

STAFF REPORT

Planning & Zoning Commission: December 12, 2005

Board of County Commissioners: January 11, 2006

APPLICANT: Alan Field **FILE NUMBER:** H-05-124

PURPOSE: Master Plan Revision Including a Rezoning from AR-2 (Agricultural-residential) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 Use of Construction Service Establishment and Outside Storage and a Change to the Buffer Requirements

GENERAL

LOCATION: East side of Ponce de Leon Boulevard, north side of Cedar Street, approximately 700' south of Brittle Road

LEGAL

DESCRIPTION: A portion of Lot 1 and Lots 2 - 4, 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.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: M
South: R-1A, AR-2
East: M, AR-2
West: PDP(HC), AR-2

Surrounding Land Uses

Mine
SF, undeveloped
Mine
Vacant commercial

SUMMARY OF REQUEST

The petitioner requests a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer requirements. The subject property is located on the east side of Ponce de Leon Boulevard, north side of Cedar Street, approximately 700' south of Brittle Road.

FACTUAL INFORMATION

1. The property is currently zoned AR-2 and PDP(HC) with a specific C-4 use of construction service establishment.
2. The property comprises approximately 11 acres.
3. The site is undeveloped.
4. The site is wooded and appears to contain majestic or specimen trees.
5. The subject property has access from Ponce de Leon Boulevard and Cedar Street.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Adamsville fine sand, Flemington fine sandy loam, Micanopy loamy fine sand and Wauchula fine sand.
8. The property is located in a flood zone C.
9. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site, however service is not currently available for the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial, mining, rural residential 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 including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment, in order to expand the site of the proposed roofing business to accommodate truck parking and a DRA. The Development Department has indicated a roofing business is classified as a construction service establishment. A construction service establishment is a permitted use in the C-4 zoning classification per the County LDRs. Screened outside storage is allowed behind the building line.

In April 2003, the BCC approved a rezoning from R-1A and AR-2 to PDP(HC) with a C-4 use of construction service establishment on approximately the western half of the subject property. The petitioner plans to operate a roofing business with outside storage on the property. The conditions of approval included requirements for 35' vegetated buffers along the east and south property lines. The subject property is located adjacent to Florida Rock properties zoned AR-2 and M to the east. A platted roadway, Cedar Street, is located to the south. A frontage road will be located in this area in the future. The plan submitted indicates the outside storage along the north of the proposed building. A DRA is proposed at the southeast corner of the property. It is the staff's opinion the DRA would constitute part of a buffering plan consequently relocation of the DRA would require a master plan revision. Additionally, the site will be required to provide landscaping as required per the LDRs for commercial uses.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site, however service is not currently available for the subject property. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access to US 98. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The County Engineer as reviewed the proposed request and had some issues relative to the driveway intersections, and frontage road layout which would have to be modified if the request is approved. The County Engineer indicates the frontage road in this area should be aligned so that south of the subject property the frontage road continues south at the location of the platted Florida Street, to the east of the subject property.

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

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

FINDINGS OF FACT

The area contains a mixture of commercial, rural residential and mining uses, and undeveloped parcels. Ringhaver Equipment is located approximately 750' to the south of the site on property zoned C-2 with a special exception use permit for heavy equipment sales and service. Goodwin Brothers Construction is located approximately 700' to the south on property zoned C-2 with a special exception use permit for heavy construction service establishment. A trucking company is located to the northwest on property zoned C-2. To the east of the subject property is undeveloped property zoned AR-2. Undeveloped property zoned R-1A is located to the south of the subject

property, separated by the platted but undeveloped Cedar Street. The Brooksville Quarry is located to the north and east of the subject property.

The subject property is located within a rural land use classification on the Future Land Use Map. The rural land use classification would allow agriculture, agricultural industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation and public and semi-public uses.

Policy 1.01L(3) indicates that new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial and appropriate infill areas. The Planning staff is of the opinion that the subject property is an appropriate area for commercial infill, given the existing commercial zoning and development in the surrounding area.

Policy 1.01O(4) allows infill commercial development within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) allows strip commercial only along commercial corridors having significant existing commercial development, where remaining parcels are generally zoned commercial and commercial development is expected to continue. The subject property is located proximate to several parcels along Ponce de Leon zoned C-2 with special exception use permits for heavy construction sales and service, heavy construction service establishment and heavy equipment sales. The Planning staff is of the opinion that because it is located on a principal arterial highway and proximate to higher intensity mining uses and C-2 parcels with special exceptions for higher intensity uses, the site is an appropriate location for C-2 uses with a C-4 use of construction service establishment.

The staff is of the opinion that approval of a master plan revision including a rezoning from AR-2 PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer requirements. is appropriate, based on the following conclusions:

1. The proposed highway commercial zoning with a C-4 use would be compatible with the surrounding land uses with performance conditions.
2. The proposed highway commercial zoning with a C-4 use 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 Concurrency. 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 for a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer 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. The petitioner shall provide a frontage road upon demonstration of need and demand by the County.
3. The perimeter setbacks shall be as follows:
 Front: 125'
 Side: 35'
 Rear: 35'
4. The petitioner shall provide a minimum 35' vegetative buffer along the east and south property lines.
5. Outside storage is allowed along the northern property line as shown on the plan.
6. The driveway intersection, the frontage road intersections and layout shall be redesigned to meet the specifications of the County Engineer.

P&Z RECOMMENDATION:

At the December 12, 2005 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer 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. The petitioner shall provide a frontage road upon demonstration of need and demand by the County.
3. The perimeter setbacks shall be as follows:
 - Front: 125'
 - Side: 35'
 - Rear: 35'
4. The petitioner shall provide a minimum 35' vegetative buffer along the east and south property lines.
5. Outside storage is allowed along the northern property line as shown on the plan.
6. The driveway intersection, the frontage road intersections and layout shall be redesigned to meet the specifications of the County Engineer.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-18 approving the petitioner's request for a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer 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. The petitioner shall provide a frontage road upon demonstration of need and demand by the County.
3. The perimeter setbacks shall be as follows:
 - Front: 125'
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4. The petitioner shall provide a minimum 35' vegetative buffer along the east and south property lines.

5. Outside storage is allowed along the northern property line as shown on the plan.
6. The driveway intersection, the frontage road intersections and layout shall be redesigned to meet the specifications of the County Engineer.

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.