

STAFF REPORT

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

APPLICANT: Belleair Development Group, Inc. **FILE NUMBER:** H-04-46

PURPOSE: Rezoning from C-3 (Neighborhood Commercial) to C-2 (Highway Commercial)

GENERAL

LOCATION: South side of Cortez Boulevard, north side of Wiscon Road, approximately 330' east of Winter Street

LEGAL

DESCRIPTION: A portion of Section 26, Township 22 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: C-2
South: AR-2
East: PDP(HC)
West: C-3

Surrounding Land Uses

St. Petersburg Times
Mobile home
Vacant
Convenience store

SUMMARY OF REQUEST

The petitioner requests to rezone from C-3 to C-2. The subject property is located on the south side of Cortez Boulevard, on the north side of Wiscon Road and approximately 330' east of Winter Street.

FACTUAL INFORMATION

1. The property is currently zoned C-3.
2. The property comprises approximately 1.46 acres.
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 and Wiscon Road.
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, but not sewer, is 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 commercial and rural residential 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 C-3 to C-2. The site is undeveloped with the exception of a DRA located in the southern portion of the property.

The setbacks for the C-2 district on this site are 125' from Cortez Boulevard, 20' from the sides and 75' from Wiscon Road. The plan submitted shows a 35' setback from Wiscon Road; the petitioner has clarified he proposes a 75' setback and is not requesting a reduction in setbacks, which is a deviation from the County's LDRs.

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 petitioner has not indicated the location of a future frontage road on the plan. The parcel was part of a subdivision request in 1999. The subdivision approval included a 50' frontage road easement to be located along

the southern and eastern property lines of the subject property, providing a connection between Cortez Boulevard and Wiscon Road. A condition of the subdivision approval required the frontage road be built on the property when the property was either developed or sold. The County Engineer indicated that if the request is approved, a maximum of one access to Wiscon should be allowed.

The Utilities Department has indicated that central water, but not sewer, is 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, the FDOT, and the Turnpike Enterprise have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by commercial and rural residential uses and undeveloped parcels. The St. Petersburg *Times* offices are located to the north. A gas station/convenience store is located to the west. The property to the east was rezoned from C-3 to PDP(HC) in 2003. Multiple parcels zoned for C-2 uses are located in the surrounding area.

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

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 the area.

The staff is of the opinion that rezoning from R-1A to PDP(HC) 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.
2. The coordination of the frontage road and access are best addressed by performance conditions as part of a PDP approval.

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 Concurrency. 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 C-3 to PDP(HC), 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 developer shall provide a frontage road across the property, at no cost to the County, when the subject property is either sold or developed.
3. A maximum of one access to Cortez Boulevard is allowed and one access to Wiscon Road is allowed.
4. The development shall be served by central water.
5. A master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the rezoning shall become null and void.

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 C-3 to PDP(HC), 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 developer shall provide a frontage road across the property, at no cost to the County, when the subject property is either sold or developed.
3. A maximum of one access to Cortez Boulevard is allowed and one access to Wiscon Road is allowed.
4. The development shall be served by central water.
5. A master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the rezoning shall become null and void.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2004-222 approving the petitioner's request to rezone from C-3 to PDP(HC), 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 developer shall provide a frontage road across the property, at no cost to the County, when the subject property is either sold or developed.
3. A maximum of one access to Cortez Boulevard is allowed and one access to Wiscon Road is allowed.
4. The development shall be served by central water.
5. A master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the rezoning shall become 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.