

**STAFF REPORT**

Planning & Zoning Commission: November 10, 2003

Board of County Commissioners: December 10, 2003

Board of County Commissioners: January 14, 2004

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**APPLICANT:** TBF Enterprises **FILE NUMBER:** H-03-68

**PURPOSE:** Master Plan Revision to include rezoning from AG (Agricultural) to PDP(SF)/(Single Family), addition of land and relocation of a roadway

**GENERAL**

**LOCATION:** East end of Woodland Waters Boulevard, north end of Quivira Road, north side of Star Road

**LEGAL**

**DESCRIPTION:** A portion of Sections 17 and 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: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SF), AG	SF, undeveloped
South: AG	SF, MH, Undeveloped
East: AG	Undeveloped
West: PDP(SF)	Woodland Waters

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to include rezoning from AG to PDP(SF), addition of land and relocation of a roadway. The subject property is located at the east end of Woodland Waters Boulevard, at the north end of Quivira Road and on the north side of Star Road.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(SF) and AG.
2. The property comprises approximately 87 acres.

3. The site is undeveloped.
4. The subject property has access from Woodland Waters Boulevard, Quivira Road and Star Road.
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 and Tavares 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 no wetlands, 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 residential uses, rural residential uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner requests a master plan revision on the subject property in order to develop the site as Phase 6 of the Woodland Waters subdivision. The petitioner proposes developing the site with a maximum of 80 SF lots on lots of a minimum size of a half-acre. The plan shows SF 76 lots. The BCC approved a master plan revision in 1990 for Woodland Waters on property including approximately the western quarter of the subject property.

The petitioner proposes 20' front, 7.5' side and 15' rear internal lot setbacks. The existing Woodland Waters lots to the west of the subject property have 25' front, 10' side and 20' rear internal lot setbacks. In 2000, the BCC approved a master plan revision on a portion of Woodland Waters located northwest of the subject property, with 20' front, 7.5' side and 15' rear internal lot setbacks. The Planning staff does not object to the proposed internal lot setbacks.

The petitioner proposes a 20' perimeter setback, which is consistent with the PDP standards. The plan indicates a 50' natural buffer along the south boundary line. The 1990 master plan had been approved with a 35' perimeter setback. The 2000 master plan revision approved for the portion of Woodland Waters located northwest of the subject property was approved with a 20' perimeter setback. The Planning staff does not object to the proposed perimeter setback as it meets the minimum County LDRs.

The petitioner proposes a 50' natural buffer along the south boundary adjacent to Star Road. The Planning staff does not object to this proposed vegetative buffer.

The petitioner indicates access is proposed from the west via Woodland Waters Boulevard. The Transportation Planning Coordinator indicates Woodland Waters Boulevard has capacity to handle the traffic generated from the proposed development. The plan indicates a minor relocation of the Woodland Waters Boulevard extension through the property from the alignment approved in 1990.

The plan shows 70' ROW for the Woodland Waters extension and 60' ROW for the remaining internal roadways. The plat for Woodland Waters Phase 1 indicates a 60' ROW for Woodland Waters Boulevard adjacent to the subject property. Hernando Ridge Road, located approximately 350' west of the subject property is also indicated to have a 60' ROW. The roadways will be required to meet the County's roadway design guidelines.

The Planning Department has proposed an update to the County's functionally classified roadway network to include a north-south collector roadway to serve the County between US 19 and Sunshine Grove Road. The proposed roadway is to be located along this project's east lot line. The subject property's east project boundary has been designed so that it accommodates the proposed roadway's path. As part of the conditional plat review, which has been submitted, the petitioner would be required to provide the necessary right-of-way to accommodate the alignment of the proposed north-south collector roadway.

The subject property is located adjacent to Star Road. Star Road is proposed to be added to the County's functionally classified roadway network. The petitioner has previously submitted versions of the master plan showing a provision of 30' ROW along the southern property line adjacent to Star Road for expansion of Star Road. The latest plan submitted does not show this ROW provided. As part of the conditional plat approval process, the petitioner would be required to provide the necessary right-of-way for Star Road.

The plan submitted indicates a 70' wide future access tract at the eastern boundary and a 60' wide future access tract at the northern boundary. 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 Planning staff does not object to the proposed access points.

The petitioner indicates the development will be served with central water and septic tanks. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.

Adjacent phases of Woodland Waters and surrounding properties have had significant karst activity during development (ie, fracture trace and active sinkholes). Therefore, during the conditional plat process staff will recommend that geophysical/geotechnical subsurface surveys be conducted within any proposed drainage retention areas.

The Hernando County School Board has indicated that elementary school students will be allocated to Pine Grove Elementary School, middle school students to West Hernando Middle School and high school students to Central High School. The School Board indicates that all three schools are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses. The School Board estimates the proposal would add approximately 25-30 students to the school district.

**FINDINGS OF FACT**

The surrounding area is characterized by single family residential uses, rural residential uses and undeveloped parcels. The subject property is adjacent to existing SF development in the Woodland Waters subdivision. The petitioner proposes developing the subject property as Phase 6 of Woodland Waters, with development compatible with the existing development in the Woodland Waters subdivision.

The subject property is located within residential and public facility land use classifications on the adopted Future Land Use Map. Land uses potentially 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 petitioner proposes a maximum of 80 SF lots on 87 acres, at a density of 0.92 units per acre. The Planning staff does not object to the proposed density, which is characterized as low density in the residential land use category per the Comprehensive Plan.

The Planning staff is of the opinion that the proposed rezoning with performance conditions will not be incompatible with the surrounding area nor inconsistent with the Comprehensive Plan.

**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 for a master plan revision to include rezoning from AG to PDP(SF), addition of land and relocation of a roadway, 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 SF lots shall be 80.
3. The minimum lot size will be 0.5 acre.
4. The minimum internal setbacks for each SF lot will be as follows:

Front:	20'
Side:	7.5'
Rear:	15'
5. The perimeter setback shall be 20'.
6. The development shall be developed with central water and septic tanks.
7. The developer shall provide a minimum 50' natural buffer along the southern boundary line along Star Road.

**P&Z RECOMMENDATION:**

On November 10, 2003, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a master plan revision to include rezoning from AG to PDP(SF), addition of land and relocation of a roadway, 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 SF lots shall be 80.
3. The minimum lot size will be 0.5 acre.
4. The minimum internal setbacks for each SF lot will be as follows:

Front:	20'
Side:	7.5'
Rear:	15'
5. The perimeter setback shall be 20'.
6. The development shall be developed with central water and septic tanks.
7. The developer shall provide a minimum 50' ~~strip natural buffer~~ along the southern boundary line along Star Road to accommodate right-of-way for Star Road, and a natural buffer. The natural buffer shall be a minimum of 20' wide.
8. No construction access is allowed from Star Road until the road is paved.

**BCC ACTION:**

On December 10, 2003, the Board of County Commissioners voted 5-0 to postpone this petition until the January 14, 2004, BCC hearing at 9:00 a.m.

On January 14, 2004, the Board of County Commissioners voted 4-1 to adopt Resolution #2004-19 approving the petitioner's request for a master plan revision to include rezoning from AG to PDP(SF), addition of land and relocation of a roadway, 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 SF lots shall be 80.
3. The minimum lot size will be 0.5 acre.
4. The minimum internal setbacks for each SF lot will be as follows:

Front:	20'
Side:	7.5'
Rear:	15'
5. The perimeter setback shall be 20'.
6. The development shall be developed with central water and septic tanks.
7. The developer shall provide a minimum 50' strip along the southern boundary line along Star Road to accommodate right-of- way for Star Road, and a natural buffer. The natural buffer shall be a minimum of 20' wide..
8. No construction access is allowed from Star Road until the road is paved.

**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.**