

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Gloria S. Williams **FILE NUMBER:** H-05-30

PURPOSE: Rezoning from AR-2 (Agricultural-Residential) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: East and west side of Gloucester Road, approximately 1,500' north of Powell Road, approximately 1,400' south of Oakcrest Circle

LEGAL

DESCRIPTION: A portion of Lots 1 and 2, Oakwood Acres according to the plat thereof as recorded in Plat Book 15, Pages 98 through 103 inclusive of the Public Records; and a portion of Section 12, 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 LETTER OF CONCERN: 4

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AG & PDP(SF)
East: R-1A
West: AR-2

Surrounding Land Uses

Oakwood Acres
Single Family
Mobile Homes
Mobile Homes; Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone approximately 60 acres from Agricultural Residential (AR-2) to Planned Development Project (Single Family)/PDP(SF). The subject property is located north of Powell Road, approximately 3300' east of the Suncoast Parkway.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural-Residential 2.
2. The property comprises approximately 60 acres.

3. The property is currently undeveloped pasture.
4. The site does not contain majestic and specimen trees.
5. The subject property has access from Gloucester Road.
6. The subject property is predominately located within a residential land use classification, with a small portion of rural 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 flood zone 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 is available to serve the subject property, but sewer is not.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The surrounding area is characterized by single family, mobile homes 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 60 acre property from AR-2 to Planned Development Project(Single Family)/PDP(SF).

The master plan submitted indicates that the site will be developed with 90-half acre lots. The petitioner has indicated the project will be served by central water and septic tanks. The master plan appears to labels some of the lots on the plan as both a lot and a DRA. A revised plan would be required to indicate separation between the lots and the DRAs.

The petitioner has proposed the minimum lot sizes to be ½ acre with setbacks front: 25', side: 10' and rear: 20', with a 30' rear setback for any lots adjacent to Gloucester Road. Additionally, the petitioner has indicated that there are no driveways proposed along Gloucester Road.

For Single-Family Planned Development Projects with lots smaller than one acre in size, a minimum of 5% of the gross project site shall be retained in usable open space. The petitioner would be required to provide the required open space if approved.

County LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. If approved, the petitioner would be required to meet the applicable LDRs.

Primary access to the subject property is via Gloucester to Powell Road. Access to the north exists through Oakwood Acres Subdivision and Potterfield Garden Acres, to California Street. The roadways to the north are a mixture of paved roads and unimproved limerock roads.

The petitioner is not proposing to interconnect into the subdivisions to the west or east. The subdivision regulations require that consideration be given to interconnect every 1320'. Platted roadways, which are not built, abut the subject property to the west. No connections exist to the east. It is the staff's opinion that petitioner should be required to make provisions for future connections to the west when the streets are improved.

The County Engineer has reviewed the request and indicated that the Gloucester should be designed to meet major local roadway standards. Gloucester currently has 60' of right-of-way. The petitioner's narrative states that they will be dedicating an additional 5' of right of way on both sides of Gloucester to the County, and widen the roadway pavement to 22' between Powell Road and the northern most entrance.

The subject property lies within a WHPA-2 for a public supply well. The proposed land use is allowable within this designation.

The Transportation Coordinator has reviewed the proposed request and indicated that adequate capacity along Elgin currently exists to serve the subject request. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The Hernando County School Board indicates that the request would generate approximately 28 additional students. Elementary schools students would be assigned to Moton Elementary, middle school students would be assigned to Powell Middle School and high school students would be

assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

FINDINGS OF FACT

The subject property is predominately located within a residential land use classification with a small portion in rural. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Residential uses are allowed up to 1320' into the rural land use classification. The subject petition would qualify for residential uses. The proposed density of the subject request is .7 units per acre which is within the range allowed by the adopted Comprehensive Plan.

Policy 1.01F (2) indicates 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 district most utilized for regulating future single family development. The proposed development is considered a low density development.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent AR zoned property to the north and west, and R-1A residential to the east. It is the staff's opinion that the density of the proposed development would not be incompatible with the surrounding land uses.

The staff is of the opinion that it is appropriate to rezone the parcel from Agricultural Residential-2 (AR-2) to Planned Development Project(Single Family)/PDP(SF) based on the following conclusions:

1. The uses allowed in the PDP(SF) district would be compatible with the surrounding area.
2. The intensity of the proposed development would be consistent with the surrounding area.
3. The requested rezoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 to rezone from Agricultural Residential-2 (AR-2) to Planned Development Project(Single Family)/PDP(SF) subject to 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 approved is one half acre.
3. The uses approved are those consistent with the R-1C zoning district.
4. Internal lot setbacks approved as follows:

Front:	25'
Side:	10'
Rear (against Gloucester):	30'
other rear:	20'
5. No access shall be allowed to lots from Gloucester.
6. Perimeter building setbacks per the PDP rules
7. The petitioner shall provide right of way along Gloucester Road to Powell Road as determined by the County Engineer.
8. The master plan should reserve future accesses to the west for connection at the time when adjacent streets are improved.
9. The plan shall indicate DRA locations separate from the proposed lots.
10. The petitioner shall provide a revised plan in 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 3-2 to recommend the BCC adopt resolution # _____ approving the petitioner's request to rezone from Agricultural Residential-2 (AR-2) to Planned Development Project(Single Family)/PDP(SF) subject to 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 approved is one half acre, except for the lots along the north property line abutting the Oakwood Acres subdivision, which shall have a minimum lot size of one acre.
3. The uses approved are those consistent with the R-1C zoning district.
4. Internal lot setbacks approved as follows:

Front:	25'	
Side:	10'	
Rear (against Gloucester, north, east and west lines):	30'	<u>35'</u>
other rear:	20'	<u>35'</u>
5. No access shall be allowed to lots from Gloucester.
6. Perimeter building setbacks shall be per the PDP rules.
7. The petitioner shall provide a total of 70' of right of way along Gloucester Road from Powell Road to Oakcrest Circle as proposed by the applicant. ~~to Powell Road as determined by the County Engineer.~~
8. The master plan should reserve future access to Jefferson Street ~~accesses~~ to the west for connection at the time when that roadway is adjacent streets are improved.
9. The plan shall indicate DRA locations separate from the proposed lots.
10. The petitioner shall provide a revised plan in 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.

- 11. A fence shall be placed on both sides of Gloucester.
- 12. A 6' PVC fence shall be located along the north property line.

STAFF NOTE:

After review of modifications made by the P&Z relative to conditions #4 and #6, staff believes that further modification would clarify the P&Z position. If the BCC elects to approve the request, staff would recommend those conditions be modified as follows:

- 4. Internal lot setbacks approved as follows:
 - Front: 25'
 - Side: 10'
 - Rear (against Gloucester): 30' 35'
 - other rear: 20'

- 6. Perimeter building setbacks approved as follows per the PDP rules:
 - From the North, East
 - and West: 35'
 - From the South: 20'

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to deny the petitioner's request to rezone from Agricultural Residential-2 (AR-2) to Planned Development Project(Single Family)/PDP(SF).

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

**Facility & Support
Operations
8050 Mobley Road
Brooksville, FL 34601
Phone 352-797-7096**

Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

April 22, 2005

Carlene Riecss
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Carlene:

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-05-30**, the request from Gloria S. Williams to rezone and develop 85 single family units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Hernando High School

This rezoning request is expected to add an additional 28 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 28 students is a total impact of \$620,676.

In reference to **H-05-37**, the request from Ladd Development to rezone and develop 39 single family units, I offer the following:

Sparks Road is one of the boundary roads used by the Hernando County School Board to define attendance zones. Therefore, potential students from this rezoning request will attend one of these schools:
Elementary (K-5) – Suncoast or Moton Elementary School
Middle (6-8) – Powell or Parrott Middle School
High (9-12) – Springstead or Hernando High School

This rezoning request is expected to add an additional 13 students to the District. The above mentioned schools are currently over permanent capacity. The 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 13 students is a total impact of \$288,171.

In reference to **H-05-38**, the request from Lincoln Trust to rezone and develop lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Pine Grove Elementary School
Middle (6-8) – West Hernando Middle School
High (9-12) – Central High School

This rezoning request is expected to add an additional 25 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 25 students is a total impact of \$544,175.

In reference to **H-05-39**, the request from Seven Hills for Master Plan approval to develop 49 lots, I offer the following:

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

This rezoning request is expected to add an additional 16 students to the District. The above mentioned schools are currently over permanent capacity. The 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 16 students is a total impact of \$354,672.

In reference to **H-05-40**, the request from Ladd Development to rezone and develop 102 single family units, I offer the following:

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

This rezoning request is expected to add an additional 34 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 34 students is a total impact of \$753,678.

In reference to **H-05-43**, the request from Irwin Ljuba to rezone and develop 13 units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Deltona Elementary School
Middle (6-8) – Fox Chapel Middle School
High (9-12) – Springstead High School

This rezoning request will result in a minimal impact to Hernando County Schools with an expected increase of 4 students. The 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 financial impact to the District for these 4 students is a total impact of \$88,668.

In reference to **H-05-44**, the request PHPD, LLC and Robert C. Burkett, Trustee to rezone and develop 24 units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Eastside Elementary School
Middle (6-8) – Parrott Middle School
High (9-12) – Hernando High School

This rezoning request will result in a minimal impact to Hernando County Schools with an expected increase of 8 students. The 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 financial impact to the District for these 8 students is a total impact of \$177,336.

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 requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director