORT

Application Review Summary and Recommendation

1.0 Summary

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The site is currently developed with a single-family home and with garage structures behind the home. Aerial photography indicates the site has been utilized for parking large trucks in the recent past. Storage of trucks is not a permitted use under the existing ASC-1 or the GC zoning designations.

1.2 Compliance Overview with Land Development Code and Technical Manuals

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The site is located within the Hillsborough County Urban Service Area. Wastewater Service will not be available to serve the subject property.

Transportation staff has no objection to the request. Access to the property is from Gibsonton Drive. The proposed rezoning would result in an increase of trips potentially generated by development of the subject parcel by 2,642 average daily trips, 224 trips in the a.m. peak hour, and 191 trips in the p.m. peak hour.

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

Staff's Recommendation: Not Supportable

Zoning
Administrator
Sign-off:



Brian Grady
Fri Feb 5 2021 08:51:12

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on February 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. Steve Allison spoke on behalf of the applicant. Mr. Allison stated the applicant purchased the subject property a couple of years ago and he owns a small trucking company with a few trucks that do local delivery work. Mr. Allison stated the applicant in 2019 had wanted to use the property to allow trucks to park there, but Mr. Allison had advised him zoning to allow that use would not be realistic because the underlying plan classification was residential.

Mr. Allison stated that over the next nine months he and the applicant discussed CG zoning, and the applicant concluded he could work with CG zoning to use the property for a purpose other than he initially intended.

Mr. Allison discussed the character of the area and explained the property at the intersection of US Highway 41 and Gibsonton Drive is undeveloped, the adjacent property to the east is zoned CG and developed as an automobile repair business, the next property to the east is the applicant's property, and further eastward are properties with open storage uses and a paving operation. Mr. Allison pointed out other uses along this segment of Gibsonton Drive, which include a property on which a small church is located, a construction office, a 3-acre site in residential use, the "Hogan" property, and a metal recycling plant that has been in place for many years. Mr. Allison noted the owners of the Hogan property signed a petition in support of the rezoning and they wish to do something similar to what the applicant is requesting. He stated they recognize the property is not viable for long-term residential use.

Mr. Allison stated the Planning Commission staff had expressed concerns from the beginning, and his efforts to address their concerns "fell on deaf ears." He stated the County staff was supportive at the start but opted to "go the other way" on the day of filing.

Mr. Allison stated the Planning Commission report lists a host of comprehensive plan policies that are either irrelevant or that the applicant completely complies with. He explained those policies include policies on the Urban Service Area, Policy 1.4 on compatibility, and Policies 16.1, 16.3, and 16.5, under neighborhood commercial development, restricting commercial uses to arterial or collector roadways.

Mr. Allison stated that comprehensive plan Objective 17, on scale of commercial development under the neighborhood serving use section, speaks to residential support uses that have nothing to do with this application. He stated he did not know why the Objective is even cited in the Planning Commission staff report.

Mr. Allison stated that the application fully complies with all objectives and policies of the commercial locational criteria provisions. He stated there are two issues that warrant academic discussion. The first, he stated, is Policy 16.2 regarding transitions and land use. Mr. Allison explained that in residential land use categories the comprehensive plan calls for a transition downward in intensity as one moves away from the intersection. He stated that "in a perfect world or a blank canvas," there is merit to that policy. However, he pointed out that there are more intensive uses on Gibsonton Drive further to the east than what the applicant has, again noting the long-standing metal recycling plant. Mr. Allison stated this makes it physically impossible to achieve a transition downward in intensities because the character of the area is already established, and nothing can be done about it. He stated the applicant's available uses are less intensive than many that currently exist.

Mr. Allison stated the second contention is related to a policy in the Gibsonton Community Plan. Mr. Allison stated that although the policy is accurately quoted in the Planning Commission staff report, the wording of the policy (Goal 4a) is such that it is "kind of tough to make sense of." He explained that, as written, the Goal calls for "enhancing the opportunities for small professional businesses and specialty neighborhood retail." Mr. Allison pointed out the applicant is a small business, so it complies with that policy. He stated that if the intent of the Goal were only to allow for professional service and specialty retail, that could not occur under the present zoning. However, he stated it could occur under the proposed rezoning, and if the market dictated that use was the highest and best for the subject property the applicant would pursue it. Mr. Allison again stated the applicant is providing a small business that creates opportunities and implements the policy.

Mr. Allison pointed out that, since there is no accompanying map or clarifying text that makes the Gibsonton Community Plan Goal 4a specific to this particular area, it would seem to limit opportunities to only specialty retail and professional services for miles and miles of US Highway 41 and Gibsonton Drive. He pointed out this is a huge geographic area, and without being tailored to the specific area, the Goal "becomes completely moot."

Mr. Allison stated the applicant tried to contact all neighbors in the area. He said he would submit an exhibit illustrating the properties owned by individuals who signed a petition in support of the rezoning. He stated that no one has called to voice concern or opposition. Mr. Allison stated the area has a completely different character on the north side of Gibsonton Drive, but two property owners on the north side also signed and returned the petition indicating they were fine with the rezoning.

Mr. Allison stated he recommends the application is fully consistent with all applicable policies of the comprehensive plan, fully compatible with surrounding properties, and compliant with regulations of the Land Development Code. He urged the Hearing Officer to make a positive recommendation.

Mr. Allison stated he would enter into the record a more detailed written analysis, petitions in support, the map showing properties owned by persons who signed the petitions in

support, a copy of the Gibsonton Community Plan Goal 4a, and copies of email correspondence with County and Planning Commission staff. He stated the applicant, his client, was in attendance if the Hearing Officer had any questions of the applicant.

The Hearing Officer asked Mr. Allison whether the commercial uses along the road near the subject property were properly zoned for those uses. Mr. Allison answered that most of them are not properly zoned for their uses, but he was not able to ascertain whether they are legal nonconforming uses. Mr. Allison stated he knows it is generally not good practice to use nonconforming uses as a basis for other subsequent rezoning, however, when the zoning and land use and comprehensive plan are “so completely out of kilter” that the character of the area is “100 percent different than what the plan calls for...” The Hearing Officer said she understood.

The Hearing Officer asked Mr. Allison whether the applicant had considered requesting a Planned Development and limiting uses to small professional and specialty retail as called for in the Gibsonton Community Plan. Mr. Allison stated he does not agree that is what the plan calls for based on the way the Goal 4a is written. He said the plan applies to the entirety of US Highway 41 and Gibsonton so that it becomes ridiculous. He stated the area “does not scream for specialty retail and professional office” at this time in history, but some day maybe it will.

Development Services Department

Mr. Steve Beachy, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record, which is incorporated into this recommendation. Mr. Beachy stated the Gibsonton Community Plan describes Gibsonton Drive as the main street of Gibsonton and designates Gibsonton Drive as a signature corridor. He stated the CG zoning district would permit professional business and specialty retail, but also other uses that would not be considered professional business or specialty retail. He stated County staff concurs with Planning Commission staff that a standard CG zoning district would result in further movement away from the Goals of the Gibsonton Community Plan. He added that, since parcels along this stretch of Gibsonton Drive are not uniformly zoned for commercial uses, further rezoning of these parcels could occur as envisioned by the Gibsonton Community Plan. He concluded that staff finds the request not supportable.

Planning Commission

Ms. Melissa Lienhard, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record. Ms. Lienhard stated the proposed rezoning does not support the Gibsonton Community Plan vision as stated in Goal 4a, which focuses on creating opportunities for small professional businesses and specialty neighborhood retail along Gibsonton Drive and US Highway 41. She stated permitting the subject property to be rezoned to Commercial General is inconsistent with the Gibsonton Community Plan vision and is inconsistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application. There were none.

Development Services Department

Mr. Grady stated there were no further comments for Hillsborough County Development Services.

Applicant Rebuttal

Mr. Allison noted that Planning Commission staff cited in their analysis the protection of abutting residential uses and residential neighborhoods. He stated there are no residential uses in the area. He pointed out the County staff report explicitly states that compatibility is not a concern, so there are differing staff positions on that issue.

Mr. Allison noted Planning Commission staff's comment that the subject property is at the edge of the commercial node. He stated the node is 900 feet, and the subject property starts at 600 feet and extends to about 130 feet wide. He stated the property is completely within the node rather than at the edge.

Mr. Allison stated he has handled numerous petitions in Gibsonton on Gibsonton Drive and on US Highway 41. He stated he has never heard this policy mentioned, which is why he thought it must be specific to the particular area. However, he stated it is not specific to the area under any reading of the policy. He stated the policy applies ubiquitously to all of US Highway 41 and all of Gibsonton Drive, which "is just simply at odds with reality."

The hearing officer closed the hearing on application 20-1279.

C. EVIDENCE SUBMITTED

Mr. Allison submitted into the record at the hearing a copy of his professional planning analysis and recommendation, excerpts from the Gibsonton Community Plan, a copy of the future land use map indicating surrounding properties who signed a petition supporting the rezoning, petitions signed by property owners and business owners in support of the rezoning, and email communications among Mr. Allison, Development Services staff, and Planning Commission staff.

D. FINDINGS OF FACT

1. The subject property consists of 1.24 acres at 6911 Gibsonton Drive, Gibsonton, which is located on the south side of Gibsonton Drive approximately 600 feet east of the intersection of Gibsonton Drive and US Highway 41.

2. The subject property is designated Residential-6 on the Future Land Use Map and is located within the boundaries of the Gibsonton Community Plan.
3. The subject property is currently zoned Agricultural Single-Family Conventional-1.
4. Adjacent properties are zoned RSC-9 MH and RSB to the north, ASC-1 to the east, AR to the south, and CG to the west. On the north side of Gibsonton Drive land uses consist of conventional single-family homes and mobile homes. On the south side of Gibsonton Drive land uses consist of commercial on lots of one acre or larger, some residential uses, and a church. The parcels with commercial uses are both conforming and non-conforming to their zoning designations.
5. The applicant is requesting to rezone the subject property to CG, Commercial General.
6. The subject property is within the commercial node at Gibsonton Drive and US Highway 41 and meets commercial locational criteria under Future Land Use Element policies 22.1 and 22.2.
7. The subject property is currently developed with a single-family home and garage structures behind the home. The applicant has in the recent past used the subject property for parking large trucks. Storage of trucks is not a permitted use under the existing ASC-1 zoning or the requested CG zoning. The applicant has removed the trucks and does not intend to use the subject property for truck parking in the future.
8. The applicant's representative, a planning professional, presented evidence in support of rezoning the subject property to CG based on (1) compatibility with the existing commercial uses on the south side of Gibsonton Drive; (2) the subject property being located within the commercial node and meeting commercial locational criteria; and (3) support of surrounding property owners. However, the applicant's representative acknowledged that some of the properties in commercial use are not zoned in compliance with their use, and that it is generally not accepted planning practice to rely on nonconforming uses to support rezoning to allow similar uses.
9. The applicant's evidence shows that rezoning the subject property to CG would allow uses that are compatible with the existing commercial uses on this segment of the south side of Gibsonton Drive. However, the applicant's burden is to demonstrate the rezoning request is consistent with the comprehensive plan; not to demonstrate the rezoning request is compatible with existing uses.
10. Many of the commercial uses that exist on the south side of Gibsonton Drive do not conform to their zoning, and compatibility with these uses cannot be relied on to support rezoning the subject property to CG.

11. Rezoning the subject property to CG would allow land uses that are not compatible with and do not “further the objectives, policies, land uses, and densities or intensities in the comprehensive plan.” § 163.3194(3)(a), Fla. Stat. (2020).
12. The Gibsonton Community Plan Goal 4a seeks to create opportunities for small professional businesses and specialty neighborhood retail along Gibsonton Drive and US Highway 41. Rezoning the subject property to Commercial General would allow land uses that do not reflect Goal 4a and would not support the vision of the Gibsonton Community Plan.
13. Rezoning the subject property to Commercial General would not further comprehensive plan policy 16.1, which provides for protection of neighborhoods and communities by limiting commercial development in residential land use categories to neighborhood scale.
14. Rezoning the subject property to Commercial General would not further comprehensive plan policy 16.2, which provides for gradual transitions of intensities between different land uses.

