

STAFF REPORT

Planning & Zoning Commission: December 12, 2005

Board of County Commissioners: January 11, 2006

Planning & Zoning Commission: January 9, 2006

Board of County Commissioners: February 8, 2006

APPLICANT: Charles M. Harding **FILE NUMBER:** H-05-117

PURPOSE: Rezoning from R-1A (Residential) to C-2 (Highway Commercial) and from C-2 (Highway Commercial) to PDP(HC)/Planned Development Project (Highway Commercial) with a C-4 use of heavy wholesale and storage establishment

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 250' west of B. W. Stevenson Road

LEGAL

DESCRIPTION: Lots 6 and 7, Section M, Potterfield Garden Acres, 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.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: R-1A, C-2

South: R-1A, C-2

East: C-2

West: R-1A

Surrounding Land Uses

Undeveloped

Undeveloped

Undeveloped

Commercial, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1A to C-2 and from C-2 to PDP(HC) with a C-4 use of heavy wholesale and storage establishment. The subject property is located on the north side of Cortez Boulevard, approximately 250' west of B. W. Stevenson Road.

FACTUAL INFORMATION

1. Lot 6 is zoned R-1A; Lot 7 is zoned C-2.
2. The property comprises approximately 2.47 acres.
3. A single family home and a mobile home are located on the site.
4. The site contains 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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is 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 and single family residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The subject property consists of two lots: Lots 6 and 7. The petitioner requests to rezone Lot 6 from R-1A to C-2 and Lot 7 from C-2 to PDP(HC) with a heavy wholesale storage establishment. The petitioner has verbally indicated he has no specific development plans for Lot 6. The narrative indicates the petitioner proposes to sell and lease containers on the subject property; the petitioner has verbally clarified this activity is proposed for Lot 7.

The Zoning Administrator has indicated the shipping containers proposed for lease and sale do not meet the minimum building code requirements, and therefore can not be used as buildings or for storage.

The plan does not indicate where the containers would be stored on the property. The petitioner has verbally clarified he initially did not intend to limit the placement of the containers. The Development Department has indicated the containers would be allowed to be stored outside, screened, behind the building line, unless the BCC approved a different location on the plan. The petitioner has verbally indicated he does not object to limiting the location of the containers to the rear of the property.

Lot 7 contains a mobile home and a 960 square foot building. If the request is approved, the existing buildings would have to be upgraded to meet the applicable commercial development standards. Any new construction will be required to meet the applicable LDRs for commercial development.

The subject property has adequate area to accommodate the commercial setbacks. The plan provided does not show a buffer on the site. The properties to the north and west are zoned for single family uses. If the request is approved, a 5' buffer will be required along the subject property's lot lines where adjacent to single family zoning. The plan does not indicate where parking would be located. If the request is approved, the petitioner will have to provide parking as required per the LDRs.

The petitioner indicates the site will be served by central water and sewer service. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the north side of Cortez Boulevard. An 6" force main is located on the north side of Cortez Boulevard. Connection to the force main will require installing a sewer pump station. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access to Cortez Boulevard. 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 had no comments except to note that the subject property will be subject to the frontage road requirement.

The City of Brooksville has no comments 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 single family residential uses, and undeveloped parcels.

Rural residential uses are located to the north. A plant nursery is located to the west. An undeveloped property rezoned to C-2 in July 2005 is located to the east. Undeveloped property zoned C-2 is located to the south across Cortez Boulevard.

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

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. Most of the parcels with frontage on Cortez Boulevard in this area are zoned C-2. Parcels zoned R-1A are located to the north and west. The Planning staff is of the opinion that C-2 uses are appropriate along Cortez Boulevard, but C-4 zoning is too intense in this area located to the north and west zoned for single family uses.

The staff is of the opinion that rezoning Tract 6 from R-1A to C-2 is appropriate and rezoning Tract 7 from C-2 to PDP(HC) with a C-4 use of heavy wholesale and storage establishment is not appropriate, based on the following conclusions:

1. Highway commercial zoning would be compatible with the surrounding land uses along Cortez Boulevard.
2. Heavy highway commercial zoning would be incompatible with the surrounding land uses along Cortez Boulevard.
3. Highway commercial zoning along Cortez Boulevard is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.
4. Heavy highway commercial zoning along Cortez Boulevard 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 recommend the Board of County Commissioners adopt Resolution # _____ approving the request to rezone Tract 6 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 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.

P&Z RECOMMENDATION:

At their December 12, 2005 meeting, the P&Z acknowledged the petition could not be heard until it had been properly advertised. The petitioner did pick up the signs in a timely manner in order to post the site as required to be adequately advertised to be heard by the P&Z at their January 9, 2005 meeting.

BCC ACTION:

On January 11, 2006, the BCC acknowledged the petition will be readvertised for the February 8, 2006, agenda.

P&Z RECOMMENDATION:

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the request to rezone Tract 6 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 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.

BCC ACTION:

On February 8, 2006, the Board of County Commissioners voted 5-0 to adopt Resolution # 2006-37 approving the rezoning from R-1A (Residential) to C-2 (Highway Commercial) and from C-2 (Highway Commercial) to PDP(HC)/Planned Development Project (Highway Commercial) with a C-4 use of heavy wholesale and storage 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 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.
3. No stacked containers shall be allowed. No more than 8 containers shall be on the site.
4. Containers shall be setback a minimum of 150' from the front property line and 100' from the south, west and north property line and 50' from the east property line.
5. Screening shall be required around the storage area and shall consist of a hedge, fence or enhanced existing vegetation to meet 80 percent opacity.