

STAFF REPORT

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

APPLICANT: Robert Burbank **FILE NUMBER:** H-05-53

PURPOSE: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: North of Madrid Road, east of Golden Eagle Avenue, approximately 1,000' south of Woodland Waters Boulevard

LEGAL

DESCRIPTION: A portion of Section 19, Township 22 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: 5
PETITION AGAINST: 1 with 65 signatures

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Single family, undeveloped
Single family
Power lines, undeveloped
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located north of Madrid Road, east of Golden Eagle Avenue, approximately 1,000' south of Woodland Waters Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 20.9 acres.
3. The site is undeveloped.
4. The site appears to contain no majestic or specimen trees.

5. The subject property has access from Madrid Road and Golden Eagle Avenue.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map; however, within 1320' of the residential land use classification.
7. The on-site soil types include Candler fine sand and Tavares 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 a wetlands, but no 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 development and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AG to PDP(SF) in order to develop the approximately 20.9 acre site with approximately 30 single family homes. The petitioner proposes half-acre lots with setbacks as follows: 25' front, 5' side and 20' rear. The Planning staff is of the opinion that due to the subject property's adjacency to residential districts zoned R-1C, the lots should have setbacks consistent with that district: 25' front 10' side and 20' rear. The plan shows 25' perimeter setbacks. The narrative and plan indicate a 5' vegetated buffer to the east and along the south lot line east of Madrid Road. The petitioner indicates the buffer is to mitigate impacts on land located within the rural future land use district.

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 Golden Eagle Avenue and Madrid Road, 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 two (2) streets. The subdivision regulations require that consideration be given to interconnect every 1,320'. 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 south or west, to allow for future interconnection to Mavis Road and to the north or east to provide future interconnection to a north-south collector road planned for the future.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.

There is a portion of a Class III wetland within the northwest boundary of the subject property according to County data resources. Any approved development shall delineate the portion of this wetland feature within the subject property and abide by all state and federal wetland regulations.

The plan indicates approximately a quarter-acre of natural vegetation. No usable open space is provided. If the request is approved, the petitioner will be required to provide a revised plan providing approximately an acre or the minimum of 5% of the gross acreage required per the LDRs as usable open space.

The Hernando County School Board indicates that the request would generate approximately 10 additional students. Elementary schools students would be assigned to Pine Grove Elementary School, middle school students would be assigned to West Hernando 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 development and undeveloped parcels. Royal Highlands, platted with a mixture of half-acre and one-acre lots, is located to the west and south of the subject property. Woodland Waters, containing lots with a minimum size of an acre, is located to the north of the subject property, with lots of a minimum acre in size. AG parcels are located to the east and southwest of the subject property.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. The comprehensive plan indicates residential uses as established in the residential land use category with performance conditions are allowed within 1,320' of the residential classification. 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 1.44 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 1.01H(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 the proposed development's compatibility with the surrounding single family development will be enhanced with lot setbacks consistent with the setbacks for the adjacent R-1C

district and with lots of a minimum size of an acre located on the perimeter where adjacent to lots of a minimum one acre in size.

The Planning staff is of the opinion that the request for a the rezoning from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The proposed single family zoning 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 developer shall delineate the portion of the wetland feature within the subject property on construction plans and abide by all state and federal wetland regulations.
3. Lots of a minimum size of an acre shall be located on the perimeter where adjacent to platted lots of a minimum one acre in size.
4. Minimum lot size approved is ½ acre.
5. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
6. Perimeter building setbacks shall be 25' as indicated on the plan.

7. The developer shall provide access points for future interconnection to Mavis Road and to the proposed north-south collector road proposed to be located to the east of the subject property.
8. 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 Board of County Commissioners 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 developer shall delineate the portion of the wetland feature within the subject property on construction plans and abide by all state and federal wetland regulations.
3. Lots of a minimum size of an acre shall be located on the perimeter where adjacent to platted lots of a minimum one acre in size.
4. Minimum lot size approved is 21,500 square feet ½ acre.
(staff has no objections to the modification)
5. Internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
6. Perimeter building setbacks shall be 25' as indicated on the plan.
7. The developer shall provide access points for future interconnection to Mavis Road and to the proposed north-south collector road proposed to be located to the east of the subject property.
8. 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:

The Board of County Commissioners voted 5-0 to deny the rezoning from AG to PDP(SF).

The School Board of Hernando County, Florida

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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