

STAFF REPORT

Planning & Zoning Commission: May 12, 2003

Board of County Commissioners: June 11, 2003

APPLICANT: Edward Young **FILE NUMBER:** H-03-25

PURPOSE: Rezoning from PDP(MF)/(Multifamily) to PDP(OP)/(Office-Professional)

GENERAL

LOCATION: South side of Forest Oaks Boulevard, approximately 2500 feet west of Deltona Boulevard

LEGAL

DESCRIPTION: A portion of Section 14, Township 23 South, Range 17 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 1

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)
South: PDP(SF)
East: PDP(Community Service)
West: PDP(SF)

Surrounding Land Uses

Single family
Single family
Stage West Community Playhouse
Single family

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone from PDP(MF) to PDP(OP). The subject property is located on Forest Oaks Boulevard, approximately 2500 feet west of Deltona Boulevard.

FINDINGS OF FACT

1. The property is currently zoned PDP(MF).
2. The property comprises approximately 2.75 acres.
3. The site is currently vacant.
4. The subject property has access from Forest Oaks Blvd.

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 alterations.
7. The property is located in a flood zone C.
8. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
9. There are adequate public facilities available to serve the subject property.
10. The area is predominately single family residential to the north, south and west with commercial and institutional uses to the east.
11. 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 PDP(OP). Permitted uses in the PDP(OP) district 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.

In 2001, the BCC approved the rezoning of the property from C/PDP (Community Service) to PDP(MF) 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 project shall be approved with a maximum of 24 multifamily units on this 2.75 acre parcel.
3. Development of the site shall maintain the following minimum setbacks and buffers:

Minimum setbacks:	N: 50'	Minimum buffers:	N: 25'
	S: 50'		S: 25'
	E: 10'		E: 5'
	W: 35'		W: 25'
4. There shall be a minimum 15-foot separation distance between buildings.

5. The required buffer along the west and south boundaries of the property shall remain in its natural state to provide an opaque screen to the neighboring single family residential uses.
6. The petitioner shall use drought tolerant native plants in the interior landscaping of the site.
7. The petitioner shall use outdoor lighting that neither contributes to light pollution nor shines directly onto neighboring properties.
8. The petitioner shall submit a revised plan within thirty (30) days after the Board of County Commissioners hearing indicating compliance with zoning conditions or zoning shall be null and void.
9. An opaque fence or wall six foot in height shall be constructed along the west and south boundary of the property.
10. The project shall be approved with one driveway on Forest Oaks Boulevard.
11. All lots must meet the Florida Yards and Neighbors program standards and shall develop to the standards of the County's Landscape Ordinance when adopted.

NOTE: The Developer must offset the wall five feet from the property line to provide for the wall's maintenance and further the Developer shall provide one trash receptacle in the northeast corner of the property pursuant to the Developer's representations at the public hearing.

The petitioner's narrative proposes developing the site with an office complex. The master plan submitted indicates five 3,000 square foot office buildings and one 5,000 square office building at the rear of the property.

If the request is approved, the minimum setbacks required will be 75' from the front lot along Forest Oaks Boulevard, 20' from the side lot lines and 35' from the rear lot line. The narrative and master plan propose to meet these minimum setback requirements.

A vegetative buffer is indicated along the west lot line and partially along the east lot line. The PDP rules require vegetative buffering of non-residential PDPs adjacent to residential uses. Single family development is located along the west and south lot lines. The narrative incorrectly indicates a platted ROW is located on the south side of the property. If the request is approved, buffers meeting the PDP rules must be provided. The submitted master plan was not reviewed for meeting the parking requirements. If the request is approved, the petitioner will have to provide the minimum parking spaces required per the LDRs.

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 submitted master plan shows two driveways accessing Forest Oaks Boulevard. The County Engineer recommends that if the request is approved, only one access to Forest Oaks Boulevard be allowed, consistent with the prior approval of multifamily zoning on the property.

FINDINGS OF FACT

The surrounding area is characterized by single family residential, commercial and institutional uses. Single family residential development is located to the north, west and south of the subject property. Commercial and institutional uses are located to the east of the subject property. Stage West Community Playhouse is located adjacent to the property on the east side. Further to the east on the north side of Forest Oaks Boulevard is a church; a post office and a strip shopping center are located at the intersection with Andy Pella Drive. On the east side of the Stage West Community Theater is a 4-acre vacant parcel rezoned in 1993 to C/PDP(Multifamily), with a maximum of 35 units allowed.

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 subject property is adjacent to an area zoned for and characterized by single family residential development to the west, and institutional to the east. The Planning staff is of the opinion that office-professional zoning is generally not appropriate located adjacent to single family uses.

It is the staff's opinion that the proposed zoning would not be compatible with the surrounding single family residential development area and would not be consistent 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 deny the petitioner's request to rezone from PDP(MF) to PDP(OP).

P&Z RECOMMENDATION:

At their May 12, 2003 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. Multifamily and office professional uses have similar impacts on single family uses.
2. The traffic generated by office professional uses is similar to that generated by multifamily uses.

The Planning & Zoning Commission found that office professional uses would not be incompatible with the surrounding land uses and not inconsistent with the Comprehensive Plan if approved with performance conditions. The P&Z voted 3-2 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. An opaque fence or wall six foot in height shall be constructed along the west and south boundary of the property.
3. The petitioner shall provide landscaping as required by County ordinances.
4. The petitioner shall meet with the neighboring property owners and show them their proposed master plan.
5. The project shall be approved with one driveway on Forest Oaks Boulevard.
6. The petitioner shall submit a revised master plan prior to the BCC hearing.

NOTE:

The petitioner submitted a revised plan on May 30, 2003. The revised plan indicates a 35' setback from the west lot line, a 50' setback from the south lot line and a 10' setback from the east lot line. The minimum side setback for the PDP(OP) category is 20', no deviation was requested; consequently, the petitioner would have to meeting a minimum 20' setback from the east lot line. The revised plan indicates 35' landscaped buffers from the west and south lot lines and a 5' landscaped buffer from the east lot line. The Planning staff does not object to the proposed buffers. The revised site plan indicates a 6' fence with landscaping along the west and south lot lines. During the 2001 public hearing, the applicant agreed to construct a 6' high decorative block wall along the west and south property lines adjacent to residential. The revised plan indicates 15,000 square feet of office space; the original plan indicated 20,000 square feet of office space. The revised plan indicates two possible future connections

to the Stage West property to the east. The Planning staff does not object to potential future interconnections with the property to the east.

The Planning staff recommends if the request is approved, the BCC consider 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. Development of the site shall maintain the following minimum setbacks and buffers:

Minimum setbacks:	N:	75'	Minimum buffers:	N:	per ordinance
	S:	35'		S:	25'
	E:	20'		E:	per ordinance
	W:	35'		W:	25'
3. There shall be a minimum 15-foot separation distance between buildings.
4. The required buffer along the west and south boundaries of the property shall remain in its natural state to provide an opaque screen to the neighboring single family residential uses.
5. The petitioner shall submit a revised plan within thirty (30) days after the Board of County Commissioners hearing indicating compliance with zoning conditions or zoning shall be null and void.
6. A decorative block wall or vinyl fencing shall be constructed along the west and south boundaries of the property. The wall or fence must be six (6') feet in height and be offset five feet from the property line to provide for the wall's maintenance.
7. The project shall be approved with one driveway on Forest Oaks Boulevard.

BCC ACTION:

At their June 11, 2003 hearing, based on the information provided, the BCC made the following findings:

1. Multifamily and office professional uses have similar impacts on single family uses.
2. The traffic generated by office professional uses is similar to that generated by multifamily uses.

The BCC found that office professional uses would not be incompatible with the surrounding land uses and not inconsistent with the Comprehensive Plan if approved with performance conditions. The BCC

voted 5-0 to adopt Resolution #2003-175 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 receiving DRC approval for the proposed use.
2. Development of the site shall maintain the following minimum setbacks and buffers:

Minimum setbacks:	N:	75'	Minimum buffers:	N:	per ordinance
	S:	35'		S:	25'
	E:	20'		E:	per ordinance
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3. There shall be a minimum 15-foot separation distance between buildings.
4. The required buffer along the west and south boundaries of the property shall remain in its natural state to provide an opaque screen to the neighboring single family residential uses.
5. The petitioner shall submit a revised plan within thirty (30) days after the Board of County Commissioners hearing indicating compliance with zoning conditions or zoning shall be null and void.
6. A decorative block wall or vinyl fencing shall be constructed along the west and south boundaries of the property. The wall or fence must be six (6') feet in height and be offset five feet from the property line to provide for the wall's maintenance.
7. The project shall be approved with one driveway on Forest Oaks Boulevard.
8. The office buildings shall be one story in design and appearance with no outside wall greater than 10' in height. If attic storage is utilized, no windows or occupancy shall be allowed in those storage areas.