

STAFF REPORT

Planning & Zoning Commission: December 11, 2006

Board of County Commissioners: January 10, 2007

Planning & Zoning Commission: February 12, 2007

Board of County Commissioners: March 14, 2007

APPLICANT: Joseph Selway for Truculent, LLC **FILE NUMBER:** H-06-118

PURPOSE: Rezoning from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial) and (Industrial) with a reduction in setbacks.

GENERAL

LOCATION: West side of Broad Street (US 41), approximately 1000' north of Spring Hill Drive

LEGAL

DESCRIPTION: Lot 1 to 21 inclusive, Block 8; All of Block 9 and 10 and Lots 1 to 10 inclusive, Block 11 of Garden Grove, All in Section 17, Township 23 South, Range 19 East of 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

Surrounding Land Uses

North: AG

Undeveloped

South: R1-A, OP

Mobile Homes, Office

East: AG

Undeveloped

West: AG

Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial) and (Industrial) with a reduction in setbacks. The subject property is located on the west side of Broad Street (US 41), approximately 1000' north of Spring Hill Drive.

FACTUAL INFORMATION

1. The property is currently zoned AG/(Agricultural).
2. The property comprises approximately 10.31 acres.
3. The site is undeveloped.
4. The site may contain majestic or specimen trees.
5. The subject property has access from Broad Street (US 41).
6. The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Flemington Fine Sand Loam and Micanopy Loamy Fine Sand.
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 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 commercial, residential and undeveloped parcels.
13. The petitioner is requesting a reduction in setbacks which is a deviation from County LDR's.

STAFF DISCUSSION

The petitioner is requesting to rezone a 10.31 acre parcel from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial) and (Industrial) to develop a commercial strip center and an industrial condominium complex. It is the intent of the petitioner to limit the uses in the industrial condominium complex to building material establishments, construction service establishments, domestic and business repair, domestic and business service, publishing and printing. If approved, all uses allowed in the Industrial Zoning District would be permitted. However, if the petitioner desires to limit the uses, the petitioner can do so at time of development through deed restriction and/or leasing agreements.

The petitioner proposes to develop the subject property with one (1) 32,000 square feet commercial building along Broad Street and five (5) industrial buildings totaling 98,000 square feet on the remaining rear portion of the property. The petitioner has proposed setbacks of 75' from Broad Street, side setbacks of 20' and rear setbacks of 35'. The plan shows a 10' continuous vegetative buffer along the entire perimeter of the site. The plan shows approximately 105 parking spaces for the commercial and 140 parking spaces for industrial. 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 reduction in setbacks from 125' to 75' along Broad Street. The site plan indicates a reverse frontage road along the northern boundary of the proposed development with a future connection to Spring Hill Drive to the south.

The County's frontage road ordinance requires property along US 41 to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County.

The Transportation Planning Coordinator has indicated that there is limited capacity along US 41, as US 41 is operating at LOS B in this area. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

US 41 transitions from 2 lanes to 4 lanes in front of the subject property. In the long range thoroughfare plan, US 41 will need to be expanded to a 6 laned facility in this area; however, no improvements have been planned and programmed at this time. Expansion of the roadway to a 6 lane section would result in additional right of way per FDOT requirements along the front of the subject property. The petitioner is requesting a reduction in the front setback from 125' to 75' with the provision of a reverse frontage road. The master plan submitted depicts parking within the front setback area. When US 41 is expanded in the future, the parking area would be impacted to an extent that could affect any future business developed on the site. The Transportation Planning Coordinator has indicated adequate right-of-way will be required due to FDOT future expansion of Broad Street (US 41) to 6 lanes.

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 agitation easement.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12-inch water line is located on the west side of US 41 approximately 3,900' south of

the subject site. A 10-inch sewer force main is located on the west side of US 41. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

FINDINGS OF FACT

The area is characterized by agricultural, residential and undeveloped parcels. 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 petitioners request to rezone to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial)(Industrial) is consistent with the county comprehensive plan.

The request to rezone from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial)(Industrial) is appropriate, with performance conditions, based on the following conclusions:

1. The proposed rezoning would be compatible with the airport planned development district land use classification.
2. The proposed rezoning would be consistent with the Comprehensive Plan subject to compliance with all 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 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, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial)(Industrial) 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 Broad Street: 75' plus additional Right of Way required along Broad Street (US 41)
From the north lot line: 35'
From the west lot line: 20'
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 30' foot 80% opacity vegetative buffer or wall shall be constructed along the south and west project perimeter.
6. The petitioner shall comply with the County's frontage road ordinance.
7. Additional right-of-way shall be reserved for the site frontage along Broad Street (US 41) as required by FDOT and shown on the revised master plan. There shall be no improvements within the reserved area.
8. The petitioner shall connect the frontage road to Spangler Road to the south and provided the necessary access and roadway improvements as determined by the County Engineer.
9. The petitioner must vacate existing on-site platted alleys prior to development of the site.
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

The BCC voted 5-0 to postpone this petition to the March 14, 2007, BCC hearing at 9:00 a.m.

NOTE: This item was previously approved by the Planning and Zoning Commission on December 11, 2006. However, it was postponed at the January 10, 2007, BCC hearing due to discrepancies between the legal description and the proposed master plan for the project. The postponement allowed time for a corrected legal

to be published and for the item to return to the February 13, 2007 Planning and Zoning Commission meeting.