

STAFF REPORT

Planning & Zoning Commission: July 12, 2004
Board of County Commissioners: August 11, 2004
Planning & Zoning Commission: August 9, 2004
Board of County Commissioners: September 8, 2004

APPLICANT: Charles G. Sheffield, Trustee, The Suncoast Parkway Trust
FILE NUMBER: H-04-41

PURPOSE: Rezoning from AR-2 (Agricultural-Residential) to C/PDP(GC) (MF) and (SF)/Combined Planned Development Project (General Commercial) (Multifamily) and (Single Family) with a Reduction in Setbacks

GENERAL

LOCATION: North side of Jacqueline Road, east side of Jayson Drive, south side of Taft Street

LEGAL

DESCRIPTION: Lots 7, 8, 25 and 26, Block D, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Pages 20-1, 20-2, 20-3, inclusive, of the Public Records of Hernando County, Florida in Section 28, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 1 AGAINST: 4

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Mobile home, undeveloped
South: PDP(GC), AG	Undeveloped
East: AR-2	Undeveloped
West: AR-2	Single family, mobile home, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AR-2 to C/PDP(GC) (MF) and (SF) with a reduction in setbacks. The subject property is located on the north side of Jacqueline Road, east side of Jayson Drive and south side of Taft Street.

FACTUAL INFORMATION

1. The property is currently zoned AR-2.
2. The property comprises approximately 20 acres.
3. The site is undeveloped.
4. The site is wooded but appears to contain no specimen or majestic trees.
5. The subject property has access from Jacqueline Road, Jayson Drive and Taft Street.
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 contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area contains commercial and rural residential uses and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from 35' to 20' from Jayson Drive on the GC portion of the proposal, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes rezoning this AR-2 parcel for a planned development project including commercial, multifamily and single family residential uses. The submitted narrative proposes developing approximately 4 acres with general commercial uses, approximately 2.35 acres with 14 single family attached duplexes, and approximately 12.9 acres with 40 single family homes.

The general commercial (GC) component of the request if approved would allow all uses in the C-1 zoning district. The master plan depicts a typical single family attached duplex lot as two- 40 x 130'

lots with a duplex situated across the lot line. The petitioner uses the terms single family attached and duplex as one concept; however, they are considered two separate zoning categories. By the description provided by the petitioner, it appears the product proposed is a single family attached unit on a 40' x 130' lot with 0'⁵' setbacks, and not a true duplex. The single family component proposes 75' x 130' lots. Both types of lots would be considered PDP(SF).

In 2002, the subject property was the subject of a request for a rezoning from AR-2 to C/PDP (MF) (OP) and (GC) with an additional C-2 use for miniwarehouses that was ultimately withdrawn. The 2002 petition had proposed 100 multifamily dwelling units at an overall density of 12 units per acre. The petition proposed access from Jacqueline Road only.

The subject property was the subject of a denied request for a rezoning from AR-2 to R-3 in 2000. The 2000 petition had proposed 240 multifamily dwelling units at an overall density of 12 units per acre. The petition proposed access from Jacqueline Road only. The BCC voted 4-1 to deny the rezoning request because of incompatibility with the rural residential character of the surrounding area and safety concerns about Jacqueline Road.

The petitioner has indicated proposed external and internal setbacks in the narrative. The petitioner indicates the perimeter setbacks would be 75' from Jacqueline Road, 20' from Jayson Drive and the east and north lot lines. The minimum setback for commercial uses from Jayson Drive would be 35'. The petitioner has provided no justification for the reduction in setbacks from Jayson Drive. The Planning staff is of the opinion that if the request is approved, the reduction in setbacks should not be approved. The plan indicates the commercial area would have a 35' setback from the residential area.

The single family attached/duplex uses are proposed to have 25' front, 0'⁵' side and 15' rear lot setbacks. For lots less than 60' in width, a fire protection plan would have to be submitted as part of the conditional plat process. The staff would not object to the setbacks proposed for the SFA/duplex. The single family uses are proposed to have 25' front, 7.5' side and 15' rear lot setbacks. The standard setbacks for a similar single family product is 25' front, 10' side and 20' rear. The staff does not see the reason to vary the standards for these typical single family lots.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. There is a sewer force main along the north side of Jacqueline running along the south side of the property.

The petitioner proposes access from Jacqueline Road only. Jacqueline Road is designated as a collector roadway; however, it is substandard with regards to its construction. The other roadways serving the parcel, Jayson Drive and Taft Street, are unpaved limerock roads serving rural residential development. The Transportation Coordinator has indicated improvements are not scheduled for Jacqueline Road in the Planning horizon. The County Engineer has indicated that if the rezoning request is approved, Jacqueline Road will need improvements, including cutting into the hill to

provide 40 mph design speed, to improve the sight distance and provide a minimum 40' right-of-way from the Jacqueline Road centerline.

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Pine Grove Elementary School, middle school students will be assigned to West Hernando Middle School and high school students will be assigned to Central High School. The School Board indicates that these schools are currently over permanent capacity and additional students would have to be accommodated by adding portable classrooms. The proposed development would generate approximately 18-20 additional students.

The subject property lies within a WHPA-2 for a public supply well according to County data resources. The proposed use is allowable within this designation.

FINDINGS OF FACT

The properties to the south of the subject property include vacant AG parcels and the Coastal Way shopping center. Across from the subject parcel is a commercial DRA. The area to the north, west and east contains a mixture of low-intensity rural residential uses and vacant parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The residential land use category allows multifamily; rural residential; neighborhood commercial; commercial extending from commercial nodes with functioning frontage roads, unless it is determined that wetlands or existing development make frontage road extension unfeasible; offices and professional uses; schools; hospitals and minor public facilities. The Planning staff is of the opinion single family uses are appropriate, with improvements to the infrastructure in the area.

Policy 1.01L(1) indicates that a commercial land use classification will be established which allows uses such as commercial, recreation, office and professional, minor public facilities and minor institutional uses. The subject property is located in a residential land use classification, not a commercial land use category.

Policy 1.01O(1) indicates that strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. The north side of Jacqueline Road between Weeping Willow and Sunshine Grove Road is predominately rural residential with the exception of a church approximately 1100' to the west and a commercial office at the corner of Sunshine Grove and Jacqueline Road.

Policy 1.01O(4) states that infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). There is no strip commercial in this area, and the subject request would not constitute infill commercial development at this location.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial and appropriate infill areas. The subject property designated residential and would not be considered an infill commercial area. Staff does not support the portion of the request to rezone to GC because it is staff's opinion that general commercial is inconsistent with the adopted Comprehensive Plan.

The petitioner has indicated that the GC request should be approved because it is across the street from a commercially designated land use category. Of staff concern is the precedence that would be set if the general commercial component of the request is approved. The change in land use to GC could result in the stripping out of Jacqueline Road from Sunshine Grove Road to Weeping Willow. The Transportation Coordinator has analyzed the potential transportation impacts of approximately 35 acres of general commercial zoning between Sunshine Grove and Weeping Willow, to the depth of the subject request. The increase in traffic in the area and on the surrounding street system would be substantially greater than development of the property with residential uses.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The staff is of the opinion that the GC component of the request is not consistent with the comprehensive plan and would not be compatible with the low density rural residential in the area.

Policy 1.01F(3) indicates medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. The petitioner is proposing a duplex/single family attached density of 5.9 units per acre and a single family density of 3.2 units per acre. The petition has been submitted as a planned development project. The subject property is located adjacent to an urbanizing sector anchored by the Coastal Way shopping center.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre shall consider such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The subject property is north of a designated and developed commercial area, has direct access to a collector roadway, and can be served by central water and sewer services.

Policy 1.01F(7) of the Comprehensive Plan indicates criteria and standards to be considered in determining appropriate locations of higher residential densities greater than 4.0 dwelling units per acre. These criteria and standards include direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, and the character and density of

existing or approved residential developments of close proximity. It is the staff's opinion that the density proposed by the developer is not inconsistent with the comprehensive plan; however, there are limited details regarding the concept of the development: clarification of the MF product, provisions for open space, integration of the development into the overall area, buffering and other standards to make the development compatible with surrounding area. The staff would recommend the petitioner be required to provide a more detailed master plan for staff review prior to the Board of County Commissioner's hearing.

The Planning staff is of the opinion that rezoning the subject property from AR-2 to C/PDP(SF) would be appropriate, based on the following conclusions:

1. Single family uses and multifamily uses at the proposed densities would be consistent with the Comprehensive Plan.
2. GC zoning on the subject property would not be consistent with the goals, objectives and policies in the adopted 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 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.

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:

The staff does not support approval of the portion of the request to rezone from AR-2 to PDP(GC) because it is our opinion it is inconsistent with the adopted Comprehensive Plan. If the GC portion is denied, it would leave that portion of the project zoned AR-2. The staff does not object to rezoning the entirety of the subject property from AR-2 to PDP(SF) because it is the staff's opinion that single family at the densities proposed is consistent with the adopted comprehensive plan; however, the property was not legally advertised to accommodate single family on the 4 acres fronting Jacqueline Road. Staff would recommend the case be postponed until August 9, 2004, so that the petitioner can submit a more detailed master plan redesignating the GC area to SF. The detailed master plan should also address layout and design, buffering, integration of the project into the area.

REVISED REQUEST:

The petitioner chose not to submit a revised plan redesignating the GC area to SF and addressing additional details such as layout and design, buffering, integration of the project into the area. Instead, the petitioner provided a revised petition redesignating the GC area to OP. The Planning staff does not support approval of the portion of the request to rezone from AR-2 to PDP(OP) because it is our opinion that locating OP uses north of Jacqueline Road at this location is inconsistent with the adopted Comprehensive Plan and incompatible with the low-density rural residential uses. The staff does not object to rezoning the entirety of the subject property from AR-2 to PDP(SF) because it is the staff's opinion that single family uses at the densities proposed is consistent with the adopted comprehensive plan; however, the property was not legally advertised to accommodate single family on the 4 acres fronting Jacqueline Road. If the BCC approves the request to rezone the northern portion of the property to PDP (SF), but denies the request to rezone the southern 4 acres to PDP(OP), the zoning on that southern portion of the property would remain AR-2. The Planning staff is of the opinion it would be inappropriate to rezone only the northern portion of the property to PDP(SF), thereby leaving it surrounded on all sides by AR-2 zoning.

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 # _____ denying the proposed rezoning from AR-2 to C/PDP(OP), (MF) and (SF) with a reduction in setbacks.

P&Z RECOMMENDATION:

The P&Z voted 4-0 to postpone consideration of the request until their September 13, 2004, hearing at 9:00 a.m.

BCC ACTION:

The BCC voted 5-0 to postpone the petition until the October 13, 2004, BCC Meeting at 9:00 A.M.