

**STAFF REPORT**

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

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**APPLICANT:** Nohl Crest Homes Corporation **FILE NUMBER:** H-06-35

**PURPOSE:** Rezoning from PDP(OP)/Planned Development Project (Office Professional) to PDP(GC)/Planned Development Project (General Commercial) with a reduction in setbacks

**GENERAL**

**LOCATION:** West side of US 19, approximately 500' north of St. Andrews Boulevard

**LEGAL**

**DESCRIPTION:** A portion of a tract shown as the Recreational Area of “the Heather” per the plat recorded in Plat Book 13, Pages 43 and 44 of the public record, located in Section 26, Township 22 South, Range 17 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(REC)  
South: PDP(GHC)  
East: C-2  
West: PDP(REC), PDP(GHC)

Surrounding Land Uses

Heather Golf and County Club  
Commercial  
Commercial  
Heather Golf and Country Club

**SUMMARY OF REQUEST**

The petitioner requests to rezone from PDP(OP) to PDP(GC) with a reduction in setbacks. The subject property is located on the west side of US 19, approximately 500' north of St. Andrews Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(OP).
2. The property comprises approximately 1.8 acres.

3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from US 19.
6. The subject property is located within a recreational 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 zones C and A .
9. The subject property contains a WHPA-1, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The area is characterized by recreational and commercial uses, and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from 125' to 75' from the front lot line along US 19, which is a deviation from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to rezone from PDP(OP) to PDP(GC) with a reduction in setbacks. The PDP(GC) zoning category allows all of the C-1 uses. The petitioner proposes developing the site with 20,000 square feet of retail and/or office uses. In July 1989 the BCC approved a request to rezone the subject property from PDP(REC) to PDP(OP). Office uses are allowed with the current PDP(OP) zoning, however, the site does not have an approved master plan. The narrative indicates the proposed development will be in compliance with the County's residential protection standards.

The petitioner proposes the following setbacks: 75' from US 19, 20' from the north and south side yards and 35' from the west/rear lot line. The petitioner requests a reduction in setbacks from 125' to 75' from the front lot line along US 19, due to the irregular shape of the parcel and the burden of

accommodating the required frontage road. The BCC has previously approved a reduction in front setbacks from 125' to 75' when a reverse frontage road is provided.

The narrative indicates the site is proposed to be served by central water and sewer. The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 16" water line is located on the west side of the US 19. An 8" sewer force main is located on the east side of US 19. 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 to US 19. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The plan shows a frontage road provided on the property. The County Engineer indicates that if the request is approved, the petitioner shall provide a frontage road, with the southern portion of the frontage road provided as a reverse frontage road, aligning the roadway towards the southwest corner of the property.

The County Engineer notes the site is located at a median cut on US 19 and the site will have a full access point on US 19. The County Engineer indicates that if the request is approved, the petitioner shall provide a northbound left turn lane on US 19.

The subject property is within a WHPA-1 for a public supply well(s). General Commercial uses with central services are allowable within this designation with the exception of underground storage tanks for fuel or facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986.

The west side of the property is bounded by a surface water feature and the west half is in flood zone A.

The FDOT, Gulf Coast Conservancy and SWFWMD have been notified of the request; no responses have yet been received.

**FINDINGS OF FACT**

The area is characterized by recreational and commercial uses, and undeveloped parcels. Commercial uses are located to the south and east. The Heather Golf and Country Club is located to the north and west.

The subject property is located within a recreational land use classification on the adopted Future Land Use Map. Land uses allowed in the recreational future land use classification include private or public recreation uses, including recreational lodgings, ancillary commercial activity and housing for security purposes. The staff is of the opinion the proposed PDP(GC) zoning is not consistent with the allowed land uses.

The staff is of the opinion that the approval of the rezoning from PDP(OP) to PDP(GC) with a reduction in setbacks is not appropriate, based on the following conclusions:

1. Rezoning to PDP(GC) is inconsistent with the County's adopted Comprehensive Plan and the County's land development regulations.

**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 # \_\_\_\_\_ denying the petitioner's request to PDP(OP) to PDP(GC) with a reduction in setbacks.

**P&Z RECOMMENDATION:**