

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Johannes Schalekamp **FILE NUMBER:** H-05-87

PURPOSE: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP) and (IND)/Planned Development Project (Corporate Park) and (Industrial) with a Place of Public Assembly

GENERAL

LOCATION: East side of Anderson Snow Road, approximately 2,000' south of Corporate Boulevard, west side of Suncoast Parkway

LEGAL

DESCRIPTION: A portion of Section 23, 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:

Surrounding Zoning

North: PDP(IND)
South: PDP(REC), AG
East: PDP(IND)
West: PDP(MF)

Surrounding Land Uses

Undeveloped
Anderson Snow Park; undeveloped
Suncoast Parkway
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(IND) to PDP(CP) and (IND) with a Place of Public Assembly. The subject property is located on the east side of Anderson Snow Road, approximately 2,000' south of Corporate Boulevard, west side of Suncoast Parkway.

FACTUAL INFORMATION

1. The property is currently zoned PDP(IND).
2. The property comprises two parcels, each approximately 3 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 zones B and 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 recreational and utility 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 PDP(IND) to PDP(CP) and (IND) with a Place of Public Assembly. The petition is for two parcels, each approximately 3 acres each in size. The petitioner proposes corporate park uses, specifically a restaurant and a strip shopping center, for the western parcel and a place of public assembly use, specifically the relocation of the Veterans of Foreign Wars fraternal organization on the eastern parcel. Uses allowed within the strip shopping center would be limited to those allowed in the PDP(CP) zoning district. A fraternal organization is classified as a place of public assembly allowable in any zoning category. The parcels are located along the southern boundary of the Holland Spring Industrial Park, adjacent to Anderson Snow Park. A conditional plat for the site is currently under review.

The petitioner indicates setbacks will be provided as required per the County LDRs. The plan provided shows a 75' setback along Anderson Snow Road and 75' from the north along the proposed roadway. The minimum setbacks from the internal roadway would be 35'. No specific setback is indicated for the eastern boundary but the minimum required 75' setback could be accommodated. The plan shows

a 35' setback from the south property line and 20' internal side setbacks. The Planning staff does not object to the proposed setbacks.

The petitioner proposes serving the site with central water and sewer service. The petitioner acknowledges the developer will be required to construct additional facilities to bring central services to the site. The Utilities Department has indicated that central water and sewer capacity 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 provide an aviation easement.

The petitioner proposes providing access to the site from Anderson Snow Road. The petitioner proposes a driveway from Anderson Snow Road along the northern boundary of the site. The access would have to be built to minimum County standards for a road. The County Engineer notes that the proposed access roadway as is a cul-de-sac and as such, exceeds the minimum length of 600' as indicated in the County LDRs. The County Engineer indicates the access roadway should be redesigned with a stub out to the north to serve the rest of the industrial park. The County Engineer indicates that if the request is approved, the petitioner should provide 20' of ROW along Anderson Snow Road. The plan provided shows 20' along Anderson Snow Road reserved for future widening.

There is a possible historical/archeological site located on the subject property according to County data resources. Any artifacts uncovered during land development shall be immediately reported to the Division of Historical Resources.

The City of Brooksville has no concerns 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 recreational and utility uses and undeveloped parcels. Undeveloped property zoned for industrial uses is located to the north. The Suncoast Parkway the Airport Industrial Park is located to the east. Undeveloped property zoned for multifamily residential is located to the west, across Anderson Snow Road. Anderson Snow Park is located south of the subject property.

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 both the request for the corporate park zoning, and the place of public assembly would not be inconsistent with the airport PDD.

The staff is of the opinion that rezoning from PDP(IND) to PDP(CP) and (IND) with a Place of Public Assembly is appropriate, based on the following conclusions:

1. Corporate park zoning on the western lot of the subject property would be compatible with the surrounding land uses along Anderson Snow Road.
2. Approval of the place of public assembly on the eastern lot of the subject property would not be inconsistent with the surrounding area.
3. Rezoning the subject property to PDP(Corporate Park) on the west, and designating the eastern property to allow a place of public assembly is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to 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) and (IND) with a Place of Public Assembly, 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 for the Corporate Park property are as follows:
 - From Anderson Snow Road: 75'
 - From the internal road: 35'
 - From the south property line: 35'
 - From internal side: 20'

- 3.. The minimum setbacks for the PDP(IND) property with the place of public assembly are as follows:
 - From the internal road: 35'
 - From the Suncoast Parkway: 75'
 - From internal side: 20'
 - From south property line: 35'
4. The development shall be limited to one access, the proposed access roadway, to Anderson Snow Road.
5. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
6. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.
7. The petitioner shall provide access to the north from the proposed access roadway.
8. The petitioner shall provide an avigation easement.
9. Any artifacts uncovered during land development shall be immediately reported to the Division of Historical Resources.
10. 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) and (IND) with a Place of Public Assembly, with the following unmodified 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 for the Corporate Park property are as follows:
 - From Anderson Snow Road: 75'
 - From the internal road: 35'
 - From the south property line: 35'

From internal side: 20'

- 3.. The minimum setbacks for the PDP(IND) property with the place of public assembly are as follows:
 - From the internal road: 35'
 - From the Suncoast Parkway: 75'
 - From internal side: 20'
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BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2005-277 approving the petitioner's request to rezone from PDP(IND) to PDP(CP) and (IND) with a Place of Public Assembly, 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 for the Corporate Park property are as follows:
 - From Anderson Snow Road: 75'

From the internal road: 35'
From the south property line: 35'
From internal side: 20'

3.. The minimum setbacks for the PDP(IND) property with the place of public assembly are as follows:

From the internal road: 35'
From the Suncoast Parkway: 75'
From internal side: 20'
From south property line: 35'

4. The development shall be limited to one access, the proposed access roadway, to Anderson Snow Road.
5. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
6. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.
7. The petitioner shall provide access to the north from the proposed access roadway.
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9. Any artifacts uncovered during land development shall be immediately reported to the Division of Historical Resources.
10. 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.