

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: August 13, 2007  
Board of County Commissioners: September 12, 2007

**APPLICANT:** Bozzi Real Estate Investment Group Inc. and Master Engineering Corp.

**FILE NUMBER:** H-07-35

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

**GENERAL**

**LOCATION:** Northeast corner of Centerwood and Diagonal Lane, approximately 450' east of US Hwy 19

**LEGAL**

**DESCRIPTION:** Lots 1-5, Block 3 Weeki Wachee acres addition unit 3, according to the Plat thereof as recorded in Plat Book 7, Page 18 inclusive, of the Public Records, in Section 16, Township 23 South, Range 17 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 is requesting to rezone 1.09 acres from R-1A/(Residential) to PDP(OP)/Planned Development Project (Office Professional) to develop two separate parcels with office professional space. The intent is to develop the 0.31 acre parcel with a 1,654 square foot office and optional 1,312 square foot single living quarters on the second floor. The second 0.78 acre parcel will be developed with a 4,731 square foot office professional building.

### SITE CHARACTERISTICS:

**Site Size:** 1.09 acres (0.31 acre and 0.78 acre)

**Surrounding Zoning; Land Uses:**

North:	C2; Hotel & Undeveloped
South:	R-1A; Single Family & Mobile Homes
East:	R-1A; Single Family & Mobile Homes
West:	C2; Hotel

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

**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 Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 20-inch water line on the east side of US Hwy 19 and a 18-inch gravity line on the west side of US Hwy 19.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject parcels have access to Diagonal Lane to the west and Centerwood Avenue to the south. The petitioner has indicated one access to both streets.

The County Engineer has reviewed the request and indicated that parking and access must meet the County Facility Design Guidelines requirements.

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

**LAND USE REVIEW:**

The petitioner has proposed constructing living quarters on the second floor of the 1,312 square foot office building. Land Development Regulations (LDRs) allow one single-family dwelling unit (minimum of six hundred (600) square feet) per commercial parcel in conjunction with the operation of a business on the premises; such single-family dwelling unit is to be an integral part of the principal business structure and located behind or above that portion of the business structure devoted to service to the public.

The petitioner proposes setbacks consistent with the Office Professional District:

Front: 35'

Side: 20'

Rear: 35'

The plan as submitted does not depict the minimum buffering required by the LDRs. The PDP rules require minimum 5' 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.

The plan depicts 26 parking spaces for the northern parcel and 11 spaces for the southern parcel. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The petitioner has indicated that retention for the parcels will be managed by on-site drainage retention vaults, approximately five (5) feet in depth. If approved, the petitioner must receive SWFWMD permits prior to paving the parking and be constructed to meet the minimum SWFWMD and County requirements.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial, a hotel and single family residential uses. 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 single family development adjacent to the subject site.

**Policy 1.01L(8)** indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity.

**Comments:** The appropriate buffering should be required to achieve the desire land use transition.

Rezoning the entire subject property to allow PDP(OP)/Planned Development Project (Office Professional) is an appropriate use due to the subject sites compatibility with the adopted comprehensive plan.

1. The buffering required by the County's Planned Development Project regulations can be used to provide adequate separation between the proposed development and the single family 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 R-1A/ (Residential) to PDP(OP)/Planned Development Project (Office Professional) with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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:  
Front: 35'  
Side: 20'  
Rear: 35'
3. Access is approved as indicated on the master plan.
4. The petitioner shall enhance the existing natural buffer, along the property's east boundary, with additional vegetation to achieve an 80% opacity or shall enhance with fence or wall to achieve a 100% opacity.
5. Parking, site access and drainage improvements for the subject site, must meet the County Facility Design Guideline requirements.
6. The proposed living quarters shall be limited to one (1) single family dwelling unit at a minimum of six hundred (600) square feet per County LDR requirements.
7. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.