

STAFF REPORT

Planning & Zoning Commission: May 8, 2006
Board of County Commissioners: June 14, 2006

APPLICANT: CSP & Associates, Inc. **FILE NUMBER:** H-06-45

PURPOSE: Rezoning from PDP(MH)/Planned Development Project (Mobile Home) to C-1 (General Commercial)

GENERAL

LOCATION: South side of Cortez Boulevard, east side of Braewood Drive

LEGAL

DESCRIPTION: Tracts 8 - 11, Braewood Mobile Home Subdivision, an unrecorded subdivision located in a portion of Section 1, Township 23 South, Range 20 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

North: AG; R-1B
South: PDP(MH)
East: PDP(MH)
West: C-1

Surrounding Land Uses

Single Family
Braewood Mobile Home Park
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 2 acre site from PDP(MH)/Planned Development Project(Mobile Home) to General Commercial. The subject property is located on the south side of SR 50, east of Braewood Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MH)/Planned Development Project(Mobile Home).
2. The property comprises 4 platted lots, approximately 2 acres in size.
3. The subject property is currently undeveloped.

4. The site does not contain majestic and specimen trees.
5. The subject property has access from SR 50 and Braewood Boulevard.
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 are candler fine sands. 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 capacity are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area includes commercial development, a mobile home park, residential uses and undeveloped land.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a rezoning request from PDP(MH) to C-1 (General Commercial). The petitioner has not indicated a proposed use on the site; consequently if the request is approved, all of the C-1 uses would be allowable.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 16 inch water line on the south side of SR 50. There is an existing 8 inch sewer force main on the south side of SR 50. There is also an existing 6 inch gravity service system on the south side of the parcel. HCUD will determine the appropriate sewer connection point depending on the proposed flows. 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 subject property has access to Cortez Boulevard and Braewood Street. 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 western portion of the site is within a Wellhead Protection Area-1 (WHPA-1) for a public supply well(s). The proposed use with central services is allowable within this designation with the exception of underground storage tanks for fuel, facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986, stormwater retention ponds that receive stormwater from land-uses prohibited in a WHPA-1, and hazardous waste generators other than conditionally exempt small quantity generators or small quantity generators of hazardous waste.

The FDOT have been notified of the request, no responses have been received.

FINDINGS OF FACT

The area is characterized by commercial uses, single family, mobile home residential uses and undeveloped parcels. Property west of Braewood Street is zoned C-1, and property approximately 250' of the property is also zoned C-1.

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 within a residential land use classification on the adopted Future Land Use Map.

The residential land use designation allows, with performance standards being met, multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities. Although the property is located proximate to a commercial node to the east, there is no existing frontage road developed in the area. It is the staff's opinion that rezoning the property to C-1 would be premature without a frontage road in place to serve the area.

The staff is of the opinion that rezoning from PDP(MH) to C-1 (General Commercial) is inappropriate, based on the following conclusions:

1. There is no frontage road system existing in the area of the subject property.
2. General commercial zoning is inconsistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

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 # _____ denying the petitioner's request to rezone from PDP(MH)/Planned Development Project (Mobile Home) to C-1 (General Commercial).

P&Z RECOMMENDATION: