

STAFF REPORT

Planning & Zoning Commission: November 18, 2002
Board of County Commissioners: December 11, 2002

APPLICANT: John Slaughter **FILE NUMBER:** H-02-46

PURPOSE: Rezoning from Agricultural/Residential-2 (AR-2) to C-2 (Highway Commercial) or Planned Development Project (Highway Commercial)

GENERAL LOCATION: North side of County Line Road, west side of Suncoast Boulevard

LEGAL DESCRIPTION: The east 1/2 of lot 45, El Pico, an unrecorded subdivision, located in a portion of Section 35, Township 23 South, Range 17 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Undeveloped
South: Pasco County	Undeveloped
East: C-2	Undeveloped
West: PDP(GC)	Commercial

SUMMARY OF REQUEST

The petitioner requests rezoning from AR-2 to C-2. The subject property is located on the north side of County Line Road and on the west side of Suncoast Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately two (2) acres.
3. The subject property is currently undeveloped.
4. The subject property has access from County Line Road and Suncoast Boulevard.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands. The soils and habitat are 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 development.
7. The property is located in a flood zone C.

8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. Florida Water Services has indicated that central water and sewer are not available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by commercial uses and vacant parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone the subject property from AR-2 to C-2. The petitioner's representative has indicated verbally the petitioner has no specific use in mind for the property. The site plan indicates setbacks meeting the LDRs for the C-2 zoning district. The site plan indicates a 5' screened buffer adjacent to the AR-2 parcel to the north. The buffer is required if commercial zoning is approved adjacent to a residential district or if a multifamily or nonresidential PDP is approved adjacent to a residential, agricultural-residential or agricultural use.

The Pasco County Zoning/Code Compliance Administrator has been informed of the petitioner's application but has not as of yet responded.

FINDINGS OF FACT

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The residential land use classification would allow some commercial uses, such as neighborhood commercial, office/professional uses and commercial extending from commercial nodes, with performance standards being met. The closest commercial node on the adopted Future Land Use Map is approximately 1.3 miles to the east.

Policy 1.01L(3) states that new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue.

The BCC approved the rezoning of the adjacent property to the west in 2001 from AR-2 to PDP(GC) with a specific C-2 use for a light construction service establishment with performance conditions, finding that the proposed use was not inconsistent with the adopted Comprehensive Plan because the proposed use was determined to be commercial infill.

The parcel to the east, at the northeast intersection of Suncoast Boulevard and County Line Road, was rezoned from A/R-2 to C-2 in 1986. The rezoning was approved with the stipulation that access would be off of Suncoast Boulevard and that Suncoast would be upgraded to County standards. That site is currently undeveloped.

County Line Road is presently a two-lane collector roadway with no turn lanes. Suncoast Boulevard is an unpaved limerock road. The Transportation Coordinator has indicated that County Line Road currently operates at approximately 76% capacity and is operating at LOS D. The County Engineer has reviewed the request and indicated that if the petition is approved, the petitioner's access is to be limited to Suncoast

Boulevard, the petitioner is to be required to pave Suncoast Boulevard from County Line Road to the petitioner's access point and the petitioner is to be required to provide ROW along County Line Road based on roadway plans available at the time of development.

The Planning staff is of the opinion that commercial development of some intensity is appropriate at this location, given the existing commercial zoning in the area. However, it is the staff's opinion that the request for C-2 is too intense for this location given the limited intensity of the surrounding commercial zoning and the presence of AR-2 zoning to the north.

It is the staff's opinion that rezoning the parcel to PDP(General Commercial) with performance standards is not inconsistent with the adopted comprehensive plan and would not be incompatible with the surrounding agricultural/residential-zoned properties.

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, which may include review by the Development Review Committee (DRC).

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 deny the petitioner's request to rezone from AR-2 to C-2 and adopt Resolution # _____ approving a rezoning from AR-2 to PDP(General Commercial) 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, including review of the proposed use through the DRC process.
2. No access is allowed from County Line Road.
3. The petitioner shall pave Suncoast Boulevard from County Line Road to petitioner's access on Suncoast Boulevard.
4. The petitioner shall provide ROW along County Line Road based on roadway plans available at the time of development.
5. The petitioner shall provide a 5' landscaped buffer along the north lot line in conformance with the PDP regulations.
6. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the performance conditions and the access reservation strip along County Line Road or the rezoning shall be null and void.
7. Substantial construction shall be initiated in accordance with the approved master plan within a period of one year from BCC approval, or the master plan will become null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners deny the petitioner's request to rezone from AR-2 to C-2 and adopt Resolution # _____ approving a rezoning from AR-2 to PDP(Highway Commercial) 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, including review of the proposed use through the DRC process.
2. No access is allowed from County Line Road.
3. The petitioner shall pave Suncoast Boulevard from County Line Road to petitioner's access on Suncoast Boulevard.
- ~~4. The petitioner shall provide ROW along County Line Road based on roadway plans available at the time of development.~~
- 4-5. The petitioner shall provide a 35' 5' landscaped buffer along the north lot line in conformance with the PDP regulations.
- 5-6. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the performance conditions and the access reservation strip along County Line Road or the rezoning shall be null and void.
- 6-7. Substantial construction shall be initiated in accordance with the approved master plan within a period of three one years from BCC approval, or the master plan will become null and void.

BCC ACTION:

The Board of County Commissioners voted 5-0 adopt Resolution # 2002-320 approving a rezoning from AR-2 to PDP(Highway Commercial) 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, including review of the proposed use through the DRC process.
2. No access is allowed from County Line Road.
3. The petitioner shall pave Suncoast Boulevard from County Line Road to petitioner's access on Suncoast Boulevard.
4. The petitioner shall provide a 35' landscaped buffer along the north lot line in conformance with the PDP regulations.
5. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the performance conditions and the access reservation strip along County Line Road or the rezoning shall be null and void.
6. Substantial construction shall be initiated in accordance with the approved master plan within a period of three years from BCC approval, or the master plan will become null and void.