

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Ladd Development Inc. **FILE NUMBER:** H-05-37

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

GENERAL

LOCATION: North and west of Sparks Road, approximately 1,900' north of County Line Road

LEGAL

DESCRIPTION: A portion of Section 34, 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

STAFF FINDINGS:

Surrounding Zoning

North: C/PDP
South: AG and OP
East: C/PDP & AG
West: C/PDP

Surrounding Land Uses

Avalon Subdivision
Scattered Mobile homes and undeveloped parcels
Avalon; MHs
Avalon subdivision

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 14 acre parcel from Agricultural to Planned Development Project (Single Family)/PDP(SF). The petitioner is proposing to develop the site with 39 SF lots.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 14 acres.
3. The subject site is currently undeveloped.

4. The site is covered with scrub oak, and some slash and long leaf pine. The petitioner indicated some specimen trees were noted on the property during a pedestrian survey.
5. The subject property has access from Sparks Road, an unimproved limerock 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 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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site with an agreement to connect to utilities within Avalon.
11. There are adequate public facilities available to serve the subject property.
12. The area is largely undeveloped with scattered mobile homes to the south.
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 14.6 acre site from AG to PDP(SF) for development as a residential subdivision. The property is located at the end of Sparks Road, an unimproved public roadway.

The petitioner prepared a master plan which indicates the site will be developed with 39 single family lots, 80' x 125' in size. Two access points onto Sparks Road are proposed. Avalon subdivision is located to the west, north and east of the subject property. Avalon subdivision contains multiple pods served by private roadways running from a public collector roadway through the project. The petitioner is not proposing any interconnection into the private pods in Avalon. Drainage retention areas triangular in shape are indicated at the corners of the subject project. It is the staff's position that the location of the DRAs serve as buffers against the adjacent land uses. If the plan is approved, it is staff's opinion that any modifications to the location of the DRAs would require a revision to the master plan.

The perimeter setbacks proposed by the petitioner are consistent with the LDRs for perimeter PDP setbacks. Internal lot setbacks 25'- front, 10'- side 20' -rear are proposed which are consistent with the County's conventional SF district with similar size lots. The minimum county LDRs for the proposed development would require .7 acres of open space to serve the development. The petitioner has combined the DRAs and open space on the plan totaling 1.8 acres. The petitioner would be required to provide 5% of the site in usable open space if the project is approved.

Minimum lot sizes in Avalon along the west and north boundary are 90' x 140', with villa lots, 50' x 110', along the east. It is the staff's opinion, the proposed 80' x 125' lot sizes are not inconsistent with the surrounding area.

The subdivision regulations require consideration of interconnection every 1320'. It is the staff's opinion that the concept of the approved Avalon master plan would preclude interconnection from the subject property to the west, north and east.

The only access to the development is from Sparks Road, an unimproved roadway. Due to the limited number of units proposed in the development, it is the staff's opinion that one access would not be unacceptable since future development along County Line Road will be served by a local collector. This would give residents from this development the ability to go west or east from Sparks Road in the future.

The petitioner has not proposed any improvements to Sparks Road. The County Engineer has reviewed the petitioner's request and indicated that if the request is approved, the petitioner would be required to improve Sparks Road to County Line Road. Because of the limited right of way along Sparks Road, the road may be designed to meet minimum standards for a local road with closed drainage.

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.

Pasco County has been notified of the petitioner's request. No comments have been received at this time.

The Hernando County School Board indicates that the request would generate approximately 13 additional students. Elementary school students would be assigned to either Suncoast or Moton Elementary Schools, middle school students would be assigned to Powell or Parrott Middle Schools and high school students would be assigned to Springstead or Hernando High Schools. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The Transportation Coordinator has indicated that adequate capacity exists along County Line Road to serve the subject request at this time. The petitioner has applied for a certificate of concurrency with the associated conditional plat.

FINDINGS OF FACT

The surrounding property is largely undeveloped at this time; however, property west, north and to a portion of the east was recently rezoned for residential development and is undergoing subdivision review.

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 proposed request results in a density of 2.67 units per acre which is within the range allowed by the comprehensive plan. It is the staff's opinion the density of the proposed request is consistent with the surrounding land uses and would not adversely affect the surrounding areas.

The Planning staff is of the opinion that the request to rezone from Agricultural to Planned Development Project (SF), is appropriate with performance conditions:

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 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 AG to Planned Development Project(Single Family)/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 approved is 80' x 125'.
3. The uses approved are consistent with the R-1C zoning district.
4. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
5. Perimeter building setbacks: per the PDP rules
6. Sparks Road shall be improved per the County Engineer's specifications from County Line Road to the northern terminus.
7. Sidewalks shall be constructed along both sides of Sparks Road.
8. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer's specifications.
9. 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 recommended 4-1 that the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to Planned Development Project(Single Family)/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 approved is 80' x 125'.
3. The uses approved are consistent with the R-1C zoning district.
4. Internal lot setbacks approved as follows:
Front: 25' Side: ~~10'~~ 7.5' Rear: ~~20'~~ 15'
5. Perimeter building setbacks: per the PDP rules
6. Sparks Road shall be improved per the County Engineer's specifications from County Line Road to the northern terminus.
7. Sidewalks shall be constructed along the west side of Sparks Road adjacent to the subject project. ~~both sides of Sparks Road.~~
8. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer's specifications.
9. 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 June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-159 approving the petitioner's request to rezone from AG to Planned Development Project(Single Family)/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 approved is 80' x 125'.
3. The uses approved are consistent with the R-1C zoning district.
4. Internal lot setbacks approved as follows: Front: 25' Side: 7.5' Rear: 15'
5. Perimeter building setbacks: per the PDP rules

6. Sparks Road shall be improved per the County Engineer's specifications from County Line Road to the northern terminus.
7. Sidewalks shall be constructed along the west side of Sparks Road adjacent to the subject property and along the west side of Sparks Road down to County Line Road.
8. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer's specifications.
9. 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.

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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Jim Malcolm
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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