

**STAFF REPORT**

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

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**APPLICANT:** Mohan Kutty **FILE NUMBER:** H-05-14

**PURPOSE:** Rezoning from PDP(SF)/ Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional)

**GENERAL**

**LOCATION:** South side of Spring Hill Drive, approximately 625' east of Glenridge Drive

**LEGAL**

**DESCRIPTION:** Lots 7- 9, Block 687, Spring Hill, Unit 11, as per plat thereof recorded in Plat Book 8, Pages 67 -73, of the Public Records of Hernando County, Florida in Section 21, Township 23 South, Range 18 East

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 4  
PETITION OF OPPOSITION: 1 with 16 signatures

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(SF)  
South: PDP(SF)  
East: PDP(SU)  
West: PDP(SF)

Surrounding Land Uses

Single family, undeveloped  
Single family  
Undeveloped, alley  
Single family

**SUMMARY OF REQUEST**

The petitioner requests to rezone from PDP(SF) to PDP(OP). The subject property is located on the south side of Spring Hill Drive, approximately 625' east of Glenridge Drive.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(SF).
2. The property comprises three platted resident lots, approximately three (3) acres.
3. The site is undeveloped.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Spring Hill Drive.
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 does not contain any wetlands, WHPAs 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 residential and commercial uses, and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone the subject property from PDP(SF) to PDP(OP) in order to develop the site with 26,000 square feet of professional office space. Permitted uses in the PDP(OP) district include day care centers, preschools, places of public assembly, business, professional and nonprofit office use, publicly-owned or -operated buildings, one single family dwelling, charitable organizations and hospitals.

The plan provided shows one building with a DRA along the western boundary. No setback reductions are requested. If the request is approved, the setbacks will be as follows: 75' from Spring Hill Drive, 20' from the side lot lines and 35' from the rear lot line.

In June 1999, the BCC voted unanimously to deny a request to rezone the subject property from PDP(SF) to PDP(OP), after determining that the request was inconsistent with the adopted

Comprehensive Plan. The BCC indicated the need to keep residential in the areas designated as residential on the Spring Hill Master Plan.

The narrative indicates the proposed development would be served by central water and septic tanks. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.

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 originally defined as SF.

Spring Hill has established deed restrictions for this site. The deed restrictions on this lot would allow for detached single family residential uses only. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of a neighborhood.

Access is proposed from Spring Hill Drive. The plan shows two (2) driveways. The County Engineer indicates that if the request is approved, the development should be limited to one driveway, the location to be determined by the County Engineer so that it does not negatively impact the Spring Hill Drive/Lema Drive intersection.

### **FINDINGS OF FACT**

The area is characterized by single family residential and commercial uses, and undeveloped lots. Single family zoning and development is located to the north, west and south. The subject property is separated from a commercial node by an alley and a parcel designated as a landscape buffer. The Planning staff is of the opinion that commercial development would be an encroachment into an established residential area and should be restricted to the east of the alley and designated buffer.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The mapping criteria of the Comprehensive Plan indicates that office professional uses are allowable in the residential future land use category with appropriate land use approvals.

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 an area zoned for and characterized by single family residential development.

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

1. The proposed rezoning would be incompatible with the surrounding land uses.

2. The requested rezoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

**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 petitioner's request to rezone from PDP(SF) to PDP(OP).

**P&Z RECOMMENDATION:**

On March 14, 2005, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ denying the petitioner's request to rezone from PDP(SF) to PDP(OP).

**BCC ACTION:**

On April 13, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-97 denying the petitioner's request to rezone from PDP(SF) to PDP(OP).