

STAFF REPORT

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

APPLICANT: Ronald King Construction **FILE NUMBER:** H-04-74

PURPOSE: Master Plan Revision to Include a Reduction in Setbacks and a Change in Concept

GENERAL

LOCATION: South side of Powell Road, north of Candy Drive, approximately 2,200' west of California Street

LEGAL

DESCRIPTION: A portion of Section 13, 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

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: PDP(SF)
East: PDP(SF), AG
West: PDP(SF)

Surrounding Land Uses

Single family, temporary sales center
Quail Meadows subdivision
Schools
Springwood Estates subdivision

SUMMARY OF REQUEST

The petitioner requests a master plan revision for Deerfield Estates to include a reduction in setbacks and a change in concept. The subject property is located on the south side of Powell Road, north of Candy Drive, approximately 2,200' west of California Street.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 32.85 acres.

3. The subject property is the Deerfield Estates SF residential subdivision. Most of the site is undeveloped. Two (2) houses on the site are under construction.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Powell Road, Atwater Drive and Candy Drive.
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-1 and 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 area is characterized by single family residential, rural residential and institutional uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision for the Deerfield Estates single family residential subdivision. The petitioner proposes reducing the side lot setbacks from 10' to 7.5' and converting the internal public roadways into gated private roadways. The petitioner has proposed reducing the side lot easements from 10' to 5'; easement reductions are addressed through the conditional plat process, not the master plan revision process. The petitioner has verbally indicated he no longer proposes the villa lot concept indicated in the narrative.

The subject property is mostly undeveloped. Conditional plats for Deerfield Estates have been approved. Building permits have been issued for (two) lots. The building permits were approved with 10' side setbacks.

The petitioner requests to reduce the side lot setbacks from 10' to 7.5'. In 1980, the BCC approved the rezoning on the property from AG to PDP(SF). The petitioner requests to reduce the side setbacks from 10' to 7.5'. In 1993 the BCC approved a master plan revision, including the reduction of internal lot side setbacks from 10' to 7.5', for Quail Meadows, located to the south of the subject property. The Planning staff is of the opinion the proposed side lot setback reduction would be compatible with the adjacent development.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. The City of Brooksville notes that the subject property is located outside of the City's "first right to serve area."

The subject property is located within the airport influence zone. The Airport Director indicated that the Airport Zoning Ordinance would require the developer/builder/owner to provide and record for the county a notice on any deed transferring vacant property after July 12, 1999, indicating the property is located near an airport and the property may be impacted by normal airport operations. Additionally, the Airport Director has indicated that the petitioner should be required to grant an Avigation Easement to Hernando County for airport operations.

The Hernando County School Board indicates elementary students would attend J. D. Floyd 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 33 students to the school system. These additional students could not be accommodated by current permanent capacity. If this development is approved, the students could only be accommodated by adding additional permanent capacity, adding portables, redrawing of school boundaries, or a combination of these options.

The subject property contains a WHPA-1 and WHPA-2 for a public supply well. The proposed land use with central services is allowable within this designation.

The petitioner proposes making the internal roadways private, with gates at Powell Road and Atwater Drive. The Planning staff and the County Engineer are of the opinion the request for private roadways should be denied in order to preserve interconnectivity in the area. The County has requested additional ROW at Powell Road. The County Engineer indicates that if the request is approved, the petitioner should provide ROW for Powell Road's improvement to a four-lane collector road.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential and institutional uses, and undeveloped parcels. The Springwood Estates single family residential subdivision is located to the west. The Quail Meadows single family residential subdivision is located to the south. Chocochatti Elementary and Nature Coast Technical High schools are located to the east. Undeveloped AG

property is also located to the east. Single family uses and a temporary sales center are located to the north.

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 request for the reduced setbacks is appropriate but the request to make the internal roadways private would be inappropriate, based on the following conclusions:

1. The proposed revision is compatible with the existing development in the area; consequently, consistent with the County's adopted Comprehensive Plan.
2. The loss of public roadways in the area would negatively impact existing and future interconnectivity in the area.

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 reduction in setbacks:

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: 10'

3. The internal roadways shall remain public.
4. The petitioner shall provide ROW for Powell Road's improvement to a four-lane collector road.
5. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.

P&Z RECOMMENDATION:

On December 13, 2004, the P&Z voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include a reduction in setbacks 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: 10'
3. The internal roadways shall remain public.
4. The petitioner shall provide ROW for Powell Road's improvement to a four-lane collector road.
5. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.
6. Construction traffic shall access the subject property from Powell Road.

NOTE:

The Planning & Zoning Commission asked the staff to provide the petitioner with the following two (2) items prior to the January BCC hearing: 1. a copy of the avigation easement language and 2. a clarification of the ROW along Powell Road required by the County Engineer.

BCC ACTION:

On January 12, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-20 approving the petitioner's request for a master plan revision to include a reduction in setbacks 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: 10'
3. The internal roadways shall remain public.
4. The petitioner shall provide ROW for Powell Road's improvement to a four-lane collector road.
5. The petitioner shall grant a negotiated Avigation Easement to Hernando County for airport operations.
6. Construction traffic shall access the subject property from Powell Road.

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.