

STAFF REPORT

Planning & Zoning Commission: October 9, 2006
Board of County Commissioners: November 8, 2006

APPLICANT: Hernando County Board of County Commissioners
FILE NUMBER: H-06-97

PURPOSE: Rezoning from AG (Agricultural) and C-3 (Neighborhood Commercial) to C-3 (Neighborhood Commercial)

GENERAL

LOCATION: West side of McIntyre Road, south side of Croom Road

LEGAL

DESCRIPTION: A portion of Section 13, Township 22 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:

Surrounding Zoning

North: Agricultural
South: Agricultural
East: Agricultural
West: Agricultural

Surrounding Land Uses

Single Family
Single Family
Commercial (trucking use)
Mobile Home

SUMMARY OF REQUEST

The subject request is to rezone an approximately 1.14 acre site from Agricultural and C-3 (Neighborhood Commercial) to C-3 (Neighborhood Commercial). The property is located on the south side of Croom Road, west side of McIntyre Road.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-3 (Neighborhood Commercial).
2. The subject property is currently vacant.
3. The subject property comprises approximately 1.14 acres in size.

4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Croom Road and McIntyre Road.
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 flemington fine sands.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, Wellhead Protection Areas or Special Protection Areas according to County data resources.
10. The subject property is located within the City's first right to serve area.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area surrounding is developed with residential uses, undeveloped properties and commercial.
13. The petitioner has not requested any deviations from the County's land development regulations (LDRs).

STAFF DISCUSSION

County records indicate that a portion of the subject property was rezoned to C-3 in 1973. The owner of the property maintains that the entirety of the site was rezoned to C-3 in 1973. To clarify the record, the Board of County Commissioners directed the staff to initiate a rezoning request to rezone the entirety of the property to C-3 (Neighborhood Commercial).

The subject site is located on the southwest corner of McIntyre Road, and Croom Road. The subject property is undeveloped.

The property is located is within the City of Brooksville Utilities Department's First Right to Serve District.

The County's transportation planner indicated that Croom Road operates at Level of Service (LOS) B and there are no level of service issues at the present time.

The City of Brooksville has been notified, no comments have been received. The subject property is located within the City's first right of refusal area.

FINDINGS OF FACT

The area surrounding the subject property is predominately characterized by single family and mobile home uses on large parcels.

The subject property is located within a residential land use classification on the adopted future land use map. The residential land use classification would allow neighborhood commercial use. The adopted comprehensive plan indicates that neighborhood commercial may be located in the Residential or Rural Future Land Use categories, will have a maximum node size of 5 acres; will not be located in Conservation areas or environmentally sensitive areas; will be located on collector or arterial roads and will not degrade the proper functioning of the adjacent roads below the established levels of service. The subject request is consistent with the adopted comprehensive plan.

The request to rezone from Agricultural and C-3(Neighborhood Commercial) to C-3 (Neighborhood Commercial) is appropriate, based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding area.
2. The proposed rezoning is consistent with the County's adopted Comprehensive Plan.

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:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG (Agricultural) and C-3 (Neighborhood Commercial) to C-3 (Neighborhood Commercial).

As a note, the subject property is part of a larger parent parcel comprising approximately 49,000 square feet, which is split zoned Agricultural and C-3. The Agricultural portion of the site does not

meet the minimum lot size requirements for the AG district (there is no minimum lot size for C-3). The zoning action will not create two separate parcels and the agricultural portion of the property could not be split off or transferred as currently zoned. Therefore, it is understood that any future transfer of the property requires that the property not be split unless the AG is rezoned for another use, and any future rezonings of the property would be done at the owner's expense.

It is also understood that 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.

P&Z RECOMMENDATION: