

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2007
Board of County Commissioners: December 12, 2007

APPLICANT: Thomas and Carmen Armbruster

FILE NUMBER: H-07-60

PURPOSE: Master Plan Revision to combine previously approved master plans in order to reconfigure the parcel into 10 individual tracts with a reduction in setbacks

GENERAL LOCATION: West side of Anderson Snow Road, on the east side of Industrial Loop approximately 650' from Anderson Snow Road

LEGAL DESCRIPTION: A portion of Section 22, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner seeks a master plan revision in order to combine two (2) previously approved master plans on a 8.5 acre site zone PDP(CP)/Planned Development project (Corporate Park) and to allow the development of ten (10) individual tracts (1.175 du/ac) ranging in size from 0.34 acres to 1.86 acres. The subject site is comprised of two (2) previously approved rezonings. The petitioner has indicated that they only seek a deviation from the County rear and side setback requirements for Lots 4, 5, and 10.

SITE CHARACTERISTICS:

Site Size: 8.5 acres

Surrounding Zoning; Land Uses: North: PDP(IND); Mini Storage
South: PDP(IND); Undeveloped
East: PDP(IND); Undeveloped
West: PDP(IND); Undeveloped

Current Zoning:	PDP(CP)/Planned Development project (Corporate Park)
Future Land Use Map Designation:	Airport Planned Development District
Flood Zone:	C

SITE CIRCUMSTANCES:

On December 14, 2005, the Board of County Commissioners voted 5-0 approving the petitioner's request to rezone the front 4.24 portion of the subject property from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park).

On February 14, 2007, the Board of County Commissioners voted 5-0 to approve the petitioner's request to rezone the rear 4.26 portion of the subject property from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park) in order to have a unified zoning for the entire 8.5 acre parcel.

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic

Features: The subject property contains no wetlands, Well Head Protection Areas (WHPA), or Special Protection Areas (SPA), according to County data resources.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoises now qualify for reclassification from a species of special concern to threatened species status. Given the presence of the candler fine soils, gopher tortoise habitat 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*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

UTILITIES REVIEW:

The Utilities Department indicated that central water and sewer capacity is available to serve the subject site. A 8-inch water line is located on the west side of Industrial Loop, and an existing gravity line is located on Industrial Loop.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

AIRPORT REVIEW:

The subject property is located within the airport influence zone as identified in the County's LDRs. The Airport Director indicates that if the request is approved, the petitioner shall be required to provide an avigation easement.

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer reviewed the request and had no additional comments.

The County's Transportation Planning Coordinator indicated that although Anderson Snow Road is operating at a LOS C, there may be limited additional capacity. There are no planned improvements at the present time. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat. If the project is not concurrent, the developer has the option of either delaying development or entering into a proportionate fair share agreement, if eligible, to address the transportation issues at that time.

LAND USE REVIEW:

Proposed Minimum Perimeter Setbacks (Lots 1-3, 6-9):

Industrial Loop (West):	35'
Anderson Snow Road (East):	75'
Corporate Way:	35'
North/South:	20'

The petitioner seeks rear and side setback reductions for Lots 4, 5 and 10.

Proposed Minimum Internal setbacks (Lots 4, 5 and 10):

Front:	35'
Side:	10'

Rear: 10'

The petitioner's request for a reduction in rear and side setbacks on Lots 4, 5, and 10 are internal, do not encroach on adjoining development, and pose minimal impact on the subject site.

Minimum County Required Setbacks:

Industrial Loop (West):	35'
Anderson Snow Road (East):	75'
Corporate Way:	35'
Side:	20'
Rear:	35'

Development will have to meet the minimum architectural design standards for small retail commercial development pursuant to the County's LDRs.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development. The request for the Corporate Park zoning is consistent with the Airport PDD.

Policy 1.01A(9) The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

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.

Comment: The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

The master plan revision to combine previously approved master plans in order to reconfigure the parcel into 10 individual tracts with a reduction in setbacks is appropriate, based on the following conclusions:

1. The petitioners request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject in compliance with all performance conditions.
2. Due to the neighboring Light Industrial zoning, the reduction in setback does not encroach on the existing development and poses minimal impact on the subject site.
3. The County's standards provide adequate provisions for the development with proper Airport Authority requirements and performance conditions.

NOTICE OF APPLICANT RESPONSIBILITY:

The Master Plan 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:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for Master Plan Revision to combine previously approved master plans in order to reconfigure the parcel into 10 individual tracts with a reduction in setbacks, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 an avigation easement.
3. Corporate Boulevard shall permit public access as previously approved.
4. Minimum Perimeter Setbacks (Lots 1-3, 6-9):
Industrial Loop (West): 35'

Anderson Snow Road (East): 75'
Corporate Way: 35'
North/South: 20'

5. Minimum Internal Setbacks (Lot 4, 5, and 10)
Front: 35'
Side: 10'
Rear: 10'
6. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
7. The petitioner shall provide 80' of right of way (ROW) from the centerline of Anderson Snow Road.
8. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.