

STAFF REPORT

Planning & Zoning Commission: January 10, 2005

Board of County Commissioners: February 9, 2005

Planning & Zoning Commission: February 14, 2005

Board of County Commissioners: March 9, 2005

APPLICANT: William Commander **FILE NUMBER:** H-05-06

PURPOSE: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: West of Huntington Woods Avenue, approximately 1,500' south of Coronado Drive

LEGAL

DESCRIPTION: A portion of Section 33, 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: 1

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: R-1C
East: PDP(SF)
West: AG

Surrounding Land Uses

Single family, undeveloped
Single family, undeveloped, DRA
Single family, DRA
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located west of Huntington Woods Avenue and approximately 1,500' south of Coronado Drive.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 20 acres.

3. The site is undeveloped.
4. The site does not contain majestic and specimen trees.
5. The subject property has access from Huntington Woods Avenue.
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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water service is available to serve the project but central sewer service is not.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family and rural residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 20 acre site from AG to PDP(SF) in order to develop the site with a maximum of 32 single family homes on half-acre lots. The narrative and plan provided propose 35' front, 10' side and 20' rear setbacks. The staff does not object to the proposed setbacks. If the request is approved the perimeter setbacks will be required to be consistent with the PDP rules.

The narrative indicates the project will be served by central water and septic. The Utilities Department has indicated that central water is available to serve the subject site. In order to develop the property with half-acre single family lots, the petitioner will be required to enter into an agreement with the County for the provision of water services.

The plan shows a 0.60-acre park located in the southeastern corner of the property. Typically, the county has required that a minimum of 5% of the total acreage be maintained in open space. If the request is approved, it is the staff's opinion a minimum of one acre, or 5% of the 20-acre subject property, should be reserved for usable open space.

The plan submitted indicates one access point located at Huntington Woods Avenue. The petitioner proposes serving the development with private roadways and gated access. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. There are undeveloped AG zoned parcels to the west and north between the subject property and developed single family areas. Future interconnection to these properties would be beneficial to the overall travel in the area. The Planning staff is opposed to the proposed private roadways and gated access. No other roadways besides Huntington Woods Avenue connect into the property. The County Engineer and the Planning staff are of the opinion that the proposed development requires a minimum of three (3) access points, to the east, north and west.

The petitioner proposes utilizing off-site areas for drainage retention. County-owned DRAs are located adjacent to the subject property's east and south property lines. The petitioner proposes regrading and landscaping these DRAs and maintaining them through the homeowners association. The petitioner indicates that if these DRAs are insufficient, additional land on the subject property will be used for the purpose of drainage retention. The County Engineer does not object to the offsite drainage concept, as long as the petitioner can demonstrate the development is designed to accommodate a 100-year storm.

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

Pasco County has been notified of the petitioner's request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential uses, and undeveloped parcels. Huntington Woods, a residential subdivision characterized by single family lots, is located to the east of the subject property. Eastwood Estates and Padrons West Linden Estates are located to the south of the subject property. These subdivisions contain single family lots with a minimum size of a half-acre. Parcels zoned AG are located to the north and west 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 Planning staff is of the opinion that a single family residential development of the density proposed is not appropriate at this location with only one access point. The petitioner proposes one access point to the east. The

subject property does not have access to any other public roadways, besides Huntington Woods Avenue.

The Planning staff is of the opinion that the request to rezone from Agricultural to Planned Development Project (SF), is not appropriate, based on the following conclusion:

1. The proposed single family development is premature because of the lack of a developed roadway network in the area.
2. The proposed request is inconsistent with the adopted Comprehensive Plan.

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 # _____ denying the petitioner's request to rezone from AG to PDP(SF).

P&Z RECOMMENDATION:

On January 10, 2005, the Planning and Zoning Commission voted 5-0 to postpone this petition until the February 14, 2005 P&Z meeting at 9:00 a.m. so that the petitioner could provide a revised plan showing additional roadway stub-outs.

BCC ACTION:

On February 9, 2005, the Board of County Commissioners voted 5-0 to postpone this petition until the March 9, 2005 P&Z meeting at 9:00 a.m.

NOTE:

A revised plan was not submitted to the Planning Department.

P&Z RECOMMENDATION:

On February 14, 2005, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution #_____ denying the petitioner's request to rezone from AG to PDP(SF).

BCC ACTION:

On March 9, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-64 denying the petitioner's request to rezone from AG to PDP(SF).