

STAFF REPORT

Planning & Zoning Commission: May 9, 2005
Board of County Commissioners: June 8, 2005
Board of County Commissioners: July 13, 2005

APPLICANT: Seven Hills, Inc. **FILE NUMBER:** H-05-39

PURPOSE: Master Plan Revision to include a Rezoning from C/PDP(MF) and (SF)/Planned Development Project (Multifamily) and (Single Family) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: Approximately 900' east of Mariner Boulevard, west of Deed Street and Ferendina Way, approximately 2,000' south of Linden Drive

LEGAL

DESCRIPTION: A portion of Section 30, 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SU), PDP(GHC)	Powerlines, YMCA, commercial
South: C/PDP	Undeveloped
East: PDP(SF)	Single family
West: PDP(SU), PDP(GHC), CPDP	Powerlines, YMCA, commercial

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include a rezoning from C/PDP(MF) and (SF) to PDP(SF). The subject property is located approximately 900' east of Mariner Boulevard, west of Deed Street and Ferendina Way, approximately 2,000' south of Linden Drive.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP (MF) and (SF).
2. The property comprises approximately 20.2 acres.

3. The site is currently undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Deed Street and Ferendina Way.
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 a 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 and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family residential, institutional and commercial uses, and undeveloped parcels.
13. The subject property is part of the Seven Hills Development of Regional Impact (DRI).
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision in order to develop the approximately 20.2 acre site with 49 single family lots. The petitioner proposes SF lots with a minimum size of 9,600 square feet. In January 2005, the BCC approved a request for a master plan revision on a 23.7 acre subject property that included this subject property. Subsequent to the approval, the petitioner was unable to provide a revised plan meeting all performance conditions, therefore the master plan revision approval was made null and void.

The BCC approved a master plan revision on property including the site in 1989. The 1989 master plan shows the site developed with single family homes. The subject property is the northeast

portion of the Seven Hills Development of Regional Impact (DRI). Map H of the DRI indicates access from Mariner Boulevard to the subject property. If the petitioner is unable to secure access to the west, a Notice of Proposed Change to a Previously Approved DRI and a master plan revision would have to be submitted.

The petitioner proposes internal lot setbacks as follows: 25' front, 7.5' side and 20' rear. The setbacks proposed are consistent with the setbacks approved in other parts of Seven Hills. The narrative indicates the setback from the west property line adjacent to the Progress Energy property would be 20' and the setback from the east property line adjacent to Spring Hill Unit 10 would be 35'. The staff does not object to the proposed perimeter setbacks.

The lots in the adjacent Spring Hill subdivision to the east are approximately ½ acre in size. The narrative and plan provided indicate open space, DRAs and one half-acre lot are located adjacent to the east project line. It is the staff's opinion the layout proposed would be compatible with the adjacent ½ acre lots. The Wellington at Seven Hills is located to the south of the subject property. The lots in this portion of Seven Hills are conventional single family lots with generally 10,000 square foot lots. The DRAs are part of the buffering plan; moving them from the project perimeter would require a master plan revision.

The proposed site plan shows a roadway located along the south property line. This roadway configuration will create double-fronted lots in the Wellington subdivision to the south. The Planning staff is of the opinion that a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity and a minimum 5' access reservation strip should be located along the south property line in order to prohibit access into the Wellington and to minimize the impacts of the proposed roadway on the single family lots in the Wellington.

The plan shows two (2) of the lots located at the end of a cul-de-sac have a 26' minimum lot frontage. The LDRs require a minimum street frontage of 30' on such lots. If the request is approved, the lots will have to be reconfigured to meet the LDRs.

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. The petitioner would be required to meet the applicable LDRs.

The plan provided shows 1.31 acres of recreation/open space in two areas along the eastern boundary. The Planning staff is of the opinion a minimum of 5% of the subject area should be usable open space. The Planning staff does not object to the open space as proposed.

The petitioner proposes access from Mariner Boulevard, Deed Street and Ferendina Way. The petitioner indicated in a previous master plan revision request that access to Mariner Boulevard via an extension of Audie Brook Drive may be obtained if the developer receives access approval from

Progress Energy. The Planning staff is of the opinion the access to the west is necessary in order to be consistent with the Seven Hills DRI Map H and in order to provide interconnections as required per the LDRs, which require at the time of conditional plat review, interconnections be considered every 1320'. The County Engineer notes that the east-west roadway on the property may serve as a major local roadway depending on review of any traffic studies in the future. The County Engineer and Planning Staff are of the opinion that access to the west is essential for interconnectivity in the area. The County Engineer notes that a minimum of two (2) traffic calming features, such as roundabouts or T- intersections shall be required. The narrative provided acknowledges the request for the two (2) traffic calming features, but they have not been indicated on the plan. The plan associated with the previous master plan revision request depicted the traffic calming features. If the request is approved, a revised plan showing the traffic calming features will be required.

The petitioner proposes serving the site with central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site.

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

The Hernando County School Board indicates that the request would generate approximately 16 additional students. Elementary schools students would be assigned to Suncoast Elementary School, middle school students would be assigned to Powell Middle School and high school students would be assigned to Springstead High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

Pasco County has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The site is characterized by single family residential, institutional and commercial uses, and undeveloped parcels. The YMCA, a commercial plaza and the Florida Power powerlines are located to the west of the subject property. A Spring Hill SF residential neighborhood consisting of half-acre lots is located to the east. The Wellington is located to the south of the property. Wellington's Phase 11, located adjacent to the subject property's south parcel boundary, is currently under subdivision review; the development adjacent to the subject property will be characterized by single family detached units on approximately 10,000 square foot lots.

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 density of the

subject request is 2.4 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 single family development characterized by half-acre and quarter-acre lots. It is the staff's opinion that the density of the proposed development would be compatible with the surrounding land uses.

The Planning staff is of the opinion that the master plan revision, with performance conditions, is appropriate, based on the following conclusions:

1. The proposed single family development is compatible with the surrounding single family uses.
2. The proposed master plan revision 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 for a master plan revision to include a rezoning from C/PDP(MF) and (SF) to 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 internal lot setbacks are approved as follows:
Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Lot sizes and open space configuration along the eastern property line shall be as indicated on the master plan.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The petitioner shall provide a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity along the south property line. Additionally, a 5' access reservation strip shall be required.
9. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
10. Construction traffic shall access the subject property from Mariner Boulevard.
11. 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 5-0 to recommend the BCC adopt resolution # _____ approving the petitioner's request for a master plan revision to include a rezoning from C/PDP(MF) and (SF) to PDP(SF), with 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. The internal lot setbacks are approved as follows:
Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Lot sizes and open space configuration along the eastern property line shall be as indicated on the master plan.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The petitioner shall provide a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity along the south property line. Additionally, a 5' access reservation strip shall be required.
9. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
10. Construction traffic shall access the subject property from Mariner Boulevard.
11. 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 postpone consideration of this petition until the July 13, 2005 BCC meeting at 9:00 a.m.

On July 13, 2005, the BCC adopt resolution voted 4-0 to adopt resolution #2005-186 approving the petitioner's request for a master plan revision to include a rezoning from C/PDP(MF) and (SF) to PDP(SF), with 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. The internal lot setbacks are approved as follows: Front: 25' Side: 7.5' Rear: 20'
3. The perimeter setbacks shall conform to the PDP rules.
4. The minimum lot size shall be 9,600 square feet.
5. Lot sizes and open space configuration along the eastern property line shall be as indicated on the master plan.
6. The petitioner shall provide a minimum of 5% of the project as usable open space.
7. The development shall have access to Mariner Boulevard, Ferendina Way and Deed Street.
8. The petitioner shall provide a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity along the south property line. Additionally, a 5' access reservation strip shall be required.
9. The east-west roadway on the property shall be designed as a major local roadway and shall contain a minimum of two (2) traffic calming features, to include at least one roundabout.
10. Construction traffic shall access the subject property from Mariner Boulevard.
11. 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
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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