

## **STAFF REPORT**

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**HEARINGS:** Planning & Zoning Commission: November 10, 2008  
Board of County Commissioners: December 10, 2008

**APPLICANT:** Rubicon Partners, LLC

**FILE NUMBER:** H-05-07

**REQUEST:** Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) with a reduction in setbacks

### **GENERAL**

**LOCATION:** North side of Mariner Boulevard, approximately 445' north of Hearth Road

### **LEGAL**

**DESCRIPTION:** Lot 23-25, Block 1120, Spring Hill, Unit 17, as per plat thereof recorded in Plat Book 9, Pages 31, of the Public Records of Hernando County, Florida in Section 32 Township 23 South, Range 17 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

### **CITIZEN**

**RESPONSE:** Correspondence received as of the date of this report? Yes  No

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### **APPLICANT'S REQUEST:**

The petitioner is requesting the rezoning of three (3) Spring Hill residential lots, totaling approximately 0.79 acres in size, from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) with a reduction in setbacks. It is the petitioner's intent to develop the subject sites into a unified office professional development with two (2), 3,250 square foot single story buildings and associated parking.

On March 9, 2005, the Board of County Commissioners postponed the request to rezone from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) with specific C-1 uses and a reduction in setbacks to a future date. Subsequently, the petitioner's application has been revised to modify the proposed master plan and delete the request for separate C-1 uses.

**SITE CHARACTERISTICS:**

**Site Size:** 0.79 acres

**Surrounding Zoning;  
Land Uses:** North: PDP(SF); Undeveloped  
South: PSF; Telecommunication Substation  
East: PDP(SU) & PDP(GC); Commercial & Church  
West: PDP(SF); Drainage Retention Pond

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Hydrologic  
Features:** The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

**Protection  
Features:** The site contains no Well Head Protection Areas (WHPA) according to County data resources.

**Habitat:** Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

**Comments:** A comprehensive wildlife survey shall be conducted in order to identify the listed species present on the property. The listed species present on-site may require a Florida Fish and Wildlife Conservation Commission (FWC) permit

prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

**UTILITIES REVIEW:**

The Utilities Department has indicated that central water and sewer capacity are available to serve the project. There is an 8-inch water line located on the west side of Mariner Blvd, and an 8-inch force main located on the east side. There is an 8-inch gravity sewer line down the middle of Mariner Blvd.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits.

**ENGINEERING & TRANSPORTATION REVIEW:**

The petitioner has indicated that access will be by a single driveway onto Mariner Boulevard that will be aligned with Libby Road.

The County Engineer has reviewed the request and indicated no concerns.

**LAND USE REVIEW:**

Proposed Building Setbacks:

Mariner Blvd:	125'
North (side):	50'
South (side):	5' (adjacent to Telecommunication Substation PSFOD)
Rear:	35'

The petitioner's request for a reduction in setbacks adjacent to the PSFOD (Telecommunication Substation) is not adverse to public interest.

The plan submitted depicts a 35' landscape buffer along the rear, against an existing drainage retention pond and a 50' landscape buffer along the north against an undeveloped residential lot. Seventy-five percent (75%) of the subject property's rear property line is adjacent to a large drainage retention pond which will further provide a buffer against the residential land uses to the north. If the request is approved, the petitioner must maintain the landscape buffers as open space at a minimum 80% opacity.

The plan illustrates the location of the parking for the Office Professional, however a specific number of spaces has not been indicated. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must provide full cutoff fixtures and retain all light on site to prevent any light spillage into neighboring residential uses.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial, residential and undeveloped parcels. The subject property is located within the Residential land use classification on the adopted Future Land Use Map. The residential land use category allows office professional land uses with appropriate performance conditions.

**Policy 1.01A(9)** The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

*Comment:* The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

**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.

*Comment:* Due to the location, surrounding uses and proposed buffer, the request would provide a feasible transition from the commercial development to the south. The proposed 50' buffer will also provide a definitive boundary for the extent of the nonresidential development. In addition, this particular site is located across Mariner Boulevard from a church and retail center, and is separated from existing residential lots to the rear by a large retention area.

Any approval should include appropriate performance conditions to address potential negative impacts from the development. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance and as indicated by the petitioner, where residential lots abut the subject property. The vegetative buffer may

include berms, fences, or walls. The petitioner is proposing a dedicated 50' landscape buffer along the north adjacent to the undeveloped residential parcel.

Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) with a reduction in setbacks with a reduction in setbacks is appropriate based on the following conclusions:

1. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. Office Professional use is consistent with the Residential Land Use classification on the adopted Future Land Use Map.
3. The proposed 50' landscape buffer provides for a transitional zone from the commercial along the south and the residential uses along the north.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*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.*

*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 RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) with a reduction in setbacks with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either

- construction or use of the property, and complete all applicable development review processes.
2. Setbacks are approved as indicted on the master plan.
  3. Access to Mariner Boulevard is approved as indicated on the master plan and shall align with Libby Road.
  4. Office Professional uses shall be limited to a maximum of 6,500 square feet for the site, and shall be limited to one (1) story in height.
  5. The proposed landscape buffers shall be preserved as a natural vegetation and enhanced to 80% opacity as indicated on the master plan.
  6. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
  7. The developer shall meet the County's LDR minimum design requirements for commercial development.
  8. All onsite lighting must provide for full cutoff fixtures and retain all light on site to prevent any light spillage into neighboring residential uses.
  9. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.