

**STAFF REPORT**

Planning & Zoning Commission: February 9, 2004  
Board of County Commissioners: March 10, 2004

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**APPLICANT:** Lawrence P. Santangelo **FILE NUMBER:** H-04-07

**PURPOSE:** Rezoning from AR-2 (Agricultural-residential) to PDP(HC)/(Highway Commercial) with a specific C-4 use of heavy landscaping service establishment

**GENERAL**

**LOCATION:** North side of County Line Road, west side of Springtime Street

**LEGAL**

**DESCRIPTION:** Lot 77, El Pico, an unrecorded subdivision, located in a portion of Section 36, Township 23 South, Range 17 East

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

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

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2  
South: Pasco County  
East: C-2  
West: AR-2

Surrounding Land Uses

Church  
Auto sales and repair  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AR-2 to PDP(HC) with a specific C-4 use of heavy landscaping service establishment. The subject property is located on the north side of County Line Road and on the west side of Springtime Street.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately five (5) acres.
3. The site is undeveloped.

4. The subject property has access from County Line Road and Springtime 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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central sewer, but not water, 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 commercial and institutional uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to rezone from AR-2 to PDP(HC) with a specific C-4 use of heavy landscaping service establishment in order to develop the property with a plant nursery and stone center business. The petitioner indicates the stone center business will sell landscaping materials to public retail customers and wholesale contractors. A plant nursery is a permitted use in the C-2 zoning category. The Zoning Administrator has classified the stone center as described as a landscaping service establishment, which is permitted as a special exception use in the C-4 zoning category. The PDP(HC) allows C-2 uses and specified special exception uses in the C-4 zoning category.

Although the narrative indicates proposed request is a unified development, the plan provided indicates the stone center and the plant nursery as two separate activity areas with no interconnection between the two. The plan indicates the stone center will be located in the front two-thirds of the property. The plant nursery will be located in the rear third of the property. The plan provided indicates there is no interconnection between the two uses; they are separated by a DRA. The Development Department has indicated the plant nursery customers will need access to the

restrooms in the office to be located in the stone center area. If the request is approved, the Planning staff is of the opinion the plan should be revised to provide interconnection between the proposed use areas.

The site plan indicates setbacks meeting the LDRs for the PDP(HC) zoning district and indicates a 6' landscape buffer along the north and west lot lines, exceeding the minimum PDP buffer requirements. A minimum 5' landscaped separation distance is required between a nonresidential PDP and a residential, agricultural or agricultural land use. A church is located north of the subject property on land zoned AR-2. The undeveloped property to the west of the subject property is also zoned AR-2.

The plan appears to indicate adequate room for parking. The plan submitted does not indicate the number of parking spaces to be provided. A landscaping service establishment is required to provide 1.5 parking spaces per person regularly employed on the premises. The plan nursery will have to provide five (5) spaces per 1,000 square feet of building floor area. If the request is approved, the developer will have to provide parking as required by the County LDRs.

The petitioner has provided landscape, utility and paving/grading/drainage plans. The petitioner's representative was informed by telephone that these plans were not required for submission of a rezoning request. These plans have not been reviewed.

The Utilities Department has indicated that central sewer, but not water, service is available to serve the subject property. The proposed area has been subject to several commercial rezonings in the recent past as the BCC has determined that the area is an appropriate "in-fill" commercial area. It is the staff's position that if the area is to be considered a commercial area, the provision of central water and sewer services and adequate roadway capacity should be ensured prior to more commercial rezoning approvals.

The subject property is located at the northwest intersection of County Line Road and Spring Time Street. The Transportation Planning Coordinator indicates that County Line Road currently operates at approximately 66% capacity. Adequate capacity currently exists to accommodate the proposed development; however, the project would be required to obtain a certificate of concurrency during the development review process.

The plan notes a strip 28'-wide will be required along the subject property's frontage for future expansion of County Line Road ROW. The plan does not indicate if the petitioner is reserving this ROW for roadway expansion. The County Engineer has indicated that if the request is approved, 55' of ROW would be required to accommodate the roadway expansion.

The plan indicates an access point on County Line Road and two access points on Springtime Street. The access points on Springtime Street as shown do not meet the County LDRs. The County

Engineer indicates that if the request is approved, access to County Line Road should not be allowed and the access points on Springtime Street shall conform to the County LDRs.

The Utilities Department has indicated that central sewer, but not water, service is available to serve the subject property. The subject property is located in an area has been subject to several commercial rezonings in the recent past as the BCC has determined that the area is an appropriate “in-fill” commercial area. It is the staff’s position that if the area is to be considered a commercial area, the provision of central water services and adequate right of way for the planned improvements to County Line Road should be ensured prior to more commercial rezoning approvals.

The Pasco County Zoning/Code Compliance Administrator has indicated she has no objections to the proposal.

**FINDINGS OF FACT**

The area is characterized by commercial and institutional uses and undeveloped parcels. The property to the north of the subject property is developed with a church. The properties to the east and west are undeveloped. Automobile sales and repair businesses are located on the south side of County Line Road. The parcel to the east is zoned C-2.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The Comprehensive Plan allows commercial in-fill in the residential land use classification, such as in areas where remaining parcels are generally zoned commercial and commercial development is expected to continue. The subject property is located in an area proximate to parcels with a range of commercial zoning. The most intensive commercial zoning in the surrounding area allows for C-2 uses.

Policy 1.01L(3) indicates 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 in-fill areas.

Policy 1.01O(2) indicates expansion of the existing strip commercial areas shall not be allowed except for appropriate in-fill commercial development. Policy 1.01O(4) indicates in-fill 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 has approved multiple commercial rezonings in the area. The subject property is located proximate to parcels with a range of commercial zoning, including PDP(OP), PDP(GC), PDP(GHC) with specific C-2 uses and C-2.

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 the portion of the request for a heavy landscape service establishment would not be compatible with the surrounding zoning and existing development

Although the Planning staff is of the opinion commercial development is expected to continue in this area, staff has concerns about insufficient right-of-way for the planned improvements to County Line Road and the lack of central water service. It is the Planning Staff's opinion that the subject request is not appropriate until these deficiencies are addressed.

The staff is of the opinion that the request to rezone from AR-2 to PDP(HC) with a specific C-4 use of heavy landscaping service establishment would not be appropriate, based on the following conclusions:

1. The proposed uses are not appropriate due to the insufficient right-of-way for County Line Road and lack of central water service.
2. The proposed heavy landscaping service establishment will not be compatible with the existing zoning and development in the surrounding area and not consistent 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 PDP(HC) with a specific C-4 use of heavy landscaping service establishment.

**P&Z RECOMMENDATION:**

At their February 9, 2004, hearing based on the information provided the Planning and Zoning Commission made the following findings:

1. The location is appropriate for infill commercial.
2. The proposed business uses would complement residential uses in the area.
3. The proposed uses with appropriate buffering would not be incompatible with the surrounding uses.
4. The proposed infill commercial rezoning would not be inconsistent with the Comprehensive Plan.

The Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AR-2 to PDP(HC) with a specific C-4 use of heavy landscaping service establishment, 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. Access to County Line Road is prohibited.
3. The petitioner shall provide a revised plan within 30 days of BCC approval, showing interconnection between the proposed plant nursery and stone yard, or the rezoning shall be null and void.
4. The petitioner shall provide increased buffers along the north and west lot lines.

**\*NOTE:**

If the BCC makes a determination that the proposed request is consistent with the adopted Comprehensive Plan and wishes to approve the request, staff would recommend the BCC consider modification to one of the Planning and Zoning Commission &Z conditions, and the addition of several others.

Amend condition 4 to provide specification to the concept of additional buffering, as follows:

4. The petitioner shall provide ~~increased~~ minimum 20' wide buffers along the north and west lot lines.

Additional conditions the staff would recommend the BCC include, as follows

5. Minimum setbacks are approved as follows:
  - From County Line Road:     125' from the now existing Right of Way line
  - From side lot lines:         20'
  - From rear lot line:         35'
  
6. The petitioner will connect to central sewer service and may utilize a private well until central water is deemed available.

**BCC ACTION:**

The BCC made the following findings:

1. The location is appropriate for infill commercial.
2. The proposed business uses would complement residential uses in the area.
3. The proposed uses with appropriate buffering would not be incompatible with the surrounding uses.
4. The proposed infill commercial rezoning would not be inconsistent with the Comprehensive Plan.

The Board of County Commissioners voted 3-1 to adopt Resolution # 2004-49 approving the petitioner's request to rezone from AR-2 to PDP(HC) with a specific C-4 use of heavy landscaping service establishment 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. Access to County Line Road is prohibited.
3. The petitioner shall provide a revised plan within 30 days of BCC approval, showing interconnection between the proposed plant nursery and stone yard, or the rezoning shall be null and void.
4. The petitioner shall provide minimum 20' wide buffers along the north and west lot lines.
5. Minimum setbacks are approved as follows:
  - From County Line Road:     125' from the now existing Right of Way line
  - From side lot lines:         20'

From rear lot line: 35'

6. The petitioner will connect to central sewer service and may utilize a private well until central water is deemed available.
7. All development must be generally in conformance with the approved master plan.

NOTE: The Developer provided a revised concept at the BCC hearing which eliminated the nursery and designated then northern portion of the parcel as Open Area. Any future use on the Open Area site must be approved through the zoning process. The petitioner will be required to submit a revised plan pursuant to condition number 3; however, the reference to the nursery would not be applicable.

**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.**