

STAFF REPORT

Planning & Zoning Commission: June 13, 2005
Board of County Commissioners: July 13, 2005
Board of County Commissioners: August 10, 2005

APPLICANT: Aamon Buchan **FILE NUMBER:** H-05-46

PURPOSE: Establishment of a Master Plan on Property Zoned PDP(SF)/Planned Development Project(Single Family)

GENERAL

LOCATION: South of Bromley Avenue, east of Pine Bluff Street

LEGAL

DESCRIPTION: A portion of Section 9, 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: 2

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Single family
SF, undeveloped, powerlines
Powerlines, Sand Ridge, AG
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to establish a master plan on property zoned PDP(SF). The subject property is located south of Bromley Avenue, east of Pine Bluff Street.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 35 acres.
3. The site contains a vacant mobile home.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Bromley Avenue and Pine Bluff Street.
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. A well site is located to the east of the subject property.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. Adequate public facilities have not been conclusively demonstrated.
12. The area is characterized by single family homes 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 on property zoned PDP(SF) in order to develop the approximately 35 acre site with 95 single family homes. The petitioner proposes 10,000 square foot lots with setbacks as follows: 25' front 10' side and 20' rear. In 1990 the BCC approved a rezoning on the subject property from AG to PDP(SF) with a plan showing 105 single family homes with the same minimum lot sizes and setbacks.

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 subject property has access from Bromley Avenue and Pine Bluff Street, which are local roadways. The BCC has a policy of requiring a minimum of two (2) access points for single family developments. The plan shows access to these two (2) streets. The subdivision regulations require that consideration be given to interconnect every 1320'. No connections currently exist to the east.

The County Engineer and the Planning staff are of the opinion that if the request is approved, the petitioner should provide an access point to the east for future interconnection. The petitioner currently has an associated conditional plat under review by the County.

The County Engineer indicates the roadways as shown do not meet the local roadway design standards. If the request is approved, the roadways will have to meet the facilities design guidelines.

Adequate public facilities have not been conclusively demonstrated. The petitioner has submitted an associated conditional plat for the project. As part of the conditional plat submittal, a traffic analysis is required. The submitted traffic analysis has not verified all of the issues relating to transportation and concurrency at this time. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement with the County to address the transportation issues.

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

The petitioner proposes providing 1.78 acres of open space which meets the LDRs requiring a minimum of 5% of the gross acreage be devoted to usable open space.

The Hernando County School Board indicates that the request would generate approximately 32 additional students. Elementary schools students would be assigned to J. D. Floyd Elementary, middle school students would be assigned to Powell 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 homes and undeveloped parcels. Spring Hill Unit 16, containing single family lots approximately 10,000 square feet in size, is located to the west of the subject property. Spring Hill Unit 18, containing lots approximately 7,500 square feet in size, is located north of the subject property. The Elwood Acres subdivision, containing half-acre and larger single family lots, is located south of the subject property. To the east of the subject property are Progress Energy powerlines, the Sand Ridge subdivision under development and undeveloped AG parcels.

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 2.7 units per acre which is within the range allowed by the comprehensive plan. It is the staff's opinion the density of the proposed request is consistent with the surrounding land uses and would not adversely affect the surrounding areas.

Policy 1.01F (3) indicates medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. The Planning staff is of the opinion medium high density residential is appropriate at this location due to 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. It is the staff's opinion that the density of the proposed development would be compatible with the adjacent single family residential land uses.

The Planning staff is of the opinion that the request for a master plan revision on property zoned PDP(SF) is appropriate, based on the following conclusions:

1. The proposed master plan 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 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 # _____ approving the petitioner's request for a master plan revision on property zoned 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 minimum lot size approved is 80' x 125'.
3. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'

4. Perimeter building setbacks per the PDP rules.
5. The developer shall provide an access point to the east for future interconnection.
6. The petitioner shall provide a 30' buffer along the south property line.
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 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision on property zoned 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 minimum lot size approved is 80' x 125'.
3. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
4. Perimeter building setbacks per the PDP rules.
5. The developer shall provide an access point to the east for future interconnection.
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BCC ACTION:

The Board of County Commissioners voted 4-0 to postpone the petitioner's request for a master plan revision on property zoned PDP(SF) to the August 10, 2005 BCC hearing at 9:00 a.m.

On August 10, 2005, the Board of County Commissioners voted 4-1 to adopt Resolution # 2005-210 approving the petitioner's request for a master plan revision on property zoned 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 minimum lot size approved is 80' x 125'.
3. Internal lot setbacks approved as follows: Front: 25' Side: 10' Rear: 20'
4. Perimeter building setbacks per the PDP rules.
5. The developer shall provide an access point to the east for future interconnection.
6. The petitioner shall provide a 30' buffer along the south property line.
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.

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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May 25, 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-05-46**, the request from Aamon Buchan to establish a master plan with 95 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) –J.D. Floyd Elementary School
Middle (6-8) –Powell 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 \$70,000 and 1.5 teachers at an estimated cost of \$75,000. 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 32 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,982, show an estimated impact in excess of school taxes between \$469,730 and \$475,031 at the current impact fee and between \$225,010 and \$230,311 using the proposed impact fee.

In reference to **H-05-55**, the request from Perry & Bradford Ranch for a master plan revision to develop 160 lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) –J.D. Floyd Elementary School
Middle (6-8) –Powell 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 \$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 53 additional students. These worksheets, one utilizing the current \$2,406 impact fee and one utilizing the proposed impact fee of \$4,982, show an estimated impact in excess of school taxes between \$771,291 and \$780,219 at the current impact fee and between \$359,131 and \$368,059 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