

STAFF REPORT

Planning & Zoning Commission: May 10, 2004

Board of County Commissioners: June 9, 2004

APPLICANT: Christopher D. Shemwell **FILE NUMBER:** H-04-21

PURPOSE: Master plan revision to include an increase in density and a modification to a previously approved performance condition, namely allowing interim private well use

GENERAL

LOCATION: East end of Chalk Farm Road, south end of Hyde Park Way, and at the west end of Padron Boulevard

LEGAL

DESCRIPTION: A portion of Section 32, Township 23 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: R-1C
South: C/PDP
East: R-1C
West: R-1C, AG

Surrounding Land Uses

Barony Woods
Wellington
Padron's West Linden Estates, DRA
Barony Woods, SF, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include an increase in density and a modification to a previously approved performance condition, namely allowing interim private well use. The subject property is located on the east end of Chalk Farm Road, south end of Hyde Park Way and at the west end of Padron Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(Rural).
2. The property comprises approximately twenty (20) acres.

3. The site is currently undeveloped.
4. The subject property is heavily wooded and appears to contain no majestic or specimen trees.
5. The subject property has access from Padron Boulevard, Chalk Farm Road and Hyde Park Way.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include an increase in density and a modification to a previously approved performance condition, namely allowing interim private well use. The BCC approved the request to rezone the subject property from AG to PDP (Rural) in 2003. The existing master plan was approved with a maximum of seven (7) lots. The approval included 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 development shall be served by central water.
3. The petitioner shall provide access to Padron Boulevard.
4. The minimum perimeter setbacks shall be 35'.
5. Minimum internal lot setbacks are approved as follows:
Front: 50' Side: 10' Rear: 35'
6. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.

The petitioner requests to change condition #2 to allow the use of private wells until central water becomes available. However, the Utilities Department has indicated that central water is available and capacity exists to serve the subject site. The Planning staff is of the opinion that no valid reason for the temporary private wells exists, due to the availability of central water to serve the subject property.

The Hernando County School Board has no objections to the proposed master plan revision. The School Board has indicated the proposed increase in units will not impact the district's student population.

The County Engineer had no comments regarding the request.

The Pasco County Zoning/Code Compliance Administrator has no objections to the request.

FINDINGS OF FACT

The subject property is located within a residential land use classification 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. The plan was originally approved for 7 lots on the 20-acre subject property. The petitioner proposes adding two (2) lots. The proposed 0.45 du/ac density is consistent with the densities allowable per the adopted Comprehensive Plan.

The surrounding area contains parcels zoned AG and AR, ranging in size from one to five acres, although the area is primarily characterized by single family uses. The subject property is surrounded by single family subdivisions. Barony Woods is located to the north and west. Padron's West Linden Estates is located to the east. The Wellington at Seven Hills is located to the south.

Policy 1.01H(2) of the Comprehensive Plan indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located proximate to existing Spring Hill SF

residential subdivisions. The Planning staff is of the opinion the proposed development would be compatible with the development in these subdivisions.

The staff is of the opinion that the proposed increase in density, with performance conditions, is appropriate, but the request for temporary private wells is not necessary, based on the following conclusions:

1. The proposed increase in density would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.
2. The proposed increase in density will be compatible with the surrounding land uses.
3. Central water is available to serve the subject property and therefore negates the basis for the request for the temporary private wells.

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 increase of density, with the following 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, and complete all applicable development review processes.
2. The maximum number of lots shall be nine (9).
3. All conditions of P.D.-476 (approved under file H-03-46) shall be in full force and effect.

P&Z RECOMMENDATION:

On May 10, 2004, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include an increase of density, with the unmodified following 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, and complete all applicable development review processes.
2. The maximum number of lots shall be nine (9).
3. All conditions of P.D.-476 (approved under file H-03-46) shall be in full force and effect.

BCC ACTION:

On June 9, 2004, the Board of County Commissioner's voted 4-0 to adopt Resolution # 150 approving the petitioner's request for a master plan revision to include an increase in density with the following 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, and complete all applicable development review processes.
2. The maximum number of lots shall be nine (9).
3. All conditions of P.D.-476 (approved under file H-03-46) shall be in full force and effect.

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.