

STAFF REPORT

Planning & Zoning Commission: July 10, 2006

Board of County Commissioners: August 9, 2006

APPLICANT: Dr. David Moreno **FILE NUMBER:** H-06-71

PURPOSE: Rezoning from R-1C (Residential) to PDP(OP)/Planned Development Project (Office Professional)

GENERAL LOCATION: West side of Barclay Avenue, north side of Bock Lane

LEGAL DESCRIPTION: A portion of Section 32, Township 22 South, Range 18 East in 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C-2	Commercial
South: R-1C	Single family
East: PDP(MF)	Multifamily
West: R-1C	Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from R-1C (Residential) to Planned Development Project OP (Office Professional). The subject property is located on the west side of Barclay Avenue and the north side of Bock Lane.

FACTUAL INFORMATION

1. The property is currently zoned R-1C (Residential).
2. The property comprises approximately 1.5 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 Barclay Avenue and Bock Lane.
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 Wellhead Protection Area-2, but no wetlands or Special Protection Areas, 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 capacity issues along SR 50.
12. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial, single family residential and multifamily residential uses, and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests the rezoning in order to develop the site with a medical office. The site has been developed with a single family house. The petitioner proposes tearing down the house and redeveloping the site with a 7,500 square foot office building.

The petitioner submitted a request to rezone the subject property from R-1C (Residential) to OP (Office Professional) in 2005. The Board of County Commissioners determined that office professional zoning would be incompatible with the surrounding land uses so consequently it was not consistent with the County's adopted Comprehensive Plan. The Board of County Commissioners stated that when things changed in the area, specifically referring to the expansion of Barclay Road, the petitioner could resubmit for consideration.

The plan provided indicates a 75' setback from the future Barclay Road right of way line, 25' from the north, 75' from the south, and 50' from the west. The setbacks proposed are consistent with the Planned Development Project (PDP) regulations.

Access to the site is proposed via Barclay Road, and a connection to the north into the future frontage road required along SR 50.

The plan shows a 10' wide vegetated buffer along the western property line adjacent to a single family lot; the Planned Development Project (PDP) rules require minimum 5' buffers between non-residential Planned Development Project (PDP) land uses and residential uses external to the PDP.

The plan depicts parking between the building and Barclay Road, and along the rear of the building. 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 10" water line is located on the east side of Barclay Avenue. A gravity sewer manhole is located at the northeast corner of the subject property. A 4" force main is located on the east side of Barclay Avenue. 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 County Engineer indicates that if the request is approved, access shall be limited to Bock Lane and the petitioner shall provide approximately 70' additional right-of-way (ROW) along Barclay Avenue, as required per the PD&E study for the Barclay Avenue improvements. The County Engineer indicates the Cortez Boulevard/Barclay Avenue intersection currently operates at Level of Service (LOS) D. The plan submitted by the petitioner proposes up to an additional 70' of right of way for Barclay Road.

The Transportation Planning Coordinator indicated that there is no capacity remaining along SR 50. 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 subject property lies within a Wellhead Protection Area-2 (WHPA-2) according to County data resources. The proposed use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by commercial, single family residential and multifamily residential uses, and undeveloped lots. The subject property is located on the edge of a single family neighborhood.

The Brookview Villas apartment complex is located to the east of the subject property, across Barclay Avenue. An RV dealership is located to the north of the subject property.

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. Professional office uses would represent an encroachment of incompatible uses destructive to the character and integrity of the residential environment in the area.

The petitioner has submitted a revised plan that provides access to Barclay Road instead of Bock Lane and connection into the future frontage road to the north. The size of the building has been reduced, and additional right-of-way (ROW) has been provided. Although the plan has been changed, the nature of the request is incompatible with the existing single family neighborhood.

It is inappropriate to rezone the property from R-1C (Residential) to PDP(OP)/Planned Development Project(Office Professional), based on the following conclusions:

1. Office professional zoning would be incompatible with the surrounding land uses.
2. Office professional zoning would be inconsistent with the Comprehensive Plan.

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 the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the rezoning from R-1C (Residential) to PDP(OP)(Office Professional).

PLANNING AND ZONING COMMISSION RECOMMENDATION: