

STAFF REPORT

Planning & Zoning Commission: June 9, 2003
Board of County Commissioners: July 9, 2003
Board of County Commissioners: August 13, 2003
Board of County Commissioners: September 10, 2003

APPLICANT: Sand Ridge Development Corp. **FILE NUMBER:** H-03-32

PURPOSE: Rezoning from AG (Agricultural) to PDP(SF)/(Single Family) with a master plan revision to include reduction in lot size and setbacks and a reconfiguration of layout

GENERAL

LOCATION: Approximately 2100' south of Elgin Boulevard, approximately 1100' southeast of Chamber Court

LEGAL

DESCRIPTION: A portion of Section 9, Township 23 South, Range 18 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0 LETTER OF CONCERN: 2

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: C/PDP
South: AG
East: C/PDP
West: AG

Undeveloped
Undeveloped
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF) with a master plan revision to include reduction in lot size and setbacks and a reconfiguration of layout. The subject property is located approximately 2100' south of Elgin Boulevard, approximately 1100' southeast of Chamber Court.

FACTUAL INFORMATION

1. The property is currently zoned AG.

2. The property comprises approximately 19.89 acres.
3. The site is undeveloped.
4. The subject property has access from Elgin Boulevard via Sand Ridge Phase One, which is currently under construction.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sands. The soils and habitat are 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 development.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by single family residential uses and undeveloped parcels.
12. The petitioner has requested a master plan revision to a portion of Sand Ridge in order to develop villa-type lots which is a deviation to the previously approved PDP.

STAFF DISCUSSION

The petitioner is requesting a rezoning from AG to PDP(SF), and a master plan revision on portion of Sand Ridge Phase I for development as a single family villa subdivision.

A small portion of the subject property is part of Sand Ridge Phase I which has a minimum lot size of 7,500 square feet. The petitioner is requesting to reduce the lot size to 5,500 square feet in order to be incorporated into a development plan with the portion of the subject property to the south which is currently zoned AG (approximately 17 acres). The subject site is proposed to be developed with 87 villa lots.

The plan submitted does not indicate perimeter setbacks. The minimum perimeter setback required for that portion of the project adjacent to the project perimeter would be front: 25', side 10' and rear 20'.

Due to the small lot development proposed, the petitioner is requesting internal lot setbacks of front 20', side 5' and rear 15' which are less than the typical SF requirement. The county's LDRs would allow flexibility in the development standards if it is part of a unique development concept. The plan indicates two DRAs and two entry tracts; however, there is no provision of open space or park areas. The staff does not object to a villa lot concept development; however, we believe the petitioner should be required to designate a minimum of open space for the project. The Planning staff is of the opinion that if the request is approved, the petitioner should provide a minimum of a half-acre of open space.

The county's LDRs require that all residential PDPs with lot widths of less than 60' at the building line, a fire protection plan must be submitted upon filing of a conditional plat.

The access to the subject site is via the north/south roadway extending from Elgin Boulevard. The internal access consists of two east/west roads connected by a second east/west roadway. The County Engineer generally does not object to the roadway configuration; however he did indicate that if the request is approved, the eastern north/south roadway should be extended to the south lot line to provide future access to the parcels located to the south. The County Engineer would not recommend extension of the western north/south roadway as it provides access to Elgin Boulevard and extension to the south could engender unsafe driving conditions. The future connection to the south should be reflected on a revised master plan, with the DRAs redesignated.

The master plan provided indicates a reconfiguration of the southern portion of the previously approved Sand Ridge development so that it can be integrated into the villa concept to the south. The Planning staff does not object to the proposed reconfiguration.

The petitioner indicates that central water and sewer service will be provided by the County Utilities Department.

The subject property is owned by Sand Ridge Development which is the same owner as the property to the north. The only access to the subject site is through the Sand Ridge property to the north. Sand Ridge has access to Elgin Boulevard; and, is not otherwise connected to other development areas in the Holland Spring DRI. The staff has reviewed the petitioner's request and it is our opinion that the development would not be subject to the aggregation rules. The Department of Community Affairs has been notified of the pending request; however, no comments have been received.

