

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Ladd Development Inc. **FILE NUMBER:** H-05-40

PURPOSE: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family) with a Waiver of the Open Space Requirement

GENERAL

LOCATION: North side of County Line Road, approximately 1,300' east of Linden Drive, approximately 1,700' west of Sparks Road

LEGAL

DESCRIPTION: A portion of Section 33, 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: 1
PETITION AGAINST: 1 with 20 signatures

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF); AG
South: Pasco County

East: AG
West: PDP(SF); PDP(GHC)

Surrounding Land Uses

Residential uses; undeveloped
Rural residential use;
undeveloped
Undeveloped
Residential uses

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 39 acre site from Agricultural to Planned Development Project (Single Family) in order to develop the site with 102 single family lots. The petitioner has requested a waiver of the open space requirement as part of a proposal to provide future right of way to the County.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural.

2. The property comprises approximately 39 acres.
3. The majority of the site is undeveloped; however, there is an older one story SF residence on the property.
4. The site is wooded with scrub oaks and pine species. The petitioner's narrative indicated that several probable specimen trees were noted during their pedestrian survey of the site.
5. The subject property has access from County Line 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 a 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 proximate to the subject site is characterized by a mixture of single family and rural uses, and undeveloped property.
13. The petitioner has requested a deviation in the minimum open space requirement.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 39 acre parcel from AG to Planned Development Project (Single Family). The property is located to the east of East Linden Estates, on the north side of County Line Road.

The petitioner prepared a master plan which indicates the site will be developed with 102 single family lots, 70' x 120' in size. The plan indicates access to County Line Road, and a frontage road across the front of the project which interconnects to the west and to the east.

The plan indicates drainage retention areas triangular in shape at the northwest and northeast corners of the project, and northwest and northeast of the proposed frontage road. 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, any modifications to the location of the DRAs would require a revision to the master plan.

There are platted and developed parcels, part of Linden Retreats and East Linden Estates respectively, along the western boundary of the subject property and a portion of the north. The typical lot sizes are approximately ½ acre. No connection points exist from the subject property into these residential subdivisions.

The perimeter setbacks proposed by the petitioner are consistent with the LDRs for perimeter PDP setbacks. The lots are proposed to be 70' x 120' with internal lot setbacks 25'- front, 7.5'- side 15'-rear are proposed. The staff would not object to the development standards proposed; however, we do have concerns about placing 70' x 120' lots adjacent to the ½ lots in Linden Retreats and East Linden Estates. It is the staff's opinion that like sized lots should be placed adjacent to the development to the west and north.

The minimum county LDRs for the proposed development would require 1.95 acres of open space to serve the development. The petitioner has indicated open space areas totaling 3.3 acres mol throughout the project. Approximately ½ of the open space is located along County Line Road. The petitioner has indicated that project design anticipates the need for property frontage for both County Line Road widening and a frontage road. A waiver of the project related open space and recreation requirements is being requested if property is deeded to the county. The staff would not object to the petitioner's proposal.

The Transportation Planning Coordinator indicates that the development approvals for previous developments along County Line Road have substantially reduced the capacity along the roadway. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The petitioner has not indicated whether the roads will be private or public. The subdivision regulations require consideration of interconnection every 1320'. It is the staff's opinion that the existing land use pattern to the west and a portion of the north prohibits interconnection other than at the frontage road as indicated. There is a 10 acre AG zoned parcel located along a portion of the northern boundary, no connection from the subject property is indicated to this property. The petitioner should be required to provide a stub into the AG property to the north to provide alternate route for overall travel in the area.

The plan submitted indicates one access to County Line Road, and interconnection to the west and east via a proposed frontage road. The County Engineer has reviewed the petitioner's request and

indicated that a traditional frontage road as depicted is not necessary on this residential project; however, interconnection between the subject property and future commercial areas to the east and west is certainly the County's goal. The Planning Staff is in agreement with the County Engineer. Further, since the project only has one functional access point to the development, it is the staff's position the entrance should be designed as a boulevard into the project.

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 34 additional students. Elementary school students would be assigned to either 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.

FINDINGS OF FACT

Residentially zoned property exists to the west and a portion of the north of the subject property developed with ½ acre lots. There are some intervening AG pieces between the project's eastern boundary and the recently approved Avalon Subdivision, and along the north.

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 2.6 units per acre. The proposed density is within the range allowed by adopted comprehensive plan.

It is the staff's opinion to ensure compatibility that the petitioner should be required to place similarly sized lots along the west and north boundaries of the site adjacent to the existing ½ lots in Linden Retreats and East Linden Estates.

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

1. Access to the north shall be provided on the approved master plan.

2. Construction of a boulevard style entrance to County Line Road would be appropriate to serve the project.
3. Placement of like sized lots adjacent to the existing residentially platted lots would be compatible.
4. 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 (Agricultural) 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. No waiver of the minimum open space requirement is granted.
3. For lots adjacent to Linden Retreats and East Linden Estates, the minimum lot size is ½ acre.
4. The minimum lot size in the remainder of the development is: 70' x 120'
5. The minimum internal setbacks are approved as followed:
Front: 25' Side: 7.5' Rear: 15'

6. The perimeter setbacks are approved per the PDP rules.
7. Connection to the property to the north shall be provided.
8. A conventional frontage road is not required; however, connection to the west and east required.
9. The entrance to the project from County Line Road to the first cross street shall be a divided boulevard subject to final approval by the County Engineer.
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 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG (Agricultural) 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. ~~No waiver of the minimum open space requirement is granted.~~ Open space shall be designated on the master plan to a depth of 75' along County Line Road. An agreement with the developer is required to donate 75' of future right of way to the County.
3. A 20' wide landscape berm and buffer shall be installed adjacent to ~~For lots adjacent to Linden Retreats and East Linden Estates, the minimum lot size is ½ acre.~~
4. The minimum lot size in the remainder of the development is: 70' x 120'
5. The minimum internal setbacks are approved as followed:
Front: 25' Side: 7.5' Rear: 15'
6. The front setback along County Line Road shall be a minimum of 50' from the new right-of-way line.

7. The perimeter setbacks are approved per the PDP rules.
8. Connection to the property to the north shall be provided.
9. A conventional frontage road is not required; however, connection to the west and east required.
10. The entrance to the project from County Line Road to the first cross street shall be a divided boulevard subject to final approval by the County Engineer.
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:

The tabulations indicated on the initial plan provided a land use breakdown which included: residential, recreation/open space and drainage retention areas. The various land use areas were indicated throughout the project. The petitioner requested a waiver of the open space requirement in lieu of provision of right of way for County Line Road. Based on the initial plan, with the removal of the open space along County Line Road, there was still some open space provided in the project.

Subsequent to the Planning and Zoning Commission meeting, the petitioner submitted a revised master plan. The tabulations indicated on the revised plan provide a land use breakdown as follows: residential, drainage/open space and right of way. Essentially, the previous categories of drainage and open space have been combined. The BCC agreed that a reduction in the open space requirement in lieu of right of way was beneficial to the County. Pursuant to the revised plan, there may be no recreation open space, it could all be drainage retention area.

The staff and P&Z both recommended internal lot setbacks of 25' front, 7.5' side and 15' rear with perimeter PDP setbacks pursuant to the ordinance. The revised plan submitted indicates rear perimeter setbacks of 15' which are not consistent with the staff, nor the P&Z's recommendations. Additionally, the request has not been advertised to modify the ordinance required setbacks. The revised plan will need to be further modified to reflect the appropriate PDP setbacks.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution #2005-161 approving the petitioner's request to rezone from AG (Agricultural) 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. Open space shall be designated on the master plan to a depth of 75' along County Line Road. An agreement with the developer is required to donate 75' of future right of way to the County.
3. A 20' wide landscape berm and buffer shall be installed adjacent to Linden Retreats and East Linden Estates,-
4. The minimum lot size in the remainder of the development is: 70' x 120'
5. The minimum internal setbacks are approved as followed: Front: 25' Side: 7.5'Rear: 15'
6. The front setback along County Line Road shall be a minimum of 50' from the new right-of-way line.
7. The perimeter setbacks are approved per the PDP rules.
8. Connection to the property to the north shall be provided.
9. A conventional frontage road is not required; however, connection to the west and east required.
10. The entrance to the project from County Line Road to the first cross street shall be a divided boulevard subject to final approval by the County Engineer.
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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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