

STAFF REPORT

Planning & Zoning Commission: May 9, 2005
Board of County Commissioners: June 8, 2005

APPLICANT: Conner Family Properties, LLC **FILE NUMBER:** H-05-41

PURPOSE: Rezoning from AG and C-2 (Highway Commercial) to PDP(HC)/Planned Development Project (Highway Commercial)

GENERAL

LOCATION: East side of Beverly Court, east side of Kathy Court, approximately 700' east of US 19

LEGAL

DESCRIPTION: A portion of Sections 31 and 32, Township 23 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: PDP(SF)
East: AG
West: C-2

Surrounding Land Uses

Undeveloped
Waterway, single family
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG and C-2 to PDP(HC). The subject property is located on the east side of Beverly Court and east side of Kathy Court, approximately 700' east of US 19.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-2.
2. The property comprises approximately 6.4 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Beverly Court and Kathy Court.
6. The subject property is generally located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Candler fine sand.
8. The property is located in a flood zone C.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AG and C-2 to PDP(HC) in order to develop the site with unspecified uses allowed in the C-2 category. The plan provided indicates the petitioner intends to subdivide the parcel into two lots in the future. The plan shows a DRA located in the center of the parcel, along the front property line. The narrative indicates the DRA may possibly be located at the center of the property as shown in the plan, but it is not necessary. If the request is approved, a future modification to the DRA may require a master plan revision.

In 2000, the Planning and Zoning Commission approved Pasco-Hernando Community College's request for a special exception use permit for an educational facility on property to the north and east of the subject property. The plan associated with the special exception approval indicates the main entrance driveway is located on Beverly Court immediately north of the subject property. A 50' vegetated buffer along the perimeter of the site was required as a condition of the approval. Another performance conditions requires that upon development of the second phase of the campus, PHCC must upgrade the entrance from US 19 to the driveway entrance on Beverly Court to meet collector roadway standards, including a left-in access from Beverly Court and providing 20' additional ROW.

The narrative indicates an agreement between the petitioner and the Pasco-Hernando Community College prohibits development within 35' of the eastern property line. The narrative proposes setbacks consistent with the zoning category requested: 35' from the local roadway frontage, 20' from the north lot line and 35' from the south and east property lines. The narrative and plan do not

address the setbacks from the lot line between the two lots. If the parcel is subdivided into two lots, the lot setback will be 20' from the lot line between the two lots.

The narrative indicates an agreement between the petitioner and the Pasco-Hernando Community College includes a list of uses prohibited on the parcel, and would not allow buildings over two stories. If the request is approved, the zoning category would allow a maximum of three stories and all of the uses permitted in the HC district. The County does not enforce private agreements.

The plan provided indicates access to each of the two parcels shall be from Beverly Court and Kathy Court, respectively. The County Engineer had no objections to the access as proposed.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property contains wetlands along its eastern property line associated with an adjacent pond. If the request is approved, jurisdictional wetlands should be delineated on all future development plans and any removal, encroachment, or alteration of the wetland should adhere to all state and federal wetland permitting and mitigation procedures. A drainage system should be maintained upland of the wetland line to prevent direct stormwater discharge into the surface waterbody.

Pasco County has been notified of the rezoning request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by undeveloped parcels. Undeveloped C-2 parcels are located to the west. An undeveloped AG parcel is located to the north and east; the BCC approved a special exception use permit for a community college on the site in 2000. Baffin Waterway, an arm of Hunter's Lake, is located to the south of the subject property, providing a buffer for the single family residential lots in Spring Hill Unit 5.

The subject property is generally located within a commercial land use classification on the adopted Future Land Use Map. The commercial land use category allows for a range of commercial intensity from office professional to regional commercial centers provided other goals, objectives and policies (GOPs) within the comprehensive plan can be met.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The parcel is located between C-2 zoned parcels to the west and a proposed community college site to the east. An arm of Hunter's Lake separates the site from single family residential uses to the south.

The staff is of the opinion that it is appropriate to rezone the parcel from AG and C-2 to PDP (HC), based on the following conclusions:

1. Rezoning to PDP(HC) 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 AG to PDP(HC), 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. Jurisdictional wetlands shall be delineated on all future development plans and any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
3. A drainage system shall be maintained upland of the wetland line to prevent direct stormwater discharge into the surface waterbody.
4. Perimeter setbacks shall be as follows:

From Beverly Court:	35'
From Kathy Court:	35'
From the north property line:	20'
From the east property line:	35'
From the south property line:	35'

5. Internal side lot line for future parcels: 20'
6. Development shall be generally in conformance with the plan.

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 AG to PDP(HC), with the following unmodified 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. Jurisdictional wetlands shall be delineated on all future development plans and any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
3. A drainage system shall be maintained upland of the wetland line to prevent direct stormwater discharge into the surface waterbody.
4. Perimeter setbacks shall be as follows:
 - From Beverly Court: 35'
 - From Kathy Court: 35'
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 - From the east property line: 35'
 - From the south property line: 35'
5. Internal side lot line for future parcels: 20'
6. Development shall be generally in conformance with the plan.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-152 approving the petitioner's request to rezone from AG to PDP(HC), 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. Jurisdictional wetlands shall be delineated on all future development plans and any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
3. A drainage system shall be maintained upland of the wetland line to prevent direct stormwater discharge into the surface water body.
4. Perimeter setbacks shall be as follows:
 - From Beverly Court: 35'
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 - From the east property line: 35'
 - From the south property line: 35'
5. Internal side lot line for future parcels: 20'
6. Development shall be generally in conformance with the plan.

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.