E. FINDING OF COMPLIANCE OF NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The rezoning request is not in compliance with, and does not further the intent of the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2020). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is inconsistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant is seeking to rezone a 1.24-acre parcel from ASC-1 to CG. Planning Commission found the rezoning request inconsistent with several comprehensive plan policies and Gibsonton Community Plan Goal 4a. Development Services staff concurred

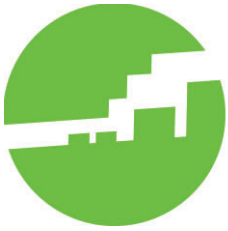
that a standard CG zoning district would not further the goals of the Gibsonton Community Plan and noted that parcels on this segment of Gibsonton Drive are not uniformly zoned for commercial uses and future development could occur as envisioned by the Gibsonton Community Plan.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **denial** of the rezoning request.

Pamela Jo Hatley
Pamela Jo Hatley, PhD, JD
Land Use Hearing Officer

March 3, 2021
Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: February 15, 2021 Report Prepared: February 2, 2021	Petition: 20-1279 6911 Gibsonton Drive <i>East of Gibsonton Drive and U.S. Highway 41 South intersection</i>
Summary Data:	
Comprehensive Plan Finding:	INCONSISTENT
Adopted Future Land Use:	Residential-6 (6 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan:	Gibsonton Community Plan
Requested Zoning:	Agricultural Single-Family Conventional – 1 (ASC-1) to Commercial General (CG)
Parcel Size (Approx.):	1.24 +/- acres (54,014.4 square feet)
Street Functional Classification:	Gibsonton Drive – County Arterial and U.S. Highway 41 South – State Principal Arterial
Locational Criteria	Yes
Evacuation Zone	The subject property is in an Evacuation Zone



Context

- The 1.24 +/- acre subject site is located directly east of the Gibsonton Drive and U.S. Highway 41 South intersection. It is in the Urban Service Area and it falls within the limits of the Gibsonton Community Plan. The applicant indicates that they would like rezone the parcel from Agricultural Single-Family Conventional - 1 (ASC-1) to Commercial General (CG).
- The subject site is designated as Residential-6 (RES-6) on the Future Land Use Map. Typical allowable uses within the RES-6 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use. RES-6 surrounds the subject site on all sides. Just east of the site is a single parcel with a Suburban Mixed Use – 6 (SMU-6) future land use classification.
- The subject site is currently zoned ASC-1. Residential Single-Family Conventional – 9 (RSC-9), along with two parcels that are zoned Residential Show Business (RSB), are located to the north of the site. To the south, are parcels that are zoned Agricultural Rural (AR), Residential Single-Family Conventional – 6 (RSC-6), RSB, Commercial Neighborhood (CN), and ASC-1 zoned properties are all located to the east of the site. To the west are CG zoned and ASC-1 zoned properties.
- The parcel contains a single-family home with a garage structure directly behind the home. There is auto and truck storage on the property. Directly north of the site are residential single-family homes. Commercial businesses, a metal salvage yard, Show Business residential area and single-family homes are located further east of the parcel. To the west and adjacent to the subject property is an auto repair shop along with several undeveloped parcel abutting next to U.S. Highway 41 South and the CSX rail line. There are numerous single-family homes and mobile homes with some commercial businesses south of the parcel and east of U.S. Highway 41 South. Numerous and various commercial businesses can be found along both side of U.S. Highway 41 South.
- The subject property is approximately 600 ft. east from the intersection of a four-lane road (Gibsonton Drive) and four-lane (U.S. Highway 41 South) road.

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

Urban Service Area

Objective 1: Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

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.

Neighborhood/Community Development

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; requiring buffer areas and screening devices between unlike land uses

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

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

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

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

Neighborhood and Community Serving Uses

Objective 17: Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

Policy 17.7: New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

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.

Livable Communities Element – Gibsonton Community Plan

Goal 4a: *Gibsonton will enjoy appropriately-scaled commercial development by:*

- *Working with developers and the County to amplify the positive aspects of a large retail center at Gibsonton Drive and East Bay Road; and*
- *Enhancing the opportunities for small professional, businesses and specialty neighborhood retail along Gibsonton Drive and U.S. 41.*

Staff Analysis of Goals, Objectives and Policies:

The applicant is requesting to rezone the subject site from Agricultural Single-Family Conventional - 1 (ASC-1) to Commercial General (CG).

Future Land Use Element (FLUE) Objective 16 and its accompanying policies require the protection of existing neighborhoods through various instruments, such as buffering and screening (FLUE Policies 16.1, 16.3). This proposed rezoning does not meet the specific criteria of FLUE Policy 16.2 which identifies the use of gradual transitions of intensities between different land uses. A rezoning to CG would not provide for a proper transition of land use intensities between the adjoining residential and commercial general uses along Gibsonton Drive. Mitigation measures would likely not be able to achieve the degree of compatibility needed adjacent to residential uses. FLUE Policy 16.5 restricts higher intensity uses along arterials, away from established neighborhoods. Though the site is located along an arterial roadway, it is adjacent to residential properties, which presents a compatibility concern.

FLUE Policy 16.1 includes language about limiting commercial development in residential land use categories to a neighborhood scale. The intent of this policy is to protect less intense uses, such as residential uses, and to locate more intensive uses in appropriate locations. This site is on the edge of the commercial node, where uses should be transitioning to less intense uses. A rezoning to CG would not support this policy direction.

The subject property is located approximately 600 feet east of the intersection of a four-lane road (U.S. Highway 41 South) and a four-lane road (Gibsonton Drive) intersection. This parcel's location does meet commercial locational criteria per FLUE Policy 22.1 and FLUE Policy 22.2.

However, FLUE Policy 22.7 states that Commercial Locational Criteria is not the only factor to be considered. Factors such as land use compatibility must also be considered. The site is adjacent to a commercial general zoned parcel. However, there are compatibility concerns with the proposed CG rezoning and the adjacent residential properties.

The proposed rezoning does not support the vision of the Gibsonton Community Plan, as stated Goal 4a. This goal focuses on creating opportunities for small professional, businesses and specialty neighborhood retail along Gibsonton Drive and U.S. 41. Permitting this site to be rezoned to CG is inconsistent with the Gibsonton Community Plan.

Overall, the proposed rezoning would allow for a development that is inconsistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, as well as the Gibsonton Community Plan.

Recommendation

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

HILLSBOROUGH COUNTY 2020 FUTURE LAND USE

RZ 20-1279

Rezonings

<all other values>

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

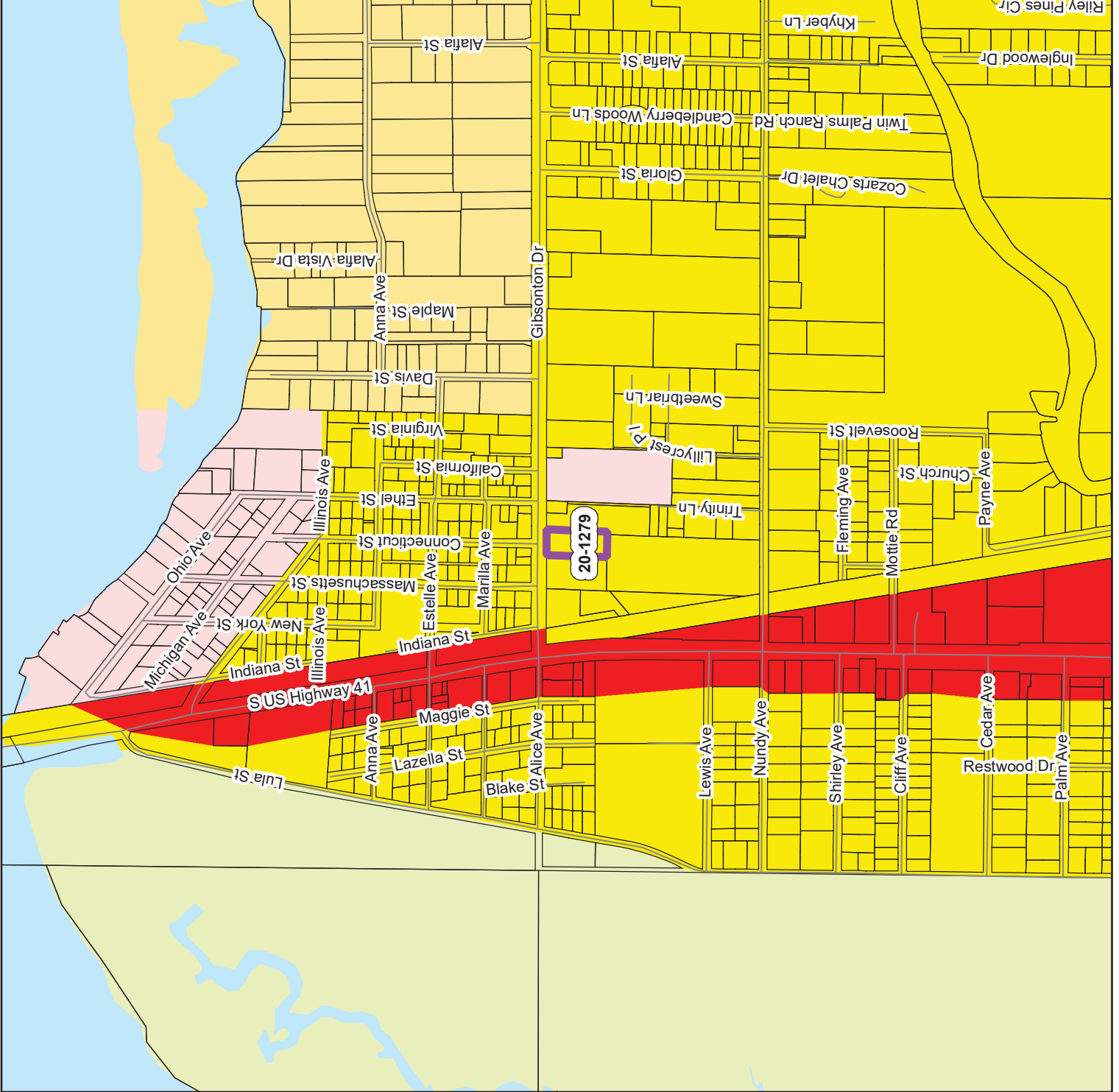
- Tampa Service Area
- Urban Service Area
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- AGRICULTURAL/MINING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL/RURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 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)
- 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)
- OC-20
- 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)
- PUBLIC/QUASI-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE
- WATER
- WATER



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning status is subject to approval without specific approval of the Hillsborough County City/County Planning Commission.
 ACCURACY: It is intended that the information shown on this map is accurate to the best of our knowledge. However, such accuracy is not guaranteed by the Hillsborough County City/County Planning Commission. This map is for illustrative purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 10/7/2020
 Author: Beverly F. Daniels
 File: C:\Rezonings\System\MapProjects\HC\Gis\Re zoning.mxd





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 01/07/2021

REVIEWER: Sofia Garantiva, AICP, Senior Planner

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Gibsonton (GB)

PETITION NO: RZ-STD 20-1279

<input type="checkbox"/>	This agency has no comments.
<input checked="" type="checkbox"/>	This agency has no objection.
<input type="checkbox"/>	This agency has no objection, subject to the listed or attached conditions.
<input type="checkbox"/>	This agency objects for the reasons set forth below.

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject parcel by 2,642 average daily trips, 224 trips in the a.m. peak hour, and 191 trips in the p.m. peak hour.
- Please note cross access to the west is required per Section 6.04.03.Q of the LDC.
- Transportation staff has no objection to this request.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone from Agricultural Single Family Conventional - 1 (ASC-1) to Commercial General (CG). The site consists of Folio Number 50344.0000 and is 1.24 acres in size. The site has a R-6 Future Land Use designation.

Since this is a Standard Rezoning, the applicant is not required to submit a transportation analysis study. However, staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer’s Trip Generation Manual, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario. Please note in the R-6 Future Land Use designation, urban scale neighborhood commercial, office, multi-purpose, or mixed-use projects limited to 175,000 sq. ft. or .25 FAR, whichever is less intense. Staff’s analysis is summarized below.

