

STAFF REPORT

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

APPLICANT: Steve Baxley and John McRae **FILE NUMBER:** H-05-20

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

GENERAL

LOCATION: North of Dudley Avenue, west of Sigmund Street

LEGAL

DESCRIPTION: A portion of Section 16, 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: PDP(SF)
East: R-1C, AG
West: AG

Surrounding Land Uses

Undeveloped
Single family, undeveloped
School, single family, undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located north of Dudley Avenue and west of Sigmund Street.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 60 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Sigmund Street and Dudley 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 sewer service is not available.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by educational and single family residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AG to PDP(SF) in order to develop the subject property with 81 single family homes on half-acre lots. The narrative and plan provided propose 25' front, 10' side and 20' rear lot setbacks which are consistent with the county's conventional SF districts. The minimum perimeter project setback is proposed to be 35'. The staff does not object to the proposed setbacks.

In 2004, the petitioner requested to rezone the northern 40 acres of the subject property from AG to PDP(SF). The proposal showed one access into the proposed development. The petitioner withdrew the request after the Planning staff, Planning & Zoning Commission, and Plantation Estates residents objected to the single access point proposed for the development.

The narrative refers to buffers located along the neighboring properties. The plan shows 15' 35' buffers located along the east property line and along the south lot line to the west of the Dudley Avenue extension. The condition of the buffers is not specified in the narrative or in the plan.

The plan shows a 1.62 acre park located in the southeastern corner of the property. The County LDRs require a minimum of 5% of the total acreage be maintained in open space. If the request is approved, the petitioner would be required to provide the required usable open space.

The petitioner proposes serving the lots with central water and septic tanks. The Utilities Department has indicated that central sewer service is not available. Central water service availability can not be determined without further evaluation. 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 provision of water services.

The Hernando County School Board indicates that the request would generate approximately 27 additional students. Elementary schools students would be assigned to J. D. Floyd Elementary School, middle school students would be assigned to Powell Middle School and high school students would be assigned to Springstead High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The plan indicates access will be provided to Dudley Avenue to the south and Sigmund Street to the east. The plan shows future access points to the north and west. The AG parcel located to the north and west is undeveloped. The Transportation Planning Coordinator indicates that a future collector roadway, the future extension of Sterling Hill Boulevard, is expected to be located in the area. In December 2003, the BCC adopted the Functionally Classified Roadway Map 2025 showing a collector roadway connecting Elgin Boulevard and Linden Drive. The collector roadway has not been accommodated on the subject property. Without the roadway being indicated on the plan, the request is not consistent with the County Subdivision regulations or the adopted Comprehensive Plan. It is the staff's position the petitioner should be required to submit a revised plan indicating the collector roadway prior to the BCC hearing or the request is not consistent with the adopted Comprehensive Plan or the LDRs.

FINDINGS OF FACT

The area is characterized by educational and single family residential uses, and undeveloped parcels. J.D. Floyd Elementary School is located southeast of the subject property. Plantation Estates, a single family residential subdivision characterized by half-acre lots, is located to the east. Spring Hill single family residential development, characterized by quarter-acre lots, is located to the south. An undeveloped 245-acre AG parcel is located to the north and west. The Planning staff is of the opinion the proposed half-acre lots will be compatible with the surrounding SF development.

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.

Policy 1.01F(2): low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the districts most utilized for regulating future single family development. The density indicated on the plan results in an overall project density of 1.35 units per acre which would be considered low density pursuant to the adopted Comprehensive Plan.

The Planning staff is of the opinion that the request to rezone from Agricultural to Planned Development Project (SF), is appropriate, with the accommodation of a future collector roadway, based on the following conclusions:

1. The proposed single family development is compatible with the surrounding single family uses.
2. 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 to rezone 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 minimum lot size is 21,500 square feet.
3. The minimum internal setbacks approved:

Front: 25'
Side: 10'
Rear: 20'

4. The perimeter setbacks shall be 35'.
5. The petitioner shall provide a minimum 10' vegetated buffer along the east property line and along the south lot line to the west of the Dudley Avenue extension.
6. The plan shall be modified to reflect the ordinance required usable open space.
7. The petitioner shall accommodate the collector roadway required by the Comprehensive Plan within the development providing access to the north and west.
8. The petitioner shall provide a revised plan before the BCC hearing meeting the performance conditions.

P&Z RECOMMENDATION:

On March 14, 2005, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone 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. The minimum lot size is 21,500 square feet.
3. The minimum internal setbacks approved:
Front: 25'
Side: 10'
Rear: 20'
4. The perimeter setbacks shall be 35'.
5. The petitioner shall provide a minimum 10' vegetated buffer along the east property line and along the south lot line to the west of the Dudley Avenue extension.
6. The plan shall be modified to reflect the ordinance required usable open space.

7. The petitioner shall accommodate the collector roadway required by the Comprehensive Plan within the development providing access to the north and west.
8. The petitioner shall provide a revised plan before the BCC hearing meeting the performance conditions.
9. Sigmund Street shall remain closed and barricaded until all infrastructure construction within the subject property is completed.
10. The plan provided at the P&Z hearing showing the location of the collector road shall be included as part of the approval.

BCC ACTION :

On April 13, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-99 approving the petitioner's request to rezone 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 minimum lot size is 21,500 square feet.
3. The minimum internal setbacks approved:
 Front: 25'
 Side: 10'
 Rear: 20'
4. The perimeter setbacks shall be 35'.
5. The petitioner shall provide a minimum 10' vegetated buffer along the east property line and along the south lot line to the west of the Dudley Avenue extension.
6. The plan shall be modified to reflect the ordinance required usable open space.
7. The petitioner shall accommodate the collector roadway required by the Comprehensive Plan within the development providing access to the north and west.
8. Sigmund Street shall remain closed and barricaded until all infrastructure construction within the subject property is completed.

9. The plan provided at the P&Z hearing showing the location of the collector road shall be included as part of the approval.
10. The Developer will construct a traffic signal based on need and necessity.
11. The Developer shall provide buyers of all lots information on the Florida Yards and Neighbor Program.

NOTE: The Staff is to ensure the property is not clear cut during the development process.

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.

The School Board of Hernando County, Florida

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February 28, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

I reviewed the proposed rezoning requests that you forwarded to me. My comments are listed below for consideration during the staff's review.

In reference to H-05-15, the request from Silverthorn Associates, LLC to rezone and develop an additional 159 single family lots, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – J.D. Floyd Elementary School
- Middle (6-8) – Powell Middle School
- High (9-12) – Springstead High School

This rezoning request is expected to add an additional 53 students to the District, requiring 2.5 classroom units. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$125,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. With the expected addition of these 53 students, the actual financial impact to the District is \$1,174,851.

In reference to H-05-20, the request from Steve Baxley and John McRae to rezone and develop 81 single family lots, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – J.D. Floyd Elementary School
- Middle (6-8) – Powell Middle School
- High (9-12) – Springstead High School

This rezoning request is expected to add an additional 27 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$50,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 27 students is a total impact of \$598,509.

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In reference to H-05-21, the request from State Rd. 54 Investment Properties to rezone and develop 325 single family lots, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – J.D. Floyd Elementary School
- Middle (6-8) – Powell Middle School
- High (9-12) – Springstead High School

This rezoning request is expected to add an additional 108 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$250,000 and 5 teachers at an estimated cost of \$250,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 108 students is a total impact of \$2,394,036.

I hope this information will be helpful for the staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect that these proposed rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director