

STAFF REPORT

Planning & Zoning Commission: December 11, 2006
Board of County Commissioners: January 10, 2007
Planning & Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007

APPLICANT: Placidus Orlando & Praxedis Dagrella **FILE NUMBER:** H-06-117

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

GENERAL

LOCATION: West side of Mariner Boulevard, approximately 300' south of Landover Boulevard

LEGAL

DESCRIPTION: Lot 6 & Lot 7, Block 951, Spring Hill, Unit 15, according to Plat thereof as recorded in Plat Book 9, Page 10-15, of the Public Records, in Section 32, Township 23 south, Range 17 east of Hernando County, FL

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

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

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Springstead Theater
Single family
Springstead High School
Single Family

SUMMARY OF REQUEST

The petitioner requests a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional). The subject property is located on the west side of Mariner Boulevard, approximately 300' south of Landover Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF)/Planned Development Project (Single Family).

2. The property comprises approximately 0.74 acres.
3. The site is currently undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Mariner Boulevard.
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 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 no Wellhead Protection Areas (WPA), wetlands or Special Protection Areas (SPA), 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 limited development on the subject property.
12. The area is characterized by office professional, single family residential and school facilities.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional) in order to develop the approximately 0.74 acre site with a 5,000 square foot office building. The petitioner proposes setbacks consistent with that district: 35' front 20' side and 35' rear.

The petitioner has not indicated the use of buffers on the site. The PDP Rules require minimum 5' buffers between non-residential PDP land uses and residential uses external to the PDP.

The plan depicts 20 parking spaces between the building and Mariner Boulevard. 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 Land Development Regulations (LDRs).

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 20" water line is located on the west side of Mariner Boulevard. A sewer force main is located on the east side of Mariner Boulevard. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. 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 Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

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.

FINDINGS OF FACT

The area is characterized by office professional, single family residential and school facilities. 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. Though Office Professional is an allowed use in a PDP(SF)/Planned Development Project (Single Family) district, the proposed office professional use would represent an encroachment of incompatible uses destructive to the character and integrity of the residential environment adjacent to the subject site.

It is inconsistent to rezone the property from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional), based on the following conclusions:

1. The proposed office professional development is incompatible with the surrounding uses.
2. The proposed rezoning is inconsistent with the County's adopted Comprehensive Plan, due to incompatibility with the residential land uses directly adjacent to the subject site.

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, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional).

P&Z RECOMMENDATION:

At the request of the planning staff, on December 11, 2006, the Planning and Zoning Commission voted 5-0 to postpone consideration of the request until their January 8, 2007, hearing at 10:00 a.m.