

STAFF REPORT

Planning & Zoning Commission: June 12, 2006

Board of County Commissioners: July 12, 2006

APPLICANT: Jacqueline Studer **FILE NUMBER:** H-06-53

PURPOSE: Rezoning from PDP(SF)/Planned Development Project(Single Family) to PDP(OP)/Planned Development Project(Office Professional)

GENERAL

LOCATION: North side of Spring Hill Drive, approximately 225' west of St. Ives Boulevard

LEGAL

DESCRIPTION: Tract A, Spring Hill Unit 24 as per the plat thereof recorded in Plat Book 10, Pages 53 - 60, of the Public Records of Hernando County, Florida in Section 22, Township 23 South, Range 18 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(SF)
South: PDP(OP)
East: PDP(SU)
West: PDP(SF)

Surrounding Land Uses

Single Family homes
Mortgage Office
Entry feature to Pristine Place
Single Family

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 1/2 acre platted SF lot from Single family to Office Professional.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 1/2 acre.

3. The subject property has been developed with a single family home which has been used as a model home.
4. The site contain does not contain majestic and specimen trees.
5. The subject property has access from Spring Hill Drive.
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 does not contain any wetlands, WHPAs 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 on the subject property.
12. The surrounding area is characterized by single family development, office, and commercial.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately ½ acre site from PDP(SF) to PDP(OP). The subject property is located on the north side of Spring Hill Drive, approximately 200' west of St. Ives Boulevard.

The property was subject of a Rezoning application in 1999. The petitioner had requested a rezoning from PDP(SF) to OP. The staff recommended denial of the request because it was our position approval would encroach into an established single family area. The BCC voted 4-0 to support staff's recommendation. During the public hearing, the petitioner testified that the property would not be an appropriate location for a single family home. Subsequent to denial of the rezoning, the site has been developed with a two story single family home.

The subject property has a driveway to Spring Hill Drive. The home on the property has been used as model home in the past. There is an existing parking area at the northwest corner of the property.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject property. The subject property is currently served by central water. There is an existing 8-inch gravity sewer line approximately 675' southeast of the parcel in the service road behind the Capital City Bank. 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 is located west of a buffer strip between St. Ives Boulevard and the subject property. It is the staff's position that office uses should not be extended west of the buffer strip.

FINDINGS OF FACT

The area is characterized by single family development, model homes, office and commercial uses.

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 and developed with single family homes. The Planning Staff is of the opinion the proposed office professional zoning would not be compatible with the surrounding area.

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

1. The proposed rezoning would not be compatible with the established single family uses.
2. The proposed rezoning is not consistent with the County's adopted Comprehensive Plan and is incompatible 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 # _____ denying the petitioner's request to rezone from PDP(SF) to PDP(OP).

P&Z RECOMMENDATION: