

**STAFF REPORT**

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

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**APPLICANT:** Gould Concrete Construction Inc. **FILE NUMBER:** H-06-34

**PURPOSE:** Rezoning from R-1A (Residential) and C-1 (General Commercial) to C-2 (Highway Commercial)

**GENERAL**

**LOCATION:** West side of US 19, approximately 500' south of Long Lake Avenue

**LEGAL**

**DESCRIPTION:** Lots 8-11, North Weeki Wachee Subdivision recorded in Plat Book 5, Page 21, in Section 25, Township 22 South, Range 17 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: PDP(HC)	Undeveloped
South: C-2	Commercial
East: C-1, R-1A	SF, MH, undeveloped
West: AR-2	Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from R-1A and C-1 to C-2. The subject property is located on the west side of US 19, approximately 500' south of Long Lake Road.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1A and C-1.
2. The property comprises approximately 2.3 acres.
3. The site contains a motel that was previously damaged by fire. It appears the remaining buildings are being inhabited.
4. The site contains no majestic or specimen trees.

5. The subject property has access from US 19.
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 no WHPAs, wetlands or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. There are adequate public facilities available to serve limited on the subject property.
12. The area is characterized by commercial uses, single family and mobile home 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 R-1A and C-1 to C-2. If the petitioner's request is approved, all permitted uses in the C-2 zoning district would be allowed and construction will be required to meet the applicable LDRs for commercial development. The subject property has adequate area to accommodate the commercial setbacks.

In June 1997, the P&Z approved a special exception use permit for a congregate care home, namely an assisted living facility, with performance conditions on the subject property. The performance conditions limited the intensity to a maximum of 26 residents and limited the building and parking on the site to the portion of the property zoned C-1. County records indicate that the ALF was never developed; consequently, pursuant to the LDRs, the special exception use permit is no longer valid.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 16" water line is located on the west side of US 19. A 8" sewer force main is located on the

east side of US 19. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits. The Utilities Department indicates the project should be connected to water, but not sewer, service.

The subject property has access to US 19. 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 indicates that if the request is approved, the petitioner shall provide a reverse frontage road, as has been required with other zoning approvals in the area. The subject property is not located at a median cut on US 19. The County Engineer indicates that if the request is approved, the access to US 19 shall be limited to right-in/right-out access only.

The FDOT, Gulf Coast Conservancy and SWFWMD have been notified of the request; no responses have yet been received.

### **FINDINGS OF FACT**

The area is characterized by commercial uses, single family and mobile home residential uses, and undeveloped parcels. The properties to the north and west are undeveloped. Commercial uses are located to the south on property zoned C-2. Single family and mobile home residential uses, and undeveloped parcels are located to the east, across US 19.

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 PDP(HC) and C-2 to the same depth as the subject request. The Planning staff is of the opinion the subject property meets the criteria for infill commercial development.

The staff is of the opinion that rezoning to PDP(HC) with performance conditions addressing access issues regarding US 19 and the provision of a reverse frontage road is more appropriate than rezoning to C-2.

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

1. Rezoning to PDP(HC) would be compatible with the surrounding area.
2. Approval of a PDP(HC) will allow coordination of the frontage road.

3. Rezoning to PDP(HC) 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 Concurrency. 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 R-1A and C-1 to PDP(HC), 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 frontage road is approved as a reverse frontage road and is to be built at no cost to the County, upon demonstration of need and demand by the County. The reverse frontage road must meet the minimum County road design standards.
3. Access is limited to right-in/right-out on US 19.
4. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

**P&Z RECOMMENDATION:**