

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 9, 2007
Board of County Commissioners: August 8, 2007

APPLICANT: Mildred Soderberg

FILE NUMBER: H-07-31

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

GENERAL

LOCATION: West side of Marina Way, approximately 300' south of Toucan Trail

LEGAL

DESCRIPTION: Lots 19-21, Block 7, Weeki Wachee Acres, Unit 1, as per plat thereof recorded in plat book 6, page 39, of the public records of Hernando County, located in Section 16, Township 23 South, Range 17 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 is requesting to rezone a 1.02 acre parcel from R-1A/(Residential) to C-1/(Commercial) to join with adjacent parcels that the petitioner currently owns. These adjacent parcels are currently zoned C1/(Commercial). No specific use for the properties has been determined at this time.

SITE CHARACTERISTICS:

Site Size: 1.02 acre

Surrounding Zoning; Land Uses: North: C1; undeveloped
South: R-1A; undeveloped Single Family
East: R-1A; Mobile Homes
West: C1; undeveloped

Current Zoning: R-1A/(Residential)

Future Land Use Map Designation: Commercial

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic

Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

Protection

Features: No Well Head Protection Areas (WHPA) according to County data resources.

Habitat:

Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

ENGINEERING & TRANSPORTATION REVIEW:

The lots have access to Marina Way. Once rezoned, the petitioner's intent is to combine the subject site with the two adjoining parcels. The combination of the properties will allow access to both US Hwy 19 and Marina Way, with Marina Way serving as the frontage road.

The County Engineer has reviewed the subject request and indicated that Marina Way will serve as the frontage road for the subject site.

The Transportation Planner has reviewed the subject request and had no comments.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 20-inch water line is located along Commercial Way with an

additional 2-inch water line along Toucan Road. A 18-inch gravity line and 10-inch force main are also located along Commercial Way.

Capacity 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. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits.

LAND USE REVIEW:

The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

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 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 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).