

STAFF REPORT

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

APPLICANT: Cobia Partners, Inc. **FILE NUMBER:** H-06-20

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

GENERAL

LOCATION: South side of Spring Hill Drive, west side of Omaha Circle

LEGAL

DESCRIPTION: Lot 18, Block 159, Spring Hill, Unit 3, as per plat thereof recorded in Plat Book 7, Pages 80 - 86, of the Public Records of Hernando County, Florida in Section 27, Township 23 South, Range 17 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(MF)
South: PDP(MF)
East: PDP(MF)
West: PDP(MF)

Surrounding Land Uses

Single family
Undeveloped
Single family
Single family

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(MF) to PDP(OP). The subject property is located on the south side of Spring Hill Drive and the west side of Omaha Circle.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF).
2. The property comprises approximately one acre.
3. The site contains three (3) single family homes and a common paved parking area.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Spring Hill Drive and Omaha Circle.
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 WHPA-2, but no wetlands or SPAs, 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 adequate public facilities available to serve the subject property.
12. The area is characterized by single family and multifamily residential uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from PDP(MF) to PDP(OP). The petitioner proposes utilizing the existing three (3) single family homes as future office use. If the request is approved, the existing buildings would have to be upgraded to meet the applicable commercial development standards. Any new construction will be required to meet the applicable LDRs for commercial development.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. An 8" water line is located on the south side of Spring Hill Drive and a 6" water line is located on the west side of Omaha Circle. An 8" gravity sewer line is located along the southern property line. 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 subject property has access from Spring Hill Drive and Omaha Circle. The plan indicates the access will be limited to the current existing driveway to Omaha Circle. The County Engineer does not object to the proposed access.

The subject property contains a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by single family and office uses. The subject property is surrounded by lots zoned PDP(MF). Single family uses are located to the north, east and west. The single family uses to the east and west are former model homes. Recent office professional zonings have occurred proximate to the subject site. Property approximately 400' to the west was rezoned to OP in 2001, property approximately 850' to the east was rezoned to OP in 2003, and property to the northeast was rezoned to OP in 2003. The parcel to the south is undeveloped.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Offices and professional uses can be located in the residential land use category with performance conditions being met.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located in an area zoned for single family and multifamily residential development and characterized by single family residential development. The Planning staff is of the opinion the proposed office professional zoning would not allow the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

The Planning staff is of the opinion that rezoning the subject property from PDP(MF) to PDP(OP) would be appropriate, based on the following conclusions:

1. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from PDP(MF) to PDP(OP), 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. Development shall occur generally in conformance with the master plan submitted.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from PDP(MF) to PDP(OP), 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. Development shall occur generally in conformance with the master plan submitted.

BCC ACTION:

On April 12, 2006, the Board of County Commissioners voted 4-1 to adopt Resolution # 2006-99 approving the petitioner's request to rezone from PDP(MF) to PDP(OP), 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. Development shall occur generally in conformance with the master plan submitted.