

STAFF REPORT

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

APPLICANT: Citrus Property Development Corp. **FILE NUMBER:** H-05-56

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

GENERAL

LOCATION: West side of Bronson Boulevard, north side of Cracker Crossing

LEGAL

DESCRIPTION: A portion of Section 5, Township 23 South, Range 21 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: C-2, PDP(GC), PDP(GHC)	Commercial
South: AG	Undeveloped
East: AG	Undeveloped
West: PDP(GC), PDP(GHC)	Commercial

SUMMARY OF REQUEST

The petitioner requests to rezone from AG and C-2 to PDP(GC). The subject property is located on the west side of Bronson Boulevard and the north side of Cracker Crossing.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-2.
2. The property comprises approximately 3.5 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Bronson Boulevard and Cracker Crossing.
6. The subject property is located within the I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Tavares 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 available to serve the subject site.
11. There are adequate public facilities available to serve 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 from AG and C-2 to PDP(GC) in order to develop the site with an 84- unit hotel and a 5,000 square foot restaurant with a drive-thru facility. These uses are allowed in the C-1 zoning category. The proposed setbacks are consistent with the minimum setbacks required for a commercial PDP. If the request is approved, all permitted C-1 uses would be allowed.

The master plan submitted indicates one access to Bronson Boulevard and one access to Cracker Crossing.

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

The County Engineer has no objection to the proposed development.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels. Gas stations are located to the north. Cracker Barrel is located to the west. McDonalds is located to the northeast. Undeveloped AG parcels are located to the east and south.

The subject property is located within the I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map. Commercial uses are allowed in the I-75/SR 50 PDD. Given the existing commercial zoning and development proximate to the site, it is the staff's opinion the proposed request would be consistent with the planned development district.

The staff is of the opinion that the proposed rezoning is appropriate, based on the following conclusions:

1. The proposed general commercial zoning would be compatible with the surrounding land uses.
2. The proposed general commercial zoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 and C-2 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.

2. Setbacks shall be as per the PDP rules.

P&Z RECOMMENDATION:

At their July 11, 2005 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. The local roadway infrastructure would not support the traffic generated by the proposed development.
2. The proposed rezoning is not consistent with the County's adopted Comprehensive Plan.

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # _____ denying the petitioner's request to rezone from AG and C-2 to PDP(GC).

BCC ACTION:

The BCC voted 5-0 to adopt resolution #2005-212 approving the petitioner's request to rezone from AG and C-2 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.
2. Setbacks shall be as per the PDP rules.