

STAFF REPORT

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

APPLICANT: Herbert A. Miller **FILE NUMBER:** H-05-19

PURPOSE: Rezoning from R-1C (Residential) to PDP (HC)/ Planned Development District (Highway Commercial) with Outside Storage and a Reduction in Setbacks

GENERAL

LOCATION: East side of US 19, west of and approximately 150' south of Necklace Warbler Avenue, west of Yellowlegs Avenue

LEGAL

DESCRIPTION: Lots 2 and 3, Block 64, Royal Highlands, Unit 1-B, as per plat thereof recorded in Plat Book 11, Pages 82 - 91, of the Public Records of Hernando County, Florida in Section 1, Township 21 South, Range 17 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 1

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: R-1C	Undeveloped
South: R-1C	Undeveloped
East: R-1C	Undeveloped
West: R-1C	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks. The subject property is located on the east side of US 19, west of and approximately 150' south of Necklace Warbler Avenue and west of Yellowlegs Avenue.

FACTUAL INFORMATION

1. The property is currently zoned R-1C.
2. The property comprises approximately an acre.

3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from US 19 and Necklace Warbler Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The Hernando County Soil Survey indicates the on-site soil types include Basinger fine sand and Tavares fine sand.
8. The property is located in flood zones C and A.
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 scattered single family residential uses and undeveloped lots.
13. The petitioner has requested a reduction in setbacks along US 19 from 125' to 75', which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks. The narrative indicates development of the site with office and retail uses and outside storage. The petitioner indicates the outside storage would be used for nursery supplies and plant material. The petitioner verbally proposed developing the site with a retail plant nursery. A retail plant nursery with outside storage limited to plants and packaged products is a permitted use in the C-1 zoning district. A retail plant nursery with outside storage including products other than plants or packaged products, such as loose gravel or mulch, is a permitted use in the C-2 zoning district.

The subject property has access from US 19 and Necklace Warbler Avenue, an unimproved limerock road. 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 agrees with the petitioner's assertion that Necklace Warbler Avenue functions as a reverse frontage road in the area. Necklace Warbler Avenue is a limerock

road. The County Engineer indicates that if the request is approved, the petitioner should be required to provide a letter to the BCC agreeing to participate in any future assessments to pave Necklace Warbler Avenue.

The petitioner requests a reduction in setbacks from 125' to 75' from US 19. The petitioner argues that because Necklace Warbler Avenue acts as the reverse frontage road in the area, the 125' setback from US 19 is not necessary. The BCC has approved similar requests for setback reductions in the past.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site.

Citrus County and the FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by scattered single family residential uses to the east and undeveloped lots. The property north, south and east of the subject site are undeveloped platted residential lots. The closest commercially zoned lots are two (2) lots located approximately 1,200' south of the subject property. The property located on the east of US 19 is zoned PDP(NC), the property on the west side is zoned C-1, respectively.

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. The Planning staff is of the opinion the subject property is not located within 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 does not meet this criteria.

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 within an area zoned for single family uses.

The Planning staff is of the opinion that rezoning the property to PDP(HC) would allow uses too intense for the area.

The staff is of the opinion that rezoning from R-1C to PDP (HC) with outside storage and a reduction in setbacks is not appropriate, based on the following conclusions:

1. Highway commercial zoning with outside storage would be incompatible with the surrounding land uses.
2. The requested rezoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 # _____ denying the petitioner's request to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks.

P&Z RECOMMENDATION:

On March 14, 2005, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks.

BCC ACTION:

On April 13, 2005, the Board of County Commissioners voted 4-1 to adopt Resolution # 2005-98 denying the petitioner's request to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks.