

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Albert Carapella **FILE NUMBER:** H-05-66

PURPOSE: Rezoning from AG (Agricultural) to C-2 (Highway Commercial) or PDP(HC)/Planned Development Project (Highway Commercial)

GENERAL

LOCATION: East side of US 41, approximately 875' north of Old Ayers Road

LEGAL

DESCRIPTION: Lot 28, Garden Grove Farm Lots, as per plat thereof recorded in Plat Book 4, Page 53, of the Public Records of Hernando County, Florida in Section 30, Township 23 South, Range 19 East

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; AG
South: AG
East: AG
West: C-4

Surrounding Land Uses

Billboard; undeveloped
Undeveloped
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to C-2 or PDP(HC). The subject property is located on the east side of US 41, approximately 875' north of Old Ayers Road.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-2.
2. The property comprises approximately 2.5 acres.
3. The site has been developed with a plant nursery.

4. The site contains majestic and specimen trees.
5. The subject property has access from US 41.
6. The subject property is located within the airport planned development district land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Masaryk very fine sand and Nobleton fine sand.
8. The property is located in a flood zones B and 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 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 commercial and mobile home 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 C-2 or PDP(HC). The petitioner has not proposed a specific use for the property. If the request is approved, all permitted uses in the C-2 zoning district would be allowed.

The plan provided shows a proposed 20,000 square foot building meeting the required minimum setbacks of 125' from US 41, 20' from the side lot lines and 35' from the rear lot line. A 15' buffer is shown along the north lot line and a 10' buffer along the south lot line. The staff does not object to the proposed buffers which exceed the buffers required for commercial PDPs. The plan shows 100 parking spaces. If the request is approved, the developer will have to provide the required minimum parking spaces as required per the LDRs.

If the request is approved, new construction will be required to meet the LDRs for commercial development. The subject property has adequate area to accommodate the commercial setbacks.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site. The Utilities Department indicates a 16" waterline is located approximately 2,100' north on the west side of US 41 and a 12" sewer force main is located approximately 4,100' north on Runway Drive. Connecting to sewer would require an offsite sewer force main and an onsite sewer pump station at the developer's expense.

The subject property has access to US 41. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The County Engineer indicates the subject property is located on a section of US 41 that is being improved to a four-lane divided highway. The County Engineer notes that if the request is approved, the development will be limited to a right-in/right-out access on US 41.

The subject property is located within the airport influence zone as identified in the County's LDRs. The subject property is located within the airport influence zone. Certain uses face restrictions within the airport influence zone. The Airport Director indicates that if the request is approved, the petitioner shall provide an aviation easement.

The City of Brooksville has no concerns regarding the request. The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial and mobile home residential uses, and undeveloped parcels. The parcel to the north is partially zoned C-2. A railway and undeveloped parcels are located to the east of the subject property. Undeveloped property zoned AG is located south of the subject property. Undeveloped property zoned C-4 is located to the west of the subject property on the west side of US 41. Approximately 700' to the south of the subject property are eight (8) parcels zoned C-2.

The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development.

The staff is of the opinion that rezoning from AG and C-2 to PDP(HC) is appropriate, based on the following conclusions:

1. The subject property is located in an area with C-2 zoning to the north, and approximately 700' to the south.

2. Highway commercial zoning would be compatible with the surrounding land uses along US 41.
3. Highway commercial zoning along US 41 is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

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 AG and C-2 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 petitioner shall be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The access on US 41 shall be right-in/right-out only.
4. The petitioner shall provide an avigation easement.

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 AG and C-2 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 petitioner shall be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The access on US 41 shall be right-in/right-out only.
4. The petitioner shall provide an avigation easement.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2005-276 approving the petitioner's request to rezone from AG and C-2 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 petitioner shall be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The access on US 41 shall be right-in/right-out only.
4. The petitioner shall provide an avigation easement.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH 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.