

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

APPLICANT: Hudson Tire Center, Inc. & Tex's Land Company

FILE NUMBER: H-06-21

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

GENERAL

LOCATION: South side of Cortez Boulevard, north side of Furman Road, approximately 500' east of Dent Street

LEGAL

DESCRIPTION: Lots 118, 129 and 130, Potterfield Garden Acres, Section H, as per plat thereof recorded in Plat Book 5, Page 28, of the Public Records of Hernando County, Florida in Section 25, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG, C-2
South: AR-2, C-2
East: C-2, R-1A
West: C-2

Surrounding Land Uses

Undeveloped, commercial
Single family
Commercial, mobile home
Commercial

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1A to PDP(HC). The subject property is located on the south side of Cortez Boulevard, north of Furman Road, approximately 500' east of Dent Street.

FACTUAL INFORMATION

1. The property is currently zoned R-1A.
2. The property comprises approximately three (3) acres.

3. The site is undeveloped.
4. The site is wooded and appears to contain specimen, but not majestic, trees.
5. The subject property has access from Cortez Boulevard and Furman Road.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
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 are 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, single family and mobile home residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from R-1A to PDP(HC). The PDP(HC) zoning category allows all C-2 uses. The narrative indicates the petitioner has no specific proposed use. The plan shows the site developed with medical office buildings. If the request is approved, development on the site will have to meet the minimum setbacks for commercial PDPs. The plan provided meets the minimum setbacks per the LDRs.

The narrative indicates the site is served by central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 12" water line and a 6" sewer force main are located on the south side of Cortez Boulevard. 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 Cortez Boulevard. 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 notes that if the request is approved, the frontage road will be required to be provided as a reverse frontage road along the rear of the two northern lots, Lots 129 and 130, due to previous approvals in the area.

The subject property has access from Cortez Boulevard and Furman Road. Furman Road has not been built south of the subject property. The narrative and plan indicate the petitioner proposes no access from Furman Road. The County Engineer is not of the opinion an access point to Furman Road is required.

The City of Brooksville and the FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by commercial uses, single family and mobile home residential uses and undeveloped parcels. An auto repair establishment and vacant C-2 zoned property are located to the west. A vacant commercial building and a mobile home are located to the east. A single family home is located to the south.

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.

The staff is of the opinion that rezoning from R-1A to PDP(HC) is appropriate, based on the following conclusions:

1. Highway commercial zoning would be compatible with the surrounding land uses along Cortez Boulevard.
2. Highway commercial zoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.

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 petitioner's request to rezone from R-1A to PDP(HC), 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 reverse frontage road across the property, along the south sides of Lots 129 and 130, at no cost to the County, upon demonstration of need and demand by the County.

P&Z RECOMMENDATION: