

**STAFF REPORT**

Planning & Zoning Commission: October 10, 2005  
Board of County Commissioners: November 9, 2005

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**APPLICANT:** Times Publishing Company **FILE NUMBER:** H-05-96

**PURPOSE:** Rezoning from C-1 (General Commercial) and R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a C-2 use for a Publishing and Printing Service Establishment

**GENERAL**

**LOCATION:** East side of Winter Street, approximately 400' north of Cortez Boulevard

**LEGAL**

**DESCRIPTION:** Portions of lots 15 - 19, Section M, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Page 66, of the Public Records of Hernando County, Florida in Section 26, Township 22 South, Range 18 East

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

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

**STAFF FINDINGS:**

Surrounding Zoning

North: C2, R-1C  
South: C2  
East: C2  
West: PDP(GC)

Surrounding Land Uses

Undeveloped  
St. Pete Times  
Motorcycle dealership  
Single family, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from C-1 and R-1C to PDP(GC) with a C-2 use. The subject property is located on the east of Winter Street, approximately 400' north of Cortez Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned C1 and R-1C.
2. The property comprises approximately 2.4 acres.
3. The site is undeveloped.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Winter Street.
6. The subject property is located generally within a commercial 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 contains a WHPA-2, but no wetlands 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. The adequate public facility review indicates that there are capacity issues associated with SR 50.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family residential uses, commercial uses and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone from C-1 and R-1C to PDP(GC) with a C-2 use in order to operate an assembly and distribution center for the St. Pete Times. The County Development Department has classified the proposed use as a publishing and printing service establishment, which is a C-2 use.

The petitioner indicates the facility will be staffed by three (3) management employees and approximately 60 independent contractors, assembling and preparing newspapers and related printed products for distribution. The petitioner indicates the facility will be open from 1:00 a.m. to 6 a.m. daily for distribution activities. The total number of employees in the facility at any given time is

estimated to be 80 to 85, with a small number remaining in the facility through the late morning hours. The petitioner indicates one tractor-trailer arrives Monday through Sunday between 9 pm. and 10 p.m., one arrives Monday through Sunday between 2:00 a.m. and 2:30 a.m. and another arrives Friday at 2 p.m.

The plan shows the following setbacks: 35' from Winter Street, the rear lot line and from the north lot line adjacent to property zoned R-1C , and 20' from the south lot line. The plan shows a landscaped buffer along Winter Street, the northern property line adjacent to the R-1C property, and along the east.

The plan shows 100 parking spaces. If the request is approved, the petitioner will be required to provide the minimum number of parking spaces for the classified use of a publishing and printing service establishment, at a rate of 5 spaces per 1,000 square feet of building space. The plan shows a 25,000 square foot building; a minimum of 125 parking spaces are required for the proposed use with the building square footage as shown.

The plan submitted depicts a truck well along the building facing Winter Street. A portion of the building is located between the truck well and the property to the north. The narrative indicates that the truck well will be along the southeast. The petitioner has clarified that the truck well is proposed pursuant to the master plan. The petitioner indicates all activity will take place on the south, east and southeast sides of the property. The north and west sides of the property will not be used in order to minimize impacts to the residential properties to the north. The petitioner indicates that the new building would act as a buffer, shielding residential areas to the north from the parking and loading areas. The petitioner indicates any noise generated within the building will be projected to the southeast. The Planning staff is of the opinion that as long as the truck well is situated parallel to the building as indicated on the plan with a portion of the building constructed to its north end, as well as containing the associated activity to the south, east and southeast of the building, the use would not be incompatible with the surrounding area.

The Transportation Planning Coordinator indicates that there are capacity issues associated with SR 50 in this area. The petitioner will have to obtain a certificate of concurrency and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The petitioner proposes two (2) access points from Winter Street. The County Engineer does not object to the petitioner's proposed access. The County Engineer indicates that if the request is approved, the petitioner should provide additional ROW as required from Winter Street's centerline from the subject property's north lot line to the Cortez Boulevard/Winter Street intersection.

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

The subject property lies within a WHPA-2 for a public supply well according to County data resources. The proposed land use is allowable within this designation.

The City of Brooksville has no comments regarding the rezoning request. The FDOT 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 single family residential uses, commercial uses and undeveloped parcels. The St. Pete Times has an existing facility to the south of the subject property. A motorcycle dealership is located to the east. A vacant property zoned for single family residential uses is located to the north. A single family home is located on property recently rezoned to PDP(GC) to the west.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity. Most of the parcels with frontage on Cortez Boulevard in this area are zoned C-2. The parcel to the west is zoned PDP(GC). Parcels are zoned for single family uses to the north. The Planning staff is of the opinion that the full range of C-2 uses is too intense at this location. The Planning staff is of the opinion that in order to transition the intensity of commercial activities from Cortez Boulevard to the area to the north zoned for single family uses, if the request to rezone from C-1 and R-1B to PDP(GC) with a C-2 use is approved, the C-2 use of printing and publishing service establishment should be limited to the assembly and distribution of published materials and should not include printing activities.

The staff is of the opinion that rezoning from C-1 and R-1C to PDP(GC) with a C-2 use of publishing and printing service establishment is appropriate, based on the following conclusions:

1. General commercial zoning with the one C-2 use would be compatible with the surrounding land uses.
2. Performance conditions addressing the design, orientation and intensity of the proposed use are appropriate to address impacts to the surrounding area.

3. General commercial zoning with the one C-2 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 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 C-1 and R-1C to PDP(GC) with a C-2 use of publishing and printing service establishment, 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 publishing and printing service establishment shall be limited to activities of assembly and distribution of published materials. Printing is not allowed.
3. The petitioner shall provide a minimum 10' wide buffer with 80% opacity along the north lot line.
4. The truck well shall be located along the building in the configuration indicated on the master plan, with a portion of the building constructed at its north end.
5. The assembly and distribution of the materials shall occur along the south, east and southeast portion of the site, not along Winter Street.
6. Minimum setbacks are approved as indicated on the master plan.

7. The petitioner shall provide additional ROW from Winter Street's centerline from the subject property's north lot line to the Cortez Boulevard/Winter Street intersection as determined by the County Engineer.
8. 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 C-1 and R-1C to PDP(GC) with a C-2 use of publishing and printing service establishment, 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 publishing and printing service establishment shall be limited to activities of assembly and distribution of published materials. Printing is not allowed.
3. The petitioner shall provide a minimum 20' ~~10'~~ wide buffer with 80% opacity along the north lot line. (Staff has no objections).
4. The truck well shall be located along the building in the configuration indicated on the master plan, with a portion of the building constructed at its north end.
5. The assembly and distribution of the materials shall occur along the south, east and southeast portion of the site, not along Winter Street.
6. Minimum setbacks are approved as indicated on the master plan.
7. The petitioner shall provide additional ROW from Winter Street's centerline from the subject property's north lot line to the Cortez Boulevard/Winter Street intersection as determined by the County Engineer.
8. 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 # 2005-324 approving the rezoning from C-1 and R-1C to PDP(GC) with a C-2 use of publishing and printing service establishment, 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 publishing and printing service establishment shall be limited to activities of assembly and distribution of published materials. Printing is not allowed.
3. The petitioner shall provide a minimum 20" wide buffer with 80% opacity along the north lot line.
4. The truck well shall be located along the building in the configuration indicated on the master plan, with a portion of the building constructed at its north end.
5. The assembly and distribution of the materials shall occur along the south, east and southeast portion of the site, not along Winter Street.
6. Minimum setbacks are approved as indicated on the master plan.
7. The petitioner shall provide additional ROW from Winter Street's centerline from the subject property's north lot line to the Cortez Boulevard/Winter Street intersection as determined by the County Engineer.
8. 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.**