

STAFF REPORT

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

APPLICANT: Florida Crushed Stone Company **FILE NUMBER:** H-06-24

PURPOSE: Rezoning Parcels A, B and D from AG to M (Mining)

GENERAL

LOCATION: Parcel A: approximately 1,700' west of Cobb Road, approximately 3,300' northwest of Youth Drive
Parcel B: approximately 4,600' west of Cobb Road and Youth Drive;
Parcel D: approximately 3,000' west of Citrus Way and approximately 3,600' northwest of Fort Dade Avenue

LEGAL

DESCRIPTION: Parcels A & B: A portion of Section 5, Township 22 South, Range 19
Parcel D: A portion of Section 13, Township 22 South, Range 19
All in 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 all parcels</u>	<u>Surrounding Land Uses all parcels</u>
North: M	Mining
South: M	Mining
East: M	Mining
West: M	Mining

SUMMARY OF REQUEST

The petitioner requests to rezone three (3) parcels from AG to M. Parcel A is located approximately 1,700' west of Cobb Road, and approximately 3,300' northwest of Youth Drive; and Parcel B approximately 4,600' west of Cobb Road and Youth Drive; Parcel D is approximately 3,000' west of Citrus Way and approximately 3,600' northwest of Fort Dade Avenue.

FACTUAL INFORMATION

1. Parcels A, B and D are currently zoned AG.

2. The comprised total of the property is approximately 35 acres.
3. The subject property is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Fort Dade Avenue, Cobb Road and Citrus Way.
6. The subject property is located within a mining land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Candler fine sand, Flemington fine sandy loam, Micanopy loamy fine sand, Nobleton fine sand, pitts/dump complex, Sparr fine sand and Tavares 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 contains wetlands and SPAs, but no WHPAs, according to County data resources.
10. The subject site is served by well and septic.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by mining and agricultural uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone three (3) parcels from AG to M. The parcels are located within the petitioner's Brooksville operations area. The narrative indicates the two (2) easternmost parcels, Parcels A & B, are anticipated to be used for overburden storage. The westernmost parcel, parcel D is located west of Citrus Way. Parcel D is anticipated to be used for mining.

The County Engineer had no comment.

The proposed additions to the Florida Crushed Stone mining complex will require MAMPA and MOPA amendments. The additional areas will not increase the boundary of the SPA due to the fact that they are interior to properties previously zoned Mining. Parcel B is located in a wetland area. Any removal, alteration or encroachment within these wetlands shall adhere to all federal and state wetland permitting and mitigation requirements.

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

FINDINGS OF FACT

The area is characterized by mining uses and undeveloped parcels. All three parcels which comprise the subject property are entirely surrounded within the boundaries of Mining land and are designated as mining on the County’s adopted Future Land Use Map. Mining is an allowed use in the mining future land use designation.

The Planning staff is of the opinion that rezoning the subject property from AG to M would be appropriate, based on the following conclusion:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses.

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 petitioner’s request to rezone from AG to M, with the following performance condition:

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. Any removal, alteration or encroachment within wetland areas shall adhere to all federal and state wetland permitting and mitigation requirements.
3. The proposed additions to the Florida Crushed Stone mining operation will require MAMPA and MOPA amendments.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to M, 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. Any removal, alteration or encroachment within wetland areas shall adhere to all federal and state wetland permitting and mitigation requirements.
3. The proposed additions to the Florida Crushed Stone mining operation will require MAMPA and MOPA amendments.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-97 approving the petitioner's request to rezone from AG to M, 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. Any removal, alteration or encroachment within wetland areas shall adhere to all federal and state wetland permitting and mitigation requirements.
3. The proposed additions to the Florida Crushed Stone mining operation will require MAMPA and MOPA amendments.