



Application Number:	SU 21-1219	Adjacent Zoning and Land Uses:	
Request:	Special Use Permit for a Land Excavation	North:	AR, Vacant
		East:	AS-1, RSC-3 (MH), Single Family Residential
Comp Plan:	N	South:	AR, RSC-6 (MH), RSC-2 (MH), AS-1, Single Family Residential
Service Area:	Urban	West:	AR, Vacant/Utilities

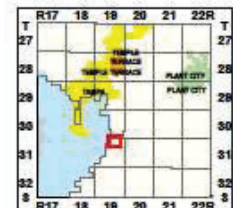


## SU-LE 21-1219

 APPLICATION SITE  
 RAILROADS  
 SCHOOLS  
 PARKS



STR: 3-31-19

[illegible]

Date: 03/14/2022 Path: G:\2020\9362\9362\Activity\_Map.aprx  
Produced By: Development Services Department



### Request Details:

The applicant seeks Special Use approval for a Lake Creation Land Excavation to allow the removal of 80,000 cubic yards of material to restore, create and enhance a mosaic of freshwater wetlands, estuarine wetlands and coastal uplands within the subject parcel.

The proposed excavation is located on the west side of US Highway 301 and on the north side of Kracker Avenue. The proposed excavation area is approximately 11 acres in size and located on a 24.6-acre parcel that is zoned AR (Agricultural Rural). The subject site is located along the eastern shore of Tampa Bay which is a SWIM (Surface Water Improvement and Management Program) priority waterbody. The site is immediately adjacent and northeast of the Schultz Preserve. According to the applicant, the proposed excavation is designed for environmental enhancement and restoration and will become a preserve once completed.

As proposed by the applicant, a total of 80,000 cubic yards of material will be removed from the site over an 18-month period.

### Required Separations:

The proposed excavation does not meet all separation requirements found in LDC Section 6.11.54.A.2 for excavations that are not dry excavations. Waivers to allow excavation within 25 feet from any right-of-way line of a publicly owned road or street, within 25 feet from the boundary line of any publicly owned drainage or utility easement, within 25 feet from any non-residential property line, within 500 feet of residentially developed or zoned property, and to allow the excavation within the 30-foot wetland setback area are requested.



Per LDC Section 6.11.54.A.2.a, a 25-foot distance separation is required from the right-of-way line of a publicly owned road or street. The applicant is requesting a waiver to this requirement to allow a 0-foot distance separation from the right-of way for Kracker Avenue, and to allow a 7-foot distance separation from the right-of-way for US Highway 41. The subject land excavation is unique in nature as the purpose is to restore, create and enhance freshwater wetlands, estuarine wetlands and coastal uplands within the site. The restoration

includes the removal of all non-native vegetation, excavation and/or fill of fish farm ponds, installation of weirs, a discharge structure, aquatic and upland plants, and installation of outfall stabilization to restore low salinity habitats, freshwater wetland habitats and associated coastal upland. Once completed the parcel will be a preserve. Along Kracker Avenue the area encroaching into the 25-foot separation encompasses a small area along the southwestern most portion of the site that will be utilized to direct the tidal marsh area to flow into an existing ditch on the north side of Kracker Avenue which flows west to a tidal area created by the Schultz Restoration project. Along US Highway 41, the area encroaching into the 25-foot separation will be utilized as part of a freshwater pond on site. Additionally, an opaque 6-foot tall fence will be installed along the project entrance that will screen the area from view on US Highway 41. Given the nature of the proposed excavation, the limited duration and the screening provided staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.A.2.b, a 25-foot distance separation is required from the boundary line of any publicly owned drainage or utility easement. The applicant is requesting a waiver to this requirement to allow a 0-foot distance separation from the publicly owned drainage easement along the northern side of Kracker Avenue. As part of the land excavation of the County owned property, the area in the southwest corner of the site will be excavated to allow for the tidal marsh area to flow into the ditch on the north side of Kracker Avenue which flows west to a tidal area created by the Schultz restoration project. Given the nature of the project, staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.A.2.c, a 25-foot distance separation is required from any non-residential property line, including agricultural use. The applicant is requesting a waiver to this requirement along the northwestern portion of the subject site to allow a 0-foot distance separation. The area of encroachment comprises approximately 300 linear feet of along the northern property line, with the eastern approximately 1500 feet meeting the required 25-foot distance separation. The property to the north is undeveloped wetland area. Therefore, staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.A.2.d, a 500-foot distance separation is required from any residentially developed or residentially zoned property line. Residentially developed property exists to the south and southeast of the subject site. The applicant is requesting a waiver to reduce the required distance separation to residentially developed property to 5 feet. The proposed excavation is limited to a maximum of 18 months in duration. Additionally, 6-foot high opaque fencing will be installed where the proposed property is directly adjacent to residentially developed/zoned property to screen the view of the excavation from residential properties. Access for the land excavation will be from US Highway 41, therefore, there will be no truck traffic to or from the site on Kracker Avenue. Once complete, the area in close proximity to the residential properties will be a freshwater pond. Given the nature of the excavation, screening provided, and limited duration of the proposed excavation, staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.f, a 30-foot distance separation is required from any wetland/waterbody Conservation Area. The applicant is requesting a waiver to this requirement to allow a 0-foot distance separation. Per the applicant, the purpose of the proposed land excavation is to restore, create and enhance a mosaic of freshwater wetlands, estuarine wetlands and coastal uplands within the County-owned parcel. The restoration project includes the removal of all non-native vegetation, excavation and/or fill of fish farm ponds, installation of weirs, a discharge structure, aquatic and upland plants and installation of outfall stabilization to restore low salinity habitats, freshwater wetland habitats and associated coastal upland. When completed the property will be a preserve. Natural Resources staff and Environmental Protection Commission staff offered no objections to the proposed special use subject to conditions contained in the proposed conditions of approval. Development Services staff has no objection to the proposed waiver.

**Hours of Operation:**

The proposed land excavation shall conform to the operational hours found in LDC Section 6.11.54.A.4.b of the Land Development Code, which are from 7:00 a.m. to 6:00 p.m. Monday through Saturday, excluding holidays recognized by Hillsborough County.

**Prohibited/Restricted Areas:**

The proposed land excavation is not located within a prohibited or restricted area.

**Fencing:**

The proposed land excavation will meet all fencing requirements found in LDC Section 6.11.54.B.7. Additionally, the applicant has agreed to provide an opaque fence 6 feet in height along the property lines adjacent to residentially developed properties to the southeast, and along US Highway 41 along the project entrance.

**Access Requirements:**

The site meets the access requirements found in LDC Section 6.11.54.A.3.a. The site has direct access to a road shown on the current Truck Route Plan, US Highway 41. Loaded haul trucks will exist through a gated entrance onto US Highway 41 and proceed south on US Highway 41.

**Agency Comments:**

Environmental Protection Commission Wetlands Division staff reported no objections to the proposed Special Use, subject to recommended conditions of approval found in this report (Conditions 15-16).

Natural Resources Land Excavation staff has offered no objections to the proposed excavation subject to conditions of approval found in this report (Conditions 12-14). If the Special Use is approved the permittee shall comply with all provisions of the Land Excavation Regulations as stated in Article 8.01.00 of the Hillsborough County Land Development Code.

Land Excavation staff has offered no objections to the proposed excavation subject to conditions of approval found in this report (Conditions 1, 2, 5, 7, 8, and 13).

Transportation staff has reviewed the proposed excavation and does not object, subject to the recommended conditions of approval found in this report (Conditions 8-11).



## TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN EXHIBITS OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Kracker Avenue	County Local - Rural	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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input 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 checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

\*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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No	See Staff Report.

**Conclusion:**

Based on the reasons discussed below, staff finds that the proposed land excavation approvable, subject to recommended conditions found in this report.

**Exhibits:**

- Exhibit 1: Immediate Zoning Map
- Exhibit 2: Future Land Use Map
- Exhibit 3: Transportation Report
- Exhibit 4: Proposed Site Plan (21-1219)

**2.0 Staff Recommendation**

APPROVABLE, subject to the conditions below.

**2.1 Recommended Conditions of Approval:**

The recommended conditions of approval are based on the excavation plan submitted on February 8, 2022.

1. A maximum of 80,000 cubic yards of material shall be removed off site, subject to approval of a Land Excavation Operating Permit in accordance with all provisions of the Land Excavation Regulations as stated in Part 8.01.00 of the Land Development Code. Approval of this Special Use Permit does not guarantee approval of an Operating Permit. Applicant must obtain a Land Excavation Operating Permit before beginning any land excavation/land alternation activities.
2. Applicant is responsible for obtaining any other regulatory permitting required by any other agencies with jurisdiction such as SWFWMD/FDEP/EPC or provide proof of waiver or non-applicability.
3. The excavation depth shall not exceed 15 feet from the natural grade. Final permitted depth will be determined during Operating Permit review and may be less than 15 feet.
4. The operating period for the land excavation shall not exceed 18 months from the date of the issuance of the Operating Permit. If an Operating Permit has not been issued for any part of the excavation within two years of the approval date of this Special Use permit, this Special Use permit shall expire.
5. The permitted hours of operation shall be limited to the hours from 7:00 a.m. to 6:00 p.m. Monday through Saturday, excluding holidays recognized by Hillsborough County. No operations shall occur at any time on Sunday.
6. The land excavation removal area shall be located as shown on the plan, 0 feet from the northern boundary, 0 feet from the southern boundary, 27 feet from the western boundary, 5 feet from the southeastern boundaries adjacent to residential development, and 7 feet from the eastern property boundary.
7. The excavation areas shall be secured with a fence and gate to prevent unauthorized access. An opaque fence, six feet (6) tall shall be required at point of ingress/egress and along any folio boundaries that abut residential properties. Access point shall be secured with a locked gate when no land excavation is occurring.



8. All traffic related to excavation activities and hauling shall only be permitted to use the project access on US Highway 41 and trucks shall proceed to/from the site in accordance with the Hillsborough County Truck Route Plan. All truck traffic shall be prohibited on Kracker Avenue during the duration of this special use.
9. The project access on Kracker Avenue labeled "County Use Entrance" on the site plan shall be limited to maintenance and Hillsborough County preserve related activities.
10. The permittee shall, at its sole expense, be required to repair any damage to US Highway 41 caused by excavation and hauling activities, as determined by Florida Department of Transportation.
11. If Florida Department of Transportation determines that excavation and/or hauling activities are negatively impacting the safety or efficiency of traffic operations on US Highway 41, the applicant shall (at its expense) provide traffic control and/or construct improvements necessary to mitigate such impact.
12. An evaluation of the property identified mature trees warranting preservation. The applicant is encouraged to consult with staff of the Natural Resource Unit for design input addressing these trees prior to submittal of plans through the Operating Permit process.
13. Wetlands or other surface waters considered Environmentally Sensitive Areas are subject to Conservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future submittals and where land alterations are restricted. The new or adjusted wetland lines are to have a new 30-foot wetland conservation area setback. Wetland setback excavation encroachment to zero feet is permitted only in the areas as shown on the plan as part of the environmental restoration project.
14. Approval of this Special Use by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
15. Approval of this Special Use 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 impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
16. 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).
17. The excavation shall conform with these conditions of approval and the site plan submitted February 8, 2022, all requirements of the Land Development Code unless waived herein, and all other applicable rules, regulations and ordinances of Hillsborough County and the State of Florida. If the notes and/or graphics on the site plan conflict with specific conditions of approval and/or Land Development Code regulations, the more restrictive regulation or greater requirement shall prevail unless otherwise stated in the conditions. References to development standards of the Land Development Code in the above stated conditions shall be interpreted as the regulations in effect at the time of land excavation operating permit approval.

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**APPLICATION: SU 21-1219**

**BOCC HEARING DATE: March 8, 2022**

**CASE REVIEWER: Colleen Marshall, AICP, CFM**

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Staff's Recommendation: **Approvable, subject to conditions**

Zoning  
Administrator  
Sign-off:



Integr8Sign  
Desktop

J. Brian Grady  
Sun Feb 20 2022 14:28:00





# ZONING MAP

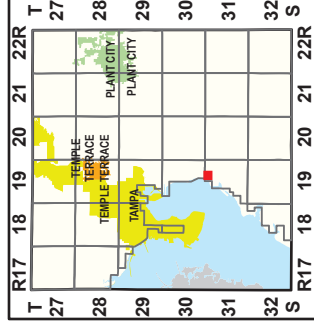
## SU-LE 21-1219

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50795.0000, 50798.0000, 51454.0000

- APPLICATION SITE
- ZONING BOUNDARY
- PARCELS
- SCHOOLS
- PARKS

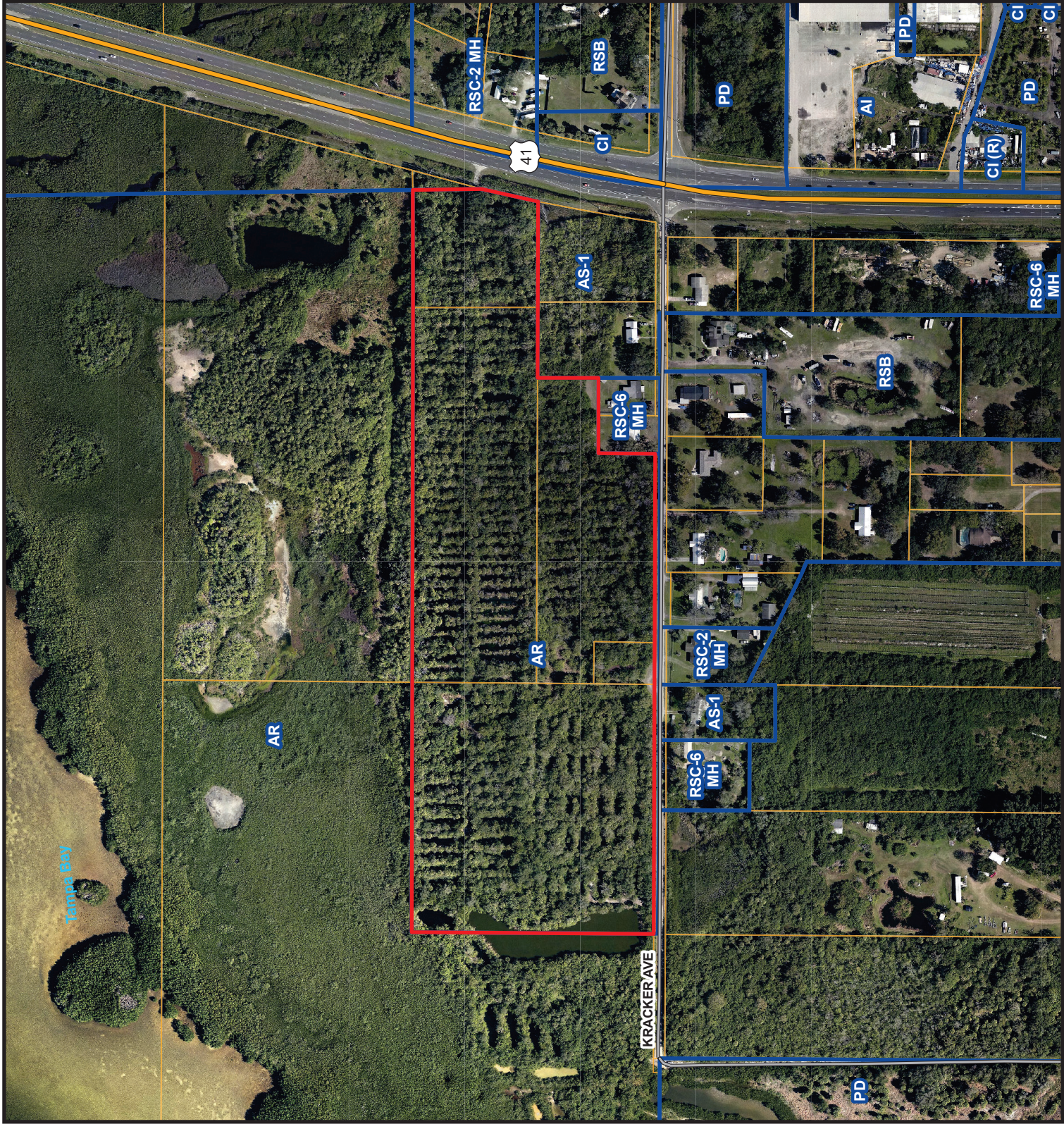


STR: 3-31-19



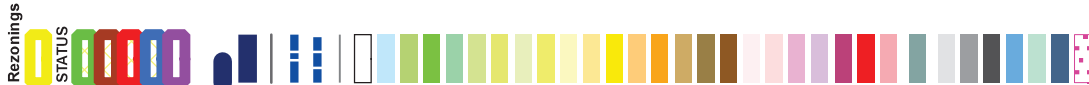
NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and shall not be used for any purpose other than that for which it was prepared. SOURCE: This map has been prepared for the property of real property, land within Hillsborough County and is compiled from recorded deeds, plats, and other AVAILABLE data. Users of this map are hereby notified that the aforementioned public primary information source should be consulted for verification of the information contained on this map.

Date: 02/14/2022 Path: G:\ZONING\GISData\Zoning\_Map.aprx  
Produced By: Development Services Department





HILLSBOROUGH COUNTY  
FUTURE LAND USE  
RZ SU-LE 21-1219



DATA SOURCES: Rezonings boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.

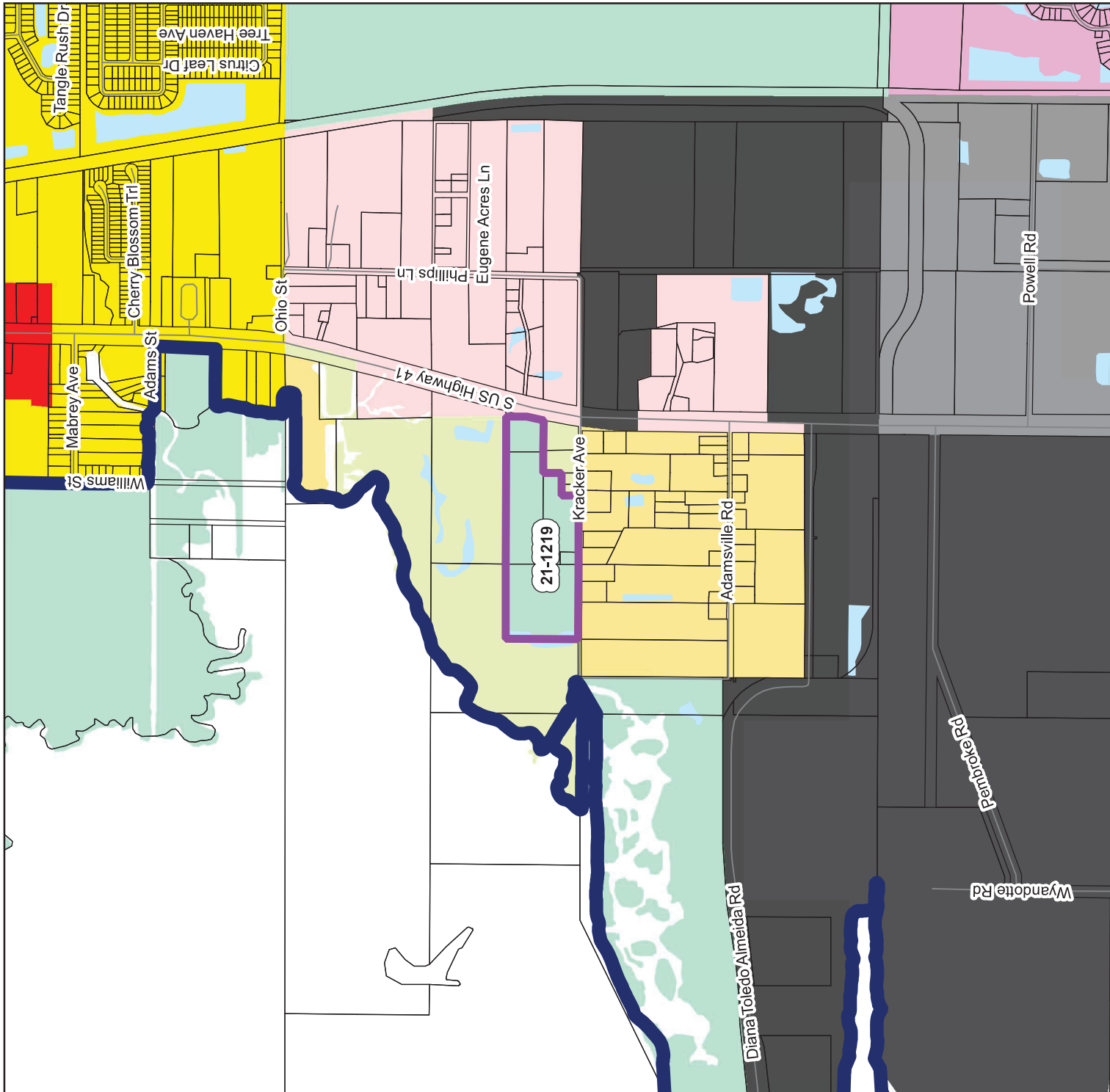
DISCLAIMER: This map is for informational purposes only and is not intended to be used as a legal document. It is not a guarantee of any future action by the Hillsborough County City-County Planning Commission. It is a disclaimer that the Commission does not warrant the accuracy or completeness of the information contained herein. The Commission is not responsible for any errors or omissions in this map. The Commission is not responsible for any damages, including consequential damages, arising from the use of this map. The Commission is not responsible for any damages, including consequential damages, arising from the use of this map.



Map Printed from Rezoning System: 2/11/2022

Author: Beverly F. Daniels

File: G:\Rezoning\System\Map\Projects\HCC\Gens\_hh\Rezoning - Copy.mxd





## AGENCY COMMENT SHEET

**TO:** Zoning Technician, Development Services Department

**DATE:** 02/17/2022

**REVIEWER:** Alex Steady, Senior Planner

**AGENCY/DEPT:** Transportation

**PLANNING AREA/SECTOR:** Gibsonton/ South

**PETITION NO.:** SU-LE 21-1219

☐

This agency has no comments.

☐

This agency has no objection.

☒

**This agency has no objection, subject to listed or attached conditions.**

☐

This agency objects, based on the listed or attached conditions.

### **CONDITIONS OF APPROVAL**

1. All traffic related to excavation activities and hauling shall only be permitted to use the project access on US Hwy 41.
2. The project access on Kracker Avenue labeled "County Use Entrance" on the site plan shall be limited to maintenance and Hillsborough County preserve related activities.
3. The permittee shall, at its sole expense, be required to repair any damage to US Hwy 41 caused by excavation and hauling activities, as determined by the Florida Department of Transportation.
4. If Florida Department of Transportation determines that excavation and/or hauling activities are negatively impacting the safety or efficiency of traffic operations on US Hwy 41, the applicant shall (at its expense) provide traffic control and/or construct improvements necessary to mitigate such impact.

### **SUMMARY OF REQUEST, TRIP GENERATION AND CONCLUSIONS**

The applicant is requesting a Special Use (SU) approval for a Land Excavation Operating Permit for a site consisting of five parcels totaling +/- 24.60 ac. The subject property was recently approved rezoning (STD 21-1348) presently zoned Agricultural Rural (AR) with a Future Land Use Designation of Natural Preservation (N). The applicant is seeking SU application to authorize excavation of up to 80,000 cubic yards (CY) of material and has proposed a maximum duration of 18 months (although up to 10 years could have been authorized pursuant to Section 6.11.54 of the LDC).

Staff assumed that each dump truck would accommodate 23 cubic yards of material, and that (pursuant to restrictions proposed by the applicant) the site would only operate 6 days per week (and excluding the 11 County holidays as required by the LDC). As such, there are a total of 249 working days per year. Based on 6.11.54.A.4.b excavation shall be limited to 7am to 6pm totaling 11 hours per day to excavate material. 80,000 CY of material excavated over an 18-month period would result in +/- 4,444 CY of material removed per month, if it is assumed the material is removed at a constant pace over the 18-month period and each truck is filled to its maximum capacity. This equates to +/-214 CY of material removed per day, or +/- 19.49 CY of material removed each hour. Assuming +/-23 CY of material per truck, it is assumed that 1 truckload per hour will be removed from the site each hour over an 18-month period. Over the entire 18-month period, it is assumed that +/-3,478 truckloads of material will be removed from the site.

Given the above assumptions, staff calculates that the excavation will result in 2 trips per hour consistently during operating hours over the 18-month life of the project. If excavation of a greater amount of material is sought, actual trip impacts could greatly vary. Trip impacts may also be more or less intense, given the

applicant could excavate the entire amount more quickly than was assumed, excavate less material than the permitted quantity, operate fewer days or less hours than is proposed, etc.

The application complies with Section 6.11.54.A.3. access requirements, since the site has direct access to US HWY 41, a roadway identified on the Hillsborough County Local Functional Classification map as a Principal Arterial road, designated truck route on the Hillsborough County Truck Route Plan. (reference 6.11.54.A.3.a.(3) of the LDC).

Transportation Review Section staff has no objection to the request, subject to the conditions proposed hereinabove.

#### **CONDITIONS OF APPROVAL**

Transportation Review Section Staff requires a condition that preserves the right of FDOT to require turn lanes be constructed in the event the actual operation create safety or operational concerns at the project entrance on US Hwy 41.

In addition to safety and traffic operations, Transportation Staff requires a condition that the applicant shall repair any roadway damage to US Hwy 41 caused by the excavation and/or hauling activities, as determined by Florida Department of Transportation.

Transportation Staff requires a condition that limits all haul truck traffic shall only to be permitted to use the project access on US Hwy 41.

The site plan submitted indicates that the project access on Kracker Avenue is labeled as a “County Use Entrance”. Transportation staff requires a condition that this access shall be limited to maintenance and Hillsborough County preserve related activities. This access will not allow any traffic associated with the excavation related activities.

#### **TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The project has frontage on Kracker Ave and US Hwy 41. Kracker Avenue is a publicly maintained, 2-lane, substandard, local roadway characterized by +/- 14-foot wide travel lanes. Adjacent to the project site, Kracker Avenue. lies within a right-of-way of +/- 50 feet. There are no bicycle facilities or sidewalks on Kracker Avenue in the vicinity of the proposed project. US Hwy 41 is a 4-lane FDOT maintained principal arterial roadway.

#### **COORDINATION WITH FDOT**

Transportation Staff asked the applicant to coordinate with the Florida Department of Transportation (FDOT) concerning the projects access on US 41. Though formal comments were not submitted, transportation staff reached out to FDOT concerning the access on US Hwy 41. FDOT verbally indicated that a temporary construction driveway would be allowed in the location of the existing driveway from the project site to US Hwy 41. The applicant will need to apply with FDOT for that temporary construction driveway permit and renew it every 6 months for a maximum of 18 months which would allow for the completion of the project. After the 18-month permit is expired, the driveway would be required to be removed and re-sodded unless the access is permitted to remain after the project is complete.

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

Kracker Avenue was not included in the 2020 Level of Service Report.

<b>Roadway</b>	<b>From</b>	<b>To</b>	<b>LOS Standard</b>	<b>Peak Hour Directional LOS</b>
US HWY 41	BIG BEND RD	SYMMES RD	D	C

Source: Hillsborough County 2020 Level of Service Report.

## Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Kracker Avenue	County Local - Rural	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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input 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 checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

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

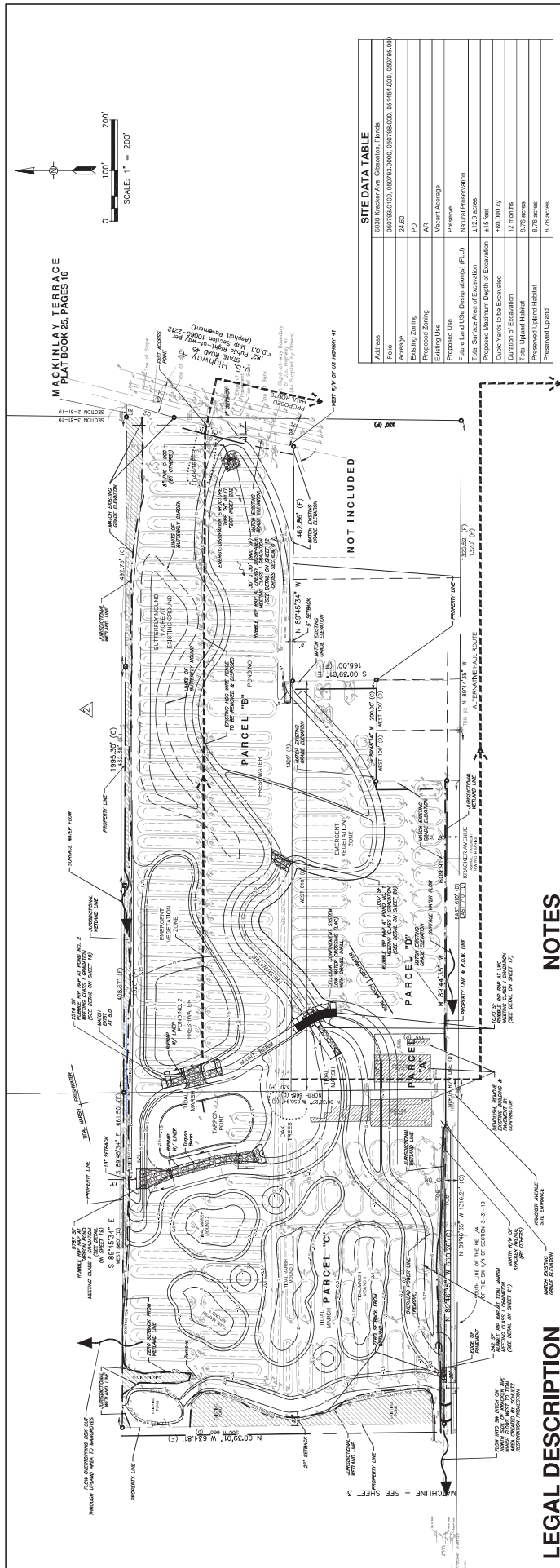
Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East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

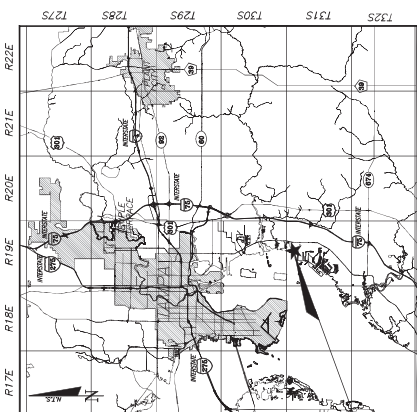
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input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





SITE DATA TABLE	
Address	1000 N. W. 10th Ave. Collier, Florida
File No.	1000 N. W. 10th Ave. Collier, Florida
Acres	24.50
Existing Zoning	PD
Proposed Zoning	AR
Existing Use	Preserve
Proposed Use	Natural Preservation
Future Land Use Designations (FLU)	Natural Preservation
Total Surface Area of Excavation	±12.3 acres
Proposed Maximum Depth of Excavation	±12.3 feet
Cubic Yards to be Excavated	±50,000 cy
Duration of Excavation	12 months
Total Upward Habitat	8.78 acres
Proposed Upward Habitat	8.78 acres
Proposed Upward	8.78 acres

LEGEND	
6.3 *	EXISTING ELEVATIONS
---	EXIST. TOP OF BANK
---	EXIST. TOP OF BERM
---	EXIST. TOE OF SLOPE
---	PROPOSED CONTOUR
---	WETLAND LINE
---	PROPERTY LINE
---	HAUL ROUTE
---	JURISDICTIONAL WETLAND AREA
---	EXIST. STRUCTURE
---	DEMOLITION AREA
---	RUBBLE RIPRAP W/ LINER



## NOTES

- A waiver is requested from LDC Sec. 6.11A.2.d to allow the proposed excavation within 500 feet of residentially zoned or developed property lines. Requested waiver is for 5 setback from property line.
- A waiver is requested from LDC Sec. 6.11.A.2.d to allow the proposed excavation within wetland setback areas. Requested waiver is for 0 setback from wetland line.
- A waiver is requested from LDC Sec. 6.11.A.2.d to allow the proposed excavation within 25 feet to 500 feet of residential property line, including agricultural use. Requested waiver is for 0 setback from property line.
- There are no schools, hospitals or churches within 1,000 feet.
- The purpose of this project is to restore and create wetland habitat.
- An alternate haul route is to be used only in the event that FDOT does not permit entry and exit of US 41 and upon approval by County.

## LEGAL DESCRIPTION

**PARCEL "A"**  
Start at the Southwest corner of Tract 95 of the REVISED MAP OF FLORIDA GARDENLANDS SUBDIVISION, as per map or plat thereof; recorded in Plat Book 6, pages 42 and 43 of the Public Records of Hillsborough County, Florida; thence run North 165 feet; thence East 110 feet; thence South 165 feet; thence West 110 feet to point of beginning; Less the South 25 feet for road right of way.

**PARCEL "B"**  
Tract 94 of the REVISED MAP OF FLORIDA GARDENLANDS SUBDIVISION, as per map or plat thereof; recorded in Plat Book 6, pages 42 and 43 of the Public Records of Hillsborough County, Florida; Less on the East for U.S. Road 41 and State Road 45 right of way.

**PARCEL "C"**  
Start at the Northwest corner of Tract 94 of the REVISED MAP OF FLORIDA GARDENLANDS SUBDIVISION, recorded in Plat Book 6, pages 42 and 43 of the Public Records of Hillsborough County, Florida; thence run North 660 feet; thence South 660 feet; thence East 660 feet; thence North 660 feet to point of beginning; Less the South 25 feet for road right of way, lying and being in Section 31, Township 31 South, Range 19 East, Hillsborough County, Florida.

**PARCEL "D"**  
The West 810 feet of Lot 95, REVISED MAP OF FLORIDA GARDENLANDS SUBDIVISION, according to map on plat thereof, recorded in Plat Book 6, pages 42 and 43 of the public records of Hillsborough County, Florida; thence run North 165 feet; thence East 110 feet; thence South 165 feet; thence West 110 feet to point of beginning; Less a parcel described as follows: Lot beginning 710 feet East of the Southwest corner of Lot 95, run East 100 feet; run North 165 feet; run South 165 feet to the point of beginning; Less a parcel described as follows: Starting at the Southwest corner of Lot 95, run East 610 feet to the point of beginning. Continue East 100 feet; run thence North 165 feet; run East 100 feet; run South 165 feet to the Point of Beginning.

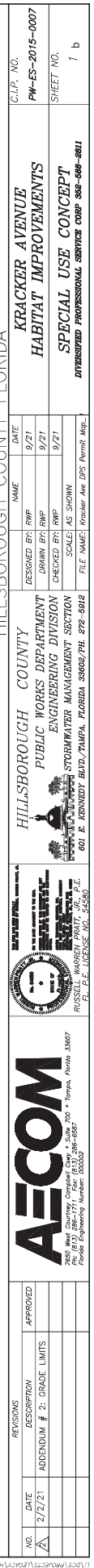
REVISIONS		APPROVED	
NO.	DATE	DESCRIPTION	# 2: GRADE LIMITS
1	2/2/21		

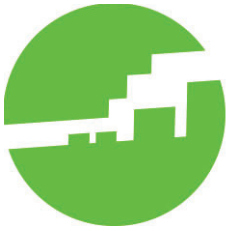
HILLSBOROUGH COUNTY		HILLSBOROUGH COUNTY	
PUBLIC WORKS DEPARTMENT		ENGINEERING DIVISION	
DESIGNED BY: RWP		CHECKED BY: RWP	
DATE: 9/21		DATE: 9/21	
SCALE: AS SHOWN		FILE NAME: Kracker Ave DPS Permit Map	
SPECIAL USE CONCEPT		DIVERSIFIED PROFESSIONAL SERVICE CORP. 585-588-8811	
SHEET NO.		1 a	
C.I.P. NO.		PW-ES-2015-0007	

**AECOM**

2650 West Courtney Campbell Causeway, Suite 200 • Tampa, Florida 33607  
Ph: (813) 288-1771 Fax: (813) 288-8587  
Project Engineering Number: 100002

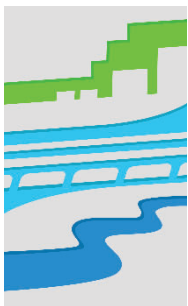
VICINITY MAP  
HILLSBOROUGH COUNTY, FLORIDA





# Hillsborough County City-County Planning Commission

Unincorporated Hillsborough County Rezoning	
<b>Hearing Date:</b> March 8, 2022	<b>Petition: SU-LE 21-1219</b>
<b>Report Prepared:</b> February 17, 2022	<b>6038 Kracker Avenue</b>  North of Kracker Avenue, west of US Highway 41 South.
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Natural Preservation</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan:</b>	<b>Gibson, Southshore</b>
<b>Requested Special Use:</b>	Land excavation to allow for wetland and habitat restoration on property owned by Hillsborough County
<b>Parcel Size (Approx.):</b>	24.6 +/- acres
<b>Street Functional Classification:</b>	Kracker Avenue – <b>Local</b> US Highway 41 South - <b>Arterial</b>
<b>Locational Criteria</b>	N/A
<b>Evacuation Zone</b>	The subject property is in Evacuation Zone A





## **Context**

- The approximately 24.6-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 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 Agricultural Rural (AR). AR abuts the site to the north, west and southwest. Agricultural Single-Family-1 (AS-1) zoning 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) zoning 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 a Special Use designation as a land excavation site to allow for the removal of existing tropical fish ponds, and subsequent wetland and habitat restoration on land that is part of the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP). The applicant proposes to excavate approximately 12.3 acres and 80,000 cubic yards of the site for a duration of 12 months.

## **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 3.2:** *Manage mining and reclamation lands to ensure a healthy environment, economy, and quality of life.*

**Policy 3.2.4:** *Require appropriate setbacks between mining activities and adjacent existing and future land uses.*

**Policy 3.2.5:** *Regulate the location and operation of land excavations to minimize negative impacts on surrounding properties, ensure that land excavations are appropriately reclaimed, and encourage the productive reuse of such areas.*

**Policy 3.2.6** *Prohibit mining and land excavation activities in documented habitats of Listed Species except as provided under local rules and regulations including mitigation as required.*

**Policy 3.2.7** *Land excavation activities that adversely impact surface or groundwater levels or wetlands and/or other surface waters on surrounding property are prohibited.*

**Policy 3.2.8** *Setbacks between land excavations and adjacent land uses to protect public health, safety, and welfare are required.*

**Policy 3.2.9** *Reclamation plans to ensure environmentally and economically viable reuses of excavated lands are required.*

**Policy 3.2.10** *Mining reclamation plans are required to comply with, or exceed, state and local regulations related to land reclamation.*

**Policy 3.2.11** *The preparation of wetland/lake management plans for the reclamation of land excavation projects to be reclaimed as lakes to ensure that such areas become viable and productive aquatic systems are required.*

**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 approval of a Special Use for land excavation to allow for wetland and habitat restoration on property owned by Hillsborough County. 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 applicant proposes to excavate approximately 12.3 acres and 80,000 cubic yards of the site for a duration of 12 months.**



The subject site's Future Land Use Category is Natural Preservation (N). The intent of the Natural Preservation Future Land Use category is "to recognize public or privately owned lands of significant environmental importance set aside primarily for conservation purposes." In this case, the proposed Special Use 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 Special Use therefore meets the intent of Objective 9 and Policies 9.1 and 9.2 of the Future Land Use Element.

The proposed Special Use 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 Special Use 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 Special Use also meets the intent of Objective 3.2 and its associated policies, as well as Objective 3.9 and its associated policies in the Environment and Sustainability Section of the Comprehensive Plan. These policies seek to manage mining and reclamation lands and maintain the environmental health of natural preserves through the expansion of such lands, support for the County's Environmental Lands Acquisition and Protection Program (ELAPP) program, and maintain compatibility with the surrounding area. The proposal includes appropriate setbacks, buffers, and screening from adjacent residential properties. The proposed Special Use to excavate for restoration of natural land 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 Special Use 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 Special Use would be to excavate to expand the open space network in Gibsonton as the site is in proximity to the 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 Special Use also meets the intent of the environmental objective of the Southshore Areawide Systems 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 Special Use 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 Special Use **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to the conditions proposed by the Development Services Department.

HILLSBOROUGH COUNTY  
FUTURE LAND USE  
RZ SU-LE 21-1219

<all other values>

Rezoning

STATUS

APPROVED  
CONTINUED  
DENIED  
WITHDRAWN  
PENDING

Tampa Service  
Urban Service  
Shoreline  
County Boundary  
Jurisdiction Boundary  
Roads  
Parcels

WATER NATURAL LULC Wet Poly  
AGRICULTURAL/MINING-1/20 (.25 FAR)  
PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)  
AGRICULTURAL-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 PLANNED-2 (.35 FAR)  
RESIDENTIAL-4 (.25 FAR)  
RESIDENTIAL-6 (.25 FAR)  
RESIDENTIAL-9 (.35 FAR)  
RESIDENTIAL-12 (.35 FAR)  
RESIDENTIAL-16 (.35 FAR)  
RESIDENTIAL-20 (.35 FAR)  
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

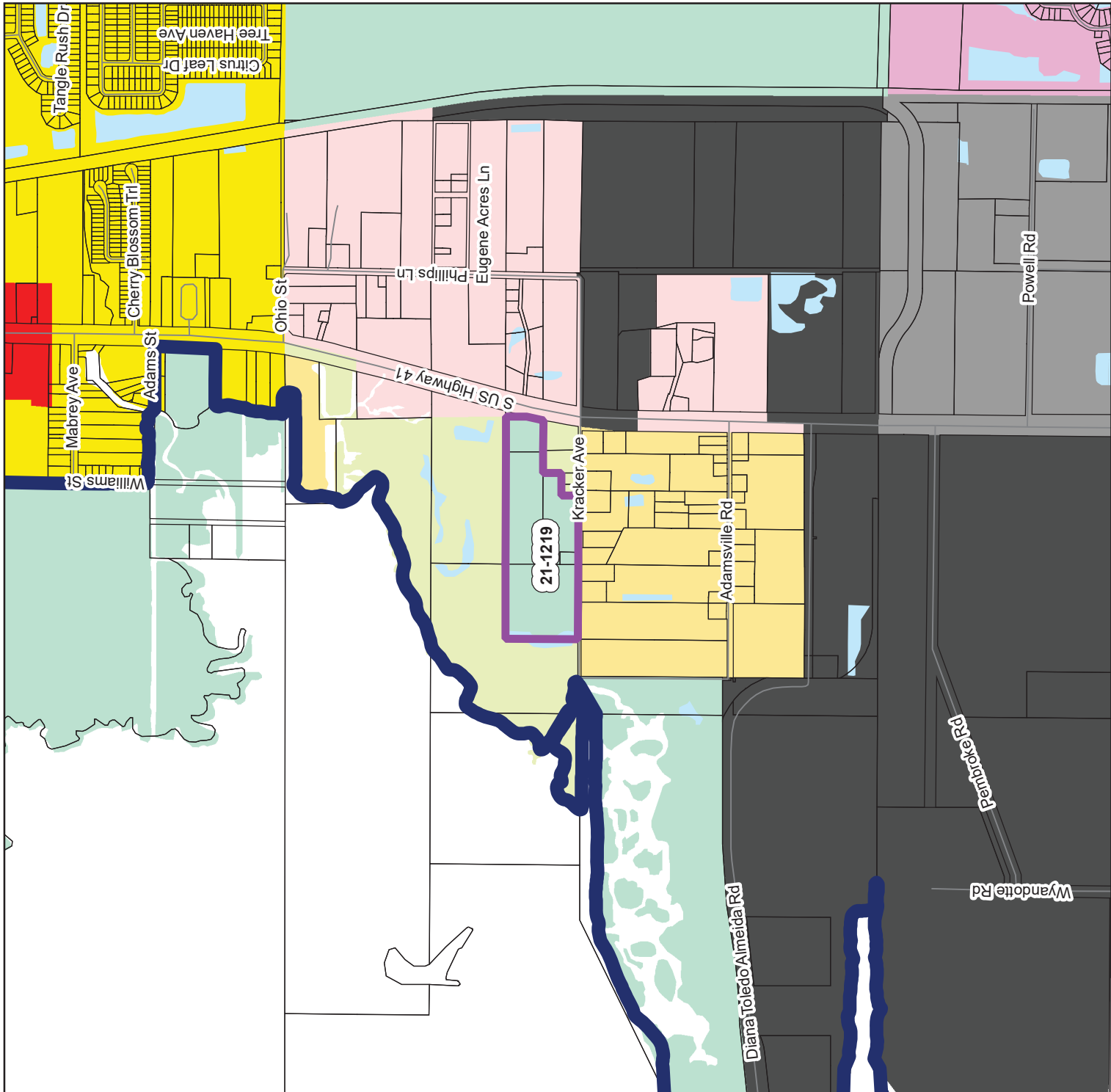
DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. This map is for informational purposes only and is not intended to be used as a legal document. It is intended that the user of this map verify the accuracy of the information shown on this map with the official records of Hillsborough County City/County Planning Commission. This map is for illustrative purposes only. For the most current data and information, visit the appropriate local or state website.



Map Printed from Rezoning System: 2/11/2022

Author: Beverly F. Daniels

File: G:\Rezoning\System\Map\Projects\Hillsborough\hillsborough - Copy.mxd







# **AGENCY COMMENTS**

## AGENCY COMMENT SHEET

**TO:** Zoning Technician, Development Services Department

**DATE:** 02/17/2022

**REVIEWER:** Alex Steady, Senior Planner

**AGENCY/DEPT:** Transportation

**PLANNING AREA/SECTOR:** Gibsonton/ South

**PETITION NO.:** SU-LE 21-1219

☐

This agency has no comments.

☐

This agency has no objection.

☒

**This agency has no objection, subject to listed or attached conditions.**

☐

This agency objects, based on the listed or attached conditions.

### CONDITIONS OF APPROVAL

1. All traffic related to excavation activities and hauling shall only be permitted to use the project access on US Hwy 41.
2. The project access on Kracker Avenue labeled "County Use Entrance" on the site plan shall be limited to maintenance and Hillsborough County preserve related activities.
3. The permittee shall, at its sole expense, be required to repair any damage to US Hwy 41 caused by excavation and hauling activities, as determined by the Florida Department of Transportation.
4. If Florida Department of Transportation determines that excavation and/or hauling activities are negatively impacting the safety or efficiency of traffic operations on US Hwy 41, the applicant shall (at its expense) provide traffic control and/or construct improvements necessary to mitigate such impact.

### SUMMARY OF REQUEST, TRIP GENERATION AND CONCLUSIONS

The applicant is requesting a Special Use (SU) approval for a Land Excavation Operating Permit for a site consisting of five parcels totaling +/- 24.60 ac. The subject property was recently approved rezoning (STD 21-1348) presently zoned Agricultural Rural (AR) with a Future Land Use Designation of Natural Preservation (N). The applicant is seeking SU application to authorize excavation of up to 80,000 cubic yards (CY) of material and has proposed a maximum duration of 18 months (although up to 10 years could have been authorized pursuant to Section 6.11.54 of the LDC).

Staff assumed that each dump truck would accommodate 23 cubic yards of material, and that (pursuant to restrictions proposed by the applicant) the site would only operate 6 days per week (and excluding the 11 County holidays as required by the LDC). As such, there are a total of 249 working days per year. Based on 6.11.54.A.4.b excavation shall be limited to 7am to 6pm totaling 11 hours per day to excavate material. 80,000 CY of material excavated over an 18-month period would result in +/- 4,444 CY of material removed per month, if it is assumed the material is removed at a constant pace over the 18-month period and each truck is filled to its maximum capacity. This equates to +/-214 CY of material removed per day, or +/- 19.49 CY of material removed each hour. Assuming +/-23 CY of material per truck, it is assumed that 1 truckload per hour will be removed from the site each hour over an 18-month period. Over the entire 18-month period, it is assumed that +/-3,478 truckloads of material will be removed from the site.

Given the above assumptions, staff calculates that the excavation will result in 2 trips per hour consistently during operating hours over the 18-month life of the project. If excavation of a greater amount of material is sought, actual trip impacts could greatly vary. Trip impacts may also be more or less intense, given the

applicant could excavate the entire amount more quickly than was assumed, excavate less material than the permitted quantity, operate fewer days or less hours than is proposed, etc.

The application complies with Section 6.11.54.A.3. access requirements, since the site has direct access to US HWY 41, a roadway identified on the Hillsborough County Local Functional Classification map as a Principal Arterial road, designated truck route on the Hillsborough County Truck Route Plan. (reference 6.11.54.A.3.a.(3) of the LDC).

Transportation Review Section staff has no objection to the request, subject to the conditions proposed hereinabove.

#### **CONDITIONS OF APPROVAL**

Transportation Review Section Staff requires a condition that preserves the right of FDOT to require turn lanes be constructed in the event the actual operation create safety or operational concerns at the project entrance on US Hwy 41.

In addition to safety and traffic operations, Transportation Staff requires a condition that the applicant shall repair any roadway damage to US Hwy 41 caused by the excavation and/or hauling activities, as determined by Florida Department of Transportation.

Transportation Staff requires a condition that limits all haul truck traffic shall only to be permitted to use the project access on US Hwy 41.

The site plan submitted indicates that the project access on Kracker Avenue is labeled as a “County Use Entrance”. Transportation staff requires a condition that this access shall be limited to maintenance and Hillsborough County preserve related activities. This access will not allow any traffic associated with the excavation related activities.

#### **TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The project has frontage on Kracker Ave and US Hwy 41. Kracker Avenue is a publicly maintained, 2-lane, substandard, local roadway characterized by +/- 14-foot wide travel lanes. Adjacent to the project site, Kracker Avenue. lies within a right-of-way of +/- 50 feet. There are no bicycle facilities or sidewalks on Kracker Avenue in the vicinity of the proposed project. US Hwy 41 is a 4-lane FDOT maintained principal arterial roadway.

#### **COORDINATION WITH FDOT**

Transportation Staff asked the applicant to coordinate with the Florida Department of Transportation (FDOT) concerning the projects access on US 41. Though formal comments were not submitted, transportation staff reached out to FDOT concerning the access on US Hwy 41. FDOT verbally indicated that a temporary construction driveway would be allowed in the location of the existing driveway from the project site to US Hwy 41. The applicant will need to apply with FDOT for that temporary construction driveway permit and renew it every 6 months for a maximum of 18 months which would allow for the completion of the project. After the 18-month permit is expired, the driveway would be required to be removed and re-sodded unless the access is permitted to remain after the project is complete.



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

Kracker Avenue was not included in the 2020 Level of Service Report.

<b>Roadway</b>	<b>From</b>	<b>To</b>	<b>LOS Standard</b>	<b>Peak Hour Directional LOS</b>
US HWY 41	BIG BEND RD	SYMMES RD	D	C

Source: Hillsborough County 2020 Level of Service Report.

## Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Kracker Avenue	County Local - Rural	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
US Hwy 41	FDOT Principal Arterial - Urban	4 Lanes <input 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 checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

\*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 checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> No	See Staff Report.

## COMMISSION

Mariella Smith CHAIR  
Pat Kemp VICE-CHAIR  
Harry Cohen  
Ken Hagan  
Gwendolyn "Gwen" W. Myers  
Kimberly Overman  
Stacy White



## DIRECTORS

Janet L. Dougherty EXECUTIVE DIRECTOR  
Elaine S. DeLeeuw ADMIN DIVISION  
Sam Elrabi, P.E. WATER DIVISION  
Rick Muratti, Esq. LEGAL DEPT  
Andy Schipfer, P.E. WETLANDS DIVISION  
Steffanie L. Wickham WASTE DIVISION  
Sterlin Woodard, P.E. AIR DIVISION

### AGENCY COMMENT SHEET

SPECIAL USE	
<b>HEARING DATE:</b> 12/14/21	<b>COMMENT DATE:</b> 9/16/21
<b>PETITION NO.:</b> 21-1219	<b>PROPERTY ADDRESS:</b> 6038 Kracker Avenue, Gibsonton
<b>EPC REVIEWER:</b> Mary James	<b>FOLIO #:</b> 050793-0000; 050793-0100; 050795-0000; 050798-0000; 051454-0000
<b>CONTACT INFORMATION:</b> (813) 627-2600 X1233	<b>STR:</b> 3-31S-19E
<b>EMAIL:</b> jamesm@epchc.org	
<b>REQUESTED ZONING:</b> PD (Planned Development) to SU-LE (Special Use-Land Excavation)	
FINDINGS	
<b>WETLANDS PRESENT</b>	YES
<b>SITE INSPECTION DATE</b>	08/18/2021
<b>WETLAND LINE VALIDITY</b>	N/A
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	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"><li>• 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.</li><li>• 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).</li></ul>	

*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](http://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](mailto:dstedje@dps-corp.com)  
Forest Turbiville, [Turbivillej@hillsboroughcounty.org](mailto:Turbivillej@hillsboroughcounty.org)

## Hillsborough County Development Services Department

### Land Excavation SPECIAL USE permit review

Project Name: Kracker Road Wetland Restoration (ELAPP)

SU-LE- 21-1219

Applicant: Diversified Professional Services Corp.

Folio(s): 50793.0000, 50793.0100, 50795.0000, 50798.0000, 51454.0000

Reviewed by: Lori Moreda, Land Excavation DSD/NR Date: January 5, 2022

**(x) Approved subject to condition(s) and mitigations listed below:**

#### **Conditions**

1. Applicant must obtain a Land Excavation Operating permit before beginning any land excavation/land alteration activities.
2. Applicant is responsible for obtaining any other regulatory permitting required by any other agencies with jurisdiction such as SWFWMD/FDEP/EPC or provide proof of waiver/or non-applicability.
3. Hours of Operation are limited from 7:00 a.m. to 6:00 p.m. Monday through Saturday excluding holidays recognized by Hillsborough County.
4. All truck traffic be **prohibited** on Kracker Avenue during the life of this restoration project.
5. An opaque fence a minimum of six-foot (6) ft tall shall be limited to ingress/egress point and along any folio boundaries that abut residential properties. Access point shall be secured with a locked gate when no land excavation activity is occurring.
6. Wetland setback excavation encroachment is allowed per the submitted plans as part of the environmental restoration project.

## AGENCY COMMENT SHEET

TO: **Zoning/Code Administration, Development Services Department**

FROM: **Reviewer:** Ryan L. Joyce **Date :** September 17, 2021

**Agency:** Natural Resources **Petition #:** 21-1219

- ☐ This agency has **no comment**
- ☐ This agency has **no objections**
- ☒ This agency has **no objections, subject to listed or attached conditions**
- ☐ This agency **objects, based on the listed or attached issues.**

1. An evaluation of the property identified mature trees warranting preservation. The applicant is encouraged to consult with staff of the Natural Resource Unit for design input addressing these trees prior to submittal of plans through the Operating Permit review process.
2. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future submittals and where land alterations are restricted. The new or adjusted wetland lines are to have a new 30 ft. wetland conservation area setback. Additionally, any wetland lines and setbacks that are not impacted as part of the project are to be labeled.
3. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
4. The construction and location of any proposed environmental impacts are not approved by this correspondence but shall be reviewed by Natural Resources

staff through the site and subdivision development plan process pursuant to the Land Development Code.