

**STAFF REPORT**

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

Board of County Commissioners: June 8, 2005

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**APPLICANT:** Thomas Armbruster **FILE NUMBER:** H-05-16

**PURPOSE:** Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use of Mini-warehouses or PDP(CP)/Planned Development Project (Corporate Park)

**GENERAL**

**LOCATION:** East side of Anderson Snow Road, approximately 450' north of Corporate Boulevard

**LEGAL**

**DESCRIPTION:** Lot 5, Block 2, Holland Spring Industrial Park, Unit 1, as per plat thereof recorded in Plat Book 19, Pages 50-51, of the Public Records of Hernando County, Florida in Sections 22 and 23, Township 23 South, Range 18 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 1

**STAFF FINDINGS:**

| <u>Surrounding Zoning</u> | <u>Surrounding Land Uses</u> |
|---------------------------|------------------------------|
| North: PDP(IND), PDP(GC)  | 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(GC) with a specific C-2 use of mini-warehouses. The subject property is located on the east side of Anderson Snow Road, approximately 450' north of Corporate Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(IND).
2. The property comprises approximately 4.07 acres.
3. The site has been cleared, but 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 rezoning from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses in order to develop the property with professional offices and storage. The narrative describes the storage as climate controlled and miniwarehouses. 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 rear lot line.

In August 2001, the BCC voted 4-0 to deny a request to rezone this property from PDP(IND) to PDP(GC) with specific C-2 uses. The petitioner proposed developing the site with office, retail car wash and mini-storage.

The subject property is located within the airport influence zone. Certain uses face restrictions within the airport influence zone. None of the uses proposed by the petitioner would be restricted. The Airport Director indicates that the rezoning is not incompatible with the airport, but the retail and office tenants moving in to the area should be made aware of aircraft overflight.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property has access from Anderson Snow Road. The plan shows two (2) driveways providing access to the property. The subject property is located on a section of Anderson Snow Road that transitions from divided to undivided roadway. The northern driveway will face a median and if approved would be limited to right-in/right-out access. The County Engineer indicates that if the request is approved, the petitioner shall be limited to one driveway, with the driveway location, provision of a left turn lane and reworking of the median taper to be determined by the County Engineer. The County Engineer notes the access will likely be limited to right-in/right-out only. The County Engineer indicates that if the request is approved, the petitioner shall provide 70' of ROW from the centerline of Anderson Snow Road.

The Transportation Planning Coordinator indicates that commercial retail and office uses can generate more peak hour traffic than industrial uses. He notes that based on 17,480 square feet of building space, general light industrial would generate 17 P.M. peak hour trip ends, general office would generate 99 P.M. peak hour trip ends, medical office would generate 64 P.M. peak hour trip ends and specialty retail would generate 45 P.M. peak hour trip ends. He notes that Anderson Snow Road is not programmed to be widened to four lanes until after 2016.

The plan shows two (2) interconnections to the parcel to the north. The County Engineer did not object to the interconnection to the parcel to the north. The 2001 rezoning approval on the parcel to the north required interconnection to the subject property.

The City of Brooksville and the Florida Turnpike headquarters have been notified of the request; no responses have yet been received.

### **FINDINGS OF FACT**

The area is characterized by undeveloped parcels. Commercial retail development is located to the north at the intersection of Spring Hill Drive and Anderson Snow Road. The Suncoast Parkway is located to the east. Anderson Snow Park is located approximately three-quarters of a mile to the south.

The subject property is located within the airport planned development district land use classification on the adopted Future Land Use Map. The adopted Future Land Use Map indicates a commercial half node has been delineated on the north side of Spring Hill Drive on either side of Barclay Avenue. This area has been developed with retail stores serving the local area: drug stores, a 711/Citgo and a strip shopping center anchored by a Publix grocery store.

Policy 1.01M(2)(b) indicates community commercial nodes are to be located in areas designated by the Future Land Use Map as locations appropriate for nodal commercial development, proximate to the intersection of two roadways of a status of collector road or greater, no full median cuts are allowed closer than 660' from the intersection, not located in the interior of residential areas, not compromising the integrity of the residential areas, and generally ranging in size from 40 to 60 acres. It is the staff's opinion that the existing node meets the criteria for consideration as a community commercial node. The combined total of existing commercial developed acreage and the approved commercially zoned land falls within the parameters of community commercial node size. It is the staff's opinion that rezoning additional property to commercial would be inconsistent with the adopted Comprehensive Plan policies relating to community commercial nodes.

Additionally, there is a limited amount of land in the county designated for future industrial use. The staff would object to rezoning the subject property to commercial in an area which should be reserved for future industrial and airport uses.

The traffic generated by the proposed commercial zoning would be substantially greater than that generated by the industrial zoning. There are no improvements programmed for Anderson Snow road in the County's Long Range Transportation Plan until after 2016. Further, the area does not have a frontage road system to assist with the increase in traffic volume.

The staff is of the opinion rezoning from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses is inappropriate, based on the following conclusions:

1. The subject property is located in the area outside of a commercial node as identified on the adopted comprehensive plan.
2. The requested rezoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

**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 # \_\_\_\_\_ denying the petitioner's request to Rezoning from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses.

**P&Z RECOMMENDATION:**

At their March 14, 2005 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. The requested rezoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.
2. The requested rezoning will be compatible with the commercially zoned parcels in the area.

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # \_\_\_\_\_ approving the petitioner's request to rezone from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses 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 development shall be limited to one driveway to Anderson Snow Road.
3. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
4. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.
5. The petitioner shall provide driveway access to the lot to the south for the purpose of cross access.

**NOTE:**

If the Board of County Commissioners elects to approve the petitioner's request, a condition requiring a revised plan should be included as follows:

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 April 13, 2005, the BCC voted 5-0 to postpone this petition until the June 8, 2005 BCC Hearing at 9:00 AM. to research whether an alternative zoning category would be more appropriate, and to allow additional time for advertising if necessary. The petitioner submitted a letter requesting the Corporate Park Planned Development Project be considered, and the application has been appropriately advertised.

The staff objected to the petitioner's proposal to rezone to General Commercial with a miniwarehouse use because we believe it is inappropriate to extend general retail commercial into this area designated as Airport Planned Development District on the adopted Future Land Use Map. The petitioner is proposing to develop the site with mini-warehouses and general office and retail. The subject property is currently zoned industrial and it could be developed with miniwarehouses; however, general office and retail uses are not allowed.

The county's land development regulations include the Corporate Park Planned Development Project District which is intended to be utilized in the Airport Planned Development District to allow a mixture of light industrial uses, and limited general commercial uses.

The staff makes the following findings regarding the modified rezoning request:

1. The subject property is located within the Airport Planned Development District (PDD) which is intended to maximize the use of the airport and surrounding land by providing for aviation, aviation related activities, industrial uses and other land uses not incompatible with the airport.
2. The Planned Development Project (Corporate Park) district is compatible with the Airport PDD designation.
3. The Planned Development Project (Corporate Park) district is compatible with the surrounding land uses.

4. The requested rezoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

The Planning Staff recommends the P&Z recommend the BCC adopt resolution #\_\_\_ approving the petitioner's request to rezone the subject property from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park) 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 development shall be limited to one driveway to Anderson Snow Road.
3. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
4. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.
5. The petitioner shall provide driveway access to the lot to the south for the purpose of cross access.
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 April 13, 2005, the BCC voted 5-0 to postpone this petition until their June 8, 2005 BCC hearing at 9:00 a.m.

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-154 approving the petitioner's request to rezone the subject property from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park) 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 development shall be limited to one driveway to Anderson Snow Road.
3. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
4. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.
5. The petitioner shall provide driveway access to the lot to the south for the purpose of cross access.
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.**