Existing Use:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
1 Single Family Unit (ITE LUC 210)	9	1	1

Proposed Use:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM

CG: 5,000 SF Fast Food Restaurant with Drive-Thru (ITE LUC 934)	2,355	201	163
CG: 8,503 SF Medical-Dental Office (ITE LUC 720)	296	24	29
Total: 13,503 SF Maximum GFA	2,651	225	192

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 2,642	(+)224	(+)191

The proposed rezoning would result in an increase of trips potentially generated by development of the subject parcel by 2,642 average daily trips, 224 trips in the a.m. peak hour, and 191 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE ANALYSIS

The site is located 55 feet east of the intersection of Gibsonton Drive and Connecticut Street. The site has frontage on Gibsonton Drive.

Gibsonton Drive is 4 lane arterial roadway with +/- 12-foot travel lanes, +/- 60-feet of pavement and curb and gutter, and center turn lane (two-way left turning movements) lying within a +/- 85-foot wide right-of-way adjacent to the project. There is a +/- 5-foot wide sidewalk along the north side and an +/- 8-foot sidewalk along the south side of the roadway. There are no bicycle facilities on Gibsonton Drive in the vicinity of the proposed project.

Gibsonton Drive is not shown on the Hillsborough County Corridor Preservation Plan, as such, no preservation along these Gibsonton Drive frontage is required.

SITE ACCESS ANALYSIS & CONNECTIVITY

The applicant’s site currently has one access point to Gibsonton Drive. 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; however, it is anticipated pedestrian and vehicular access will be from Gibsonton Drive. Please note cross access to the west is required per Section 6.04.03.Q of the LDC.

ROADWAY LEVEL OF SERVICE (LOS)

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
GIBSONTON DR	US HWY 41	I-75 RAMP	D	C

Source: [2019 Hillsborough County Level of Service \(LOS\) Report](#)

COMMISSION

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AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: November 16, 2020</p> <p>PETITION NO.: 20-1279</p> <p>EPC REVIEWER: Jackie Perry Cahanin</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1241</p> <p>EMAIL: cahaninj@epchc.org</p>	<p>COMMENT DATE: November 5, 2020</p> <p>PROPERTY ADDRESS: 6911 Gibsonton Dr., Gibsonton, FL 33534</p> <p>FOLIO #: 0503440000</p> <p>STR: 25-30S-19E</p>
<p>REQUESTED ZONING: From ASC-1 to CG</p>	
FINDINGS	
<p>WETLANDS PRESENT</p>	<p>YES</p>
<p>SITE INSPECTION DATE</p>	<p>10/30/2020</p>
<p>WETLAND LINE VALIDITY</p>	<p>NA</p>
<p>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</p>	<p>On the southern property boundary</p>
<p>The EPC Wetlands Division has reviewed the proposed rezoning. A site plan has not been submitted. However, 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. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. 	

- 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).
- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

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 lack of a 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.
- A site plan was not submitted, and impacts may be proposed that have not been authorized by the Executive Director of the EPC. The potential wetland impacts are indicated for commercial use of the property. Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan. If you choose to proceed with wetland impacts, a separate wetland impact/mitigation proposal and appropriate fees must be submitted to this agency for review.
- 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.

Jpc/mst

cc: steve.allison11@gmail.com



AGENCY REVIEW COMMENT SHEET

NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services **DATE:** 10/15/2020
REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator
APPLICANT: Steve Allison/Magno Melo **PETITION NO:** 20-1279
LOCATION: 6911 Gibsonton Dr
FOLIO NO: 50344.0000

Estimated Fees:

(Various use types allowed. Estimates are a sample of potential development)

Industrial (Per 1,000 s.f.) Mobility: \$2,727.00 Fire: \$57.00	Retail - Shopping Center (50k s.f. or less) (Per 1,000 s.f.) Mobility: \$8,382.00 Fire: \$313.00	Warehouse (Per 1,000 s.f.) Mobility: \$877.00 Fire: \$34.00
Retail - Conv Mkt. w/Gas (Per 1,000 s.f.) Mobility: \$29,658.00 Fire: \$313.00	Retail - Fast Food w/Drive Thru (Per 1,000 s.f.) Mobility: \$56,660.00 Fire: \$313.00	

Project Summary/Description:

Urban Mobility, South Fire - Commercial General - non-specific

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

PETITION NO.: STD20-1279 REVIEWED BY: Randy Rochelle DATE: 9/28/2020

FOLIO NO.: 50344.0000

This agency would (support), (conditionally support) the proposal.

WATER

- The property lies within the Hillsborough County Water Service Area. The applicant should contact the provider to determine the availability of water service.
- No Hillsborough County water line of adequate capacity is presently available.
- A 20 inch water main exists (adjacent to the site), (approximately feet from the site) and is located within the south Right-of-Way of Gibsonton Drive.
- Water distribution improvements may be needed prior to connection to the County's water system.
- No CIP water line is planned that may provide service to the proposed development.
- The nearest CIP water main (inches), will be located (adjacent to the site), (feet from the site at). Expected completion date is .

WASTEWATER

- The property lies within the Hillsborough County Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- No Hillsborough County wastewater line of adequate capacity is presently available.
- A 4 inch wastewater force main exists (adjacent to the site), (approximately 2500 feet from the site) and is located east of the subject property within the south Right-of-Way of Gibsonton Drive.
- Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.
- No CIP wastewater line is planned that may provide service to the proposed development.
- The nearest CIP wastewater main (inches), will be located (adjacent to the site), (feet from the site at). Expected completion date is .

COMMENTS: This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.



VERBATIM TRANSCRIPT

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
February 15, 2021
ZONING HEARING MASTER: PAMELA JO HATLEY

C1:
Application Number: RZ-STD 20-1279
Applicant: Magno Melo
Location: 6911 Gibsonton Dr.
Folio Number: 050344.0000
Acreage: 1.24 acres, more or less
Comprehensive Plan: R-6
Service Area: Urban
Existing Zoning: ASC-1
Request: Rezone to CG

1 MR. GRADY: The first item then is agenda
2 item C-1, Rezoning-Standard 20-1279. The
3 applicant's Magno Melo.

4 The request is to rezone from ASC-1,
5 Agricultural Single-Family Conventional, to CG,
6 Commercial General.

7 Stephen Beachy will provide staff
8 recommendation after presentation by the applicant.

9 MR. ALLISON: Good evening, Ms. Hatley,
10 staff. Steve Allison representing petitioner,
11 14217 Shadow Moss Lane.

12 MR. GRADY: Mr. Allison, you need to leave
13 your mask on while you're speaking.

14 MR. ALLISON: Oh, I do?

15 MR. GRADY: Yes.

16 MR. ALLISON: My voice is tough enough to
17 understand as it is.

18 Imagine, if you will, that you represent the
19 owner of a property -- small property for which
20 commercial zoning is sought and property that's
21 situated along a five-lane arterial roadway.

