

STAFF REPORT

Planning & Zoning Commission: June 9, 2003

Board of County Commissioners: July 9, 2003

APPLICANT: Steven L. Mayo and Deborah K. Mayo **FILE NUMBER:** H-03-30

PURPOSE: Rezoning from PDP(SF)/(Single Family) to PDP(OP)/(Office Professional)

GENERAL

LOCATION: West side of Deltona Boulevard, north side of Spring Hill Drive

LEGAL

DESCRIPTION: Lots 11 & 12, Block 304, Spring Hill, Unit 7, as per plat thereof recorded in Plat Book 8, Pages 11-24, of the Public Records of Hernando County, Florida in Section 27, Township 23 South, Range 17 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(SF)

Single family

South: PDP(MF)

Single family

East: PDP(SF)

Single family

West: PDP(MF)

Single family

SUMMARY OF REQUEST

The petitioner requests a rezoning from PDP(SF) to PDP(OP). The subject property is located on the west side of Deltona Boulevard and on the north side of Spring Hill Drive.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately a half-acre.
3. The site is developed with a single family house and a parking lot.
4. The subject property has access from Deltona Boulevard and Spring Hill Drive.

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 sands. The soils and habitat are 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 a WHPA-2, but no wetlands or SPAs according to County data resources.
9. Florida Water Services has indicated that central water, but not sewer, is available to serve the subject site.
10. There are adequate public facilities available to serve a limited development on the subject property.
11. The surrounding area is developed with single family and multifamily residential development.
12. The petitioner has not requested any deviations to the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from PDP(SF) to PDP(OP). The subject property is currently developed with a single family house and a parking lot.

Permitted uses in the PDP(OP) district include day care centers, preschools, places of public assembly, business, professional and nonprofit office uses, publicly owned or operated buildings, single-family dwelling units in conjunction with the operation of a business, charitable organizations and hospitals.

The BCC denied a request to rezone the southern lot of the subject property to OP or PDP(OP) in 2002, because the quarter-acre subject property was too small to adequately provide parking to meet commercial standards and too small to provide acceptable access to Deltona Boulevard. A request to rezone the southern lot (Lot 12) of the subject property from PDP(Single-Family) to PDP(Commercial) was denied 4-0 by the BCC in 1984.

The subject request includes two platted residential lots. The northern lot of the subject property was previously used as a parking area for model homes. The proposed access to the subject request is via the northern lot. The access point is 150' from the intersection of Spring Hill Drive and Deltona Boulevard which is consistent with the County LDRs.

The site plan provided shows the existing parking lot located on the north lot of the subject property. The diagram indicates thirteen (13) parking spaces provided, one of which is a handicapped space. The LDRs require office professional uses to provide four (4) spaces per 1,000 square feet of building area and medical office uses an additional three (3) spaces per doctor. If approved, the required amount of parking area must be provided.

A medical office, which is an allowable use in the OP district, generates approximately seven (7) times the traffic of a single family home. The Planning staff expressed concern during the 2002 rezoning request that a potentially significant traffic generator on this small lot so close to the Deltona Boulevard/Spring Hill Drive intersection would be inappropriate.

The development regulations indicate the required perimeter setbacks for the PDP (Office/Professional) and OP categories are 75' for the front yard, 20' for the side yard and 35' for the rear yard. Commercial lots next to residential districts are required to maintain a 35' side yard setback adjacent to the residential district, a 5' landscaped separation strip and a 5' to 8' permanent screen (such as a wall, hedge, and/or other approved enclosure). At the time of the staff's visit to the subject property, a fence was being constructed; however, it was not completed. The petitioner should be required to provide a fence along the north and west boundaries of the subject property adjacent to the residential uses. The petitioner proposes using the existing structure for the proposed office/professional use. The existing structure was built to meet residential setbacks; consequently, it does not comply with office-professional setbacks. The existing structure was built as a residence; if approved, the structure will have to be upgraded to meet minimum applicable commercial standards.

The subject site is located within a platted single family residential area. There are established deed restrictions for the subject site. The deed restrictions indicate the lot is to be developed with a detached single family dwelling. Although the County does not enforce deed restrictions, it does take such deed restrictions into consideration in determining the character of the area.

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 located in an area defined as SF located adjacent to an area defined as MF. Over time, some of the land use areas are transitioning from the original layout. In the vicinity of the subject property, several rezonings to office professional uses have occurred over the past several years.

The County Engineer has indicated that access to Deltona Boulevard should be restricted to a right-out only. To ensure left-in/left-out movements are restricted, a raised barrier would be required. Final design and approval would be by the County Engineer. Additionally, the existing driveway to Spring Hill Drive should be removed.

The County Health Department notes that an OSTDS (septic tank system) will be required for the project; the owner will be required to apply for such permit to verify compliance with States codes.

The site falls within a WHPA 2, as defined in the Groundwater Protection Ordinance. The proposed uses allowed in the OP district are allowable within the WHPA 2 designation.

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 of the undisturbed areas 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.

FINDINGS OF FACT

The subject property is located in a residential land use classification on the adopted Future Land Use Map. Offices and professional uses are allowable land uses in the residential land use category, with the appropriate land use approval.

The petitioner's site plan shows the existing single family structure on the southern lot and the existing parking lot with access to Deltona Boulevard. There is an existing driveway to Spring Hill Drive to serve the SF residence which would be required to be removed if the request is approved.

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 located at the intersection of two collector roadways. Property to the west is developed with a single family home; although it is zoned multifamily. The surrounding properties are developed with single family homes, with multifamily development to the south. Several rezonings to office professional have been approved proximate to the subject site.

The staff recommends approval of the petitioner's request because it is the staff's opinion the proposed request would not be inconsistent with the adopted Comprehensive Plan nor incompatible with the surrounding area with performance standards.

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, 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 petitioner's request to rezone the subject site from PDP(SF) to PDP(OP) with the following performance standards:

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. One access to Deltona Boulevard is approved. It shall be restricted to a right-in/right-out and designed to meet County Engineer approval. The existing driveway to Spring Hill Drive shall be removed.
3. The petitioner shall provide a fence, a minimum of 5' high fence along the north and west boundaries of the subject property.

P&Z RECOMMENDATION:

On June 9, 2003, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone the subject site from PDP(SF) to PDP(OP) with the following performance standards:

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. One access to Deltona Boulevard is approved. It shall be restricted to a right-in/right-out and designed to meet County Engineer approval. The existing driveway to Spring Hill Drive shall be removed.
3. The petitioner shall provide a fence, a minimum of 5' high fence along the north and west boundaries of the subject property.

NOTE: Because the subject request proposes only one access point to Deltona Boulevard, the Planning staff recommends that if the BCC approves the rezoning request, condition #2 be reworded as follows: "One access to Deltona Boulevard is approved. It shall be restricted to a right-in/right-out and designed to meet County Engineer approval."

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2003-201 approving the petitioner's request to rezone the subject site from PDP(SF) to PDP(OP) with the following performance standards:

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. One access to Deltona Boulevard is approved. It shall be restricted to a right-in/right-out and designed to meet County Engineer approval.
3. The petitioner shall provide a fence, a minimum of 5' high fence along the north and west boundaries of the subject property.