

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: May 14, 2007  
Board of County Commissioners: June 20, 2007

**APPLICANT:** Steve E. Smiley, Plyna St., LLC

**FILE NUMBER:** H-07-22

**PURPOSE:** Rezoning from R-1C/(Residential) to PDP(OP)/Planned Development Project (Office Professional) with specific C-1 use, namely a Business Training Center and a reduction in setbacks

**GENERAL**

**LOCATION:** Northeast corner of Plyna Street and William Street

**LEGAL**

**DESCRIPTION:** Lots 9 and 10, Block 37, Townsite of Berkeley as recorded in Plat Book 4, Page 10 of the public records, and a portion of Section 21, Township 22 South, Range 19 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

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### APPLICANT'S REQUEST:

The petitioner requests a rezoning from R-1C/(Residential) to PDP(OP)/Planned Development Project (Office Professional) with specific a C-1 use, namely a Business Training Center, in order to utilize the property for the relocation of their scrapbooking and ceramic training business. The petitioner has indicated on their narrative they propose to develop the parcel with a two-story 3,500 square foot building.

### SITE CHARACTERISTICS:

**Site Size:** 0.28 acres

**Surrounding Zoning; Land Uses:** North: R-1C; mobile home  
South: R-1C; undeveloped  
East: R-1C; undeveloped  
West: PDP(HC); Office and Warehouse plaza

**Current Zoning:** R-1C/(Residential)

**Future Land Use Map Designation:** Residential; the petitioner is requesting a determination as to the depth of the adjacent commercial corridor.

**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 has access to Commercial Way (US 19) via Plyna Street. William Street is currently undeveloped along the south side of the subject parcel, however the petitioner has indicated constructing William Street to the project's east boundary to provide the subject site with a second access point. The William Street access is a shared access with an existing 15' foot right-of-way along the property's east boundary.

The County Engineer has reviewed the subject request and has indicated that if approved, the petitioner must construct William Street to County road standards, from Plyna Street to the project's entrance.

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

**UTILITIES REVIEW:**

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 20-inch water line is located on the east side of US 19. A 8-inch gravity line is located on the west side of US 19.

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

**LAND USE REVIEW:**

The petitioner has indicated the use of landscape buffers along the west and south property lines. Land Development Regulations (LDRs) require buffering consisting of a minimum five (5) foot landscape strip.

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 plan depicts 9 parking spaces. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The petitioner has indicated that due to the corner location and size of the property a reduction in the northern side setback is required.

Proposed Perimeter Setbacks

- North: 20'
- South: 35'
- East: 35'
- West: 35'

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial and residential uses. The subject property is located generally within the Residential land use classification on the adopted Future Land Use Map. However, the petitioner is requesting a determination that the depth of the adjacent commercial corridor includes the subject site.

**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:** The proposed office professional would be incompatible with the character and integrity of the residential adjacent to the subject site in an area where single family could be developed in the future. The depth of the commercial corridor should be determined by Plyna Street.

**Policy 1.01M(10)** Highway commercial components of planned development projects shall be directed into commercial nodes. The planned development district shall not be utilized for new highway commercial development outside of designated commercial nodes.

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

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

1. The proposed request is inconsistent with the County’s adopted Comprehensive Plan.
2. Office Professional uses are incompatible with the surrounding land uses.

**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 R-1C/(Residential) to PDP(OP)/Planned Development Project (Office Professional) with specific C-1 use, namely a Business Training Center and a reduction in setbacks.