

**STAFF REPORT**

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

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**APPLICANT:** Janis Moore Tucker & Marshall H. Moore      **FILE NUMBER:** H-04-49

**PURPOSE:** Rezoning from AG (Agricultural) to C/PDP (SF) and (NC)/ Combined Planned Development Project (Single Family) and (Neighborhood Commercial)

**GENERAL**

**LOCATION:** North side of Centralia Road, approximately 5,000' east of US 19, south side of Retreat Road

**LEGAL**

**DESCRIPTION:** A portion of Sections 30 & 31, Township 21 South, Range 18 East, Hernando County, FL

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

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**CITIZEN RESPONSE:**                      FOR: 0                                      AGAINST: 22

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	MH, undeveloped
South: R-1C	SF, undeveloped
East: AR-2, AG	MH, SF, Undeveloped
West: AR-2, CV, AG	SF, MH, Conservation, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to C/PDP (SF) and (NC). The subject property is located on the north side of Centralia Road, approximately 5,000' east of US 19, south side of Retreat Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 210 acres.
3. The subject property is undeveloped.

4. The site may contain majestic and specimen trees.
5. The subject property has access from Centralia Road, Oregon Road, Mocking Wren Road, Retreat Road, Rock Duck Avenue and Peaceful Avenue.
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 and sewer are not 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, rural residential, agricultural and conservation uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone the property from AG to C/PDP (SF) and (NC) in order to develop the site with 259 single family homesites on approximately 205 acres and neighborhood commercial uses on approximately 5 acres. The narrative indicates the homesites would be a minimum half-acre in size. The petitioner proposes minimum setbacks as follows for the single family development: 25' front, 10' side and 25' rear. Lots at the northwest and northeast boundaries would be a minimum one acre in size. The plan shows a 50' buffer and a 50' setback at the northwest boundary and along the north property line. Lots along the northwest boundary are proposed to be over 300' deep with a 50' enhanced buffer and a 125' rear setback along the east boundary line to improve compatibility with the rural residential uses in Leisure Retreats and Leisure Acres. The narrative indicates the development has been designed so that each adjacent lot in Leisure Retreats will generally have only

one house bordering their property. The plan shows an approximately one acre recreational area midway along the west property line, adjacent to SWFWMD's conservation land.

The neighborhood commercial uses are proposed to be utilized for sales center purposes during construction, then for office or neighborhood commercial purposes, otherwise the area would be used for residential purposes. Offices are a permitted use in the PDP (NC) zoning category. A temporary sales center could be designated on the plan in order to be part of an approval of the rezoning, otherwise, a sales center would require a conditional use permit approval by the Planning & Zoning Commission. The five (5) acre site could not be zoned for neighborhood commercial and/or single family uses. The PDP classification allows a mixture of uses on a project; however, they do not allow the ability to designate a land use pod for either one use or another at the discretion of the developer. Setbacks for the neighborhood commercial area are proposed as follows: 75' from Centralia Road, 35' from the internal collector roadway, 25' from the sides and 35' from the rear.

This rezoning request is substantially more intense than the previous rezoning request reviewed by the BCC in May 2004. The petitioner had submitted a request to rezone the subject property from AG to PDP (Rural) with AR uses. The petitioner had proposed developing the subject property with 166 rural residential homesites with equestrian uses and minimum lot sizes of one acre. On May 12, 2004, the Board of County Commissioners voted 4-0 to deny the petitioner's request to rezone the subject property from AG to PDP (Rural) with AR uses, due to the incompatibility of the proposed one acre lot rural residential development with the surrounding development characterized by larger parcels and concerns about the inadequate roadway interconnections proposed.

The petitioner indicates the proposed development would be served by central water and septic tanks. The narrative indicates central water is proposed to be extended from the existing 16" water main on US 19 in the vicinity of the Glen Lakes development. The County Utilities Department has indicated that central water and sewer are not currently available to serve the subject property, but they have been discussing serving the site with the petitioner. The petitioner would have to enter into an agreement with the Utilities Department to serve the property with central water. If the rezoning request is approved, the proposed development will be served by central water and septic tanks. The LDRs allow the use of central water and septic tanks on lots at least a half-acre in size.

The Hernando County School Board indicates that the proposed development has the potential to add approximately 100 students to the school system. The elementary students would attend Pinegrove Elementary School, the middle students would attend West Hernando Middle School and the high school students would attend Central High School. The additional students could not be accommodated by current permanent capacity. The students could only be accommodated by adding additional permanent capacity, adding portables, redrawing school boundaries or a combination of these options.

The subject property has access to Centralia Road, a major collector roadway. The Transportation Planning Coordinator has indicated Centralia Road has capacity to accommodate the trips to be generated by the proposed residential development.

The plan provided indicates the proposed development would be served by access to Centralia Road with potential (gated or emergency ) access to Mocking Wren Road (an unpaved roadway) and Peaceful Avenue (currently unbuilt between the subject property and Hurricane Drive). The Planning staff is of the opinion that if the request is approved, one access will not be sufficient to serve the proposed uses. The internal roadways are proposed to be private. The development is proposed to be served by a north/south collector roadway. The County Engineer indicates that if the request is approved, the petitioner should provide left and right turn lanes on Centralia Road, pave Mocking Wren Road from the subject property to Knuckey Road, limit the access to Peaceful Avenue to emergency access temporarily until Peaceful Avenue is paved and design all roadways to meet County roadway design guidelines. The County Engineer indicates the collector roadway appears to have a 60' ROW on the plan; if the request is approved the minimum ROW for the collector roadway should be 80'. An 8' pedestrian/bicycle path is proposed to be located within the collector roadway's ROW, with a spur to the one acre recreational area. The plan indicates traffic-calming islands located within the collector road ROW. The County Engineer indicates the traffic islands are too far from each other to be effective. The County Engineer indicates that if the request is approved the traffic-calming islands should be designed at the conditional plat stage in a manner satisfactory to the County Engineer.

The subject property is immediately adjacent to a SWFWMD owned parcel zoned (CV) Conservation. Natural ecosystems in Hernando County are commonly managed using frequent prescribed burns. Due to the use of this land management technique, staff would recommend the developer/builder/owner provide notification to any future property owners indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.

### **FINDINGS OF FACT**

The area is characterized by single family residential, rural residential, agricultural and conservation uses and undeveloped parcels. Royal Highlands, characterized by single family platted lots smaller than an acre, is located across Centralia Road from the subject property. Subdivisions characterized by rural residential development with minimum lot sizes of one acre are located to the north, east and west of the subject property. These subdivisions are zoned AR-2, allowing single family dwellings and mobile homes. AR-2 lots ranging in size from approximately one to three (3) acres are located adjacent to the subject property's north and east property lines. Larger AG parcels are located adjacent to the subject property's east and west property lines. The Planning staff is of the opinion the proposed development would be incompatible with the existing development in the surrounding area.

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 ranging from .10 du/acre up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community center with the appropriate land use approvals. Although the 1.26 du/ac density proposed by the petitioner falls within the range of densities allowable per the adopted Comprehensive Plan, the staff is of the opinion the densities proposed are too intense for this location due to its proximity to the rural land use classification and its proximity to the larger AR-2 lots.

Policy 1.01H(2) 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 Planning staff is of the opinion that the Centralia Road location, characterized by residential and agricultural uses, is not appropriate for the proposed five acres of neighborhood commercial uses. The subject property is located adjacent to Woodhaven Estates, Leisure Retreats and Leisure Acres, which are rural residential subdivisions consisting of lots zoned AR-2 with a minimum size of one acre. The intensity of the proposed SF development would be incompatible with these surrounding subdivisions.

Policy 1.01M(2)(a) indicates neighborhood commercial nodes may be located in the residential land use category, have a maximum node size of five (5) acres, will not be located in Conservation areas or environmentally sensitive areas, will be located on collector or arterial roads unless proposed as part of an integrated, mixed-use planned development unit development and will not degrade the proper functioning of the adjacent roads below the established levels of service, will be proximate to population areas to support the proposed use, and will not compromise the integrity of residential areas. The Planning staff is of the opinion the proposed neighborhood commercial uses would be too intense for this low density rural residential area. The Planning staff is of the opinion the proposed neighborhood commercial uses would be inappropriate at this location due to the lack of central sewer service, insufficient population in the area and remoteness from a major intersection.

The Planning staff is of the opinion that rezoning the subject property to C/PDP (SF) and (NC) would not be appropriate.

The staff is of the opinion that the proposed rezoning is not appropriate, based on the following conclusions:

1. The proposed rezoning will be incompatible with the surrounding land uses.
2. The proposed rezoning would be inconsistent with the 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:**

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 rezoning from AG to C/PDP (SF) and (NC).

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ denying the petitioner's request to rezoning from AG to C/PDP (SF) and (NC).

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

**BCC ACTION:**

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