

STAFF REPORT

Planning & Zoning Commission: January 10, 2005
Board of County Commissioners: February 9, 2005

APPLICANT: Stokes & Griffith Properties, LLC (Scott Griffith)
FILE NUMBER: H-05-03

PURPOSE: Master Plan Revision to Include an Addition of Land and Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: Approximately 350' west of Anderson Snow Road, approximately 1,900' north of County Line Road

LEGAL

DESCRIPTION: A portion of Section 34, 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C/PDP	Vacant
South: C/PDP	Vacant
East: C/PDP	Vacant
West: C/PDP	Vacant

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include an addition of land and rezoning from AG to PDP(SF). The subject property is part of the Avalon Subdivision. The subject property is located approximately 350' west of Anderson Snow Road, approximately 1,900' north of County Line Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately ten (10) acres.

3. The site is vacant.
4. The subject property is located in the interior of the recently approved Avalon development Planned Development Project.
5. The site appears to contain specimen, but not majestic, trees.
6. The subject property has access from Anderson Snow Road as a condition of the 2003 rezoning approval.
7. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
8. The on-site soil types include 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.
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. An agreement for service has been negotiated for the Avalon development, however, provision of service for the 10-acre subject property has not yet been addressed.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by rural residential uses, pasture and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision in order to rezone 10 acres within the proposed Avalon development and incorporate it into the overall plan of development. The petitioner does not request additional units for the development. In August 2003, the BCC approved the rezoning and master plan approval on the surrounding 374.8 acres with a maximum of 869 dwelling units and commercial uses. At the time of the prior request, the 10 acre tract was not under the petitioner's control. The narrative indicates the 10 acre site is proposed to be rezoned from AG to PDP(SF) for

development with a maximum of 24 single family homes. The plan shows approximately 22 homes on the tract and proposes a maximum of 821 SF lots in the overall project.

The petitioner proposes developing the 10 acre tract with SF development with minimum lot sizes of 10,000 square feet with lot dimensions of 80' x 125'. The lot configuration detail on the plan provided contains a labeling error. The lot sizes would be compatible with the lots in surrounding pods. The petitioner proposes lot setbacks as follows: 25' front, 10' side, 20' rear. These are standard SF lot setbacks. Sidewalks are not indicated on the plan. SF residential development with lots of 1/4 acre or less are required to provide sidewalks.

The petitioner indicates central water and sewer service for the proposed development will be provided by Hernando County. The developer and the Utilities Department have negotiated a development agreement for the Avalon development, however, the agreement has not been amended to address provision of service to the 10 acre subject property.

The plan indicates roadways providing access between land uses will be public, provided with sidewalks and built to County standards. All roadways will be required to meet the minimum facility design standards. The subject property will be provided access via the internal local roadway system for the overall development.

The County Engineer indicates all roadways must be designed to meet roadway design guidelines.

The Hernando County School Board was not available to provide comments prior to report finalization due to the winter break.

Pasco County and the Florida Turnpike headquarters have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by rural residential uses, pasture 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.

Inclusion of the subject property into the previously approved Avalon development results in an overall density of 2.62 units/acre which is consistent with the initial approval.

The Avalon plan showed approximately 7.6 acres of recreational space including parks and a community center. It is the staff's position that a minimum of an additional .5 acres of usable open

space should be provided to accommodate the increase in homes. The Planning staff does not object to the proposed density, which is characterized as low for the subject property and medium for the overall project, with appropriate open space and access provided.

The Planning staff is of the opinion that the proposed rezoning with performance conditions is appropriate based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the adopted Comprehensive Plan.
2. The proposed density is consistent with the density previously approved in the master plan on the property surrounding the subject property.

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 to master plan revision to include an addition of land and rezoning from AG 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. An additional ½ acre of usable open space shall be added to the previously approved open space, and reflected on the revised master plan.
3. The maximum number of residential units approved is 869.
4. All conditions of PD-424 (approved under file H-03-37) shall be in full force and effect.

5. The petitioner shall submit a revised plan within 30 days or the master plan revision shall be null and void.

P&Z RECOMMENDATION:

On January 10, 2005, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to master plan revision to include an addition of land and rezoning from AG 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. ~~An additional ½ acre of usable open space shall be added to the previously approved open space, and reflected on the revised master plan.~~
3. The maximum number of residential units approved is 869.
4. All conditions of PD-424 (approved under file H-03-37) shall be in full force and effect, with the exception of condition #17.
5. The petitioner shall submit a revised plan within 30 days or the master plan revision shall be null and void.

BCC ACTION:

On February 9, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-43 approving the petitioner's request to master plan revision to include an addition of land and rezoning from AG 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 maximum number of residential units approved is 821.
3. All conditions of P.D.-424 (approved under file H-03-37) shall be in full force and effect, with the exception of condition #17.
4. The petitioner shall submit a revised plan within 30 days or the master plan revision shall be null and void.

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.