

**STAFF REPORT**

Planning & Zoning Commission: June 9, 2003

Board of County Commissioners: July 9, 2003

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**APPLICANT:** H. Curtis Norman **FILE NUMBER:** H-03-34

**PURPOSE:** Rezoning from AG (Agricultural) to PDP(SF)/(Single Family) with a deviation from the roadway standards

**GENERAL**

**LOCATION:** North of Wilderness Trail, south of Tooke Lake Boulevard, approximately 800' north of Rainbow Ridge Court

**LEGAL**

**DESCRIPTION:** A portion of Section 18, Township 22 South, Range 18 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 1

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: PDP(SF)  
East: PDP(SF)  
West: AG

Surrounding Land Uses

Undeveloped  
SF, recreation, undeveloped  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(SF) with a deviation from the roadway standards. The subject property is located north of Wilderness Trail, south of Tooke Lake Boulevard and approximately 800' north of Rainbow Ridge Court.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 40 acres.
3. The site is currently undeveloped.

4. The subject property has access from Wilderness Trail.
5. The subject property is located within residential and conservation land use classifications on the adopted Future Land Use Map.
6. The Hernando County Soil Survey indicates the on-site soil types include Basinger fine sand and Tavares fine sand.
7. The property is located in a flood zones C and A.
8. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
9. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The surrounding area is characterized by single family uses, mobile homes and undeveloped parcels.
12. The petitioner requests deviations from the County roadway standards, specifically a cul-de-sac longer than 600' and 12' driveways serving multiple lots.

#### **STAFF DISCUSSION**

The petitioner requests to rezone the subject property from AG to PDP(SF) in order to develop a single family residential development. The staff has also advertised for deviations from the County roadway standards due to the petitioner's requests for a cul-de-sac longer than 600' and to provide access to multiple lots via 12' paved driveways.

The applicant proposes to develop the subject property with single family residential development with lots similar to those approved for Woodland Waters on properties located to the south and east of the subject property. The petitioner proposes developing the property with 20 lots, ranging in size from slightly over a half-acre to approximately an acre in size. The Planning staff is of the opinion the proposed development will be compatible with the single family residential development in Woodland Waters. The master plan submitted indicated the perimeter setbacks will be 25' front, 10' side and 20' rear, which are the minimum required by the PDP rules. The master plan indicates the proposed internal lot setbacks are 25' front, 10' side and 25' rear. If the request is approved, staff would have no objections to standard single family district setbacks.

The subject property has access from Wilderness Trail and Tooke Lake Boulevard; however the master plan submitted only proposes access from Wilderness Trail. Wilderness Trail is a County-

maintained local roadway. The petition was advertised to include a deviation from the roadway standards because the extension of Wilderness Trail creates a cul-de-sac longer than 600'. The petitioner indicates in the narrative that the deviation is requested because no other access configuration is viable due to the property location and Tooke Lake. The County Engineer has reviewed the request and does not object to the request for the longer cu-de-sac length as proposed. The Planning staff is of the opinion that approving the proposed cul-de-sac length would not be inappropriate due to the size and number of the proposed lots in the development.

The petitioner has indicated a future right-of-way on the northeast portion of the property. The petitioner is requesting to allow two 12' driveways for shared access to two lots in the southwest portion of the project and two lots in the northeast of the subject property. The petition has been advertised to consider a deviation in roadway standards. The Planning Staff has reviewed the request with the County Engineer. Based on the plan submitted, the staff would find no justification to provide access to the two northern lots via a 12' driveway. The petitioner should be required to provide the access via the minimum county standards. The staff would not object to the 12' access drive along the southwest portion of the project provided it is paved and placed within a minimum 15' easement; however, we believe the maximum number of lots served by the drive should be limited to one (1). Additionally, the petitioner should be required to provide a 10' buffer between the access drive to the southwest and the single family lots in Woodland Waters.

