

STAFF REPORT

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

APPLICANT: DRSI - Discovery Real Estate Services, LLC **FILE NUMBER:** H-06-127

PURPOSE: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) and establishing a Master Plan on property zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial), with a reduction in setbacks

GENERAL

LOCATION: South side of Cortez Blvd, east of Kettering Rd

LEGAL

DESCRIPTION: A portion of Section 4, Township 23 South, Range 21 East, Hernando County, FL

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:

Surrounding Zoning

North: AG
South: PDP(IND)
East: AG, AR-2
West: AG

Surrounding Land Uses

Undeveloped
Wal-Mart Distribution Center
Undeveloped, Single Family
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone an approximately 9.5 acre portion of PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) and establish a Master Plan on approximately 175 acres zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial), with a reduction in setbacks.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial). A rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) is requested on approximately 9.5 acres.
2. The property comprises approximately 175.3 +/- acres.
3. The site is currently undeveloped.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard (SR 50) and Kettering Road.
6. The subject property is located within a Planned Development District classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler Fine Sand and Tavares 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 no wetlands, Wellhead Protection Areas (WHPA) or Special Protection Areas (SPA) according to County data resources.
10. According to county resources there may be a portion of an archeological/historical site located on the property.
11. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The surrounding area is characterized by a mix of agricultural, industrial and undeveloped uses.
14. The petitioner has requested a reduction in the front setback along Cortez Boulevard from 125' to 75' which is a deviation from the County's Land Development Regulations (LDRs).

STAFF DISCUSSION

The petitioner has submitted a request to establish a master plan on property zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial), with a reduction in the front setback for the portion of property adjacent to SR 50. The petition also includes a rezoning request to change approximately 9.5 acres from PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial). The property encompasses approximately 175 acres and is within the Planned Development District on the adopted Future Land Use Map and is specifically located within the I-75/SR 50 Planned Development District.

The application includes a request for a 50' deviation to the 125' setback along SR 50, to permit a 75' setback. The petitioners site plan indicates that a reverse frontage road system will be utilized to serve this area. The County has approved a request for setback reductions when the petitioner has provided a reverse frontage road.

The master plan proposes approximately 23.3 +/- acres of commercial uses and 152.0 +/- acres of industrial with 36 proposed lots. On December 7, 1999, the Board of County Commissioners adopted Resolution 99-234, which approved the rezoning of this property to PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial). The petitioner's proposed master plan requests a 9.5 +/- acre reduction in industrial land area with an increase in land area for the property designated commercial.

The subject property borders SR 50 along the north and Kettering Road along the west. The master plan proposes an internal access road with two access points along Kettering Road, and one access point along SR 50. In addition, the master plan delineates approximately ten (10) new ingress/egress points for the future development of lots along Kettering Road.

The County Transportation Coordinator has indicated that SR 50 has limited traffic capacity to the east and west of I-75. A traffic study and Level of Service determination would be required at the time of conditional plat review. The proposed Kettering Road access point on the commercial portion of the property should align with the proposed Sunrise development reverse frontage road to the north on the opposite side of Kettering Road. Moreover, access points for the industrial property along Kettering Road should be limited to only two access points.

The County Engineer also indicated the need for the internal access road within the industrial portion of the property to connect to the emergency access for residents of River Heights Estates located east of the Withlacoochee State Trail. The adjoining properties are subject to flooding due to their proximity to the Withlacoochee River. In addition, approximately eighty (80) feet of right-of-way shall be ensured by the petitioner from the centerline of Kettering Road and internal roadway access should be provided to all lots to limit driveway access along Kettering Road. The County Engineer also indicates that the site has been used for emergency access for residences in the east

side of the Withlacoochee State Trail during flood events. This emergency access should be maintained after development of the site.

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 Kettering Road to the water tower, from there it changes to a 16-inch water line. There is an existing 8-inch force main on the west side of Kettering Road. Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this project. 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.

The subject property shall comply with all standards in the LDRs, which include, but are not limited to architectural style, parking design, and buffering standards.

Given the presence of the candler fine soils, 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*). If these commensals are found on-site, it may be required that these species are relocated.

FINDINGS OF FACT

The subject property is located in an area surrounded by vacant unimproved land to the east and west, SR 50 to the north, and the Walmart distribution center along the south property line.

The location of the subject property within the I-75/SR 50 Planned Development District allows for a mixture of the following land uses: commercial, industrial, residential, multi-family, recreation and public facilities.

