

STAFF REPORT

Planning & Zoning Commission: September 11, 2006
Board of County Commissioners: October 11, 2006

APPLICANT: David Landry **FILE NUMBER:** H-06-87

PURPOSE: Rezoning from AR (Agricultural Residential) and C-1 (General Commercial) to C-1 (General Commercial) or C-3 (Neighborhood Commercial)

GENERAL LOCATION: West side of Treiman Blvd (U.S 301), 650' North of Oak Hammock Dr

LEGAL DESCRIPTION: A portion of Section 14, Township 21 South, Range 19 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	Undeveloped
South: C-1	Undeveloped
East: AG	Church
West: AR	Single Family

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone the subject property from AR(Agriculture/Residential) and C-1 (General Commercial) to C-1(Commercial). Staff included C-3 (Neighborhood Commercial) for consideration.

FACTUAL INFORMATION

1. The property is currently zoned AR (Agricultural/Residential).
2. The property comprises approximately 0.89 acres.
3. The site has been developed with a building which was previously utilized as VFW Post.

4. The site does not appear to contain majestic and specimen trees.
5. The subject property has access from Treiman Blvd (U.S 301).
6. The subject property is located within an 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 or Special Protection Areas, but does contain a Wellhead Protection Area-2 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 development on the subject property.
12. The surrounding area is characterized by undeveloped land, residential and religious establishment.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner is requesting to rezone a portion of the subject property from AR (Agricultural/Residential) to C1 (General Commercial). The subject property is part of the platted County Manor Development.

The property is split zoned AR (Agricultural) and C-1 (General Commercial) . The building on the site is located in the middle of the property. The C-1 (General Commercial) zoning district is original zoning which means it designated C-1 (General Commercial) at the time of adoption of the zoning maps, and prior to adoption of the Comprehensive Plan. The petitioner wishes to bring the entire site under a unified district.

The C-1 (General Commercial) district would have no limitations as to the size and scale of the restaurant provided the applicable LDRs are met. The petitioner's narrative indicates that it is the intent to convert the existing building over to a family dining restaurant.

If the request is approved, the petitioner would be required to receive development approval which may result in upgrades to the building and the existing parking area.

The Florida Department of Transportation (FDOT) has been notified of the subject request, no comments have yet been received.

The Utilities Department has indicated that water and sewer capacity is available to serve the project. There is an existing 6-inch waterline on the west side of Treiman Blvd (US 301) in front of the parcel. 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 County Engineer has reviewed the request and indicated that all development along US 301 is required to provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The County's transportation coordinator has reviewed the request and indicated that it is proximate to a portion of SR 50 that no longer has adequate capacity. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

FINDINGS OF FACT

The subject property is located in an area characterized by rural residential development, limited commercial and some institutional uses under construction.

The property is located within a rural land use classification the adopted Future Land Use Map. Policy 1.01B(1) of the adopted Comprehensive Plan states, "establish a Rural Land Use Category on the Future Land Use Map within which agricultural activities can be retained and expanded. Potential uses include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses." The C-1 (General Commercial) zoning on the entirety of the is more intense than the rural land use category allows. C-3 (Neighborhood Commercial), would be allowable on a property less than 5 acres and size and would allow a small restaurant with 40 seats or fewer. Only the neighborhood commercial district is consistent with the adopted comprehensive plan.

Rezoning the property from AR (Agricultural/Residential) and C-1 (General Commercial) to C-3 (Neighborhood Commercial) is appropriate based on the following conclusions:

1. Rezoning to C-3 (Neighborhood Commercial) 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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AR (Agricultural/Residential) and C-1 (General Commercial) to C-3 (Neighborhood Commercial) with the following condition:

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 frontage road across the property, at no cost to the county, upon demonstration of need and demand by the county.

PLANNING AND ZONING COMMISSION RECOMMENDATION: