

STAFF REPORT

Planning & Zoning Commission: October 13, 2003
Board of County Commissioners: November 12, 2003

APPLICANT: Don Buck **FILE NUMBER:** H-03-56
P-03-19C

PURPOSE: Rezoning from AG (Agricultural) to PDP(Single Family) with a reduction in setbacks, and approval for Don Buck Conditional Plat

GENERAL

LOCATION: Approximately 3,200' southwest of Elgin Boulevard, approximately 2,200' north of Rudi Loop, approximately 2,600' west of St. Ives Boulevard

LEGAL

DESCRIPTION: A portion of Section 16, 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: 1

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: C/PDP

Undeveloped

South: AG

Undeveloped

East: PDP(SF), AG

Undeveloped

West: AG

Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from AG to PDP(SF) with a reduction in setbacks. The subject property is located approximately 3,200' southwest of Elgin Boulevard, approximately 2,200' north of Rudi Loop and approximately 2,600' west of St. Ives Boulevard.

FACTUAL INFORMATION

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

3. The site is undeveloped.
4. The subject property does not have frontage on a County-maintained roadway. The petitioner indicates the site will have access via a public collector roadway linking the parcel and the adjacent parcel to the north to Elgin Boulevard.
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 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.
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 residential and agricultural uses and vacant parcels.
12. The petitioner has requested a reduction in perimeter setbacks from 20' to 15', which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests rezoning from AG to PDP(SF) in order to develop the 40-acre subject property with 197 single family attached villa units. The petitioner proposes 20' front setbacks, 0'/5' side setbacks and 15' rear setbacks. The minimum lot sizes are proposed to be 3,850 square feet.

The plan submitted does not indicate perimeter setbacks for the project. The PDP rules indicate that the required minimum perimeter setbacks are 25' front, 10' side and 20' rear. The plan appears to indicate that the proposed perimeter setbacks will be the same as the proposed 15' rear lot setback. The Planning staff would not support a deviation to the required PDP perimeter setbacks.

The narrative provided indicates the minimum lot sizes will be 35' x 110'. All residential PDPs with lots which have lot widths of less than 60' at the building line are required to submit a fire protection plan upon filing of a conditional plat. If the request is approved, the developer must provide a fire protection plan as required per the LDRs to complete the conditional plat process.

The petitioner requesting to rezone the subject property is a managing partner to the development to the north. The access to the subject site is through the Devco project. Devco 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.

Access is to be provided via Sterling Hill Boulevard, a proposed public collector roadway to be located within the subject property and the Sterling Hill SF development north of the subject property. The collector roadway will provide access from the subject property's southern property line to Elgin Boulevard. The 197 units are proposed to be divided between two neighborhood pods, each on either side of the proposed north/south collector roadway. The two entries into the neighborhoods from the collector roadway are proposed to have wider right-of-ways to accommodate landscape features such as split roadways and security gates. The roadways within the neighborhood pods are proposed to be private.

The County Engineer has reviewed the request and has indicated some of the roadway radii do not meet the County roadway design guidelines. The County Engineer has also indicated the submitted plan does not meet the access regulations per the County subdivision regulations. The subdivision regulations indicate that subdivision developments shall provide street rights-of way to all undeveloped areas surrounding the subdivision at points not to exceed 1,320' or such as the P&Z may direct. The plan provided indicates only two external access points, one each along the north and south parcel lines. The plan leaves two AG parcels without access to streets built to County standards. The County Engineer indicates that if the request is approved, the petitioner should provide a revised plan indicating access to the 20 acre AG parcel to the east and relocating the collector road to stub out to the south at the eastern boundary of the parcel located to the southwest, thereby providing potential access to the two AG parcels to the south.

The subject property is located within an area zoned AG, approximately 700 acres in size, with no direct access to collector or arterial roadways except through the collector road within Devco. This approximately 700 acre area has potential access to surrounding local road stubouts. The petitioner proposes extending Sterling Hill Boulevard, a proposed collector roadway, through the subject property, linking the subject property with Elgin Boulevard to the north, as part of the development concept. Although the Planning staff endorses a future linkage of Sterling Hill Boulevard to roadways to the south, such as Linden Drive, such future roadway interconnection is not guaranteed. Similarly, future interconnection to the multiple surrounding local roadway stubouts is not guaranteed. The Transportation Planning Coordinator has noted that remaining capacity on Linden Drive is limited to approximately 600 trips. A collector roadway, such as the proposed Sterling Hill Boulevard, is limited to approximately 1,300 trips. The Planning staff recommends that if the rezoning request is approved, the density be limited to mitigate future impacts to the surrounding roadway infrastructure.

The subject property lies on well-drained soils which exhibit rapid percolation. In order to prevent the significant addition of nutrients and pollution to the underlying aquifer, the Planning staff is of

the opinion that the developer should include in sales literature associated with the project, information regarding the Florida Yards & Neighborhoods (FYN) principles regarding the care of turf grass and landscaped areas.

The petitioner indicates the proposed development will be served by central water and sewer service by the County Utilities Department. HCUD has indicated central water and sewer service are available for the proposed development.

The Hernando County School Board notes the proposed project would add approximately 60 students to the school system. Elementary school students will be assigned to Spring Hill Elementary School, middle school students to Powell Middle School and high school students to Springstead High School. All three schools are currently over current capacity and the additional students would be accommodated by adding portables to the campuses or redrawing the schools' boundaries.

FINDINGS OF FACT

The area is characterized by residential and agricultural uses and vacant parcels. The subject property is currently surrounded by undeveloped parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in this category include single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. The subject property is adjacent and proximate to parcels on which rezonings allowing single family uses have been approved. These approvals allow lower densities than the 4.93 units per acre density requested by the petitioner. Sterling Hill, immediately adjacent to the north, was approved with a density of approximately 2.4 units per acre. The parcel zoned PDP(SF) to the east was approved with a density of 2.5 units per acre. The Plantation Estates subdivision to the south has been developed with half-acre lots. The Planning staff is of the opinion that the 4.93 units per acre density requested would not be compatible with the existing and future density developments.

The petitioner proposes 197 SF villa units on the 40 acre subject property, at a density of 4.93 per acre. Policy 1.01F(7) indicates that the criteria and standards used for determining appropriate locations of higher residential densities greater than 4.0 dwelling units per acre shall consider such factors as proximity to existing or designated commercial centers, direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, provision of appropriate police, fire and EMS services, service by existing or proposed expansion of County water supply and sewer facilities, character and density of existing or approved residential developments of close proximity, availability of appropriate public elementary and secondary school facilities and provision of open space beyond minimum County standards and aesthetic or architectural quality. The Planning staff is of the opinion that the subject property does not meet the criteria for a residential density over 4 units per acre because of the lack of proximity to commercial nodes, the limited capacity of existing and future collector roadways in the area, and the inadequate provision of open space.

The Planning staff is of the opinion that the proposed rezoning at the density proposed is not appropriate given the densities of surrounding existing and future single family residential development and the limitations of the roadway infrastructure. The Planning staff is of the opinion that rezoning to PDP(SF) with performance conditions, including limiting the density to 2.5 units per acre, will be compatible with the surrounding area and consistent with the Comprehensive Plan.

CONDITIONAL PLAT ISSUES

The Planning Staff recommends the Planning and Zoning Commission postpone consideration of this request until the applicant addresses the conditional plat issues. Upon the applicant addressing the conditional plat issues, the Planning Department will place the conditional plat on the next scheduled Planning and Zoning Commission meeting.

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 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 maximum number of units shall be 100.
3. The minimum lot size will be 3,850 square feet.
4. The minimum internal setbacks for each single family attached villa lot will be as follows:
 - Front: 20'
 - Side: 0'/5'
 - Rear: 15'

5. The perimeter setbacks will be per the LDRs.
6. The minimum usable park space (excluding detention pond area) is two acres.
7. The developer should include information regarding the Florida Yards & Neighborhoods (FYN) principles regarding the care of turf grass and landscaped areas in sales literature associated with the project.
8. The petitioner shall submit a revised plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.

CONDITIONAL PLAT:

The Planning Staff recommends the Planning and Zoning Commission postpone consideration of this request until the applicant addresses the conditional plat issues. Upon the applicant addressing the conditional plat issues, the Planning Department will place the conditional plat on the next scheduled Planning and Zoning Commission meeting.

P&Z RECOMMENDATION:

On October 13, 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 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 maximum number of units shall be 160 ~~100~~.
3. The minimum lot size will be 3,850 square feet.
4. The minimum internal setbacks for each single family attached villa lot will be as follows:
Front: 20'
Side: 0'/5'
Rear: 15'
5. The perimeter setbacks will be per the LDRs.
6. The minimum total usable park space (excluding detention pond area) is two acres.
7. The developer should include information regarding the Florida Yards & Neighborhoods (FYN) principles regarding the care of turf grass and landscaped areas in sales literature associated with the project.

8. The petitioner shall submit a revised plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.
9. A 50' public right-of-way access shall be provided to the 20 acre parcel to the east of the southern portion of the subject property.

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2003-319 approving the petitioner's request to rezone from AG to PDP(SF) 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 maximum number of units shall be 160.
3. The minimum lot size will be 3,850 square feet.
4. The minimum internal setbacks for each single family attached villa lot will be as follows:
Front: 20'
Side: 0/5'
Rear: 15'
5. The perimeter setbacks will be per the LDRs.
6. The minimum total usable park space (excluding detention pond area) is two acres.
7. The developer should include information regarding the Florida Yards & Neighborhoods (FYN) principles regarding the care of turf grass and landscaped areas in sales literature associated with the project.
8. The petitioner shall submit a revised plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.
9. A 25' access tract shall be provided to the 20 acre parcel to the east of the southern portion of the subject property.

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.