

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

APPLICANT: Anthony Crescenzo and Patsy D’Ambrosio **FILE NUMBER:** H-05-28

PURPOSE: Rezoning from AG and C-2 (Highway Commercial) to PDP(HC)/Planned Development Project (Highway Commercial) with a specific C-4 use of Heavy Storage Establishment, Namely Outside Storage

GENERAL

LOCATION: West side of US 19, north side of Long Lake Avenue, east side of Clarita Street

LEGAL

DESCRIPTION: A portion of Section 24, Township 22 South, Range 17 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:

Surrounding Zoning

North: AG
South: C-2
East: AG
West: R-1C

Surrounding Land Uses

Undeveloped
Commercial Business
Undeveloped
Clarita Street, Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG and C-2 to PDP(HC) with a C-4 use of outside storage. The subject property is located on the west side of US 19, north side of Long Lake Avenue, east side of Clarita Street.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-2.
2. The property comprises approximately eight (8) acres.

3. A portion of the subject property is developed with an automotive business, and portolet storage.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from US 19, Long Lake Avenue and Clarita Street. Clarita Street is a limerock road.
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 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 is available to serve the subject property; however, sewer is not.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The area is characterized by commercial 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 AG and C-2 to PDP(HC) with a C-4 use of outside storage. The subject property has access from US 19, Long Lake Avenue and Clarita Street.

An automotive business is currently operating on a portion of the subject property zoned C-2. The remainder of the site, approximately 5 acres, is zoned AG. On a portion of the 5 acre property, the petitioner is storing portolets. The storing of portolets is not a permitted use in the AG district. The petitioner proposes to rezone the entire 8 acres to commercial, and designate one C-4 use to allow the outside storage as indicated on the master plan submitted.

The master plan depicts the location of the existing business, and the portolet storage area. The narrative states that the property is being used to store clean portable toilets that are not being used, and brand new septic tanks awaiting installation. The petitioner indicates there are no harmful chemicals or waste materials stored on the property. The storage area is approximately 65' by 165'. The area is set back approximately 118' from the north, 315' from the south, 305' from Clarita Street and 180' from US 19. The petitioner is proposing to install privacy fencing around the storage area so that the portolets are not visible from the surrounding areas. The portolets as currently placed without privacy screening are visible from US 19 and Long Lake Road; however, staff could not see the area from Clarita Street.

The Utilities Department has indicated that central water service is available to serve the subject property; however, sewer is not. A sewer force main is located on the east side of US 19.

Pursuant to the County's land 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 County Engineer has indicated that the appropriate location for a frontage road on this site would be approximately the midpoint of the property. If the request is approved, the master plan should be required to depict the future frontage road.

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

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The residential land use category allows single family residential densities up to 5.4 units/acre, resort residential and ancillary land uses such as recreation, churches and community centers.

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 outside of a commercial node; however, a portion of the site is zoned C-2. Property immediately to the south is zoned C-2. Land designated as commercial on the adopted future land use map is located approximately 475' north of the subject property.

Policy 1.01O(2) indicates expansion of 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). There is commercially zoned property located approximately 1000' to the north of the subject

property. A portion of the subject property is zoned C-2, and there are several parcels of commercially zoned property located immediately south of Long Lake Road to a depth of approximately 750' from US 19.

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 that a portion of the subject property is appropriate for infill commercial development due to the existing parcels zoned and developed commercially to the south of Long Lake Road, the existing C-2 zoning and development on a portion of the site, and the property location on a major arterial roadway.

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. Property located to the west of Clarita Street is zoned R-1C residential with platted minimum one acre lots. The developed portion of the subject property is approximately 400' east of the residentially zoned land. It is the staff's opinion that rezoning the subject property to the depth of the existing commercial zoning on the property would be appropriate. Further with performance conditions, the storage of the portolets could be adequately shielded from the adjacent properties.

The staff is of the opinion that rezoning from AG and C-2 to PDP(HC) with a C-4 use for outside storage is appropriate on a portion of the site, based on the following conclusions:

1. A portion of the subject property is located within an commercial infill area.
2. The proposed rezoning to a depth consistent with the existing C-2 zoning on the site would not be inconsistent with the area.
3. One C-4 use for outside storage in the area designated on the plan with appropriate privacy screening would not be incompatible with the area.
4. The proposed rezoning to a limited depth with one additional C-4 use for outside storage, is consistent with the County's adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions herein.

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 petitioner's request to rezone from C-2 and AG to PDP(HC) with a C-4 use for outside storage on a portion of the subject property, as follows:

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 HC commercial zoning is approved to the existing depth of the existing C-2 zoning on a portion of the subject property.
3. One C-4 use for outside storage is approved in the location depicted on the master plan.
4. The petitioner shall install privacy fencing around the perimeter of the storage area at an adequate height and opacity to shield the storage area from view.
5. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 4-1 to recommend the BCC adopt resolution # _____ approving the petitioner's request to rezone from C-2 and AG to PDP(HC) with a C-4 use for outside storage on a portion of the subject property, as follows:

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 HC commercial zoning is approved to the existing depth of the existing C-2 zoning on a portion of the subject property.
3. One C-4 use for outside storage is approved in the location depicted on the master plan.
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BCC ACTION:

On May 11, 2005, the BCC voted 5-0 to adopt resolution #2005-141 approving the petitioner's request to rezone from C-2 and AG to PDP(HC) with a C-4 use for outside storage on a portion of the subject property 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 HC commercial zoning is approved to the existing depth of the existing C-2 zoning on a portion of the subject property.
3. One C-4 use for outside storage is approved in the location depicted on the master plan.
4. The petitioner shall install privacy fencing around the perimeter of the storage area at an adequate height and opacity to shield the storage area from view.
5. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

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.