

STAFF REPORT

Planning & Zoning Commission: January 12, 2004
Board of County Commissioners: February 11, 2004

APPLICANT: Mark and Jodi Perez **FILE NUMBER:** H-04-03

PURPOSE: Rezoning from R-1B (Residential) to PDP(HC)/(Highway Commercial) with Associated Outside Storage

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 2,100' east of Thistlebrook Lane, approximately 1,760' west of Remington Road

LEGAL

DESCRIPTION: Lots 18 and 19, Potterfield Sunnyside Acres, an unrecorded subdivision, located in a portion of Section 36, Township 22 South, Range 20 East, Hernando County, FL

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: AG	Single family
South: C-1	Undeveloped
East: R-1B	Undeveloped
West: R-1B	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1B to PDP(HC) with associated outside storage. The subject property is located on the north side of Cortez Boulevard, approximately 2,100' east of Thistlebrook Lane and, approximately 1,760' west of Remington Road.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately two (2) acres.

3. The site is undeveloped.
4. The subject property has access from Cortez Boulevard.
5. The subject property is located within a commercial 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 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 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 subject property from R-1B to PDP(HC) with associated outside storage in order to develop the site with a plumbing business. The proposed plumbing business requires C-2 zoning. The narrative indicates the petitioner proposes storing supplies outside. Outside storage, which is allowed as a special exception in the C-4 zoning district, is allowed in the PDP(HC) zoning district if designated on the plan or narrative. The plan provided does not indicate the location of the associated outside storage. If the request is approved, a revised plan should indicate the location of the outside storage.

If the property is rezoned for commercial uses, the required setbacks will be as follows: 125' from Cortez Boulevard, 20' from the side lot lines and 35' from the rear lot line. The plan provided meets these setbacks.

The plan does not indicate buffers on the plan. If the request is approved, the LDRs will require the petitioner to provide minimum 5' vegetative buffers with screening on the lot lines adjacent to parcels containing residential, agricultural-residential or agricultural land uses.

The plan submitted indicates parking will be provided on the east side of the property. The plan indicates 18 parking spaces are provided. The LDRs indicate construction service establishments are required to provide 1.5 parking spaces per person regularly employed on the premises. If the request is approved, the developer will be required to provide parking as required per the County parking LDRs.

The plan submitted does not indicate where signage will be located on the subject property. Signage on the property will be subject to the County sign ordinance.

The Hernando County Utilities Department has indicated that central water and sewer services are not available per ordinance. While water and force main pipelines are installed on the south side of Cortez Boulevard, a "crossing" under the roadway would be necessary and the cost would exceed the threshold determining availability of service.

The County Health Department has indicated that if the request is approved, the petitioner will have to apply for the appropriate permits.

The property is located on Cortez Boulevard. Under the County's development regulations, the petitioner will be required to provide a frontage road across the property, at no cost to the County, upon demonstration and need of the County. The petitioner has not indicated the location of a future frontage road on the plan.

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

FINDINGS OF FACT

The area is characterized by rural residential uses and undeveloped parcels. The subject property is located north of property zoned C-1 and between parcels zoned R-1B.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The subject property is located on the western edge of a general commercial node. The subject property is located within 1,200' of the intersection of Cortez Boulevard, an arterial highway, and Lockhart Road, a collector roadway.

Policy 1.01L(5) indicates that where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic and visual discontinuity. The subject property is

located adjacent to parcels zoned R-1B; however, the R-1B parcels are located in the commercial future land use designation. The Planning staff is of the opinion that if the outside storage is approved, additional buffers should be required along the lot lines to mitigate the visual impact on adjacent parcels.

Policy 1.01L(6) indicates the LDRs shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access. The subject property is located on Cortez Boulevard, an arterial roadway. The Planning staff is of the opinion that if the request is approved, conditions regarding the coordination of the frontage road and access will need to be addressed in order for traffic to operate efficiently in this area.

Policy 1.01L(8) indicates 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 subject property is not located proximate to other parcels zoned to allow for C-2 uses. The Planning staff is of the opinion that it is inappropriate to locate the full range of C-2 uses adjacent to parcels zoned R-1B and AG.

The staff is of the opinion that rezoning to PDP(GC) with an additional C-2 use of light construction service establishment with performance conditions addressing access, buffering, provision of the frontage road would be more appropriate than rezoning to PDP(HC) with associated outside storage, based on the following conclusions:

1. The proposed use will be not incompatible with the surrounding area and not inconsistent with the Comprehensive Plan.
2. The full range of C-2 uses and the associated outside storage would not be appropriate at this location at this time, given the current surrounding zoning and development.
3. The subject property is located on an arterial roadway.

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 R-1B to PDP(HC) with associated outside storage and adopt Resolution # _____ approving rezoning from R-1B to PDP(GC) with an additional C-2 use of light construction service establishment 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. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The petitioner shall provide a revised master plan, reflecting the performance conditions within 30 days of BCC approval.

P&Z RECOMMENDATION:

On January 12, 2004, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving rezoning from R-1B to PDP(HC) with associated outside storage 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. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The petitioner shall provide a revised master plan, reflecting the performance conditions within 30 days of BCC approval.
4. The outside storage shall be located within the rear 200' of the subject property. A minimum 35' buffer and an opaque fence shall be placed along the northern property line. Minimum 20' wide buffers shall be required along the east and west of the rear 200' of the subject property.

NOTE:

If the BCC approves the associated outside storage component of the petitioner's request, staff would recommend that the additional 20' wide buffers proposed by the Planning and Zoning Commission be required along the southern portion of the rear 200' of the property to address the visual aesthetics from State Road 50.

BCC ACTION:

The Board of County Commissioners voted 4-0 to adopt Resolution # 2004-42 approving rezoning from R-1B to PDP(HC) with associated outside storage 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. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The petitioner shall provide a revised master plan, reflecting the performance conditions within 30 days of BCC approval.
4. The outside storage shall be located within the rear 200' of the subject property. A minimum 35' buffer and an opaque fence shall be placed along the northern property line. Minimum 20' wide buffers shall be required along the east and west of the rear 200' of the subject property.
5. The south boundary of the outside storage area shall be screened from view utilizing either a 20' wide buffer or a building.

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.