

STAFF REPORT

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

APPLICANT: Evelyn Gann **FILE NUMBER:** H-06-08

PURPOSE: Rezoning from AG to PDP(LI)/Planned Development Project (Light Industrial) with Special Exception Uses Including Heavy Landscape Service Establishment, Heavy Manufacturing, Heavy Construction Service Establishment and Dwelling Unit

GENERAL

LOCATION: East side of Cobb Road, north side of Yontz Road

LEGAL

DESCRIPTION: A portion of Section 8, Township 22 South, Range 19 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Undeveloped
South: AG, M	Undeveloped
East: AG, I-1	Industrial, single family
West: AG, I-I	Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(LI) with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit. The subject property is located on the east side of Cobb Road and north side of Yontz Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 3.5 acres.

3. The site contains a single family home.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Cobb Road and Yontz Road.
6. The subject property is located within an industrial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Kendrick fine sand and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
10. The City of Brooksville indicates central sewer, but not central water, is available to serve the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by industrial, mining and single family and 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 from AG to PDP(LI) with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit in order to operate a septic tank business with manufacture and retail sales of septic tank products, a rock yard and outside parking of commercial vehicles and equipment. The PDP rules allow all I-1 permitted uses in the PDP(LI) zoning category. Also allowed are any special exception uses allowed in the I-1 district and any permitted and special exception uses from the I-2 zoning district which have been specifically designated. A heavy landscape storage establishment and a heavy construction service establishment are permitted uses in the I-2 zoning category. A heavy manufacturing use is a special exception use in the I-1 zoning district.

The petitioner proposes operating a septic tank business with manufacturing and retail sale of septic tank products on the property, which are classified as heavy manufacturing and construction service establishment uses. The plan indicates a barn centrally located on the property would contain the

manufacturing and retail activities. A building for these proposed uses would be required to meet the applicable building codes. The plan does not indicate if outside storage is proposed near the barn for finished products or other materials. The petitioner proposes operating a rock yard in the northern portion of the property. A rock yard is classified as a heavy landscape storage establishment. The petitioner proposes parking commercial vehicles and equipment in the northeast corner of the subject property. The plan does not show any buffers on the site. The PDP rules require a nonresidential PDP use provide a minimum 5' buffer where adjacent to residential, agricultural-residential or agricultural uses.

The petitioner proposes using the existing single family house on the subject property as a residence for the operator of the business. The LDRs restrict the use of single family dwelling uses on industrial property to residences for caretakers or night watchmen.

The petitioner does not propose hooking up to either central water or sewer. The subject property is located within the City's "first right to serve area." The City of Brooksville indicates no water lines are located in the area to serve the subject property. A 12" sewer force main is located on the south right-of-way of Cobb Road and on the south right-of-way of Yontz Road.

The subject property has access to Cobb Road, an arterial roadway. If the subject request is approved, the petitioner will be 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 subject property has access from Cobb Road and Yontz Road. The County Engineer does not object to the proposed access.

The subject property is within a Special Protection Area (SPA) associated with Mining zoning to the south. Several uses which would possibly be allowed under the requested zoning would be prohibited by the County's Groundwater Protection Ordinance (GPO). These prohibitions include hazardous waste generation, treatment or storage and discharges from industrial class septic systems among others. The applicant should be aware that the land use restrictions within a SPA will possibly affect certain industrial uses.

The City of Brooksville has no objection to the request.

FINDINGS OF FACT

The area is characterized by industrial, mining and single family and mobile home residential uses, and undeveloped parcels. Industrial uses are located in the surrounding area. The BCC approved a rezoning to I-1 on the northern 875' of the property to the east; a truck and equipment repair establishment is located on the I-1 portion of the property. Mine property is located to the south. Single family houses are located on the AG property to the west and on the portion of the property to the east zoned AG.

The subject property is located within an industrial land use classification on the adopted Future Land Use Map.

Objective 1.02(A) of the adopted Comprehensive Plan indicates that the County shall establish standards for industrial land uses which allow for the expansion of industrial employment opportunities while protecting the natural environment and the integrity of adjoining land 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 access to Cobb Road, an arterial roadway.

Policy 1.02A(5) indicates proposed industrial developments shall be evaluated for their effect on the natural environment, including tree retention, water consumption, habitat destruction, wetland disturbance, threatened and endangered wildlife, potential for the generation of point or non-point source pollution, the amount, kind, and method of handling hazardous wastes and the effect on air quality.

Policy 1.02B(2) states that designation of areas for industrial use shall include consideration of transportation and access standards, level of service standards, availability of sewer and water facilities, proximity to rail or air access, proximity to employment base, minimal potential for environmental degradation and minimal land use conflicts.

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. Single family uses are located within the southern of the subject property and the AG parcels on either side of the subject property. The petitioner proposes using the existing single family house as a residence. The Planning staff is of the opinion that if the request is approved, the industrial zoning should be limited to the depth of the I-1 zoning to the east in order to prevent incompatible uses from encroaching upon the existing single family uses in the area.

The staff is of the opinion that rezoning from AG to PDP(LI) to the depth of the I-1 zoning to the east with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and a dwelling unit is appropriate, based on the following conclusions:

1. The PDP(LI) zoning with a heavy landscape service establishment, heavy manufacturing, and heavy construction service establishment and dwelling unit would be compatible with the surrounding land uses with appropriate buffers.
2. The PDP(LI) zoning with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to 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 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:

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(LI) to the depth of the I-1 zoning to the east with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are as follows:

From Cobb Road:	125'
From Yontz Road:	75'
From the sides:	20'
4. The location of the rock yard shall be as shown on the site plan.
5. The location of the equipment parking shall be as shown on the site plan.
6. Development shall be generally in conformance with the master plan.
7. The building used for manufacturing must meet the applicable building codes.

P&Z RECOMMENDATION:

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(LI) to the depth of the I-1 zoning to the east with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit, with the following modified 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are as follows:

From Cobb Road:	125'
From Yontz Road:	75'
From the sides:	20'
4. The location of the rock yard shall be as shown on the site plan.
5. The location of the equipment parking shall be as shown on the site plan.
6. Development shall be generally in conformance with the master plan.
7. The building used for manufacturing must meet the applicable building codes.
8. The petitioner shall provide a 5' buffer adjacent to the AG properties to the east and west.
[Staff has no objections]

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2006-40 approving the rezoning from AG to PDP(LI) to the depth of the I-1 zoning to the east with a heavy landscape service establishment, heavy manufacturing, heavy construction service establishment and dwelling unit, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
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6. Development shall be generally in conformance with the master plan.
7. The building used for manufacturing must meet the applicable building codes.
8. The petitioner shall provide a 5' buffer adjacent to the AG properties to the east and west.

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.