

STAFF REPORT

Planning & Zoning Commission: April 12, 2004

Board of County Commissioners: May 12, 2004

APPLICANT: Hernando Investments, Inc. **FILE NUMBER:** H-04-18

PURPOSE: Master Plan Revision to include Rezoning from PDP(GC)/Planned Development Project (General Commercial) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 use of Light Manufacturing with Outside Storage

GENERAL

LOCATION: Approximately 1,100' south of Cortez Boulevard, approximately 500' west of I-75

LEGAL

DESCRIPTION: A portion of Section 6, Township 23 South, Range 21 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(GHC), AG
South: PDP(LI), PDP(GC)
East: PDP(GC), AG
West: PDP(HC), AG

Commercial, undeveloped
Undeveloped
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include rezoning from PDP(GC) to PDP(HC) with a specific C-4 use of Light Manufacturing with Outside Storage. The subject property is located approximately 1,100' south of Cortez Boulevard, approximately 500' west of I-75.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC).
2. The property comprises approximately 13.3 acres.

3. The site is undeveloped.
4. The site appears to contain specimen trees.
5. The subject property has access from a County-owned roadway.
6. The subject property is located within the I-75/SR 50 Planned Development District on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial uses, agricultural uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The subject property is located in a business park that has not yet been formally subdivided or platted. The 13.3 subject area is part of a larger 47 acre project area which was rezoned in 2000 from PDP(GHC) to C/PDP(GC) and (LI). The more intensive industrial zoning was limited to the ten (10) southern acres. The less intensive commercial zoning was approved on the northern 37 acres, closer to Cortez Boulevard. The petitioner requests a master plan revision to include rezoning in order to develop 4.8 acres of the 13.3 acre subject property with a truss plant and associated outside storage. The proposed land use is classified as light manufacturing with outside storage and is permitted in the C-4 zoning category.

The plan provided shows five (5) lots within the 13.3 acre subject property reconfigured into three (3) lots, one of which is the 4.8 acre lot proposed to contain the truss plant. The plan shows the 4.8

acre lot has two (2) access points to the access roadway. The County Engineer did not object to the proposed access.

The master plan revision approved in 2000 included performance conditions requiring 35' setbacks from the internal roadway, 10' side and rear setbacks, perimeter setbacks consistent with the PDP rules and a minimum 5' buffer along the west lot line. One of the conditions requires that the portion of the building visible from State Road 50 should be comprised of material similar to the front facade [i.e., the facade facing I-75], or be partially screened from view by bushes, trees or decorative fencing.

The plan shows internal lot setbacks for the 4.8 acre lot, which are consistent with the conditions of the master plan revision approved in 2000. Although the previously approved development standards allowed 10' side setbacks, it is the staff's opinion that the increase in intensity would should require a minimum of 20' side setbacks. The plan indicates the outside storage area is designated in the northwest corner of the 4.8 acre subject property, along the western perimeter boundary.

Subsequent to the initial submittal, the petitioner provided staff with a revised master plan. The plan indicates a lumber storage area building of 4,800 square feet located at the front of the property. Behind the lumber storage area, the plan depicts a building area of 30,000 square feet designated as office and manufacturing. The plan indicates 10' wide buffers along the north (excluding against the DRA), west and south, and no buffer along the roadway in front of the operation. Staff is of the opinion due to the nature of the proposed operation, a minimum 25' vegetative buffer should be required along the perimeter of the 4.8 acre area.

The LDRs require that in the C-4 commercial district, screened outside storage is permitted behind the building line as an accessory use to a permitted use. The LDRs require the screening to meet location, height and opacity standards. If the petitioner's request is approved, the outside storage will have to be designed to meet the design standards established in the LDRs.

Additionally, the development will have to comply with the county's commercial design standards for non-retail development in the PDP(HC) zoning designation. The standards would include enhanced architectural features for the front facade, building orientation, landscaping, and lighting.

The subject property is located on an access roadway within the future business park. The roadway has been constructed and is owned by the County. The 2000 master plan revision approval included a performance condition requiring the roadway associated with the project to be constructed to County collector roadway standards.

The County Utilities Department has indicated central water and sewer service are available to serve the subject site.

The Transportation Planning Coordinator has indicated Cortez Boulevard has capacity to accommodate the trips to be generated by the proposed development.

FINDINGS OF FACT

The area is characterized by commercial uses, agricultural uses and undeveloped parcels. The subject property is located within an unplatted business and industrial park.

The subject property is located within the I-75/SR 50 planned development land use classification on the adopted Future Land Use Map. Policy 1.07B(1) indicates the planned development land use category is to be established to allow a mixture of commercial, industrial, residential, multifamily, recreation and public facilities land uses. Policy 1.07B(3)(a) indicates 10-25% of the land area in the planned development category shall be commercial. The approximately 4.8 acre subject property consists of less than 0.1% of the approximately 5,000 acre planned development land use area.

Policy 1.07B(3)(c) indicates a 1,000' - 1,500' commercial/light industrial corridor shall be established on either side of I-75. The subject property is located within 1,500' of the interstate's western boundary.

Policy 1.07B(3)(d) indicates a master plan for the Planned Development Use Category is to establish criteria for increased landscaping, and architectural standards within the corridor. If the request is approved, the LDRs will require the proposed development to be designed with building facades, architectural detail, landscaping, lighting, roof treatments and architectural detail consistent with the County's commercial design standards.

Policy 1.07B(3)(e) indicates "steps of intensity" and buffers shall be utilized to minimize incompatibility of adjacent land uses. The Planning staff is of the opinion that the LDRs' design standards and appropriate additional performance conditions will minimize the incompatibility of the proposed use with the surrounding area.

The staff is of the opinion that the proposed rezoning, with performance conditions, is appropriate, based on the following conclusions:

1. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.
2. The proposed rezoning, with performance standards, will be compatible with the surrounding land uses.

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 Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

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 for a master plan revision to include rezoning from PDP(GC) to PDP(HC) with a specific C-4 use of Light Manufacturing with 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 receiving development review for the proposed use.
2. The Light Manufacturing with Outside Storage is limited to the 4.8 acre area as indicated on the plan.
3. A minimum 25' buffer shall be required along the perimeter of the 4.8 acre site.
4. The outside storage area is limited to the area indicated on the plan and shall be screened in accordance with the standards provided in the C-4 Zoning category. The material maintained in the outside storage area shall not be higher than the screening.
5. The developer's access management plan shall be subject to the County Engineer's approval.
6. The minimum setbacks for the 4.8 acre area shall be as follows:

front:	35'
rear:	35'
side:	20'
7. The petitioner shall submit a revised plan meeting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.

P&Z RECOMMENDATION:

On April 12, 2004, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include rezoning from PDP(GC) to PDP(HC) on a portion of the subject property with a specific C-4 use of Light Manufacturing with Outside Storage, with the following modified 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 receiving development review for the proposed use.
2. The Light Manufacturing with Outside Storage is limited to the 4.8 acre area as indicated on the plan.
3. A minimum 25' buffer shall be required along the perimeter of the 4.8 acre site.
4. The outside storage area is limited to the area indicated on the plan and shall be screened in accordance with the standards provided in the C-4 Zoning category. The material maintained in the outside storage area shall not be higher than the screening.
5. The developer's access management plan shall be subject to the County Engineer's approval.
6. The minimum setbacks for the 4.8 acre area shall be as follows:

front:	35'
rear:	35'
side:	20'
7. The petitioner shall submit a revised plan meeting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.

NOTE:

The Planning and Zoning Commission directed the applicant and staff to meet prior to the BCC hearing to clarify the petitioners's proposal of 5' buffers along the 4.8 acre property's side lot lines. The applicant and staff have scheduled a meeting prior to the BCC May hearing date.

BCC ACTION:

The Board of County Commissioners voted 4-0 to adopt Resolution #2004-122 approving the petitioner's request for a master plan revision to include rezoning from PDP(GC) to PDP(HC) on

a portion of the subject property with a specific C-4 use of Light Manufacturing with 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 receiving development review for the proposed use.
2. The Light Manufacturing with Outside Storage is limited to the 4.8 acre area as indicated on the plan.
3. A minimum 25' buffer shall be required along the perimeter of the outside storage area. A 25' buffer shall be provided along the west boundary. A 10' buffer shall be provided against interior uses and the landscaping ordinance shall provide the appropriate buffering against the access road.
4. The outside storage area is limited to the area indicated on the plan and shall be screened in accordance with the standards provided in the C-4 Zoning category. The material maintained in the outside storage area shall not be higher than the screening.
5. The developer's access management plan shall be subject to the County Engineer's approval.
6. The minimum setbacks for the 4.8 acre area shall be as follows:

front:	35'
rear:	35'
side:	20'
7. The petitioner shall submit a revised plan meeting the performance conditions within 30 days of BCC approval or the rezoning shall be null and void.