

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Lucky Find Development Co. LLC **FILE NUMBER:** H-05-32

PURPOSE: Establishment of a PDP(SF)/Planned Development Project(Single Family) Master Plan with a concept change, and a Waiver from the Frontage Road Requirement

GENERAL

LOCATION: West side of US 19, south of Parakeet Road, south of Parrot Road

LEGAL

DESCRIPTION: A portion of Sections 1 and 12, Township 21 South, Range 17 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: R-1C
South: CV, R-1C
East: R-1C, C-2
West: CV

Surrounding Land Uses

Undeveloped, single family
Undeveloped, Chassahowitzka
Undeveloped
Chassahowitzka

SUMMARY OF REQUEST

The petitioner requests to establish a master plan with single family uses for a planned development project. The subject property is located on the west side of US 19, south of Parakeet Road, south of Parrot Road.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP with residential lots. The zoning does not have a master plan which meets the County’s existing LDRs.
2. The property comprises approximately 48 acres.

3. The site is undeveloped.
4. The site contains specimen, but no majestic, trees.
5. The subject property has access from US 19, Parakeet Road and Parrot Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Basinger fine sand, Candler fine sand, Eaugallie fine sand, Myakka fine sand, Tavares fine sand.
8. 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.
9. The property is located in a flood zone C.
10. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
11. The Utilities Department has indicated that central water and sewer capacity are not available to serve the subject site.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by undeveloped parcels and a wildlife refuge conservation area.
14. The petitioner has requested a waiver from the frontage road requirement, which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a master plan with single family uses for a planned development project. The subject is zoned C/PDP. A recorded plat, which serves as the master plan for Royal Highlands West, indicates the subject property was to be developed as single family uses with 10,000 square foot lots and green area. The plan does not meet the minimum standards for a master plan, it designates only the general land use areas.

petitioner proposes developing the 48 acre site with 160 single family lots with a typical lot size of 45' x 110'. The petitioner proposes lot setbacks of 20' front, 5' side and 15' rear. The perimeter setbacks are proposed as follows: 125' from US 19, 50' from the north property line, and 20' setbacks from the south and west property lines.

The petitioner has indicated that they are proposing an increased perimeter setback of 50' and an enhanced buffer of 35' along the north property line adjacent to the existing Royal Highlands subdivision. The petitioner has not indicated what constitutes the enhanced buffer.

The land use distribution proposed by the petitioner indicates that 27 acres of the 48 acres will be developed residentially. Approximately 9.6 acres will be designated as conservation, and 11.4 acres in recreation and open space. The LDRs require that developments with lots less than one acre in size, a minimum of 5% of the gross site area will be maintained in usable open space. Usable open space areas cannot not include DRAs.

The PDP rules also require that subdivisions with lot widths less than 60' at the building line submit a fire protection plan upon the filing of a conditional plat. The petitioner has submitted an associated conditional plat which is currently under review.

The subject property has access from US 19, Parakeet Road and Parrot Road. The petitioner proposes two (2) access points on US 19. Pursuant to the County's development regulations, the petitioner will be required to provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The petitioner is requesting a waiver of the frontage road because the property to the south and west are in public ownership, designated as conservation hence eliminating the need to connect further to the south. The staff has reviewed the request with the County Engineer. County staff is in agreement that requiring the frontage road to the south does not serve a public purpose; however, if the request is approved, connectivity to the development to the north should be required.

The petitioner is not proposing to interconnect into the subdivision to the north. The petitioner's narrative states that the roads in the proposed development may be private in the future. The subdivision regulations require that consideration be given to interconnect every 1320'. Connection to the west and south would not serve to further interconnectivity as the properties are in public ownership. It is the staff's opinion that connection to the development to the north should be required. There are two existing platted streets in Royal Highlands to the north which dead end into this project. Both of the roadways are currently limerock. If the request is approved, the master plan should make provisions for future connection to the north when the streets are improved.

The subject property is bordered by conservation land to the south and west, and a platted subdivision with one acre mol lots to the north. The density proposed is significantly higher than the approved density to the north.

The petitioner has indicated that the density as proposed is necessary to facilitate the extension of central sewer and potable water from the Seville facilities. The Hernando County Utilities Department has indicated that central water and sewer capacity are not available at the Seville plant to serve the subject.

The subject property is adjacent to state owned conservation land. Additionally, there is an approved rifle range approximately 3/4 miles to the southwest of the subject property. It is the staff's opinion that if the request is approved, deeds transferring property should alert new homeowners to the possible use of prescribed fire for maintenance purposes on the conservation land, as well as notification regarding the proximity of the rifle range.

The generalized mapping of the County's adopted Comprehensive Plan indicate the subject property contains a Class 1 and a Class 3 wetland. All jurisdictional wetlands shall be shown on future plats and construction drawings of any approved development and buffered in accordance with SWFWMD regulations.

The Hernando County School Board indicates that the request would generate approximately 53 additional students to the district. Elementary schools students would be assigned to Pine Grove Elementary School, middle school students would be assigned to West Hernando Middle School and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The FDOT, the Gulf Coast Conservancy and SWFWMD have been notified of the request. The conservancy contacted staff by phone with some concerns about the intensity of the project, but no written comments have been received. No responses from FDOT or SWFWMD have yet been received.

FINDINGS OF FACT

The area is characterized by scattered residential development to the north, undeveloped parcels and a wild life refuge conservation area.