Existing commercial zoning and/or usage totals approximately 2.4% of the total I-75 PDD area. The proposed Sunrise DRI will add an additional 61.0 acres to the commercial category, which would increase the commercial allocation to 179.17 acres, or 3.7%. Existing industrial zoning and/or usage totals approximately 11.7% of the total I-75 PDD acreage. The proposed rezoning will decrease the industrial acreage by approximately 0.2% and will increase the commercial acreage by approximately 0.2%. The distribution is within the recommended threshold of the policies for the I-75 PDD, and the change in land use allocation is minimal.

The proposed master plan is consistent with the following policies and objectives of the Hernando County Comprehensive Plan:

Policy 1.01L(6): The Land Development Regulations 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.

Policy 1.02A(2): Industrial developments should be located along arterial or non residential collector roadways and have adequate access to major arterials.

Policy 1.02A(3): The County shall encourage the concentration of industrial uses in planned industrial parks or in appropriately sited and designed mixed developments using the planned development project method.

Objective 1.07B: Efficiently utilize the commercial/industrial value of the I-75/SR 50 corridor, through master planning of land uses, roadway network, infrastructure and aesthetics.

Policy 1.07B(1): Establish a Planned Development Land Use Category on the Future Land Use Map which allows for a mixture of the following land uses: commercial, industrial, residential, multi-family, recreation and public facilities. The Planned Development Land Use Category shall extend between the County's existing (SR 50) I-75 interchange and where Lockhart Road crosses I-75 and from Lockhart Road to the abandoned railroad right-of-way.

Policy 1.07B(3): The master plan for the Planned Development Land Use Category shall incorporate the following standards or concepts:

- a. Industrial Usage from 20-40% of the land area, and
- b. Commercial usage from 10-25% of the land area.

The rezoning of approximately 9.5 acres of PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) and establishing a Master Plan on approximately 175 acres zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial), with a reduction in setbacks is appropriate, based on the following conclusions:

1. The proposed master plan would be compatible in the I-75/SR 50 Planned Development District and the surrounding land uses in the area with performance conditions.
2. The master plan is consistent with the County's adopted Comprehensive Plan and the County's LDRs subject to performance conditions.

3. The reduction of industrial acreage and the addition of commercial acreage within the I-75 PDD is minor and meets the land allocation guidelines of Policy 1.07B(3) of the Comprehensive Plan.
4. The proposed setback reduction along SR 50, from 125' to 75' is justified, provided the applicant meets the conditions of the Planning Department's recommendation.

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, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone approximately 9.5 acres of PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) and establishing a Master Plan on approximately 175 acres zoned PDP(GC)/Planned Development Project (General Commercial) and PDP(IND)/Planned Development Project (Industrial), with a reduction in setbacks with the following 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. Access from the industrial portion of the property onto Kettering Road shall be limited to two access points. No driveways shall be permitted along Kettering Road, and these access points shall be from an internal access road system only.
3. The proposed Kettering Road reverse frontage road access point within the commercial portion of the property shall align with the proposed Sunrise development frontage road access point on the north side of Kettering Road.
4. The internal access roadways within the industrial portion of the property shall provide an emergency connection to the emergency access for River Heights Estates.

5. The petitioner shall ensure eighty (80) feet of right-of-way for the site frontage from the centerline of Kettering Road.
6. The County’s mapping indicates that there is an archeological site in the area. The nature and significance of the historical/archeological site shall be evaluated by a qualified archeological professional and a report with recommendations shall be completed before any development of the subject property. A copy of the assessment and report shall be provided to the Planning Department for review.
7. Any development beyond what the existing infrastructure can accommodate will require the development to enter into an enforceable development agreement to participate and contribute their proportionate share to fund needed infrastructure improvements. This will occur prior to the issuance of concurreny determination.
8. Access to SR 50 shall be in accordance with the standards and requirements of FDOT.
9. The site shall provide a right-of-way reservation along SR 50 in accordance with any applicable requirements of FDOT.
10. Minimum Perimeter Setbacks are as follows:

From SR 50:	75'
From Kettering Road:	75'
From Proposed Frontage Road/Internal Road:	35'
From East Project Boundary:	35'
From South Project Boundary:	20'
11. Industrial Lots Internal Setbacks are as follows:

Front:	35'
Side:	20'
Rear:	35'
12. A 20' landscape buffer with 80% opacity shall be provided along the Withlacoochee State Trail.
13. 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.