

STAFF REPORT

Planning & Zoning Commission: November 11, 2006

Board of County Commissioners: December 13, 2006

APPLICANT: Industrial Electrical Services, Inc. **FILE NUMBER:** H-06-109

PURPOSE: Rezoning from Agricultural (AG) and Highway Commercial (C-2) to Highway Commercial (C-2) or Planned Development Project Light Industrial PDP(LI) with Heavy Industrial (I-2) use for heavy construction service establishment, with a waiver of the frontage road

GENERAL

LOCATION: East side of Cobb Road, approximately 1400' north of Fort Dade Avenue

LEGAL

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

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: C-2, AG
East: AG
West: AG

Surrounding Land Uses

Mobile Home, & Commercial
Undeveloped
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from Agricultural (AG) and Highway Commercial (C-2) to Highway Commercial (C-2) or Planned Development Project Light Industrial PDP(LI) with Heavy Industrial (I-2) use for heavy construction service establishment, with a waiver of the frontage road. The subject property is located on the east side of Cobb Road, just north of Old Cobb Road.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural (AG) and Highway Commercial (C-2).
2. The property comprises approximately 1.75 acres.

3. The site is undeveloped.
4. The site may contain majestic or specimen trees.
5. The subject property has access from Cobb Road.
6. The subject property is located within a industrial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, Well Head Protection Areas (WHPAs) or Special Protection Areas (SPAs) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are within the City of Brooksville First Right to Serve District.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial uses and undeveloped parcels.
13. The petitioner is requesting a waiver of the frontage road requirement.

STAFF DISCUSSION

The petitioner requests to rezone a 1.75 acre parcel from Agricultural (AG) and Highway Commercial (C-2) to Highway Commercial (C-2) or Planned Development Project Light Industrial PDP(LI) with Heavy Industrial (I-2) use for heavy construction service establishment, with a waiver of the frontage road. The property is located just north of Old Cobb Road.

The petitioner proposes to develop the subject property with two (2) buildings consisting of 1,500 square feet of office and 4,500 square feet of warehouse. The petitioner has proposed a setback of 125' from Cobb Road ROW, side setbacks of 20' and rear setbacks of 35'. The plan shows a 10' continuous vegetative buffer along the entire north and east side of the site. The plan shows 42 parking spaces. If the request is approved, the developer must provide the minimum number of parking spaces required for the use.

The proposed development would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The petitioner is requesting a waiver of the frontage road requirement. The parcel has an approximate width of 285' along its east and west boundaries. The minimum dimension for a frontage road is 50'. The County Engineer has indicated that the petitioner has not demonstrated that there is no need for a frontage road in this area; consequently, the petitioner shall comply with the County frontage road ordinance.

The County's Transportation Coordinator has indicated that the Level of Service on Cobb Road is B and there are no capacity issues at this time. The subject property must also provide an access point that aligns with any approved development to the west of the property.

The parcel is located within the City of Brooksville's First Right to Serve District. The petitioner has indicated that the subject site will make use of a septic system. The petitioner will be required to obtain the appropriate permits from the usage of a septic system.

FINDINGS OF FACT

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity.

The request to rezone from Agricultural (AG) and Highway Commercial (C-2) to Highway Commercial (C-2) is not appropriate given the current land use designation of industrial. However, it would be appropriate to designate the site Planned Development Project Light Industrial PDP(LI) with Heavy Industrial (I-2) use for heavy construction service establishment, with performance conditions, based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding land uses.
2. The proposed rezoning would be consistent with the Comprehensive Plan.

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 petitioner's request to rezone from Agricultural (AG) and Highway Commercial (C-2) to Planned Development Project Light Industrial PDP(LI) with Heavy Industrial (I-2) use for heavy construction service establishment 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 setbacks are approved as follows:
 - From Cobb Road Avenue: 75'
 - From the north lot line: 20'
 - From the east lot line: 35'
 - From the south lot line: 20'
3. Development shall be generally in conformance with the plan submitted.
4. Perimeter setbacks shall be as indicated on the master plan.
5. A buffer or wall shall be constructed along the project perimeter.
6. The petitioner shall comply with the County's frontage road ordinance.

P&Z RECOMMENDATION: