

STAFF REPORT

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

APPLICANT: Michael S. Gallo & Tammy L. Gallo **FILE NUMBER:** H-05-22

PURPOSE: Rezoning from R-1B (Residential) to C-2 (Highway Commercial)

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 1,700' west of Remington Road

LEGAL

DESCRIPTION: Lots 16 and 17, Potterfield Sunnyside Acres, an unrecorded subdivision in a portion of Section 36, Township 22 South, Range 20 East, Hernando County, FL

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: AG	Undeveloped
South: C-1	Undeveloped
East: R-1B	Undeveloped
West: PDP(HC)	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1B to C-2. The subject property is located on the north side of Cortez Boulevard, approximately 1,700' west of Remington Road.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately two (2) acres.
3. The site is undeveloped.

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 are available to serve the subject site. A water line and a force main are located on the south side of SR 50.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural 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 R-1B to C-2. If the property is rezoned for commercial uses, the required setbacks will be as follows: 125' from Cortez Boulevard, 20' from the side lot lines and 35' from the rear lot line. The layout submitted indicates the property is large enough to accommodate the minimum setbacks. If the request is approved, the developer of the site will be required to provide buffering and landscaping as required by the LDRs.

The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site. The Utilities Department notes a water line and a force main are located on the south side of Cortez Boulevard. The Utilities Department notes septic tanks may be a feasible option.

The property is located on Cortez Boulevard. Under the County's development regulations, the petitioner will be required to provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by rural residential uses and undeveloped parcels. The subject property is located adjacent to property rezoned in 2004 from R-1B to PDP(HC) with associated outside storage. On the south side of SR 50, across from the subject site, is an undeveloped property zoned C-1.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The subject property is located within a general commercial node. The subject property is located within 800' of the intersection of Cortez Boulevard, an arterial highway, and Lockhart Road, a collector roadway.

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 within a commercial node, adjacent to property zoned for C-2 uses and outside storage.

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

1. The proposed rezoning is compatible with the surrounding area.
2. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

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 # _____ approving the petitioner's request to rezone from R-1B 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 provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

P&Z RECOMMENDATION:

On March 14, 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 R-1B 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 provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

BCC ACTION:

On April 13, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-95 approving the petitioner's request to rezone from R-1B 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 provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.