

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee DATE: 6/24/10 FILE: ZN10-229

SUBJECT: Martin Marietta MPUD Master
Planned Unit Development
DRC: 7/15/10, 1:30 p.m., DC
Recommendation: Approval with
Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code,
Section 522, Master Planned
Unit Development District;
Comm. Dist. 1

It is recommended that the data herein presented be given formal consideration by the Development Review Committee.

Commission District:	The Honorable Theodore J. Schrader
Project Name:	Martin Marietta Materials
Applicant's Name:	Martin Marietta Materials
Location:	On the north side of Pasco-Hillsborough County Line Road, Crystal Springs, approximately 800 feet east of S.R. 39 and County Line Road South, Sections 31 and 36, Township 26 South, Ranges 21 and 22 East.
Parcel ID Nos.:	31-26-22-0010-00200-0000, 31-26-22-0020-00001-8020, 36-26-21-0020-00001-8110, 36-26-21-0020-49900-1030, 36-26-21-0020-49900-1040, 36-26-21-0020-49900-1050, and 36-26-21-0020-49900-1070
Acreage:	88 Acres, m.o.l.
Zoning District:	A-C Agricultural
Future Land Use Classification:	PD (Planned Development)
Water/Sewage:	Private Well/Septic
No. of Dwelling Units:	N/A
Type of Dwelling Unit:	N/A
Industrial Acres:	31.11 Acres, m.o.l.
Uses/Square Feet:	Aggregate transfer facility, asphalt plant, rail spur, aggregate sorting and conveyance system, storage yard, sales and operational offices/5,000 square feet
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

1. The developer/applicant is requesting to rezone approximately 88 acres from an A-C Agricultural Zoning District to an MPUD Master Planned Unit Development District to allow development of an aggregate transfer facility, asphalt plant, and ancillary industrial uses.
2. The developer/applicant is also requesting variances from the Land Development Code (LDC) at this time as provided for in Section 522.4.B, Variances, as follows:
 - a. Section 603.9, Landscape Buffering Screening
 - (1) Subsection 603.9.D.2, Buffer Types, Type B Buffer (Industrial District to Agricultural District) which, if approved, would relieve the applicant/developer of its requirement to provide a 15-foot-wide buffer between industrial operations and agricultural land (Setback Area A as shown on the attached exhibit) and industrial operations and industrial land (Setback Area F as shown on the attached exhibit).

- (2) Subsection 603.9.D.2, Buffer Types, Type B Buffer (Industrial District to Agricultural District) which, if approved, would allow the applicant to provide alternate tree species, size, and spacing criteria within the required buffer (Setback Area B as shown on the attached exhibit).
 - (3) Subsection 603.9.D.5, Buffer Types, Type E Buffer (Industrial District to Industrial District) which, if approved, would relieve the applicant of its requirement to provide a five-foot-wide buffer between industrial operations and industrial land (Setback Area E as shown on the attached exhibit).
- b. Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property, which, if approved, would relieve the applicant from the requirement to provide interconnections to the properties on the north and east of the site.

BACKGROUND:

1. The subject site retains its original zoning.
2. On April 14, 2010, the Board of County Commissioners (BCC) approved transmittal of the proposed amendment to the Future Land Use from RES-1 (Residential - 1 du/ga) to PD (Planned Development) with subarea policies on 88 acres of a 525-acre parcel.
3. On August 10, 2010, the BCC will roll-call vote to adopt the Comprehensive Plan Amendment (CPAL10-2[10]) concurrently with consideration of this MPUD Master Planned Unit Development Rezoning Petition No. 6911.

FINDINGS OF FACT:

1. Presently, the subject site is contains one home site and accessory structures relating to agricultural operations.
2. Access to the property is from County Line Road South, a Hillsborough County maintained roadway.
3. The subject property is located in Flood Zones "A" and "C." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
4. The surrounding area is characterized by agricultural operations and grazing to the north and east, IH (Industrial - Heavy) to the south (CF Industries), and CSX Class 1 Rail Line and vacant IH (Industrial - Heavy) to the west (Misty Properties Rezoning Petition No. 6726).
5. Water and sewer are to be serviced by on-site private well and septic.
6. On June 27, 2006, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
7. The project site is located within the east market area.
8. The proposed request is consistent with the Pasco County LDC, Article 300, Subsection 303.2.E.1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

VARIANCE REQUEST:

The applicant/developer has requested a specific variance from the following provisions of the LDC to be considered as a part of the rezoning:

1. Section 603.9, Landscape Buffering and Screening

Subsection D.2, Type B Buffer, which, if approved, would relieve the applicant/developer of its requirement to provide a 15-foot-wide buffer between industrial operations and agricultural land (Setback Area A as shown on the attached exhibit) and industrial operations and industrial land (Setback Area F as shown on the attached exhibit). The referenced setback areas are restricted in size and within a location where the rail spur connection will be made to the existing rail line. Staff has determined planting in these two areas will serve no purpose as the only activity in this area will be railroad construction. The existing vegetation along with the industrial use to the south will meet the intent of code.

Subsection D.2, Type B Buffer, which, if approved, would allow the applicant to provide alternate tree species, sizing, and spacing criteria within the required buffer (Setback Area B as shown on the attached exhibit). Staff has reviewed the applicant's request and has determined that the applicant's alternate planting proposal, screen of pine trees two to three feet at the time of planting and staggered within the buffer along with the existing vegetation, will meet the intent of the code.

Subsection D.5, Type E Buffer, which, if approved, would relieve the applicant of its requirement to provide a five-foot-wide buffer between industrial operations and industrial land (Setback Area E as shown on the attached exhibit). Staff has reviewed the applicant's request and determined that a buffer in this area will hinder the applicant's opportunity to access the adjacent proposed industrial site and require them to access County Line Road instead.

Relief is being sought pursuant to Section 316.1.A.1, 2, and 4, which state:

"The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden that was not created by the applicant";

"The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater purpose";

"The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with the important Goals, Objectives, and Policies of the Comprehensive Plan."

The applicant states:

". . . because Pasco County has identified economic development and the generation of employment opportunities as among its most important objectives over the planning horizon. This project provides such economic development. Further, the specific application of the code provision would conflict with CPA Objective ED 1.4, Goal FLU 1, Policy FLU 1.8.7, and Objective ED 1.6.

". . . because of the cost of providing an urban landscape buffer in the huge expanse to be landscaped, the fact that there are no off-site residents for approximately one mile, and Pasco County has identified economic development and the generation of employment opportunities as among its most important objectives over the planning horizon."

Staff has reviewed the applicant's request and recommends approval. Due to the location of the required buffering and the characteristics of the surrounding land, along with the type of activity (railroad), staff concluded that the coexisting vegetation, along with the applicant's proposed alternative plantings as stated above, will meet the intent of the code.

2. Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property, which, if approved, would relieve the applicant from the requirement to provide interconnections to the properties on the north and east of the site. The abutting property is agricultural and this site is proposed to be an industrial use along with the construction of a

railroad track. No streets outside of the proposed development exist; therefore, continuation of the existing street pattern cannot be provided.

Relief is being sought pursuant to Section 316.A.1, which states:

"The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden that was not created by the applicant."

The applicant states:

". . . the proposed rail loop will occupy the majority of the site. Furthermore, due to the nature of the rail spur and the length of time which trains will dwell onsite (sic), through traffic over the rail line presents traffic operations and safety issues. Cross access would also present security concerns for the proposed development.

"Additionally, it is anticipated that all of the land proposed to be used for an asphalt plant will be occupied by the asphalt plant itself, the operations offices for the asphalt plant, truck loading/unload areas, or other ancillary uses to the asphalt plant. Through traffic traversing this area would not be safe, desirable or appropriate. Strict application of the LDC would create an unreasonable hardship by subjecting the County and Applicant to liability relating to the potential vehicular incompatibility between the onsite (sic) rail spur, passenger vehicles and heavy trucks, and is contrary to the County's overriding goal to protect the public's health, safety and welfare."

Staff has reviewed the applicant's request and recommends approval for the absence of an interconnect to the north and east. The future industrial activities, including the construction of an asphalt plant and railroad track, would make the interconnection to the agricultural property incompatible and could pose a threat to the public's health, safety, and welfare.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the Master Planned Unit Development and variance requests, subject to the attached rezoning conditions of approval, Petition No. 6911.

ATTACHMENTS:

1. Conditions of Approval for Rezoning Petition No. 6911
2. Location Map
3. Master Plan
4. Variance Exhibits

DMZ/DS/public/pgm/drc/martinzn10229/22

DEVELOPMENT REVIEW COMMITTEE ACTION: