

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 8, 2007
Board of County Commissioners: November 14, 2007

APPLICANT: Wilbert Lee Jenkins Jr.

FILE NUMBER: H-07-49

PURPOSE: Rezoning from AR/(Agricultural Residential) and C-1/(General Commercial) to PDP(NC)/ Planned Development Project (Neighborhood Commercial) with a limited C-1 use for a Comparison Goods Store

GENERAL

LOCATION: West side of Treiman Boulevard (US Hwy 301), approximately 560' north of Belt Drive

LEGAL

DESCRIPTION: The South 182 feet of the North 332 feet of Tract 24, Country Manor Subdivision, as shown on the plat thereof recorded in Plat Book 6, Page 24, Public Records, of a portion of Section 14, Township 23 South, Range 21 East of 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 has submitted an application to rezone a 1.25 acre property, split zoned AR/(Agricultural Residential) and C-1/(General Commercial). The subject property has 75% of the northern portion zoned C-1/(General Commercial) with the remaining 25% zoned AR/(Agricultural Residential). It is the petitioner's intent to rezone to PDP(NC)/ Planned Development Project (Neighborhood Commercial) with a limited C-1 use for a comparison goods store in order to develop the site with an approximately 2,000 square foot building for floor covering sales. The proposed structure will have an 800 square foot showroom and a 1,200 square foot warehouse which will store merchandise for immediate customer pickup. The petitioner has indicated on their narrative that the showroom will be open from 8:00 a.m. to 5:00 p.m., Monday thru Friday and the warehouse will receive limited deliveries associated with the business. The petitioner wishes to bring the entire site under a unified zoning district in order to utilize the site for development.

SITE CHARACTERISTICS:

Site Size: 1.29 acres

Surrounding Zoning; Land Uses: North: NC; Vacant VFW Post
South: AR; Undeveloped
East: AG; Church
West: AR; Single Family

Current Zoning: AR/(Agricultural Residential) and C-1/(General Commercial)

Future Land Use Map Designation: Rural

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: The property contains a Wellhead Protection Area-2 (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 proposed site is located on the west side of Treiman Boulevard (US Hwy 301), approximately 560' north of Belt Drive. The petitioner has proposed two access points onto Treiman Boulevard (US Hwy 301). One entrance is located proximate to the property's north end and the second at the property's south end.

The County Engineer has reviewed the request and indicated that all development along Treiman Boulevard (US Hwy 301) is required to provide 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 indicated the petitioner will be limited to one (1) access point along Treiman Boulevard (US Hwy 301).

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

UTILITIES REVIEW:

The Utilities Department has indicated that water and sewer capacity is available to serve the project. There is an existing 6-inch waterline on the west side of Treiman Blvd (US Hwy 301) in front of the parcel. There is also a 4-inch force main on the east side of Treiman Blvd (US Hwy 301). The HCUD recommends connection to water and/or sewer if they meet the connection standards of the applicable ordinances.

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.

LAND USE REVIEW:

Proposed Building Setbacks: (The proposed setbacks meet or exceed the requirements)

Front:	140'
Side:	20'
Rear:	35'

Minimum County Required Neighborhood Commercial Building Setbacks:

Along US Hwy 301:	125'
Side:	20'
Rear:	35'

The petitioner has indicated leaving existing trees to provide a buffer along the property's western project boundary adjacent to residential uses. If approved, the existing vegetation should be enhanced with a 5' vegetative buffer in order to provide adequate screening from the proposed building.

The submitted master plan does not depict a specific number of parking spaces for the proposed use. 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 subject property is located in an area characterized by rural residential development, limited commercial and some institutional uses. The property is located within a Rural land use classification the adopted Future Land Use Map.

Policy 1.01B(1) of the adopted Comprehensive Plan states, “establish a Rural Land Use Category on the Future Land Use Map within which agricultural activities can be retained and expanded. Potential uses include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses.”

Comment: Rezoning to C-1 (General Commercial) zoning on the entirety of the property is more intense than the Rural land use category allows. PDP(NC)/ Planned Development Project (Neighborhood Commercial) with a limited C-1 use for a Comparison Goods Store, would be allowable on a property less than 5 acres and size. The request is consistent with the adopted comprehensive plan.

Rezoning to PDP(NC)/ Planned Development Project (Neighborhood Commercial) with a limited C-1 use for a Comparison Goods Store, is appropriate with performance conditions, based on the following conclusion:

1. The proposed request is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all 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 AR/(Agricultural Residential) and C-1/(General Commercial) to PDP(NC)/Planned Development Project (Neighborhood Commercial) with a limited C-1 use for a Comparison Goods Store 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. Building setbacks:
 Treiman Boulevard (US Hwy 301): 125'
 Rear: 35'
 Side: 20'
3. The petitioner shall be limited to one (1) access point onto Treiman Boulevard (US Hwy 301).
4. The petitioner shall provide a frontage road across the property, at no cost to the county, upon demonstration of need and demand by the county.
5. The petitioner shall provide a 5' enhanced vegetative buffer along the properties western boundary.
6. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.