

STAFF REPORT

Planning & Zoning Commission: January 9, 2006
Board of County Commissioners: February 8, 2006

APPLICANT: Brad Boger and Shane Mason **FILE NUMBER:** H-06-02

PURPOSE: Rezoning from AG to I-1 (Light Industrial)

GENERAL

LOCATION: North side of Hviezdoslav Street, approximately 1,200' south of Airport Boulevard, approximately 2,300' west of US 41

LEGAL

DESCRIPTION: A portion of Section 25, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(CP)
South: R-1B, AG
East: AG
West: AG

Surrounding Land Uses

Undeveloped, airport
SF, mobile home, undeveloped
Mobile home. Undeveloped
Pasture

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to I-1. The subject property is located on the north side of Hviezdoslav Street, approximately 1,200' south of Airport Boulevard, approximately 2,300' west of US 41.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 20 acres.
3. The site is undeveloped.

4. The site contains majestic and specimen trees.
5. The subject property has access from Hviezdoslav Street.
6. The subject property is located within Airport Planned Development and Residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Masaryk very fine sand and Nobleton fine sand.
8. The property is located in a flood zone B.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by mobile home residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to I-1. The petitioner has not proposed a specific use for the property. If the request is approved, all permitted uses in the I-1 zoning district would be allowed. If the request is approved, new construction will be required to meet the applicable LDRs. The subject property has adequate area to accommodate the industrial setbacks.

The petitioner has provided a copy of a letter from the County Airport Director indicating the petitioner and the County intend to enter into an agreement whereby the County will allow the subject property to have access to the proposed South Airport Road in exchange for the petitioner providing a DRA on the subject property for stormwater runoff from the airport property. The final roadway design is not anticipated until January or February 2006.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. County data records indicate a 12" water line and a 12" sewer force main are located approximately 3,400' northeast of the subject property at Runway Drive on the west side of US 41. Connection to the sewer force main would require the installation of an onsite sewer pump station and offsite force main at the developer's expense. The applicant will have to connect to

water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access from Hziezdoslav Street. The County proposes an east-west roadway, South Airport Boulevard, north of the subject property on County Airport property. A north-south roadway is proposed to intersect South Airport Boulevard and continue south to the subject property's north property line. The County plans to extend Ayers Road westward, through the southern portion of the subject property. The north side of Ayers Road will be located approximately 200' north of the subject property's southwest corner. The petitioner proposes limiting access to the north to the County's proposed South Airport Boulevard. No access to Hviezdoslav Street is proposed. The County Engineer indicates that if the request is approved, the petitioner should be required to provide 155' ROW for the Ayers Road extension across the property and build to County standards the continuation of the north-south road from the property's north property line to the Ayers Road extension.

The subject property is located within the airport influence zone as identified in the County's LDRs. The subject property is located within the airport influence zone. Certain uses face restrictions within the airport influence zone. The Airport Director indicates that if the request is approved, the petitioner shall provide an avigation easement. The Airport Director has provided a copy of the avigation easement.

The subject property is in an area with archeological/historical resources according to County data resources. An archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.

The City of Brooksville has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by mobile home residential uses and undeveloped parcels. A single family house is located to the south on an R-1B lot across Hviezdoslav Street. A mobile home is located to the east on AG property. A pasture is located to the west. Undeveloped Hernando County airport property zoned PDP(CP) is located to the north.

The subject property is located on the fringe of Airport Planned Development and Residential land use classifications on the adopted Future Land Use Map. Uses allowed in the Airport Planned Development category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development. The Planning staff is of the opinion PDP(CP) zoning is more appropriate than the more intense I-1 industrial zoning category at this location proximate to single family R-1B zoning in Masaryktown.

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. The subject property is located to the north of a portion of Masaryktown, an area zoned for single family residential uses and characterized by single family residential development. The Planning staff is of the opinion the proposed industrial or corporate park zoning would allow the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment, if the industrial or corporate park zoning is allowed on the entire property. The staff recommends limiting the industrial or corporate park zoning to the portion of the property north of the Ayers Road extension in order to limit the impacts to the single family uses to the south.

Due to the access and compatibility issues associated with the subject property, the Planning staff is of the opinion the northern 1,240' of the subject property, or that portion on the north side of Ayers Road extension, should be rezoned to PDP(CP) with performance conditions addressing the access and compatibility issues.

The staff is of the opinion that the approval of the rezoning from AG to PDP(CP) on the northern 1,240' of the subject property, or that portion north of the Ayers Road extension, is appropriate based on the following conclusions:

1. Rezoning to PDP(CP) would be compatible with the surrounding area.
2. Rezoning to PDP(CP) is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 rezoning from AG to PDP(CP) on the northern 1,240' of the subject property, or that portion north of the Ayers Road extension, -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 property can not be developed until South Airport Boulevard has been constructed and access negotiated with the County.
3. The petitioner will provide 155' ROW for the Ayres Road extension.
4. The petitioner will provide a road to County standards between the north property line and the Ayers Road extension, not extending south of Ayers Road.
5. The petitioner shall not have access to Ayers Road other than access via the north-south roadway to be built.
6. An archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
7. The petitioner shall provide an avigation easement.

P&Z RECOMMENDATION:

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(CP) on the northern 1,240' of the subject property, or that portion north of the Ayers Road extension, 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.
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6. An archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
7. The petitioner shall provide an avigation easement.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-39 approving the rezoning from AG to PDP(CP) on the northern 1,240' of the subject property or that portion north of the Ayers Road extension, 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. Development permits shall not be issued until South Airport Boulevard has been constructed and access negotiated with the County.
3. The petitioner will provide 155' ROW for the Ayres Road extension.
4. The petitioner will provide a road to County standards between the north property line and the Ayers Road extension, not extending south of Ayers Road.
5. The petitioner shall not have access to Ayers Road other than access via the north-south roadway to be built.
6. An archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
7. The petitioner shall provide an avigation easement.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.