

**STAFF REPORT**

Planning & Zoning Commission: August 11, 2003  
Board of County Commissioners: September 10, 2003

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**APPLICANT:** William T. Erzen **FILE NUMBER:** H-03-44

**PURPOSE:** Rezoning from AR-2 (Agricultural-residential) to C-2 (Commercial)

**GENERAL**

**LOCATION:** East side of Springtime Street, approximately 840' north of County Line Road

**LEGAL**

**DESCRIPTION:** A portion of lot 74, of the El Pico Unrecorded Subdivision located in Section 36, Township 23 South, Range 17 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Social club
South: C-2	Undeveloped
East: PDP(GHC)	Miniwarehouse, SF
West: AR-2	Church

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AR-2 to C-2. The subject property is located on the east side of Springtime Street and approximately 840' north of County Line Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately 4.66 acres.
3. The site is currently undeveloped.
4. The subject property has access from Spring Time Street.

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 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.
7. The property is located in a flood zone C.
8. The subject property contains no wetlands, WHPAs or SPAs according to County data resources.
9. Florida Water Services has indicated that central water, but not sewer, is 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 churches, social clubs, miniwarehouses, rural residential uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to rezone the property from AR-2 to C-2. The narrative and site plan do not indicate a specific C-2 use, although the petitioner has verbally mentioned miniwarehouses. If the request is approved for C-2, any of the C-2 uses would be allowed on the subject property.

The site plan indicates three (3) 8,000 square foot buildings on approximately the southern two-thirds of the property. Commercial development with total gross building area of less than 25,000 square feet and all office development must meet commercial development standards recently passed by the BCC. The northern third is indicated as undeveloped and is labeled "future." The setbacks indicated on the site plan are 75' from Spring Time Street, 35' from the side lot lines and 25' from the rear lot line. If the request is approved for C-2, setbacks for the commercial districts are 35' from Spring Time Street, 20' side setbacks, and 35' rear setbacks. The petitioner has indicated no reduction in setbacks is requested. If the property is developed as indicated, the site must be developed with the required setbacks.

The site plan shows 120 parking spaces. The LDRs require mini-warehouses to provide .7 parking spaces per person regularly employed on the premises and business offices to provide 4 spaces per

1,000 square feet. If the request is approved, the petitioner will have to provide the minimum parking required per the County LDRs.

No signage is indicated on the master plan. Any signage for the proposed development would have to meet the requirements of the County's LDRs regarding signs.

The subject property has access from Spring Time Street. The roadway is paved in front of the subject property. The County Engineer had no objections or comments.

The Pasco County Zoning/Code Compliance Administrator indicates she has no objections to the request.

### **FINDINGS OF FACT**

The area is characterized by churches, social clubs, miniwarehouses, rural residential uses and undeveloped parcels. The parcel to the south is zoned C-2. The BCC approved a rezoning on the parcel to the east from C-1 and AR-2 to PDP(GHC) with the specific C-2 use for miniwarehouses and the covered storage of RVs and boats. The northern 180' of that parcel contains a caretaker's residence and has been developed with a single family home. The parcels to the north and west are zoned AR-2. The parcel to the west has a special exception use permit for a church and has been developed with a church. The parcel to the north has a special exception use permit for a social club; the site is currently being developed with a clubhouse.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities. Given the surrounding land uses of commercial to the south and east and the institutional uses to the west and north, the Planning staff is of the opinion that some level of nonresidential zoning, such as office-professional uses with performance conditions, is appropriate as a transitional land use at this location.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent to an area zoned for rural residential development, although the immediately adjacent AR-2 parcels have been developed with institutional uses including a social club and a church.

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 Planning staff is of the opinion that C-1 and C-2 uses would be too intense at this location; the Staff opinion is that rezoning the subject property to allow for office professional uses would allow development at an intensity appropriate between the commercially-zoned parcels to the south and east and the rural residential parcel to the north and west.

It is the staff's opinion that the proposed C-2 zoning would not be compatible with the surrounding area but rezoning the subject property to PDP(OP) with performance standards would not be incompatible with the surrounding area nor inconsistent 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 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, 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(OP) 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. A 5' vegetative buffer shall be provided along the north lot line and along the 180' of the east lot line.
3. The developer shall provide access to the parcel to the south, if the neighboring property owner does not object.

**P&Z RECOMMENDATION:**

On August 11, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving rezoning from AR-2 to PDP(GC) with the following performance standards:

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. A 5' vegetative buffer shall be provided along the north lot line and along the 180' of the east lot line.
3. The developer shall provide access to the parcel to the south, if the neighboring property owner does not object.

**BCC ACTION:**

On September 10, 2003, the Board of County Commissioners voted 3-2 to adopt Resolution # 2003-249 approving the rezoning from AR-2 to PDP(OP) with the following performance standards:

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. A 5' vegetative buffer shall be provided along the north lot line and along the 180' of the east lot line.
3. The developer shall provide access to the parcel to the south, if the neighboring property owner does not object.

**NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.**