

**STAFF REPORT**

Planning & Zoning Commission: September 12, 2005  
Board of County Commissioners: October 12, 2005  
Planning & Zoning Commission: October 10, 2005  
Board of County Commissioners: November 9, 2005  
Planning & Zoning Commission: November 14, 2005  
Board of County Commissioners: January 10, 2006

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**APPLICANT:** Matt McNulty, Florida Rock Industries, Inc. **FILE NUMBER:** H-05-82

**PURPOSE:** Rezoning from AG to PDP(HID)/Planned Development Project (Heavy Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, with a Waiver of the Frontage Road Requirement

**GENERAL**

**LOCATION:** South side of Ponce de Leon Boulevard, east side of Hawksbury Road

**LEGAL**

**DESCRIPTION:** A portion of Section 33, Township 21 South, Range 19 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 2 AGAINST: 3

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: AG, R-1A  
East: AG  
West: AG, M

Surrounding Land Uses

Undeveloped  
SF, MH, church, undeveloped  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(HID) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant. The subject property is located on the south side of Ponce de Leon Boulevard and the east side of Hawksbury Road. Subsequent to reviewing the staff report prior to the P&Z meeting, the petitioner requested a waiver to the frontage road requirement.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 40 acres.
3. The site is undeveloped.
4. The site contains majestic and specimen trees.
5. The subject property has access from Ponce de Leon Boulevard, Hawksbury Road and Treestand Trail.
6. The subject property is located within an industrial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Micanopy loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property contains wetlands and a SPA, but no WHPAs, according to County data resources.
10. The City of Brooksville has indicated that the subject property is within the City's first right to serve area. The nearest existing water and sewer lines are located at Parrott Middle School.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family and mobile home residential uses, institutional uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone from AG to PDP(Heavy Industrial) with a heavy manufacturing use, namely a concrete batch plant. The Development Department has determined that a concrete batch plant is a heavy manufacturing use, which is a special exception use in either the I-1 or I-2 zoning district. The PDP rules indicate that PDP(Heavy Industrial) would allow all of the uses permitted in the I-2 zoning district and any special exception use, such as heavy manufacturing, that have been specified in the narrative and plan.

The plan provided indicates the batch plant would be located within an approximately 7 acre area in the southwestern portion of the subject property. The petitioner proposes a 50' natural buffer along the south property line adjacent to the concrete batch plant facility. The plan shows the office, shop and storage areas located within the 7 acre area. The petitioner has indicated the batch plant is anticipated to employ 15 people.

The petitioner proposes serving the site with well and septic. The City of Brooksville has indicated that the subject property is within the City's first right to serve area. The nearest existing water and sewer lines are located at Parrott Middle School.

The site has access from Ponce de Leon Boulevard, Hawksbury Road and Treestand Trail. The petitioner proposes access from US 98 or alternatively, providing access from US 98 via Hawksbury Road. Hawksbury Road is a private gated roadway. The petitioner indicates he does not yet have a connection permit from FDOT to access US 98 nor permission from the owner of Hawksbury Road. The petitioner indicates the proposed use will generate approximately 30 daily trips. The Planning staff is of the opinion that Hawksbury Road has not been designed to accommodate the truck traffic that would be generated by the proposed use or any other I-2 use that could potentially be built on the site if the zoning is approved. The Planning staff is of the opinion that if the request is approved, the petitioner should provide access directly from US 98 unless Hawksbury Road is built to a standard acceptable to the County Engineer.

The petitioner is required to construct a frontage road serving Ponce de Leon Boulevard across the property, at no cost to the County, upon demonstration of need and demand by the County. The petitioner requests a waiver from the frontage road requirement. The petitioner argues that the wetlands on the site would be impacted by a frontage road and asserts that the abandoned FDOT weigh station on US 98 serves as a frontage road. The County Engineer indicates that a frontage road system may be useful in this area in the future and it is premature at this time to waive the frontage road requirement.

The subject property contains a Class 2 wetland in the northern half of the subject property and a Class 3 wetland in the central portion of the subject property according to County data resources. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

The subject property lies within a Special Protection Area (SPA) associated with adjacent mining zoning. The proposed use is allowable within this designation.

The FDOT has been notified of the request; no responses have yet been received.

**FINDINGS OF FACT**

The area is characterized by single family and mobile home residential uses, institutional uses, and undeveloped parcels. The properties to the north, west and east are undeveloped. The properties to the south contain a church and single family and mobile residential uses.

The subject property is located within an industrial land use classification on the adopted Future Land Use Map. Land uses allowed in the industrial land use category include industrial uses, ancillary commercial activities, minor public facilities and ancillary residential 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 direct access to Ponce de Leon Boulevard, an arterial roadway.

Policy 1.02 A(6) indicates industrial development along major arterials shall provide for extension of the County's frontage road network, where applicable. The petitioner proposes setbacks which would accommodate a frontage road along its frontage along Ponce de Leon Boulevard. If the request is approved, the petitioner shall provide a revised plan showing the location of a future frontage road.

Policy 1.01L(6) indicates the LDRs shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access. The subject property is located on Ponce de Leon Boulevard, which is an arterial roadway.

Given the visibility of the property from the roadway, is the staff's opinion that rezoning the site to allow I-2 uses on the entire 40 acres would be too intense for the area. The petitioner's intended use could be accommodated with a PDP(LI)/Planned Development Project(Light Industrial) and the addition of the concrete batch plant as indicated on the submitted master plan. The batch plant is proposed on the rear of the property, away from view from the roadway. The LI category would allow I-1 uses on the remainder of the site which in the staff's opinion would be more appropriate for this area.

The staff is of the opinion that rezoning from AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant is appropriate, based on the following conclusions:

1. Approval of PDP(HID) on the entirety of the subject property is too intense for the area.
2. Approval of PDP(LI)/Planned Development Project(Light Industrial) on the entirety of the site would be consistent with the area.

3. Approval of a Heavy Manufacturing Use, Namely a Concrete Batch Plant in accordance with the master plan submitted would not be incompatible with the surrounding area.
4. Rezoning the property to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
5. Waiving the frontage road requirement at this time is premature.

**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 AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, 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 petitioner shall construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From Ponce de Leon:	125'
From the east and west lot lines:	20'
From the south lot line:	35'
4. Access shall be from US 98 unless Hawksbury is built to a standard acceptable to the County Engineer.

5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.
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:**

On September 12, 2005, the Planning and Zoning Commission voted 5-0 to postpone the petition until 9:00 a.m. at their October 10, 2005 hearing.

On October 10, 2005, the Planning and Zoning Commission voted 4-1 to postpone the petition until 9:00 a.m. at their November 14, 2005 hearing.

On November 14, 2005, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, 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 petitioner shall construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From Ponce de Leon:	125'
From the east and west lot lines:	20'
From the south lot line:	35'
4. Access shall be from US 98 unless Hawksbury is built to a standard acceptable to the County Engineer. No access to the south to Campground Road is allowed.
5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.
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:**

On November 9, 2005, the BCC voted 5-0 to postpone this petition until the January 10, 2006, BCC meeting at 9:00 a.m.

On January 10, 2006, the Board of County Commissioners voted 5-0 to adopt Resolution # 2006-16 approving the petitioner's request to rezone from AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, 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 petitioner shall construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From Ponce de Leon:	125'
From the east and west lot lines:	20'
From the south lot line:	35'
4. Access shall be from US 98 unless Hawksbury is built to a standard acceptable to the County Engineer. No access to the south to Campground Road is allowed.
5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.
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.**

