

STAFF REPORT

Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006

APPLICANT: Avalon Development LLC **FILE NUMBER:** H-05-94

PURPOSE: Rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a Reduction in Setbacks

GENERAL

LOCATION: East side of Anderson Snow Road, approximately 1,900' north of County Line Road

LEGAL

DESCRIPTION: A portion of Section 34, Township 23 South, Range 18 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: CPDP
South: AG, R-1C
East: AG, R-1C, PDP(MF)
West: CPDP

Surrounding Land Uses

Avalon
Undeveloped
Suncoast Parkway, Trillium, undeveloped
Avalon

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(OP) to PDP(GC) with a reduction in setbacks. The subject property is located on the east side of Anderson Snow Road, approximately 1,900' north of County Line Road.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP. The approved master plan allowed PDP(OP) zoning on the property.
2. The property comprises approximately 7.8 acres.

3. The site is undeveloped.
4. The site is wooded and appears to contain specimen, but no majestic, trees.
5. The subject property has access from Anderson Snow Road and Arkays 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 zones B and 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 and sewer capacity 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 single family and rural residential uses, developing residential subdivisions and undeveloped parcels.
13. The master plan submitted indicates 20' perimeter setbacks, which are reductions from the 75' minimum setbacks from Anderson Snow Road and 35' setbacks from Arkays Avenue and the rear property lines.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from PDP(OP) to PDP(GC) in order to develop the site with a hotel and restaurant. The subject property comprises two separate areas which are referred to as Tracts A&B on the submitted master plan. Tract A is proposed to be developed with a restaurant, and Tract B with a hotel. If the petition is approved, all of the uses allowed in the C-1 zoning category could be developed on the property.

The subject property is a portion of the Avalon development. In August 2003 the BCC approved Avalon's master plan. The approved master plan shows the subject property has office professional zoning and setbacks of 75' from Anderson Snow Road and 35' side and rear setbacks. The narrative submitted by the petitioner indicates that the project will be developed with setbacks meeting the LDRs; however, the master plan depicts 20' perimeter setbacks. The petitioner has provided no

justification for the proposed setback reduction. The Planning staff is of the opinion the approved setbacks are appropriate and note they are consistent with the LDRs.

The plan shows no buffers on the site. The subject property is located adjacent to AG parcels. The PDP rules require a minimum 5' buffer on a non-residential PDP where adjacent to residential, agricultural-residential or agricultural uses.

The petitioner indicates the site will be served by central water and sewer. The Utilities Department notes an existing 16" water line is located on the west side of Anderson Snow Road and an 8" sewer force main is located approximately 950' north of the parcel on the east side of Anderson Snow Road. Connection to the force main will require installing an onsite sewer pump station and offsite force main at the developer's expense. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access from Anderson Snow Road. The Transportation Planning Coordinator indicates capacity is limited on Anderson Snow Road. The subject property is proximate to County Line Road, a roadway with no additional capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. 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 indicated that if the request is approved, the petitioner shall provide 80' of ROW from the Anderson Snow Road centerline, provide sidewalks along the Anderson Snow Road frontage as per the LDRs and provide a connection to the Suncoast trail.

The subject property lies within a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

The Florida Turnpike Headquarters has been notified of the request; no response has yet been received. Pasco County has no objection to the request.

FINDINGS OF FACT

The area is characterized by single family and rural residential uses, and undeveloped parcels. The subject property is a part of the Avalon mixed use project currently under development.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is

expected to continue. The Planning staff is of the opinion the subject property does not meet the criteria for infill commercial development, because the closest commercial zoning is indicated on the approval master plan for Avalon showing general commercial zoning to the south approximately 1,300' south of the subject property, along County Line Road.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located in an area zoned for agriculture and single family residential development. The Planning staff is of the opinion the proposed general commercial zoning would allow the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

The staff is of the opinion that the approval of PDP(OP) to PDP(GC) with a reduction in setbacks is not appropriate based on the following conclusions:

1. General commercial zoning would not be compatible with the surrounding area.
2. General commercial zoning is not 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 # _____ denying the petitioner's request to rezone from PDP(OP) to PDP(GC) with a reduction in setbacks.

P&Z RECOMMENDATION:

The Planning and Zoning Commission made the following findings based on information provided at the hearing:

1. The rezoning allowing limited general commercial uses on the subject property would be compatible with the surrounding area.
2. The rezoning allowing limited general commercial uses is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

At the February 13, 2006 meeting, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from PDP(OP) to PDP(OP) with C-1 uses of a hotel on Parcel A and a restaurant on parcel B, 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 developer shall provide 80' of ROW from the Anderson Snow Road centerline.
3. The developer shall provide a connection to the Suncoast Trail.
4. The developer shall provide a lighting plan which reduces lighting intensity during non-operating hours

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-78 approving the rezoning from PDP(OP) to PDP(OP) with C-1 uses of a hotel on Parcel A and a restaurant on parcel B, 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 developer shall provide 80' of ROW from the Anderson Snow Road centerline.
3. The developer shall provide a connection to the Suncoast Trail.

4. The developer shall provide a lighting plan which reduces lighting intensity during non-operating hours.

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.