

STAFF REPORT

Planning & Zoning Commission: September 13, 2004
Planning & Zoning Commission: September 27, 2004
Board of County Commissioners: October 13, 2004
Planning & Zoning Commission: October 11, 2004
Board of County Commissioners: November 10, 2004
Board of County Commissioners: December 8, 2004

APPLICANT: Haydon-Rubin Development, Inc. **FILE NUMBER:** H-04-58

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

GENERAL

LOCATION: East side of Spring Lake Highway, approximately 1,600' south of Cortez Boulevard (SR 50)

LEGAL

DESCRIPTION: A portion of Section 3, Township 23 South, Range 20 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 13 LETTER OF CONCERN: 5

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

SF, water treatment, undeveloped
Agriculture
Single family
SF, MH, agriculture

SUMMARY OF REQUEST

The petitioner requests to rezone from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family). The subject property is located on the east side of Spring Lake Highway, approximately 1,600' south of Cortez Boulevard (SR 50).

FACTUAL INFORMATION

1. The property is currently zoned AG.

2. The property comprises approximately 48 acres.
3. The site currently contains a horse farm.
4. The site contains specimen and majestic trees.
5. The subject property has access from Spring Lake Highway. Contiena Lane, Croft Lane and Crooked Tree Lane abut the subject property.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Arredondo fine sand, Candler fine sand and Kendrick 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-1, 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 and sewer is deemed not to be available.
11. The City of Brooksville has indicated that the subject property is located within its “first right to serve area”; however, central water and sewer are not available to serve the property at this time.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family residential, rural residential and agricultural uses, and undeveloped parcels.
14. The petitioner has not requested any deviations from the County’s LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 48 acre site from AG to PDP(SF) in order to develop the site with a maximum of 60 single family homes on half-acre lots.

The narrative indicates the typical lot will have dimensions of 165' x 120'. 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 50' setback from Spring Lake Highway and a 20' setback from the rest of the perimeter of the project. The staff does not object to the proposed setbacks.

The narrative indicates the development will be served by central water and sewer. The narrative indicates the property is currently served by central water and septic. The narrative notes that central water exists in Rolling Oaks and along SR 50 and a sewer pump station is located next to Papa Joe's Restaurant. The Utilities Department has indicated that central water and sewer capacity are available, but the infrastructure is not currently available to serve the subject property. In order to develop the property with half-acre single family lots, the petitioner will be required to enter into an agreement with the County for the provision of water services.

The City of Brooksville indicates that the subject property is located within its "first right to serve area"; however, central water and sewer are not available to serve the property at this time.

The plan submitted indicates one access point located on Spring Lake Highway. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. The Planning staff is of the opinion that if the request is approved, the developer should be required to provide an additional access point. The adjacent roadways, Contiena Lane, Croft Lane and Crooked Tree Lane, are private and unpaved. The County Engineer has reviewed the request and notes the developer should provide 40' of ROW from the centerline of Spring Lake Highway.

The Hernando County School Board indicates elementary students would attend Eastside Elementary School, middle school students would attend D. S. Parrott Middle School, and high school students would attend Hernando High School. The School Board indicates the project would add approximately 20 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.

A small portion of the subject property contains a WHPA-1 and a WHPA-2 according to County data resources. The County's Groundwater Protection Ordinance prohibits new residential subdivisions with a density of greater than 1 unit per acre, that do not provide for central sanitary sewer, within a WHPA-1. Any approved development plans should delineate the WHPA-1 and demonstrate that there is not more than one septic system drainfield per acre within the WHPA-1.

A portion of the subject property lies within the Bystre Lake 100-year floodplain buffer. All roadways and finished floor elevations within the buffer should be above the 100-year flood elevation for the adjacent Bystre Lake floodplain basin.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential and agricultural uses, and undeveloped parcels. Rolling Acres is located to the north of the subject property. Lots in Rolling Acres are zoned R-1B. The minimum lot size in the R-1B district is 7,500 square feet. Parcels zoned AR are located to the north, east and south of the subject property. Parcels zoned AG are located to the west of the subject property. A commercial parcel is located to the south along Spring Lake Highway.

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 staff is of the opinion that a single family residential development of the density proposed is appropriate at this location, with a minimum of two (2) access points. The petitioner proposes one access point. The subject property does not have access to any other public roadways, besides Spring Lake Highway.

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 1.25 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 not appropriate, based on the following conclusion:

1. The proposed single family development is not appropriate without a second access point.

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 AG to PDP(SF).

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 9:30 A.M. due to the threat of Hurricane Ivan.

NOTE:

At their September 13, 2004, hearing, the Planning and Zoning Commission established a policy specific to the extenuating circumstances associated with the storm allowing a petitioner an automatic postponement from the September 27, 2004, hearing if a minimum of 10 days notice was provided to the County, letters were sent to the adjacent property owners and the agenda was appropriately noted. The representative for this petition submitted a request to postpone to the October 11, 2004, Planning and Zoning Commission meeting and notice was provided in accordance with this policy.

P&Z RECOMMENDATION:

On September 27, 2004, the Planning and Zoning Commission voted 3-0 to postpone consideration of this petition until the October 11, 2004, P&Z meeting at 9:30 a.m. pursuant to the policy established on September 13, 2004.

BCC ACTION:

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

P&Z RECOMMENDATION:

On October 11, 2004, the P&Z voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AG to PDP(SF).

BCC ACTION:

On November 10, 2004, the Board of County Commissioners voted 5-0 to postpone the petition until the December 8, 2004, BCC hearing at 9:00 a.m.

NOTE:

At the November 10, 2004, BCC hearing, the petitioner submitted a revised master plan for the subject 45 acre site. The initial plan submitted requested 60 lots on the property where the revision reduces the requested number of lots to 48. Additionally, the revised plan depicts a 50' roadway along the northern boundary of the subject property.

BCC ACTION:

On December 8, 2004, the Board of County Commissioners voted 5-0 to postpone consideration of this petition to the December 14, 2004, BCC meeting at 10:45 a.m.

On December 14, 2004, the Board of County Commissioners voted 3-2 to adopt Resolution # 2004-327 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. The maximum number of lots approved is 48.
3. The minimum lot size is 20,000 square feet.
4. The minimum lot size allowed along the east and south boundaries is 40,000 square feet.
5. The minimum internal setbacks approved:
Front: 25'
Side: 10'
Rear: 20'
6. There shall be a minimum 50' buffer and 50' setback to the east and south of the subject property, and a minimum 10' buffer to the north. The buffers shall be a minimum of five feet (5') high with 80% opacity.
7. The developer shall provide all property owners with written materials on the Florida Yards and Neighbors (FYN) program and property owners shall be encouraged to utilize the best management practices in the FYN program.
8. The petitioner shall be required to construct a left turn lane at the project intersection with Spring Lake Highway.
9. The entrance to the project from Spring Lake Highway to the first cross street shall be a divided boulevard subject to final approval by the County Engineer. The boulevard shall have a minimum of 15.5' urban or 22' rural for the median, and a minimum of 20' lanes.

10. The roadway along the north line shall be required per the master plan and allow for future connection to the north should the roads abutting the property become improved county roads.
11. Development of the project shall be in accordance with the master plan reviewed at the December 8, 2004, BCC hearing which includes the minimum setbacks and buffers indicated.
12. A revised plan reflecting the zoning conditions shall be submitted within 30 days of BCC approval or the zoning shall be null and void.
13. The entrance wall may be solid 60 feet on either side of the entrance right-of-way. The remainder must be 50 percent open.