

STAFF REPORT

Planning & Zoning Commission: January 12, 2004
Board of County Commissioners: February 11, 2004

APPLICANT: Lawrence E. Reynolds and **FILE NUMBER:** H-04-02
Mary F. Reynolds, as Trustees

PURPOSE: Rezoning from PDP(SU)/(Special Use) to PDP(SF)/(Single Family)

GENERAL

LOCATION: West side of Waterfall Drive, west of Faith Court, east side of Eden Circle

LEGAL

DESCRIPTION: Tract F, Spring Hill, Unit 6, as per plat thereof recorded in Plat Book 8, Pages 1 - 10, of the Public Records of Hernando County, Florida in Section 35, Township 23 South, Range 17 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 4

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(SF)

Single family

South: PDP(SF)

Single family

East: PDP(SF)

Single family, undeveloped

West: PDP(SF)

Single family

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(SU) to PDP(SF). The subject property is located on the west side of Waterfall Drive, west of Faith Court and east side of Eden Circle.

FACTUAL INFORMATION

1. The subject property is a platted tract in Spring Hill, Unit 6.
2. The property is currently zoned PDP(SU); the Spring Hill Master Plan indicates the property is designated as a landscape area.
3. The property comprises approximately 0.42 acres.

4. The site is undeveloped.
5. The subject property has access from Waterfall Drive and Eden Circle.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family homes and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes rezoning the subject property from PDP(SU) to PDP(SF) in order to develop the site with a single family home. The property is designated as a landscape tract on the Spring Hill Master Plan. The property has not been developed. The property serves as green space for the surrounding residential neighborhood.

The petitioner proposes orienting a house on the property with the front door facing Waterfall Drive and a driveway accessing Waterfall Drive. The PDP rules require residential PDPs to have setbacks as follows: 25' front, 10' side and 20' rear. The subject property is surrounded by roadways; therefore, 25' minimum setbacks around the perimeter would be required if the rezoning request is allowed.

The Utilities Department has indicated central water, but not sewer, is available to serve the subject site.

The County Health Department has indicated that if the request is approved, the petitioner will have to apply for the appropriate permits.

The subject property lies within a WHPA-2 for a public supply well. The proposed land use is allowed within this designation.

The original Spring Hill Master Plan was laid out with various land uses which include commercial, residential (SF and MF), parks, community facilities, churches and landscape/open space areas. The original layout provides for separation between uses and defined boundaries.

The County Engineer indicates that if the request is approved, the driveway should access Eden Circle, not Waterfall Drive. The Planning staff is of the opinion that if the request is approved, the primary facade and the driveway should be oriented towards Eden Circle and a minimum 5' separation strip, containing a fence or vegetative buffer, should be located along the Waterfall Drive frontage.

The Hernando County School Board has no objections to the request. The rezoning will not impact the student population of the school district.

The Pasco County Zoning/Code Compliance Administrator has indicated she has no objections to the request.

FINDINGS OF FACT

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses that may be allowed in this category, meeting the goals, objectives and policies of the Comprehensive Plan, include single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers.

The area is characterized by single family homes and undeveloped lots.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion that the surrounding residential neighborhood benefits from the presence of this landscaped tract and that developing a residence on the subject property would be destructive to the character and integrity of the surrounding residential neighborhood. The Planning staff is of the opinion that the proposed residence would not be compatible with the surrounding SF development because it would be visible from all sides. The property is surrounded by roadways; the tract has no side or rear lot lines.

Goal 7.04 indicates that the County shall ensure that open space is adequate to provide for good environmental quality and an aesthetically attractive county. The Planning staff is of the opinion

that the green space provided on the subject property should be preserved for its environmental and aesthetic benefits consistent with the original layout of Spring Hill.

The Planning staff is of the opinion that the request for rezoning from PDP(Special Use) to PDP(Single Family) should be denied, based on the following conclusions:

1. The proposed rezoning will be neither compatible with the surrounding area nor consistent with the Comprehensive Plan because the request reduces the landscape/open space area designated on the original Spring Hill Master Plan which provided for separation between uses and defined land use boundaries.
2. Open space provided to benefit the surrounding residential neighborhood should be preserved.

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 deny the petitioner's request to rezone from PDP(SU) to PDP(SF).

P&Z RECOMMENDATION:

On January 12, 2004, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners deny the petitioner's request to rezone from PDP(SU) to PDP(SF).

BCC ACTION:

The BCC voted 4-0 to adopt resolution 2004-41 denying the petitioner's request to rezone from PDP(SU) to PDP(SF).