

STAFF REPORT

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

APPLICANT: Steve Baxley **FILE NUMBER:** H-04-48

PURPOSE: Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: West of Sigmund Street, approximately 850' west of Rudi Loop

LEGAL

DESCRIPTION: A portion of Section 16, 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
PETITION OF OPPOSITION: 1 with 107 signatures

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG
East: AG
West: AG

Surrounding Land Uses

Undeveloped
J. D. Floyd Elementary, undeveloped
Plantation Estates
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located west of Sigmund Street, approximately 850' west of Rudi Loop.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 40 acres.
3. The site is currently undeveloped.

4. The site appears to contain no specimen and majestic trees.
5. The subject property has access from Sigmund 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 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 residential development and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 40 acre site from AG to PDP(SF) in order to develop the site with 54 single family homes on half-acre lots. The narrative indicates the typical lot will have dimensions of 125' x 175'. The plan provided proposes 25' front, 10' side and 20' rear setbacks. The staff does not object to the proposed setbacks which are consistent with the zoning category. The plan indicates a 10' buffer along the perimeter of the project. The staff does not object to the proposed buffer.

The plan shows a 0.70-acre park located in the eastern central portion of the site. If the request is approved, the minimum open space area required for the development will be that shown. The plan indicates access into the park area from Sigmund Street and from one of the proposed cul-de-sacs.

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

site. The petitioner will be required to enter into an agreement with the County for the provision of water services.

The plan submitted indicates two access points: one from Sigmund Street to the east and another future connection to the north. The internal roadways are proposed to be public. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. The County Engineer indicates that if the request is approved, the developer should provide access to the west and south, as well as to the east and north.

In December 2003, the BCC adopted a revised functionally classified roadway map associated with the adopted Comprehensive Plan, which indicates a future collector roadway to be located by 2020 between Elgin Boulevard and Linden Drive. The subject property is surrounded by over 500 acres zoned AG located in the residential land use classification category that have the potential to be rezoned for residential uses. The Planning staff is of the opinion that the subject property is the appropriate location to accommodate the proposed collector road. The collector road will serve the subject property, as well as the surrounding area when it is rezoned and developed in accordance with the Comprehensive Plan.

The plan submitted indicates the internal roadways have 60' ROW. The Planning staff is of the opinion that if the request is approved, the development should be designed to accommodate the future collector road, between the northern boundary and the western or southern boundaries. The subject property has one existing access point, at Sigmund Street in Plantation Estates. The Transportation Planning Coordinator has indicated the local roadway network has capacity to handle the trips generated by the 54 houses proposed on the subject property. The Planning staff is of the opinion the existing local roadway network can adequately accommodate the traffic generated by the proposed SF development until the collector roadway is built to serve the area.

The Hernando County School Board estimates the proposed development would add approximately 18 students to the school system. The School Board indicates the proposal would not significantly impact the school system, although all three (3) of the schools impacted are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses until permanent capacity is available. The School Board indicates elementary students would attend J. D. Floyd Elementary School, middle school students would attend Powell Middle School and high school students would attend Springstead High School.

FINDINGS OF FACT

The area is characterized by single family residential development and undeveloped parcels. Plantation Estates is located to the east of the subject property. Lots in Plantation Estates are a minimum half-acre in size.

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.

Policy 1.01F(2): low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the districts most utilized for regulating future single family development. The density indicated on the plan results in an overall project density of 1.35 units per acre which would be considered low density pursuant to the adopted Comprehensive Plan.

The Planning staff is of the opinion that the request to rezone from Agricultural to Planned Development Project (SF), is appropriate, with performance conditions, based on the following conclusion:

1. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions herein.

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 # _____ approving the petitioner’s request to rezone 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, and complete all applicable development review processes.
2. Minimum lot size approved: 21,500 square feet.

3. Minimum internal setbacks are as follows:
front: 25' side: 10' rear: 20'
4. Perimeter setbacks: per the PDP rules
5. A 10' buffer shall be located along the perimeter of the project as indicated in the plan.
6. The minimum 0.70-acre park shall be provided as indicated on the plan.
7. The development shall accommodate the future collector road, between the northern boundary and the western or southern boundaries.
8. Roadway connections to the north, south, east and west shall be provided.
9. The petitioner shall provide a revised plan prior to the BCC hearing.

P&Z RECOMMENDATION:

At their August 9, 2004, hearing based on the information provided, the Planning and Zoning Commission made the following findings:

1. Construction traffic associated with development of the property would be too intense for the existing local road access.
2. The existing access to the property is not adequate to accommodate the development.
3. The proposed request is not consistent with the adopted Comprehensive Plan.

The Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt resolution # _____ denying the petitioner's request to rezone from AG(Agricultural) to PDP(SF)/Planned Development Project (Single Family).

NOTE: The Petitioner's Representative withdrew the application at the September 8, 2004, Board of County Commissioner's Public Hearing.

BCC ACTION:

The Board of County Commissioners acknowledged the withdrawal of the petition by the Petitioner's Representative.