22 It's adjacent to CG zoning. It falls
23 completely within a node established by two
24 arterial roadways. It abuts no residentially
25 utilized properties. Nearby uses include open

1 storage and a metal recycling facility. And it
2 enjoys documented broad-scale community support and
3 no opposition.

4 You might think you have a pretty solid case,
5 but then imagine two professional planning staffs
6 citing policies, some of which are irrelevant; some
7 of which are physically impossible to achieve; and
8 at least one of which is so poorly written that
9 compliance cannot even be ascertained, and they
10 recommend against the rezoning.

11 It's not the twilight zone. It's tonight's
12 hearing. A very brief history. My client
13 purchased this property a couple of years ago. He
14 approached me in the autumn of 2019. He did have
15 an initial interest.

16 He owns a small trucking company with a few
17 trucks that do local delivery work, and he wanted
18 to utilize the property to allow trucks to park
19 there.

20 I had to explain to him the reality of
21 zoning in Hillsborough County. He's in a
22 residential plan category. Zoning that would
23 enable that use could not realistically be attained
24 because of the underlying planning classification.

25 So we opted -- or he opted not to pursue

1 rezoning at that time. Over the course of the next
2 nine months or so, I provided him with details on
3 CG zoning, what it would allow, and he concluded
4 that he could certainly make that work, not for the
5 use he initially intended, but there's plenty of
6 uses in there that he thought would be viable.

7 I'll go to the ELMO here. As you look at the
8 character of the area, you can probably understand
9 why when he first looked at the property he thought
10 that his use pretty much fit in with what was going
11 on out there.

12 The property at the corner is currently
13 undeveloped. It's 41 and Gibsonton. Next property
14 is zoned CG, developed as an auto repair business.
15 This is my client's property. Moving further
16 eastward, we have open storage uses, a paving
17 company.

18 There is a small church on the property. Let
19 me switch -- small church on a property here. It's
20 Spanish-speaking --

21 MR. GRADY: Mr. Allison, you can move it
22 down a little bit. Just a little bit. There you
23 go. Thank you.

24 MR. ALLISON: It's a small Spanish-speaking
25 church -- sorry. I missed -- this is a

1 construction office. Small Spanish-speaking
2 church, made multiple attempts to contact them.
3 Mail came back undeliverable. We've been told by
4 neighbors they have no problem with it, but I never
5 got any formal communication.

6 Next property is a 3-acre site. It's the
7 only residual residential property in the immediate
8 area. That's the Hogan property. Those folks have
9 signed our petition in support of the rezoning.
10 They want to do a similar thing to their property.
11 They recognize that it is not viable for long-term
12 residential use. Excuse me.

13 And then, finally, de terminus of this
14 general area of nonresidential uses, this is a
15 metal recycling plant. It's been there forever.
16 It's not going away. And so that gives you an idea
17 of the character of the area.

18 The staff reviews -- Planning Commission
19 staff had concerns from the get-go, and my efforts
20 to address them fell on deaf ears. County Staff by
21 contrast verbally expressed support from the start,
22 but on the day of filing, they opted to go the
23 other way.

24 The two -- or the principal issues -- as I
25 understand them, there's two of them. Let me step

1 aside to say that the Planning Commission report
2 lists a host of policies that are either irrelevant
3 or that we completely comply with.

4 Those include policies on Urban Service
5 Area, Policy 1.4 on compatibility; under
6 neighborhood commercial development Policy 16.1,
7 16.3, and 16.5, restricting commercial uses to
8 arterial or collector roadways.

9 The scale of commercial development under
10 the neighborhood community serving use section,
11 Objective 17 speaks to residential support uses
12 which have nothing to do with this application. I
13 don't know why it's even cited in that report.

14 And on commercial location criteria, we fully
15 comply with all objectives and policies. The two
16 issues that at least warrant an academic
17 discussion, one, is Policy 16.2 regarding
18 transitions and land use.

19 Basically, in commercial or in residential
20 Land Use categories, what the plan calls for that
21 as you move away from the intersection, you
22 transition downward in intensity. Now, in a
23 perfect world or a blank canvas, there's certainly
24 merit to that policy.

25 Trouble is, when you have more intensive

1 uses further to the east than what your client has,
2 in de terminus, again, that stretch of commercial
3 properties is a long-standing metal recycling
4 plant. It is physically impossible to achieve a
5 transition downward in intensities.

6 That character is already established, and
7 we can't do anything about it. In fact, my
8 client's available uses are less intensive than
9 many that currently exist.

10 The second point of contention that they've
11 hung their hat on has to do with a policy in the
12 Gibsonton Community Plan. It's -- it's accurately
13 quoted in the Planning Commission staff report, but
14 the wording of it is such that it's kind of tough
15 to make sense of.

16 Basically, it has an extraneous comma which
17 totally changes the meaning. It shouldn't have
18 that comma, I don't think, if I understand what
19 they're trying to achieve with that policy.

20 But first, as written, enhancing the
21 opportunities for small professional businesses and
22 specially maintained retail, well, this is a small
23 business. So we say, sure, we comply with that.

24 Second, even if the intent was only to allow
25 for professional service and specialty retail,

1 well, under the current zoning, that can't happen.
2 Under the zoning we propose, it can happen.

3 And, certainly, if the market dictated that
4 that was the highest and best use of the property,
5 that's certainly what he would pursue.

6 But at any rate, we implement the policy
7 because we're providing a small business that
8 creates those opportunities.

9 Third, when I first saw this policy in the
10 plan, I thought, well, there must be an
11 accompanying map or some other clarifying text that
12 makes it specific to this particular area. There's
13 not.

14 The policy is as it states; that they're
15 enhancing the opportunities for those uses along
16 Gibsonton Drive and U.S. 41. So for the miles and
17 miles and miles of U.S. 41 and Gibsonton Drive,
18 apparently, the only thing that's going to be
19 enhanced through opportunities are specialty retail
20 and professional services.

21 That -- that's a huge geographic area. It's
22 not tailored to this area and as such, to me, it
23 becomes completely moot.

24 We have -- and I will be submitting this into
25 the record. Even in a pandemic, we've tried to

1 make contact with area neighbors. All those that
2 are checked have signed the petition supporting the
3 rezoning.

4 We've had no one during the multiple times
5 this has been noticed, not a single call or concern
6 or opposition. The specific petition I even mailed
7 to some folks across the street, even though I
8 don't really think they're affected.

9 It's a completely different character on the
10 north side. But two of them even took the trouble
11 to return the petition indicating they were fine
12 with it as well. And, again, those petitions are
13 to be submitted or will be submitted into the
14 record.

15 In terms of recommendation, I think this
16 application is fully consistent with all applicable
17 policies of the Comprehensive Plan. It is fully
18 compatible with surrounding properties. It is
19 compliant with regulations of Land Development
20 Code, and we urge your positive recommendation.

21 I will exhibit into the record a more
22 detailed written analysis, petitions in support,
23 this map, copy of the goal from the Gibsonton plan,
24 and copies of e-mail correspondence with County and
25 Planning Commission staff.

1 My client is in attendance tonight if you
2 have any questions of him in particular. I don't
3 think we have any opposition. And with that, I'll
4 close.

5 HEARING MASTER HATLEY: Mr. Allison?

6 MR. ALLISON: Yes.

7 HEARING MASTER HATLEY: Two questions for
8 you, please.

9 MR. ALLISON: Sure.

10 HEARING MASTER HATLEY: First, those
11 commercial uses that are on the same street, just
12 down street from this parcel, did you check to
13 see -- are they properly zoned for those uses?

14 MR. ALLISON: Most of them are not. Now,
15 whether they are legal nonconforming, I was not
16 able to ascertain that. But in terms of, you
17 know -- and I know it's not generally good practice
18 to utilize nonconforming uses as a basis for other
19 subsequent rezonings. You know, that violates
20 certain things that this planner-type tends to
21 think are not a good idea.

22 But when the zoning and land use and
23 Comprehensive Plan are so completely out of kilter,
24 when, you know, the character of the area is
25 100 percent different than what the plan calls

1 for --

2 HEARING MASTER HATLEY: I understand. I
3 understand. I have one more question for you,
4 please.

5 MR. ALLISON: Sure.

6 HEARING MASTER HATLEY: I think there was
7 some concern that the CG would allow uses that
8 would be inconsistent with the Comp Plan and
9 inconsistent with the community plan.

10 Had your client not considered requesting a
11 PD and limit uses to small professional and
12 specialty retail like the Gibsonton Community Plan
13 policy provides for?

14 MR. ALLISON: Well, again, I don't agree
15 that that's what's called for in the plan the way
16 it's actually written. Secondly, that plan applies
17 to the entirety of 41 and Gibsonton.

18 It's -- becomes ridiculous, and then third,
19 no, he would not agree to -- you know, if you go
20 look at this area, it does not scream for specialty
21 retail and professional office at this point in
22 history. Some day maybe it will.

23 HEARING MASTER HATLEY: All right. Thank
24 you very much, Mr. Allison.

25 MR. ALLISON: Thank you.

1 HEARING MASTER HATLEY: Development
2 Services.

3 MR. BEACHY: Good evening. Steve Beachy,
4 Development Services.

5 The request is to rezone a 1.24-acre parcel
6 zoned ASC-1 to CG. The subject property is located
7 on the south side of Gibsonton and Gibsonton Drive
8 and in the RES-6 Comp Plan category.

9 As noted, the subject parcel is surrounded by
10 parcels with a mix of commercial and ag zoning
11 designations with a mix of commercial uses that are
12 both conforming and nonconforming to their zoning
13 designation.

14 The Planning Commission is -- indicates that
15 they find the proposed rezoning inconsistent. The
16 lots on the south side of Gibsonton Drive in
17 proximity to the subject parcel host a variety of
18 different commercial uses and nonconformities to
19 their zoning designation.

20 Compatibility of this parcel with the uses on
21 the adjacent parcels is -- in the area is not an
22 issue. The inconsistency determination by the
23 Planning Commission notes Goal 4-A of the Gibsonton
24 Community Plan which encourages small, professional
25 businesses and specialty retail in the area of the

1 subject rezoning.

2 If you read the Gibsonton Community Plan, it
3 further describes the Gibsonton Drive as the main
4 street of Gibsonton and designates Gibsonton Drive
5 as a signature corridor.

6 The CG zoning district permits professional
7 business and specialty retail for -- but also other
8 issues, which would not be considered professional
9 business or specialty retail.

10 Therefore, staff concurs that a standard CG
11 zoning district would result in further movement
12 away from the goals of the Gibsonton Community
13 Plan.

14 In addition, given that the parcel along this
15 stretch of Gibsonton Drive are not uniformly zoned
16 for commercial uses, further rezoning of these
17 parcels could occur as envisioned by the Gibsonton
18 Community Plan.

19 Based on these considerations, staff finds
20 the request not supportable. I'm available for any
21 questions.

22 HEARING MASTER HATLEY: Thank you.

23 All right. Planning Commission.

24 MS. LIENHARD: Thank you. Melissa Lienhard,
25 Planning Commission staff.

1 The subject property is located in the
2 Residential-6 Future Land Use category. The site
3 is located within the Urban Service Area and also
4 within the limits of the Gibsonton Community Plan.

5 Future Land Use Element Objective 16 and its
6 accompanying policy require the protection of
7 existing neighborhoods through various instruments
8 such as buffering and screening.

9 This proposed rezoning does not meet the
10 specific criteria of Future Land Use Policy 16.2
11 which identifies the use of gradual transitions of
12 intensities between different land uses.

