

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 11, 2007
Board of County Commissioners: July 11, 2007

APPLICANT: Joseph Mackey

FILE NUMBER: H-07-23

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

GENERAL

LOCATION: Northwest corner of Spring Hill Drive and London Avenue

LEGAL

DESCRIPTION: Lot 12, Block 154, Spring Hill Unit 3, according to the Plat thereof, as Recorded Plat Book 7, Pages 80-86, and in a portion of Section 27, Township 23 South, Range 17 East, Hernando County, FL

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

CITIZEN

RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner requests a rezoning from PDP(MF)/Planned Development Project (Multifamily) to PDP(OP)/Planned Development Project (Office Professional), in order to utilize an existing 1,230 single family residence for Office Professional.

The petitioner's narrative has indicated that all requirements per the County's LDR's will be met to accommodate an office professional use.

SITE CHARACTERISTICS:

Site Size: 0.26 acres

Surrounding Zoning; Land Uses: North: PDP(MF); Duplex
South: PDP(MF) & PDP(OP); Duplex and Office
East: PDP(MF); Duplex
West: PDP(MF); Duplex

Current Zoning: PDP(MF)/Planned Development Project
(Multifamily)

Future Land Use Map Designation: Residential

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Hydrologic

Features: The subject property contains no wetlands, Wellhead Protection Areas (WHPA), or Special Protection Areas (SPA) according to County data resources.

Habitat: Soils and vegetation in this area are typical of gopher tortoise habitat. Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. If gopher tortoises or any other listed species are present, this will give the property owner and/or the owners' representative a chance to examine all available options before construction begins. They should be advised to contact the Florida Fish and Wildlife Conservation Commission to discuss available options. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit.

ENGINEERING & TRANSPORTATION REVIEW:

The subject property currently has access to Spring Hill Drive and London Avenue. The petitioner has indicated a reconfiguration of the existing parking and access points. One access will be provided along London Avenue.

The County Engineer has reviewed the subject request and has indicated that if approved, no direct access shall be permitted onto Spring Hill Drive.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

UTILITIES REVIEW:

The Hernando County Utilities Department has indicated that the site is currently being served by central water and sewer services.

Capacity 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. All required improvements will be at the applicant expense.

LAND USE REVIEW:

Though the petitioner's narrative indicates that the property will be landscaped, the plan as submitted does not depict the minimum buffering required by the LDRs. The PDP Rules require minimum five (5) foot buffers between non-residential PDP land uses and residential uses external to the PDP. If the request is approved, the petitioner would have to meet all of the applicable LDRs related to landscaping and buffering along the north and west property lines.

The plan indicates modifying existing parking to accommodate 10 parking spaces. However, due to the fact that the plan submitted is not to scale, the applicant has not demonstrated that the site can accommodate the required parking, retention and landscaping for the proposed office use. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The petitioner has indicated only exterior cosmetic changes and interior modifications will be made to the existing building; furthermore, no additional structures are to be built. Any additional development and/or improvements would have to meet the minimum architectural design standards, building code requirements for commercial structures, and setbacks for commercial development pursuant to the County's LDRs.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by office professional, commercial and residential uses. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

Policy 1.01L(3) New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

Policy 1.01O(2) Expansion of the existing strip commercial areas shall not be allowed.

Policy 1.01O(3) The County shall not permit the creation of any new strip commercial areas during the planning period.

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.

Comment: Though Office Professional is an allowable use in a Residential land use classification on the adopted Future Land Use Map, the request represents an encroachment into an area that is developed residentially, and the existing multifamily zoning appears to provide a viable transition from the commercial development to the west. Additional nonresidential development along the corridor can lead to a “strip” type land use pattern.

Rezoning the subject property to allow PDP(OP)/Planned Development Project (Office Professional) is an inappropriate use due to the subject sites incompatibility and encroachment into the surrounding residential land uses.

The proposed establishment of an office professional master plan is inappropriate based on the following conclusions:

1. The request for Office Professional is incompatible with the surrounding land uses.
2. The proposed request is an encroachment into a residential area and is inconsistent with the County’s adopted Comprehensive Plan.

NOTICE OF APPLICANT RESPONSIBILITY:

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 Concurrency. 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 RECOMMENDATIONS:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner’s request to rezone from PDP(MF)/Planned Development Project (Multifamily) to PDP(OP)/Planned Development Project (Office Professional).