

STAFF REPORT

Planning & Zoning Commission: May 8, 2006
Board of County Commissioners: June 14, 2006

APPLICANT: Thomas Owens **FILE NUMBER:** H-06-51

PURPOSE: Establishment of a Heavy Highway Commercial Master Plan, to include the Addition and Rezoning of Land from AG to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) with associated outside storage, and a Deviation from the Frontage Road Requirement

GENERAL

LOCATION: West side of US 98, approximately 2,100' north of Hawksbury Road, approximately 3,000' south of Lake Lindsey Road

LEGAL

DESCRIPTION: A portion of Sections 28, 29 and 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG, C-2	Big Rig, Undeveloped
South: AG, C-2	Truss Plant
East: AG, C-2	Big Rig; Undeveloped
West: AG	Tower

SUMMARY OF REQUEST

The petitioner requests to establish a Heavy Highway Commercial master plan, which includes the addition and rezoning of land from AG to PDP(HHC) with associated outside storage and a deviation from the frontage road requirement. The subject property is located on the west side of US 98, approximately 2,100' north of Hawksbury Road, approximately 3,000' south of Lake Lindsey Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(HHC) and AG.

2. The property comprises approximately 3.8 acres.
3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.
5. The subject property has access from US 98.
6. The subject property is located within rural and industrial land use classifications on the adopted Future Land Use Map.
7. The on-site soil type is Micanopy loamy fine sand.
8. The property is located in a flood zone C.
9. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
10. The property is within the City of Brooksville's First Right to Serve Utility District.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by agricultural and industrial uses, and undeveloped parcels.
13. The petitioner requests a deviation from the frontage road requirement, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include the addition of land and rezoning from AG to PDP(HHC) with associated outside storage and a deviation from the frontage road requirement

In 2003, the Board of County Commissioners voted 5-0 to approve the rezoning of the subject property from AG to PDP(HHC) with associated outside storage, 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, including review of the proposed use through the DRC process.

2. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The associated outside storage shall be behind a 20' natural buffer required along the north, west and east of the subject property.
4. The petitioner shall provide a revised master plan, reflecting the performance conditions and indicating the location of the associated outside storage, within 30 days of BCC approval.

Pursuant to the County's LDRs, the approved master plan has expired. Previously, there was a parcel of land between the subject property and the existing truss plant which provided access to properties owned by others to the west of the railroad tract. The petitioner has purchased this strip and is including it into the overall plan. The strip is currently zoned AG so would require rezoning for incorporation into the plan.

The plan submitted by the petitioner indicates an access to US 98 to the north. The petitioner is proposing typical commercial setbacks of 125' on US 98, 20' east and west and 35' rear.

The master plan requests outside storage. There is no indication on the plan as to where the outside storage will be located. The heavy highway commercial zoning category would allow outside storage behind the building line as an accessory use to a permitted use. Screening shall be required from adjoining and contiguous properties by a wall, fence or other approved enclosures. Screening shall meet an 80% opacity standard. It is the staff's opinion the previous condition requiring 20' natural buffer along the north, west and east of the property would be appropriate.

The subject property is within the City of Brooksville's First Right to serve area. The City has been notified; however, no response has been received at this time. The petitioner is proposing serving the site with well and septic. The petitioner would have to meet the applicable LDRs at the time of permitting.

The site has access from US 98. The petitioner is requesting a waiver of a portion of the frontage road to the north. The petitioner indicates that there is difficulty obtaining a permit to develop the frontage road across the railroad row to the north. The plan submitted by the petitioner indicates a point of connection for the frontage road at the petitioner's northernmost driveway. The frontage road would continue to the south across property already developed. Staff has reviewed the petitioner's request to waive the frontage road. The County Engineer has indicated that it is premature to waive the requirement at this time; consequently, we would not support the petitioner's request.

The subject property is within a Special Protection Area (SPA) associated with Mining zoning to the west and affects approximately the southern half of the project area. Several uses which would possibly be allowed under the requested zoning would be prohibited by the County's Groundwater

Protection Ordinance (GPO) on the portion within the SPA. These prohibitions include effluent discharge from industrial septic systems or commercial and industrial wastewater treatment plants; hazardous waste generation, treatment, storage, or disposal; salvage yards; facilities regulated by the Emergency Planning and Community Right-to-Know-Act of 1986; and stormwater ponds that receive stormwater from land-uses prohibited in a SPA. The applicant should be aware that the land use restrictions within a SPA will possibly affect certain industrial uses.

The FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by agricultural and industrial uses, and undeveloped parcels.

The subject property is located within rural and industrial land use classifications on the adopted Future Land Use Map.

The Planning staff is of the opinion that petitioner requests a master plan revision to include the addition of land and rezoning from AG to PDP(HHC) with associated outside storage and a deviation from the frontage road requirement would be appropriate, based on the following conclusions:

1. The proposed master plan revision would be compatible with the surrounding area.
2. The proposed master plan revision is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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 master plan revision including the addition of land and rezoning

from AG to PDP(HHC) with associated outside storage and a deviation from the frontage road requirement, 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 provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County as indicated on the master plan.
3. The associated outside storage shall be behind a 20' natural buffer required along the north, west and east of the subject property. The natural buffer must be 80% opaque, and a minimum of 5' in height.

P&Z RECOMMENDATION: