

STAFF REPORT

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

APPLICANT: Irwin Ljuba **FILE NUMBER:** H-05-43

PURPOSE: Rezoning from AG to R-1C (Residential)

GENERAL

LOCATION: East of Bayshore Court, approximately 1,500' north of Dunkirk Road

LEGAL

DESCRIPTION: A portion of Section 24, Township 23 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: 75

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG
East: R-1C
West: PDP(SF)

Surrounding Land Uses

Undeveloped
AG
Single family
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to R-1C. The subject property is located east of Bayshore Court, approximately 1,500' north of Dunkirk Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Bayshore Court.

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, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family homes, rural residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone a 10 acre parcel from AG to R-1C. The R-1C residential zoning district allows single family dwellings with a minimum lot size of 10,000 square feet. If the request is approved, the lots will have to be developed according to the dimension and area regulations as required in the LDRs.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. A 6" force main is located approximately 9,050' away on the east side of Mariner Boulevard. The smallest lot size allowed with central water and septic service would be 21,500 square feet per the County LDRs. The Planning staff estimates the yield on this parcel with the lack of sewer service is approximately 13 units. The Department of Health notes that a site evaluation shall be performed prior to construction permitting.

The Hernando County School Board indicates that the request would generate approximately 4 additional students, which the school board characterizes as a minimal impact to the school system. Elementary schools students would be assigned to Deltona Elementary School, middle school students would be assigned to Fox Chapel Middle School and high school students would be

assigned to Springstead High School. These include schools that are currently over permanent capacity. The comments received by the School Board are attached to this report.

The subject property has access from Bayshore Court. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. If the request is approved and a conditional plat request is submitted, future interconnections will be required.

The plan provided shows no open space. The LDRs require a minimum of 5% of the project area be provided as usable open space. If the request is approved, the petitioner would be required to provide a half-acre of usable open space.

FINDINGS OF FACT

The area is characterized by single family homes, rural residential uses and undeveloped parcels. Spring Hill Unit 25 is located to the west and is developed with minimum one-third-acre lots zoned PDP(SF). The Oakridge Estates subdivision is located to the east and is developed with minimum half-acre lots. A rural residential 10 acre AG property is located to the south. A large undeveloped AG parcel is located to the north. The Planning staff is of the opinion single family development on minimum half-acre lots would be compatible with the surrounding development.

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.

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 Planning staff is of the opinion low-density residential is appropriate at this location due to the limited infrastructure available and the character of the adjacent single family residential development.

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 one-third acre lot sizes. 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 request to rezone from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The intensity of development allowed per the R-1C zoning district requested could not be supported by the available infrastructure.

2. The available infrastructure could support minimum half-acre single family lots.
3. Single family residential development on half-acre lots is compatible with the adjacent single family uses.
4. Rezoning to PDP(SF) 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), 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 lots shall be a minimum 21,500 square feet in size.
3. The development shall be served by central water.
4. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
5. Perimeter building setbacks: per the PDP rules
6. A minimum half-acre of the site shall be provided as usable open space.

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.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # _____ approving the petitioner’s request to rezone from AG to 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 lots shall be a minimum 21,500 square feet in size.
3. The development shall be served by central water.
4. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
5. Perimeter building setbacks: per the PDP rules
6. A minimum half-acre of the site shall be provided as usable open space.
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.
8. The developer shall provide access to the south.

NOTE: There is one existing access point available to serve the subject property. Due to the limited number of units which will be developed on the subject property if the request is approved, it is the staff’s position that one access point is adequate to serve the project. A future connection point to the property to the south will be provided.

BCC ACTION:

On June 8, 2005, the Board of County Commissioners voted 5-0 to deny the petitioner's request to rezone from AG to PDP(SF).

The School Board of Hernando County, Florida

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Brooksville, FL 34601
352-797-7000

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Operations
8050 Mobley Road
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Superintendent
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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