

STAFF REPORT

Planning & Zoning Commission: March 8, 2004

Board of County Commissioners: April 14, 2004

APPLICANT: Pulte Home Corporation **FILE NUMBER:** H-04-09

PURPOSE: Master Plan Revision to include an Addition of Land and Rezoning from AG (Agricultural) to PDP(SF)/(Single Family)

GENERAL

LOCATION: Approximately 1,700' east of the Suncoast Parkway, approximately 3,300' north of County Line Road

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 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

Surrounding Land Uses

North: PDP(SF)

Undeveloped

South: PDP(SF)

Undeveloped

East: PDP(SF)

Undeveloped

West: PDP(SF)

Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include an addition of land and rezoning from AG to PDP(SF). The subject property is located approximately 1,700' east of the Suncoast Parkway, approximately 3,300' north of County Line Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site is currently undeveloped.

4. The subject property is located in the interior of the recently approved Trillium Development (fka Pulte Homes) Planned Development Project.
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 Masaryk very fine sand.
7. The property is located in a flood zones B and 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 rural residential uses and undeveloped parcels
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to a master plan revision in order to rezone 10 acres within the proposed Trillium (aka Pulte Homes) single family development and incorporate it into the overall plan of development. In January 2004, the BCC approved the rezoning and master plan approval on the surrounding 287 acres with a maximum of 862 units. At the time of the prior request, the 10 acre tract was not under the petitioner's control. The 10 acre site is proposed to be rezoned from AG to PDP(SF) for development with a maximum of 30 single family homes. The plan submitted indicates a total of 891 units for the Trillium Development including the subject property.

The petitioner proposes SF development with minimum lot sizes of 5,500 square feet with lot dimensions of 50' x 110'. The lot sizes are consistent with those previously approved. 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 at the time of conditional plat submittal. A conditional plat has not yet been filed for this project.

The petitioner proposes lot setbacks as follows: 20' front, 5' side, 20' rear and 15' side corner lot. These proposed setbacks are the same as those approved on the surrounding 287 acres.

The petitioner indicates central water and sewer service for the proposed development will be provided by Hernando County. The Utilities Department has indicated that central water and sewer have been planned and programmed for this area of the County and are currently available to serve the subject site.

The petitioner indicates sidewalk will be provided internally and externally as required by the County LDRs; SF residential development with lots of 1/4 acre or less are required to provide sidewalks.

The plan indicates interior subdivision roadways may be privately owned and maintained. All roadways will be required to meet the minimum facility design standards. The subject property will be provided access via the internal local roadway system for the overall development.

Sufficient roadway capacity is available on County Line Road and Anderson Snow Road to serve the subject property.

Portions of the subject property lie within a WHPA-2 according to County data resources. The proposed land use is allowed within this designation.

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Suncoast Elementary School, middle school students will be assigned to Powell Middle School and high school students will be assigned to Hernando High School. The School Board notes that the petitioner has partnered with the school system and agreed to provide funding in addition to the required impact fees. The School Board has no objections to the rezoning request.

The Florida Turnpike headquarters have been notified of the request; no response has yet been received. The Pasco County Zoning/Code Compliance Administrator has indicated she does not object to the request.

FINDINGS OF FACT

The area is characterized by rural residential uses and undeveloped parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses that may be allowed in this category, meeting the goals, objectives and policies of the Comprehensive Plan, 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.

Inclusion of the subject property into the previously approved Pulte Development results in an overall density of 3.0 units/acre which is consistent with the initial approval.

The Trillium development was approved with the requirement to provide 10 acres of usable open space. It is the staff's position that an additional .5 acres of usable open space should be provided to accommodate the increase in homes. The Planning staff does not object to the proposed density, which is characterized as medium density in the residential land use category per the Comprehensive Plan, with appropriate open space and access provided.

The Planning staff is of the opinion that the proposed rezoning with performance conditions is appropriate based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the adopted Comprehensive Plan.
2. The proposed density is consistent with the density previously approved in the master plan on the property surrounding the subject property.

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.

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 land and rezoning 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 receiving development review for the proposed use.
2. An additional ½ acre of usable open space shall be added to the previously approved 10 acres of open space, and reflected on the revised master plan.
3. The maximum number of residential units approved is 891.

4. All conditions of PD-22 (approved under file H-03-62) shall be in full force and effect.
5. The petitioner shall submit a master plan reflecting the inclusion of the 10 acre site into the overall Trillium Development, and the zoning conditions or the rezoning shall be null and void.

P&Z RECOMMENDATION:

On March 8, 2004, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include an addition of land and rezoning from AG to PDP(SF) with the following performance 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 receiving development review for the proposed use.
- ~~2. An additional 1/2 acre of usable open space shall be added to the previously approved 10 acres of open space, and reflected on the revised master plan.~~
2. The maximum number of residential units approved is 891.
3. All conditions of PD-22 (approved under file H-03-62) shall be in full force and effect.
4. The petitioner shall submit a master plan reflecting the inclusion of the 10 acre site into the overall Trillium Development, and the zoning conditions or the rezoning shall be null and void.

BCC ACTION:

On April 14, 2004, the Board of County Commissioners voted 3-1 to adopt Resolution # 2004-86 approving the petitioner's request for a master plan revision to include an addition of land and rezoning 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 receiving development review for the proposed use.
2. An additional 1/2 acre of usable open space shall be added to the previously approved 10 acres of open space, and reflected on the revised master plan.
3. The maximum number of residential units approved is 891.

4. All conditions of P.D.-22 (approved under file H-03-62) shall be in full force and effect.
5. The petitioner shall submit a master plan reflecting the inclusion of the 10 acre site into the overall Trillium Development, and the zoning conditions or the rezoning shall be null and void.

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.