

# **STAFF REPORT**

SUBJECT:	PD 21-0344	PLANNING AREA:	Gibsonton
<b>REQUEST:</b>	Major Modification to Planned	SECTOR	Central
	Development		
APPLICANT:	PLICANT: Lang Media		
Existing Zoning : IPD-1 (93-0048A)     Comp Plan Category: SMU-		SMU-6	



#### **Application Review Summary and Recommendation**

#### 1.0 Summary

#### **1.1 Project Narrative**

The applicant is seeking to modify the conditions of approval for one parcel within a 16 lot subdivision zoned IPD (Interstate Planned Development). The applicant is requesting to add passive agricultural uses on Lot 35 with the ultimate goal of locating a billboard oriented toward the Interstate 75 on the site. Billboards are not regulated through the subject zoning district nor by the Hillsborough County Land Development Code, but rather through a separate settlement agreement. The settlement agreement outlines/regulates where billboards can be located and which zoning districts they are allowed in within unincorporated Hillsborough County, including PD's with agricultural uses. The subject lot is 3.65 acres in area, and abuts the west side of I-75. The parcel is located approximately 650 south of Symmes Road and East Bay Road.

The applicant has proposed the following condition be added to the existing conditions of approval:

On Lot 35, as indicated on the General Development Plan, passive agricultural use shall also be permitted.



Exhibit 2: View of the driveway of the subject parcel from E Bay Road.

# 1.2 Compliance Overview with Land Development Code and Technical Manuals

The applicant has not requested any variations to Land Development Code

# **1.3 Analysis of Recommended Conditions**

Passsive Agriculural uses are defined by the LDC as "Use of the property for pasture lands, row crops, orchards, wood lots, bee hives, fish ponds and similar agricultural activities. Passive agricultural uses do not include animal production units, packing houses, agricultural stands, plant farms and greenhouses, poultry and egg farms, dairies, public and private stables, farm worker housing and labor camps, agricultural manufacturing, and any agricultural activity with significant structural coverage or off-site impacts as determined by the Administrator."

Condition 2 has been added to provide for the addition of passive agricultural uses on the Lot 35.

Condition 9 is being eliminate to reflect the elimination of concurrency requirements.

# 1.4 Evaluation of Existing and Planned Public Facilities

#### Utilities

The subject parcel is located in the urban service area therefore regulated by the current policies and requirements of the comprehensive plan and the land development code which requires connections to public facilities, where feasible. The applicant is served by a public water and well. Given the uses proposed utilities staff does not recommend the need for connection to public wastewater.

#### **Transportation**

Transportation Review Section staff has indicated the zoning modification is not anticipated to increase trips based on maximum trip generation potential. Transportation Review Section staff has no objection to the proposed rezoning.

# **1.5 Comprehensive Plan Consistency**

Planning Commission staff has found the proposed change to the conditions of approval to the planned development is *Consistent* with the Future of Hillsborough Comprehensive Plan.

# **1.6 Compatibility**

The subject parcel is located at the northern limit of the Bullfrog Acres Subdivision. Adjacent zoning and uses are as follows:

LOCATION	ZONING	LAND USE
North	PD-1 and RSC-2	Single Family Residential (lots over 1 acre in area)
South	IPD-1 (93-0048A)	Single Family Residential(lots over 1 acre in area)
East	IPD-1 (93-0048B)	Interstate Highway 75 and Single Family Homes
West	RSC-2 and RSB	East Bay Road and Single Family Homes

#### **Exhibit 4: Matrix of Adjacent Uses**

As indicated in Exhibit 4, the subject lot is surrounded by single family homes in all directions with

#### APPLICATION: PD 21-0344 MM ZHM HEARING DATE: May 17, 2021 BOCC MEETING DATE: July 20, 2021

the exception of I-75, which is located to the east of the subject property. The lots surrounding the subject parcel are generally 1 acre to 1 &  $\frac{1}{2}$  acres in area. In proportion to the other lots in the Bullfrog Acres Subdivision, the subject lot is 2  $\frac{1}{2}$  to 3 times larger than the other lots. The larger lot will afford the owner the ability to buffer their activities from the adjacent parcels while engaged in passive agricultural uses. Therefore, it is not contradictory for the the subject lot to be the only lot in the subdivision to add passive agriculture uses.

While this applicant has indicated that agricultural uses on the site are not the primary intention of the modification to the PD, the addition of this use may be utilized by owners of this parcel in the future. Therfore, by limiting the agricultural uses to passive agricultural uses, as defined by the code, the surrounding parcels will be protected from potential negative impacts if the agricultural uses ever transition to become the primary use on the parcel.

Based on the pattern of existing development in proximity to the subject parcel, the proposed modification, as restricted to passive agricultural uses, will not introduce any new incompatibilities to the residential lots surrounding the parcel.

# **1.6 Recommendation**

Based on the above considerations, staff finds the request approvable, subject to the proposed conditions as amended.

# **1.7 Agency Comments**

The following agencies have reviewed the request:

- Water Resource Services
- Environmental Protection Commission
- Conservation and Environmental Lands Management
- Development Services, Transportation Staff
- Development Services, Impact and Mobility Fee Staff

# **1.8 Exhibits**

Exhibit 1: Aerial Map Exhibit 2: View of Parcel Driveway Exhibit 3: Matrix of Adjacent Uses Exhibit 4: IPD-1 PD General Site Plan Exhibit 5: General Zoning Map Exhibit 6: Future Land Use Map

# 2.0 Recommendation

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted February 2, 2021.

1. A maximum of 16 single-family dwelling units are permitted. The dwelling units may be either conventional or mobile home.

#### 2. <u>On Lot 35, as indicated on the General Development Plan, passive agricultural uses</u> <u>shall also be permitted.</u>

- 3. The project shall be developed in accordance with the following area, height, bulk and placement requirements.
  - 3.1 Minimum one acre lot size with a minimum of 100 feet of road frontage, except for Lot 35 as shown on the General Development Plan, which will have a minimum on 80 feet of road frontage
  - 3.2 Minimum required yard

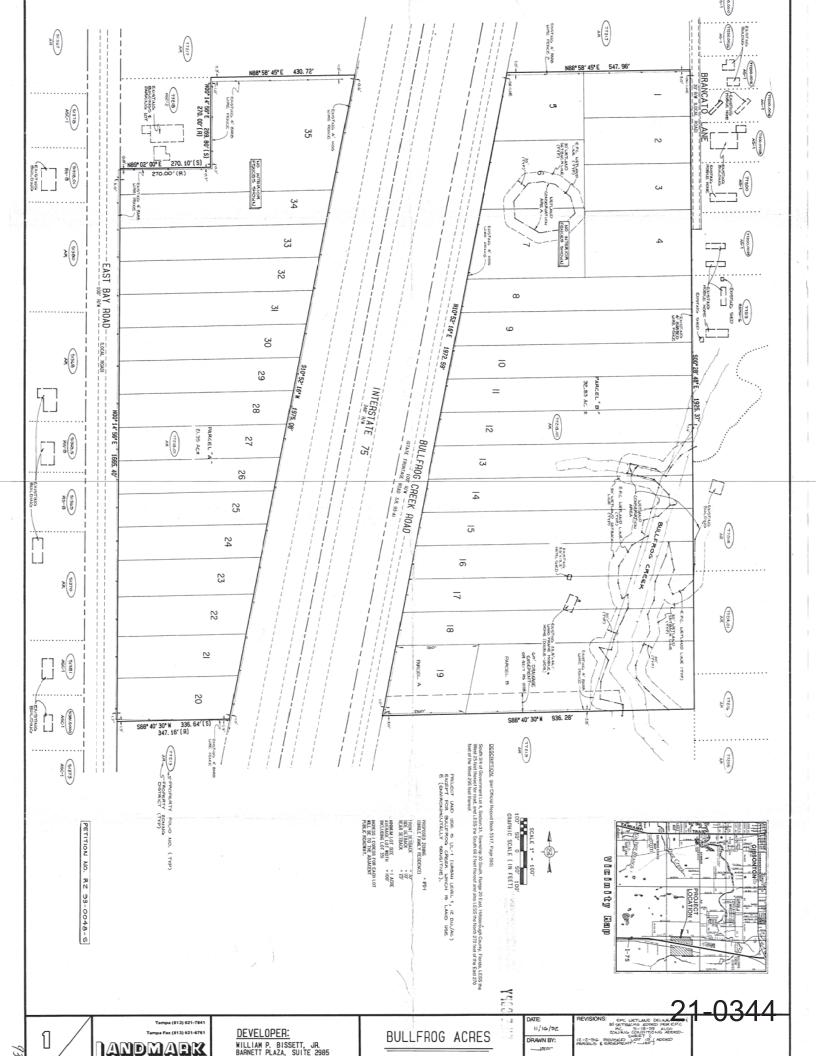
Front:	50 feet
Side:	7.5 feet
Rear:	50 feet

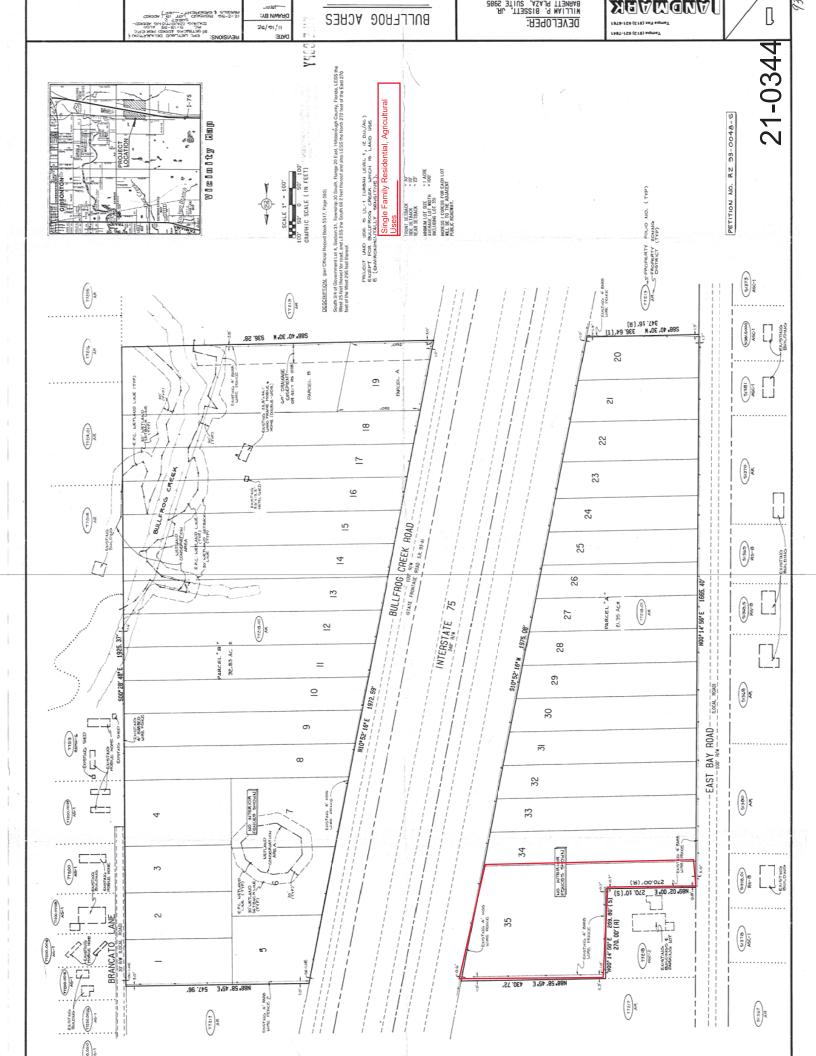
- 3.3 A maximum height of 35 feet shall be permitted
- 4. All permanent structures shall comply with FEMA regulations in effect at time of permitting.
- 5. The applicant shall be required to pave any portion of the access driveways which may be within the existing right-of-way.
- 6. The project shall develop in accordance with the requirements of IPD-1 zoning district, except as delineated above.
- 7. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 8. Within ninety days of approval by the Hillsborough County Board of County Commissioners, the developer shall submit to the County Planning and Growth Management Department a revised General Development Plan for certification reflecting all the conditions outlined above.
- 9. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities in place at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits

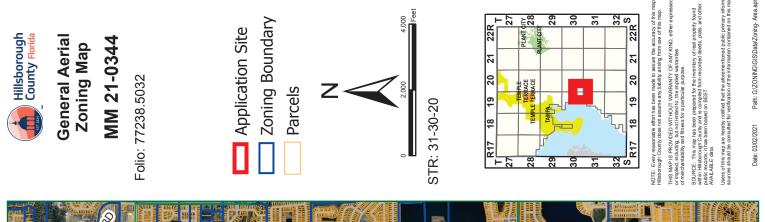
#### APPLICATION: PD 21-0344 MM ZHM HEARING DATE: May 17, 2021 BOCC MEETING DATE: July 20, 2021

CASE REVIEWER: Steve Beachy, AICP

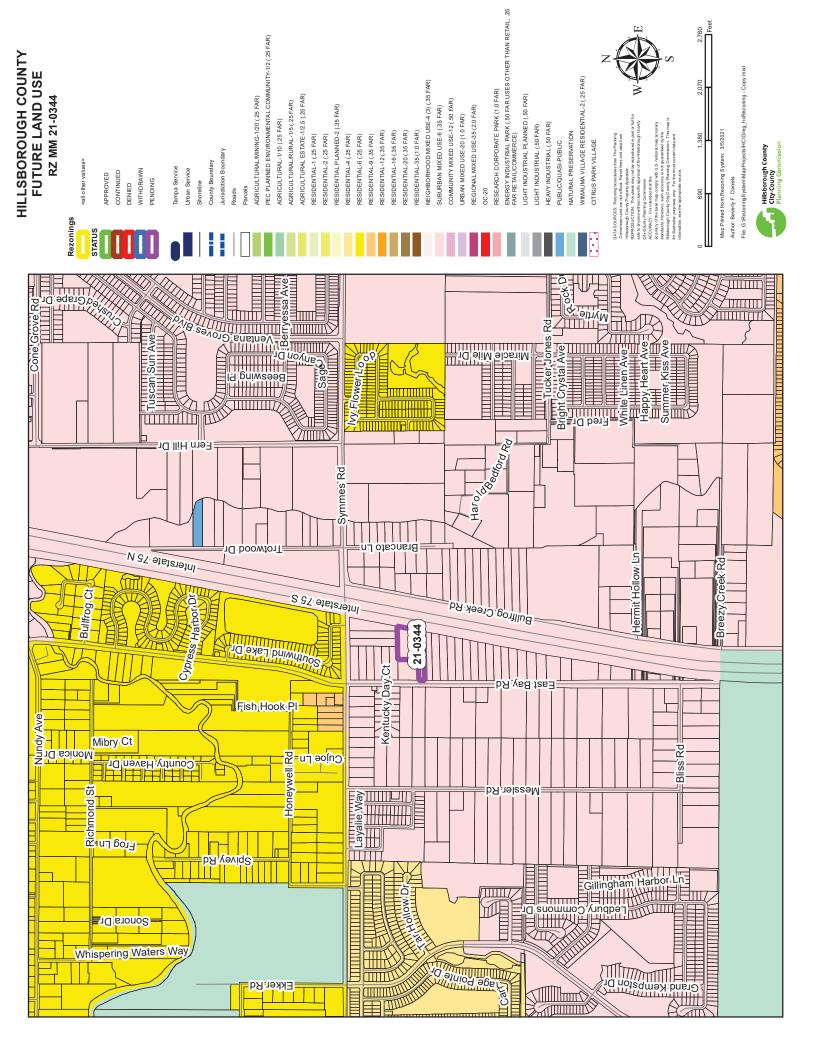
Administrator			
Administrator	Staff's Recommendation: Approvable, Subject to Conditions		
J. Brian Grady	Zoning		
J. Brian Grady	Administrator		
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# COUNTY OF HILLSBOROUGH LAND USE HEARING OFFICER'S RECOMMENDATION

Application number:	MM 21-0344
Hearing date:	May 17, 2021
Applicant:	Lang Media
Request:	Major modification to modify the conditions of approval for one parcel within a 16 lot subdivision zoned Interstate Planned Development (IPD).
Location:	East side of East Bay Road, south of Symmes Road
Parcel size:	3.6 acres +/-
Existing zoning:	IPD-1 (93-0048A)
Future land use designation:	SMU-6
Service area:	Urban
Community planning area:	Gibsonton and Southshore Areawide Systems Plan

# A. APPLICATION REVIEW

# DEVELOPMENT SERVICES STAFF REPORT APPLICATION REVIEW SUMMARY AND RECOMMENDATION

#### **Application Review Summary and Recommendation**

#### 1.0 Summary

# **1.1 Project Narrative**

The applicant is seeking to modify the conditions of approval for one parcel within a 16 lot subdivision zoned IPD (Interstate Planned Development). The applicant is requesting to add passive agricultural uses on Lot 35 with the ultimate goal of locating a billboard oriented toward the Interstate 75 on the site. Billboards are not regulated through the subject zoning district nor by the Hillsborough County Land Development Code, but rather through a separate settlement agreement. The settlement agreement outlines/regulates where billboards can be located and which zoning districts they are allowed in within unincorporated Hillsborough County, including PD's with agricultural uses. The subject lot is 3.65 acres in area, and abuts the west side of I-75. The parcel is located approximately 650 south of Symmes Road and East Bay Road.

The applicant has proposed the following condition be added to the existing conditions of approval:

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Exhibit 2: View of the driveway of the subject parcel from E Bay Road.

# 1.2 Compliance Overview with Land Development Code and Technical Manuals

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# **1.3 Analysis of Recommended Conditions**

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Condition 2 has been added to provide for the addition of passive agricultural uses on the Lot 35.

Condition 9 is being eliminate to reflect the elimination of concurrency requirements.

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#### **Transportation**

Transportation Review Section staff has indicated the zoning modification is not anticipated to increase trips based on maximum trip generation potential. Transportation Review Section staff has no objection to the proposed rezoning.

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#### **Exhibit 4: Matrix of Adjacent Uses**

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the exception of I-75, which is located to the east of the subject property. The lots surrounding the subject parcel are generally 1 acre to 1 &  $\frac{1}{2}$  acres in area. In proportion to the other lots in the Bullfrog Acres Subdivision, the subject lot is 2  $\frac{1}{2}$  to 3 times larger than the other lots. The larger lot will afford the owner the ability to buffer their activities from the adjacent parcels while engaged in passive agricultural uses. Therefore, it is not contradictory for the the subject lot to be the only lot in the subdivision to add passive agriculture uses.

While this applicant has indicated that agricultural uses on the site are not the primary intention of the modification to the PD, the addition of this use may be utilized by owners of this parcel in the future. Therfore, by limiting the agricultural uses to passive agricultural uses, as defined by the code, the surrounding parcels will be protected from potential negative impacts if the agricultural uses ever transition to become the primary use on the parcel.

Based on the pattern of existing development in proximity to the subject parcel, the proposed modification, as restricted to passive agricultural uses, will not introduce any new incompatibilities to the residential lots surrounding the parcel.

# 1.6 Recommendation

Based on the above considerations, staff finds the request approvable, subject to the proposed conditions as amended.

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The following agencies have reviewed the request:

- Water Resource Services
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Front:	50 feet
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- 4. All permanent structures shall comply with FEMA regulations in effect at time of permitting.
- 5. The applicant shall be required to pave any portion of the access driveways which may be within the existing right-of-way.
- 6. The project shall develop in accordance with the requirements of IPD-1 zoning district, except as delineated above.
- 7. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 8. Within ninety days of approval by the Hillsborough County Board of County Commissioners, the developer shall submit to the County Planning and Growth Management Department a revised General Development Plan for certification reflecting all the conditions outlined above.
- 9. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities in place at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits

#### APPLICATION: PD 21-0344 MM ZHM HEARING DATE: May 17, 2021 BOCC MEETING DATE: July 20, 2021

CASE REVIEWER: Steve Beachy, AICP

Staff's Recommendation: Approvable, Subject to Conditions		
Zoning		
Administrator		
J. Brian Grady J. Brian Grady		
J. Brian Grady Sign-off: Fri May 7 2021 11:14:33		

# **B. HEARING SUMMARY**

This case was heard by the Hillsborough County Land Use Hearing Officer on May 17, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

# Applicant

Mr. Tyler Hudson spoke on behalf of the applicant, Lang Media. Mr. Hudson stated the subject property is an irregularly shaped parcel that abuts I-75 in Gibsonton. He stated the subject property consists of a little over three and a half acres. He stated the existing development is just one single-family home. He stated it is a relatively low-density area.

Mr. Hudson displayed a graphic and pointed out the PD subject to the requested amendment. He stated the request involves only lot 35. He stated the rest of the lots are small relative to the subject parcel. He stated they are all a minimum of 1 acre.

Mr. Hudson explained the applicant requests to add one specific use to one specific lot for one specific reason, which is to permit billboard use adjacent to Interstate 75 at the rear of the subject property. He stated billboards are regulated by a settlement agreement among Hillsborough County and other parties. He stated the general rule is that to add one new billboard two billboards must be removed. He stated that is what will happen here. He stated the goal of the settlement agreement is to drive billboards out of undesired places and locate them where they are found appropriate. Mr. Hudson stated right along I-75 is a common place for billboards to be located. He stated the request under consideration is not to approve a billboard, but rather to approve agricultural use.

Mr. Hudson stated the billboard will only be seen from I-75 and will not be visible from the neighborhood. He stated the reason the applicant is requesting to add passive agricultural uses to the PD is that an FDOT regulation allows a parcel abutting I-75 to have billboards if agricultural uses are approved on the parcel. He stated this applies to any of the Euclidean zoning districts that allow agriculture or a PD that specifically lists agricultural as an allowed use. He stated the applicant is not requesting to change all the lots subject to the PD, but only the subject property.

Mr. Hudson stated passive agricultural is not the more intense agricultural uses that have the types of externalities that one would typically want to limit. He stated it is not the property owner's intent, but passive agricultural uses would be allowed on the subject property in the future. Mr. Hudson stated the applicant appreciates staff's recommendation of approval. He stated he is not aware of any objections from reviewing agencies and is not aware of any opposition.

# **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.

# 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.

# 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 Development Services Department had nothing further.

# **Applicant Rebuttal**

Mr. Hudson stated he had nothing further.

The hearing officer closed the hearing on MM 21-0344.

# C. EVIDENCE SUMBITTED

No additional documentary evidence was submitted into the record at the hearing.

# D. FINDINGS OF FACT

- 1. The subject property consists of approximately 3.65 acres located at 11510 East Bay Road in a residential subdivision zoned Interstate Planned Development (IPD) 93-0048A.
- 2. The subject property is designated SMU-6 on the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* Future Land Use Map. The subject property is in the Urban Services Area and is within the boundaries of the Gibsonton Community Plan and the Southshore Areawide Systems Plan.
- 3. The applicant has requested to modify the conditions of approval for PD 93-0048A to add passive agricultural uses on the subject property in anticipation of locating a billboard oriented toward Interstate 75.
- 4. Under a prior settlement agreement, billboards are allowed in unincorporated Hillsborough on land zoned PD with agricultural uses.

- 5. Properties north, west, and south of the subject property are developed in single family residential uses with lot sizes generally 1 to 1.5 acres. Interstate 75 is located to the east of the subject property.
- 6. The larger size of the subject property relative to lots north, west, and south will provide separation and buffering from adjacent residential uses. The modification will not introduce incompatibilities to the adjacent residential uses.

# E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH THE COMPREHENSIVE PLAN

The major modification request is in compliance with, and does 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 major modification is consistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, and does comply with the applicable requirements of the Hillsborough County Land Development Code.

# G. SUMMARY

The applicant has requested to modify the conditions of approval for PD 93-0048A to add passive agricultural uses on the subject property in anticipation of locating a billboard oriented toward Interstate 75.

# H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for APPROVAL of the major modification request.

Pamela Jo Hatley Pamela Jo Hatley PhD, D

Land Use Hearing Officer

June 7, 2021

Date:



# Hillsborough County City-County Planning Commission

Unincorporated Hillsborough County Rezoning		
Hearing Date: May 17, 2021 Report Prepared: May 7, 2021	Petition: MM 21-0344 11510 East Bay Road East side of East Bay Road, south of Symmes Road	
Summary Data:		
Comprehensive Plan Finding:	CONSISTENT	
Adopted Future Land Use:	Suburban Mixed Use 6 <b>(6 du/ga; 0.25 FAR)</b>	
Service Area:	Urban	
Community Plan:	Gibsonton and SouthShore Areawide Systems Plan	
Requested Modification:	Modification to PD 93-0048A to add passive agricultural uses for a billboard on a single lot oriented towards Interstate 75	
Parcel Size (Approx.):	MM request for 3.6 ± acres (15,6816 square feet)	
Street Functional Classification:	East Bay Road – <b>County Collector</b> Symmes Road – <b>County Collector</b> Interstate 75 – <b>State Principal Arterial</b>	
Locational Criteria:	Not Applicable	
Evacuation Zone:	The subject property is located within Evacuation Zone E	



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

# **Context**

- The site consists of a total of 3.6 ± acres and is part of a larger approved Planned Development (PD 93-0048A) for up to a maximum of 16 single-family dwelling units. The proposed modification to the PD is to allow one single lot, number 35 on the General Development Plan, to add passive agricultural uses to the existing Interstate Planned Development (IPD-1) zoning to place a billboard on site. The single lot currently is approved for one single family residential dwelling. The billboard would be oriented towards Interstate 75.
- The site is in the Urban Service Area and within the limits of the Gibsonton Community Plan and the SouthShore Areawide Systems Plan.
- The property's Future Land Use designation is Suburban Mixed Use 6 (SMU-6). Typical uses in the SMU-6 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multipurpose and clustered residential and/or mixed use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- The SMU-6 Future Land Use category is the predominate category of the overall area. North of Symmes Road is Residential-6 (RES-6) and Residential-9 (RES-9). Further east is Residential-4 (RES-4).
- Surrounding zoning districts include Planned Development (PD) zoning to the north. To the west and south is the Interstate Planned Development (IPD-1) zoning district. To the immediate east is Residential-Single-Family Conventional-2 (RSC-2) and further east is the Agricultural-Single Family Conventional (ASC-1), Residential Show Business (RSB) and Agricultural Rural (AR) zoning districts.
- The overall area contains primarily single family residential and vacant residential. There are mobile home parks north of Symmes Road and some agricultural uses further south of the site.

# **Compliance with Comprehensive Plan:**

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

**Objective 16**: Neighborhood Protection The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

**Policy 16.1:** Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:

- a) locational criteria for the placement of non-residential uses as identified in this Plan,
- b) limiting commercial development in residential land use categories to neighborhood scale;
- c) requiring buffer areas and screening devices between unlike land uses;

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

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

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

**Policy 16.5:** 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.

**Policy 29.6:** Agricultural and agricultural related uses shall be permitted in non-rural land use categories.

# Livable Communities Element: Gibsonton Community Plan

# 2. Neighborhoods

**Goal 2:** Gibsonton will improve and enhance its neighborhoods by:

- Revitalizing older residential areas;
- Revitalizing outdated mobile home parks; and
- Incorporating new single-family and rental units offering a range of housing choices.

# 4. Economy

**Goal 4b:** Gibsonton and the County will take steps to ensure that sustainable agriculture and residential show business-zoned areas are protected from incompatible adjacent development, and to allow conversion to other land uses only when the land owner wishes to cease farm, ranch or RSB operations.

# Agriculture and Residential Show Business Protection Strategy

• Avoid the placement of incompatible land uses adjacent to agricultural operations.

• Where avoidance or buffering is not possible, ensure that the residents or operators of such adjacent uses are advised in advance of the existence of and type of agricultural and residential show business operations and the potential for conditions or nuisances that may not be resolved in maintaining agriculture or residential show business as the priority land use.

# Livable Communities Element: SouthShore Community Plan

# 2. Future Conversion of Land

a. Recognize that agriculture is allowed and encouraged within the Urban Service Boundary, but that the viable use of the land should be solely determined by the property owner. Outside the Urban Service Boundary agriculture and related uses are the preferred use of the property. b. Encourage an ongoing strategy to conserve agricultural production within the SouthShore area by encouraging landowners to continue agricultural production through the support of voluntary agricultural easements. The easement would provide agricultural production and discourage premature conversion of property into non-agricultural uses

# Staff Analysis of Goals, Objectives, and Policies:

The site consists of a total of  $3.6 \pm$  acres and is part of a larger approved Planned Development (PD 93-0048A) for up to a maximum of 16 single-family dwelling units. The proposed modification to the PD is for one single lot, number 35 on the General Development Plan, to add passive agricultural uses to the existing Interstate Planned Development (IPD-1) zoning with the purpose of placing a billboard on site. The single lot currently is approved for one single family residential dwelling. The billboard would be oriented towards Interstate 75. The proposed modification does not include any density or intensity increases.

The overall area contains primarily single family residential and vacant residential. There are mobile home parks north of Symmes Road and some agricultural uses further south of the site. With Interstate 75 to the immediate west of the site, a billboard use would be compatible. The proposed modification would complement the surrounding land uses and is therefore consistent with Objective 16, Policy 16.1, Policy 16.2 and 16.3 of the Future Land Use Element (FLUE) of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

The SMU-6 Future Land Use category is the predominate category of the overall area. North of Symmes Road is Residential-6 (RES-6) and Residential-9 (RES-9). Further east is Residential-4 (RES-4). Typical uses in the SMU-6 Future Land Use category include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed use

projects at appropriate locations. The proposed modifications adds agricultural uses to the existing approved single family uses which are both consistent with the uses expected in SMU-6. In addition, agricultural uses are allowed in non-rural land use categories per Policy 29.6.

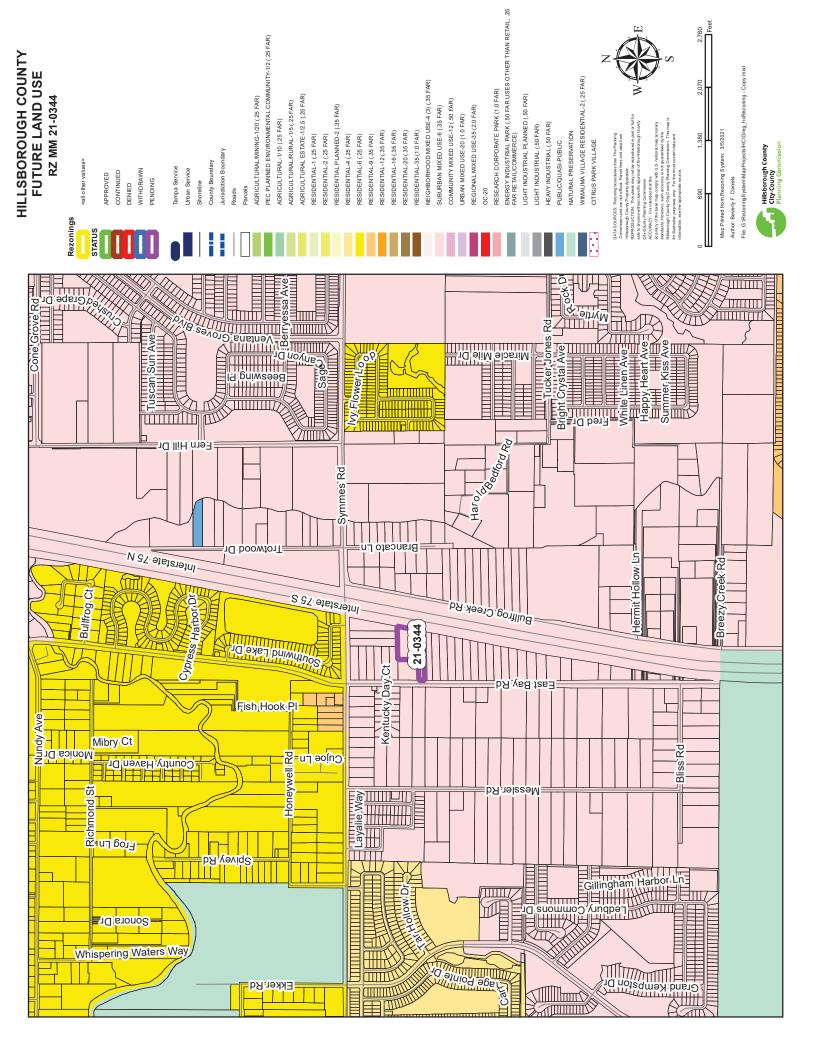
The Gibsonton Community Plan values improving neighborhoods by incorporating new single-family and rental units and avoiding the placement of incompatible land uses adjacent to agricultural operations. The existing PD is approved for single family lots which fits in with the predominantly surrounding land uses of single family residential and vacant residential. In addition, there are existing agricultural uses further south and east of the property. The proposed modification allowing for passive agricultural uses to place a billboard on the subject property would not be incompatible and complement the existing development pattern which consists of single family residential and agricultural uses. Therefore, the proposed modification is consistent with the vision of the Gibsonton Community Plan.

Agriculture is allowed and encouraged in the Urban Service Area boundary and the use of the land should be determined by the property owner as recognized within the Southshore Community Plan. This site is located within the Urban Service Area and the applicant is asking for passive agricultural uses, which is consistent with the vision of the Southshore Community Plan.

Overall, the proposed rezoning would allow for a 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 development pattern found within the surrounding area.

# **Recommendation**

Based upon the above considerations, Planning Commission staff finds the proposed Major Modification **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to the conditions proposed by the Development Services Department.



# GENERAL SITE PLAN FOR CERTIFICATION



**DEVELOPMENT SERVICES** PO Box 1110, Tampa, FL 33601-1110

# HILLSBOROUGH COUNTY DEVELOPMENT SERVICES DEPARTMENT

**GENERAL SITE PLAN REVIEW/CERTIFICATION** 

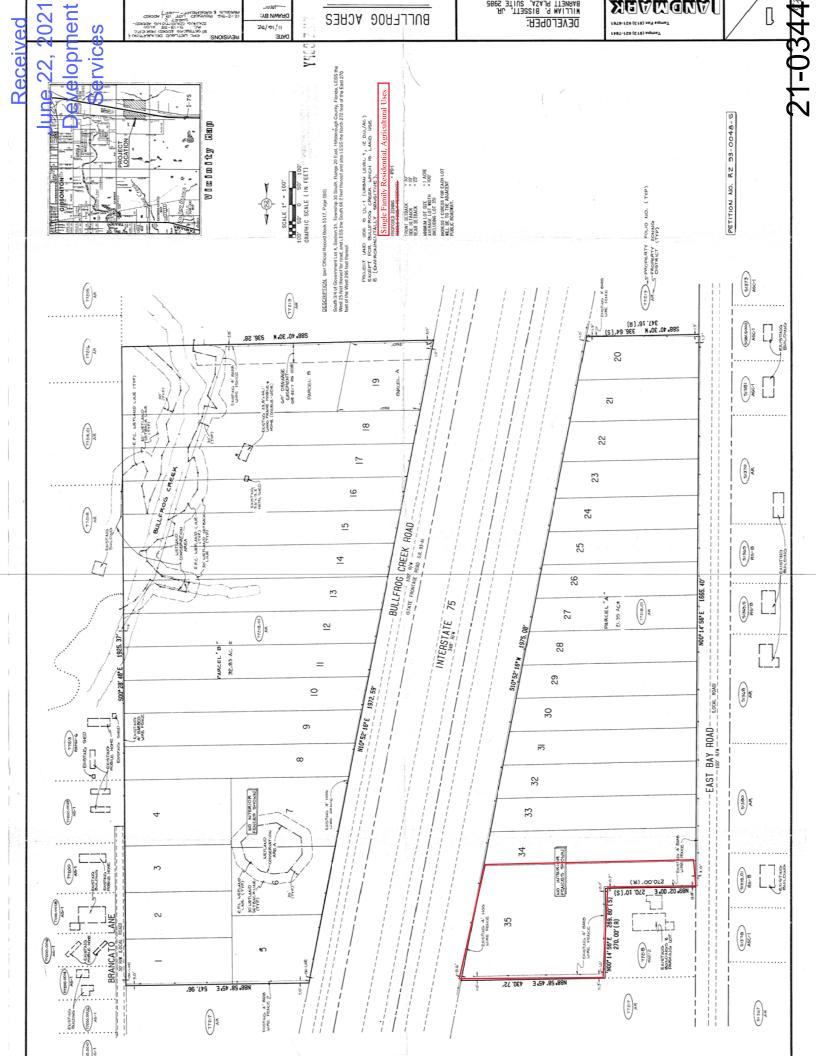
BOARD OF COUNTY COMMISSIONERS Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Kimberly Overman Mariella Smith Stacy R. White COUNTY ADMINISTRATOR Bonnie M. Wise COUNTY ATTORNEY Christine M. Beck INTERNAL AUDITOR Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR Lucia E. Garsys

Pro	ject Name:		
Zor	ning File:	Modification:	
Atla	as Page:	Submitted:	
То	Planner for Review:	_ Date Due:	
Cor	ntact Person:	Phone:	
Rig	sht-Of-Way or Land Required for	r Dedication: Yes No	
()	The Development Services Depart	ment HAS NO OBJECTION to this General Site Plan.	
()	) The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for th following reasons:		e

Reviewed by:\_\_\_\_\_ Date:\_\_\_\_\_

Date Agent/Owner notified of Disapproval:\_\_\_\_\_



# AGENCY COMMNENTS

# AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 4/29/2021 Revised 5/04/21

REVIEWER: Richard Perez, AICP

PLANNING AREA/SECTOR: GB/South

AGENCY/DEPT: Transportation

PETITION NO: MM 21-0344

	This agency has no comments.
Χ	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.

# **REPORT HIGHLIGHTS AND CONCLUSIONS**

- The proposed zoning modification is not anticipated to increase trips based on the maximum trip generation potential of the subject site at buildout.
- Transportation Review Section staff has no objection to this request.

# PROJECT OVERVIEW AND ANALYSIS

The applicant is requesting a major modification to the +/- 3.66-acre subject parcel previously approved under PD 98-0048A to allow agricultural uses. The subject PD is currently approved for 16 single-family lots.

Using data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 10<sup>th</sup> Edition, staff evaluated the difference in trip generation between the existing approved zoning and proposed entitlements at buildout, utilizing a generalized worst-case scenario. Staff finds the proposed introduction of agricultural uses will not result in an increase in the trip generation potential as the currently approved uses a more intense than the proposed agricultural uses.

By policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis provided the roadways meet minimum fire safety standards (i.e. 15 feet of pavement in a 20-foot clear area).

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

East Bay Road is a 2-lane, undivided, substandard collector roadway characterized by +/- 20-foot wide pavement in average condition within a +/- 100 foot of right-of-way. There are no sidewalks, bikelanes, paved shoulders or curb.

# SITE ACCESS AND CONNECTIVITY

Vehicular access to the project will be from East Bay Road.

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

This segment of East Bay Road is not included in the Hillsborough County LOS 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 Hooshang Boostani, P.E. WASTE DIVISION Elaine S. DeLeeuw ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Rick Muratti, Esq. LEGAL DEPT Andy Schipfer, P.E. WETLANDS DIVISION Sterlin Woodard, P.E. AIR DIVISION

# AGENCY COMMENT SHEET

REZONING		
HEARING DATE: 05/17/2021	<b>COMMENT DATE:</b> 03/10/2021	
<b>PETITION NO.:</b> 21-0344	<b>PROPERTY ADDRESS:</b> 11510 East Bay Road, Gibsonton, FL 33534	
EPC REVIEWER: Chantelle Lee	FOLIO #: 077238-5032	
<b>CONTACT INFORMATION:</b> (813) 627-2600 X 1358	STR: 31-30S-20E	
EMAIL: <u>leec@epchc.org</u>		
REQUESTED ZONING: Major Modification; amend proposed uses to include AG		

FINDINGS		
WETLANDS PRESENT	NO	
SITE INSPECTION DATE	03/09/2021	
WETLAND LINE VALIDITY	N/A	
WETLANDS VERIFICATION (AERIAL PHOTO,	N/A	
SOILS SURVEY, EPC FILES)		

**INFORMATIONAL COMMENTS:** 

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.

Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.

Cl/mst



**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: 04/30/2021
<b>REVIEWER:</b>	Ron Barnes, Impact & Mobility Fee Coordinator	
APPLICANT:	Lang Media	PETITION NO: 21-0344
LOCATION:	11510 East Bay Road	
FOLIO NO:	77238.5032	

# **Estimated Fees:**

N/A

**Project Summary/Description:** 

Rezone to add billboard to site. No impacts.

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

PETITION NO.: MM21-0344REVIEWED BY: Randy RochelleDATE: 3/1/2021			
FOLI	0 NO.: 77238.5032		
$\boxtimes$	This agency would 🗌 (support), 🔀 (conditionally support) the proposal.		
WATER			
$\boxtimes$	The property lies within the <u>Hillsborough County</u> 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 <u>12</u> inch water main exists [] (adjacent to the site), [] (approximately <u>710</u> feet from the site) <u>and is located north of the subject property within the south Right-of-Way of Symmes Road</u> .		
	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			
$\boxtimes$	The property lies within the <u>Hillsborough County</u> 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 <u>8</u> inch wastewater force main exists [] (adjacent to the site), [] (approximately <u>760</u> feet from the site) and is located north of the subject property within the north <u>Right-of-Way of Symmes Road</u> .		
	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: <u>This site is located within the Hillsborough County Urban Service Area,</u> <u>therefore the subject property should be served by Hillsborough County Water and</u> <u>Wastewater Service. This comment sheet does not guarantee water or wastewater</u> <u>service or a point of connection. Developer is responsible for submitting a utility service</u> <u>request at the time of development plan review and will be responsible for any on-site</u> <u>improvements as well as possible off-site improvements.</u>			

# AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Manag	ement DATE: 25 February 2021	
<b>REVIEWER:</b> Bernard W. Kaiser, Conservation and Environmental Lands Management		
APPLICANT: <u>Tyler Hudson</u>	<b>PETITION NO:</b> <u>MM 21-0344</u>	
LOCATION: 11510 E. Bay Rd., Gibsonton, FL 33534		
FOLIO NO: <u>77238.5032</u>	SEC: <u>31</u> TWN: <u>30</u> RNG: <u>20</u>	

 $\square$  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.

COMMENTS: \_\_\_\_\_.

# VERBATIM TRANSCRIPT

IN RE: ZONE HEA HEARINGS	NRING MASTE	X ) ) ) CR )
		) ) X
		IG HEARING MASTER HEARING COF TESTIMONY AND PROCEEDINGS
BEF	ORE:	PAMELA JO HATLEY Land Use Hearing Master
DAI	'E:	Monday, May 17, 2021
TIM	1E:	Commencing at 6:00 p.m. Concluding at 10:31 p.m.
PLA	CE:	Cisco Webex
		Reported By:
	Exec Ulm 13555 A	nristina M. Walsh, RPR cutive Reporting Service merton Business Center Automobile Blvd., Suite 100 Clearwater, FL 33762 (800) 337-7740

	Page 213
1	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
2	ZONING HEARING MASTER HEARINGS
3	May 17, 2021
4	ZONING HEARING MASTER: PAMELA JO HATLEY
5	
6	D8: Application Number: MM 21-0344
	Applicant: Lang Media
7	Location: 11510 East Bay Rd. Folio Number: 77238.5032
8	Acreage: 3.66 acres, more or less Comprehensive Plan: SMU-6
9	Service Area: Urban
10	Existing Zoning: IPD-1 (93-0048A) Request: Major Modification to a Planned
11	Development
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Page 214 MR. GRADY: The final item on tonight's 1 2 agenda is agenda item D-8, is Major Mod Application 21-0344. The -- the applicant's Lang Media. 3 The request is for a Major Modification to 4 the existing Planned Development. Steve Beachy 5 will provide staff presentation after -- after 6 7 presentation by the applicant. 8 HEARING MASTER HATLEY: All right. 9 MR. GRADY: I would --HEARING MASTER HATLEY: Those of you who 10 were here for the prior hearing, if you'd please 11 quietly leave the room. Please quietly leave the 12 13 room. Thank you. Thank you. Good night. Thank 14 you. 15 MR. HUDSON: Good evening, Madam Hearing 16 Master. Tyler Hudson, 400 North Ashley Drive. 17 I'm going to keep this as brief as possible 18 given the hour. I'm going to share my screen 19 briefly. Can you see my screen? 20 HEARING OFFICER HATLEY: Yes. 21 MR. HUDSON: Great. Just a little bit of 22 site context on this. The property is a somewhat 23 (unintelligible) shape parcel of land that abuts I-75 in Gibsonton. 24 25 It's a little bit over three and a half

Page 215

acres. The existing development is just one
single-family home. It's a relatively low density
area.

For a little bit greater context, this is the PD here that we're here to amend. Again, you can see that we're talking only about lot 35, which is there in the lower left corner. The rest of the lots are fairly small in size. Relative to lot 35, they're all a minimum of 1 acre, though.

10 Talk a little bit about why we are here this 11 evening. We're here to add one specific use to one 12 specific lot for one specific reason, and that is 13 to permit billboard use up against I-75 for the 14 rear of the parcel.

As you know and as alluded to in the staff report, billboards are a little bit oddly regulated in that they have some (unintelligible) in the Land Development Code. They're mostly regulated by the settlement agreement between Hillsborough County (unintelligible) media and third channels.

The general rule is if you want a new billboard, you've got to take two away. That is exactly what will happen here. The goal of that settlement agreement is to really drive billboards out of undesired places and put them where they're,

Page 216 you know, found appropriate. We think right along 1 2 I-75 is a fairly common place for -- for those billboards. 3 4 To be clear, the billboard that is proposed 5 here -- and, again, we're not actually approving a 6 billboard. We're approving agricultural use, and 7 I'll talk about that in a second. 8 This billboard is a, quote, (unintelligible) billboard. It will only be seen from I-75. 9 It will not be -- the service doesn't want to be 10 visible from the neighborhood. 11 12 The reason we're adding agricultural or path 13 of agricultural use to this PD is that FDOT has 14 regulation for this parcel because it does abut 15 I-75, and they only allow billboards in areas that 16 have approved agricultural -- agricultural uses 17 approved. 18 So it's either in any of the Euclidean 19 zoning districts or a PD that specifically has 20 agricultural use allowed. And we're certainly not 21 changing the entirety of the lots that are subject 22 to this PD, only lot 35. 23 Passive agricultural use that's mentioned in 24 the staff report, you can talk about this a little 25 bit more, but it's -- I wouldn't say -- it's a

Page 217 vegetarian. It's not less -- it's pasture land. 1 2 It's not any of the more intense agricultural uses that have the types of externality that you 3 typically would want to limit in a PD that's mostly 4 5 crop raising and things like that. Again, that's not the intent for this 6 7 particular property owner, but in the interest of 8 full disclosure, that is exactly what would be allowed on this lot 35 in the future. 9 We're appreciative of staff's recommendation 10 of approvability of this application. We're not 11 12 aware of any objections from any reviewing 13 agencies, and we're not aware of any opposition. And with that, I'll be happy to answer any 14 15 questions. 16 HEARING MASTER HATLEY: Thank you. I don't 17 have any questions for you. 18 MR. BEACHY: Good evening. Steve Beachy, 19 Development Services. 20 I'm going to share my screen. Can you see 21 my screen? 22 HEARING MASTER HATLEY: No, not yet. 23 MR. BEACHY: Okay. User error. Here, let 24 me go back. There we go. Okay. Now you can see 25 my screen?

Page 218 1 HEARING OFFICER HATLEY: Yes. 2 MR. BEACHY: Okay. The subject PD is IPD-1 3 93-0048A in the Gibsonton Community Planning area. The closest intersection of collector roads 4 5 is Symmes Road and East Bay Drive. The PD is 6 located in the SMU-6 Comp Plan category. The maximum residential density is six units per acre. 7 Nonresidential maximum FAR is .5. 8 9 The site is surrounded by lower density 10 residential, several PDs that have a minimum -- or yeah, at least 1-acre lots. The -- the PDs -- or 11 12 the -- what I've highlighted in red are the PDs 13 that fit this category, including --14 MR. GRADY: Steve, can you show the third 15 slide? You're not advancing the slides. 16 MR. BEACHY: Okay. All right. Yeah. All 17 right. There we go. Okay. Can you see that now? 18 HEARING OFFICER HATLEY: Yes. 19 MR. BEACHY: Okay. The -- yeah. The lots 20 shaded in red are the lots that have -- the PDs 21 that have a 1-acre -- a minimum of 1-acre lots. 22 And the PD in yellow has a minimum -- or there's 14 23 lots in quarter-acre and they got remaining 24 adjacent parcels are Euclidean zoned properties 25 larger than 1-acre lot.

Page 219

So it's pretty -- it's not a very densely developed area in the SMU-6 Comp Plan category. Again, the -- the subject PD is to the north of the -- or the subject lot is to the north of the subject PD.

6 The passive agricultural uses that -- that 7 were referred to are defined in the Land 8 Development Code as the use of property for pasture 9 lands, row crops, orchids, wood lots, beehives, 10 fish ponds, and similar agricultural activity.

It does not include animal production units packing houses, agricultural stands, plant, farms, and several uses identified here and in the staff report.

15 Any agricultural activity with significant 16 structural coverage or off-site impacts as 17 determined by the administrator. So there is a 18 clause in what is allowed in passive ag that if it 19 becomes a use that is impacting the neighborhood, 20 then it can be administratively disallowed by the 21 administrator.

Again, the purpose of the request is for the billboard not passive agriculture, but it will run with that lot. And rather than allow a full array of agricultural uses, staff has proposed passive

#### Executive Reporting Service

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Page 220 1 agriculture uses on this site. 2 Staff recommendation is for approvable 3 subject to the conditions. And the rationale is 4 just that the subject lot is two and a half to 5 three times larger than the adjacent. It's well suited for agricultural uses in comparison, and 6 7 passive agricultural uses are a compatible use 8 within a residential neighborhood. 9 I'm available for any questions. 10 HEARING MASTER HATLEY: Thank you. All right. We'll go to Planning Commission. 11 12 MS. LIENHARD: Thank you. Melissa Lienhard, 13 Planning Commission staff. 14 The subject property is located in the 15 Suburban Mixed-Use-6 Future Land Use category. Ιt 16 is in the Urban Service Area and also within the 17 limits of the Gibsonton Community Plan and the 18 Southshore Areawide Systems Plan. The site consists of a total of 3.6 acres 19 20 and is a part of a larger Planned Development. The 21 proposed modification to the Planned Development is 22 for the one single lot to add passive agricultural 23 uses to the existing zoning. 24 The proposed modification does not include 25 any density or intensity increases. The overall

Page 221 area contains primarily single-family residential 1 and vacant residential. There are mobile home 2 parks north of Symmes Road and agricultural uses 3 further south of the site. 4 5 The proposed modification would complement 6 the surrounding land uses and is, therefore, consistent with policy direction regarding 7 8 compatibility. The proposed modification adds agricultural 9 uses to the existing approved single-family uses 10 which are both consistent with the uses expected in 11 12 this SMU-6 Future Land Use category. 13 In addition, the agricultural uses are 14 allowed in nonrural land use categories per 15 Policy 29.6 of the Future Land Use Element. 16 The Gibsonton Community Plan values 17 improving neighborhoods by incorporating new 18 single-family and rental units and avoiding the 19 placement of incompatible land uses adjacent to 20 agricultural operations. 21 The existing PD is approved for 22 single-family lots which fits in with the 23 predominantly surrounding land uses of 24 single-family residential and vacant residential. 25 In addition, there are existing agricultural

Page 222 uses further south and east of the subject 1 2 property. The proposed modification allowing for passive agricultural uses on the subject property 3 would not be incompatible and complement the 4 5 existing development pattern, which consists of residential and agricultural uses. 6 7 Therefore, the modification is consistent 8 with the vision of the Gibsonton Community Plan. Based upon those considerations, Planning 9 Commission staff finds the proposed modification 10 consistent with the Future of Hillsborough 11 12 Comprehensive Plan for unincorporated Hillsborough 13 County, and that would be subject to the conditions 14 proposed by Development Services. Thank you. 15 HEARING MASTER HATLEY: Thank you. 16 All right. Is there anyone here or online 17 who wishes to speak in support of this application? 18 Nope. 19 Is there anyone here or online who wishes to 20 speak in opposition to this application? No. 21 All right. Anything further from Development Services? 22 23 MR. GRADY: Nothing further. 24 HEARING MASTER HATLEY: Okay. Applicant, 25 anything further?

	Page 223
1	MR. HUDSON: Nothing further. Thank you,
2	ma'am.
3	HEARING MASTER HATLEY: All right. This
4	will close the hearing on MM 21-0344.
5	And this will end our meeting for tonight.
6	We're adjourned.
7	(Hearing was concluded at 10:31 p.m.)
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# EXHIBITS SUBMITTED DURING THE ZHM HEARING



# PARTY OF RECORD

