

STAFF REPORT

Planning & Zoning Commission: May 8, 2006
Board of County Commissioners: June 14, 2006

APPLICANT: Sean E. Hengesbach & J. Todd Taylor **FILE NUMBER:** H-06-44

PURPOSE: Rezoning from PDP(MF)/Planned Development Project (Multifamily) to PDP(OP)/Planned Development Project (Office Professional)

GENERAL

LOCATION: South side of Spring Hill Drive, approximately 750' east of Port Court and approximately 1,130' west of Omaha Circle

LEGAL

DESCRIPTION: Lot 10, Block 159, Spring Hill, Unit 3, as per plat thereof recorded in Plat Book 7, Pages 80 - 89, of the Public Records of Hernando County, Florida in Section 27, Township 23 South, Range 17 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: PDP(SF)
East: PDP(MF)
West: PDP(MF)

Surrounding Land Uses

Bank, retail plaza
Greenbrier Lake
Drainage
Single Family Home

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(MF) to PDP(OP). The subject property is located on the south side of Spring Hill Drive, approximately 750' east of Port Court and approximately 1,130' west of Omaha Circle.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF).
2. The property comprises approximately four-tenths of an acre.

3. The site has been developed with a SF home.
4. The site does not contain 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 contains a wetland and a WHPA 2, but no SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, multifamily and single family residential uses, and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from PDP(MF) to PDP(OP). The petitioner proposes utilizing the existing single family home as a future office use. If the request is approved, the existing building would have to be upgraded to meet the applicable commercial development standards. Any new construction will be required to meet the applicable LDRs for commercial development.

The plan submitted does not depict a parking area for the proposed use. If the request is approved, the petitioner will have to provide the minimum parking spaces required per the LDRs.

The County Engineer has reviewed the request and has no comments regarding the proposal.

Within the past 5 years, the BCC has approved multiple Office Professional rezoning requests in the proximity of the subject property. In 2001, 4 lots to the east of the property were rezoned to PDP(OP). In 2002, property approximately 100' west of the property was rezoned to OP.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. The subject property is currently served by central water and sewer services.

The site has access from Spring Hill Drive. If the request is approved, the petitioner should be limited to one driveway to Spring Hill Drive.

The subject property is within a Wellhead Protection Area-2 (WHPA-2) for a public supply well. The proposed use is allowable within this designation. The wetland is on the southern boundary of the lot associated with the Spring Hill lakes system.

FINDINGS OF FACT

The area is characterized by commercial, office, multifamily and single family residential uses, and undeveloped lots.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Offices and professional uses can be located in the residential land use category with performance conditions being met.

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 subject property is located in an area zoned for single family, multifamily and office professional uses. The Planning staff is of the opinion the proposed office professional zoning would be compatible with the surrounding area and would not be detrimental to the existing residential in the vicinity.

The Planning staff is of the opinion that rezoning the subject property from PDP(SF) to PDP(OP) would be appropriate, based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding area.
2. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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 petitioner's request to rezone from PDP(MF) 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. Only one access to Spring Hill Drive shall be allowed.

P&Z RECOMMENDATION: