

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Lincoln Trust **FILE NUMBER:** H-05-38

PURPOSE: Rezoning from AG to PDP(SF)/Planned Development District (Single Family) with a deviation in the open space requirement

GENERAL

LOCATION: North side of Centralia Road, approximately 3,800' east of US 19

LEGAL

DESCRIPTION: A portion of Sections 30 and 31, Township 21 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 1 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: Conservation
South: R-1C
East: PDP(RURAL)
West: Conservation

Surrounding Land Uses

Undeveloped
Single Family
Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 100 acre AG zoned site to Planned Development Project (Single Family)/PDP(SF).

FACTUAL INFORMATION

1. The property is currently zoned Agricultural.
2. The property comprises approximately 100 acres.
3. The site is currently undeveloped.

4. The site is wooded and includes scrub oaks, and some longleaf, slash, and sand pine trees. The site does not appear to contain majestic trees. The petitioner has indicated that a few specimen trees were noted during a pedestrian survey of the site.
5. The subject property has access from Centralia Road.
6. The subject property is located within a residential future 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 WHPAs or SPAs according to County data resources. The County's generalized mapping indicates there is a small wetland located in the western midsection of the project.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The area is characterized by a mixture of land uses including: single family residential, rural residential, agricultural, conservation, 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 approximately 100 acres from Agricultural to Planned Development Project (Single Family). The subject property is located on the north side of Centralia Road, approximately 3/4 mile east of US 19.

The master plan submitted by the petitioner proposes development of the property with 76- one acre lots served by well and septic. Conservation land is designated to the west and north of the project. Two access points from Centralia Road are proposed.

The petitioner proposes internal lot setbacks as follows: 50' front, 10' side and 35' rear. These setbacks exceed the minimum required by the County's conventional residential zoning district. The

setbacks requested are consistent with those required for one acre AR lots. It is the staff's opinion the setbacks are appropriate.

Property immediately east of the subject property was rezoned to PDP(RURAL) with one acre lots in April 2005. The master plan approved as part of the Rural PDP does not include a provision for interconnection to the subject property. It is the staff's opinion that a connection should be reserved in the adjacent property to the east for future connection. The subdivision regulations require consideration of interconnection every 1320'. Given the conservation land to the west and the north, it is the staff's opinion interconnection would not be necessary.

For Single Family Planned Development Projects with lots one acre in size or greater, a minimum of 2.5% of the gross project site shall be retained in usable open space which would be 2.5 acres for the subject property. Usable open space excludes drainage retention areas and required buffers. The petitioner has indicated that 4.1 acres will be provided in usable open space. 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.

The plan indicates drainage retention areas along Centralia Road, and along the northwest corner of the project. Along the northeast corner, the plan depicts a recreation/open space area with community access via 20' strip.

The subject property contains a wetland according to County data resources. Any future site development plans shall delineate the jurisdictional wetland line.

The subject property is immediately adjacent to a SWFWMD owned parcel zoned (CV) Conservation. Natural ecosystems in Hernando County are commonly managed using frequent prescribed burns. Due to the use of this land management technique, staff would recommend the developer/builder/owner provide notification on deeds to any future property owners indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.

The County Engineer has reviewed the request and indicated that the two access points along Centralia are acceptable. Further, the petitioner should be required to provide turn lanes into the project as determined by the County Engineer at the time of review of the development.

The Transportation Coordinator has reviewed the request and indicated that there is adequate capacity along Centralia Road to accommodate the proposal.

The Hernando County School Board indicates that the request would generate approximately 25 additional students. Elementary schools students would be assigned to either 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.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential, agricultural and conservation uses and undeveloped parcels. Subdivisions characterized by rural residential development are located proximate to the site. These subdivisions are zoned AR-2, allowing single family dwellings and mobile homes. Royal Highlands which is characterized by single family platted lots and scattered development is located across Centralia Road from the subject property. The Planning staff is of the opinion the proposed development would be compatible with the existing development in the surrounding 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 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 proposed density of the subject request is .76 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 subject request would be considered low density residential.

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 to a recently approved rural Planned Development Project with one acre lots. It is the staff's opinion that the density of the proposed development would be compatible with the surrounding land uses.

The staff is of the opinion that it is appropriate to rezone the parcel from Agricultural to 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 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) 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 developer/builder/owner shall provide notification on future deeds indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.
3. The minimum lot size approved is one acre.
4. The uses approved are consistent with the R-1C zoning district.
5. Internal lot setbacks approved as follows:
Front: 50' Side: 10' Rear: 35'
6. Perimeter building setback: 35'
From Centralia: 75'
7. Provision of a future connection into the parcel to the east shall be indicated on a revised master plan.
8. The petitioner shall provide left turn lanes into the project as determined by the County Engineer.
9. Two access points to Centralia are required.

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 Board of County Commissioners adopt Resolution # _____ approving the petitioner’s request to rezone from AG to 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 developer/builder/owner shall provide notification on future deeds indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.
3. The minimum lot size approved is one acre.
4. The uses approved are consistent with the R-1C zoning district.
5. Internal lot setbacks approved as follows:
Front: 50' Side: 10' Rear: 35'
6. Perimeter building setback: 35'
From Centralia: 75'
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7. The petitioner shall provide left turn lanes into the project as determined by the County Engineer.
8. Two access points to Centralia are required. If a future access to the east is provided than only one access to Centralia will be required.
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:

Subsequent to the Planning and Zoning Commission meeting, the petitioner requested that the minimum open space required for the development be eliminated. The petition was adequately advertised for the BCC's consideration at their June hearing.

The petitioner has indicated that due to the staff's request to provide for a future interconnection into the property to the east, the open space would not be necessary.

It is the staff's opinion that adequate justification to eliminate the open space requirement has not been provided; consequently, we would not support the petitioner's request.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-160 approving the petitioner's request to rezone from AG to 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 developer/builder/owner shall provide notification on future deeds indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.
3. The minimum lot size approved is one acre.
4. The uses approved are consistent with the R-1C zoning district.
5. Internal lot setbacks approved as follows: Front: 50' Side: 10' Rear: 35'
6. Perimeter building setback: 35'
From Centralia: 75'
7. The petitioner shall provide left turn lanes into the project as determined by the County Engineer.
8. Two access points to Centralia are required. If a future access to the east is provided than only one access to Centralia will be required.

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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352-797-7000

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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