

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 9, 2007  
Board of County Commissioners: May 9, 2007

**APPLICANT:** Michelle and James Luce

**FILE NUMBER:** H-07-14

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

### GENERAL

**LOCATION:** Northeast corner of Mariner Boulevard and Landover Boulevard

### LEGAL

**DESCRIPTION:** Lot 3, Block 976, Spring Hill, Unit 16, according to Plat thereof as recorded in Plat Book 9, Page 18-30, of the Public Records, in Section 18, Township 23 South, Range 18 East of 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

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### 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 convert three 2-unit multifamily structures into Office Professional space. Each structure varies in size from 1,480 to 1,698 square feet. The structures are currently used as a model center and are situated on approximately 0.89 acres. The petitioner has indicated that on-site improvements will be limited to improving the mulched parking area as required by the County and constructing an additional unit between the two existing structures along Mariner Boulevard. It is the intent of the petitioner to yield seven (7) individual office units ranging from approximately 1,000 to 1,700 square feet.

### SITE CHARACTERISTICS:

**Site Size:** 0.89 acres

**Surrounding Zoning; Land Uses:** North: PDP(MF); Model Center  
South: PDP(SU); Springstead High School

East: PDP(MF); Multifamily

West: PDP(OP); Funeral Home

**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, Well Head Protection Area (WHPA), or Special Protection Area (SPA), according to County data resources.

**Habitat:** Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including 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 this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

**UTILITIES REVIEW:**

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

**ENGINEERING & TRANSPORTATION REVIEW:**

The County Engineer has reviewed the request and indicated that any impervious improvements to the parking area will require the petitioner to construct an adequate drainage retention area that would accommodate the full 100 year flood event. Furthermore, the petitioner must receive a SWFWMD permit prior to paving the parking area.

The existing model center has access from Landover Boulevard. Access should be limited to the existing driveway.

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

**LAND USE REVIEW:**

The petitioner has indicated the use of existing natural buffers along the east property line. Land Development Regulations (LDRs) require buffering consisting of a minimum five (5) foot landscape strip. The existing natural buffer shall be enhanced with additional vegetation to achieve an 80% opacity or shall be enhanced with fence or wall to achieve a 100% opacity.

The plan as submitted does not depict the minimum buffering required by LDRs. If the request is approved, the petitioner would have to meet all of the applicable LDRs related to landscaping and buffering.

The additional development and/or improvements would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The plan depicts 29 parking spaces. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The plan indicates all current setbacks will remain. Any additional improvements must meet the current setbacks.

**COMPREHENSIVE PLAN REVIEW:**

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.

**Comment:** Office Professional is an allowed use in a Residential land use classification on the adopted Future Land Use Map and the proposed office professional would be compatible with the character and

integrity of the multifamily and institutional development adjacent to the subject site.

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

1. The buffering required by the County's Planned Development Project regulations provide adequate separation between the proposed development and the multifamily development to the east.
2. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
3. Office Professional use is consistent with the Residential land use classification on the adopted Future Land Use Map.

**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 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 RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approve the rezoning from PDP(MF)/Planned Development Project (Multifamily) 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. Setbacks are approved as indicted on the master plan.

3. Access is approved as indicated on the master plan.
4. The petitioner shall enhance the existing natural buffer with additional vegetation to achieve an 80% opacity or shall be enhanced with fence or wall to achieve a 100% opacity.
5. The petitioner must receive a SWFWMD permit prior to paving the parking area.
6. 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.