

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007
Board of County Commissioners: June 20, 2007
Planning & Zoning Commission: June 11, 2007
Board of County Commissioners: July 11, 2007

APPLICANT: Disabled American Veterans #67

FILE NUMBER: H-07-21

PURPOSE: Rezoning from R-1A/(Residential) to C-1/(General Commercial)

GENERAL

LOCATION: South side of Cortez Boulevard (SR 50), approximately 400' east of California Street

LEGAL

DESCRIPTION: Lots 10-13 of Gulfland, as per plat thereof recorded in Plat Book 6, Page 42, of the public records, and a portion of Section 25, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner requests a rezoning from R-1A/(Residential) to C-1/(General Commercial) in order to utilize their property and a portion of their 7,500 square foot facility for the use of video game machines.

The petitioner's request for video gaming machines is to supplement their current fund-raising program. If C-1/(General Commercial) is approved, all C-1 uses will be allowed.

SITE CHARACTERISTICS:

Site Size: 1.8 acres

Surrounding Zoning; Land Uses: North: C2 & R-1C; undeveloped, dry cleaners & mini storage

South: R-1A; Single Family & Mobile Homes
East: PDP(HC); Single Family
West: C2 & R-1A; Mobile Home & Automotive Repair

Current Zoning: C-1/(Commercial) & R-1A/(Residential)
Future Land Use Map Designation: Commercial
Flood Zone: C

SITE CIRCUMSTANCES:

The Disabled American Veterans, is a not-for-profit organization recognized in the state of Florida since 1970. Chapter #67 has been located at the subject site since 1975.

The current property is split zoned, with the western most parking zoned C-1/(Commercial) and the remaining portion of the parking and clubhouse zoned R-1A/(Residential).

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer and Transportation Planner have reviewed the subject request and had no comments.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the site is currently being served by central water and sewer services.

LAND USE REVIEW:

The petitioner has made no mention of improving the existing site. All modifications will be made in the interior. Any additional development and/or improvements would have to meet the minimum architectural design standards and setbacks for commercial development pursuant to the County’s LDRs.

If the request is approved, the petitioner will be required to provide parking meeting the County’s LDRs.

Video Amusement is an allowable use in Commercial Zoning Districts. The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of the property. Prior to use of, or construction on the property, the petitioner

must receive approval from the appropriate County department(s) for the proposed use. Furthermore, the rezoning of the subject property does not grant or protect from certain uses that may be regulated by state agencies. All applicable state requirements for the proposed use must be met subsequent to approval.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by commercial, single family and mobile home uses. The subject property is located generally within the Commercial land use classification on the adopted Future Land Use Map.

Policy 1.01L(3): New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

Comment: The subject property is situated within a commercial corridor and therefore the request for C-1/(General Commercial) is consistent with the Commercial land use classification.

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 property(ies) 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. Such approvals shall consider: the traffic impacts of additional commercial development on the affected roadways; the suitability of the property for commercial development while meeting setbacks, parking, drainage, frontage road, access management, and other requirements of the land development regulations; the need for additional commercial development to serve proximate residential populations; environmental constraints.

Comment: The property is between intervening commercially used parcels and the proposed rezoning meets the commercial infill policies as provided for in the adopted comprehensive plan.

The rezoning from R-1A/(Residential) to C-1/(General Commercial) is appropriate based on the following conclusions:

1. C-1/(General Commercial) zoning would be compatible with the surrounding land uses.
2. The request meets the County's adopted Comprehensive Plan infill and commercial development polices.
3. The proposed request is consistent with the County's adopted Comprehensive Plan.

NOTICE OF APPLICANT RESPONSIBILITY:

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 Concurrency. 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.

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.

Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.

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STAFF RECOMMENDATIONS:

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 R-1A/(Residential) to C-1/(General Commercial).