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 petitioner proposes developing the 48 acres with 160 SF homes at a density of 3.33 units per acre which would be considered medium high density pursuant to the Comprehensive Plan. Policy 1.01F(3) of the adopted Comprehensive Plan indicates medium high density zoning districts shall

be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. It is the staff's opinion that the proposed area is not an urbanizing sector at the present time and the densities proposed are inappropriate given the existing land use pattern and lack of infrastructure. The staff would not oppose residential densities at a level consistent with the existing development to the north; however, it is our opinion that the proposed densities are incompatible with the surrounding area and inconsistent with the adopted comprehensive plan.

Based on the existing development in the area, and the lack of central services to serve the project, it is the staff's opinion that the project at the densities proposed is inappropriate at this location.

The staff is of the opinion that the establishment of a PDP(SF)/Planned Development Project(Single Family) Master Plan with a Waiver from the Frontage Road Requirement at the densities proposed is inappropriate, based on the following conclusions:

1. There are no central water and sewer services available to serve the subject property.
2. The proposed development is incompatible with the neighboring development.
3. The proposed development is too intense given the environmental limitations of the project.
4. The requested rezoning is not 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 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 establish a PDP(SF)/Planned Development Project(Single Family) master plan.

P&Z RECOMMENDATION:

At their April 11, 2005 hearing, based on the information provided, which included statements that central water and sewer service capacity exists to serve the proposed development, the Planning and Zoning Commission made the following findings:

1. Central water and sewer service capacity is available to serve the subject property.
2. The proposed request would not be incompatible with the surrounding area.
3. 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 set forth.

The Planning and Zoning Commission voted 4-1 to recommend the BCC adopt resolution # _____ approving the petitioner's request to establish a PDP(SF)/Planned Development Project(Single Family) master plan.

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 development shall be served by central water and sewer service.
3. The development shall provide access to the north via Parakeet Road or Parrot Road.

STAFF NOTE:

If the BCC approves the petitioner's request pursuant to the P&Z's recommendation, the staff would recommend inclusion of the following performance condition:

3. Minimum lot size approved is: 45' x 110'
4. Internal lot setbacks approved:

Front: 20'
Side: 5'
Rear: 15'
5. Perimeter setbacks as indicated on the master plan.

6. The enhanced buffer along the northern property line shall be a minimum of 35' wide, and a minimum of 80% opacity.
7. 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.

BCC ACTION:

At the Board of County Commissioner's May 11, 2005, hearing, the Board voted to postpone consideration of the subject petition. The Board did not conceptually oppose some level of residential development on the site; however, the BCC believed that the proposal was too intense. Subsequent to the BCC meeting, the petitioner met with the Planning Staff to further discuss the request.

The petitioner submitted a revised plan for the development. The petitioner is proposing to develop the site with 120 single family units for an overall density of 2.5 units per acre. The lot sizes proposed are 45' x 110'. The plan indicates that 22 acres of the 48 acre site will be developed with the residential units. The remaining 26 acres is indicated as conservation, recreation/open space and drainage.

The plan also indicates a 50' wide enhanced buffer along the north property line adjacent to Royal Highlands. There is one access proposed into Parakeet, and one access to US 19.

The staff has reviewed the revised plan and given the reduction in intensity, and the verification of the ability to serve the subject property with central water and sewer services, the staff could support the petitioner's revised proposal.

The staff makes the following findings regarding the modified rezoning request:

1. The adopted comprehensive plan indicates that 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.
2. The proposed density of the revised request is 2.5 units per acre.
3. The proposed development, with the enhanced buffering along the northern property line, is not incompatible with the adjacent residential subdivision.

4. Central water and sewer services are available to serve the subject property.
5. The requested rezoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

Revised staff recommendation:

The Planning Staff recommends the P&Z recommend the BCC adopt resolution #___ approving the petitioner's request to establish a single family master plan 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 development shall be served by central water and sewer service.
3. The development shall provide access to the north via Parakeet Road. This access shall be emergency only until such time as Parakeet is improved.
4. Minimum lot size approved is: 45' x 110'
5. Internal lot setbacks approved:

Front: 20'
Side: 5'
Rear: 15'
6. Perimeter setbacks as indicated on the master plan.
7. The enhanced buffer along the northern property line shall be a minimum of 50' wide, and a minimum of 80% opacity.
8. 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.

BCC ACTION:

On May 11, 2005, the BCC voted 5-0 to postpone this petition until the June 8, 2005 BCC hearing at 9:00 a.m.

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-155 approving the petitioner's request to establish a single family master plan 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 development shall be served by central water and sewer service.
3. The development shall provide access to the north via Parakeet Road. This access shall be emergency only until such time as Parakeet is improved.
4. Minimum lot size approved is: 45' x 110'
5. Internal lot setbacks approved: Front: 20' Side: 5' Rear: 15'
6. Perimeter setbacks as indicated on the master plan.
7. The enhanced buffer along the northern property line shall be a minimum of 50' wide, and a minimum of 80% opacity.
8. 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.

The School Board of Hernando County, Florida

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March 22, 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-05-25**, the request from The Balceraks to rezone and develop 9 multi-family units, I offer the following:

This request will result in a minimal impact to Hernando County Schools with an expected increase of 3 students.

In reference to **H-05-32**, the request from Lucky Find Development to establish a master plan with 160 single family units, 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 master plan request is expected to add an additional 53 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 53 students is a total impact of \$1,174,851.

In reference to **H-05-35**, the request from The George Feaster Living Trust to rezone and develop 65 single family attached townhouses, I offer the following:

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

This rezoning request is expected to add an additional 22 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 22 students is a total impact of \$487,674.

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