

STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006

APPLICANT: David Moreno and Doris Cifuentes Moreno **FILE NUMBER:** H-05-118

PURPOSE: Rezoning from R-1C (Residential) to OP (Office Professional)

GENERAL

LOCATION: West side of Barclay Avenue, north side of Bock Lane

LEGAL

DESCRIPTION: A portion of Section 34, Township 22 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 1

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: C-2, PDP(GC) with a C-2 use
South: R-1C
East: PDP(MF)
West: R-1C

Commercial
Single family
Multifamily
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from R-1C to OP. The subject property is located on the west side of Barclay Avenue and the north side of Bock Lane.

FACTUAL INFORMATION

1. The property is currently zoned R-1C.
2. The property comprises approximately 1.5 acres.
3. The site contains a single family house.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Barclay Avenue and Bock Lane.

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 and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, single family residential and multifamily residential uses, and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a rezoning from R-1C to OP in order to develop the site with a medical office. The site has been developed with a single family house. The petitioner proposes tearing down the house and redeveloping the site with a 11,880 square foot office building. The plan provided meets the PDP rules for setbacks for commercial development. The plan shows a 10' vegetated buffer along the western property line adjacent to a single family lot; the PDP rules require minimum 5' buffers between non-residential PDP land uses and residential uses external to the PDP. If the request is approved, the Planning staff is of the opinion the petitioner should provide the 10' buffer as shown on the plan.

The master plan provided indicates 71 parking spaces on the site. County development regulations require the petitioner provide 4 parking spaces per 1000 square feet of office area plus 3 spaces per doctor/dentist/therapist. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 10" water line is located on the east side of Barclay Avenue. A gravity sewer manhole is located at the northeast corner of the subject property. A 4" force main is located on the east side of Barclay Avenue. The applicant will have to connect to water and/or sewer if they meet

the connection standards of the applicable ordinances at the time they apply for development permits.

The subject property has access to Barclay Avenue and Bock Lane. The County Engineer indicates that if the request is approved, access shall be limited to Bock Lane and the petitioner shall provide approximately 70' additional ROW along Barclay Avenue, as required per the PD&E study for Barclay Avenue improvements. The County Engineer indicates the Cortez Boulevard/Barclay Avenue intersection currently operates at LOS D.

The subject property lies within a Wellhead Protection Area-2 (WHPA-2) according to County data resources. The proposed use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by commercial, single family residential and multifamily residential uses, and undeveloped lots. The subject property is located on the edge of a single family neighborhood. The Brookview Villas apartment complex is located to the east of the subject property, across Barclay Avenue. An RV dealership is located to the north of the subject property.

The subject property is located generally within the residential land use classification on the adopted Future Land Use Map. The residential land use category allows office professional land uses with performance conditions being met.

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 in a single family residential subdivision. The Planning staff is of the opinion that the proposed office professional uses would be an encroachment of incompatible uses destructive to the character and integrity of the residential environment in the area.

The staff is of the opinion that rezoning from AG to PDP(OP) is inappropriate, based on the following conclusions:

1. Office professional zoning would be incompatible with the surrounding land uses.
2. Office professional zoning would be inconsistent with the 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 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.

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 # _____ denying the rezoning from R-1C to PDP(OP).

P&Z RECOMMENDATION:

The Planning and Zoning Commission made the following findings based on information provided at the hearing:

1. Office professional zoning would act as a transition between the commercial zoning and the single family zoning.
2. The proposed rezoning with performance conditions is compatible with the surrounding land uses.
3. The proposed rezoning is consistent with the County's adopted Comprehensive Plan.

At the December 12, 2005 meeting, the Planning and Zoning Commission voted 3-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a rezoning from R-1C 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, and complete all applicable development review processes.
2. The development shall have access to Bock Lane and the future frontage road to the north.
3. The site shall be connected to central water and sewer.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-21 denying the petitioner's request for a rezoning from R-1C to PDP(OP).