

STAFF REPORT

Planning & Zoning Commission: January 9, 2006
Board of County Commissioners: February 8, 2006

APPLICANT: Crown Cooper LLC **FILE NUMBER:** H-06-05

PURPOSE: Rezoning from AG to C-1 (General Commercial) or PDP(GC)/Planned Development Project (General Commercial)

GENERAL LOCATION: East side of US 19, approximately 3,500' north of Cortez Boulevard

LEGAL DESCRIPTION: Tracts A-37 and A-38, Commercial Highlands US No. 19, an unrecorded subdivision located in a portion of Section 35, Township 22 South, Range 17 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C-1	Commercial
South: AG	Undeveloped
East: AG	Undeveloped
West: CV	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to C-1. The subject property is located on the east side of US 19, approximately 3,500' north of Cortez Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 0.70 of an acre.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from US 19.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is borrow pits.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to C-1 in order to develop the site with an animal rehabilitation facility. The staff has provided PDP(GC) for consideration, due to the access proposed. The LDRs allow veterinary clinics with air-conditioned, sound-attenuated runs in the C-1 zoning district. If the petitioner's request is approved, all permitted uses in the C-1 zoning district would be allowed and construction will be required to meet the applicable LDRs for commercial development. The petitioner has provided a plan meeting the minimum setbacks for the C-1 zoning district.

The petitioner proposes serving the site with central water and septic. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the east side of US 19. An 8" sewer force main is located on the west side of US 19. Connection to the force main will require crossing US 19 with an offsite force main and the installation of a sewer pump station onsite at the developer's expense. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access to US 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 plan provides for adequate ROW to accommodate a future frontage road.

The petitioner proposes providing access to the subject property from the existing veterinary clinic parking area located to the north. No additional connection to US 19 is proposed. The County Engineer is not opposed to the access proposed.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels. A veterinary clinic on lots zoned C-1 is located north of the subject property. Undeveloped parcels are located to the east, west and south.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. Property zoned C-1 is located adjacent to the subject property's north property line. Approximately 200' to the south of the subject property is a parcel zoned C-2. The Planning staff is of the opinion the subject property meets the criteria for infill commercial development.

The staff is of the opinion that the approval of the rezoning from AG to PDP(GC) is appropriate based on the following conclusions:

1. General commercial zoning would be compatible with the surrounding area.
2. Performance conditions addressing the access issues are appropriate to manage traffic flow in this area.
3. General commercial zoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(GC), with the following performance 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. 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.
3. No access to US 19 is approved. Access shall be as shown on the plan, from the commercial property to the north.
4. Setbacks shall be per the PDP rules.
5. Development shall be generally in conformance with the master plan.

P&Z RECOMMENDATION:

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(GC), with the following performance 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. 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.
3. No access to US 19 is approved. Access shall be as shown on the plan, from the commercial property to the north.

4. Setbacks shall be per the PDP rules.
5. Development shall be generally in conformance with the master plan.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-35 approving the rezoning from AG to PDP(GC), with the following performance 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. 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.
3. No access to US 19 is approved. Access shall be as shown on the plan, from the commercial property to the north.
4. Setbacks shall be per the PDP rules.
5. Development shall be generally in conformance with the master plan.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.