

STAFF REPORT

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

APPLICANT: Matt McNulty, Florida Rock Industries, Inc. **FILE NUMBER:** H-06-86

PURPOSE: Master Plan revision to a PDP(LI)/Planned Development Project (Light Industrial) with an I-2 use of heavy industrial for a batch plant through addition and rezoning of AG (Agricultural) property, and addition of a block plant.

GENERAL

LOCATION: At southeast corner of Ponce De Leon Blvd & Hawksbury Rd.

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:

Surrounding Zoning

Surrounding Land Uses

North: AG

Undeveloped

South: AG & R-1A

Single Family, Mobile Home & Church

East: AG

Undeveloped

West: AG & M

Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone the subject property from Agriculture to PDP(LI)/Planned Development Project(Light Industrial) with an I-2 (Heavy Industrial) special exception. The petitioners request is to allow for the operation of a concrete batch plant and concrete block plant on the site. The proposed batch plant location will be in a 7 acre southwestern portion of the property. With future plans to construct a concrete block plant to the north of the batch plant.

FACTUAL INFORMATION

1. The property is currently zoned LI (Light Industrial) with a concrete batch plant.
2. The property comprises approximately 44.0 acres.

3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Ponce De Leon Blvd & Hawksbury Rd.
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 are Nobleton Fine Sand, Blichton Loamy Fine Sand, Micanopy Loamy Fine Sand.
8. The property is located in a flood zone C.
9. The subject property contains wetlands and Special Protection Areas , however no Wellhead Protection Areas according to County data resources.
10. The City of Brooksville has indicated that the subject property is within the City's first right to serve area. The nearest existing water and sewer lines are located at Parrott Middle School.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family and mobile home residential uses, institutional uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

In 2005, the subject property was rezoned from AG (Agriculture) to PDP(LI) (Light Industrial) with Heavy Manufacturing Use, namely a Concrete Batch Plant with performance conditions. The petitioner is requesting to modify the previous approval through the inclusion and rezoning of approximately 4 acres of AG property, and the addition of a concrete block plant to the north of the concrete batch plant. If approved, the 4 acre property will be utilized to access US 98 from the property.

The batch plant was approved within an approximately 7 acre area in the southwestern portion of the subject property. The petitioner proposes a block plant to the north of the batch plant. The petitioner proposes a 25-foot western buffer/setback along Hawksbury Road which matches those approved for the batch plant. The petitioner proposes a 125' setback along Highway 98 for the block plant, and for the block plant to extend no more than 800 feet east of the western property line.

The 50' natural buffer along the south adjacent to the concrete batch plant facility will remain. The plan shows the office, shop and storage areas located within the 7 acre area. The petitioner has indicated the batch plant is anticipated to employ 15 people. The petitioner anticipates 21 truck trips a day for block deliver, 15 per day for raw materials received for a total of 36 truck trips a day.

The petitioner proposes serving the site with well and septic. The City of Brooksville has indicated that the subject property is within the City's first right to serve area. The nearest existing water and sewer lines are located at Parrott Middle School.

The site has access from Ponce de Leon Boulevard, Hawksbury Road and Treestand Trail. Treestand Trail is a platted unimproved access to the south. The petitioner proposes access only to Ponce de Leon. Hawksbury Road is a private gated roadway. The petitioner indicates the concrete batch plant will generate approximately 30 daily trips. No information regarding the block plant was provided. Staff previously had concerns about utilizing Hawksbury Road for access. With the addition of the AG property, access to Hawksbury Road is no longer desired.

The petitioner is required to construct a frontage road serving Ponce de Leon Boulevard across the property, at no cost to the County, upon demonstration of need and demand by the County.

The subject property contains a Class 2 wetland in the northern half of the subject property and a Class 3 wetland in the central portion of the subject property according to County data resources. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations. Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if any wetlands provide critical habitat for federal and/or state listed species. If the wetlands provide critical habitat to listed species, those wetlands would be re-classified as Class 1 (in accordance with the County's Comprehensive Plan), and require County approval before any removal, encroachment or alteration could be considered.

The proposed facility has the potential to generate fugitive dust and should provide a dust suppression system. In addition the facility will be required to obtain air construction and stormwater permits from Department of Environmental Protection and Southwest Florida Water Management District.

The south west boundary of the subject property lies within a Special Protection Area associated with adjacent mining zoning. The proposed use is allowable within this designation.

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

FINDINGS OF FACT

The area is characterized by single family and mobile home residential uses, institutional uses, and undeveloped parcels. The properties to the north, west and east are undeveloped. The properties to the south contain a church and single family and mobile residential uses.

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 Ponce de Leon Boulevard, 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 proposes setbacks which would accommodate a frontage road along its frontage along Ponce de Leon Boulevard.

Policy 1.01L(6) indicates the LDRs 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. The subject property is located on Ponce de Leon Boulevard, which is an arterial roadway.

The batch plant and block plant are both located in the southwest portion of the site, away from view from the roadway. The LI (Light Industrial) category would allow I-1 (Industrial) uses on the remainder of the site which would be more appropriate for this area.

The staff is of the opinion that rezoning from AG (Agricultural) to PDP(LI)/Planned Development Project(Light Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant and Block Plant is appropriate, based on the following conclusions:

1. Approval of PDP(LI)/Planned Development Project(Light Industrial) on the entirety of the site would be consistent with the area.

2. Rezoning the property to PDP(LI)/Planned Development Project(Light Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant and Concrete Block Plant 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, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request for a master plan revision to include a rezoning from AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant and Concrete Block, 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 construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From Ponce de Leon:	125'
From the east and west lot lines:	20'
From the south lot line:	35'
4. Access shall be from US 98. No access to the south to Campground Road is allowed.
5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.

6. The concrete batch and block facilities shall be generally as depicted on the master plan.
7. 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.
8. The petitioner shall provide permit(s) obtained from DEP for any air construction permits that may be required.
9. The stockpiles shall be allowed only in the areas depicted on the site plan.
10. The petitioner shall design a system to control and suppress fugitive dust.

PLANNING AND ZONING COMMISSION RECOMMENDATION: