

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 13, 2007
Board of County Commissioners: September 12, 2007

APPLICANT: Crescenzo Anthony R & Crystal, and Pastore Joe & Robin

FILE NUMBER: H-07-33

PURPOSE: Rezoning from R-1C/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with a Heavy Building Establishment use for outside storage

GENERAL

LOCATION: West side of US Hwy 19, approximately 950' north of Ridge Road

LEGAL

DESCRIPTION: Lots 15-17, North Weeki Wachee, as per plat thereof recorded in Plat Book 5, Page 32, of the Public Records of Hernando County, located in Section 25, Township 22 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 1.04 acre parcel from R-1C/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with a Heavy Building establishment for outside storage. The master plan submitted proposes developing the subject site with two (2) one story buildings. The eastern building is proposed for retail at 3,750 square feet and another 3,000 square foot office/warehouse building to the west. The petitioner is requesting a heavy building establishment for outside storage for the western building only with is a special exception use in the C-2 zoning district. No specific use for the west building has been determined at this time. If the request is approved all permitted uses within the C-2 zoning district will be allowed.

SITE CHARACTERISTICS:

Site Size: 1.04 acre

Surrounding Zoning; Land Uses: North: PDP(HC); warehousing

South: R-1C; undeveloped
East: AR2; undeveloped
West: C1 & C2; misc office & commercial

Current Zoning: R-1C/(Residential)

Future Land Use Map Designation: Residential

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand and Tavares 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.

Other:

There is an existing 2" shallow non-potable well along the south central portion of the subject site. If the well is not to be used for future irrigation, the well must be properly abandoned per SWFWMD requirements.

ENGINEERING & TRANSPORTATION REVIEW:

The petitioner proposes one access point onto US Hwy 19 which partially aligns with the median cut along US Hwy 19. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The County Engineer has reviewed the subject request and indicated that if the request is approved, the petitioner shall provide a reverse frontage road, as has been required with other zoning approvals in the area. The petitioner has reserved a 50' right-of-way for the required frontage road along the front of the project adjacent to US Hwy 19; however, the petitioner must utilize the existing platted County 30' right-of-way to the west of the property and expand the 30' right-of-way to 50' to meet the minimum County road design standards for the frontage road. The reverse frontage road must be constructed outside of any wetlands and at or above the regulatory flood elevation.

The County Engineer indicated that access to US Hwy 19 should align with the existing median cut according to FDOT and County Standards.

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. There is an existing 16-inch water line on the west side of US Hwy 19. And a 8-inch force main along east side of US Hwy 19.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. 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. Any cost to upgrade the system will be the responsibility of the developer.

LAND USE REVIEW:

The petitioner proposes setbacks consistent with the C-2 zoning district:

Front: 125'

Side: 20'

Rear: 35'

The plan as submitted does not depict the minimum buffering required by LDRs. The buffer shall consist of a minimum five-foot landscaped separation distance. The nonresidential use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting. If the request is approved, the petitioner would have to meet all of the applicable LDRs related to landscaping and buffering along the west and south property lines.

The plan depicts 13 parking spaces for the east building and 6 spaces for the west building. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The development of the subject property shall meet the requirements of the Land Development Regulations for commercial design standards.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by mixed commercial and undeveloped parcels, The subject property is located generally within the Residential land use classification on the adopted Future Land Use Map.

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-1C/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial) is appropriate based on the following conclusions:

1. C-2/(Highway 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 master plan is consistent with the County's adopted Comprehensive Plan and the County's LDRs subject to performance conditions.

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.

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-1C/(Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with the following performance conditions.

1. 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.
2. The petitioner shall follow all requirements from South Florida Water Management District for capping and abandoning existing wells on the existing site.
3. The frontage road is approved as a reverse frontage road and is to be built at no cost to the County, upon demonstration of need and demand by the County. An additional 20' feet shall be added to the reverse frontage road in order to meet the minimum County road design standards and must be constructed outside of any wetlands and at or above the regulatory flood elevation.
4. Access to US Hwy 19 shall align to the existing median cut according to FDOT and County Standards.
5. Outside side storage shall not be allowed.

6. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
7. A minimum 5' landscape buffer shall be maintained along the subject property's west and south property lines.
8. The petitioner shall follow all requirements from South Florida Water Management District for capping and abandoning existing wells on the existing residential lot.
9. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 business days of BCC approval. Failure to submit the revised plan within 30 calendar days from BCC approval will result in the zoning becoming null and void.