

STAFF REPORT

Planning & Zoning Commission: March 12, 2007

Board of County Commissioners: April 11, 2007

APPLICANT: LLTD Properties, LLC **FILE NUMBER:** H-06-90

PURPOSE: Rezoning from AG/(Agricultural) and C-1/(Commercial) to PDP(GC)/Planned Development Project(General Commercial) with a specific C-2 use, namely Heavy Building Material Establishment

GENERAL

LOCATION: West of Sunshine Grove Road, north of Harrison Street

LEGAL

DESCRIPTION: A portion of Section 21, Township 22 South, Range 18 East of Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AG
South: AG
East: AG
West: AG

Single Family
Undeveloped
Undeveloped
Undeveloped

FACTUAL INFORMATION

1. The property is currently zoned AG/(Agricultural) and C-1/(Commercial).
2. The property comprises approximately 5.2 acres.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Sunshine Grove Road and Harrison Street.

6. The subject property is located within the Rural 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, Well Head Protection Areas (WHPAs) or Special Protection Areas (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 the subject property.
12. The area is characterized by residential and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner is requesting to rezone a 5.2 acre parcel from AG/(Agricultural) and C-1/(Commercial) to PDP(GC)/Planned Development Project(General Commercial) with a specific C-2 use, namely Heavy Building Material Establishment to develop a office complex for an irrigation system business. If the petitioner's request is approved, all permitted uses in the C-1/(Commercial) Zoning District would also be allowed and construction will be required to meet the applicable LDRs for commercial development.

The petitioner proposes to develop the subject property with four (4) 50' x 105' (5,250 square feet) commercial complex buildings. All four (4) structures total 21,000 square feet. The petitioner has proposed setbacks of 35' from Sunshine Grove Road, side setbacks of 20' and rear setbacks of 35'. The plan shows two retention areas along Sunshine Grove Road that would further act as buffering. The plan shows approximately 40 parking spaces for the commercial complex. If the request is approved, the developer must provide the minimum number of parking spaces and setbacks required for the use.

It is the intent of the petitioner to establish specific C-2 use, namely Heavy Building Material Establishment to allow outside storage. The outside storage will be located behind the north and south buildings and will be screened by evergreen hedges, with a minimum height of five (5) feet at the time

of planting. Furthermore, the proposed hedges will serve the development as five (5) foot vegetative buffer required for the north and west sides of the property.

The proposed development would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

The County Engineer has indicated that if approved, no direct access to Sunshine Grove Road shall be granted. All access shall be onto Harrison Road, which must be improved from Sunshine Grove Road to the projects access.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12-inch water line is located on the east side of Sunshine Grove Road. There is an existing sewer manhole located at the intersection of Pine Cone Street and Weeping Willow Street approximately 5,200 feet west of the parcel. Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

FINDINGS OF FACT

The area is characterized by agricultural, residential and undeveloped parcels. The subject property is located within the Rural land use classification on the adopted Future Land Use Map. Uses allowed in this category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

Policy 1.01H(2): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Policy 1.01L(3): New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

Policy 1.01O(4): Infill commercial development may be approved where existing areas having 300 feet or less frontage on arterial or collector roads lie between commercially zoned parcels on the same side of the road so that commercial use of the intervening property(ies) is the most logical land use. The depth of such infill commercial development shall be commensurate with the depth of existing commercial zoning on the proximate parcels which define the infill area. Such approvals shall consider: the traffic impacts of additional commercial development on the affected roadways; the suitability of the property for commercial development while meeting setbacks, parking, drainage, frontage road, access management, and other requirements of the land development regulations; the need for additional commercial development to serve proximate residential populations; environmental constraints.

The proposed rezoning does not meet the commercial infill policies as provided for in the adopted comprehensive plan, and is not located within a designated commercial node.

The rezoning from AG/(Agricultural) and C-1/(Commercial) to PDP(GC)/Planned Development Project(General Commercial) with a specific C-2 use, namely Heavy Building Material Establishment is inappropriate based on the following conclusions:

1. PDP(GC)/Planned Development Project(General Commercial) zoning would be incompatible with the surrounding land uses.
2. The proposed request is inconsistent with the County's adopted Comprehensive Plan as it pertains to the location of commercial development and the protection of residential areas from encroachment.

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:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ deny the petitioner's request to rezone from AG/

(Agricultural) and C-1/(Commercial) to PDP(GC)/Planned Development Project(General Commercial) with a specific C-2 use, namely Heavy Building Material.