

STAFF REPORT

Planning & Zoning Commission: July 11, 2005
Board of County Commissioners: August 10, 2005
Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Bloomingdale Development **FILE NUMBER:** H-05-45

PURPOSE: Establishment of a Master Plan for Property zoned CPDP(SF) and (SU)/Combined Planned Development Project (Single Family) and (Special Use)

GENERAL

LOCATION: West side of Crum Road, west of Nursery Road, approximately 1,950' east of Rivard Boulevard

LEGAL

DESCRIPTION: A portion of Section 20, Township 23 South, Range 19 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: AG
South: AG
East: AG
West: C/PDP

Surrounding Land Uses

Mobile home, undeveloped
Undeveloped
Plant nursery
Undeveloped

SUMMARY OF REQUEST

The petitioner requests establishment of a master plan for property zoned CPDP(SF) and (SU) for single family development with open space. The subject property is located on the west side of Crum Road, west of Nursery Road, approximately 1,950' east of Rivard Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP.
2. The property comprises approximately 125 acres.
3. The site is undeveloped.
4. The site is wooded and appears to contain majestic and specimen trees.
5. The subject property has legal access to Rivard Boulevard. The subject property abuts Crum Road.

6. The subject property is located within residential, rural and planned development land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Flemington fine sandy loam, Kendrick fine sand, Micanopy loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zone C, however, County mapping indicates the subject property is located with the Squirrel Prairie flood zone.
9. The subject property contains wetlands and a SPA, but no WHPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject property. An agreement would be necessary to extend central services across private property to the subject property via Rivard Boulevard.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential, rural residential and agricultural uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include the establishment of a PDP(SF) master plan in order to develop the site with 164 single family homes on third-acre lots. The narrative proposes 25' front, 5' side and 15' rear lot setbacks; the plan proposes 25' front, 7.5' side and 20' rear setbacks. The narrative and plan propose a 20' setback from the west property line and a 50' setback containing a 30' natural buffer along the north, east and south property lines. The plan shows an undetermined amount of passive recreation areas; if the request is approved the petitioner will have to provide a minimum of 6.25 acres (5% of the 125 acre subject property) as usable open space.

In 2001 the BCC approved a master plan revision on property including the subject property; the revision did not provide a layout of development on the subject property. The master plan approval included a condition requiring a master plan revision before any development would be allowed on the subject property.

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 Utilities Department has indicated that central water and sewer capacity are available to serve the project. The Utilities Department indicates an easement would be required to extend central services across private property to the subject property via Rivard Boulevard.

The Hernando County School Board indicates that elementary schools students would be assigned to Moton Elementary, middle school students would be assigned to D.S. Parrott Middle School and

high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The subject property is located within the airport influence zone as identified in the County's LDRs. Residential development is a restricted use within the airport influence zone unless the developer/builder/owner provides and records for the County a notice on any deed transferring vacant property after July 12, 1999, indicating that the property is located near an airport and the property may be impacted by normal airport operations. During the review of the 2001 project, the airport manager requested that an Avigation Easement be required for this project because of aircraft overflight due to the area being within or immediately adjacent to the Visual Flight Rules Traffic Pattern for airport runways 21 and 27. If the project were approved, the same condition should be required.

The plan proposes access to Rivard Boulevard and Clearview Drive. The petitioner has demonstrated legal access to Rivard Boulevard only; legal access to Clearview Drive has not yet been demonstrated. The BCC has a policy of requiring a minimum of two (2) access points for single family developments. The subdivision regulations require that consideration be given to interconnect every 1,320'. The Planning staff is of the opinion the proposed access does not meet the BCC policy nor the LDRs.

The portion of Rivard Boulevard proximate to the subject property functions as a local roadway with approximately 60' of ROW. The Planning staff is of the opinion the request is premature until the subject property can be served by a collector roadway. The subject property abuts Crum Road, currently an unpaved private access tract. The EAR currently being forwarded to Tallahassee for review proposes identifying Crum Road as a functionally classified collector road in the Comprehensive Plan. The Planning staff is of the opinion the petitioner's request is premature until the project can be served by a collector roadway.

The subject property contains a SPA associated with a sinkhole. The submitted master plan revision shows the location of the sinkhole as a DRA. Discharge of untreated stormwater to a sinkhole is prohibited by the County's Groundwater Protection Ordinance.

Portions of the subject property are within the 100 year floodplain according to the Squirrel Prairie Floodplain Study. The flood plain areas on the plan do not appear to conform to the current Squirrel Prairie delineation. The plan indicates lots placed within the floodplain. Adequate provision for onsite flood plain mitigation has not been proposed. The petitioner has been notified the plan provided does not accurately reflect Squirrel Prairie flood plain information. If the request is approved, all roadways and finished floor elevations shall be above the 100 year flood elevation and adequate provision for onsite flood plain mitigation must be made within the specific sub basin being filled. A revised flood study for the Squirrel Prairie watershed, to FEMA standards, is anticipated to be completed in July 2005 and will supercede the current Squirrel Prairie report.

The subject property contains four Class 3 wetlands according to County data resources. Any removal, encroachment or alteration of these wetlands shall be permitted and mitigated through applicable state and federal agencies.

The City of Brooksville has no comments about the request.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential and agricultural uses, and undeveloped parcels. The Rivard Trails single family/golf course subdivision is located to the west of the subject property. Rural residential uses and undeveloped AG parcels are located to the north. A plant nursery is located to the east. An undeveloped AG parcel is located to the south.

The subject property is located within residential, rural and airport planned development land use classifications on the adopted Future Land Use Map. The majority of the property is located within the residential future land use classification, in which the allowed land uses 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 portion of the subject property located in the rural future land use classification is located within 1,320' of the residential land use classification; the comprehensive plan would allow residential uses at this location.

The proposed density of the subject request is 1.3 units per acre. 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.

Goal 6.05 of the adopted comprehensive plan relates to incompatible land use activities in wetlands. The comprehensive plan indicates that the county should protect and conserve identified wetlands and the natural function of wetlands by restricting incompatible land use activities in wetlands to those which do not significantly impact the quality and the function of the wetland. The subject property includes designated wetlands. The petitioner has not addressed the potential impacts the proposed development will have on the existing wetlands.

The staff is of the opinion that it is inappropriate to approve a master plan revision to include the establishment of a PDP(SF) master plan based on the following conclusions:

1. The proposed development does not provide a minimum of two (2) functioning access points as required by the BCC policy regarding single family development.
2. The petitioner has demonstrated legal access to only one access point for the proposed development.
3. The proposed development is premature until the site has access to a public collector roadway.
4. The petitioner has not adequately delineated the Squirrel Prairie flood plain or provided mitigation for anticipated impacts to the flood plain.
5. The plan proposes development in wetlands.
6. The proposed master plan revision is inconsistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 # _____ denying the petitioner's request for establishment of a master plan for property zoned CPDP(SF) and (SU).

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 4-0 to postpone the petition until 9:00 a.m. at their September 12, 2005, hearing, so that the petitioner could more adequately address the flood plain and roadway access issues.

NOTE:

The petitioner provided a revised plan on August 19th showing a third access, specifically an emergency access to Crum Road. The petitioner has not demonstrated authorization to access Crum Road or Clearwater Drive. The revised plan does not address the flood plain issue, the wetlands issue or the ability to provide adequate access to the site.

P&Z RECOMMENDATION:

At the September 12, 2005 meeting, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request for establishment of a master plan for property zoned CPDP(SF) and (SU).

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2005-280 denying the petitioner's request for establishment of a master plan for property zoned CPDP(SF) and (SU).

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

**Facility & Support
Operations
8050 Mobley Road
Brooksville, FL 34601
Phone 352-797-7096
FAX 352-797-7156**

Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

June 2, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

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-05-45**, the request from Bloomingdale Development for a Master Plan Revision to develop a 125 acre site with 164 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando High School

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 \$120,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached two worksheets which were developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on a projected 55 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,266, show an estimated impact in excess of school taxes between \$805,536 and \$814,687 at the current impact fee and between \$500,496 and \$509,647 using the proposed impact fee.

In reference to **H-05-53**, the request from Southland Properties to rezone 30 Ac and develop 30 single family homes, 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 10 students to the District. The above mentioned schools are currently over permanent capacity. I have attached two worksheets which were developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on a projected 10 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,266, show an estimated impact in excess of school taxes between \$147,398 and \$148,235 at the current impact fee and between \$91,598 and \$92,435 using the proposed impact fee.

In reference to **H-05-54**, the request from Glen Lakes Partnership for a Master Plan Revision to redevelop 293 acres with 742 single family homes, 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

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 \$400,000 and 11 teachers at an estimated cost of \$550,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached two worksheets which were developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on a projected 247 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,266, show an estimated impact in excess of school taxes between \$3,569,237 and \$3,645,143 at the current impact fee and between \$2,189,117 and \$2,265,023 using the proposed impact fee.

In reference to **H-05-57**, the request from Priority Development to rezone and develop a 90 acre site with 225 single family homes, 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

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 \$350,000 and 10 teachers at an estimated cost of \$500,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached two worksheets which were developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on a projected 75 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,266, show an estimated impact in excess of school taxes between \$1,084,556 and \$1,107,574 at the current impact fee and between \$666,056 and \$689,074 using the proposed impact fee.

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 rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director