

STAFF REPORT

Planning & Zoning Commission: June 12, 2006

Board of County Commissioners: July 12, 2006

APPLICANT: Robert Wasielewski **FILE NUMBER:** H-06-55

PURPOSE: Rezoning from AG (Agricultural) to C-1 (General Commercial)

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 1000' east of Clayton Road

LEGAL

DESCRIPTION: A portion of Section 32, Township 22 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

Surrounding Land Uses

North: AG
South: AG; C-1
East: AG
West: C-1

SUMMARY OF REQUEST

FACTUAL INFORMATION

1. The property is currently zoned AG(Agricultural).
2. The property comprises approximately 2 acres.
3. The property is developed with a single family residence.
4. The site is wooded but does not appear to contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard.

6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil type Nobleton Fine Sands.
8. The property is located within the Bystre Lake Flood area.
9. The subject property contains a SPA, but no wetlands or WHPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area includes undeveloped, residential and commercial uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone the subject property from AG to C-1 (General Commercial). If the request is approved, all permitted uses in the C-1 zoning district would be allowed.

If the request is approved, new construction will be required to meet the LDRs for commercial development. The subject property has adequate area to accommodate the commercial setbacks.

The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site. The Utilities Department notes that a 12" water line is located approximately 1,925' east of the property on the northwest corner of Cortez Boulevard and WPA Road; and a 4" sewer force main is located approximately 12,200 feet east of the parcel at Palen Lane. 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 project is located within the Bystre lake 100 year floodplain. County Engineering Staff and Southwest Florida Management District are currently updating the FEMA NFIP (National Flood Insurance Program) risk maps. Any new development areas would have to comply with the new mapping once it is accepted at the time of permitting. The petitioner is advised that these maps may have an impact on the proposed development. The engineer of record should indicate the design 100

year floodplain. All driveways and finished floor elevations shall be above the best available 100 year flood elevation at the time of construction.

The subject property may contain a historical/archeological site according to the State Master Site File. The nature and significance of this site shall be evaluated by a qualified archeological expert before any development of the subject property.

The site falls within a SPA designation for a pit. The proposed zoning is allowable within this designation with the exception of hazardous waste generators other than conditionally exempt small quantity generators or small quantity generators of hazardous waste, stormwater retention ponds that would receive stormwater from land-uses prohibited in a SPA, and facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986.

The subject property has access to Cortez Boulevard. 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.

County Engineer: access issues, no median cut on Cortez Boulevard, therefore if the request is approved, access will be limited to right-in/right-out access to Cortez Boulevard.

The City of Brooksville and the FDOT have been notified of the petitioner's request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by rural residential uses, commercial uses and undeveloped parcels. Blanche's convenience store is located to the east of the subject property. The subject property is a portion of a property developed with a single family house. The properties to the north, west, east and south are undeveloped. In 1983, the BCC approved a rezoning from AG to C-2 for display and assembly of utility buildings on property to the west of the subject property, limited to a depth of 220'; the property has not been developed.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. Land uses allowed in the rural future land use include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation and public and semi-public uses.

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

Policy 1.01O(4) Infill commercial development may be approved where existing areas having 300 feet or less frontage on arterial or collector roads lie between commercially zoned parcels on the same side of the road so that commercial use of the intervening properties is the most logical land use. The depth of such infill commercial development shall be commensurate with the depth of existing commercial zoning on the proximate parcels which define the infill area. If General commercial zoning is approved on the entirety of the subject property, it would extend to a depth which exceeds the existing commercial along SR 50. The staff does not object to general commercial on the property to the depth of the existing commercial.

The staff is of the opinion that rezoning from AG to C-1 (General Commercial) is appropriate with performance conditions, based on the following conclusions:

1. General commercial zoning would be compatible with the surrounding land uses along Cortez Boulevard to a depth consistent with the existing commercial zoning along SR 50.
2. General commercial zoning along Cortez Boulevard to a depth consistent with the existing general commercial zoning 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 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 AG to PDP(GC) to a depth consistent with the existing commercial zoning along SR 50 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 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.
3. Access to the site is limited to right-in/right-out access to Cortez Boulevard.
4. New development within the project shall use the best available floodplain data for project design and construction. All driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.

NOTE:

At the time of application for building permits on the subject property, documentation will be required addressing nature and significance of the historical/archeological site.

P&Z RECOMMENDATION: