

STAFF REPORT

Planning & Zoning Commission: September 13, 2004

Planning & Zoning Commission: September 27, 2004

Planning & Zoning Commission: October 4, 2004

Board of County Commissioners: October 13, 2004

Board of County Commissioners: November 10, 2004

APPLICANT: Wright Land Development, LLC **FILE NUMBER:** H-04-43

PURPOSE: Rezoning from PDP(SF)/Planned Development Project(Single Family) to C/PDP (SF) and (MF)/Combined Planned Development Project (Single Family) and (Multifamily)

GENERAL

LOCATION: East end of Tara Street, east end of Lola Drive, approximately 1,200' north of Delbarton Street

LEGAL

DESCRIPTION: Lots 16, 17 and west ½ of Lot 15, Evans Hi-Park Subdivision, as per plat thereof recorded in Plat Book 6, Page 25, of the Public Records of Hernando County, Florida in Section 33, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 1 AGAINST: 3 PETITION OF OPPOSITION: 1 with 56 signatures

STAFF FINDINGS:

Surrounding Zoning

North: AR, PDP(SF)

South: PDP(SF)

East: AR

West: PDP(SF)

Surrounding Land Uses

DRA

Single family

Undeveloped

Single family, DRA

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(SF)/Planned Development Project(Single Family) to C/PDP (SF) and (MF)/Combined Planned Development Project (Single Family) and (Multifamily). The subject property is located at the east end of Tara Street, east end of Lola Drive and approximately 1,200' north of Delbarton Street.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 15.88 acres.
3. The site is currently undeveloped.
4. The site is wooded and appears to contain no majestic or specimen trees.
5. The subject property has access from Tara Street and Lola Drive which are both local streets.
6. The subject property is located within a residential 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 contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that water and sewer capacity is available to serve the subject property. Pursuant to County Ordinance, central water is deemed available; however, sewer is not.
11. Central water and sewer service would be required to serve the project at the intensity proposed. The petitioner has indicated the project will be served by central water and sewer which would require a water and sewer agreement with the County.
12. There are adequate public facilities available to serve development on the subject property.
13. The area is characterized by single family residential and commercial uses, and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from PDP(SF) to C/PDP(SF) and (MF) in order to develop the property with 20 SF units and 120 MF units. The petitioner proposes developing 7.95 acres of the property with 20 SF homes with an average lot size of 18,358 square feet in size, and 7.87 acres with ten (10) three-story MF buildings containing 12 units each.

The plan provided proposes 25' front, 10' side and 20' rear lot setbacks for the SF lots and 50' setbacks for the MF development. The staff does not object to the proposed setbacks, which are consistent for the PDP(SF) zoning category and exceed the minimum requirements for the PDP(MF) zoning category. The petitioner proposes providing a buffer with landscaping between the SF and MF uses. The staff does not object to the proposed buffer.

In 1988, the BCC approved rezoning the subject property from AR to PDP(SF) with a master plan indicating a maximum of 30 SF units on the approximately 15 acre parcel. The petitioner in 1988 originally proposed rezoning the property to R-1C and PDP(MF), in order to develop the site with 11 half-acre SF homesites and 80 MF units with a recreational area, but removed the MF concept after the staff recommended denial and the surrounding residents objected.

The petitioner proposes serving the property with central water and sewer service. The Utilities Department has indicated that central water, but not sewer, is available per the ordinance to serve the subject site. If the request is approved, the developer will have to negotiate an agreement with the County Utilities Department to serve the site with central water and sewer.

The Hernando County School Board indicates elementary students would attend Spring Hill Elementary School, middle school students would attend West Hernando Middle School, and high school students would attend Central High School. The School Board indicates the project would add approximately 50 students to the school system. The additional students could not be accommodated by current permanent capacity. The students could only be accommodated by such means as adding additional permanent capacity, adding portables or redrawing the school boundaries.

The plan indicates that access will be provided from Tara Street and Lola Drive. The Planning staff is of the opinion that the proposed access is inadequate for a development that includes multifamily housing. A future functionally classified road has been designated in the area to provide access from Mariner Boulevard to Barclay Road; however, the roadway has not yet been programmed.

The subject property contains a WHPA-2 according to County data resources. The proposed land use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by single family residential and commercial uses, and undeveloped parcels. Spring Hill single family uses are located to the west and south of the subject property. The SF lots are a minimum 10,000 square feet in size. Undeveloped parcels zoned AR are located to the north and east. The Mariner Plaza shopping center is located to the north of the subject property.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. The Planning Department is of the opinion the PDP(SF) zoning on the property is appropriate.

Policy 1.01F(7) provides criteria for determination of appropriate locations for higher residential densities greater than 4.0 units per acre. The criteria and standards 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, central water and sewer service, the character and density of approved residential developments of close proximity, provision of open space beyond minimum county standards and aesthetic or architectural quality. The subject property is proximate to a commercial area but has no direct interconnection with it, has no direct access to arterial or collector roadways, is adjacent to a medium high density SF residential area and proposes no designated open space.

Policy 1.01G(4) indicates a high density multifamily zoning district is to be established permitting residential development consisting of multifamily dwellings at densities not exceeding 16 units per acre. The petitioner proposes 120 MF units on 7.87 acres, at a density of 15.25 du/ac.

Policy 1.01G(5) indicates high density multifamily residential development in other than multi-use PDPs should be located in close proximity to commercial or employment clusters. The proposed MF development will have no immediate access to proximate commercial development. No interconnection is proposed between the MF development and the commercial uses to the north.

Policy 1.01G(6) indicates multifamily developments should not be located where access to the arterial or collector roadway system is through established single family neighborhoods. The subject property has access to Mariner Boulevard, a collector roadway, only via local streets serving an established single family neighborhood.

Policy 1.01G(7) indicates multifamily development shall be encouraged as “step-down” in intensity of use between SF residential and intensive uses such as commercial and industrial. The multifamily development proposed is located between SF development and undeveloped AR parcels. The proposed multifamily development would serve more effectively as a “step-down” in intensity of use between the SF residential to the south and west and the commercial uses to the north if the MF were to be reached only via the commercial development and not via the single family residential.

Policy 1.01G(9) indicates high and medium density multifamily residential development shall have appropriate open space, buffering, landscaping and recreation areas suited to their density and design. The plan submitted does not provide designated open space or recreation areas.

The Planning staff is of the opinion that the request to rezone from PDP(SF) to C/PDP(SF) and (MF) is not appropriate, based on the following conclusions:

1. The proposed access, via two local roadways, is not adequate to serve the development at the intensity proposed.
2. The proposed rezoning is inconsistent with the County’s adopted Comprehensive Plan and is incompatible with the existing surrounding development.

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:

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 petitioner's request to rezone from PDP(SF)/Planned Development Project(Single Family) to C/PDP (SF) and (MF)/Combined Planned Development Project (Single Family) and (Multifamily).

P&Z RECOMMENDATION:

On September 13, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the September 27, 2004, P&Z meeting at 11:30 A.M. due to the threat of Hurricane Ivan.

On September 27, 2004, the Planning and Zoning Commission voted 3-0 to postpone this petition until the October 4, 2004, P&Z meeting at 10:00 A.M. due to the on-going recovery efforts from Hurricane Jeanne.

P&Z RECOMMENDATION:

On October 4, 2004, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from PDP(SF)/Planned Development Project(Single Family) to C/PDP (SF) and (MF)/Combined Planned Development Project (Single Family) and (Multifamily).

BCC ACTION:

On October 13, 2004, the Board of County Commissioners voted 5-0 to postpone consideration of this petition until the November 10, 2004, BCC Land Use Hearing at 9:00 a.m.

On November 10, 2004, the Board of County Commissioners acknowledged the withdrawal of the petition by the petitioner.