

STAFF REPORT

Planning & Zoning Commission: September 11, 2006
Board of County Commissioners: October 11, 2006

APPLICANT: Ronnie Crowe **FILE NUMBER:** H-06-85

PURPOSE: Rezoning from AG (Agricultural) to PDP(LI)Planned Development Project(Light Industrial) with a reduction in setbacks, frontage road waiver and parking waiver

GENERAL

LOCATION: South of Ponce De Leon Boulevard & Cobb Road intersection on 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 correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG; C-2	Undeveloped
South: PDP(HHC)	Undeveloped
East: I-1	Undeveloped
West: AG	Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone the subject property from Agricultural to Planned Development Project (Light Industrial)/PDP(LI). The PDP(LI) category allows all permitted uses within the I-1 zoning category and the C-4 (commercial) category.

FACTUAL INFORMATION

1. The property is currently zoned AG (Agricultural).
2. The property comprises approximately 0.81 acres.

3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.
5. The subject property has access from 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. County data resources indicate an archaeological site is located on the property.
9. The property is located in a flood zone C.
10. The subject property does not contain any wetlands, Wellhead Protection Areas or Special Protection Areas according to County data resources.
11. The subject property is located within the City of Brooksville's first right of refusal area.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The surrounding area is characterized predominately by undeveloped property.
14. The petitioner has requested a waiver of the frontage road, and a reduction in setbacks which are both deviations to the County's LDRs. The narrative indicates the parking will be mulched, minimum LDRs require paved parking.

STAFF DISCUSSION

The petitioner is requesting to develop the subject property with a septic tank pumper company. The petitioner proposes to park a septic pumper truck, dump truck, back hoe with trailer on the property. The site will be developed with a small pole barn (20' x 30'). The petitioner proposes to store drain field supplies (gravel, concrete septic tanks, and field drain pipe) lime for stabilizing septic water for disposal and burial of 6000 gallon holding tanks for stabilizing septic water for disposal.

The conceptual layout indicates access to the site from Cobb Road. Drainage is proposed along the northeastern boundary of the site, with a development area of approximately 20' x 30'. The development area will include a 20 x 30 building and 4 mulched parking spaces. The county's land development regulations would require the provision of paved parking. Staff would not support a reduction to the parking requirement.

The plan depicts 10' setbacks from the east and south. The minimum setbacks for an industrial PDP are 125' along Cobb Road, 20' side and 35' rear. The plan indicates a 174' setback from Cobb Road. It appears that the building could be moved in order to meet the minimum development standards. The petitioner has indicated that the size and shape of the property make it difficult to develop without a setback reduction. The setback reduction requested is to the east and the south. The petitioner has not demonstrated a need to reduce the setbacks.

The property to the east of the subject site was rezoned to I-1 in 1995. Property to the south was rezoned to PDP(HHC)/Planned Development Project (Heavy Highway Commercial) which would allow all uses in the C-4 (Heavy High Commercial) zoning category. This petition was required to provide a frontage road along both Cobb Road and US 98. The frontage road along 98 was required at the time of development of the site, the frontage road along Cobb Road upon demonstration of need and demand by the County.

The petitioner is requesting waiver of the frontage road requirement. The property is located toward the north end of the apex of Cobb Road and US 98. The parcel measures 30' along its northern boundary where the frontage road would exit to connect to the north. The minimum dimension for a frontage road is 50'. An undeveloped portion of Campground Road is located along the property's northern boundary. The County Engineer has indicated that in the future Cobb Road will be redesigned to the west of its current location. Further, the petitioner has not demonstrated that there is no need for a frontage road in this area; consequently, there is no justification to waive the frontage road.

The subject property is heavily wooded. The petitioner should be made aware that the County has land development regulations (LDRs) regarding tree removal and location of majestic and specimen trees should be followed.

The County's transportation coordinator indicated that there are no issues associated with Cobb Road in this area.

The parcel is located within the City of Brooksville's First Right to Serve District.

The Health Department was notified of the petitioner's request and had no objections. The petitioner would be required to obtain the appropriate health department approvals prior to development of the site.

FINDINGS OF FACT

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.

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 has requested a waiver of the frontage road.

The staff is of the opinion that rezoning from AG (Agricultural) to PDP(LI)/Planned Development Project(Light Industrial) is appropriate, excluding the requested waivers, based on the following conclusions:

1. Approval of PDP(LI)/Planned Development Project(Light Industrial) would be consistent with the surrounding zoning and future land use designation of the property.
2. Based on the layout submitted by the petitioner, there appears to be adequate land area to accommodate the minimum required setbacks.
3. No justification has been provided to waive the frontage road requirement.
4. No justification has been provided to waive the parking requirements.
5. Rezoning the property to PDP(LI)/Planned Development Project(Light Industrial), excluding the waivers requested, 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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____

approving the petitioner's request to rezone from Agricultural to PDP(LI)/Planned Development Project(Light Industrial) 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 of need and demand by the county.
3. Minimum setbacks per the county's land development regulations for a light industrial planned development project.
4. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners 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 Board of County Commissioners approval will result in the zoning becoming null and void.

PLANNING AND ZONING COMMISSION RECOMMENDATION: