

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

APPLICANT: Robert Speciale **FILE NUMBER:** H-06-33

PURPOSE: Rezoning from PDP(SF)/Planned Development Project (Single Family) and PDP(GHC)/Planned Development Project (General Highway Commercial) to C-1 (General Commercial)

GENERAL

LOCATION: West side of Windmere Road, approximately 725' north of Cortez Boulevard

LEGAL

DESCRIPTION: Lot 3, Unit 1, Ridge Manor West Unrecorded and a portion of Section 32, Township 22 South, Range 21 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

Surrounding Land Uses

North: PDP(SF)

Single family

South: PDP(GHC)

Undeveloped

East: PDP(GHC), PDP(MF)

Day care

West: PDP(GHC)

Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(SF) and PDP(GHC) to C-1. The subject property is located on the west side of Windmere Road, approximately 725' north of Cortez Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF) and PDP(GHC).
2. The property comprises approximately a quarter of an acre.
3. The site contains a single family house.

4. The site contains specimen, but no majestic, trees.
5. The subject property has access from Windmere Road.
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 contains a WHPA-1, but no wetlands or SPAs, according to County data resources.
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 and single family residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from PDP(SF) and PDP(GHC) to C-1. The narrative indicates the petitioner intends to use the single family building on the site for an office. 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 buildings 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 Utilities Department has indicated that central water and sewer are available to serve the subject site. The parcel is currently served by county services.

The County Engineer had no comments.

The majority of the subject property is within a WHPA-1 for a public supply well(s). General Commercial uses with central services are allowable within this designation with the exception of underground storage tanks for fuel or facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986.

FINDINGS OF FACT

The area is characterized by commercial and single family residential uses, and undeveloped parcels. A day care center is located to the east. Single family uses are located to the north. Undeveloped property zoned PDP(GHC) is located to the west and south.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property is located generally within a commercial land use classification on the adopted Future Land Use Map. The Planning staff is of the opinion that if the request is approved, a wall or fence should be provided in the buffer adjacent to the single family uses to the north.

The staff is of the opinion that rezoning from PDP(SF) and PDP(GHC) to PDP(GC) is appropriate, based on the following conclusions:

1. General commercial zoning would be compatible with the surrounding land uses.
2. General commercial zoning would be 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 rezoning from PDP(SF) and PDP(GHC) to PDP(GC), 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 shall provide a fence or wall with a minimum height of 5' and a maximum height of 8' along the north property line, with vegetation north of the fence or wall.

P&Z RECOMMENDATION: