

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER: RZ PD 23-0540

DATE OF HEARING: February 20, 2024

APPLICANT: Francisco J. Otero-Cossio

PETITION REQUEST: A request to rezone property from RSB and ASC-1 to PD to develop 101 townhomes

LOCATION: 450 feet north of the intersection Gibsonton Drive and Old Gibsonton Drive

SIZE OF PROPERTY: 16.96 acres, m.o.l.

EXISTING ZONING DISTRICT: RSB and ASC-1

FUTURE LAND USE CATEGORY: SMU-6

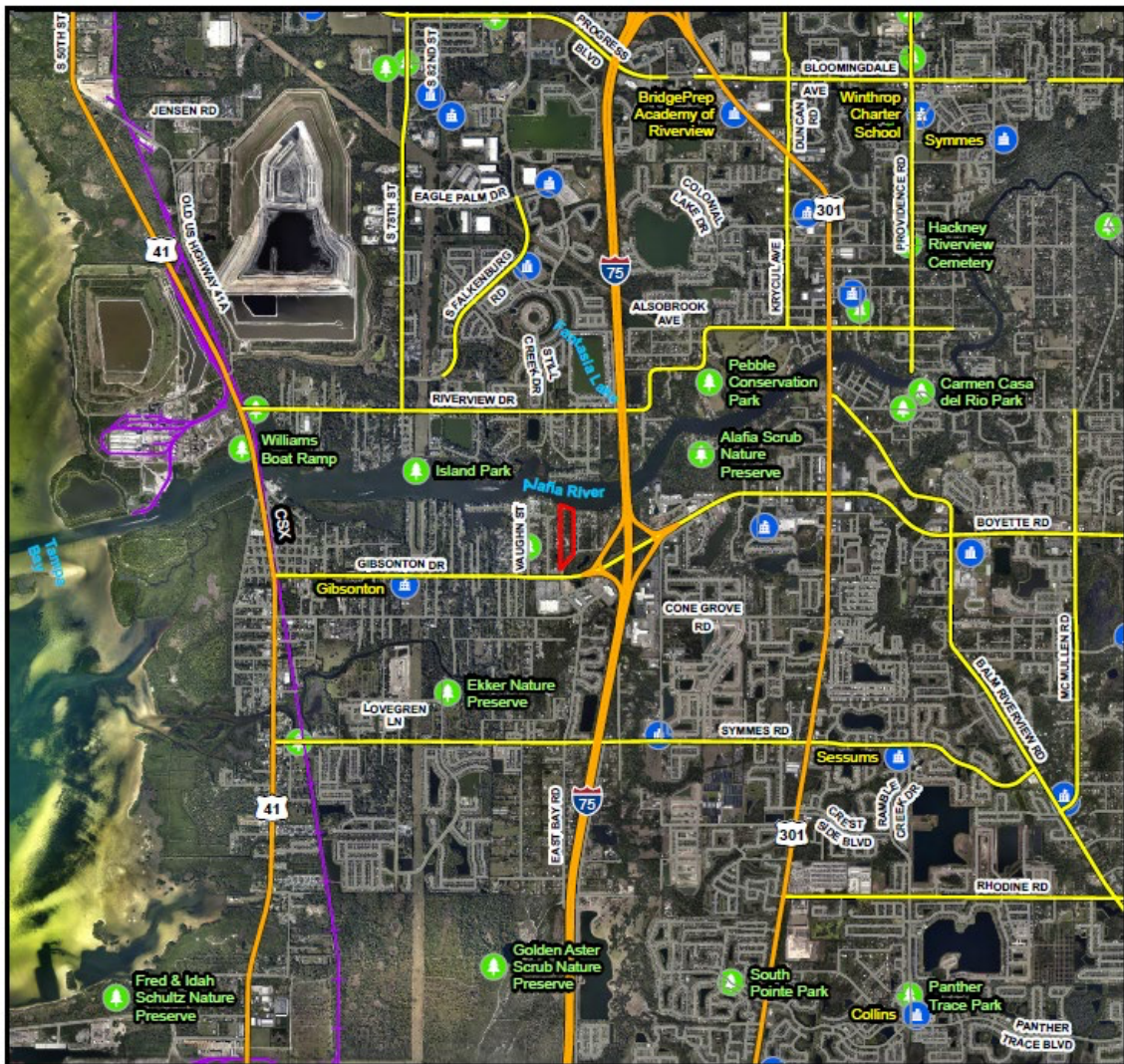
SERVICE AREA: Urban

COMMUNITY PLAN: Gibsonton

Development Services Recommendation: APPROVABLE, Subject to Conditions.

Planning Commission Recommendation: Consistent

2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

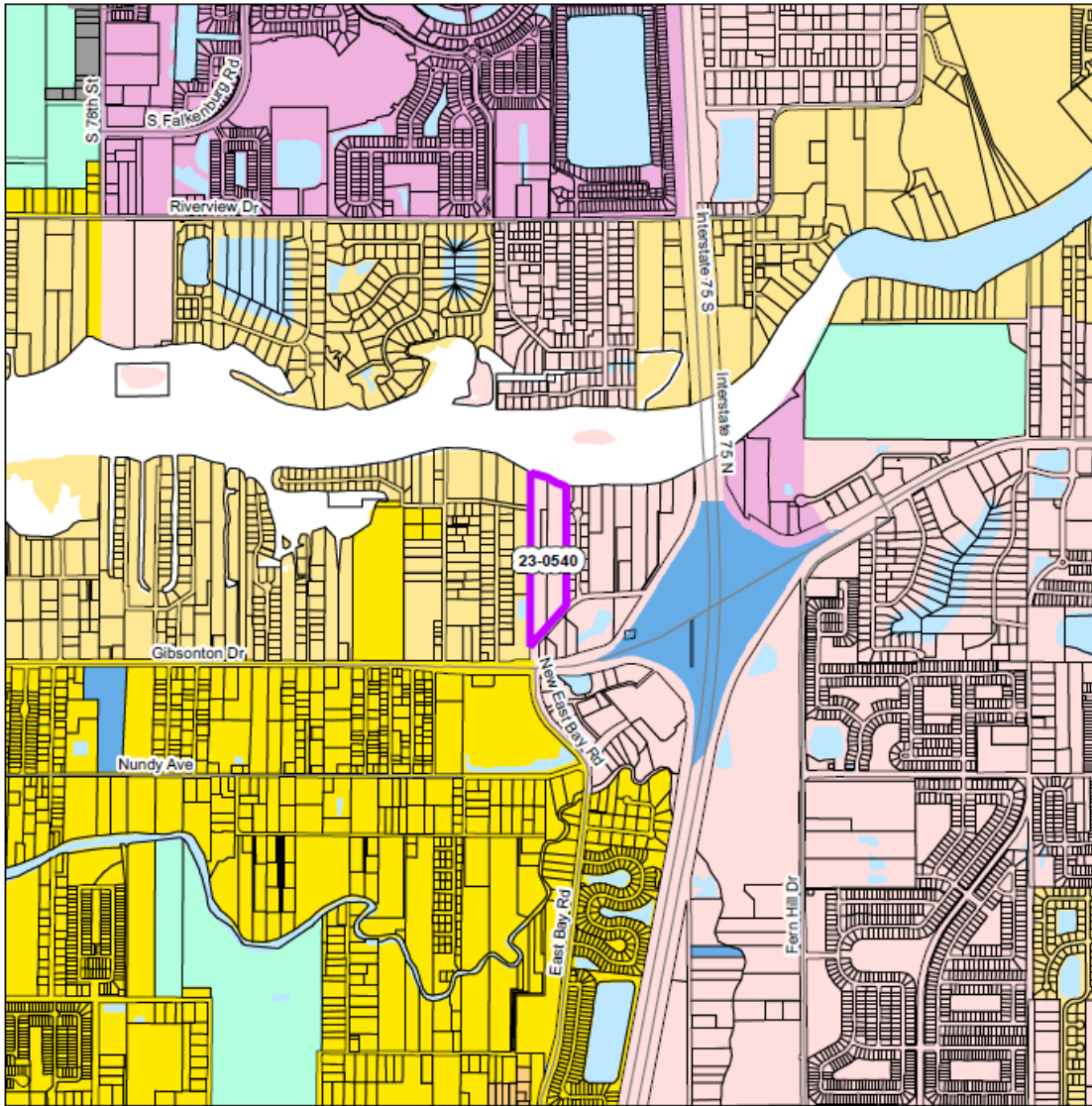


Context of Surrounding Area:

The subject property is located on the north side of Old Gibsonton Road approximately 550 northeast of the intersection of Old Gibsonton Road and Gibsonton Drive, and approximately 1,800 feet from the Gibsonton Road on-ramp to Interstate 75.

The immediate area surrounding the property is developed with residential uses on the east and west of the subject site. To the north is the Alafia River. To the south is an area approved for a hotel, retail/bank, and offices which is currently not developed.

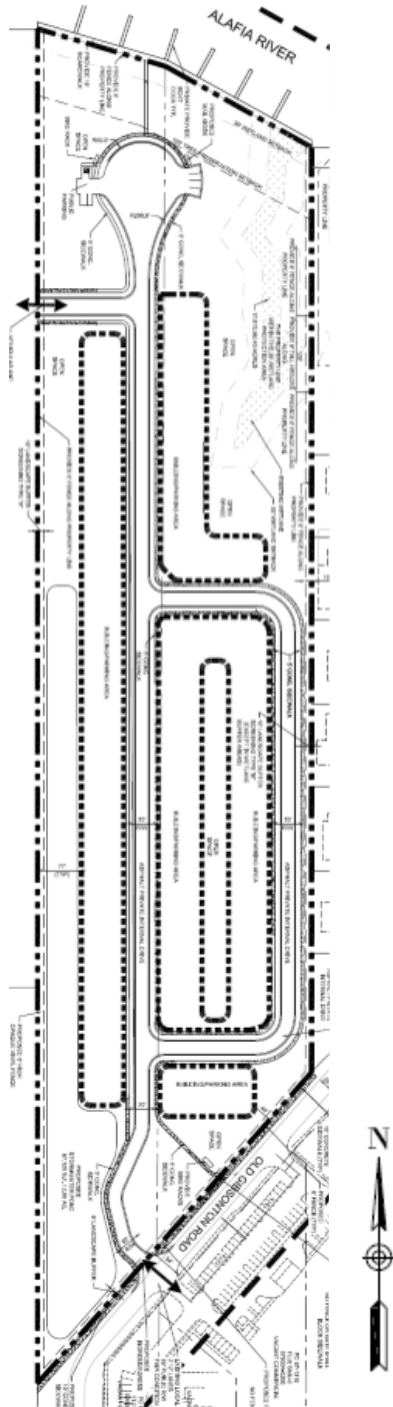
2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



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



2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



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
Old Gibsonton Dr.	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 checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	250	18	25
Proposed	720	47	56
Difference (+/-)	+470	+29	+31

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		Vehicular & Pedestrian	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Old Gibsonton Dr./Substandard Roadway	Design Exception Requested	Approvable
Notes:		

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY				
INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission Natural Resources Conservation & Environ. Lands Mgmt.

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area

Significant Wildlife Habitat (Upland Wildlife Habitat Area) Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor

Adjacent to ELAPP property

Other: Alafia River Corridor Policy Overlay Area

Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation Report.
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace				
Hillsborough County School Board Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See School Board Adequate Facilities Analysis Report

Impact/Mobility Fees

(Fee estimate is based on a 1,200 square foot, Multi-Family Units 1-2 story)
 Mobility: \$6,661 * 101 units = \$672,761

Parks: \$1,555 * 101 units
 School: \$3,891 * 101 units
 Fire: \$249 * 101 units
 Total Multi-Family (1-2 story) = \$1,247,956

If this is an approved Affordable Housing Project it may be eligible for lower mobility rates based on income levels, as well as relief for Mobility, Parks, and Fire impacts.

Urban Mobility, Central Park, South Fire - 105 multi-family units - potential affordable housing.

= \$157,055 = \$392,991

= \$ 25,149

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Planning Commission Report

Minimum Density Met <input type="checkbox"/> N/A				
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5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The request is for a rezoning from Residential Show Business (RSB) and Agricultural Single-Family Conventional-1 (ASC- 1) to Planned Development (PD) to allow for the development of 101 townhomes located on the north side of Old Gibsonton Drive.

The site plan exceeds the requirements of LDC Section 6.06.06 Buffering and Screening. The applicant is required to provide a 5-foot-wide buffer with Type “A” screening along the east and west property boundary. The applicant is proposing to provide additional compatibility measures with the adjacent residential development including an enhanced 10-foot wide buffer with Type “B” screening on the east perimeter of the property and a 10-foot-wide buffer with Type “A” screening along the west property boundary. Located in the northeastern portion of the subject site is an approximate 120-foot-wide area located along the property’s perimeter that is within the 30-foot-wetland protection setback area.

The applicant also proposes a condition to allow the use of existing vegetation in lieu of required screening pursuant to Land Development Code Section 6.06.06.C.12, which permits an applicant to submit an alternative screening plan at the time of site and development review. The alternative plan shall afford screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by the above requirements for a 5-foot-wide buffer with Type “A” along a 120-foot-wide area located in the 30-ft. wetland protection area located in the northeastern area of the subject site as identified on the site plan. The applicant’s intention is to not alter the “natural state” of the existing wetland by providing a “natural buffer” as feasible that protects the wetland’s “natural state” and meets the intent of the LDC.

The applicant proposes a maximum building height of 35 feet with the townhome locations exceeding the 2:1 compatibility setback. The proposed location of the townhomes abuts a 50-foot-wide internal drive on the east- southeast side with an additional 10-foot-wide buffer resulting in the townhome lots being 60 feet from the east- southeast boundary. Along the northeastern boundary is a wetland area resulting in the townhomes being over 100 feet from the adjacent properties due to the wetland protection areas. On the western boundary the townhomes are approximately 75 feet from the adjacent properties. It should also be noted that the homes located to the east of the subject site are subject to the RSC-3 zoning district (90-0134) including a maximum building height of 35 feet.

The site will comply with and conform to applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code subject to the proposed conditions of approval.

The Planning Commission found that the proposed rezoning meets the intent of the Gibsonton / South Shore Areawide Systems Plans and would be consistent with the Unincorporated Hillsborough County Comprehensive Plan.

5.2 Recommendation

Based on the above considerations, staff finds the request **APPROVABLE**.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on February 20, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Francisco Otero-Cossio 13014 North Dale Mabry Hwy. testified on behalf of the applicant. Mr. Otero-Cossio stated that the request is to rezone property located at 9248, 9236 and 9244 Old Gibsonton Road from ASC-1 and RSB to Planned Development for the purpose of developing 101 townhomes. He added that the property is 16.96 acres and abuts the Alafia River. Mr. Otero-Cossio testified that part of the property is located in the Coastal High Hazard Zone and that the entire property is within the Gibsonton Community Plan. He discussed the application's compliance with the Community Plan and stated that the area is in transition and no longer rural in character. Mr. Otero-Cossio cited Objectives and Goals of the Comprehensive Plan that are consistent with the rezoning application and testified that both planning staffs support the request.

Hearing Master Finch asked Mr. Otero-Cossio about the proposed conditions that limit the access to one full access point onto Old Gibsonton Drive but the site plan shows a stub out to the Wiggins Road right-of-way. Mr. Otero-Cossio replied that the applicant was originally required to provide access to Wiggins Road but the right-of-way does not abut the subject property. Mr. Juan Quinones 601 Channelside Drive testified as the project design professional and stated that there is approximately 100 feet between the project boundary and the Wiggins Road right-of-way but staff requested the stub out to be shown as the road may connect in the future.

Mr. Tim Lampkin, Development Services Department testified regarding the County's staff report. Mr. Lampkin stated that the request is to rezone 16.9 acres from ASC-1 and RSB to Planned Development to develop 101 townhomes. No

Planned Development variations are requested and the site plan exceeds the required buffering and screening. Mr. Lampkin detailed the proposed buffering and screening and stated that staff finds the rezoning approvable.

Ms. Jillian Massey of the Planning Commission staff testified that the property is within the Suburban Mixed Use-6 Future Land Use category and located in the Urban Service Area and the Gibsonton Community Plan. She stated that the project density meets the minimum required and also Objective 16 as the proposed townhomes compliment the range of residential development in the area. Ms. Massey testified that the request is consistent with the Gibsonton Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application.

Mr. Robert Holley 9908 Alafia River Lane testified in opposition. He stated that that he did not understand how 101 townhomes are compatible with the area as most of the lots are acres in size. He added that the lifestyles of the neighbors in the area are nothing like the lifestyle of people living in 1,300 to 1,500 square foot condominiums. Mr. Holley stated that there are requirements regarding the restricting of density on the river and that the request violates Hillsborough County policies.

Ms. Christine Haupt 9901 Alafia River Lane testified in opposition. Ms. Haupt stated that she lives on the waterfront and that her property will be tremendously affected by the townhomes. She stated that she has lived there for 35 years and the area has been single-family with one home per acre. The request for townhomes is unlike anything in the area. Ms. Haupt testified that she is opposed to the rezoning due to the density, the impact on the traffic, environment, school capacity and emergency services.

Mr. Robert Stroud 9909 Alafia River Lane testified in opposition and agreed with the prior speakers. Mr. Stroud stated that the traffic is an issue as there is one-way in and out of the area and that the addition of 101 townhomes will worsen the traffic congestion. Mr. Stroud questioned the traffic analysis and whether it included the Circle K traffic and surrounding intersections. He concluded his remarks by stating that there are no sewer lines in the area and that the existing residents bought their properties knowing that the area was zoned for one-acre single-family lots.

County staff did not have additional comments.

Mr. Otero-Cossio testified during the rebuttal period that he met with the neighbors and the application tries to meet most of their concerns. He stated

that there is a 6-inch wastewater force main approximately 250 feet from the site that the project will connect to. He testified that the buffering and screening exceeds the Code requirements. The traffic analysis shows that Old Gibsonton is a substandard road and that the applicant submitted a design exception which was reviewed by the County Engineer. Approximately 900 feet of a new 12-foot multi-use paths on the west side of the roadway will be installed with the approval of the design exception. Mr. Otero-Cossio discussed a prior zoning from 2006 for a hotel and bank project on property directly south of the subject property which was approved. Regarding compatibility, he stated that the request meets Policy 1.4 of the Future Land Use Element regarding compatibility.

Ms. Heinrich of the Development Services Department stated that there were three additional people that wanted to speak in opposition.

Ms. Oma Holley 9908 Alafia River Lane testified in opposition.

Mr. William Spear 9919 Alafia River Lane testified in opposition and stated that the infrastructure in the area is stressed and that the townhome project would be the most densely populated construction on the Alafia River.

Ms. Karen Taylor 9909 Alafia River Lane testified in opposition.

Ms. Susan Stratchko 9917 Alafia River Lane testified in opposition.

Mr. David Stratchko 9912 Alafia River Lane testified in opposition.

Mr. Otero-Cossio testified during the second rebuttal period that the traffic analysis was done by the licensed Florida engineer and that the project does not front the Alafia River but is set back almost 100 feet from the river.

The hearing was then closed.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

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

FINDINGS OF FACT

1. The subject site is 16.96 acres in size and is zoned Residential Show Business (RSB) and Agricultural Single-Family Conventional-1 (ASC-1). The property is designated Suburban Mixed Use-6 (SMU-6) by the Comprehensive Plan. The subject property is located in the Urban Service Area and the Gibsonton Community Plan.
2. The request to rezone from RSB and ASC-1 to PD is for the purpose of developing 101 townhomes.
3. No Planned Development variations or waivers are requested.
4. The Planning Commission staff support the rezoning request. Staff testified that the project density meets the minimum required and also Objective 16 as the proposed townhomes compliment the range of residential development in the area. The Planning Commission found the rezoning request is consistent with the Gibsonton Community Plan and the Future of Hillsborough Comprehensive Plan.
5. Development Services Department staff testified that the proposed buffering and screening meet and/or exceed the requirements of the Land Development Code.
6. The maximum building height of the townhomes is limited to 35 feet which is the same maximum height for the single-family homes located immediately to the east.
7. Testimony in opposition was presented at the Zoning Hearing Master hearing. The opposition concerns were primarily compatibility with the surrounding area and the possible negative impact on traffic conditions.
8. The subject property abuts the Alafia River to the north, Property zoned Planned Development to the south which is vacant but approved for office, retail and hotel land uses, Planned Development to the east and developed with single-family residential and AS-1 and Planned Development to the west which is partially vacant and developed with commercial land uses. The overall area is a mix of residential and commercial land uses.
9. County transportation staff support the rezoning. The proposed zoning conditions limit the project to one full access point onto Old Gibsonton Drive.

10. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to provide a compatible land use in the area.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The request is to rezone 16.96 acres from RSB and ASC-1 to PD to develop 101 townhomes. The maximum building height of the townhomes is limited to 35 feet which is the same maximum height for the single-family homes located immediately to the east.

The Planning Commission staff supports the request and found the rezoning consistent with the Gibsonton Community Plan and the Comprehensive Plan.

Development Services Department staff testified that the proposed buffering and screening meet and/or exceed the requirements of the Land Development Code.

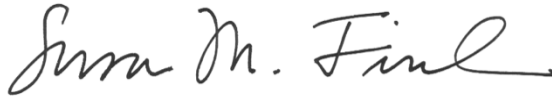
Testimony in opposition was presented at the Zoning Hearing Master hearing. The opposition concerns were primarily compatibility with the surrounding area and the possible negative impact on traffic conditions.

The overall area is a mix of residential and commercial land uses. County transportation staff support the rezoning. The proposed zoning conditions limit the project to one full access point onto Old Gibsonton Drive.

Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to provide a compatible land use in the area.

RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



March 10, 2024

Susan M. Finch, AICP
Land Use Hearing Officer

Date