13 A rezoning to CG would not provide for a
14 proper transition of Land Use intensities between
15 the adjoining Residential and Commercial General
16 uses along Gibsonton Drive.

17 Future Land Use Policy 16.5 restricts higher
18 intensity uses along arterials and away from
19 established neighborhoods. The other site is
20 located along an arterial roadway. It is adjacent
21 to residential properties which does present a
22 compatibility concern.

23 Future Land Use Element Policy 16.1 includes
24 language about limiting commercial development and
25 residential land use categories to a neighborhood

1 scale.

2 The intent of this policy is to protect less
3 intense uses such as residential uses and to locate
4 more intensive uses and into appropriate locations.

5 This site is on the edge of the commercial
6 node where uses should be transitioning to less
7 intense uses. A rezoning to CG would not support
8 this policy direction.

9 The subject property is located approximately
10 600 feet east of the intersection of a four-lane
11 roadway, which is U.S. Highway 41 South and a
12 four-lane road, Gibsonton Drive. This parcel's
13 location does -- does meet locational criteria per
14 Future Land Use Policy 21.1 and 21 -- I'm sorry,
15 22.2.

16 However, Future Land Use Policy 22.7 states
17 that commercial locational criteria is not the only
18 factor to be considered. Factors such as Land Use
19 compatibility must also be considered.

20 The site is adjacent to a Commercial General
21 zoned parcel. However, there are compatibility
22 concerns with the proposed CG rezoning and the
23 adjacent residential parcels.

24 The proposed rezoning does not support the
25 vision of the Gibsonton Community Plan as stated in

1 Goal 4-A. This goal focuses on creating
2 opportunities for small professional businesses and
3 specialty neighborhood retail along Gibsonton Drive
4 and U.S. Highway 41.

5 Permitting the site to be rezoned to
6 Commercial General is inconsistent with the vision
7 of the Gibsonton Community Plan.

8 And based upon those considerations,
9 Planning Commission staff finds the proposed
10 rezoning inconsistent with the Future of
11 Hillsborough Comprehensive Plan for unincorporated
12 Hillsborough County. Thank you.

13 HEARING MASTER HATLEY: Thank you. All
14 right.

15 Is there anyone here tonight or online who
16 wishes to speak in support of this request?

17 Okay. No one online? No one in the room?
18 Okay.

19 Is there anyone online or in the room here
20 tonight who wishes to speak in opposition to this
21 request? All right. No one online? Don't see
22 anyone in the room.

23 County Staff, Development Services, anything
24 further?

25 MR. GRADY: Nothing further.

1 HEARING MASTER HATLEY: Okay. Applicant has
2 five minutes for rebuttal and summation.

3 MR. ALLISON: Just in regard to the Planning
4 Commission comments, they cite in several instances
5 in their analysis protection of abutting
6 residential uses, protection of residential
7 neighborhoods. There are none. There's no
8 residential use in this area.

9 So I don't understand that. The
10 compatibility concern, you'll notice in the County
11 Staff report it's explicitly stated that
12 compatibility is not an issue in this petition.

13 So I don't -- we have, obviously, two
14 different staff positions on that. The comment
15 that it's at the edge of the node, the node is
16 900 feet. We start 600 feet. It's about
17 130-foot-wide parcel. We're completely within the
18 node. We are not at the edge.

19 And I've had numerous petitions in
20 Gibsonton -- on both Gibsonton and U.S. 41. Never
21 have I ever heard this policy mentioned before,
22 which, again, is why I wondered, well, this must be
23 specific to this particular area.

24 It is not under any reading of that policy.
25 It applies ubiquitous -- ubiquitously to all of

1 U.S. 41 and all of Gibsonton Drive which is just
2 simply at odds with reality. Thank you very much.

3 HEARING MASTER HATLEY: Thank you.

4 That closes the hearing on item 20-1279.

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1 application is out of order to be heard and is
2 being continued to the February 15th, 2021, Zoning
3 Hearing Master Hearing beginning at 6:00 p.m.

4 Item A-22, Rezoning-Standard 20-1279. This
5 application is being continued by staff to the
6 February 15th, 2021, Zoning Hearing Master Hearing
7 beginning at 6:00 p.m.

8 Item A-23, Rezoning-Standard 20-1282. This
9 application is out of order to be heard and is
10 being continued to the February 15th, 2021, Zoning
11 Hearing Master Hearing beginning at 6:00 p.m.

12 Item A-24, Rezoning-PD 20-1377. This
13 application is out of order to be heard and is
14 being continued to the February 15th, 2021, Zoning
15 Hearing Master Hearing beginning at 6:00 p.m.

16 Item A-25, Major Mod Application 21-0024.
17 This application is being continued by the
18 applicant to the February 15th, 2021, Zoning
19 Hearing Master Hearing beginning at 6:00 p.m.

20 Item A-26, Rezoning-PD 20-0034 (sic). This
21 application is being continued by the applicant to
22 the February 15th, 2021, Zoning Hearing Master
23 Hearing beginning at 6:00 p.m.

24 Item A-27, Major Mod Application 21-0036.
25 This application is out of order to be heard and is

1 Hearing.

2 Item A-19, RZ-PD 20-1148. This application
3 is being continued by staff to the December 14,
4 2020, Zoning Hearing Master Hearing.

5 Item A-20, RZ-PD 20-1149. This application
6 is being continued by the applicant to the
7 December 14, 2020, Zoning Hearing Master Hearing.

8 Item A-21, Rezoning Standard 20-1171. This
9 application is out of order to be heard and is
10 being continued to the December 14, 2020, Zoning
11 Hearing Master Hearing.

12 Item A-22, RZ Standard 20-1279. This
13 application is being continued by the staff to the
14 January 19, 2021, Zoning Hearing Master Hearing.

15 And item A-23, RZ Standard 20-1282. This
16 application is out of order to be heard and is
17 being continued to the December 14, 2020, Zoning
18 Hearing Master Hearing.

19 That concludes all withdrawals and
20 continuances.

21 HEARING MASTER SCAROLA: Okay. Thank you
22 for that, Brian.

23 Ladies and gentlemen, with respect to our
24 procedures tonight and in regards to all the
25 rezoning and modifications to zoning requests on



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE