

**STAFF REPORT**

Planning & Zoning Commission: July 12, 2004  
Board of County Commissioners: August 11, 2004  
Planning & Zoning Commission: August 9, 2004  
Board of County Commissioners: September 8, 2004

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**APPLICANT:** James Erle Bishop III & Robert Todd Arick     **FILE NUMBER:** H-04-26

**PURPOSE:** Rezoning from AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment

**GENERAL**

**LOCATION:** West and south side of US 98, west side of Annutalaga Avenue, north side of Red Cedar Street

**LEGAL**

**DESCRIPTION:** Lots 2 - 19, Block 1, Lots 2 - 19, Block 2, Lots 2 - 19, Block 3, Lots 2 - 19, Block 4, Lots 2 - 10, Block 5, Town of Stafford, as per plat thereof recorded in Plat Book 5, Page 6, of the Public Records of Hernando County, Florida in Section 29, Township 21 South, Range 19 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:**                      FOR: 0                                      AGAINST: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: R-1A	Undeveloped
South: R-1A	Mobile home, undeveloped
East: C-2	Commercial
West: AG	Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment. The subject property is located on the west and south sides of US 98, west side of Annutalaga Avenue and north side of Red Cedar Street.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site is partially cleared and appears to contain specimen and majestic trees.
4. The subject property has access from Annutalaga Avenue and Red Cedar Street.
5. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
6. The Hernando County Soil Survey indicates the on-site soil types include Blichton loamy fine sand and Micanopy loamy fine sand.
7. The property is located in a flood zone C.
8. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by commercial, mining and rural residential 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 subject property from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment in order to develop the site with a paving manufacturing business and a trucking business. A parcel split dividing the subject property into two (2) five-acre parcels was approved earlier this year.

The plan provided indicates the proposed paving manufacturing business would be located on the northern five-acre parcel. The narrative describes the proposed business as manufacture, storage

and sales of patio stones, paver blocks and other building materials. A 12,000 square foot building containing an office and warehouse space is indicated on the plan. The building location meets the minimum setbacks for the commercial district. Outside storage is indicated along the north lot line.

The plan indicates the proposed trucking establishment is located on the southern five-acre parcel. A 14,000 square foot building with office and warehouse space is indicated in a location meeting the minimum setbacks for the district. Outside storage is indicated in the southwestern corner of the parcel. Along the western lot line, a caretaker's mobile home is indicated. The LDRs would allow a single family dwelling unit (minimum of 600 square feet) on a commercial parcel in conjunction with the operation of a business on the premises. The single-family dwelling unit must be an integral part of the principal business structure and be located behind or above the portion of the business structure devoted to service to the public. The location of the proposed caretaker's mobile home is located within the 35' minimum rear setback. The petitioner has indicated he is not requesting a reduction in setbacks. If the request is approved, a revised plan relocating the caretaker's residence will be required.

The LDRs require that in the C-4 commercial district, screened outside storage be 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.

If the rezoning is approved, 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 plan provided indicates 11 parking spaces on the northern parcel and 12 spaces on the southern parcel. Manufacturing establishments are required to provide 0.7 spaces per person regularly employed on the premises based on the largest single employment shift; trucking establishments are required to provide 1.5 parking spaces per person regularly employed on the premises, plus 5 spaces per 1,000 square feet of building area devoted to retail selling of merchandise, goods and products. If the request is approved, the parking provided will be required to meet the LDRs.

The subject property has frontage on US 98, a principal arterial roadway. The County's frontage road ordinance requires property along US 98 to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County.

The plan submitted indicates each of the proposed establishments will have an access point to Annatulaga Avenue. Annatulaga Avenue is a local roadway. The Transportation Planning Coordinator is of the opinion it is inappropriate to locate these intensive uses on a local roadway. The County Engineer indicates that if the request is approved, the petitioner will be required to

provide improvements to the US 98/Annatulaga Avenue intersection and provide up to 40' ROW from the Annatulaga Avenue centerline to accommodate the proposed truck traffic.

The petitioner indicates the site will be served by well and septic. The Utilities Department indicated that central water and sewer are not available to serve the subject site.

A portion of the subject property contains a SPA as according to County data resources. The proposed use is allowable within this designation.

The FDOT and the City of Brooksville have been notified of the request; no responses have yet been received.

### **FINDINGS OF FACT**

The area is characterized by commercial, mining and rural residential uses and undeveloped parcels. A restaurant is located to the east of the subject property. Mobile homes are located south of the subject property, along Annatulaga Avenue. A trucking company is located north of the subject property on property with frontage on US 98. The Brooksville Quarry is located northeast of the subject property. In 2003, the BCC approved a rezoning from R-1A and AR-2 to PDP(HC) with a specific C-4 use of construction service establishment on property located along US 98, east of the subject property. These heavier uses all have frontage along US 98.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. Potential uses in the rural land use category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property does not meet this criteria.

Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. The subject property is located on local roadways between C-2 properties with frontage on US 98 and properties zoned for rural residential and agricultural uses. Commercial development is located to the east along US 98. The Planning staff is of the opinion this is not an appropriate infill area.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion that higher-intensity commercial uses are not compatible with the surrounding low-density rural residential uses.

The Planning staff is of the opinion that rezoning the subject property from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment would not be appropriate, based on the following conclusions:

1. The proposed rezoning would be inconsistent with the Comprehensive Plan.
2. The proposed rezoning would be incompatible with the surrounding land uses.
3. The intensive uses permitted in the requested PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment zoning should not be located on a local roadway.

**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.**

**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 # \_\_\_\_\_ denying the petitioner's request to rezone from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment.

**P&Z RECOMMENDATION:**

On July 12, 2004, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition to their August 9, 2004, meeting at 9:30 a.m.

**BCC ACTION:**

On August 11, 2004, the BCC voted 5-0 to postpone consideration of this petition to their September 8, 2004, meeting at 9:00 a.m.

**P&Z RECOMMENDATION:**

At their August 9, 2004 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. The proposed rezoning, with performance conditions, would be compatible with the surrounding land uses.
2. The proposed rezoning would be consistent with the adopted Comprehensive Plan.

The P&Z voted 4-0 to recommend the BCC adopt Resolution #\_\_\_\_\_ approving the petitioner's request to rezone from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage, and a C-4 Special Exception Use of Light and Heavy Motor Freight Transportation Establishment 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, and complete all applicable development review processes.
2. A minimum 35' wide buffer with 80% opacity shall be required along the southern boundary of the subject property. A minimum 35' natural buffer shall be maintained along the western boundary of the subject property. The natural vegetation within both buffer areas shall be preserved.
3. Access shall be through the parcel to the east pursuant to the plan displayed at the P&Z hearing.
4. The petitioner shall provide written consent from the adjacent property owner to the east to allow access through the adjacent property.
5. The final access design shall be approved by the County Engineer.

**BCC ACTION:**

The BCC voted 4-1 to adopt Resolution #2004-224 approving the petitioner's request to rezone from AG to PDP(HC) with a C-4 use of Light Manufacturing with Outside Storage, and a C-4 Special

Exception Use of Light and Heavy Motor Freight Transportation Establishment 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, and complete all applicable development review processes.
2. A minimum 35' wide buffer with 80% opacity shall be required along the southern boundary of the subject property. A minimum 35' natural buffer shall be maintained along the western boundary of the subject property. The natural vegetation within both buffer areas shall be preserved.
3. Access shall be through the parcel to the east pursuant to the plan displayed at the P&Z hearing.
4. The petitioner shall provide written consent from the adjacent property owner to the east to allow access through the adjacent property.
5. The final access design shall be approved by the County Engineer.

**NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.**