

STAFF REPORT

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

Planning & Zoning Commission: May 8, 2006

APPLICANT: Kathleen Olmsted, et al. **FILE NUMBER:** H-04-72

PURPOSE: Rezoning from AG to C/PDP(SF)(SU)/Combined Planned Development Project (Single Family)(Special Use)

GENERAL

LOCATION: West side of Kettering Road, north side of Power Line Road

LEGAL

DESCRIPTION: A portion of Section 17, Township 23 South, Range 21 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 2 AGAINST: 1

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: Pasco County; AG
East: AG
West: AG

Surrounding Land Uses

Pasture, AG
Pasture, SF, undeveloped
Dairy, SF, undeveloped
Pasture, sand pit

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The staff added the category SU to accommodate the village green concept proposed by the petitioner. The subject property is located west of Kettering Road and north of Power Line Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 195.2 acres.
3. The property is pasture and undeveloped land.
4. The site appears to contain specimen, but no majestic, trees.

5. The subject property has access from Kettering Road, Power Line Road and Morning Dove Drive.
6. Kettering Road and Power Line Road are unpaved, limerock roads in the vicinity of the subject property. Morning Dove has not been developed.
7. The subject property is located within the I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map.
8. The on-site soil types include Arredondo fine sand and 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.
9. The property is located in a flood zone C.
10. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
11. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
12. There is not an urban roadway network in place to serve the area.
13. There are adequate public facilities available to serve limited development on the subject property.
14. The area is characterized by agricultural and rural residential uses, and sand excavation activities.
15. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner initially submitted a petition in November 2004 to rezone the subject property from AG to PDP(SF) to develop the site with 799 units. The staff added in the SU category to accommodate the village green area. The petition was postponed on multiple occasions while the concept of the development was being refined, infrastructure needs analyzed and consistency with the Planned Development District reviewed. A new master plan and narrative has been submitted for review.

The subject request is one of 4 rezoning petitions submitted in the I-75/SR 50 Planned Development District (PDD). The rezoning petitions have multiple petitioners; however, a unified analysis of comprehensive plan consistency was conducted and submitted for review. The Planning staff has discussed extensively with the petitioners' of the various zoning cases our concerns about public use

needs, infrastructure, density, land use layout and transportation issues concerning the PDD. Information has been provided to the staff which demonstrates compliance with the land uses anticipated within the PDD. At this time, no capital improvements have been planned in a program to development infrastructure for the area; consequently any proposed development beyond what the existing infrastructure can accommodate will be expected to participate. Although public facilities such as schools and regional recreational facilities are not expected to be located within the subject property, the petitioner is expected to participate in the provision of public facilities for the area. The level of participation by the various developers of the PDD area will have to be addressed with zoning conditions and development agreements.

The petitioner is requesting to rezone the subject property from AG to PDP(SF) in order to develop the subject property with 799 SF units. The proposed master plan indicates multiple housing pods throughout the development grouped by lot size. The density transitions from the north of the project, with minimum 40' wide lots and townhomes, to 70' wide lots on the south end of the project. The pods proposed include different housing products. The uptown pod is proposed to be developed with townhomes (buildings with 6-8 units, each unit on their own lot) and small villas with 40' wide lots. A larger villa pod is proposed with 50' x 110' lots. A SF medium density pod is proposed with 60' by 110' lots, and a SF low density product on a 70' x 110' lot. The overall density proposed is 4 dwelling units per acre.

The narrative reflects a village green pod which could potentially accommodate a community center, recreation, scenic greenways, villas and townhouses. The master plan submitted indicates neighborhood commercial and office within this village green pod. The petitioner modified the application narrative to eliminate the concept of commercial and office; however, the plan still indicates these uses. The application was not appropriately advertised for consideration of commercial uses. If approved, the plan would have to be modified to eliminate the reference to commercial uses.

The proposed internal lot setbacks vary by lot size. There is a discrepancy between the setbacks indicated in the narrative and on the master plan. For the 40' and 50' wide lots, it is the staff's opinion that setbacks of front 25', side 5', and rear 15' would be appropriate. The 60' wide lots and greater should be front 25', side 7.5' and rear 15'.

The petitioner is proposing 30' perimeter landscaped buffer on the perimeter where residential dwellings are adjacent to the boundaries. The plan depicts areas in blue along the perimeter which are not indicated on the legend. The staff confirmed with the petitioner that the blue areas reflect DRAs. It is the staff's position the DRA locations are part of the petitioner's buffering plan. Staff would not object to a 30' perimeter landscaped buffer, with DRAs along the perimeter. Any changes to the buffering proposed would result in a master plan revision. A revised plan would be required indicating the future use of the blue areas as DRAs in the land use table.

