

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Anthony Jacobs **FILE NUMBER:** H-05-42

PURPOSE: Rezoning from R-1A (Residential) to PDP(OP)/Planned Development Project (Office Professional) with a Reduction in Setbacks

GENERAL

LOCATION: South side of Fort Dade Avenue, west side of Cobb Road

LEGAL

DESCRIPTION: Lots 1 and 2, Block C, Mountain Park Subdivision, as per plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Hernando County, Florida in Section 20, Township 22 South, Range 19 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AG

Undeveloped

South: R-1A

Single family

East: R-1A, City of Brooksville

Undeveloped

West: R-1A

Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1A to PDP(OP) with a reduction in setbacks. The subject property is located on the south side of Fort Dade Avenue and west side of Cobb Road.

FACTUAL INFORMATION

1. The property is currently zoned R-1A.
2. The property comprises approximately 0.21 acre.
3. The site is undeveloped.

4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Fort Dade Avenue and Cobb Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Micanopy loamy fine sand.
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 City of Brooksville has indicated that central water and sewer are available to serve the subject site. Central sewer is available across the street, requiring a pump station.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family and mobile home residential uses, commercial uses, mining and undeveloped parcels.
13. The petitioner has requested setback reductions, which are deviations from the County's LDRs, as follows: from 125' to 50' from Cobb Road, from 75' to 22' from Fort Dade Avenue, from 35' to 17' from the west lot line and from 35' to 31' from the south lot line.

STAFF DISCUSSION

The petitioner requests to rezone from R-1A to PDP(OP) with a reduction in setbacks in order to develop the site with a 988 square foot office building. The petitioner indicates the setback reduction requests (from 125' to 50' from Cobb Road, from 75' to 22' from Fort Dade Avenue, from 35' to 17' from the west lot line and from 35' to 31' from the south lot line) in order to minimize the impacts on the majestic trees on the property. The deviations are significant. The Planning staff is of the opinion the substantial setback reduction requests indicate the subject property is not of sufficient size to accommodate the proposed use.

The City of Brooksville has indicated that central water and sewer are available to serve the subject site. Central sewer is available across the street, requiring a pump station.

The subject property is located on Fort Dade Avenue, which is a County-designated canopy road. The canopy road protection ordinance requires all lands within 50' of the centerline of the Fort Dade

Avenue roadway to be a tree protection zone. Per the ordinance, tree removal within the tree protection zone is limited without permission from the Board of County Commissioners, restrictions are placed on construction activities during site development and buildings are required to be located a minimum of 50' from the centerline of the roadway.

The subject property has access from Fort Dade Avenue and Cobb Road. The petitioner proposes access from Fort Dade Avenue. The County Engineer has reviewed the plan provided and indicated it is unacceptable because the parking lot design does not adequately accommodate vehicle movement and no DRA is provided.

The plan provided indicates the parking is proposed to be unpaved, which is a deviation from the LDRs. The County Engineer objected to the gravel parking.

The petitioner proposes serving the site with a septic tank. The Department of Health notes that a site evaluation shall be performed prior to construction permitting.

The City of Brooksville has no objections regarding the request.

FINDINGS OF FACT

The area is characterized by single family and mobile home residential uses, commercial uses, mining and undeveloped parcels. A single family house is located to the south of the subject property. A convenience store is located in the northeast quadrant of the Fort Dade Avenue/Cobb Road intersection. Undeveloped parcels are located to the east and west.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. The residential land use category allows office professional land use with performance conditions being met. The Planning staff is of the opinion that the site is not appropriate for office professional use given its small size, location adjacent to small residential lots and inability to demonstrate compliance with the LDRs.

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 on the fringe of a platted single family residential subdivision. The Planning staff is of the opinion that rezoning the subject property to PDP(OP) with multiple reductions in setbacks would allow the encroachment of incompatible uses into the single family neighborhood.

The Planning staff is of the opinion that the request to rezone from R-1A to PDP(OP) with a reduction in setbacks is not appropriate, based on the following conclusions:

1. The site is too small to accommodate the proposed office professional use and meet the LDRs.
2. The proposed office professional development is incompatible with the adjacent single family development.
3. 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 R-1A to PDP(OP) with a reduction in setbacks.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the BCC adopt resolution # _____ denying the petitioner's request to rezone from R-1A to PDP(OP) with a reduction in setbacks.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-156 denying the petitioner's request to rezone from R-1A to PDP(OP) with a reduction in setbacks.