

STAFF REPORT

Planning & Zoning Commission: February 13, 2006

Board of County Commissioners: March 15, 2006

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Board of County Commissioners: April 12, 2006

APPLICANT: Jaime Ramirez **FILE NUMBER:** H-06-15

PURPOSE: Rezoning from R-1A (Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with a Reduction in Setbacks

GENERAL

LOCATION: West side of Cobb Road, south side of Lee Avenue

LEGAL

DESCRIPTION: A portion of Lot 1, Block O, Mountain Park, as per plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Hernando County, Florida in Section 20, Township 22 South, Range 19 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 4

STAFF FINDINGS:

Surrounding Zoning

North: C-1
South: C-2
East: City of Brooksville
West: R-1A

Surrounding Land Uses

Office
Hess Station
Undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1A to PDP(HC) with a reduction in setbacks. The subject property is located on the west side of Cobb Road and the south side of Lee Avenue.

FACTUAL INFORMATION

1. The property is currently zoned R-1A.
2. The property comprises approximately a half-acre.

3. The site contains a mobile home.
4. The site contains specimen, but no majestic, trees.
5. The subject property has access from Cobb Road and Lee Avenue.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types is Kendrick fine sand.
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 City of Brooksville has indicated that central water is available to serve the subject site, but sewer service will require force main extension and a lift station.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial, professional office and single family residential uses, and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from 125' to 75' from Cobb Road, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from R-1A to PDP(HC) in order to develop the site with a used automobile dealership. An automotive dealer establishment including the principal selling of used cars is a C-2 use. If the petitioner's request is approved, all permitted uses in the C-2 zoning district would be allowed.

The petitioner requests a reduction in setbacks. The petitioner proposes setbacks as follows: 75' from Cobb Road, 75' from Lee Avenue, 35' from the rear/west lot line and 25' from the side/south lot line. The LDRs require a 125' setback from Cobb Road. The petitioner requests a reduction in setbacks from Cobb Road from 125' to 75' with the provision of a reverse frontage road. The BCC has approved a reduction in setbacks in previous cases when a reverse frontage road is provided.

The subject property has access to Cobb Road. The property is subject to the County's frontage road requirement. The plan shows access from a reverse frontage road along the western property line. The County Engineer indicates that if the request is approved, the petitioner should provide the reverse frontage road at the time the site is developed.

The petitioner proposes serving the site with central water and septic. The City of Brooksville has indicated that central water is available to serve the subject site, but sewer service will require force main extension and a lift station

The City of Brooksville has no comments regarding the request.

FINDINGS OF FACT

The area is characterized by commercial, professional office and single family residential uses, and undeveloped parcels. The Hernando County Board of Realtors office is located north of the subject property on a parcel zoned C-1. A Hess service station is located south of the subject property on property zoned C-2. A single family home is located to the west of the subject property on a parcel zoned R-1A. Undeveloped property is located to the east across Cobb Road.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property is located generally within a commercial land use classification on the adopted Future Land Use Map.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity. The subject property is located between parcels zoned C-1 and C-2. Parcels zoned R-1A and developed residentially are located to the west. The Planning staff is of the opinion that C-2 uses would be too intense at this location, but allowing C-1 uses with performance conditions is appropriate.

The staff is of the opinion that the approval of the rezoning from R-1A to PDP(GC) with a reduction in setbacks is appropriate based on the following conclusions:

1. The permitted uses allowed in the PDP(HC) category are too intense and would not be compatible with the adjacent residential uses.
2. Rezoning to PDP(GC) would be compatible with the surrounding area.

3. Rezoning to PDP(GC) 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 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 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 R-1A to PDP(GC) with a reduction in setbacks, 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 setbacks are approved as follows:

From Cobb Road:	75'
From Lee Avenue:	75'
From south lot line:	25'
From the rear lot line:	35'
3. The petitioner shall construct the reverse frontage road at the time of development.

P&Z RECOMMENDATION:

At the February 13, 2006 meeting, the P&Z voted 5-0 to postpone hearing the request until the March 13, 2006 meeting at 9:30 a.m.

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from R-1A to PDP(GC) with a reduction in setbacks, with the following modified 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 setbacks are approved as follows:

From Cobb Road:	75'
From Lee Avenue:	75'
From south lot line:	25'
From the rear lot line:	35'
3. The petitioner shall construct the reverse frontage road at the time of development.
4. The petitioner shall save the specimen trees on the property. (The P&Z recommendation exceeds the minimum LDRs, staff believes the LDRs are appropriate)

BCC ACTION:

On March 15, 2006, the BCC voted 5-0 to postpone hearing the request until the April 12, 2006, meeting at 9:00 a.m.

On April 12, 2006, the Board of County Commissioners voted 5-0 to adopt Resolution # 2006-100 approving the rezoning from R-1A to PDP(GC) with a reduction in setbacks 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 setbacks are approved as follows:

From Cobb Road:	75'
From Lee Avenue:	75'
From south lot line:	25'
From the rear lot line:	35'
3. The petitioner shall construct the reverse frontage road at the time of development.

4. The petitioner shall provide a 6' PVC fence on the west boundary.

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.