

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: December 10, 2007  
Board of County Commissioners: January 9, 2008

**APPLICANT:** Artzibushev Holdings, Inc., Jacob M. Buchman, Milton Carp & Milk-A-Way Farms

**FILE NUMBER:** H-07-66

**PURPOSE:** Revision to a Master Plan and a rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park)

**GENERAL LOCATION:** West side of Anderson Snow Rd, approximately 1,100' south of Corporate Way

**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

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### APPLICANT'S REQUEST:

The petitioner is requesting a revision to a master plan and a rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park). The request is to rezone a 30.7 acre portion of the 51.08 acre subject site to PDP(CP)/Corporate Park and revise the master plan for the remaining western portion, including reducing the previously conditioned 50' foot planted buffer along the west boundary. The rezoning to PDP(CP)/Corporate Park will affect lots 1-4, and 11-14. The petitioner has indicated that the corporate park zoning will provide complimentary uses, such as restaurants and services to the industrial park and nearby industrial businesses. The master plan includes 14 lots, which have received conditional plat approval and are currently under construction drawing review.

The major difference between the PDP(IND)/Planned Development Project (Industrial) and PDP(CP)/Planned Development Project (Corporate Park) is the ability to accommodate a wide range of commercial uses such as day care centers, business, professional and nonprofit organization offices, business services and repairs, restaurants, hotels, and motels.

**SITE CHARACTERISTICS:**

**Site Size:** 51.08 acres

**Surrounding Zoning; Land Uses:** North: PDP(IND) & (CP); Undeveloped  
South: PDP(MF); Multifamily  
East: PDP(IND); Undeveloped  
West: PDP(SF); Spring Hill Unit 24

**Current Zoning:** PDP(IND)/Planned Development project (Industrial)

**Future Land Use Map Designation:** Airport Planned Development District

**Flood Zone:** C

**SITE CIRCUMSTANCES:**

On April 15, 1980, the Board of County Commissioners approved the rezoning of the subject property from AG/(Agricultural) to PDP(IND)/planned Development Project (Industrial). The subject site is a small portion of a larger property which made up the Holland Springs Industrial Park. The Board of County Commissioners established a 50' planted buffer along the subject site's west boundary in order to protect the Spring Hill Unit 24 residential area. The petitioner seeks to reduce this buffer to 15'.

**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 and 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.

**OFFICE OF BUSINESS DEVELOPMENT REVIEW:**

The Office of Business Development has reviewed the request and indicated that the petitioner has not demonstrated the need for the extent of commercial/retail uses proposed, and an adequate justification to reduce the amount of industrial land has not been provided.

**UTILITIES REVIEW:**

The Utilities Department indicated that central water and sewer capacity is available to serve the subject site. There is an existing 8-inch water line on the west side of Industrial loop. There is also a 12-inch water line on the east right-of-way on Anderson Snow Road. There is an existing 8-inch gravity line on Industrial Loop and an 8-inch gravity line on Anderson Snow Road to provide sewer service.

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 aviation easement.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject property is located on the west side of Anderson Snow Road south of Corporate Way. The petitioner is proposing two (2) access points for the subject site. The main access for the subject site will be located along Anderson Snow Road as a full access point. The second access point is proposed as a connection to the existing Industrial Loop Road.

The County Engineer has indicated that the subject property is subject to an 80' ROW from the center line of Anderson Snow Road and will be limited to one access point onto Anderson Snow Road.

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:**

Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots abut the subject property and along all property lines abutting public right of way. The vegetative buffer may include berms, fences, or walls. If approved, the petitioner must provide adequate buffering to prevent noise pollution into western neighboring residential uses.

Proposed Building Perimeter Setbacks:

Anderson Snow Road:	75'
West (along Residential):	50'
North:	35'
South:	35'

Proposed Internal Lot Setbacks:

Front:	35'
Side:	20'
Rear:	20'

If approved, the subject property shall comply with all standards in the LDRs, which include, but are not limited to architectural style, parking design, and buffering standards.

**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 Airport PDD area was designated to maximize the use of the Hernando county Airport and surrounding lands for aviation, aviation related activities, industrial uses, and other land uses compatible with the airport. The Airport PDD currently has approximately 1,020 acres of property designated for Corporate Park uses. Although the request for PDP(CP)/Planned Development Project (Corporate Park) is to provide services to the existing and future industrial business, the Airport PDD currently has approximately 267 acres of existing

commercial properties to provide these types of services. Further, approximately 1 million square feet has been approved for commercial development between one half mile to 4 miles from the subject site.

**Policy 1.02A(3)** The County shall encourage the concentration of industrial uses in planned industrial parks or in appropriately sited and designed mixed developments using the planned development project method.

**Policy 10.01A(3)** New businesses will be recruited in targeted industries to improve the diversity and thereby the stability of Hernando County’s economy. Recruitment will be targeted to complement and support existing businesses, to attract new business and industry with varied economic characteristics, and to recruit new businesses and industries which will not degrade Hernando County’s environment.

**Policy 10.01A(4)** Primary industries are vitally important to the local economy and will be monitored through the use of economic indicators required by Policy 10.01F(1). As mining decreases, the County will develop strategies to utilize its economic development efforts to recruit and retain primary industries.

**Comment:** Given the County’s goal to build upon its employment base, it is the intent of the County to preserve Industrially zoned properties to attract businesses that are vital to the County’s economic growth. In addition, the applicant has not justified the need to designate additional properties for commercial development which further erodes the County’s industrial base. Finally, the extent of corporate park zoning requested is an attempt to commercialize an area that is not designated, nor appropriate, for future commercial development.

**Policy 1.01H(2)** indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

**Policy 1.01L(5):** Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

**POLICY 1.01S(5)** Buffers shall be provided by the encroaching land use, and may be required in the case of a planned land use on adjacent property as designated on the Future Land Use Map or by other land use approvals.

*Comment:* The subject property is located adjacent to established residential development, and the proposed buffer reduction from the previous requirement of 50 feet is not appropriate.

The revision to a Master Plan and a rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park) along with a reduction in the 50' residential buffer is inappropriate, based on the following conclusions:

1. The petitioner has not demonstrated the need for additional commercial/retail uses at this location, and the need to reduce the inventory of available industrial land.
2. The request would negatively impact the ability of the County to develop its economic and manufacturing base.
3. The extent of corporate park zoning requested is an attempt to commercialize an area that is not designated, nor appropriate, for future commercial development.
4. The proposed buffer reduction is incompatible with the adjoining residential area.
5. The current PDP(IND) zoning is inconsistent with the County's adopted Comprehensive Plan policies relative to the need to protect and enhance the County's primary employment base.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*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 Concurrency. 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 # \_\_\_\_\_ denying the revision to a Master Plan and a rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park) with a reduction in the 50' buffer.