Lots 1, 2, 13 and 14 do not provide the minimum street frontage consistent with the County's standard single family zoning district. The petitioner has requested to provide alternative access to these lots due to the lack of roadway frontage. Due to the County Engineer's concerns about the proposed alternative access, the planning staff recommends that if the request is approved, the lots be reconfigured with the required minimum street frontage. The Planning staff recommends the lots' minimum street frontage should be consistent with the regulations for R-1C parcels, except for the lot served by the 15' easement. The regulations require a minimum 50' of street frontage, except for those lots which front on turnarounds or permanent dead ends, which are allowed to front on such turnarounds for a minimum distance of 30'.

The Hernando County School Board has indicated that elementary school students will be allocated to Pinegrove Elementary School, middle school students to West Hernando Middle School and high school students to Central High School. The School Board indicates the proposed project will not significantly impact the school system, although all three schools are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. The petitioner indicates in the narrative that the lots will be served by central water and septic tanks. Such lots are required to be a minimum half-acre in size. Half-acre lots served by central water and septic were approved for Woodland Waters to the south and east of the subject property.

The subject property contains a large Class I wetland along the west and north of the subject site, and a Class III wetland in the east central portion of the site. The project is located in flood zones

A and C. The narrative indicates slightly more than half of the subject property is located in uplands. County data resources indicate the proposed development is located in the C flood zone.

The petitioner should be required to delineate the wetland lines as part of the development of the project. The staff recommends that if the request is approved, all lots must maintain a berm and swale system upland of the delineated wetland line in order to prevent direct stormwater runoff into the wetland and/or lake. Additionally, any septic tanks should be a minimum of 75' from the delineated wetland lines. Due to the fact that the subject property is located in a karst-sensitive area, the staff further recommends that if the request is approved, the petitioner be required to conduct a sinkhole survey and geophysical study for the design of drainage features.

### **FINDINGS OF FACT**

The surrounding area is characterized by single family uses, mobile homes and undeveloped parcels. Woodland Waters is located to the south of the subject property; a master plan revision for Woodland Waters was approved in 2000 on the property to the east of the subject property.

The subject property is located within the residential and conservation land use categories on the adopted Future Land Use Map. The Future Land Use map is a generalized map. The area of the subject property covered by the conservation land use category is generally that located in Tooke Lake. The adopted comprehensive plan mapping criteria indicates that the purpose of the conservation land use designation is to retain forests, protect wetlands and retain areas of wildlife and marine habitat. The plan submitted proposes development outside of the area designated as conservation and containing the Class I wetland.

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 20 units on approximately 40 acres, at a density of 0.5 du/ac. The Planning staff does not object to the density proposed.

The Planning staff is of the opinion that the request for the rezoning from AG to PDP(SF) with a deviation from the roadway standards allowing a cul-de-sac longer than 600' is 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 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, 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 deviation from the roadway standards, 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 obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The cul-de-sac is approved to be longer than 600'.
4. Access to the two lots in the northeast corner of the project must be via a roadway built to minimum county standards.
5. A maximum of one (1) lot may be served by a 12' paved driveway within a minimum 15' easement along the southwest portion of the subject property. A 10' wide buffer is required between the driveway and the southern property line adjacent to Woodland Waters.
6. Minimum internal setbacks are approved as follows:  
Front: 25' Side: 10' Rear: 20'
7. A maximum of twenty (20) lots are approved.
8. All residential lots shall contain at least 21,500 square feet of uplands.
9. All lots shall be served by central water. All septic tanks shall be located at least 75' from any delineated wetlands.

10. The lots' minimum street frontage shall conform to the street frontage regulations for the R-1C zoning district, except for the one lot approved on the 15' easement.
11. The wetland lines must be delineated. No development shall occur within the wetland.
12. All lots must maintain a berm and swale system upland of the delineated wetland line in order to prevent direct stormwater runoff into the wetland and/or lake.
13. The petitioner shall conduct a sinkhole survey and geophysical study to detect the existence of sinkholes and potential of sinkholes on the property. This information shall be used to develop drainage features for the project.
14. A revised master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the zoning shall become null and void.

**P&Z RECOMMENDATION:**

On June 9, 2003, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AG to PDP(SF) with a deviation from the roadway standards, 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 obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The cul-de-sac is approved to be longer than 600'.
4. Access to the two lots in the northeast corner of the project must be via a roadway built to minimum county standards.
5. A maximum of two (2) ~~one (1)~~ lots may be served by a 12' paved driveway within a minimum 15' easement along the southwest portion of the subject property. A 20' ~~10'~~ wide buffer is required between the driveway and the southern property line of lots 2 and 3 adjacent to Woodland Waters.
6. Minimum internal setbacks are approved as follows:  
Front: 25' Side: 10' Rear: 20'
7. A maximum of twenty (20) lots are approved.

8. All residential lots shall contain at least 21,500 square feet of uplands.
9. All lots shall be served by central water. All septic tanks shall be located at least 75' from any delineated wetlands.
10. The lots' minimum street frontage shall conform to the street frontage regulations for the R-1C zoning district, except for the one lot approved on the 15' easement.
11. The wetland lines must be delineated. No development shall occur within the wetland.
12. All lots must maintain a ~~berm and swale~~ system upland of the delineated wetland line in order to prevent direct stormwater runoff into the wetland and/or lake.
13. The petitioner shall conduct a ~~sinkhole survey~~ and geophysical study to detect the existence of sinkholes and potential of sinkholes on the property within the drainage areas. This information shall be used to develop drainage features for the project.
14. A revised master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the zoning shall become null and void.

**NOTE:**

At the P&Z hearing, the petitioner proposed providing access to lots 1 and 2 via a 12' driveway located within a 15' easement. The petitioner agreed to provide a 20' wide buffer between the driveway and the southern property line of lots 2 and 3 adjacent to Woodland Waters. The petitioner proposed at the hearing that the property owners would maintain the driveway. Although Planning Staff would not support more than one (1) lot being served by an easement or access tract, the Planning staff would recommend if the BCC approves use of an easement or access tract to serve lots 1 & 2, that the condition regarding the access should clarify that the lot owners utilizing the access tract shall maintain the driveway and the buffer on their properties. The Planning staff recommends that if the BCC approves the rezoning request, condition #5 should be approved as follows:

5. A maximum of two (2) lots may be served by a 12' paved driveway within a minimum 35' access tract along the southwest portion of the subject property. A 20' wide buffer is required between the paved portion of the access tract and the southern property line of lots 2 and 3 adjacent to Woodland Waters. The access tract shall be maintained by the property owners served by the access tract.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2003-200 approving the petitioner's request to rezone from AG to PDP(SF) with a deviation from the roadway standards, 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 obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The cul-de-sac is approved to be longer than 600'.
4. Access to the two lots in the northeast corner of the project must be via a roadway built to minimum county standards.
5. If the proposed right-of-way to the north is developed, it must be buffered from the Woodland Waters Lots.
6. Minimum internal setbacks are approved as follows:  
Front: 25' Side: 10' Rear: 20'
7. A maximum of twenty (20) lots are approved.
8. All residential lots shall contain at least 21,500 square feet of uplands.
9. All lots shall be served by central water. All septic tanks shall be located at least 75' from any delineated wetlands.
10. The lots' minimum street frontage shall conform to the street frontage regulations for the R-1C zoning district, except for the one lot approved on the 15' easement.
- 11\*. The wetland lines must be delineated. No development shall occur within the wetland.
12. All lots must maintain a system upland of the delineated wetland line in order to prevent direct stormwater runoff into the wetland and/or lake.
13. The petitioner shall conduct a geophysical study to detect the existence of sinkholes and potential of sinkholes within the drainage areas. This information shall be used to develop drainage features for the project.

14. A revised master plan shall be provided within 30 days of BCC approval reflecting the zoning conditions or the zoning shall become null and void.

**\*NOTE:** The isolated wetland contained within the project may be developed if approved by the appropriate agencies with jurisdiction through the permitting process.