

**STAFF REPORT**

Planning & Zoning Commission: November 13, 2005  
Board of County Commissioners: December 13, 2005

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**APPLICANT:** Babak Behzadzadeh **FILE NUMBER:** H-06-113

**PURPOSE:** Rezoning from AR-2 (Agricultural/Residential) to PDP(OP)/Planned Development Project (Office Professional)

**GENERAL**

**LOCATION:** East side of Summer Street, north side of Horn Road, approximately 1100' west of Winter Street

**LEGAL**

**DESCRIPTION:** Lot 25, Potterfield Garden Acres, Section M as recorded in Plat Book 5, Pages 66 - 68 of the Public Records of Hernando County, FL in a portion of Section 26, Township 22 South, Range 18 East

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

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**Citizen correspondence received as of the date of this report? Yes  No**

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2  
South: C2  
East: AR-2  
West: AR-2

Surrounding Land Uses

Undeveloped, Mobile Home  
RV Dealer, Suzuki Dealer  
Radio Station  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone the subject property from AR-2 (Agricultural/Residential) to Planned Development Project (Office Professional). The subject property is located on the east side of Summer Street, north of Horn Road, north of Cortez Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2 (Agricultural/Residential).
2. The property comprises approximately 4.1 acres.

3. The site is currently undeveloped.
4. The site may contain majestic or specimen trees.
5. The subject property has access from Summer Street and Horn Avenue.
6. There is a commercially designated strip area identified on the adopted future land use map along SR 50 in this area.
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 Well Head Protection Area Class-2 (WHPA-2), but no wetlands or Special Protection Area (SPA), according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. The area is characterized by single family residential uses, commercial uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner requests to rezone from AR-2 (Agriculture/Residential) to PDP(OP)/Planned Development Project (Office Professional) to establish an office complex.

The petitioner proposes to develop the subject property with six (6) buildings consisting of 6,000 square feet each. The petitioner has proposed setback of 35' from all property lines. The narrative states that a 5' enhanced buffer will be placed along the northern and eastern boundaries. The plan shows 144 parking spaces. If the request is approved, the developer must provide the minimum number of parking spaces required for the use.

The proposed development would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The County Engineer has indicated that the subject property is subject to a 30' ROW from the center line of Horn Avenue. The subject property is located within Municipal Service Benefit Units (MSBU) district and the petitioner will be responsible in participating in the improvements of Summer Street.

The County Transportation Planning Coordinator indicates the subject property is proximate to a section of SR 50 (Cortez Boulevard) that is operating at Level of Service (LOS) B. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. 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 that time.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 12-inch waterline on the south side of Horn Avenue. There is an existing 6-inch force main on the north side Horn Avenue. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for the parcel. Existing water and sewer upgrades may be required to supply the proposed development.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the 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 these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

The subject property lies within a Well Head Protection Area Class-2 (WHPA-2) for a public supply well according to County data resources. The proposed land use is allowable within this designation.

### **FINDINGS OF FACT**

The area is characterized by single family residential uses, commercial uses and undeveloped parcels. A new Suzuki auto dealership is located to the south of the subject property. Newly rezoned PDP(OP)/Planned Development Project (Office Professional) and PDP(GC)/Planned Development Project (General Commercial) is located to the east. A vacant property zoned for single family residential uses is located to the north and west.

There is a commercially designated strip area identified on the adopted future land use map along SR 50 in this area. The commercial land use category allows for a range of commercial intensity from office professional to regional commercial centers provided other goals, objectives and policies (GOPs) within the comprehensive plan can be met.

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. Rezoning the entire subject property to allow PDP(OP)/Planned Development Project (Office Professional) is an appropriate use due to the subject sites compatibility with the adopted comprehensive plan.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The parcel is approximately 294' wide and approximately 626' in depth. Approving the request would establish the depth of the nonresidential corridor.

Rezoning from AR-2 (Agriculture/Residential) to PDP(OP)\Planned Development Project (Office Professional) is appropriate, based on the following conclusions:

1. The rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.
2. The permitted use allowed in the PDP(OP)/Planned Development Project (Office Professional) zoning category will be compatible with the surrounding land uses.
3. The buffering required by the County's Planned Development Project regulations provide adequate separation between the proposed development and the AR-2 (Agricultural/Residential) to the north and east.

**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 (Agricultural/Residential) to

PDP(OP)/Planned Development Project (Office Professional), 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 petitioner shall provide a minimum 5' wide buffer with 80% opacity along the north and east lot lines.
3. Minimum setbacks for the PDP(OP) are approved as follows:

From Horn Avenue:	35'
From Summer Street:	35'
From east lot line adjacent to AR-2:	35'
From north lot line adjacent to AR-2:	35'
4. The petitioner shall provide additional ROW from Horn Street's centerline from the subject property south lot line as determined by the County Engineer.
5. 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.