

STAFF REPORT

Planning & Zoning Commission: January 13, 2003

Board of County Commissioners: February 5, 2003

Board of County Commissioners: March 12, 2003

APPLICANT: Dr. Brian O'Sullivan **FILE NUMBER:** H-03-01

PURPOSE: Rezoning from Planned Development Project (Multifamily) to Office-Professional (OP) or Planned Development Project (Office-Professional)

GENERAL

LOCATION: South side of Northcliffe Boulevard, west side of Millwood Road

LEGAL

DESCRIPTION: Lot 3, Block 1148, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31 - 46, of the Public Records of Hernando County, Florida in Section 7, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)
South: PDP(MF)
East: PDP(OP)
West: PDP(OP)

Surrounding Land Uses

Undeveloped
MF
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from PDP(MF) to OP. The staff has included a request for PDP(OP) for consideration. The subject property is located on the south side of Northcliffe Boulevard and on the west side of Millwood Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF).
2. The property comprises approximately a half-acre.

3. The subject property is currently undeveloped.
4. The subject property has access from Northcliffe Boulevard and Millwood Road.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. 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 development.
7. The property is located in a flood zone C.
8. The subject property contains no wetlands, WHPAs or SPAs according to County data resources.
9. Florida Water Services has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by institutional and residential uses.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests rezoning the subject parcel from PDP(MF) to OP for office professional uses. The staff has included PDP(OP) for consideration. Permitted uses in the OP or PDP(OP) districts include day care centers, preschools, places of public assembly, business, professional and nonprofit office use, publicly owned or operated buildings, one single-family dwelling, charitable organizations and hospitals. The petitioner's narrative indicates no specific proposed uses for the site.

The adjacent lot to the west was rezoned from PDP(MF) to PDP(OP) in 2002 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, including receiving DRC approval for the proposed use.
2. The petitioner shall submit an artist's rendering of the proposed structure prior to the BCC hearing.

3. A 6' high buffer of 80% opacity shall be provided along the south property line.
4. The proposal is approved with access to Northcliffe Boulevard. In the future, access shall be provided through adjoining properties to the west to Landover Blvd and to the east to Millwood Road, provided the adjoining property owners agree to the connections; and the Northcliffe Blvd access shall then be removed.
5. Minimum setbacks approved as follows:

From Northcliffe Blvd:	50'
From east and west sides:	20'
From south:	20'
6. A site plan shall be submitted prior to the BCC hearing.
7. The structure on the subject property is limited to a one story height maximum.

The performance conditions included in the BCC's approval of the rezoning on the adjacent property to the west were designed to mitigate the impact of office-professional development on the multifamily properties to the east, west and south. The Planning staff is of the opinion that if the request is approved, the petitioner should be required to provide a site plan to the BCC before their hearing to demonstrate how development on the subject property will be compatible with the multifamily property to the south.

The minimum setbacks for multi-family development on the lot would be 25' for the front and rear, and 10' for the side yard. According to the Zoning Administrator, the minimum setbacks required for the special business/ commercial lots in Spring Hill are 50' in the front, 20' in the rear, and 0' on the side. The Planning staff would recommend that if the request is approved, the minimum setbacks required be similar to those approved on the property to the west. The staff recommends setbacks as follows: 50' from Northcliffe Boulevard, 35' from Millwood Road and 20' from the west and south lot lines.

Florida Water Services has indicated that central water and sewer are available to serve the subject site. However, the petitioner has proposed serving the site with central water and septic. The Planning staff is of the opinion that if the request is approved, the petitioner should be required to connect to central sewer service.

The petitioner did not submit a site plan for consideration. If the request is approved, the petitioner will have to meet all of the required LDRs, including appropriate parking, for the development.

The original Spring Hill Master Plan was laid out with various land uses which include commercial, residential (SF and MF), parks, community facilities and churches. The subject site is within the interior of an area originally defined as MF. However, the parcels to the west and east were rezoned in 2002 from PDP(MF) to PDP(OP). The BCC has indicated that the appropriate boundary for

office/professional uses along Northcliffe Boulevard could be extended to the west to Landover Boulevard, where a traffic signal is to be installed in 2003.

Spring Hill has established deed restrictions for this site. The deed restrictions on this lot would allow for multifamily uses only. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

Since the site is suitable for gopher tortoise habitat, there is the potential for this species of special concern to be present. A preliminary survey should be conducted to determine if any listed species are present. If any are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

The petitioner has proposed access to the site from Northcliffe Boulevard. The County Engineer has noted that Northcliffe Boulevard is scheduled to be widened to five (5) lanes within the next 12 months. The County Engineer has indicated that if the request is approved, access should be limited to full access from Millwood Road with no access from Northcliffe Boulevard.

FINDINGS OF FACT

The parcels to the west and east have been rezoned from PDP(MF) to PDP(OP). The parcels to the north are vacant and developed with single family dwellings. The parcel to the south is zoned for multifamily residential uses.

The subject property is located within the residential land use category on the adopted Future Land Use map. The mapping criteria of the Comprehensive Plan indicates that office/professional uses are allowable in the residential land use category with the appropriate land use approvals.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The parcels to the west and east were rezoned to PDP(OP) in 2002. The proposal's impact on the multifamily residential to the south would be mitigated with the provision of a vegetative buffer as required by the PDP rules.

It is the staff's opinion that the proposed use would not be incompatible with the surrounding area nor inconsistent with the County's adopted comprehensive plan.

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, which may include review by the Development Review Committee (DRC).

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 PDP(MF) to PDP(OP) 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, including review of the proposed use through the DRC process.
2. A site plan shall be submitted prior to the BCC hearing.
3. The site shall be served by central water and sewer service.
4. A 6'-high buffer of 80% opacity shall be provided along the south lot line.
5. No access to Northcliffe Boulevard is allowed.
6. Access shall be provided to the adjoining property to the west.
7. Minimum setbacks are approved as follows:

From Northcliffe Boulevard:	50'
From Millwood Road:	35'
From west lot line:	20'
From south lot line:	20'

P&Z RECOMMENDATION:

On January 13, 2003, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from PDP(MF) to PDP(OP) 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, including review of the proposed use through the DRC process.
2. A site plan shall be submitted prior to the BCC hearing.

3. The site shall be served by central water and sewer service.
4. A 6'-high buffer of 80% opacity shall be provided along the south lot line.
5. No access to Northcliffe Boulevard is allowed.
6. Access shall be provided to the adjoining property to the west.
7. Minimum setbacks are approved as follows:

From Northcliffe Boulevard:	50'
From Millwood Road:	35'
From west lot line:	20'
From south lot line:	20'

BCC ACTION:

On February 5 2003, the Board of County Commissioners voted 5-0 to postpone consideration of the petition until their March 12, 2003 hearing at 9:00 A.M to afford the petitioner time to provide a master plan for staff to review.

ADDITIONAL INFORMATION:

The petitioner has provided a master plan which reflects the recommended performance conditions. The master plan indicates access to Millwood Road and the parcel to the west. If the request is approved, the parking provided will have to meet the LDRs for the use.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2003-53 approving the rezoning from PDP(MF) to PDP(OP) 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, including review of the proposed use through the DRC process.
2. The site shall be served by central water and sewer service.
3. A 6'-high buffer of 80% opacity shall be provided along the south lot line.
4. No access to Northcliffe Boulevard is allowed.
5. Access shall be provided to the adjoining property to the west.

6. Minimum setbacks are approved as follows:

From Northcliffe Boulevard:	50'
From Millwood Road:	35'
From west lot line:	20'
From south lot line:	20'