

**STAFF REPORT**

Planning & Zoning Commission: October 10, 2005  
Board of County Commissioners: November 9, 2005

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**APPLICANT:** Michael or Tammy Gallo **FILE NUMBER:** H-05-97

**PURPOSE:** Rezoning from PDP(MH)/Planned Development Project (Mobile Home) to C-1 (General Commercial)

**GENERAL LOCATION:** South side of Cortez Boulevard, approximately 250' east of La Pine Road

**LEGAL DESCRIPTION:** Tract 3, Braewood Mobile Home Subdivision, an unrecorded subdivision located in a portion of Section 1, Township 23 South, Range 20 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:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C-2	Commercial
South: PDP(MH)	Water Treatment Plant
East: C-1	Undeveloped
West: C-2	Vacant commercial

**SUMMARY OF REQUEST**

The petitioner requests to rezone from PDP(MH) to C-1. The subject property is located on the south side of Cortez Boulevard, approximately 250' east of La Pine Road.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(MH).
2. The property comprises approximately a half acre.
3. The site has been developed with a single family house.

4. The site contains no majestic or 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 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 contains a WHPA-1, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, 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, mobile home and rural residential, 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 the subject property from PDP(MH) to C-1. The petitioner indicates the proposed use is an office for a company that services medical equipment which is considered a C-1 use. If the petitioner's request is approved, all permitted uses in the C-1 zoning district would be allowed.

If the request is approved, the existing residence would have to be upgraded to meet the applicable commercial development standards. Any new construction will be required to meet the applicable LDRs for commercial development.

The subject property has adequate area to accommodate the commercial setbacks.

The subject property has access to Cortez Boulevard. If the subject request is approved, 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 comments except to note that the subject property will be subject to the frontage road requirement.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. The Utilities Department indicates a sewer force main is located on the south side of Cortez Boulevard.

The subject property contains a WHPA-1 for a public supply well. The proposed land use is allowable within this designation.

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

### **FINDINGS OF FACT**

The subject property is located between commercially zoned properties; the property to the west is zoned C-2 and the property to the east is zoned C-1. The property north of the subject property, across Cortez Boulevard, is zoned C-2. To the south of the subject property is a parcel containing the Braewood water treatment plant.

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 subject property is located between parcels zoned C-1 and C-2. The Planning staff is of the opinion the subject property meets the criteria for infill commercial development.

The staff is of the opinion that the approval of the rezoning from PDP(MH) to C-1 is appropriate based on the following conclusions:

1. Rezoning to C-1 would be compatible with the surrounding area.
2. Rezoning to C-1 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 from PDP(MH) to C-1, 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 from PDP(MH) to C-1, 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 #2005-325 approving the petitioner's request from PDP(MH) to C-1, 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.