

STAFF REPORT

Planning & Zoning Commission: February 12, 2007
Board of County Commissioners: March 14, 2007

APPLICANT: Teresa W. Mc Daniel **FILE NUMBER:** H-07-05

PURPOSE: Rezoning from R-1A (Residential) and C-1 (Commercial) to PDP (GC)/
Planned Development Project (General Commercial)

GENERAL

LOCATION: South side of Celia Avenue, east of US 41

LEGAL

DESCRIPTION: Lots 6 and 7, Block 80, Garden Grove, according to plat thereof as recorded
in Plat Book 4, page 36, of the Public Records of Hernando County, FL, in
Section 19, Township 23 South, Range 19 East

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

Surrounding Land Uses

North: R-1A

Vacant Unimproved

South: R-1A

Mobile Home

East: R-1A

Single Family

West: PDP(AF)

Airport

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone from R-1A (Residential) and C-1 (Commercial) to
PDP(GC)/Planned Development Project (General Commercial).

FACTUAL INFORMATION

1. The property is currently zoned R-1A(Residential) and C-1(General Commercial).
2. The property comprises approximately .70 +/- acres.
3. The site is currently developed with a one story single family residence.

4. The site may contain majestic and specimen trees.
5. The subject property has access from US 41 and Celia Avenue.
6. The subject property is located within the Airport Planned Development District on the adopted Future Land Use Map.
7. The on-site soil type is Nobleton Fine Sand.
8. The property is located in flood zone X.
9. The subject property contains no wetlands, Wellhead Protection Areas (WHPA), or Special Protection Areas (SPA) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by a mixture of vacant unimproved parcels, single family, and airport related 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 encompassing approximately .34 acres from R-1A (Residential) and C-1 (Commercial) to PDP(GC)/Planned Development Project (General Commercial) in order to use an existing one story structure for a property management company. The subject property is located within the Airport Planned Development District and consists of Lots 6-7, on Block 80, along Celia Avenue and US 41.

The master plan submitted indicates an existing one story wood frame structure on Lot 6 with an existing driveway providing an access point along the south side of Celia Avenue, a local residential street. The existing structure is grandfathered with existing front yard setbacks of approximately 45' feet along US 41 and 42' along Celia Avenue. The petitioner also owns Lots 4-5, on Block 80, which abut the subject property's east property line.

The subject property is surrounded to the north, east and south by properties zoned R-1A (Residential) and to the west by properties zoned PDP(AF) and PDP(GHC). Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family

lots about the subject property and along all property lines abutting public right of way. The vegetative buffer may include berms, fences, or walls.

The County Engineer has reviewed the rezoning request and has stated that the applicant should provide a frontage road, if and when required, at no cost to the County, along the rear yard of the property. However, it is unlikely that the applicant would be able to provide such area for a frontage road due to the small size of the property in question and the location of the existing one story structure to the rear property line. Therefore, it is more likely that the frontage road would be provided at the time additional development of the area occurs, or the property is aggregated with adjoining properties for more extensive development. The County Transportation Planning Coordinator has no objections to the proposed rezoning request on traffic impacts.

The proximity of the subject property to surrounding residentially zoned and developed parcels does pose a timing question and challenge in determining whether or not the proposal for rezoning is premature at the present time. The subject property is a two lot parcel and is not part of a larger development tract for commercial zoning uses, although a portion of the site is already zoned for commercial uses. If it is determined that the timing is not premature, the addition of property to the existing commercially zoned lot does provide for re-use of the site with the ability to comply with parking, landscaping and other development standards.

The Airport Director has indicated that an aviation easement shall be provided by the petitioner to the Hernando County Airport. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject property. There is an existing 12-inch waterline and 12-inch force main on the west side of US Hwy 41. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

FINDINGS OF FACT

The addition of commercially zoned property to the Airport Planned Development District is supported by the following objective and policies of the Hernando County Comprehensive Plan:

Objective 1.07C: Maximize the use of the Hernando County Airport and surrounding lands by providing for aviation, aviation related activities, industrial uses, and other land uses not incompatible with the airport.

Policy 1.07C(1): Establish a Planned Development Land Use Category on the Future Land Use Map which allows for a mixture of the following land uses: Aviation, Commercial, Industrial, Public Facility, Exposition Facility, limited agriculture, limited rural development, and interim continuation of vested

residential development. In order to minimize land use conflicts, other than limited rural residential, no new residential development shall be permitted within the Airport Planned Development District.

Policy 1.07C(10): The airport and its aviation activities shall be protected from encroachment by incompatible land uses, especially residential land uses, educational facilities, medical facilities and other land uses and activities which may present safety concerns due to proximate aviation activities, or which may be adversely impacted by noise, engine exhaust, airborne odors, and other impacts of existing and future aviation activities in the vicinity of the airport.

The rezoning from R-1A (Residential) and C-1 (Commercial) to PDP(GC)/Planned Development Project (General Commercial) would be appropriate based on the following conclusions:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan.
2. The proposed rezoning is compatible in the Airport Planned Development District and the surrounding land uses in the area with 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:

The Planning staff recommends that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request to rezone from R-1A (Residential) and C-1 (Commercial) to PDP (GC)/Planned Development Project (General Commercial) with the following 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. A 6' vegetative buffer with a minimum 80% opacity shall abut the residential zoned properties along the east and south property lines in accordance with the Community Appearance Ordinance. The vegetative buffer may include berms, fences, or walls.
3. Business operating hours shall be limited from 7a.m. till 8p.m.
4. The existing residential structure shall be brought into compliance with all commercial standards as required by the Building Code prior to occupancy as a commercial structure.
5. The applicant shall provide a frontage road, if and when required, at no cost to the County, along the rear yard of the property.
6. The petitioner shall provide an avigation easement.
7. The subject property shall provide four (4) parking spaces per 1,000 square feet of building area, as required for business, professional and non profit organizations by the LDRs.
8. 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.