

STAFF REPORT

Planning & Zoning Commission: November 14, 2005

Board of County Commissioners: December 14, 2005

APPLICANT: Thomas Armbruster **FILE NUMBER:** H-05-112

PURPOSE: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park)

GENERAL

LOCATION: West side of Anderson Snow Road, approximately 550' east of Industrial Loop

LEGAL

DESCRIPTION: A portion of Section 22, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(IND)	Undeveloped
South: PDP(IND)	Undeveloped
East: PDP(IND)	Undeveloped
West: PDP(IND)	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(IND) to PDP(CP). The subject property is located on the west side of Anderson Snow Road, approximately 550' east of Industrial Loop.

FACTUAL INFORMATION

1. The property is currently zoned PDP(IND).
2. The property comprises approximately 4.25 acres.
3. The site is undeveloped.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Anderson Snow Road.
6. The subject property is located within the airport planned development district land use classification 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 undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from PDP(IND) to PDP(CP) in order to develop the site with office uses. The petitioner indicates the setbacks for the property will meet the County LDRs. The plan provided does not appear to meet the required minimum setbacks. If the request is approved, the setbacks will be as follows: 75' from Anderson Snow Road, 20' from the side lot lines and 35' from the west/rear lot line. If the request is approved, the petitioner will be required to provide a revised plan reflecting the required minimum setbacks.

The petitioner proposes serving the development with central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property is located within the airport influence zone as identified in the County's LDRs. The subject property is located within the airport influence zone. Certain uses face restrictions within the airport influence zone. The Airport Director indicates that if the request is approved, the petitioner shall be required to provide an avigation easement.

The petitioner proposes utilizing an existing DRA adjacent to the site. The DRA, located southeast of the site, was constructed for the development of Anderson Snow Road. Final determination regarding whether the petitioner may use the existing DRA will be made through the subdivision process.

The subject property has access from Anderson Snow Road and is located to the west of the Anderson Snow Road/Corporate Boulevard intersection. The County Engineer indicates that if the request is approved, the petitioner should be required to provide 80' of ROW from the centerline of Anderson Snow Road, and provide ROW for an extension of Corporate Boulevard along the south property line, in order to allow Corporate Boulevard to be extended to Industrial Loop in the future.

The City of Brooksville has no comments regarding the request. The Florida Turnpike headquarters has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by undeveloped parcels. The subject property is surrounded on all sides by undeveloped property zoned for industrial uses.

The subject property is located within the airport planned development district land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development. It is the staff's opinion that the request for the corporate park zoning would be consistent with the airport PDD.

The staff is of the opinion that rezoning from PDP(IND) to PDP(CP) is appropriate, based on the following conclusions:

1. Corporate park zoning would be compatible with the surrounding land uses along Anderson Snow Road.
2. Rezoning the subject property to PDP(Corporate Park) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject in compliance with all performance conditions.

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 # ____ approving the petitioner’s request to rezone from PDP(IND) to PDP(CP) 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. The minimum setbacks are as follows:
 - From Anderson Snow Road: 75'
 - From the side lot lines: 20'
 - From the west/rear lot line: 35'
3. The petitioner shall provide 80' of ROW from the centerline of Anderson Snow Road.
4. The petitioner shall provide ROW for an extension of Corporate Boulevard along the south property line.
5. The petitioner shall provide an avigation easement.
6. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # ____ approving the petitioner’s request to rezone from PDP(IND) to PDP(CP) 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, and complete all applicable development review processes.

2. The minimum setbacks are as follows:
 - From Anderson Snow Road: 75'
 - From the side lot lines: 20'
 - From the west/rear lot line: 35'
3. The petitioner shall provide 80' of ROW from the centerline of Anderson Snow Road.
4. The petitioner shall provide an easement ROW for an extension of Corporate Boulevard along the south property line. The entrance to the site shall align with Corporate Boulevard. (The modification made by P&Z is unclear regarding the status of the easement, the condition needs to be discussed further).
5. The petitioner shall provide an avigation easement.
6. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

The Board of County Commissioners voted 4-0 to adopt Resolution # 2005-354 approving the rezoning from PDP(IND) to PDP(CP) 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. The minimum setbacks are as follows:
 - From Anderson Snow Road: 75'
 - From the side lot lines: 20'
 - From the west/rear lot line: 35'
3. The petitioner shall provide 80' of ROW from the centerline of Anderson Snow Road.
4. The petitioner shall provide an easement for an extension of Corporate Boulevard along the south property line. The entrance to the site shall align with Corporate Boulevard.
5. The petitioner shall provide an avigation easement.

6. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH 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.