

STAFF REPORT

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

APPLICANT: Killarney, LLC

FILE NUMBER: H-03-61
P-03-16C

PURPOSE: Master Plan Revision to include an addition of lots and redesignation of golf course to recreational open space, and Conditional Plat approval for Killarney

GENERAL

LOCATION: East side of Sunshine Grove Road, approximately 2,000' north of Montour Street

LEGAL

DESCRIPTION: A portion of Sections 22 and 27, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: C/PDP, PDP(MH)
South: C/PDP, PDP(MH), PDP(REC)
East: C/PDP, PDP(SF), PDP(REC)
West: C/PDP, AG

Surrounding Land Uses

Brookridge MH Park
Brookridge MH Park
Brookridge MH Park
Power lines, SF, MH, Marine Corps League, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include an addition of lots and redesignation of golf course to recreational open space. The subject property is located on the east side of Sunshine Grove Road, approximately 2,000' north of Montour Street.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 153 acres.

3. The site is undeveloped.
4. The subject property proposes access to Sunshine Grove Road. The project abuts Delsilver Drive, Fontaine Drive, Avocado Street, Midmoor Boulevard and Country Club Drive.
5. The subject property is located within residential and public facility land use classifications on the adopted Future Land Use Map.
6. The on-site soil types include 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 contains a WHPA-2, but no wetlands 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, commercial, recreational and utility uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

MASTER PLAN ISSUES

STAFF DISCUSSION

The petitioner requests a master plan revision in order to increase the number of units from 443 to 520 and to redesignate the golf course to open space. In 2000, the BCC approved a master plan revision to allow single family attached and detached units 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 receiving DRC approval for the proposed use.
2. The project is approved for single family attached and single family detached units and a golf course as designated on the master plan. The single family attached units shall be within areas as indicated on the approved master plan.
3. The project is approved for a maximum of 443 residential lots.

4. The minimum lot size is 30' x 100'.
5. The minimum internal setbacks shall be: front: 20', rear: 10', side: 5' (with a minimum of 15' between every 8 units) or as acceptable by the appropriate Fire District.
6. The minimum perimeter setback shall be 20'.
7. A minimum 10' buffer shall be provided along the perimeter and 20' along the southern boundary.
8. Sidewalks shall be provided along all lots created in this subdivision.
9. Residential lots may have driveways onto the collector roadways.
10. The developer must revise the water and sewer agreement for 443 units.
11. The developer and the County Engineering Department shall coordinate the timing of the project entrance and the multi-laning of Sunshine Grove Road prior to the development of construction drawings for the project.
12. The developer and the Utilities Department shall study the use of treated wastewater for the project, and the developer will be required to use treated wastewater if delivered in an amount not to exceed the total irrigation needs of the golf course.
13. Sunshine Grove road will require a minimum ROW of 40' along each side of the centerline of the existing road. If the existing ROW adjacent to the project is insufficient, the developer shall dedicate additional ROW to the County to provide for the 40'. The necessity of ROW dedication shall be determined at the time of construction drawing approval and, if warranted, the dedication shall be made at the time of final platting.
14. The entrance into the project shall be a 4 lane divided median.
15. The petitioner shall insure that the proposed golf course is designed and constructed outside the limits of the WHPA-1 for nearby public supply wells.

The narrative provided proposes three lot sizes for detached lots: 45' x 105', 50' x 105' and 55' x 105'. Detached lots are indicated to have minimum lot size of 37' x 105'. The revised master plan locates similarly-sized housing groups together. Eighty-two of the 86 attached housing units are located along the eastern edge of the subject property, adjacent to the Brookridge golf course.

The revised master plan indicates a 4,000 square foot clubhouse at the terminus of the 4-lane entrance road. The narrative indicates the clubhouse will contain a possible outdoor pavilion for the residents. The plan provided indicates a patio and gardens adjacent to the clubhouse. Located immediately south of the clubhouse area is an area of 10 mixed lots, including 4 attached lots. A golf driving range is located along the western edge of the property, as had been indicated on the previously approved master

plan. The narrative indicates the driving range will be open to the public as well as residents of the proposed development.

The narrative provided indicates the golf course is proposed to be replaced with landscaped recreational open space containing trails for exercising and benches for wildlife observation. The Planning staff does not object to this substitution of recreational open space for the previously approved golf course; in the staff's opinion more residents may choose to access the recreational open space than would have utilized the golf course.

The minimum size for the attached lots is 37' x 105'. All residential PDPs with lots which have lot widths of less than 60' at the building line. The petitioner has provided the fire protection plan with the associated conditional plat.

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

The County Engineer has met with the petitioner. The County Engineer does not object to the access management plan as presented, although he has expressed some concerns about the roadway radius curve in the northeast corner of the property. If the request is approved, the roadways will be required to meet the County roadway design guidelines.

The Transportation Planning Coordinator has indicated that Sunshine Grove Road does not currently have the capacity for the traffic to be generated by the proposed additional 77 single family units. This segment of Sunshine Grove Road is scheduled to be widened and improved in approximately four (4) years. To mitigate for impacts associated with the development, the developer has proposed to dedicate the necessary right-of-way to the county through a developer's agreement.

The subject property lies within a WHPA-2 for a public supply well. The proposed land use is allowable within this designation.

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, Planning staff is of the opinion that proposed development should subscribe to Florida Yards & Neighborhoods (FYN) principles regarding the care of turf grass and landscaped areas.

The Hernando County School Board notes the proposed project would add approximately 175 students to the school system. Elementary school students will be assigned to Pine Grove Elementary School, middle school students to West Hernando Middle School and high school students to Central High School. All three schools are currently over current capacity and the additional students would be accommodated by adding portables to the campuses.

FINDINGS OF FACT

The area is characterized by residential, commercial, recreational, industrial and utility uses and undeveloped parcels.

The subject property is located within residential and public facility land use classifications 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.

The residential density proposed by the petitioner is consistent with the densities allowable per the adopted Comprehensive Plan. The petitioner proposes 520 SF units on the 153 acre subject property, at a density of 3.4 units per acre. The Planning staff does not object to the density proposed.

The Planning staff is of the opinion that the proposed master plan revision with performance conditions will be compatible with the surrounding area and consistent with the Comprehensive Plan.

CONDITIONAL PLAT ISSUES

Submitted with the request for Master Plan Revision is a request for conditional plat approval for Killarney. The project will consist of 520 villa lots (86 attached units and 434 detached units), and a driving range on 153 Acres. The conditional plat indicates that the project will be constructed in two phases; however, the applicant has requested that the subdivision be constructed in one phase (see attached request letter).

The development has a Certificate of Concurrency for 443 lots. The applicant has requested conditional plat approval for 520 lots with the condition that only 443 building permits be issued until the Capital Improvement Plan for Sunshine Grove Road is adopted within the next two years, providing the Certificate of Concurrency for the remaining 77 lots.

The conditional plat has been reviewed by the various agencies and the following comments were made:

Engineering Department:

1. Applicant shall deed additional 75' for road right-of-way along the east side of Sunshine Grove Road at the time of final plat is recorded.
2. The DRA must be relocated out of the proposed deeded right-of-way.

Planning Department:

1. Applicant shall submit revised conditional plat indicating no phasing of the development.

2. Conditional plat being revised in 30 days to provide the following or it shall become null and void

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 for a master plan revision to include an addition of lots and redesignation of golf course to recreational open space, 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 project is approved for single family attached and single family detached units, the clubhouse and the recreational open space to include a driving range as designated on the master plan. The single family attached units shall be within areas as indicated on the approved master plan.
3. The project is approved for a maximum of 520 residential lots.
4. The minimum lot size for single family attached units is 37' x 105'.
5. The minimum lot size for single family detached is 45' x 105'.
6. The minimum internal setbacks for single family detached units shall be: front: 20', rear: 10', side: 5'.
7. The minimum internal setbacks for the clubhouse shall be: front: 35', rear : 35', side: 20'
8. The minimum perimeter setback shall be 20'.

9. A minimum 10' buffer shall be provided along the perimeter and 20' along the southern boundary.
10. Residential lots may have driveways onto the collector roadways.
11. The developer and the County Engineering Department shall coordinate the timing of the project entrance and the multi-laning of Sunshine Grove Road prior to the development of construction drawings for the project.
12. The entrance into the project shall be a 4 lane divided median.
13. 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.
14. The petitioner shall enter into an agreement with the county to provide the required right-of-way to mitigate the impacts to Sunshine Grove Road. Based on the agreement, the petitioner will be allowed to proceed with construction drawing approval.

CONDITIONAL PLAT:

The Planning Staff recommends that the Planning and Zoning Commission approve the conditional plat of Killarney subject to the following conditions:

1. Indicate on the conditional plat that the applicant shall deed additional 75' for road right-of-way along the east side of Sunshine Grove Road.
2. The DRA must be relocated out of the proposed deeded right-of-way of Sunshine Grove Road.
3. The applicant shall indicate the project will be developed in one phase on the conditional plat.
4. The proposed master plan revision of this development must be approved by the Board of County Commissioners or the conditional plat will become null and void.
5. The petitioner shall enter into an agreement with the county to provide the required right-of-way to mitigate the impacts to Sunshine Grove Road. Based on the agreement, the petitioner will be allowed to proceed with construction drawing approval.
6. The applicant must submit the revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice or the conditional plat will become null and void

P&Z RECOMMENDATION:

On October 13, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include an addition of lots and redesignation of golf course to recreational open space, 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 project is approved for single family attached and single family detached units, the clubhouse and the recreational open space to include a driving range as designated on the master plan. The single family attached units shall be within areas as indicated on the approved master plan.
3. The project is approved for a maximum of 520 residential lots.
4. The minimum lot size for single family attached units is 37' x 105'.
5. The minimum lot size for single family detached is 45' x 105'.
6. The minimum internal setbacks for single family detached units shall be: front: 20', rear: 10', side: 5'.
7. The minimum internal setbacks for the clubhouse shall be: front: 35', rear : 35', side: 20'.
8. The minimum perimeter setback shall be 20'.
9. A minimum 10' buffer shall be provided along the perimeter and 20' along the southern boundary.
10. Residential lots may have driveways onto the collector roadways.
11. The developer and the County Engineering Department shall coordinate the timing of the project entrance and the multi-laning of Sunshine Grove Road prior to the development of construction drawings for the project.
12. The entrance into the project shall be a 4 lane divided median.
13. 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.

14. The petitioner shall enter into an agreement with the county to provide the required right-of-way to mitigate the impacts to Sunshine Grove Road. Based on the agreement, the petitioner will be allowed to proceed with construction drawing approval.
15. The developer must revise the water and sewer agreement for 520 units.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the conditional plat of Killarney subject to the following unmodified condition:

1. Indicate on the conditional plat that the applicant shall deed additional 75' for road right-of-way along the east side of Sunshine Grove Road.
2. The DRA must be relocated out of the proposed deeded right-of-way of Sunshine Grove Road.
3. The applicant shall indicate the project will be developed in one phase on the conditional plat.
4. The proposed master plan revision of this development must be approved by the Board of County Commissioners or the conditional plat will become null and void.
5. The petitioner shall enter into an agreement with the county to provide the required right-of-way to mitigate the impacts to Sunshine Grove Road. Based on the agreement, the petitioner will be allowed to proceed with construction drawing approval.
6. The applicant must submit the revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice or the conditional plat will become null and void

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2003-315 approving the petitioner's request for a master plan revision to include an addition of lots and redesignation of golf course to recreational open space, 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 project is approved for single family attached and single family detached units, the clubhouse and the recreational open space to include a driving range as designated on the master plan. The single family attached units shall be within areas as indicated on the approved master plan.
3. The project is approved for a maximum of 520 residential lots.

4. The minimum lot size for single family attached units is 37' x 105'.
5. The minimum lot size for single family detached is 45' x 105'.
6. The minimum internal setbacks for single family detached units shall be: front: 20', rear: 10', side: 5'.
7. The minimum internal setbacks for the clubhouse shall be: front: 35', rear : 35', side: 20'.
8. The minimum perimeter setback shall be 20'.
9. A minimum 10' buffer shall be provided along the perimeter and 20' along the southern boundary.
10. Residential lots may have driveways onto the collector roadways.
11. The developer and the County Engineering Department shall coordinate the timing of the project entrance and the multi-laning of Sunshine Grove Road prior to the development of construction drawings for the project.
12. The entrance into the project shall be a 4 lane divided median.
13. 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.
14. The petitioner shall enter into an agreement with the county to provide the required right-of-way to mitigate the impacts to Sunshine Grove Road. Based on the agreement, the petitioner will be allowed to proceed with construction drawing approval.
15. The developer must revise the water and sewer agreement for 520 units.

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.