

STAFF REPORT

Planning & Zoning Commission: June 9, 2003

Board of County Commissioners: July 9, 2003

APPLICANT: Lourdes S. Lozano **FILE NUMBER:** H-03-29

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

GENERAL

LOCATION: North side of Jefferson Street, west side of Live Oak Drive

LEGAL

DESCRIPTION: A portion of Section 26, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Single family
Single family, undeveloped
Single family, undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1B to OP. The Planning staff had included PDP (OP) for consideration. The subject property is located on the north side of Jefferson Street and on the west side of Live Oak Drive.

FACTUAL INFORMATION

1. The property is currently zoned R-1B.
2. The property comprises approximately a third of an acre.
3. The site has been developed with a single family house.

4. The subject property has access from Live Oak Drive and Jefferson Street.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
6. The on-site soil type includes Blichton loamy fine sand.
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 subject property is served by central water and septic.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by single family homes, commercial uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from R-1B to OP in order to operate a financial services office on the premises. Business offices are a permitted use in the OP district.

A single family house is located on the property. If the request is approved, the building will have to be upgraded to meet applicable commercial development requirements, and paved parking meeting the commercial development requirements will have to be provided. If the request is approved the existing building will have nonconforming setbacks for the OP district. Any new buildings on the property will have to meet the required setbacks, which may require a variance for a reduction in setbacks, due to the small size of the parcel. Commercial lots adjacent to residential districts are required to provide 5' landscaped separation strip with a screening consisting of a wall, hedge or other approved enclosure.

The property currently has paved access from Live Oak Drive. The County Engineer has indicated that if the request is approved, access should be limited to Live Oak Drive.

The petitioner has indicated the subject property is served by central water and septic. The City of Brooksville Public Works Department has indicated the nearest existing sewer line is located approximately 3,500' to the west of the subject property.

The City of Brooksville Community Development Department and the FDOT have been informed of the request; no responses have yet been received.

FINDINGS OF FACT

The subject property is located within the commercial land use classification on the County's adopted Future Land Use Map. Office professional uses are allowed in the commercial land use category. The subject property is located in the center of a commercial nodal area located west of the Jefferson Street/Cortez Boulevard/Jasmine Drive intersection.

The surrounding area is characterized by single family homes, commercial uses and undeveloped parcels. 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 minimal intensity of OP land uses and the provision of a minimum 5' vegetative buffer along the east and north lot lines would minimize the impact on the single family residential uses to the east, west and north. However, due to the County Engineer input regarding limiting access to the site, it is the staff's position that PDP(OP) is more appropriate for this site.

It is the staff's opinion that approving the rezoning to PDP(OP) with performance conditions 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 R-1B 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. Access shall be restricted to Live Oak Drive.

P&Z RECOMMENDATION:

On June 9, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from R-1B 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. Access shall be restricted to Live Oak Drive.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2003-197 approving the rezoning from R-1B 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. Access shall be restricted to Live Oak Drive.