

STAFF REPORT

Planning & Zoning Commission: October 11, 2004
Board of County Commissioners: November 10, 2004
Planning & Zoning Commission: December 13, 2004
Board of County Commissioners: January 12, 2005
Planning & Zoning Commission: February 14, 2005
Board of County Commissioners: March 9, 2005
Planning & Zoning Commission: May 9, 2005
Board of County Commissioners: June 8, 2005

APPLICANT: Joseph LaChance **FILE NUMBER:** H-04-63

PURPOSE: Rezoning from AG (Agricultural) to PDP(HC)/Planned Development Project (Highway Commercial)

GENERAL

LOCATION: North side of County Line Road, approximately 1,170' east of the Suncoast Parkway

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Pasture
South: Pasco County	Single family
East: AG	Pasture, vacant buildings
West: AG	Mobile home

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(HC). The subject property is located on the north side of County Line Road, approximately 1,170' east of the Suncoast Parkway.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 8.9 acres.
3. The site is currently vacant.
4. The site appears to contain some specimen, but no majestic, trees.
5. The subject property has access from County Line Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Masaryk very fine sand
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that water and sewer capacity are available to serve the subject property. Pursuant to County Ordinance, central water and sewer are deemed not available.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The site is located in an area characterized by 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 AG to PDP(HC) in order to develop the site with a service station, restaurant, miniwarehouse storage, retail and office uses. C-2 uses are permitted uses in the PDP(HC) zoning category. Miniwarehouse storage is a C-2 use. At their October 11, 2004, meeting, the P&Z voted 5-0 to postpone hearing the petition until the December 13, 2004, P&Z meeting, so that the petitioner could provide additional information on infrastructure issues for the area.

The most recent plan provided shows a 5,000 square foot building containing a combination service station and restaurant and five (5) miniwarehouse storage buildings.

The plan submitted shows 66 parking spaces provided. If the request is approved, the petitioner shall provide the minimum parking required by the LDRs.

The petitioner proposes 125' setbacks from County Line Road and 35' setbacks from the north, west and east lot lines. The setbacks meet the minimum setback requirements per the PDP rules.

The petitioner indicates that County water and sewer service is located nearby, although offsite construction will be necessary to bring service to the project. The Utilities Department has indicated that central water and sewer capacity are available; however, construction costs associated with building water and sewer lines to serve the site prevent availability per the ordinance. Water service is located approximately 640' to the west; a sewer pump station is located approximately 685' to the west.

The subject property has access from County Line Road. A frontage road intersects with County Line Road immediately west of the subject property at a median opening. The Transportation Planning Coordinator indicates that the subdivision approvals for the Avalon and Trillium subdivisions have substantially reduced County Line Road's traffic capacity in this area.

The subject property is located between the entrance road to the Trillium Subdivision and the Suncoast Parkway within approximately 90 acres of undeveloped AG zoned land. Given the proximity to the Suncoast Parkway and pending development in the area including the Trillium Subdivision, the overall area will develop over time. Staff envisions a mixture of uses which could include commercial, office professional, SF and/or MF uses. The staff has concerns about the impact of the future development of this area given the lack of local roadways integrating this area and the current status of County Line Road. Of critical concern to the staff is providing future access from the 90 acre area to ultimately connect to County Line Road at an appropriate location. The Planning staff is of the opinion the petitioner's revised plan does not adequately address the access and connectivity issues that require resolution in order to develop the area with more intense uses. The petitioner has provided a revised plan showing a reverse frontage road located in the southern half of the subject property. The County Engineer and the Planning staff are of the opinion the location and design of the proposed reverse frontage road are not acceptable. The staff is of the opinion the location of the reverse frontage road will not adequately serve the area and the design of the roadway's intersections with the Pulte subdivision entrance roadway and the proposed County Line Road extension are not acceptable.

The Florida Turnpike Enterprise and Pasco County have been informed of the request; no responses have yet been received.

FINDINGS OF FACT

The site is located in an area characterized by rural residential uses and undeveloped parcels. The proposed Trillium SF residential development is located approximately 2,000' north of the subject property. The Suncoast Parkway is located approximately 1,300' west of the subject property.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance conditions being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. There is a mapped node located to the west of the subject property. The subject property lies outside of the mapped commercial land use area.

The development of the Suncoast Parkway occurred within the entirety of the east side of the mapped commercial node. The adopted comprehensive plan would allow for expansion of the commercial area and would potentially allow a mixture of uses including commercial, industrial, or residential provided the uses are addressed as part of a unified plan. Adequate roadways are not yet in place to support commercial development in this area. Additionally staff has concerns regarding the depth of the proposed commercial zoning. It is the staff's opinion that if the existing 90 mol acre, which includes the subject property, is integrated into a unified plan to coordinate the internal roadways and issues associated with County Line Road, commercial development at some intensity on a portion of this site would not be inconsistent with the adopted Comprehensive plan.

The Planning staff is of the opinion the subject property is not an appropriate location for commercial uses until the local roadway system has been coordinated and ensured, and County Line Road issues are addressed. Further, it is the staff's opinion that to adequately address the issues associated with this site, the overall area must be analyzed as part of a unified plan and not as a single use development.

The Planning staff is of the opinion that the request to rezone from AG to PDP(HC) is not appropriate based on the following conclusion:

1. The proposed rezoning without adequately addressing the transportation network issues in the surrounding area is inconsistent with the County's 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 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 adjourn hearing the rezoning request to the December 13, 2004, meeting so that the petitioner can address the roadway and central services infrastructure issues for the area.

P&Z RECOMMENDATION:

On October 11, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the December 13, 2004, P&Z meeting at 9:00 a.m.

BCC ACTION:

On November 10, 2004, the Board of County Commissioners voted 4-1 to postpone this petition until the January 12, 2005, BCC meeting at 9:00 a.m.

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 # _____ denying the petitioner's request to rezone from AG to PDP(HC).

P&Z RECOMMENDATION:

On December 13, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the February 14, 2005 P&Z meeting at 9:00 a.m. to allow the petitioner to meet with Planning and Engineering staff to work out the roadway configurations.

BCC ACTION:

On January 12, 2005, the BCC voted 5-0 to postpone this petition until the March 9, 2005 BCC meeting at 9:00 a.m.

NOTE:

The staff met with the petitioner in the intervening time frame to discuss roadway configurations relating to the subject property and the surrounding area. No additional information was submitted by the petitioner for review by staff or the Commission.

P&Z RECOMMENDATION:

On February 14, 2005, the Planning and Zoning Commission voted 4-1 to postpone this petition until the May 9, 2005 P&Z meeting at 9:00 a.m., to allow the petitioner to address the roadway issues.

BCC ACTION:

On March 9, 2005, the Board of County Commissioners voted 5-0 to postpone this petition until the June 8, 2005, BCC meeting at 9:00 a.m.

NOTE:

No additional information was submitted by the petitioner for review by staff or the Commission addressing the infrastructure concerns outlined in the staff's report.

Pursuant to the findings of fact outlined in the staff's report, the staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AG to PDP(HC).

P&Z RECOMMENDATION:

On May 9, 2005, 2005, the Planning and Zoning Commission acknowledged the petitioner's withdrawal of the petition.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners acknowledged the petitioner's withdrawal of the petition.