

STAFF REPORT

Planning & Zoning Commission: August 8, 2005
Board of County Commissioners: September 14, 2005

APPLICANT: Bay Pines Investments Inc. **FILE NUMBER:** H-05-72

PURPOSE: Rezoning from AG (Agricultural) to C-4 (Heavy Highway Commercial)

GENERAL

LOCATION: West side of Ponce de Leon Boulevard, east side of Cobb 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.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG, I-1
South: AG
East: AG
West: AG

Surrounding Land Uses

Florida Rope & Supply, undeveloped
Pasture, undeveloped
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to C-4. The subject property is located on the west side of Ponce de Leon Boulevard and the east side of Cobb Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately eight (8) acres.
3. The site is undeveloped.
4. The site is wooded and appears to contain majestic and specimen trees.
5. The subject property has access from Ponce de Leon Boulevard and Cobb Road.

6. The subject property is located within an industrial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Nobleton fine sand.
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 City of Brooksville indicates the subject property is within their “first right to serve area;” water and sewer service are not available.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area contains commercial and agricultural 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 C-4 in order to develop the site with warehouses. Heavy wholesale and storage establishments are allowed in the C-4 zoning category. The plan provided shows the site developed with five (5) 14,000 square foot buildings. The setbacks proposed are consistent with the zoning category: 125' from Cobb Road and Ponce de Leon Boulevard and 20' from the north and south lot lines. The plan shows 40 parking spaces. If the request is approved, the petitioner will be required to provide parking per the LDRs.

The plan shows two (2) access points to Cobb Road and two (2) access points to Ponce de Leon Boulevard and interconnection between the northern and southern buildings provided via the frontage road(s) to be built. The County Engineer indicates that if the request is approved, the petitioner shall be limited to one access point on Cobb Road and one access point on Ponce de Leon Boulevard. The County Engineer does not object to the petitioner using the frontage road for onsite access.

The subject property has access to Cobb Road, an arterial roadway, and Ponce de Leon Boulevard, a collector roadway. The narrative proposes one access to Ponce de Leon with a frontage road and two access points on Cobb Road. The plan shows two (2) access points each to Cobb Road and Ponce de Leon Boulevard. The petitioner is required to construct frontage roads serving Cobb Road and Ponce de Leon Boulevard across the property, at no cost to the County, upon demonstration of need and demand by the County. In 1995, the BCC approved Florida Rope & Supply’s request to

rezone the property north of the subject property from AG to I-1 with a performance condition requiring provision of a frontage road across the property along Ponce de Leon Boulevard, at no cost to the County, upon demonstration of need and demand by the County. The County Engineer indicates that if the request is approved, the petitioner should construct the frontage road along the Ponce de Leon Boulevard frontage at the time of development as indicated on the plan and shall construct a frontage road along the Cobb Road frontage of the property, at no cost to the County, upon demonstration of need and demand by the County. A PDE has been completed for Cobb Road Improvements. The County Engineer indicates that if the request is approved, the petitioner should work with the County to provide additional ROW along Cobb Road as required by the County Engineer at the time of site development in order to minimize costs associated with the improvements to Cobb Road.

The petitioner proposes serving the development with well and septic. The City of Brooksville indicates the subject property is within their “first right to serve area;” water and sewer service are not available. The City of Brooksville has no objections to the request.

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

The subject property may contain a historical/archeological site according to the State Master Site File. The nature and significance of this site shall be evaluated by a qualified archeological expert before any development of the subject property.

FINDINGS OF FACT

The area contains commercial and agricultural uses, and undeveloped parcels. Florida Rope and Supply is located on an I-1 zoned parcel north of the subject property. Undeveloped AG parcels are located to the north, east and west of the subject property. A pasture is located on AG property south of the subject property.

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 Cobb Road, an arterial roadway, and Ponce de Leon Boulevard, a collector 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 reserving room for a frontage road along its frontage along Cobb Road and proposes building a frontage road on its frontage along Ponce de Leon Boulevard.

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 Cobb Road and Ponce de Leon Boulevard, which are arterial roadways. The Planning staff is of the opinion that if the request is approved, conditions regarding the coordination of the frontage road and access will need to be addressed in order for traffic to operate efficiently in the area.

The staff is of the opinion that rezoning to PDP(HHC) is appropriate, based on the following conclusions:

1. Approval of a PDP(HHC)/Planned Development Project(Heavy Highway Commercial) with performance standards addressing access is more appropriate than a standard zoning district.
2. Rezoning the property to a Planned Development Project allowing Heavy Highway Commercial uses 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 rezoning from AG to PDP(HHC), 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 the time of development as indicated on the plan and shall construct a frontage road along

the Cobb Road frontage of the property, at no cost to the County, upon demonstration of need and demand by the County.

3. The petitioner shall work with the County to provide additional ROW along Cobb Road as required by the County Engineer at the time of site development in order to minimize costs associated with the improvements to Cobb Road.
4. The setbacks are approved as follows:

From Ponce de Leon and Cobb Road:	125'
From the north and south lot lines:	20'
5. The petitioner is allowed one access to Cobb Road and one access to Ponce de Leon Boulevard.
6. The nature and significance of the archeological/historical site shall be evaluated by a qualified archeological expert before any development of the subject property.
7. 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 rezoning from AG to PDP(HHC), 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 the time of development as indicated on the plan and shall construct a frontage road along the Cobb Road frontage of the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The petitioner shall work with the County to provide additional ROW along Cobb Road as required by the County Engineer at the time of site development in order to minimize costs associated with the improvements to Cobb Road.

4. The setbacks are approved as follows:
From Ponce de Leon and Cobb Road: 125'
From the north and south lot lines: 20'

5. The petitioner is allowed one permanent access to Cobb Road and one access to Ponce de Leon Boulevard. The petitioner is allowed a temporary second access (in the northern half of the west property line) to Cobb Road until the frontage road is built. (Staff does not object to the modification made by P&Z)*

6. The nature and significance of the archeological/historical site shall be evaluated by a qualified archeological expert before any development of the subject property.

7. 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: Future roadway realignment in this area may move Cobb Road away from the subject property.

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution #2005-243 approving the rezoning from AG to PDP(HHC), 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 the time of development as indicated on the plan and shall construct a frontage road along the Cobb Road frontage of the property, at no cost to the County, upon demonstration of need and demand by the County.

3. The petitioner shall work with the County to provide additional ROW along Cobb Road as required by the County Engineer at the time of site development in order to minimize costs associated with the improvements to Cobb Road.

4. The setbacks are approved as follows:
From Ponce de Leon and Cobb Road: 125'
From the north and south lot lines: 20'

5. The petitioner is allowed one permanent access to Cobb Road and one access to Ponce de Leon Boulevard. The petitioner is allowed a temporary second access (in the northern half of the west property line) to Cobb Road until the frontage road is built.
6. The nature and significance of the archeological/historical site shall be evaluated by a qualified archeological expert before any development of the subject property.
7. 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: Future roadway realignment in this area may move Cobb Road away from the subject property.

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.