

**STAFF REPORT**

Planning & Zoning Commission: May 12, 2003

Board of County Commissioners: June 11, 2003

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**APPLICANT:** Sabato Devito **FILE NUMBER:** H-03-27

**PURPOSE:** Rezoning from R-1C (Residential) to OP (Office Professional) or PDP(OP)/(Office-Professional)

**GENERAL**

**LOCATION:** South side of Chaucer Drive, approximately 1,000 feet southwest of River Country Drive

**LEGAL**

**DESCRIPTION:** Lots 2 & 3, Block 2, River Country Estates, as per plat thereof recorded in Plat Book 17, Pages 1-7, of the Public Records of Hernando County, Florida in Section 3, Township 23 South, Range 17 East

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 1 AGAINST: 9 PETITION AGAINST: 1 with 3 signatures

**STAFF FINDINGS:**

Surrounding Zoning

North: R-1C, C-1  
South: R-1C, C-2  
East: C-1  
West: R-1C

Surrounding Land Uses

Single family, undeveloped, office park  
Commercial, single family, undeveloped  
Office park  
Single family

**SUMMARY OF REQUEST**

The petitioner proposes rezoning from R-1C to OP. The Planning staff has included PDP(OP) for consideration. The subject property is located on the south side of Chaucer Drive, approximately 1,000 feet southwest of River Country Drive.

**FACTUAL INFORMATION**

1. The property is currently zoned R-1C.
2. The property comprises approximately 1.5 acres.

3. The site is currently undeveloped.
4. The subject property has access from Chaucer Drive, a local street.
5. The subject property is located within residential and commercial land use classifications 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 subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by single family dwellings, office-professional and commercial uses and undeveloped lots.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner requests rezoning the subject parcel from R-1C to OP for office professional uses. Permitted uses in the 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 Planning staff has included PDP(OP) for consideration.

If the request is approved, development on the site would have to comply with the County LDRs regarding setbacks, buffering, signage and parking. The petitioner has not provided a master plan. A platted utility easement is located between the two lots that are the subject property. If the request for rezoning is approved, a vacation of the easement will have to be approved in order to develop the two lots together.

Hernando County Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. The Planning staff is of the opinion that if the request is approved, the petitioner should be required to connect to central water service.

River Country Estates has established deed restrictions for this site. The deed restrictions on this lot would allow for single family residential 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 access to Chaucer Drive. No access points are indicated on the site plan provided. If the request is approved, access must be provided to Chaucer Drive in a manner meeting the County LDRs.

The County Health Department indicates that it will have jurisdiction over the onsite sewage treatment and disposal system (OSTDS).

SWFWMD and the Gulf Coast Conservancy have been notified of the petition; no responses have yet been received.

### **FINDINGS OF FACT**

The surrounding area is characterized by single family dwellings, office-professional and commercial uses and undeveloped lots. The subject property is located within River Country Estates and is accessed via Chaucer Drive in a neighborhood that includes single family dwellings, an office park and undeveloped lots. The existing office park located to the east of the subject property has primary access via Chaucer Drive and Beryl Road. Single family dwellings are located to the north and west of the subject property.

The generalized mapping of the County's adopted Future Land Use Map indicates the subject property is located within the residential and commercial land use categories. 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. The adopted Future Land Use Map anticipates commercial land uses oriented to US 19 in this area. The subject property does not have access to US 19.

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 Planning staff is of the opinion the proposed use would be an

encroachment of an incompatible use because access to the subject property is limited to Chaucer Drive, which primarily serves a single family residential area.

It is the staff's opinion that the proposed use would not be compatible with the surrounding single family residential development and would be 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 deny the petitioner's request to rezone from R-1C to OP.

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners deny the petitioner's request to rezone from R-1C to OP.

**BCC ACTION:**

The BCC voted 5-0 to deny the petitioner's request to rezone from R-1C to OP.