

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

APPLICANT: Benny Allen Morris **FILE NUMBER:** H-05-34

PURPOSE: Rezoning from R-1A (Residential) to PDP(GC)/Planned Development Project (General Commercial)

GENERAL

LOCATION: East side of Middlesex Drive, approximately 200' south of Toucan Trail

LEGAL

DESCRIPTION: Lots 14 - 16, Block 2, Weeki Wachee Acres, Unit 1, as per plat thereof recorded in Plat Book 6, Page 39, of the Public Records of Hernando County, Florida in Section 16, Township 23 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: C-1, R-1A
South: C-1, C-2
East: C-2
West: R-1A, C-1

Surrounding Land Uses

Mobile home
Commercial
Commercial
Commercial, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone the subject property from R-1A to PDP(GC). The subject property is located on the east side of Middlesex Drive, approximately 200' south of Toucan Trail.

FACTUAL INFORMATION

1. The property is currently zoned R-1A.
2. The property comprises approximately an acre.
3. The site contains a mobile home.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Middlesex Drive.
6. The subject property is located generally 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 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 commercial and 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 from R-1A to PDP(GC) in order to develop the site with a sod plugging and pest control company. The Development Department has indicated the uses as described are C-1 uses. C-1 uses are permitted in the PDP(GC) zoning category.

County records indicate the site was previously developed with a nonconforming use; namely, a mobile home park with 3 mobile homes and 3 travel trailers. The property currently contains one mobile home. The zoning ordinance indicates that whenever a nonconforming use has been discontinued for a period of one year, no nonconforming use may be reestablished on those premises.

The petitioner proposes using the existing mobile home as an office. The Development Department has indicated that the petitioner cannot utilize the mobile home for commercial purposes.

The petitioner proposes serving the development with well and septic. The Utilities Department has indicated that central water and sewer are not available to serve the subject site. The closest water and sewer facilities are located approximately 700' on the west side of the US 19 and Toucan Trail intersection.

The Health Department has indicated that the well would have to be permitted as a limited use supply use for the proposed use.

The subject property has access from Middlesex Drive. The County Engineer had no comment about the request, except to note that Middlesex Drive functions as a reverse frontage road in the area.

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 and residential uses and undeveloped parcels. Auto repair businesses are located to the east and west of the subject property. Flammer Ford is located to the east and south of the subject property. A mobile home is located to the north of the subject property.

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 generally within a commercial land use classification on the adopted Future Land Use Map.

The Planning staff is of the opinion that rezoning the subject property to allow C-1 uses is appropriate given the car dealership to the east, commercial development to the west, and commercial zoning to the south.

The staff is of the opinion that rezoning from R-1A to PDP(GC) is appropriate, based on the following conclusions:

1. General commercial zoning would be compatible with the surrounding land uses.
2. The requested rezoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to 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-1A to PDP(GC), 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.

P&Z RECOMMENDATION:

On April 11, 2005, the Planning and Zoning Commission voted 5-0 to recommend the BCC adopt resolution # _____ approving the petitioner's request to rezone from R-1A to PDP(GC), 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.

BCC ACTION:

On May 11, 2005, the BCC voted 5-0 to adopt resolution #2005-134 approving the petitioner's request to rezone from R-1A to PDP(GC), 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.

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.