

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Hernando Development LLC **FILE NUMBER:** H-05-31

PURPOSE: Master Plan Revision to Include Changes to a Buffer

GENERAL

LOCATION: Approximately 1,900' east of Sunshine Grove Road, north of Country Club Drive, approximately 450' west of Rialto Drive

LEGAL

DESCRIPTION: A portion of Sections 22 and 27, Township 22 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:

Surrounding Zoning

North: C/PDP, PDP(MH)
South: C/PDP, PDP(MH), PDP(REC)
East: C/PDP, PDP(SF), PDP(REC)
West: C/PDP, AG

Surrounding Land Uses

Brookridge MH Park
Brookridge MH Park
Brookridge MH Park
Power lines, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to modify the previously approved buffer concept. The subject property is located on the east side of Sunshine Grove Road, approximately 2,000' north of Montour Street.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The overall project comprises approximately 153 acres; however, the area affected by the modification comprises approximately 1.22 acres.

3. The site is currently under development.
4. The subject property proposes access to Sunshine Grove Road. The project abuts Delsilver Drive, Fontaine Drive, Avocado Street, Midmoor Boulevard and Country Club Drive.
5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil types include 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.
7. The property is located in a flood zone C.
8. The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by residential uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

In 2003, the BCC approved a master plan revision on the subject property allowing 520 single family units with performance conditions. The petitioner has requested a master plan revision in order to modify the concept of the previously approved buffer. At the P&Z hearing in 2003, the petitioner indicated an agreement requiring a 3' hedge between the subject property and Brookridge Mobile Home Park had been negotiated between the developers of the subject property and the Brookridge board of directors.

Subsequent to the hearing, the developer has met with the Brookridge Community Property Owners (BCPO). The neighboring Community agreed that a 6' high black vinyl chain link fence on the subject property line where it separates the subject property from Brookridge would be an acceptable buffering plan. The BCPO also agreed to that if the proposed fence was installed, there would be no need for a hedge, irrigation system or well within the fence. The petitioner has provided a letter from the BCPO indicating their support of the proposal.

The purpose of the prior condition was to provide separation between the two communities in a manner that was acceptable to all parties. The only change that would occur if the request is approved is a modification to the buffering concept. All other terms and conditions of the previous approval would be in effect.

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

The City of Brooksville has no comments about the request.

FINDINGS OF FACT

The area is characterized by residential uses and undeveloped parcels. Brookridge Mobile Home Park is located to the east. The subject property is being developed with a single family residential 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 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.

The Planning staff is of the opinion that the proposed master plan revision with performance conditions will be compatible with the surrounding area and consistent with the Comprehensive Plan based on the following findings:

1. The proposed buffering concept provides effective separation between the subject project and the neighboring community.
2. The proposed master plan revision is consistent with the County's adopted Comprehensive Plan and is compatible with the existing uses in the area subject to compliance with all performance conditions herein.

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.

P&Z RECOMMENDATION:

At their April 11, 2005 meeting, the Planning & Zoning Commission acknowledged that the petition would have to be readvertised for a future hearing date.

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 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. A 6' high black vinyl covered chain link fence shall be installed within the buffer along the eastern property line in place of a hedge.
3. All terms and conditions of PD-593, shall be in full force and effect.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the BCC adopt resolution # _____ approving the petitioner's request for a master plan revision subject to 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, and complete all applicable development review processes.
2. A 6' high black vinyl covered chain link fence shall be installed within the buffer along the eastern property line in place of a hedge.
3. All terms and conditions of PD-593, shall be in full force and effect.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-153 approving the petitioner's request for a master plan revision 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. A 6' high black vinyl covered chain link fence shall be installed within the buffer along the eastern property line in place of a hedge.
3. All terms and conditions of P.D.-593, shall be in full force and effect.

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.