

STAFF REPORT

Planning & Zoning Commission: August 8, 2005
Board of County Commissioners: September 14, 2005

APPLICANT: James Berentine et al. **FILE NUMBER:** H-05-68

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

GENERAL

LOCATION: West side of US 41, south side of Mudron Street, east of Roosevelt Avenue, north side of Palacky Street

LEGAL

DESCRIPTION: Lots 1 - 20, Block 23, Masaryktown, as per plat thereof recorded in Plat Book 3, Page 40, of the Public Records of Hernando County, Florida in Section 36, Township 23 South, Range 18 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: R-1B
South: R-1B, C-2, PDP(GC), R-1A
East: C-2, R-1B, R-1A, PDP(GC)
West: R-1B

Surrounding Land Uses

Mobile home, vacant
SF, commercial, undeveloped
SF, commercial
Vacant, single family

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1B to C-2. The subject property is located on the west side of US 41, south side of Mudron Street, east of Roosevelt Avenue and north side of Palacky Street.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately four (4) acres.
3. The site contains single family homes, mobile homes and vacant lots.

4. The lots on the site are wooded and appear to contain majestic and specimen trees.
5. The subject property has access from US 41, Mudron Street, Palacky Street and Roosevelt Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Masaryk very fine sand.
8. The property is located in a flood zone B.
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 uses, single family and mobile home residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioners request to rezone the subject property, a block in Masaryktown, from R-1B to C-2. The petitioners have not identified a proposed use. The narrative indicates the petitioners have submitted a request to vacate the alley. If the request is approved, development on the lots would be required to meet the commercial PDP setbacks: 125' from US 41, 35' from the surrounding local roadways, 20' from the side lot lines and 35' from the rear lot lines.

The staff has concerns about the intensity of the use proposed. Staff has discussed these issues with the petitioner. In order to afford additional time for meeting with the petitioner, the staff is recommending a postponement until the September 12, 2005, P&Z hearing.

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:

Staff recommends postponement until the September 12, 2005, P&Z hearing.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to postpone hearing the petition until their September 12, 2005, meeting at 9:30 a.m.

BCC ACTION:

The BCC voted 5-0 to postpone the petition until the October 12, 2005, BCC hearing at 9:00 a.m.

On October 12, 2005, the Board of County Commissioners voted 3-2 to deny the petitioner's request to rezone from R-1B to PDP(OP) with limited C-1 uses.