

STAFF REPORT

Planning & Zoning Commission: November 13, 2006
Board of County Commissioners: December 13, 2006

APPLICANT: Debra Nicolini **FILE NUMBER:** H-06-111

PURPOSE: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a C-2 Use of Light Construction Service Establishment

GENERAL

LOCATION: West side of Lamson Avenue, approximately 510' south of Tillery Road

LEGAL

DESCRIPTION: Lot 5 Block 1135, Spring Hill Unit 17, according to the plat thereof, as recorded in Plat Book 9, Pages 31-46 inclusive, of the Public Records of Hernando County, Florida in Section 18, Township 23S South, Range 18 East

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: PDP(GHC)

Construction Company, Tile Company & Character School

South: PDP(GHC)

Commercial and Multifamily

East: PDP(GHC)

Pest Control Company

West: PDP(MF)

Multifamily

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a C-2 use of Light Construction Service Establishment. The subject property is located on the west side of Lamson Avenue, approximately 510' south of Tillery Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC)//Planned Development Project (General Highway Commercial).

2. The property comprises approximately 0.586 acre.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Lamson Avenue and an alley.
6. The subject property is located within a commercial 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 is within a Well Head Protection Area Class 1 (WHPA-1) associated with a public supply well.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by 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 Planned Development PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 use of light construction service establishment to develop the site with a 1,060 square foot office and a 3,680 square foot screen enclosure manufacturing facility. The PDP(GC)/Planned Development Project (General Commercial) category allows any special exception uses from the C-2 zoning district.

The LDRs would require the following setbacks for commercial development on the property: 35' from Lamson Avenue, 20' from the side lot line, and 35' from the rear lot line. The petitioner proposes setbacks as follows: 80.49' from Lamson Avenue, 15' from the north lot line, 30.87' from

south lot line, and 69.38' from the rear. The petitioners north setbacks do not meet county LDR standards and the master plan must be revised to reflect county standards. Additionally, the plan and the narrative have made no mention of buffers on the site. The petitioner would have to meet the PDP buffer requirements, which requires a minimum five (5) foot landscape separation. The screening shall be a wall, fence and or approved enclosures. There shall be a minimum height of five feet and a maximum height of eight feet, or an evergreen hedge with a minimum height of five feet at the time of planting. Development on the property would have to meet the minimum commercial design standards, and the applicable landscaping requirements.

The plan shows twenty (20) parking spaces. If the request is approved, the developer must provide the minimum number of parking spaces required for the use.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for general commercial uses. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 6-inch waterline on the west side of Grove Road. There is an existing 8-inch gravity sewer system within Lamson Avenue. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for the parcel. Existing water and sewer upgrades may be required to supply the proposed development.

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

The plan shows access to Lamson Avenue and the alley located west. The County Engineer does not object to the proposed access, although he notes the petitioner shall comply with county alley policy. The County Engineer indicates that development on the site should be designed to accommodate the 100 year flood event.

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.

The subject property is within a Well Head Protection Area Class 1 (WHPA-1) associated with a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels. The lot to the north has been developed with office uses. The property to the east has been developed with a pest control company. The lots zoned PDP(GHC)/Planned Development Project (General Highway Commercial and PDP(MF)/Planned Development Project (Multifamily) to the south are developed with non-retail commercial and multifamily uses. Additional multifamily uses can be found to the west of the property. The proposed C-2 use of light construction service establishment, which will not include outside storage, will be compatible with existing development in the area.

The subject property is located within a commercial node as identified on the adopted future land use map. The commercial land use category allows for a range of commercial intensity from office professional to regional commercial centers provided other goals, objectives and policies (GOPs) within the comprehensive plan can be met.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity. Rezoning the subject property to allow the one C-2 use is appropriate because the use will be compatible with the existing non-retail commercial uses in the area.

The request to rezone from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 use of light construction service establishment is appropriate, with performance conditions, based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding land uses.
2. The proposed rezoning would be consistent with the Comprehensive Plan.

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 PDP(GHC)//Planned Development Project (General Highway Commercial) to PDP(GHC)//Planned Development Project (General Highway Commercial) with a specific C-2 Use of Light Construction Service Establishment 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 setbacks are approved as follows:
 - From Lamson Avenue: 75'
 - From the north lot line: 20'
 - From the west/rear lot line: 35'
 - From the south lot line: 20'
3. Development shall be generally in conformance with the plan submitted.

P&Z RECOMMENDATION: