

**STAFF REPORT**

Planning & Zoning Commission: December 13, 2004

Board of County Commissioners: January 12, 2005

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**APPLICANT:** Wright Land Development, LLC **FILE NUMBER:** H-04-70

**PURPOSE:** Master Plan Revision on Property zoned PDP(SF)/Planned Development Project (Single Family) to Include an Increase in Density and a Change in Access Points

**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 1/2 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.

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

**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 a master plan revision on property zoned PDP(SF) to include an increase in density and a change in access points. 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.
15. The Planning & Zoning Commission reviewed the petitioner's request to rezone the subject property from PDP(SF) to C/PDP(SF) and (MF) on October 4, 2004. The petitioner subsequently withdrew the petition.

#### **STAFF DISCUSSION**

The petitioner requests a master plan revision in order to increase the density from a maximum of 30 homes to 48 homes. The petitioner proposes developing the property with 48 SF homes with a minimum lot size of 8,905 square feet and an average lot size of 11,130 square feet.

The petitioner submitted a request to rezone the subject property from PDP(SF) to C/PDP(SF) and (MF) in June 2004 in order to develop the property with 20 SF units and 120 MF units. Subsequent

to the Planning & Zoning Commission's review and recommendation for denial, the petitioner withdrew the request in November 2004.

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 plan shows access points at Tara Street, Lola Drive and one to the east. 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 plan provided proposes 25' front, 10' side and 20' rear lot setbacks for the SF lots. The staff does not object to the proposed setbacks, which are consistent with the PDP(SF) zoning category. The plan shows a 20' perimeter setback. The staff does not object to the proposed perimeter setbacks.

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 of 5% of the subject property as usable open space.

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 16 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.

The plan indicates that access will be provided from Tara Street and Lola Drive on the west side of the subject property. The 1988 plan showed a third access point with Lola Drive extended to the east boundary line. In 1988, the petitioner had considered providing access to the north to Odham Street. The Planning staff and the County Engineer are of the opinion if the request is approved a minimum of two (2) stub-outs to the east should be provided to provide for future interconnection in the area. 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. Platted Spring Hill lots are located to the west and south of the subject property. The SF lots in the area 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 petitioner proposes developing the 15.88 acres with 48 SF homes at a density of 3 units per acre. Policy 1.01F(3) of the adopted Comprehensive Plan indicates medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. The Planning staff is of the opinion the concept of the proposed development is appropriate at this location.

The Planning staff is of the opinion that the request for the master plan revision is appropriate, with performance conditions, based on the following conclusions:

1. The proposed rezoning is consistent with the County's adopted Comprehensive Plan.
2. The proposed rezoning 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 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 for a master plan revision to include an increase in density and a change in access points, 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: 10' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. Minimum 11,000 square foot lots shall be placed along the western boundary of the project.
5. The petitioner shall provide a minimum of 5% of the project in usable open space.
6. The development shall have a minimum of two (2) access points to the west and two (2) access points to the east.
7. 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 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a master plan revision to include an increase in density and a change in access points, 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: 10' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. Minimum 11,000 square foot lots shall be placed along the western boundary of the project.
5. The petitioner shall provide a minimum of 5% of the project in usable open space.
6. The development shall have a minimum of two (2) access points to the west and two (2) access points to the east.
7. 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.
8. The drainage design for the subdivision shall be based upon a 100 year storm occurrence if the subject property is determined to be within a closed drainage basin.

9. The maximum number of lots is 48.

**NOTE:**

The petitioner has provided a revised plan showing ROW for extension of Tara Street and Lola Drive to the eastern property line. The revised plan also shows 59,023 square feet of open space. The Planning staff had recommended the petitioner provide a minimum of 5% of the project area as usable open space. The open space provided appears to include a DRA, which would not be usable open space. The Planning staff recommends that if the request is approved, the petitioner indicate roadway stub-outs to the eastern property line and show 5% of the project area as usable open space.

**BCC ACTION:**

On January 12, 2005, the Board of County Commissioners voted 5-0 to deny the petitioner's request for a master plan revision to include an increase in density and a change in access points.