

REVISED STAFF REPORT

Planning & Zoning Commission: October 9, 2006
Board of County Commissioners: November 8, 2006
Planning and Zoning Commission: November 13, 2006
Board of County Commissioners: December 13, 2006

APPLICANT: Mary Plummer Bash **FILE NUMBER:** H-06-63

PURPOSE: Rezoning from R-1B (Residential) to PDP(GC) Planned Development Project (General Commercial) with a reduction in setbacks

GENERAL

LOCATION: West side of US 41, south side of Mudron Street, east of Roosevelt Avenue, north side of Palacky Street

LEGAL

DESCRIPTION: Lots 1 - 20, Block 23, Masaryktown, as per plat thereof recorded in Plat Book 3, Page 40, of the Public Records of Hernando County, Florida in Section 36, Township 23 South, Range 18 East

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: R-1B

Mobile home, vacant

South: R-1B

SF, commercial, undeveloped

East: C-2, R-1A, PDP(GC)

SF, commercial

West: R-1B

Vacant, single family

SUMMARY OF REQUEST

The petitioner originally submitted a request to rezone from R-1B (Residential) to PDP(GC) Planned Development Project (General Commercial) with a reduction in setbacks. Upon further review and discussion with the Planning Staff, the petitioner now proposes to rezone from R-1B (Residential) to PDP(OP)/ Planned Development Project (Office Professional) with limited C-1 (General Commercial) uses and a reduction in setbacks. The subject property is located on the west side of US 41, south side of Mudron Street, east of Roosevelt Avenue and north side of Palacky Street.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately 3.58 acres.
3. The site contains single family homes, mobile homes, vacant lots and commercial east of US 41.
4. The lots on the site are wooded and appear to contain majestic and specimen trees.
5. The subject property has access from US 41, Mudron Street, Palacky Street and Roosevelt Avenue.
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 Masaryk very fine sand.
8. The property is located in a flood zone B.
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 not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on 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 requested a reduction in setbacks along US 41 from 125' to 75'.

STAFF DISCUSSION

The petitioner requests to rezone the subject property, a block in Masaryktown, from R-1B (Residential) to PDP(OP) Planned Development Project (Office Professional) with limited C-1 (General Commercial) uses. C-1 (General Commercial) uses will be limited to a 2,800 square foot restaurant, retail food stores, deli, and a bank with no drive-thru's. The petitioner is requesting a reduction in setbacks from 125' to 75' with Roosevelt Avenue operating as a reverse frontage road.

The property was subject of a rezoning request in October 12, 2005, from R-1B(Residential) to C-2 (Highway Commercial). Through that process, the petitioner amended the application to request a rezoning from R-1B to Planned Development Project(Office Professional) with specific C-1 uses and PDP(GC) with a C-2 use for an air conditioning heating business on lots 15 and 16. The Board of County Commissioners voted 3-2 to deny the petitioner's request. The Board of County Commissioners determined that the master plan did not adequately address compatibility issues associated with the project; the request was too intense with the surrounding area; and the request was not consistent with the County's adopted Comprehensive Plan.

The petitioner now maintains that the detail on the revised master plan addresses the previous problems, and the vacation of the alley has been completed.

The new master plan submitted by the petitioner indicates that the existing residential structures will be removed from the property and replaced with new structure that will be divided to accommodate the PDP(OP)/Planned Development Project (Office Project) and C-1 (General Commercial). The petitioner proposes 9,940 square feet C-1 (General Commercial) and 11,410 square feet of PDP(OP)/Planned Development Project (Office Professional) development on the subject property. The plan depicts a 35' vegetative buffer along a portion of the western property adjacent to Roosevelt Avenue, and 10' along the remainder; 10' vegetative buffers are proposed along Mudron Street and Palacky Street.

The petitioner has noted that there are currently six (6) driveways from the subject property on US 41 for the six (6) properties that make up the subject property. The plan proposes one access to Mudron Street and one to Palacky Street, but no access to US 41.

The subject property has frontage on US 41. If the request is approved, the petitioners 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 concurs with the petitioner's statement that Roosevelt Avenue can function as the frontage road at this location. US 41 has been widened to four (4) lanes with a median. US 41 is not being widened in front of the subject property; however, the road tapers from 4 lanes to 2 just north of the subject property. The County Engineer has no objections to the access proposed by the petitioner and also indicates that the petitioner should provide an additional 32' of ROW along US 41 to help ensure adequate capacity can be maintained on the roadway.

The Transportation Planning Coordinator indicates the subject property is located on a section of US 41 that does not have additional capacity; the section of US 41 south of Ayres Road has a Level of Service (LOS) D and is not programmed for multilane capacity improvements. The Transportation Planning Coordinator acknowledged that capacity is being provided by parallel collector roadways to the west, including the Suncoast Parkway and Anderson Snow Road. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer

has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site.

The City of Brooksville had no comments regarding the request.

The FDOT and Pasco County 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. The blocks to the north, west and south are zoned R-1B. Single family and mobile home uses are located on the blocks to the north and south of the subject property. The block to the west of the subject property is vacant. The block to the east of the subject property, on the other side of US 41, contains commercial and single family uses.

The petitioner is requesting a PDP(OP)/Planned Development Project (Office Professional) with limited C-1 (General Commercial) uses. The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses allowed with performance conditions include multifamily housing up to 16 units acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities.

R-1B (Residential) to PDP(OP) Planned Development Project (Office Professional) with limited C-1 (General Commercial) uses and a reduction in setbacks is appropriate, with performance conditions, based on the following conclusions:

1. The requested PDP(OP) Planned Development Project(Office Professional) with limited C-1 (General Commercial) uses would not encroach on the surrounding uses.
2. The petitioner has limited the C-1 uses to a 2,800 square foot restaurant, retail food stores, deli, and a bank with no drive-thru's. The limited uses will help minimize the intensity to the neighboring residential properties.
3. The petitioner must provide a 35' landscape buffer along Roosevelt Avenue, which will minimize the projects impact on the adjacent residential properties.

4. The proposed request 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 petitioner's request to rezone from PDP(OP) Planned Development Project (Office Professional) with limited C-1 (General Commercial) and a reduction in setbacks.

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 approved setbacks are as follows:
From US Hwy 41: 75'
From all other boundaries: per the PDP regulations
3. A minimum 35' enhanced landscape buffer with minimum 80% opacity will be required along Roosevelt Avenue.
4. Access will be limited to Palacky Street and Mudron Street. No access shall be permitted directly to US Hwy 41 from the subject site.
5. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not concurrent regarding the transportation impacts, the project will have the option of utilizing the requirements for proportionate fair share mitigation of development impacts.

6. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION: