

STAFF REPORT

Planning & Zoning Commission: December 13, 2004
Board of County Commissioners: January 12, 2005

APPLICANT: Seven Hills Inc. **FILE NUMBER:** H-04-62

PURPOSE: Master Plan Revision to include a Rezoning from C/PDP(MF) and (SF)/Planned Development Project (Multifamily) and (Single Family) to PDP(SF)/Planned Development Project (Single Family) with a deviation from the roadway standards and a change in access points

GENERAL

LOCATION: Approximately 900' east of Mariner Boulevard, west of Deed Street and Ferendina Way

LEGAL

DESCRIPTION: A portion of Sections 30 and 31, 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 AGAINST: 1 with 37 signatures

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SU), PDP(GHC), CPDP
South: C/PDP
East: PDP(SF)
West: PDP(SU), PDP(GHC), CPDP

Surrounding Land Uses

Powerlines, YMCA, commercial
Undeveloped
Single family
Powerlines, YMCA, commercial

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include a rezoning from C/PDP(MF) and (SF) to PDP(SF) with a deviation from the roadway standards and a change in access points. The subject property is located approximately 900' east of Mariner Boulevard, west of Deed Street and Ferendina Way.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP (MF) and (SF).

2. The property comprises approximately 23.7 acres.
3. The site is currently undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Deed Street and Ferendina Way.
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 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 site is characterized by single family residential, institutional and commercial uses, and undeveloped parcels.
13. The subject property is part of the Seven Hills Development of Regional Impact (DRI).
14. The petitioner proposes a cul-de-sac with a length of 900', which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision in order to develop the approximately 23.7 acre site with 58 single family lots. The petitioner proposes SF lots with a minimum size of 9,600 square feet. The BCC approved a master plan revision on the site in 1989. The 1989 master plan shows the northern 21 acres of the site developed with 34 single family homes and the remainder of the site as a portion of a 25 acre multifamily area.

The subject property is the northeast portion of the Seven Hills Development of Regional Impact (DRI). Map H of the DRI indicates access from Mariner Boulevard to the subject property. If the petitioner is unable to secure access to the west, a Notice of Proposed Change to a Previously Approved DRI and a master plan revision would have to be submitted.

The petitioner proposes internal lot setbacks as follows: 25' front, 7.5' side and 20' rear. The setbacks proposed are consistent with the setbacks approved in other parts of Seven Hills. The narrative indicates the setback from the west property line adjacent to the Progress Energy property would be 20' and the setback from the east property line adjacent to Spring Hill Unit 10 would be 35'. The staff does not object to the proposed perimeter setbacks.

The lots in the adjacent Spring Hill subdivision to the east are approximately ½ acre in size. It is the staff's opinion if the request is approved, the petitioner should be required to place the ½ acre lots along the eastern boundary of the project to be consistent with the area. The Wellington at Seven Hills is located to the south of the subject property. The lots in this portion of Seven Hills are conventional single family lots with generally 10,000 square foot lots.

The plan provided shows no open space. The Planning staff is of the opinion that if the request is approved, the petitioner should provide a minimum 5% of the subject area as usable open space.

The petitioner proposes a cul-de-sac with a length of 900', which is a deviation from the roadway standards. The LDRs limit cul-de-sac length to 600'. The petitioner indicates that the triangular configuration of the property prevents a "loop" roadway configuration and necessitates the proposed extended cul-de-sac length. The County Engineer did not object to the proposed roadway deviation. The Planning staff has no objection given the configuration of the subject property and the number of lots provided. The Spring Hill Fire & Rescue District has indicated access to Deed Street is required for additional emergency accessibility.

The petitioner proposes access from Ferendina Way. The petitioner indicates a second access to Mariner Boulevard via an extension of Audie Brook Drive may be obtained if the developer receives access approval from Progress Energy. The Planning staff is of the opinion the access to the west is necessary in order to be consistent with the Seven Hills DRI Map H and in order to provide interconnections as required per the LDRs, which require at the time of conditional plat review, interconnections be considered every 1320'. The County Engineer notes that the east-west roadway on the property may serve as a major local roadway depending on review of any traffic studies in the future. The County Engineer notes that a minimum of two (2) traffic calming features, such as roundabouts or T- intersections shall be required. The County Engineer and Planning Staff is of the opinion that access to the west is essential for interconnectivity in the area.

The petitioner proposes serving the site with central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site.

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

The Hernando County School Board indicates elementary students would attend Suncoast Elementary School, middle school students would attend Powell Middle School, and high school students would attend Springstead High School. The School Board indicates the project would add approximately 20 students to the school system and would not significantly impact the school system. All three (3) of the schools are currently over permanent capacity and any additional students would be accommodated by adding portables until additional permanent capacity is available.

Pasco County has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The site is characterized by single family residential, institutional and commercial uses, and undeveloped parcels. The YMCA, a commercial plaza and the Florida Power powerlines are located to the west of the subject property. A Spring Hill SF residential neighborhood consisting of half-acre lots is located to the east. The Wellington is located to the south of the 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 staff is of the opinion that the master plan revision, with performance conditions, is appropriate, based on the following conclusions:

1. The proposed master plan revision is consistent with the County's adopted Comprehensive Plan.
2. The proposed master plan revision is compatible 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 Concurrency. 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 for a master plan revision to include a rezoning from C/PDP(MF) and (SF) 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 internal lot setbacks are approved as follows:
Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Minimum ½ acre lots shall be placed along the eastern boundary of the project.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
9. The petitioner shall provide a revised plan within 30 days of BCC approval reflecting the performance conditions or the master plan revision will be null and void.

P&Z RECOMMENDATION:

On December 13, 2004, the P&Z voted 4-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include a rezoning from C/PDP(MF) and (SF) to PDP(SF), with the following modified 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 internal lot setbacks are approved as follows:
Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Minimum ½ acre lots shall be placed along the eastern boundary of the project.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
9. The petitioner shall provide a revised plan within 30 days of BCC approval reflecting the performance conditions or the master plan revision will be null and void.
10. Construction traffic shall access the subject property from Mariner Boulevard.

NOTE:

Commissioner DeWitt missed a substantial portion of the hearing on this request and abstained from voting.

The petitioner provided a revised plan at the December 13th P&Z meeting, showing DRAs located outside the subject property on the adjacent Progress Energy property. The staff does not object to the location of the DRAs, however, the petitioner shall be aware that if the request is approved the developer will need permission from Progress Energy in order to build the DRAs as shown and a relocation of the DRAs may require a master plan revision approval by the BCC.

BCC ACTION:

On January 12, 2005, the Board of County Commissioners voted 4-1 to adopt Resolution #2005-22 approving the petitioner's request for a master plan revision to include a rezoning from C/PDP(MF) and (SF) 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 internal lot setbacks are approved as follows:
Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Minimum ½ acre lots shall be placed along the eastern boundary of the project.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
9. The petitioner shall provide a revised plan within 30 days of BCC approval reflecting the performance conditions or the master plan revision will be null and void.
10. Construction traffic shall access the subject property from Mariner Boulevard.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.