

STAFF REPORT

Planning & Zoning Commission: May 8, 2006

APPLICANT: Segmental Designs, Inc. **FILE NUMBER:** SE-06-02

PURPOSE: Modification of a Special Exception Use Permit for Heavy Manufacturing, namely a Concrete Batch Plant

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 900' east of Main Street

LEGAL

DESCRIPTION: A portion of Blocks 3 - 8, Reid's Subdivision, as per plat thereof recorded in Plat Book 3, Page 26, of the Public Records of Hernando County, Florida in Section 27, Township 22 South, Range 19 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: R-1C
South: PDP(GHC)
East: R-1C
West: R-1C; C-1

Surrounding Land Uses

Undeveloped; mobile home
Agricultural
Undeveloped
Institutional; undeveloped; single family

SUMMARY OF REQUEST

The petitioner has submitted a request to modify a special exception use permit for a concrete batch plan initially approved in 1972. The subject property is located on the north side of SR 50 Bypass, east of the railroad tracks.

FACTUAL INFORMATION

1. The property is currently zoned I-1 (Light Industrial) with a special exception use permit for a concrete batch plant.
2. The property comprises approximately 17 acres.

3. There is a vacant building on the southern portion of the site. The remainder of the site is undeveloped.
4. The site appears to contain majestic and specimen trees.
5. The subject property has access from State Road 50.
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 Flemington Fine Sands and Blichton Loamy Fine Sand.
8. The property is located within the Bystre Lake 100 year flood zone.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The subject property is within the City of Brooksville's First Right to Service Utility District.
11. There are adequate public facilities available to serve the subject property.
12. There is a mixture of uses in the area including: institutional, agricultural commercial and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

In 1972, a special exception use permit was issued on the subject property for a concrete batch plant. The petitioner has submitted a request to modify the existing special exception use permit in order to enable the petitioner to subdivide the property. The subject property is located on the north side of the SR 50 Bypass, east of the Railroad Tracks. A concrete batch plant is considered heavy manufacturing pursuant to the LDRs. Heavy manufacturing is allowed as a special exception use permit in all industrial zoning districts. The subject property is zoned I-1 (Light Industrial).

The petitioner has indicated a desire to split the 17 acre site into two parcels, referred to as the northern parcel and the southern parcel for purposes of this report. The petitioner has indicated that the northern parcel is intended to be sold to B.E.T. -ER Mix, Inc. for the manufacturing of concrete. Concrete will be supplied to the business proposed on the south. The southern business will making concrete panels, and may have some block also. The petitioner's proposal to subdivide the property would void the existing SE without amendment to the permit. The petitioner has submitted

the subject request to ensure that the future division of the property will not render the Special Exception Use permit null and void pursuant to the LDRs. According to the narrative, the petitioner is desirous of maintaining the special exception use permit on both future created parcels.

The plan submitted indicates a 60' driveway from SR 50 through the southern parcel to access the northern parcel. The petitioner should be required to plat the property in the configuration indicated on the plan submitted.

The petitioner has submitted a plan which indicates that a warehouse will occupy the existing building on the southern portion of the property. The petitioner has clarified that the petitioner would like the ability to put a block plant inside the existing building. The plan indicates that the northern portion of the property will be developed with a batch plant, batch plant office, material storage area, and truck parking area. A large wet detention area is depicted along the eastern boundary of the north parcel.

The petitioner has indicated that the hours of operation would be normal business hours, and the operation would include at least 15 employees. The petitioner estimates the northern parcel will have approximately 35-40 truck trip per day and the front parcel would have less than 10 truck trips per day.

The petitioner is proposing the internal circulation driveway with vehicle wash-off points at the north end of the northern property adjacent to residentially zoned property. The plan depicts a retention area along the eastern boundary of the future northern parcel. No buffering is depicted on the plan. The subject property is wooded. It is the staff's opinion that given the surrounding zoning, and a minimum 20' natural buffer, with 80% opacity, should be maintained along the perimeter of the subject property. Additionally, the petitioner should be aware that any relocation of the retention area from the project perimeter would require a modification to the special exception use permit.

The staff would not oppose the petitioner's proposal to subdivide the property, develop the northern property with a batch plant, and the southern property with an indoor batch plant.

The applicant supplied additional information indicating that a general DEP permit will be obtained for the batch plant that will cover the entire operation, including water management. The type II truck washout system is a series of concrete ponds connected by weirs that allow the clear water to be skimmed off at the surface. The remaining wastewater will either be recycled and used for redi-mix or sprayed on aggregate in the storage bins. Raw materials are to be stored in concrete bins, with walls approximately 10' high. It is anticipated that a dust suppression system would be warranted for loose material held in open storage bins. Additionally, the truck washout system may require a DEP industrial waste permitting.

Preliminary Bystre floodplain mapping shows the subject property to be outside the 100 year floodplain. The Bystre area is being restudied and results may impact floodplain area or final project design. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings.

The petitioner is required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The County Engineer noted that the plan provided does not show the location of a future frontage road. Additionally, the county engineer has reviewed the petitioner's plan and indicated that a left in/left out would not be allowed based on the median spacing.

The transportation coordinator has reviewed the request and had no comments.

The City of Brooksville and the FDOT have been notified of the proposed request. No comments have been received at this time.

FINDINGS OF FACT

The subject property is located within an industrial land use classification on the adopted future land use map. The industrial land use classification would allow industrial uses, ancillary commercial activities, minor public facilities and ancillary residential. The subject proposal would not be inconsistent with the adopted comprehensive plan.

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 SR 50 Bypass, 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 SR 50 Bypass. If the request is approved, the petitioner shall provide a revised plan showing the location of a future frontage road.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission in accordance with the LDRs. As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval, and may prescribed reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or

in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

The special exception use is a land use determination only, all applicable development rules would have to be met if the permit is approved.

The staff is of the opinion that the use at the intensity proposed is appropriate, based on the following conclusions:

1. The proposed special exception use is consistent with the County’s adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions herein.

The special exception 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:

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner’s request for a Special Exception Use Permit for Heavy Manufacturing, namely a concrete batch plant 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 across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From SR 50:	125'
From the east and west lot lines:	20'
From the north lot line:	35'

4. The petitioner shall provide a minimum 20' natural buffer along the perimeter of the property. The buffer shall have a minimum 80% opacity, with infill plantings if necessary to achieve the opacity.
5. The petitioner shall be required to plat the project to achieve the proposed subdivision.
6. Land uses are generally approved as depicted on the plan with the concrete batch plant and associated activities on the northern parcel, and a future indoor batch plant on the southern parcel.
7. A dust suppression system shall be required for loose material held in open storage.
8. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings.
9. 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.