

**STAFF REPORT**

Planning & Zoning Commission: July 11, 2005  
Board of County Commissioners: August 10, 2005

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**APPLICANT:** Ben Atanat for JBL Ventures, Inc. **FILE NUMBER:** H-05-52

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

**GENERAL**

**LOCATION:** South side of Jacqueline Road, approximately 450' west of Sunshine Grove Road

**LEGAL**

**DESCRIPTION:** Lot 5, Block A, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Page 20, of the Public Records of Hernando County, Florida in Section 28, Township 22 South, Range 18 East

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Single family
South: C-4	Commercial
East: C-2	Undeveloped
West: C-2	Commercial

**SUMMARY OF REQUEST**

The petitioner requests to rezone from R-1A to C-2. The subject property is located on the south side of Jacqueline Road, approximately 450' west of Sunshine Grove Road.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1A.
2. The property comprises approximately six-tenths of an acre.
3. The site is undeveloped.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Jacqueline Road.
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 contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is 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 single family 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-1A to C-2. No specific future use has been proposed. If the request is approved, all permitted uses in the C-2 zoning district would be allowed.

If the request is approved, new construction will be required to meet the LDRs for commercial development. The subject property has adequate area to accommodate the commercial setbacks.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. An 8" force main is located approximately 1,700' west of the subject property on Jacqueline Road.

The property is located on Jacqueline Road. The subject property is located near a segment of Cortez Boulevard no longer able to pass the required adequate public facility review. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The County Engineer indicates that if the request is approved, the petitioner should provide 40' of ROW from Jacqueline Road's centerline.

The subject property is within a WHPA-2 for a public supply well. There are highway commercial uses allowable within a WHPA-2. The petitioner will have to comply with all of the applicable LDRs prior to development of the property.

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

### **FINDINGS OF FACT**

The area is characterized by commercial and single family residential uses, and undeveloped parcels. The AR-2 parcel to the north has been developed with a single family home. The parcels to the east and west are zoned C-2. The parcel to the south is zoned C-4. The parcels to the west and south have been developed with commercial uses.

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 if the request is approved, a conditions regarding provision of ROW will need to be addressed in order for traffic to operate efficiently in the area.

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

1. Approval of a PDP(HC)/Planned Development Project(Highway Commercial) with performance standards addressing roadway design issues is more appropriate than a standard zoning district.
2. Highway commercial zoning would be compatible with the surrounding land uses.
3. Highway commercial zoning in this area 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 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 R-1A 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. The petitioner shall provide 40' of ROW from Jacqueline Road's centerline.

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from R-1A 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. The petitioner shall provide 40' of ROW from Jacqueline Road's centerline.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution #2005-209 approving the petitioner's request to rezone from R-1A 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. The petitioner shall provide 40' of ROW from Jacqueline Road's centerline.

**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.**