

**STAFF REPORT**

Planning & Zoning Commission: August 9, 2004  
Board of County Commissioners: September 8, 2004

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**APPLICANT:** VLT, Inc. **FILE NUMBER:** H-04-45

**PURPOSE:** Rezoning from R-1A (Residential) to C-2 (Highway Commercial)

**GENERAL**

**LOCATION:** South side of Cortez Boulevard, approximately 1,450' east of Winter Street

**LEGAL**

**DESCRIPTION:** Tract 47, Potterfield Garden Acres, Section "M," as per plat thereof recorded in Plat Book 5, Page 66, of the Public Records of Hernando County, Florida in Section 26, Township 22 South, Range 18 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(GC), C-2	Medical offices
South: R-1A, PDP(GC)	Undeveloped
East: PDP(GC)	Salvation Army
West: R-1A	Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from R-1A to C-2. The subject property is located on the south side of Cortez Boulevard, approximately 1,450' east of Winter Street.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1A.
2. The property comprises approximately one acre.
3. The site is currently undeveloped.
4. The site appears to contain no majestic or specimen trees.

5. The subject property has access from Cortez Boulevard.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by office professional and institutional uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to rezone the subject property from R-1A to C-2. The site is vacant.

The subject property is located on Cortez Boulevard, a principal arterial roadway. The County's frontage road ordinance requires property along Cortez Boulevard to provide a frontage road at no cost to the County, upon demonstration of need and demand by the County.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site.

The subject property lies within a WHPA-2 for a public supply well according to County data resources. The proposed land use is allowed within this designation.

The City of Brooksville and the FDOT have been notified of the request; no responses have yet been received.

**FINDINGS OF FACT**

The area is characterized by office professional, highway commercial and institutional uses, and undeveloped parcels. Medical offices are located north of the subject property. The Salvation Army is located east of the subject property. Miniwarehouses are located to the east of the Salvation Army facility. White’s septic service and rock and sand business is located to the west and south. The Planning staff is of the opinion that although the subject property is located between parcels zoned R-1A and PDP(GC), the proposed C-2 zoning is appropriate due to the volume and depth of existing C-2 zoning in the area.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

The staff is of the opinion that rezoning from R-1A to C-2 is appropriate, based on the following conclusion:

1. C-2 uses will be compatible with the surrounding area and consistent with the adopted 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.**

**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 to rezone from R-1A to C-2, 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, and complete all applicable development review processes.

2. The petitioner must provide a frontage road across the property, at no cost to the County, upon demonstration and need of the County.

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from R-1A to C-2, with the following unmodified 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, and complete all applicable development review processes.
2. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2004-221 approving the petitioner's request to rezone from R-1A to C-2, 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, and complete all applicable development review processes.
2. The petitioner must provide a frontage road across the property, at no cost to the County, upon demonstration and need of the County.