

**STAFF REPORT**

Planning & Zoning Commission: September 11, 2006  
Board of County Commissioners: October 11, 2006

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**APPLICANT:** Main Street Investment Partners LLC **FILE NUMBER:** H-06-92

**PURPOSE:** Rezoning from AG (Agricultural) to PDP(GC)/ Planned Development Project (General Commercial) with a reduction in setbacks.

**GENERAL**

**LOCATION:** Located on the west side of Broad Street (US Hwy 41), approximately 1,120' south of Wiscon Road

**LEGAL**

**DESCRIPTION:** A portion of Section 33, Township 22 South, Range 19 East, Hernando County, FL

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

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

**STAFF FINDINGS:**

Surrounding Zoning

North: C/PDP, AG & City  
South: AG; C-1; C-2  
East: C1 & C2  
West: PDP

Surrounding Land Uses

Undeveloped; Lowes Home Improvement Center  
Commercial Center  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone the subject property from AG (Agricultural) to C-1 (General Commercial). If the request is approved, all of the uses allowed in the C-1 (General Commercial) zoning district would be allowed.

**FACTUAL INFORMATION**

1. The property is currently zoned AG (Agricultural).
2. The property comprises approximately 10 acres.
3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.

5. The subject property has access from Broad Street (US Hwy 41).
6. The subject property is located within an residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type are Nobleton Fine Sand, Blichton Loamy Fine Sand, Micanopy Loamy Fine Sand and Sparr Fine Sand.
8. The property is located in a flood zone C.
9. The subject property contains no wetlands, Special Protection Areas or Wellhead Protection Areas according to County data resources.
10. The subject property is located within the City of Brooksville's first right of refusal area.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by commercial development and vacant parcels.
13. The master plan submitted by the petitioner indicates a 75' setback from US 41 which is a deviation to the County's LDRs.

### **STAFF DISCUSSION**

The petitioner has submitted a master plan which indicates that 5 parcels will be created from this 10 acre tract. Access to the project is to Broad Street (US Hwy 41), with a frontage road which would connect into the existing Lowe's frontage road.

The plan indicates that two parcels are proposed along US 41, bisected by an entry drive which t's into the frontage road. Three additional parcels are proposed west of the frontage road, served by a cul-de-sac. A drainage retention area is depicted along the western boundary of a combined planned development project. The immediately adjacent areas were approved with multifamily development with an intervening buffer. Pursuant to County LDRs, if approved, any relocation of the Drainage Retention Area would constitute a substantial change to the master plan.

There is a full median opening along US 41 at VFW Road which is at the southeast portion of the project. The petitioner is proposing a right-in/right out to US 41 north of the median opening.

The County's transportation coordinator has reviewed the request and indicated no transportation related issues with the proposal.

The City of Brooksville has been notified of the request, no comments have yet been received.

The FDOT has been notified of the request, no comments have yet been received.

### **FINDINGS OF FACT**

The subject property is located in an area characterized by commercial development, and vacant parcels.

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 within a residential land use classification on the adopted Future Land Use Map.

The residential land use designation allows, with performance standards being met, multifamily housing up to 16 units per 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, office and professional, schools, hospitals and minor public facilities. The subject property is located immediately adjacent to the Lowe's Home Improvement Store. There is a frontage road constructed on the Lowe's property.

Policy 1.01O(4) of the adopted comprehensive plan states that Infill commercial development may be approved where existing areas having 300 feet or less frontage on arterial or collector roads lie between commercially zoned parcels on the same side of the road so that commercial use of the intervening property(ies) is the most logical land use. The depth of such infill commercial development shall be commensurate with the depth of existing commercial zoning on the proximate parcels which define the infill area. The parcel is approximately 300' wide. The existing C-1 (General Commercial) zoning to south is to a depth of approximately 475' from US 41. The subject property is approximately 1300' in depth. There is a DRA along the rear of the parcel, and then a lot indicated as Parcel D at the end of the proposed internal cul-de-sac. Parcel D should be zoned PDP(OP)(Office Professional) with the remaining lots in the development GC (General Commercial) to allow C-1 (General Commercial) uses to be consistent with the depth of the existing commercial uses. The request, as modified, would be consistent with the residential land use category and the applicable commercial infill policies in the adopted comprehensive plan.

The rezoning from AG (Agricultural) to PDP(GC)(General Commercial) and OP (Office Professional) with a reduction in setbacks is appropriate based on the following conclusions:

1. Approval of (General Commercial) zoning on parcels indicated as A, B, C and E is consistent with the policies in the adopted comprehensive plan relating to infill commercial zoning.
2. Approval of OP (Office Professional) on Parcel D and the remainder of the parcel is consistent with the residential future land use classification.

3. Approval of a reduction in setbacks along US 41 from 125' to 75' is appropriate given the provision of a frontage road.
4. Rezoning the property to PDP(GC)(General Commercial) and OP (Office Professional) with a reduction in setbacks 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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the rezoning from AG (Agricultural) to PDP(GC)(General Commercial) and OP (Office Professional) 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. Parcels identified as A, B, C and E on the master plan shall be approved as GC (General Commercial).
3. The parcel identified as D and the DRA shall be approved as OP (Office Professional).
4. Minimum setbacks approved as follows:  
from the internal access road and frontage road: 35'  
from the north: 20'  
from the south: 20'  
from the west: 20'  
from US 41: 75'
5. Minimum 10' wide natural buffers shall be maintained to the north of the Drainage Retention Area and parcel D, and to the west of the Drainage Retention Area.

6. The frontage road must be constructed at the time of development of the site and must align with the Lowe's frontage road to the north.
7. No access to US 41 to Parcels A and B are approved.
8. 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.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**