

STAFF REPORT

Planning & Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007

APPLICANT: Four Brothers Acquisition, LLC **FILE NUMBER:** H-06-123

PURPOSE: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park)

GENERAL

LOCATION: East side of Anderson Snow Rd, approximately 550' south of Industrial Loop

LEGAL

DESCRIPTION: Parcel B-2 of Holland Spring Industrial Park, Unit 4, according to the plat thereof, as recorded in Plat Book 38, Page 7, Public Records of Hernando County, FL, in Section 23, Township 23 South, Range 18 East

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(IND)	Undeveloped
South: PDP(REC)	Anderson Snow Park
East: PDP(IND)	Undeveloped
West: PDP(CP)	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone the subject property from PDP(IND)/ Planned Development Project (Industrial) to PDP(CP)/ Planned Development Project (Corporate Park). The subject property is located on the east of Anderson Snow Road, along Armed Forces Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(IND)/ Planned Development Project (Industrial).
2. The property comprises approximately 2.5 acres.
3. The site is undeveloped.

4. The site may contain 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, Special Protection Areas (SPA), or Wellhead Protection (WHPA) 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 Land Development Regulations.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from PDP(IND)/ Planned Development Project (Industrial) to PDP(CP)/ Planned Development Project (Corporate Park) in order to develop a corporate park. If the request is approved, the setbacks will be as follows: 35' from Armed Forces Road, 20' from the side lot lines and 35' from the rear lot line.

The major difference between the PDP(IND)/Planned Development Project (Industrial) and PDP(CP)/Planned Development Project (Corporate Park) is the ability to accommodate a range of commercial uses such as day care centers, business, professional and nonprofit organization offices, business services and repairs, restaurants, hotels, and motels.

The petitioner proposes providing access to the site from Armed Forces Road. Intersection improvements at Anderson Road and the construction of Armed Forces Road will be built by Holland Springs Industrial Park. The required improvements are currently under construction.

All signage proposed for the project shall meet the requirements of the county's sign ordinance. All landscaping shall meet the regulations within the community appearance ordinance.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12-inch water line is located on the east side of Anderson Snow Road. A sewer pump station is located approximately 900' northwest of the parcel. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. 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.

Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit.

FINDINGS OF FACT

The area is characterized by undeveloped parcels. The subject property is bordered on three sides by property zoned for commercial, professional and industrial uses, and to the south by the Anderson Snow park.

The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development. The request for the corporate park zoning would be consistent with the Comprehensive Plan.

Rezoning from PDP(IND)/ Planned Development Project (Industrial) to PDP(CP)/ Planned Development Project (Corporate Park) is appropriate, based on the following conclusions:

1. Corporate Park zoning would be compatible with the surrounding land uses along Anderson Snow Road.
2. Rezoning the subject property to PDP(CP)/ Planned Development Project (Corporate Park) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject in 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 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 report, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone 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 minimum setbacks for the Corporate Park property are as follows:
 - From the internal road: 35'
 - From the south property line: 35'
 - From internal side: 20'
3. The construction of Armed Forces Road and access improvements along Anderson Snow Road shall be substantially complete prior to the issuance of a Certificate of Occupancy for the subject property, as determined by the County Engineer.
4. The petitioner shall provide an avigation easement.
5. The petitioner shall provide a 20 foot wide 80% opacity buffer along the south property line adjacent to the existing PDP(REC) and AG.
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.