The Hernando County School Board has indicated that elementary school students will be allocated to J. D. Floyd Elementary School, middle school students to Powell Middle School and high school students to Springstead High School. The School Board indicates the school zoning may change

if new school locations are established in the area. The School Board indicates that although the proposed project may have a minimal impact on the school system, all three schools are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses.

FINDINGS OF FACT

The area is characterized by single family homes and undeveloped parcels. Sand Ridge Phase One is currently under development north of the subject property.

The subject property is located within the residential land use category on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

The residential densities proposed by the petitioner are consistent with the densities allowable per the adopted Comprehensive Plan. The petitioner proposes 87 units on 19.89 acres, at a density of 4.37 du/ac. The Planning staff does not object to the density proposed.

The policies in the adopted Comprehensive Plan indicate that residential densities exceeding 4.0 units per acre are considered high densities. Policy 1.01F(7) provides criteria and standards used in the determination of appropriate locations of higher residential densities greater than 4.0 du/ac, which include the following: proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or commercial roadways or access to arterial or collector roadways via limited use of local roadways, provision of adequate police, fire, and EMS services, service by existing or proposed expansion of County water and sewer facilities, the character and density of existing or approved residential developments of close proximity, availability of appropriate public primary and secondary school facilities, provision of open space beyond minimum County standards and aesthetic or architectural quality. The Planning staff is of the opinion that, with the provision of a minimum half-acre of open space, the proposed development meets this criteria.

The Planning staff is of the opinion that the request for the rezoning, reduction in setbacks, reduction in lot size and the reconfiguration of layout are not inconsistent with the Comprehensive Plan and would not be detrimental to the surrounding areas, with the appropriate performance conditions.

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, which may include review by the Development Review Committee (DRC).

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 AG to PDP(SF) with a master plan revision to include reduction in lot size and setbacks and a reconfiguration of layout, 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, including review of the proposed use through the DRC process.
2. The petitioner shall extend the eastern north/south roadway to the south lot line to provide future access to parcels to the south.
3. The minimum internal lot setbacks shall be as follows:
From the front lot line: 20'
From the side lot lines: 5'
From the rear lot line: 15'
4. The petitioner shall provide a minimum ½ acre of open space on a revised master plan.
5. The petitioner shall provide a revised master plan showing the performance conditions within 30 days of BCC approval.

P&Z RECOMMENDATION:

On June 9, 2003, 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 AG to PDP(SF) with a master plan revision to include reduction in lot size and setbacks and a reconfiguration of layout, with the following modified 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, including review of the proposed use through the DRC process.
- ~~2. The petitioner shall extend the eastern north/south roadway to the south lot line to provide future access to parcels to the south.~~
2. The minimum internal lot setbacks shall be as follows:
 - From the front lot line: 20'
 - From the side lot lines: 5'
 - From the rear lot line: 15'
3. The petitioner shall provide a minimum ½ acre of open space on a revised master plan.
4. The petitioner shall provide a revised master plan showing the performance conditions within 30 days of BCC approval.
5. The roadways in the development shall be private.

BCC ACTION:

On July 9, 2003, the BCC postponed consideration of this petition until their August 13, 2003 hearing at 9:00 a.m. On August 13, 2003, the BCC postponed consideration of this petition until their September 10, 2003 hearing at 9:00 a.m.

On September 10, 2003, the Board of County Commissioners voted 5-0 to adopt Resolution # 2003-248 approving the petitioner's request to rezone from AG to PDP(SF) with a master plan revision to include reduction in lot size and setbacks and a reconfiguration of layout, 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, including review of the proposed use through the DRC process.
2. The petitioner shall extend the eastern north/south roadway to the south lot line to provide future access to parcels to the south.
3. The minimum internal lot setbacks shall be as follows:
 - From the front lot line: 20'
 - From the side lot lines: 5'
 - From the rear lot line: 15'

4. The petitioner shall provide a minimum ½ acre of open space on a revised master plan.
5. The petitioner shall provide a revised master plan showing the performance conditions within 30 days of BCC approval.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.