

STAFF REPORT

Planning & Zoning Commission: February 14, 2005

Board of County Commissioners: March 9, 2005

APPLICANT: Reema Properties, Inc. **FILE NUMBER:** H-05-12

PURPOSE: Rezoning from C-1 (General Commercial) and R-1A (Residential) to C-2 (Highway Commercial)

GENERAL

LOCATION: North side of Cortez Boulevard, west side of Montier Street, east side of Darts Street

LEGAL

DESCRIPTION: Lots 5 - 7, Block K, Weeki Wachee Hills, Unit 1, as per plat thereof recorded in Plat Book 5, Page 33, of the Public Records of Hernando County, Florida in Section 34, Township 22 South, Range 17 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-1
East: R-1A, C-1
West: R-1A, C-2

Surrounding Land Uses

SF, MH, commercial
SF, undeveloped, commercial
Commercial, SF, MH
Commercial, SF, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from C-1 and R-1A to C-2. The subject property is located on the north side of Cortez Boulevard, west side of Montier Street and the east side of Darts Street.

FACTUAL INFORMATION

1. The property is currently zoned C-1 and R-1A.
2. The property comprises approximately three-quarters of an acre.
3. The site contains a vacant commercial building and a mobile home.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Cortez Boulevard, Darts Street and Montier Street.
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 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, but not sewer, is 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, mobile home residential and single family 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 C-1 and R-1A to C-2. The petitioner has not specified the proposed commercial uses for the property. Vacant commercial buildings are located on the property. If the request is approved, any new construction will have to meet the minimum commercial setbacks.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.

The plan shows access from Cortez Boulevard, Darts Street and Montier Street. The County Engineer indicates that if the request is approved, the site access shall be limited to the site streets with no access from Cortez Boulevard.

The Gulf Coast Conservancy and SWFWMD have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by commercial, mobile home residential and single family residential uses, and undeveloped parcels. Several parcels on the north side of Cortez Boulevard, the same side on which the subject property is located, are zoned C-1 and C-2. The subject property is located between lots zoned C-1 and C-2.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The Comprehensive Plan allows commercial uses in the residential land use category if the subject property is located in an appropriate infill area. In 2003, the BCC approved the rezoning from R-1A to C-2 of property approximately 500' to the west, determining that the location was an appropriate infill area.

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.

Policy 1.01O(2) indicates expansion off the existing strip commercial areas shall not be allowed except for appropriate infill commercial development. Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1).

Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. The Planning staff is of the opinion the subject property is appropriate for infill commercial development, due to the multiple properties zoned C-2 and C-1 along the north side of Cortez Boulevard.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent to an area zoned for single family homes and mobile homes. The Planning staff is of the opinion that the subject property is located in an appropriate infill area within a commercial strip.

The staff is of the opinion that rezoning from R-1A to C-2 is appropriate, based on the following conclusions:

1. Highway commercial zoning would be compatible with the surrounding land uses.
2. Highway commercial zoning 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 rezoning from C-1 and 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. No access to Cortez Boulevard is allowed.

P&Z RECOMMENDATION:

On February 14, 2005, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from C-1 and R-1A to C-2, with the following modified 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 modify the access to Cortez Boulevard to meet current design standards, with the County Engineer's approval. ~~No access to Cortez Boulevard is allowed.~~

BCC ACTION:

On March 9, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-61 approving the rezoning from C-1 and 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 shall modify the access to Cortez Boulevard to meet current design standards, with the County Engineer's approval.