

STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006

APPLICANT: Flagstone Pavers, Inc. **FILE NUMBER:** H-05-110

PURPOSE: Master Plan Revision to Include a Rezoning from AG to PDP(LI)/Planned Development Project (Light Industrial) with a Heavy Manufacturing Operation with Outside Storage and Modifications to Buffer and Storage Conditions

GENERAL

LOCATION: East side of Cobb Road and Old Cobb Road, north side of Fort Dade Avenue

LEGAL

DESCRIPTION: A portion of Section 20, Township 22 South, Range 19 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: AG
South: AG, City of Brooksville
East: AR-2
West: AG

Surrounding Land Uses

MH, undeveloped
SF, MH, undeveloped
SF, MH, undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage and modifications to buffer and storage conditions. The subject property is located on the east side of Cobb Road and Old Cobb Road, north side of Fort Dade Avenue.

FACTUAL INFORMATION

1. The property is currently zoned PDP(LI) and AG.
2. The property comprises approximately 17.25 acres.

3. The site has been partially developed with a concrete products plant.
4. The site contains majestic and specimen trees.
5. The subject property has access from Cobb Road, Old Cobb Road and Fort Dade Avenue.
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 Flemington fine sandy loam and Micanopy loamy fine sand.
8. The property is located in a flood zone C.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The City of Brooksville indicates the site is located within the city's "first right to serve" area. Central water and sewer service is available.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by rural residential, commercial and industrial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage and modifications to buffer and storage conditions. The subject property consists of an approximately 16.87 acre parcel on the western side of the subject property that was zoned PDP(LI) with an additional specified use for a concrete manufacturing operation in 2000. The conditions of the 2000 rezoning approval required a minimum 30' natural treed buffer along all property lines, existing trees shall be retained where possible on the site, all raw material shall be stored in covered, enclosed storage bins, all manufacturing equipment shall be contained within a sound-attenuated structure and development was to occur generally in conformance with the plan submitted. A concrete products plant is operating on the property. The eastern 10 acres of the subject property was zoned PDP(LI) with outside storage in 2003. The petitioner requests to rezone an approximately 0.38 acre AG parcel to PDP(LI) with a heavy manufacturing operation in order to operate a second plant on the site.

The plan shows the second plant centered along the northern property line. The plan shows the second plant located 30' from the northern property line. The PDP rules require the following building setbacks: 125' from Cobb Road, 35' from Old Cobb Road, 75' from Fort Dade Avenue, 20' from the sides, and 35' from the rear. The plan is consistent with these setbacks; the plants are shown 30' from the north and south property lines. The Planning staff is of the opinion that if the request is approved, the setbacks should be approved as shown on the plan.

The 2003 rezoning of the eastern 10 acres required the following setbacks for outside storage: 30' from the east property line, 35' from the north property line, 75' from the south property line (which fronted on Fort Dade Avenue), and 30' from the west property line where not adjacent to property owned or controlled by the applicant. The Planning staff is of the opinion that if the request is approved, the setbacks for outside storage should be as follows: 30' from the east property line, 35' from the north property line, 30' from the west property line, 30' from the south property line and 75' from Fort Dade Avenue. If the request is approved, the plan should be revised to label the location of outside storage and shall meet the required setbacks for outside storage.

The petition indicates in supplemental narratives that the new plant will employ 5 workers per shift, 4 yard workers and 2 truck drivers for a total of 16. The petitioner estimates the truck traffic will be increased by approximately 50%, with 6 or 7 dump trucks trips hauling in raw materials and 7 to 9 semi truck trips shipping finished products. The petitioner intends to develop a 3 acre site located within the City of Brooksville and adjacent to the subject property with a 4,200 square foot office facility which will provide the additional parking required for additional office and manufacturing employees.

The petitioner requests a change to the condition requiring a 30' treed buffer along the property lines. The petitioner requests removal of the 30' treed buffer in the area of the proposed second plant in order to relocate a swale to the 30'-wide area between the proposed second plant and the northern property line. The PDP rules require nonresidential PDPs provide a minimum 5' buffer where adjacent to agricultural, agricultural/residential or residential land uses. The AG parcel to the north contains mobile homes. The staff is of the opinion that if the request is approved the petitioner may relocate the swale to within the 30' buffer area between the proposed plant and the northern property line, however the petitioner shall plant vegetation within the northern and southern 5' of the buffer area, on both sides of the relocated swale.

The petitioner requests removal of the condition requiring raw material be stored in covered, enclosed storage bins. The petitioner indicates the closed storage requirement causes operational inefficiencies and does not necessarily provide a public benefit. The petitioner indicates the raw material includes sand, screenings and 2/3" rock and will be stored temporarily in enclosed, uncovered bins until transferred by conveyor to covered storage bins. The petitioner indicates the raw material storage is not readily visible. The petitioner's description indicates the raw material will be located towards the center of the subject property. The Planning staff is of the opinion that

if the request is approved, the petitioner should provide a revised plan showing the location of the proposed enclosed, uncovered bins.

The subject property contains a Class 1 wetland as defined by the Comprehensive Plan. The petitioner shall insure that no raw materials are washed into this wetland. Additionally there shall be a dust suppression system in place to keep fine materials from becoming an airborne dust hazard.

The petitioner proposes connecting the site to Brooksville central water and sewer. The City of Brooksville indicates the site is located within the city's "first right to serve" area. Central water and sewer service is available. The city notes water lines may need to be enlarged depending on fire flow requirements.

The petitioner indicates access to the site will be via the existing access on Cobb Road. The County Engineer had no comments regarding the request. The Planning staff is of the opinion no access to Fort Dade Avenue shall be allowed, as specified in the 2003 rezoning approval.

FINDINGS OF FACT

The area is characterized by rural residential, commercial and industrial uses, and undeveloped parcels. The petitioner's cement products manufacturing business is located on a portion of the subject property. The Planning staff is of the opinion the proposed use, with appropriate performance conditions, would be compatible with the existing uses in the area.

The subject property is located within the industrial land use category on the adopted Future Land Use Map.

Objective 1.02(A) of the adopted Comprehensive Plan indicates that the County shall establish standards for industrial land uses which allow for the expansion of industrial employment opportunities while protecting the natural environment and the integrity of adjoining land 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 access to Cobb Road, an arterial roadway.

Policy 1.02A(5) indicates proposed industrial developments shall be evaluated for their effect on the natural environment, including tree retention, water consumption, habitat destruction, wetland disturbance, threatened and endangered wildlife, potential for the generation of point or non-point source pollution, the amount, kind, and method of handling hazardous wastes and the effect on air quality.

Policy 1.02B(2) states that designation of areas for industrial use shall include consideration of transportation and access standards, level of service standards, availability of sewer and water

facilities, proximity to rail or air access, proximity to employment base, minimal potential for environmental degradation and minimal land use conflicts.

A part of the subject property along the southern portion is designated as a Class I wetland on the County's generalized mapping. The mapping indicates that this wetland is part of a larger connected wetland. The comprehensive plan addresses Class I wetlands as follows:

Objective 6.05A: protect and conserve identified wetlands and the natural function of wetlands by restricting incompatible land use activities in wetlands to those which do not significantly impact the quality and function of the wetland.

Policy 6.05A(3): indicates that the removal, alteration or encroachment within a Class I wetland shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The site plan submitted by the petitioner indicates that the southern portion of the site will be utilized as a drainage retention area. Pursuant to the Comprehensive Plan, the DRA would not be consistent with the policies regarding use of the wetland.

Additionally, Policy 6.05A(9) states that industrial, residential housing of greater than 7 dwelling units per acre and commercial future land use categories shall be not designated adjacent to Class I wetlands. Where these future land use categories have been shown adjacent to Class I wetlands on the future land use map and have been relied upon for development or zoning decisions, those designations may remain. However, any development which occurs in these locations must demonstrate that no significant adverse impact to the wetlands will result or that adequate mitigation/compensation will be provided to protect functions and replace vegetative communities type for type.

Because the County's mapping is generalized, the petitioner should be required to delineate the precise location of the Class I wetlands. It is the staff's position that the area identified as Class I wetlands should be designated as conservation on a revised site plan. Additionally, the site plan should be reconfigured to move the DRA out of the wetland.

The staff is of the opinion that approval of a master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage and modification to the buffer and storage conditions is appropriate, based on the following conclusions:

1. The proposed heavy manufacturing operation with outside storage would be compatible with the surrounding land uses along Cobb Road with appropriate buffers.
2. The proposed heavy manufacturing operation with outside storage is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to 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 master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage with modifications to the buffer and storage requirements, 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. No vehicular access to Fort Dade Avenue is allowed.
3. All manufacturing equipment shall be contained within a sound-attenuated structure.
4. The petitioner shall provide fencing and a minimum 30' natural opaque vegetative buffer along all east property lines. The petitioner may relocate the swale to within the 30' buffer area between the proposed plant and the northern property line, however the petitioner shall plant vegetation within the northern 5' and southern 5' of the buffer area, on both sides of the relocated swale.
5. The perimeter setbacks are as follows:

From Cobb Road:	125'
From Old Cobb Road:	35'
From Fort Dade Avenue:	75'
From all other property lines:	30'

6. The open storage areas shall maintain the following setbacks:
 - east line: 30'
 - north line: 35'
 - west: 30'
 - south: 30'
 - From Fort Dade Avenue: 75'
7. The petitioner shall label and depict the location of the enclosed covered bins, and the outside storage area on a revised master plan. These areas shall meet the minimum setbacks for open storage.
8. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
9. The petitioner shall provide a stormwater management system to prevent sedimentation washing into the wetland.
10. A dust suppression system must be in place to keep fine materials from becoming an airborne dust hazard.
11. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
12. 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:

At the December 12, 2005 meeting, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage with modifications to the buffer and storage requirements, 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. No vehicular access to Fort Dade Avenue is allowed.
3. All manufacturing equipment shall be contained within a sound-attenuated structure.
4. The petitioner shall provide fencing and a minimum 30' natural opaque vegetative buffer along all east property lines. The petitioner may relocate the swale to within the 30' buffer area between the proposed plant and the northern property line, however the petitioner shall plant vegetation within the northern 5' and southern 5' of the buffer area, on both sides of the relocated swale.
5. The perimeter setbacks are as follows:

From Cobb Road:	125'
From Old Cobb Road:	35'
From Fort Dade Avenue:	75'
From all other property lines:	30'
6. The open storage areas shall maintain the following setbacks:

east line:	30'
north line:	35'
west:	30'
south:	30'
From Fort Dade Avenue:	75'
7. The petitioner shall label and depict the location of the enclosed covered bins, and the outside storage area on a revised master plan. These areas shall meet the minimum setbacks for open storage.
8. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
9. The petitioner shall provide a stormwater management system to prevent sedimentation washing into the wetland.
10. A dust suppression system must be in place to keep fine materials from becoming an airborne dust hazard.
11. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
12. 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 5-0 to adopt Resolution # 2006-20 approving the master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage with modifications to the buffer and storage requirements, 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. No vehicular access to Fort Dade Avenue is allowed.
3. All manufacturing equipment shall be contained within a sound-attenuated structure.
4. The previously approved perimeter buffers from cases H-00-16 and H-03-33 shall remain in force as approved . The petitioner may relocate the swale to within the 30' buffer area between the proposed plant and the northern property line, however the petitioner shall plant vegetation within the northern 5' and southern 5' of the buffer area, on both sides of the relocated swale.
5. The perimeter setbacks are as follows:

From Cobb Road:	125'
From Old Cobb Road:	35'
From Fort Dade Avenue:	75'
From all other property lines:	30'
6. The open storage areas shall maintain the following setbacks:

east line:	30'
north line:	35'
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From Fort Dade Avenue:	75'
7. The petitioner shall label and depict the location of the enclosed covered bins, and the outside storage area on a revised master plan. These areas shall meet the minimum setbacks for open storage.

8. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.
9. The petitioner shall provide a stormwater management system to prevent sedimentation washing into the wetland.
10. A dust suppression system must be in place to keep fine materials from becoming an airborne dust hazard.
11. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
12. 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.