

STAFF REPORT

Planning & Zoning Commission: June 9, 2003

Board of County Commissioners: July 9, 2003

APPLICANT: Flagstone Pavers, Inc. **FILE NUMBER:** H-03-33

PURPOSE: Rezoning from AG (Agricultural) to PDP(LI)/(Light Industrial) with a use of outside storage

GENERAL

LOCATION: North side of Fort Dade Avenue, approximately 750' east of Cobb Road

LEGAL

DESCRIPTION: A portion of Section 20, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0 LETTER OF CONCERN: 1

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AG

Undeveloped

South: AG, City of Brooksville

Undeveloped

East: AR-2

Single family, undeveloped

West: PDP(LI), AG, City of Brooksville

Industrial, SF, MH

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(LI) with a use of outside storage. The subject property is located on the north side of Fort Dade Avenue, approximately 750' east of Cobb Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site is currently undeveloped.
4. The subject property has access from Fort Dade Avenue, and the existing operation to the west.

5. The subject property is located within an industrial land use classification on the adopted Future Land Use Map.
6. The Hernando County Soil Survey indicates the on-site soil types include Flemington fine sandy loam and Micanopy loamy fine sand.
7. The property is located in a flood zone C.
8. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
9. The subject property is served with well and septic.
10. There are adequate public facilities are available to serve limited development of the subject property.
11. The area is characterized by rural residential, commercial and industrial uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the property from AG to PDP(LI) with a use of outside storage. The application form and narrative incorrectly identify the subject property's zoning as AR-2. The narrative indicates the petitioner owns and operates a finished cement products operation on the PDP(LI) zoned property adjacent to the subject property's west lot line. The narrative indicates the petitioner's intention is to expand the business; the site is to be used for outside storage of the finished cement products and drainage retention of stormwater.

The property to the west was rezoned in 2000 from C-2 and AG to PDP(LI) with an additional specified use for a concrete manufacturing operation with performance conditions including:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The petitioner shall provide a minimum 30' natural treed buffer along all property lines.
3. The existing trees shall be retained where possible on the site.
4. All raw material shall be stored in covered, enclosed storage bins.
5. All manufacturing equipment shall be contained within a sound attenuated structure.
6. Development shall occur generally in conformance with the site plan submitted.

The County's LDRs contain both an I-1 (light industrial) and I-2 (heavy industrial) zoning category. The major distinction between these two categories is that the uses associated with the light category are nonhazardous and the premises do not contain outdoor or open storage or above ground tank storage of merchandise, products or materials. The I-2 district allows outdoor or open storage or above-ground tank storage of merchandise, products or materials. The PDP rules would allow the addition of I-2 uses to a light industrial PDP category with the appropriate performance standards.

The plan submitted indicates no buildings are proposed on the subject property. Approximately the northern two-thirds of the property are reserved for outside storage and approximately the southern third of the property is proposed to be a DRA. The plan indicates a 75' front setback from Fort Dade Avenue, 30' side setbacks and a 35' rear setback, which meet or exceed the setbacks for the district. Buffers are required between non-residential PDPs and land uses which are residential, agricultural-residential or agricultural. The minimum buffer is to consist of a 5' landscaped separation distance with screening consisting of a wall, fence and/or other approved enclosures. The screening is to have a minimum height of 5' and a maximum height of 8', or consist of an evergreen hedge with a minimum height of 5' at the time of planting. The narrative indicates the petitioner anticipates fencing the property. The plan indicates a 30' natural buffer around the perimeter of the entire property, with the exception of the portion of the perimeter adjacent to the property zoned PDP(LI) to the west. It is the staff's opinion that a fence and 30' natural buffer around the perimeter should be required to help buffer the proposed use from the surrounding properties.

The narrative indicates access to the site will be provided from Cobb Road through the industrial property to the west. No access to Fort Dade Avenue is proposed. The County Engineer has indicated that if the request is approved, there should be no access to Fort Dade Avenue.

The City of Brooksville has indicated there is an existing 8" water line in the south ROW of Fort Dade Avenue that can serve the property. The nearest sewer line is a force main located in the east ROW of Cobb Road. An onsite sewage pump would be required if the petitioner wants to access the sewer line. The existing operation is served by well and septic. The petitioner has indicated that nothing is anticipated on the subject property that will require public water supply or sewage disposal.

The county's generalized mapping indicates that a portion of the site along the south is designated as a Class I wetland.

The City of Brooksville Community Development Department has been notified of the petition; no response have yet been received.

FINDINGS OF FACT

The area is characterized by rural residential, commercial and industrial uses and undeveloped parcels. The petitioner's cement products manufacturing business is located adjacent to the subject property's west lot line. The Planning staff is of the opinion the proposed use, with appropriate performance conditions, would be compatible with the existing uses in the area.

The subject property is located within the industrial land use category on the adopted Future Land Use Map.

Objective 1.02(A) of the adopted Comprehensive Plan indicates that the County shall establish standards for industrial land uses which allow for the expansion of industrial employment opportunities while protecting the natural environment and the integrity of adjoining land uses.

Policy 1.02A(2) indicates industrial developments should be located along arterial or non-residential collector roadways and have adequate access to major arterials. The subject property has access to Fort Dade Avenue, a minor collector roadway, however access is proposed from Cobb Road, an arterial roadway, via the industrial property to the west.

Policy 1.02A(5) indicates proposed industrial developments shall be evaluated for their effect on the natural environment, including tree retention, water consumption, habitat destruction, wetland disturbance, threatened and endangered wildlife, potential for the generation of point or non-point source pollution, the amount, kind, and method of handling hazardous wastes and the effect on air quality.

Policy 1.02B(2) states that designation of areas for industrial use shall include consideration of transportation and access standards, level of service standards, availability of sewer and water facilities, proximity to rail or air access, proximity to employment base, minimal potential for environmental degradation and minimal land use conflicts.

A part of the subject property along the southern portion is designated as a Class I wetland on the County's generalized mapping. The mapping indicates that this wetland is part of a larger connected wetland. The comprehensive plan addresses Class I wetlands as follows:

Objective 6.05A: protect and conserve identified wetlands and the natural function of wetlands by restricting incompatible land use activities in wetlands to those which do not significantly impact the quality and function of the wetland.

Policy 6.05A(3): indicates that the removal, alteration or encroachment within a Class I wetland shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The site plan submitted by the petitioner indicates that the southern portion of the site will be utilized as a drainage retention area. Pursuant to the Comprehensive Plan, the DRA would not be consistent with the policies regarding use of the wetland.

Additionally, Policy 6.05A(9) states that industrial, residential housing of greater than 7 dwelling units per acre and commercial future land use categories shall be not designated adjacent to Class I wetlands. Where these future land use categories have been shown adjacent to Class I wetlands on the future land use map and have been relied upon for development or zoning decisions, those designations may remain. However, any development which occurs in these locations must demonstrate that no significant adverse impact to the wetlands will result or that adequate mitigation/compensation will be provided to protect functions and replace vegetative communities type for type.

Because the County's mapping is generalized, the petitioner should be required to delineate the precise location of the Class I wetlands. It is the staff's position that the area identified as Class I wetlands

should be designated as conservation on a revised site plan. Additionally, the site plan should be reconfigured to move the DRA out of the wetland.

The Planning staff is of the opinion that the proposed request, with the appropriate performance conditions, would not be inconsistent with the adopted Comprehensive Plan nor incompatible with the surrounding area.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use, which may include review by the Development Review Committee (DRC).

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone the portion of the subject property AG to PDP(LI) with a use of outside storage, with the following performance conditons:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. No vehicular access to Fort Dade Avenue is allowed.
3. The petitioner shall provide fencing and a minimum 30' natural treed buffer along the north, south and east property lines.
4. The existing trees shall be retained where possible on the site.
5. All raw material shall be stored in covered, enclosed storage bins.
6. The open storage areas shall maintain the following setbacks:
 - east line: 30'
 - north line: 35'
 - west: 30'
 - south: 75'

7. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
8. There shall be a minimum 75' setback from any delineated wetlands.
9. The petitioners shall submit a revised master plan within 30 days of BCC approval or the zoning shall be null and void.

P&Z RECOMMENDATION:

On June 9, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone the portion of the subject property AG to PDP(LI) with a use of outside storage, with the following modified performance conditons:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. No vehicular access to Fort Dade Avenue is allowed.
3. The petitioner shall provide fencing and a minimum 30' natural ~~tree~~ opaque vegetative buffer along the north, south and east property lines.
4. The existing trees shall be retained where possible on the site.
5. All raw material shall be stored in covered, enclosed storage bins.
6. The open storage areas shall maintain the following setbacks:

east line:	30'
north line:	35'
west:	30' <u>(other than property owned or controlled by the applicant)</u>
south:	75'
7. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
8. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
9. The petitioners shall submit a revised master plan within 30 days of BCC approval or the zoning shall be null and void.

NOTE:

Discussion ensued at the June 9, 2003, P&Z hearing regarding condition # 4. Implementation of condition 4 will require that existing trees be preserved in accordance with the provisions of the County's adopted Community Appearance Ordinance.

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2003-199 approving the petitioner's request to rezone the portion of the subject property AG to PDP(LI) with a use of outside storage, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. No vehicular access to Fort Dade Avenue is allowed.
3. The petitioner shall provide fencing and a minimum 30' natural opaque vegetative buffer along the north, south and east property lines.
4. The existing trees shall be retained where possible on the site.
5. All raw material shall be stored in covered, enclosed storage bins.
6. The open storage areas shall maintain the following setbacks:

east line:	30'
north line:	35'
west:	30' (other than property owned or controlled by the applicant)
south:	75'
7. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
8. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
9. The petitioners shall submit a revised master plan within 30 days of BCC approval or the zoning shall be null and void.

Note: The petitioner proposed outside storage of pavers only on the site and the Board concurred. Other uses will require a Master Plan revision.