

STAFF REPORT

Planning & Zoning Commission: January 10, 2005
Board of County Commissioners: February 9, 2005

APPLICANT: Craig W. Krueger Air Conditioning & Heating, LLC
FILE NUMBER: H-05-05

PURPOSE: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 Use of Light Construction Service Establishment

GENERAL

LOCATION: West side of Lamson Avenue, approximately 450' south of Northcliffe Boulevard

LEGAL

DESCRIPTION: Lot 4, Block 1132, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31 - 46, of the Public Records of Hernando County, Florida in Section 18, Township 23 South, Range 18 East

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: PDP(GHC)	Commercial
South: PDP(GHC)	Commercial
East: PDP(GHC)	Commercial
West: PDP(MF)	DRA

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(GHC) to PDP(GC) with a specific C-2 Use of Light Construction Service Establishment. The subject property is located on the west side of Lamson Avenue, approximately 450' south of Northcliffe Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 0.86 acre.

3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Lamson Avenue and an alley.
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 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 available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial 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 PDP(GHC) to PDP(GC) with a specific C-2 use of light construction service establishment in order to develop the site with an air conditioning and heating contracting business. The PDP(GC) category allows uses consistent with the C-1 (general commercial) zoning category. The plan indicates the property is proposed to be developed with a 2,000 square foot building.

The LDRs would require the following setbacks for commercial development on the property: 35' from Lamson Avenue, 20' from the side lot line, 20' from the alley and 35' from the rear lot line. The petitioner proposes setbacks as follows: 76.58' from Lamson Avenue, 20' from the side lot line, 100' from the alley and 109.3' from the rear. The petitioner notes that the minimum setbacks for Spring Hill commercial lots are 50' from Lamson Avenue and 20' from the side, alley and rear. The Planning staff is of the opinion that if the request is approved, the setbacks should be consistent with the LDRs.

The plan shows no buffers on the site. The narrative acknowledges the site will be required to meet the present County landscape ordinance.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for general commercial uses. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The plan shows ten (10) parking spaces. If the request is approved, the developer must provide the minimum number of parking spaces required for the use.

The proposed development would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The plan shows access to Lamson Avenue and the alley located to the south. The County Engineer does not object to the proposed access, although he notes the petitioner shall comply with the County alley policy. The County Engineer indicates that development on the site shall be designed to accommodate 100 year flood event.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels. The lot to the north has been developed with office uses. The property to the east has been developed with the Sherwood Florist retail plant nursery. The lots zoned PDP(GHC) to the south are developed with non-retail commercial uses, including automobile repair establishments and construction/building material related establishments. A County-owned DRA is located to the west. The Planning staff is of the opinion the proposed C-2 use of light construction service establishment, which will not include outside storage, will be a use compatible with existing development in the area.

The subject property is located within a commercial node identified on the adopted future land use map at the Northcliffe Boulevard/Mariner Boulevard intersection. The commercial land use category allows for a range of commercial intensity from office professional to regional commercial centers provided other goals, objectives and policies (GOPs) within the comprehensive plan can be met.

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 rezoning the subject property to allow the one C-2 use is appropriate because the use will be compatible with the existing non-retail commercial uses in the area.

The staff is of the opinion that the request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of light construction service establishment is appropriate, with performance conditions, based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding land uses.
2. The proposed rezoning would be consistent with the 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 recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 Use of Light Construction Service Establishment 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 setbacks are approved as follows:
 - From Lamson Avenue: 35'
 - From the north/side lot line: 20'
 - From the west/rear lot line: 35'
 - From the south lot line: 20'
3. The development shall comply with the County alley policy.
4. Development shall be generally in conformance with the plan submitted.

P&Z RECOMMENDATION:

On January 10, 2005, 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 PDP(GHC) to PDP(GC) with a specific C-2 Use of Light Construction Service Establishment 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 setbacks are approved as follows:
 - From Lamson Avenue: 35'
 - From the north/side lot line: 20'
 - From the west/rear lot line: 35'
 - From the south lot line: 20'
3. The development shall comply with the County alley policy.
4. Development shall be generally in conformance with the plan submitted.

BCC ACTION:

On February 9, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-39 approving the petitioner's request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 Use of Light Construction Service Establishment 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 setbacks are approved as follows:
 - From Lamson Avenue: 35'
 - From the north/side lot line: 20'
 - From the west/rear lot line: 35'
 - From the south lot line: 20'
3. The development shall comply with the County alley policy.
4. Development shall be generally in conformance with the plan submitted.

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.**