

**STAFF REPORT**

Planning & Zoning Commission: December 12, 2005  
Board of County Commissioners: January 11, 2006

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**APPLICANT:** Register Chevrolet **FILE NUMBER:** H-05-121

**PURPOSE:** Master Plan Revision to Include a Reduction in Setbacks

**GENERAL**

**LOCATION:** North side of Cortez Boulevard, west side of Brookridge Central Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 27, Township 22 South, Range 18 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 1 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(MH)  
South: C-2, PDP(GC)  
East: PDP(GHC)  
West: PDP(GC)

Surrounding Land Uses

Brookridge  
Commercial  
Commercial  
Commercial under development

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to modify a previous zoning condition relating to setback requirements. The subject property is located on the north side of Cortez Boulevard and the west side of Brookridge Central Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(GHC) with a C-2 use of auto dealership.
2. The property comprises approximately 13 acres.
3. The site has been developed with the Register Chevrolet automobile dealership.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Cortez Boulevard and Brookridge Central 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 contains a WHPA-2, but no wetlands 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 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 a master plan revision to include a reduction in setbacks as required per the 1994 rezoning approval. The subject property was rezoned from PDP(GHC) to PDP(GHC) with a C-2 use of automobile dealer establishment in 1994 with conditions including a rear setback of 220'. After substantial negotiations addressing concerns about compatibility of the proposed use with Brookridge, the BCC approved the request in June 1994 with performance conditions, including a minimum 220' rear setback.

The petitioner requests a reduction of the rear setback from 220' to 100'. The plan provided shows a setback of 86.69' from the reverse frontage road and 146.68' from the rear property line. The petitioner argues that the standard rear commercial setback is 35' and the current setbacks prevents the business from growing.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site; the petitioner is an existing Utilities Department customer.

The subject property has access to Cortez Boulevard. The petitioner is obligated to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The 1994 rezoning approval required the petitioner to provide a vegetative buffer of 5' to 8' in height and 90% opacity along the north property line within the 25' required landscape strip on the north side of the required frontage road, in order to address concerns about compatibility with Brookridge.

The subject property lies within a Wellhead Protection Area-2 (WHPA-2) according to County data resources. The proposed use is allowable within this designation.

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 mobile home residential uses, and undeveloped parcels. The site has been developed with the Register Chevrolet automobile dealership. Commercial uses are located to the west, south and east. The property to the west is being developed with commercial uses. The Brookridge mobile home community is located to the north.

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

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent to the Brookridge mobile home community. The Planning staff is of the opinion the proposed reduction in setbacks would allow the encroachment of incompatible uses that are destructive to the character and integrity of the Brookridge residential environment. The Planning staff is of the opinion that the petitioner has not proposed an alternative design concept, such as an enhanced buffer, to address the compatibility issue.

The Planning staff is of the opinion that the request for a master plan revision to include a reduction in setbacks would not be appropriate, based on the following conclusions:

1. The existing zoning approval included increased setbacks as part of a negotiated settlement to address compatibility issues between the car dealership and the adjacent residential development. The subject request does not propose any enhanced standards, such as buffering or fencing, to mitigate the impacts of the requested reduction in setbacks.
2. The proposed master plan revision is not consistent with the County's adopted Comprehensive Plan and is not compatible with the surrounding land uses.

**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 # \_\_\_\_\_ denying the petitioner's request for a master plan revision to include a reduction in setbacks.

**P&Z RECOMMENDATION:**

Subsequent to the transmittal of the staff report and recommendation for the Register Chevrolet request, the petitioner provided a letter from the Brookridge Community Property Owners Inc. indicating that they have no objections to the petitioner's request to reduce the rear setback to 100'. The Planning and Zoning Commission made the following findings based on information provided at the hearing:

1. The proposed master plan revision with the reduction in setbacks is not too intense to be compatible with the surrounding land uses.
2. The proposed master plan revision with the reduction in setbacks is consistent with the County's adopted Comprehensive Plan.

At the December 12, 2005 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a master plan revision to include a reduction in setbacks, 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 rear setback shall be a minimum of 116', to be measured from the property line of the Brookridge subdivision.
3. All conditions of PD-313 (approved under file H-94-05) and PD-548 (approved under file H-96-18) shall be in full force and effect with the exception of the condition regarding the rear setback which is modified by #2 above.

**NOTE:**

The Staff based their recommendation for denial on the fact that the previously required rear setback was a result of a negotiated agreement with Brookridge. The petitioner had not provided anything to justify a modification to this agreement. If the letter had been submitted as part of the application packet, the staff would not have objected to the requested reduction. As proposed, the rear setback is still in excess of the minimum 35' required for commercial development.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-23 approving the petitioner's request for a master plan revision to include a reduction in setbacks, 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 rear setback shall be a minimum of 100', to be measured from the property line of the Brookridge subdivision.
3. All conditions of P.D.-313 (approved under file H-94-05) and P.D.-548 (approved under file H-96-18) shall be in full force and effect with the exception of the condition regarding the rear setback which is modified by #2 above.

**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.**