

STAFF REPORT

Planning & Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007

APPLICANT: Steven C. Orlando **FILE NUMBER:** H-06-121

PURPOSE: Rezoning from AR-2 (Agricultural/Residential) to C-3 (Neighborhood Commercial)

GENERAL LOCATION: West of Sunshine Grove Rd, approximately 625' north of Star Rd

LEGAL DESCRIPTION: A portion of Section 16, Township 22 South, Range 18 East, 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Residential
South: AR-2	Residential
East: PDP(IND)	Power Line Easement
West: AR-2	Residential

SUMMARY OF REQUEST

The petitioner requests to rezone the subject property from AR-2 (Agricultural/Residential) to C-3 (Neighborhood Commercial). The subject property is located north of Star Road along Sunshine Grove Road.

FACTUAL INFORMATION

1. The property is currently zoned AR-2 (Agricultural/Residential).
2. The property comprises approximately 1.0 acres.
3. The site is undeveloped.

4. The site may contain may majestic or specimen trees.
5. The subject property has access from Sunshine Grove Road.
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, Special Protection Areas (SPA), or Wellhead Protection (WHPA) 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 the subject property.
12. The area is characterized by undeveloped parcels, single family and mobile homes.
13. The petitioner has not requested any deviations from the County's Land Development Regulations.

STAFF DISCUSSION

The applicant has requested to rezone a parcel encompassing approximately one (1) acre to develop a convenience store. The property is approximately 325' in depth by 145' in width and contains an existing barn. The surrounding neighborhood is comprised of single-family residences, mobile homes, and vacant unimproved land.

No commercial land uses are currently located within the general vicinity of the subject property. Commercial uses along Sunshine Grove Road are found within close proximity of Cortez Boulevard, which serves as a major arterial roadway. The potential impact of the rezoning request on the character of the neighborhood and the compatibility of a commercial establishment within such a close proximity of residential is a concern.

The County Transportation Planning Coordinator has indicated that no specific traffic capacity issues affect the subject property, however, the corner location is not optimal for neighborhood commercial due to the intensity of the Sunshine Grove Road and Star Road intersection to the south.

The County Engineer indicates that approximately thirty (30) feet of right-of-way shall be provided from the centerline of Sun Road. No access to the convenience store shall be provided along Sunshine Grove Road.

The Utilities Department has indicated that central water, but no sewer is available to serve the subject site. A 2" water line is located along the western property line of the parcel. Capacity availability 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.

FINDINGS OF FACT

The subject property is located within the Rural Future Land Use Category on the adopted Future Land Use Map. Uses allowed in this category include farms, ranches, agri-industrial uses, agricultural commercial, farm work housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.

The requested C-3 (Neighborhood Commercial) district is designed to permit the development of small scale commercial areas which are properly located in regard to both adjacent streets and surrounding residential areas.

Neighborhood Commercial is beneficial to surrounding areas when a need is present. The proposed site is currently located between two existing C-3 (Neighborhood Commercial) zoned properties along Sunshine Grove Road. Due to the location and the existence of Neighborhood Commercial in the area, the proposed site would compromise the integrity of the immediate residential area.

The request for Neighborhood Commercial at this location is not consistent with the following Comprehensive Plan policies:

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. The proposed use would be incompatible with surrounding residential uses.

Policy 1.01R(1): A number of zoning categories will be established for each of the following land use categories to allow for clustering of like uses, reduction of encroachment of incompatible uses, and distinction in the infrastructure and services required: Residential, Rural, Commercial, Industrial, and Mining.

The rezoning from AR-2 (Agricultural/Residential) to C-3 is not appropriate, based on the following conclusions:

1. The C-3 (Neighborhood Commercial) zoning district would not be consistent with the character and intensity of the surrounding area.
2. The request for C-3 (Neighborhood Commercial) would be incompatible with the adopted Comprehensive Plan policies.

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, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AR-2 (Agricultural/Residential) to C-3 (Neighborhood Commercial).