

STAFF REPORT

Planning & Zoning Commission: March 8, 2004
Board of County Commissioners: April 14, 2004

APPLICANT: Gary Schraut **FILE NUMBER:** H-04-14

PURPOSE: Master Plan Revision to include an Addition of Land and a Rezoning from C-3 (Commercial) to PDP(GC)/(General Commercial) with a specific C-2 use of Mini-warehouses, a Reduction in Setbacks and a Change in External Access Points

GENERAL

LOCATION: South side of Cortez Boulevard, north side of Wiscon Road, approximately 1,200' east of the Suncoast Parkway

LEGAL

DESCRIPTION: Tracts 53 and 54, Section M, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Page 66, of the Public Records of Hernando County, Florida and a portion of Section 26, Township 22 South, Range 18 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: C-2, R-1A	Commercial, industrial, undeveloped
South: C-1, AR-2	County utilities, MH, SF, Church
East: R-1A, AR-2	Mobile home, undeveloped
West: C-3	Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include an addition of land and a rezoning from C-3 to PDP(GC) with a specific C-2 use of mini-warehouses and a reduction in setbacks. The subject property is located on the south side of Cortez Boulevard, north side of Wiscon Road, approximately 780' east of the Suncoast Parkway.

FACTUAL INFORMATION

1. The property is currently zoned PDP(HC) and C-3.

2. The property comprises approximately 10.3 acres.
3. The site is partially developed with a used car dealership.
4. The subject property has access from Cortez Boulevard and Wiscon Road.
5. The subject property is located within commercial and rural land use classifications 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 a WHPA-2, but no wetlands or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by industrial, commercial, institutional, residential and rural residential uses and undeveloped parcels.
12. The petitioner has requested a reduction in setbacks from Cortez Boulevard from 125' to 75', from Wiscon Road from 75' to 50', a reduction in side setbacks from 20' to 10' and a reduction in rear setbacks from 35' to 25', which are deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include rezoning to PDP(GC) with a specific C-2 use of mini-warehouses. The subject property includes three (3) parcels. The BCC approved the rezoning of the western parcel to PDP(HC) in 2003. The eastern two (2) parcels are zoned C-3. The petitioner proposes locating a miniwarehouse facility on the southern portion of the property, along Wiscon Road. A separate commercial use is proposed on the northern half of the western parcel, with frontage on Cortez Boulevard. The petitioner proposes locating a DRA and a buffer along the eastern portion of the property, although these have not been indicated on the plan submitted.

The petitioner requests a reduction in setbacks from Cortez Boulevard from 125' to 75', from 75' to 50' along Wiscon Road, a reduction in the side setbacks from 20' to 10', and a reduction of the rear setbacks from 35' to 25'. The petitioner justifies the reduction in setbacks from Cortez Boulevard

from 125' to 75' with the provision of the reverse frontage road. The BCC has granted similar setbacks reductions in the past. The petitioner requests the side lot setbacks reduction due to the narrow width of the lot. The Planning staff is of the opinion this is not adequate justification. The petitioner requests a 50' setback from Wiscon Road, since the proposed miniwarehouse use will not require much parking and a greater setback would be an inefficient use of space. The Planning staff is of the opinion these arguments do not justify the reduction request. The petitioner does not provide any justification for the rear lot setback reduction to 25'. The rear lot is adjacent to a residentially-zoned parcel. The Planning staff is of the opinion the only setback reduction that should be approved is the 75' setbacks from Cortez Boulevard.

The petitioner indicates in the narrative that the site will be served by well and central sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site. If the request is approved, the developer will be required to provide central water and sewer service.

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 subject 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 of need and demand by the County. The BCC approved a rezoning on the western parcel (which is the only parcel within the subject property with frontage on an arterial roadway) with a condition requiring a frontage road. The petitioner proposes locating a reverse frontage road on the property. The County Engineer did not object to the provision of a reverse frontage road on the property. The County Engineer requests that if the master plan revision is approved, the petitioner provide turn lanes as required by the County Engineer.

According to County data resources, the site lies within a WHPA-2. The proposed land use is allowed within this designation.

The FDOT and the Florida Turnpike headquarters have been notified of the request; no responses have yet been received. The City of Brooksville has indicated it does not object to the request.

FINDINGS OF FACT

The area is characterized by industrial, commercial, institutional, residential and rural residential uses and undeveloped parcels. A septic tank installer is located to the north. Undeveloped property is located to the north and west. Rural residential uses are located to the east and south. The County Utilities Department maintenance facility is located to the south.

The subject property is located within commercial and rural land use classifications on the adopted Future Land Use Map. Approximately the northwestern third of the subject property is located within the commercial land use designation. The remainder of the property is located within the

rural land use category and is zoned C-3. Neighborhood commercial uses are allowed in the rural land use category.

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 Planning staff is of the opinion the subject property is located in an area appropriate for commercial infill, due to the proximity to the commercial land use category and proximity to property zoned for and developed with commercial uses.

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 remainder of the block eastward to Arizona Street is likely to be rezoned to some level of office/commercial uses in the future. The Planning staff is of the opinion that lower intensity commercial uses should be located to the east, to minimize impacts to the existing rural residential uses to the east. The petitioner has provided supplemental information proposing locating drainage and buffers along the eastern extent of the property. The Planning staff is of the opinion that the petitioner should provide a revised plan indicating the location and size of the proposed drainage and buffer, demonstrating how their arrangement on the property effectively minimizes impacts from the proposed miniwarehouse use on the rural residential uses to the east.

The Planning staff is of the opinion that the petitioner's request, with performance conditions, should be approved based on the following conclusions:

1. The proposed development meets the Comprehensive Plan's criteria for commercial infill.
2. The proposed C-2 use with, appropriate performance conditions, will be compatible with the surrounding land uses.

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.

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 adopt Resolution # _____ approving the petitioner's request for a master plan revision including an addition of land and a rezoning from C-3 to PDP(GC) with a specific C-2 use of mini-warehouses, a reduction in setbacks and a change in external access points, 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 receiving development review for the proposed use.
2. The development shall be served by central water and sewer service.
3. The minimum perimeter setbacks are approved as follows:

From Cortez Boulevard and Wiscon Road:	75'
From west side line:	20'
From east side line:	30'
From rear lot lines:	35'
4. The minimum internal side setbacks are 10' if the site is not developed as a unified project.
5. The minimum setback from the frontage road is 35'.
6. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
7. The developer shall provide turn lanes on Cortez Boulevard and Wiscon Road as required by the County Engineer.
8. A maximum of one access point on Cortez Boulevard and two access points on Wiscon Road are approved.
9. The petitioner shall provide a revised plan prior to the BCC hearing indicating the location and size of the proposed DRA and buffer in the eastern portion of the subject property.

P&Z RECOMMENDATION:

On March 8, 2004, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision including an addition of land and a rezoning from C-3 to PDP(GC) with a specific C-2 use of mini-warehouses, a reduction in setbacks and a change in external access points, with the following modified 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 receiving development review for the proposed use.
2. The development shall be served by central water and sewer service.
3. The minimum perimeter setbacks are approved as follows:

From Cortez Boulevard and Wiscon Road:	75'
From west side line:	20'
From east side line:	30'
From rear lot lines:	35'
4. The minimum internal side setbacks are 10' if the site is not developed as a unified project.
5. The minimum setback from the frontage road is 35'.
6. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
7. The developer shall provide turn lanes on Cortez Boulevard and Wiscon Road as required by the County Engineer.
8. A maximum of one access point on Cortez Boulevard and two access points on Wiscon Road are approved.
9. The petitioner shall provide a revised plan prior to the BCC hearing indicating the location and size of the proposed DRA and buffer in the eastern portion of the subject property.
10. The petitioner shall provide a more detailed drawing prior to the BCC hearing providing justification of the west side setback reduction from 20' to 10'.

BCC ACTION:

On April 14, 2004, the Board of County Commissioners voted 4-0 to adopt Resolution # 2004-84 approving the petitioner's request for a master plan revision including an addition of land and a rezoning from C-3 to PDP(GC) with a specific C-2 use of mini-warehouses, a reduction in setbacks and a change in external access points, 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 receiving development review for the proposed use.
2. The development shall be served by central water and sewer service.

3. The minimum perimeter setbacks are approved as follows:
 - From Cortez Boulevard and Wiscon Road: 75'
 - From west side line: 20'
 - From east side line: 30'
 - From rear lot lines: 35'
4. The minimum internal side setbacks are 10' if the site is not developed as a unified project.
5. The minimum setback from the frontage road is 35'.
6. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
7. The developer shall provide turn lanes on Cortez Boulevard and Wiscon Road as required by the County Engineer.
8. A maximum of one access point on Cortez Boulevard and two access points on Wiscon Road are approved.
9. The petitioner shall indicate a 30' buffer on the east side of the project and a DRA located in the eastern portion of the project.
10. A revised plan shall be provided within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.

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.