

**STAFF REPORT**

Planning & Zoning Commission: September 12, 2005

Board of County Commissioners: October 12, 2005

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**APPLICANT:** Pulte Home Corporation **FILE NUMBER:** H-05-80

**PURPOSE:** Master Plan Revision to Include a Change in Access Points and Relocation of Drainage Retention Ponds

**GENERAL**

**LOCATION:** East side of the Suncoast Parkway, west and south of Wilson Boulevard, approximately 3,800' north of County Line Road

**LEGAL**

**DESCRIPTION:** A portion of Sections 35 and 36, Township 23 South, Range 18 East, Hernando County, FL

**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

Surrounding Land Uses

North: AG

Undeveloped

South: AG, R-1A

AG, SF, MH, undeveloped

East: AG

AG, SF, MH, undeveloped

West: CPDP, PDP(SF), AG, AR, R-1C

Suncoast Parkway

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to include a change in access points and relocation of drainage retention ponds. The subject property is located on the east side of the Suncoast Parkway, west and south of Wilson Boulevard, approximately 3,800' north of County Line Road.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 287 acres.
3. The site is under development as Trillium, a single family subdivision.

4. The site contains majestic and specimen trees.
5. The subject property has access from County Line Road via Trillium Road, Wilson Boulevard, Kostka Drive, Boynton road, and Korbus Road.
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 Blichton loamy fine sand, Candler fine sand and Masaryk very 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 zones B and 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 area is characterized by agricultural, utility and single family and mobile home residential 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 Trillium to include modification of a performance condition relating to internal access points and relocation of drainage retention ponds. The development will be bisected by the proposed County Line Road/Ayers Road realignment. A condition associated with the master plan includes a requirement that the petitioner provide three (3) access points to the proposed Ayers Road extension when that roadway is constructed. The petitioner requests to eliminate one of the proposed access points. The County Engineer has no objection to the request.

The petitioner indicates the relocation of the drainage retention areas was necessitated by topography. For the areas adjacent to the southern perimeter which previously indicated drainage areas as part of the buffering plan, it is staff's opinion a minimum 20' wide landscape buffer or drainage area should be maintained to provide separation between this development and adjacent

land uses. One of the conditions associated with the current master plan requires a noise abatement wall or earthen berm with a vegetated buffer within the 25' setback along the west property line. The petitioner proposes locating a DRA along the western property line adjacent to the Suncoast Parkway. The staff has no objections to the DRA being placed along the western boundary; however, the noise abatement wall or earthen berm should continue to be required along the entire length of the western property line to mitigate the effects of the Suncoast Parkway. The Florida Turnpike headquarters made comments regarding noise issues and visual impacts to the Scenic Highway designation of the Suncoast Parkway and the Suncoast Trail. The Turnpike Enterprise commented on the need for structural safeguards, such as noise abatement walls and/or earthen berms, to mitigate noise impacts from the parkway. The 25' setback and a berm along the property line adjacent to the parkway were conditions of the rezoning approval. The Turnpike Enterprise recommended expanding the 25' setback to 50' with a 6' earthen berm with a landscape buffer including native landscaping and a 75% level of opacity at the time of planting to mitigate noise impacts and to provide a scenic buffer for future Trillium single family residents. The Turnpike Enterprise recommended the buffer area be constructed prior to construction of the site to mitigate negative visual impacts from the construction phase of the development. The Turnpike Enterprise noted for new developments along the Suncoast Parkway, it is the developer's responsibility to install the visual buffer necessary for future residents of their developments. The 25' setback and berm are consistent with the original zoning approval.

The petitioner notes internal roadways have been modified to accommodate the modified DRA layout. The County Engineer does not object to the proposed modification of the internal roadways.

The Utilities Department has indicated that central water and sewer have been planned and programmed for this area of the County and are currently available to serve the subject site.

Portions of the subject property lie within a WHPA-2 according to County data resources. The proposed land use is allowed within this designation.

The City of Brooksville and Pasco County have no objections to the request.

**FINDINGS OF FACT**

The area is characterized by rural residential uses and undeveloped parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses that may be allowed in this category, meeting the goals, objectives and policies of the Comprehensive Plan, include single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. The petitioner is not requesting a change in density, which is approximately 3.0 du/ac.

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

1. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all 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 for a master plan revision a master plan revision to include a change in access points and relocation of drainage retention ponds, 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, including receiving development review for the proposed use.
2. The petitioner shall provide a minimum two (2) access points to the proposed Ayers Road/County Line Road realignment.
3. All conditions of PD-209 (approved under file H-04-09) shall be in full force and effect with the exception of the condition requiring 3 access points to the Ayers Road extension which is modified by #2 above.
4. A minimum 20' wide landscape strip or drainage area shall be required along the southern boundary of the project.
5. The petitioner shall provide a revised plan reflecting 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:**

The Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a master plan revision a master plan revision to include a change in access points and relocation of drainage retention ponds, with the following unmodified 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, including receiving development review for the proposed use.
2. The petitioner shall provide a minimum two (2) access points to the proposed Ayers Road/County Line Road realignment.
3. All conditions of PD-209 (approved under file H-04-09) shall be in full force and effect with the exception of the condition requiring 3 access points to the Ayers Road extension which is modified by #2 above.
4. A minimum 20' wide landscape strip or drainage area shall be required along the southern boundary of the project.
5. The petitioner shall provide a revised plan reflecting 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.

**BCC ACTION:**

The Board of County Commissioners voted 4-1 to adopt Resolution # 2005-284 approving the petitioner's request for a master plan revision a master plan revision to include a change in access points and relocation of drainage retention ponds, 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, including receiving development review for the proposed use.
2. The petitioner shall provide a minimum two (2) access points to the proposed Ayers Road/County Line Road realignment.

3. All conditions of P.D.-209 (approved under file H-04-09) shall be in full force and effect with the exception of the condition requiring 3 access points to the Ayers Road extension which is modified by #2 above.
4. A minimum 20' wide landscape strip or drainage area shall be required along the southern boundary of the project.
5. The petitioner shall provide a revised plan reflecting 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.

**NOTE:**

**RESOLUTION THAT THE ENCROACHMENT HAS BEEN RESOLVED WILL BE VERIFIED AT THE TIME OF FINAL PLAT.**

**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.**