

STAFF REPORT

Planning & Zoning Commission: June 13, 2005

Board of County Commissioners: July 13, 2005

APPLICANT: Kimberly A. Pye **FILE NUMBER:** H-05-51

PURPOSE: Rezoning from AR-2 (Agricultural-residential) to C-1 (General Commercial) or OP (Office-Professional)

GENERAL

LOCATION: North side of Jacqueline Road, west side of Jayson Drive

LEGAL

DESCRIPTION: East ½ of the South ½ of Tract 24, Block D, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Page 20, of the Public Records of Hernando County, Florida in Section 28, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 1 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: C-2
East: PDP(OP), PDP(SF)
West: AR-2

Surrounding Land Uses

Mobile home
Veterinary clinic
Undeveloped
Single family

SUMMARY OF REQUEST

The petitioner requests to rezone from AR-2 to C-1 or OP. The subject property is located on the north side of Jacqueline Road, west side of Jayson Drive.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately 1.25 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 Jacqueline Road and Jayson 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 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 are available to serve the site, central water is available per ordinance, but sewer service is not.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial uses, single family and mobile home residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AR-2 to C-1 or OP in order to operate her business office on the site. A professional office is a permitted use in both the C-1 and OP zoning categories. The narrative proposes constructing a new residential style office building on the subject property. Any new construction on the site would have to meet the applicable county LDRs including meeting the minimum commercial design standards. Additionally, the petitioner has verbally proposed using the existing single family house for a business office which would require the existing building be upgraded to meet minimum applicable commercial standards. The setbacks for a commercial use on the site are as follows: 75' from Jacqueline, 35' from Jayson Drive, 20' from the side lot line and 35' from the rear lot line.

The subject property has access from Jacqueline Road, a two-lane collector road with substandard ROW and paving width, and Jayson Drive. Jayson Drive is paved for approximately half of the

length of the subject property. The petitioner proposes access to both Jacqueline Road and Jayson Drive. The County Engineer indicates that due to the sight distance problems on Jacqueline Road at this location, access should be limited to one drive to Jayson Drive if the request is approved.

The property is located close to a section of Cortez Boulevard that is no longer able to pass the required adequate public facility review. Commercial activity on the site may impact traffic capacity on Cortez Boulevard. The petitioner will have to obtain a certificate of concurrency during review of the construction plans. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at the time of development.

In November 2004, the BCC approved a request to rezone the AR-2 parcel to the east of the subject property to C/PDP (SF) and (OP). The petitioner was required to provide 40' of ROW from the Jacqueline Road centerline, provide 30' of ROW from the Jayson Drive centerline, pave Jayson Drive from Jacqueline Road to a point 50' north of the proposed access point on Jayson Drive, make improvements to provide 40 mph design speed and to improve the sight distance at the intersection of Jayson Drive and Jacqueline Road and improve Jacqueline Road in front of the project to collector road standards. The County Engineer indicates that if the request is approved, the petitioner should provide the following: a minimum of 40' of ROW from the Jacqueline Road centerline, a minimum 30' of ROW from the Jayson Drive centerline, pave Jayson Drive from Jacqueline Road to a point 50' north of the proposed access point on Jayson Drive, assist with improvements to improve the Jacqueline Road/Jayson Drive intersection and to bring Jacqueline Road in front of the project to collector road standards.

The Utilities Department has indicated that central water and sewer capacity are available to serve the site, central water is available per ordinance, but sewer service is not. The Utilities Department notes that an 8" force main is located proximate to the site. In their approval of the request to rezone to CPDP(OP) and (SF) on the parcel to the east, the BCC required the development be served by central water and sewer. The Utilities Department indicates that if this request is approved, the developer should be required to serve the site with central water.

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

The City of Brooksville has no comments regarding the request.

FINDINGS OF FACT

The area is characterized by commercial uses, single family and mobile home residential uses, and undeveloped parcels. A single family lot is located to the west of the subject property. A mobile home is located to the north of the subject property. Offices are located south of the subject

property. The property to the east of the subject property is undeveloped, but has been rezoned recently for professional office and single family residential uses.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property is located in the residential land use classification on the adopted Future Land Use Map. The residential land use category allows commercial extending from commercial nodes with a functioning frontage road and office professional land use with performance conditions being met. The Planning staff is of the opinion that C-1 zoning at this location is not consistent with the adopted Comprehensive Plan.

Policy 1.01L(8) indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity. The Planning staff is of the opinion C-1 uses would be incompatible with the AR-2 zoning to the north and west of the subject property.

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. Parcels zoned for single family uses are located northeast of the subject property and AR-2 zoned parcels are located to the north and west of the subject property. The Planning staff is of the opinion that rezoning the subject property to allow C-1 uses would allow the encroachment of incompatible commercial uses into this area zoned for residential and rural residential development.

The subject property is located in the residential land use classification on the adopted Future Land Use Map. Uses allowed in the residential land use category with the appropriate land use approvals include: multifamily, rural residential, neighborhood commercial, office and professional, schools hospitals and minor public facilities. It is the staff's opinion office professional would not be inconsistent with the adopted Comprehensive Plan.

The staff is of the opinion that rezoning from AR-2 to PDP(OP) is appropriate, based on the following conclusions:

1. Office professional zoning would be compatible with the surrounding land uses.
2. General commercial zoning is too intense for this location, would not be compatible with the surrounding land uses and is inconsistent with the County's adopted Comprehensive Plan.

3. Approval of a PDP(OP)/Planned Development Project(Office Professional) with performance standards addressing access, roadway design and building design issues is more appropriate than a standard zoning district.
4. Approval of PDP(OP)/Planned Development Project(Office Professional) on the subject property is 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 # _____ approving the rezoning from AR-2 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 setbacks shall be as follows:

From Jacqueline Road:	75'
From Jayson Drive:	35'
From the north lot line:	35'
From the west lot line:	35'
3. The petitioner shall provide 40' of ROW from the Jacqueline Road centerline and 30' of ROW from the Jayson Drive centerline.
4. Access shall be limited to one access point on Jayson Drive. The developer shall pave Jayson Drive from Jacqueline Road to a point 50' north of the access point on Jayson Drive.

5. The development shall be served by central water.
6. The new building constructed on the site is required to provide the roof pitch and colonnade features proposed by the petitioner in the visual representation provided in addition to meeting the county's commercial design standards.
7. The developer shall make improvements to provide 40 mph design speed and to improve the sight distance at the intersection of Jayson Drive and Jacqueline Road, and shall improve Jacqueline Road in front of the project to collector road standards.
8. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AR-2 to PDP(OP) with the following modified 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 setbacks shall be as follows:

From Jacqueline Road:	75'
From Jayson Drive:	35'
From the north lot line:	35'
From the west lot line:	35'
3. The petitioner shall provide 40' of ROW from the Jacqueline Road centerline and 30' of ROW from the Jayson Drive centerline.
4. An entrance on Jacqueline Road at the crest of the hill is allowed as approved per the County Engineer. Access shall be limited to one access point on Jayson Drive. The developer shall pave Jayson Drive from Jacqueline Road to a point 50' north of the access point on Jayson Drive. (Note: needs additional discussion with the County Engineer)
5. The development shall be served by central water.

6. The new building constructed on the site is required to provide the roof pitch and colonnade features proposed by the petitioner in the visual representation provided in addition to meeting the county's commercial design standards.
7. ~~The developer shall make improvements to provide 40 mph design speed and to improve the sight distance at the intersection of Jayson Drive and Jacqueline Road, and shall improve Jacqueline Road in front of the project to collector road standards.~~
(Note: needs additional discussion with the County Engineer)
8. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

On July 13, 2005, the Board of County Commissioners voted 4-0 to adopt Resolution #2005-187 approving the rezoning from AR-2 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 setbacks shall be as follows:

From Jacqueline Road:	75'
From Jayson Drive:	35'
From the north lot line:	35'
From the west lot line:	35'
3. The petitioner shall provide 40' of ROW from the Jacqueline Road centerline and 30' of ROW from the Jayson Drive centerline.
4. An entrance on Jacqueline Road at the crest of the hill is allowed as approved per the County Engineer.
5. The development shall be served by central water.
6. The new building constructed on the site is required to provide the roof pitch and colonnade features proposed by the petitioner in the visual representation provided in addition to meeting the county's commercial design standards.

7. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.
8. Access to the parcel may be changed from Jacqueline Street to Jayson Street when Jacqueline Street is improved.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.