

STAFF REPORT

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

APPLICANT: Lisa Marie Greene **FILE NUMBER:** H-05-71

PURPOSE: Rezoning from AR (Agricultural Residential) to AG (Agricultural)

GENERAL

LOCATION: South side of Cortez Boulevard, approximately 450' east of Griffin Road

LEGAL

DESCRIPTION: A portion of Section 25, Township 22 South, Range 19 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: C-2
South: AR
East: AG
West: AR

Surrounding Land Uses

Commercial
SF, AG
Undeveloped
SF

SUMMARY OF REQUEST

The petitioner requests to rezone from AR to AG. The subject property is located on the south side of Cortez Boulevard, approximately 450' east of Griffin Road.

FACTUAL INFORMATION

1. The property is currently zoned AR.
2. The property comprises approximately 3.0 acres.
3. The site contains a single family house and accessory buildings.
4. The site contains majestic and specimen trees.
5. The subject property has access from Cortez Boulevard.

6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Flemington fine sandy loam.
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 City of Brooksville indicates the subject property is within their “first right to serve area,” water service will require extending a 12" waterline from Redbud Lane, crossing Cortez Boulevard, and sewer service will require extensive force main extension.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural residential and 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 Agricultural Residential to Agricultural in order to operate a dog and cat boarding facility, or kennel, on the approximately 3.0 acre parcel. The Development Department classifies the proposed pet boarding facility as an animal specialty farm. An animal specialty farm is a permitted use in the AG district. The petitioner proposes a facility with a capacity of 48, possibly expanding it to 72 in the future. If the request is approved, the petitioner will have to meet the setbacks for the district: 125' from Cortez Boulevard, 35' from the side lot lines and 50' from the rear lot line. The subject property appears to be of sufficient size for future development to meet the AG setbacks.

The subject property has frontage along Cortez Boulevard, an arterial roadway. The petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The County Engineer had no objection to the proposed rezoning.

The City of Brooksville indicates the subject property is within their “first right to serve area,” water service will require extending a 12" waterline from Redbud Lane, crossing Cortez Boulevard, and sewer service will require extensive force main extension. The City of Brooksville had no objection to the request.

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

FINDINGS OF FACT

The area is characterized by rural residential and commercial uses, and undeveloped parcels. Commercial uses are located north of the subject property, on the north side of Cortez Boulevard. The AG property to the east is undeveloped. Rural residential uses on AR parcels are located to the west and south.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The mapping criteria indicates rural land uses and densities will be allowed in the residential land use classification without a comprehensive plan amendment. Greater restrictions may be placed on any agricultural activities or animal maintenance than in the rural land use areas. The Planning staff is of the opinion greater restrictions on AG activities are not necessary due to the rural nature of the surrounding area.

The Planning staff is of the opinion that the request for a rezoning from AR to AG is appropriate, based on the following conclusions:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan.
2. The proposed rezoning 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 AR to AG, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AR to AG, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2005-241 approving the petitioner's request to rezone from AR to AG, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.