

**STAFF REPORT**

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

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**APPLICANT:** John and Valerie Palermo (Owners of LIRA, Inc.)  
**FILE NUMBER:** H-05-58

**PURPOSE:** Master Plan Revision to Include a Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) with a C-2 use for Auto Repair to CPDP(GC)/Combined Planned Development Project (General Commercial) with a C-2 use for Automobile and Truck Repair Establishment Excluding a Body Shop and (HC)/(Highway Commercial)

**GENERAL**

**LOCATION:** South side of Spring Hill Drive, approximately 2,500' east of the Suncoast Parkway

**LEGAL**

**DESCRIPTION:** A portion of Section 14, Township 23 South, Range 18 East, Hernando County, FL

**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:**

Surrounding Zoning

North: PDP(GHC)  
South: PDP(IND)  
East: PDP(GHC)  
West: AG

Surrounding Land Uses

Undeveloped  
Hernando Co. Airport Industrial Park  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to include a rezoning from PDP(GHC) with a C-2 use for auto repair to CPDP(GC) with a C-2 use for automobile and truck repair establishment excluding a body shop and (HC). The subject property is located on the south side of Spring Hill Drive, approximately 2,500' east of the Suncoast Parkway.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(GHC) with a C-2 use of auto repair.
2. The property comprises approximately 3.9 acres.
3. The site has been developed with auto repair and hair styling businesses.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Spring Hill Drive.
6. The subject property is located within an Airport Planned Development District 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 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 and industrial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests a master plan revision to include a rezoning from PDP(General Commercial) with a C-2 use for auto repair to CPDP(General Commercial) with a C-2 use for automobile and truck repair establishment excluding a body shop and Highway Commercial. The petitioner has indicated their future plans are to subdivide the property in the future, retaining the one C-2 use of auto repair on the portion of the site already developed and allowing all of the C-2 uses on the rest of the site. The plan provided indicates the petitioner proposes subdividing the subject property into

four (4) parcels: a commercial lot with the one C-2 use, a lot with all of the C-2 uses, a lot containing a DRA to hold stormwater runoff for the entire parcel and a lot with landscaping. A conditional plat for the site has not yet been submitted. The plan provided indicates one access to the subject property, via the existing driveway to Spring Hill Drive, is proposed to serve all four future parcels. Pursuant to the master plan submitted, future lot 2 does not have a driveway to Spring Hill Drive. A cross access agreement would be required prior to permitting on future lots. The proposed setbacks are consistent with the minimum setbacks required for a commercial PDP.

In 1987 the BCC voted 5-0 to rezone the subject property from AG to C-1; the petitioner had requested C-2 zoning. In 1998, the BCC voted 4-0 to deny the request to rezone to C-2 but approved a rezoning from C-1 to PDP(GHC) with a specific C-2 use for an auto repair shop 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, including receiving DRC approval for the proposed use.
2. A 25' landscaped separation strip shall be required along all property lines and streets serving the project. One tree per 25' of lot line with a minimum of 2" dbh shall be required within the 25' strip.
3. Building fronts facing Spring Hill Drive shall be finished with face brick, stucco, textured concrete, decorative steel siding, glass, wood or any combination thereof.
4. All outdoor refuse collection areas shall be visually screened from streets and adjacent properties by an opaque screen utilizing the same or similar materials as the main building it serves. No refuse collection areas shall be permitted in the front yard.
5. If the site is fenced, landscape plantings shall be placed between the fencing and the property line.
6. Inoperable vehicles shall not be stored outside. If screening is used, it shall be a solid wall.
7. The petitioner must submit a plan which meets all of the PDP rules within 30 days of the approval or the approval will become null and void.
8. All overnight parking shall be to the rear of the building or in the building.

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

The County Engineer does not object to the proposed unified access for the development. However, he notes the proposed DRA may require further review in the future during the conditional plat process.

The Airport Director and the City of Brooksville have no objections to the proposed rezoning.

The Florida Turnpike headquarters has been notified of the request; no response has yet been received.

### **FINDINGS OF FACT**

The area is characterized by commercial and industrial uses and undeveloped parcels. The Hernando County Airport Industrial Park, containing industrial uses, is located to the south of the subject property. The airport industrial park has been developed according to a defined plan for landscaping, building construction and setbacks resulting in a well-functioning and attractive development. Parcels zoned for C-1 commercial uses are located to the north. It is the Planning staff's opinion that allowing all of the C-2 uses on the subject property would not be consistent with development in the area.

The subject property is located within the Airport Planned Development District land use classification on the adopted Future Land Use Map. Uses allowed in this category include aviation, commercial, industrial, public facility, limited agriculture, limited rural development and interim continuation of vested residential development. Policy 1.07C(5) indicates the location of land uses in this future land use category not owned by Hernando County shall be governed by the locational criteria for the proposed use.

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 buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity. The subject property is zoned PDP(GHC) with a C-2 use of auto repair. The parcels to the south are zoned for industrial uses. The parcels to the north are zoned for C-1 uses. The Planning staff is of the opinion allowing all of the C-2 uses at this location would be too intense and the specific C-2 use currently allowed with performance conditions is more appropriate as a transition between the industrial park to the south and the C-1 commercial zoning to the north.

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

1. The proposed zoning would be incompatible with the surrounding land uses.
2. The proposed zoning is inconsistent with the County's adopted Comprehensive Plan.

**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 # \_\_\_\_\_ denying the petitioner's request to rezone from PDP(GHC) with a C-2 use for auto repair to CPDP(GC) with a C-2 use for automobile and truck repair establishment excluding a body shop and (HC).

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 3-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ denying the petitioner's request to rezone from PDP(GHC) with a C-2 use for auto repair to CPDP(GC) with a C-2 use for automobile and truck repair establishment excluding a body shop and (HC).

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution #2005-213 approving the master plan revision to reflect the subdivision presented for the PDP(GC)/Planned Development Project (General Commercial) with a C-2 use for auto repair with the following performance condition:

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.