The PDP regulations require a minimum of 5% of the project be provided as usable open space. The petitioner would be required to provide the minimum open space as part of the development of this project. Additionally, the LDRs require that new single family development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or

width (whichever is greater) of the development with a vegetative buffer at least 10' in width. The petitioner has depicted a community parkway and entrance features from Kettering Road through the project to Powerline Road.

The Utilities Department has indicated there is adequate water to serve the project; however, the infrastructure is not developed to provide enough supply to the area. The Director of County Utilities indicates additional well sites will be required in the PDD area to serve future growth. County water service is located approximately 3100' to the north; County sewer service is located approximately 5300' to the north. The Planning staff is of the opinion the provision of water and sewer service to the subject property should be designed to accommodate future development in the area. The petitioner needs to extend the lines to serve the project of an appropriate size (meaning they will be oversized to serve the area). The County anticipates negotiating the issue of connection fee credits for the provision of oversized water and sewer lines.

The subject property has access from Kettering Road, Powerline Road and Morning Dove Drive. Kettering Road and Power Line Road, although identified as collector roadways, are unpaved in the vicinity of the subject property. Morning Dove Drive is a public unpaved roadway maintained on an emergency basis. The narrative submitted by the petitioner anticipates at least one of these roadways would be required to be paved in order to allow development of the property, they indicate Kettering would be the most desired as it connects directly to SR 50 to the project's entrance. The County's Buildout Thoroughfare Plan adopted as part of the EAR indicates Kettering from Powerline to SR 50, and Powerline from Lockhart to Kettering as 4-lane divided roadways. If the request is approved, the petitioner should be required to provide the right of way along Kettering and Powerline Road for a future 4-lane roadway.

The Transportation Planning Coordinator indicates the subject property is proximate to a section of Cortez Boulevard that has limited capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

It is the position of both the Planning Staff and the County Engineer that the proposed development should be served by a collector roadway network. Powerline, from Lockhart to Kettering, and Kettering from Powerline to SR 50 should be paved concurrent with any development on this site.

The petitioner provided a report of a cultural resource assessment survey of the site. The report concludes the survey found no cultural resources of a prehistoric, archaeological or historical nature.

The petitioner provided a protected species and wetland delineation report. The report concludes there are no wetlands present on the property. The report states that no active gopher tortoise burrows are present on the property. American kestrels were present on the property during the survey. The southeastern American kestrel is a listed species. Any southeastern American kestrel nests should be handled according to state permitting guidelines.

The subject property has been permitted by the Hernando County Health Department as a septage spreading site. The property must be in compliance with its septage spreading permit before it can be converted to any developed use. If the request is approved, the Health Department should perform a close-out inspection prior to conversion of the property to residential use.

The Hernando County School Board has verbally indicated that they would be desirous of a school site located within the I-75/SR 50 Planned Development District area but not on the subject property. The petitioner should be required to participate in the new school in this area.

Pasco County has been notified of the request and indicated they have no comments.

FINDINGS OF FACT

The area is characterized by agricultural and rural residential uses and sand excavation activities. Pastures are located to the north, west and south. A tree farm is located to the south. A dairy is located to the east. Sand excavation activities are located to the northeast and west.

The subject property is located within the I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map. Policy 1.07B(1) indicates that the I-75/SR 50 PDD land use category is to allow a mixture of commercial, industrial, residential, multifamily, recreation and public facilities uses.

Policy 1.07B(3) indicates that standards and concepts that should be incorporated into the development of the Planned Development area. The PDD should utilize "steps in intensity" and buffers to minimize incompatibility of adjacent land. Additionally, there should be interconnecting roadways to maintain access between the planned development land uses, accommodation for pedestrian and bike traffic throughout planned development, an infrastructure analysis to determine the needs for traffic improvements, sewer and water facilities, fire protection and recreation.

Policy 1.07(B)(3)(g) indicates an infrastructure analysis is required to determine the needs for traffic improvements, sewer and water facilities, fire protection and recreation in the PDD. The petitioner has provided analysis regarding the needs within the PDD. With appropriate development agreements with the developers, infrastructure needs can be ensured.

The Planning staff is of the opinion that the uses proposed by the petitioner are consistent with the uses provided for in the PDD. The more difficult issue to deal with is providing the necessary public uses, infrastructure, and transportation features necessary to support the PDD. The petitioner's have indicated a willingness to work with the county through development agreements to ensure the provision of the necessary services.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The proposed development would be consistent with the uses envisioned in the PDD.

2. With performance conditions, necessary public facilities can be provided to serve the subject property.
3. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to performance conditions.

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 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. Land use areas are approved as depicted on the master plan.
3. Minimum lot sizes:
Villa pod is: 5500 square feet
SF medium density pod: 6600 square feet
SF low density pod: 7700 square feet
Uptown pod: Townhomes: 1980 square feet; SFD 4400 square feet
4. Internal lot setbacks:
Villa pod: front 25', side 5', rear: 15'
SF medium density pod: front 25', side 7.5', rear 15'
SF low density pod: front 25', side 7.5', rear 15'
Uptown pod: townhomes: 25' front, 0' side, 15' rear with 20' between buildings; SFD: front 25', side 5', rear 15'
5. Minimum perimeter setback from Kettering Road & Powerline: 25' (From new ROW line)

6. Minimum perimeter setback from all other property lines: 35'
7. No commercial component is allowed within the village green area, master plan must be modified to remove reference.
8. Powerline Road between Lockhart and Kettering must be paved concurrent with development of the site.
9. Kettering Road, from Powerline to SR 50, must be paved concurrent with development of the site.
10. The petitioner must provide their fair share of right of way along Powerline and Kettering Road to accommodate future 4 lane roadways.
11. Thirty foot perimeter landscaped buffers are required on the project perimeter. The buffers shall be separate from the lot.
12. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
13. The Village Green pod may include community centers, recreational facilities, scenic greenways and residential units (villas and townhomes) Prior to, or simultaneous with, the conditional platting of the Village Green pod, the developer shall submit a master layout plan for this pod, including the location of land uses, streets, greenways, recreation/parks and housing types. This layout must be reviewed and approved by the Planning & Zoning Commission for consistency with the overall master plan and performance conditions. Any change to the approved master layout plan after development has commenced shall require a master plan revision.
14. The petitioner's shall pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
15. The petitioners shall enter into a developer's agreement which will require them to contribute their proportionate share to fund infrastructure deficits within the Planned Development District (PDD).
16. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the P&Z voted 4-1 to postpone hearing the request until the May 8, 2006 meeting at 9:00 a.m.

NOTE:

Subsequent to the March 13, 2006, P&Z meeting, the petitioner submitted revised information addressing the concerns of the P&Z. The information has been provided to the P&Z, changes include:

1. A reduction in the proposed number of units from 799 to 640, for an overall density of 3.27 units per acre.
2. Lots 80'x 110' along the south and east, transitioning to 50' x 110' along the north and west. The previous concept of "uptown pod" with townhomes has been eliminated.
3. A 35' side natural buffer along properties in the southeast quadrant of the project.
4. A Village Green which will be the focal point of the community, including community center, recreational facilities and open space (townhouses, office and neighborhood commercial area no longer requested)
5. A community parkway which will be a well-landscaped corridor through the project that includes the collector access road and multi-use pathway.
6. Additional right-of-way for Kettering Road and Powerline Roads. (no amount specified)

The petitioner's revised narrative indicates that lot setbacks will be front: 25', side 5' and rear 10'. With lots greater than 60' in width with a minimum 7.5' side setback. Mixing minimum side setback requirements based on lot width is not a recommended approach. Staff would recommend that the development with like sizes be placed together in pods, with consistent dimension and area regulations. If the P&Z approves the petitioner's request, staff would recommend modification to the following performance conditions as follows with the other conditions to remain as previously recommended:

3. Minimum lot sizes:
~~Villa pod is: 5500 square feet~~
~~SF medium density pod: 6600 square feet~~
~~SF low density pod: 7700 square feet~~
~~Uptown pod: Townhomes: 1980 square feet; SFD 4400 square feet~~

5500 square feet
8800 square feet
7. Internal lot setbacks:
5500 square feet: front 25', side 5', rear: 15'
8800 square feet: front 25', side 7.5', rear 15'

~~SF low density pod: front 25', side 7.5', rear 15'~~

~~Uptown pod: townhomes: 25' front, 0' side, 15' rear with 20' between buildings; SFD: front 25', side 5', rear 15'~~

11. Thirty foot perimeter landscaped buffers are required on the project perimeter, with 35' natural buffer along properties in the southeast quadrant of the project. The buffers shall be separate from the lot.

BCC ACTION:

On April 12, 2006, the BCC voted 5-0 to postpone consideration of this petition until June 14, 2006 at 9:00 a.m.