

STAFF REPORT

Planning & Zoning Commission: August 8, 2005
Board of County Commissioners: September 14, 2005

APPLICANT: Grayble Holdings, LLC **FILE NUMBER:** H-05-73

PURPOSE: Rezoning from R-1C (Residential) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: North of Clewiston Street, east of Rainbow Woods Loop, approximately 900' north of Linden Drive

LEGAL

DESCRIPTION: A portion of Section 17, 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: 0

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Single family, DRA
Single family, undeveloped
Single family
Single family, DRA, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from R-1C to PDP(SF). The subject property is located north of Clewiston Street, east of Rainbow Woods Loop, approximately 900' north of Linden Drive.

FACTUAL INFORMATION

1. The property is currently zoned R-1C.
2. The property comprises approximately 38.6 acres.
3. The site is undeveloped.

4. The site is wooded and appears to contain no majestic or specimen trees.
5. The subject property has access from Rainbow Woods Loop and Clewiston 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 contains a WHPA-2 , but no wetlands 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 residential uses and undeveloped lots.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from R-1C to PDP(SF). In June 1989, the BCC approved a rezoning on the subject property from AG to R-1C. The R-1C zoning district requires a minimum lot size of 10,000 square feet. The petitioner proposes developing the site with 112 single family lots with a minimum lot size of 8,000 square feet. The narrative proposes lots with dimensions of 70' x 114'. The petitioner proposes internal lot setbacks of 20' front, 5' side and 15' rear. The Planning staff is of the opinion that if the request is approved, the lot setbacks should be consistent with those in the R-1C single family zoning district: 25' front, 10' side and 20' rear. The Planning staff does not object to the proposed 25' perimeter 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 petitioner proposes providing 7.1 acres of natural vegetation/open space throughout the project. If the request is approved, the petitioner shall provide the 7.1 acres of natural vegetation/open space in a configuration consistent with the County LDRs regarding usable open space.

The petitioner proposes serving the site with central water and sewer. The petitioner notes the site is served by central water, and proposes constructing a force main south to Linden Drive via Clewiston Street, then west to Mariner Boulevard. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. A force main is located approximately 4,100' to the east, on the east side of Mariner Boulevard. If the request is approved, the developer will be required to enter into an agreement with the County for central water and sewer service.

The petitioner proposes access to Rainbow Woods Loop and Clewiston Street. 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 meets the BCC policy and the LDRs. The Transportation Planning Coordinator indicates Linden Drive, a collector roadway, has capacity to serve the proposed development.

The County Engineer has reviewed the plan and noted that angles of the intersection of Clewiston Street and the internal roadway does not appear to meet facilities design guidelines. The County Engineer notes that the topography in the area may result in sight distance issues at the intersection of Clewiston Street and Linden Drive. The master plan is conceptual in nature; the facilities design guideline issues will be addressed during the conditional plat process.

The Hernando County School Board indicates that 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 Springstead 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 within a WHPA-2 for a public supply well. The proposed use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by single family residential uses and undeveloped lots. The Rainbow Woods subdivision, containing lots with a minimum lot size of 21,500 square feet, is located to the north and west. Spring Hill units 9 and 14, containing lots with a minimum lot size of 10,000 square feet, are located to the south and east of the subject property.

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 2.9 units per acre which is within the range allowed by the comprehensive plan.

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 single family development with a minimum lot size of 8,000 square feet would be compatible with the adjacent single family residential land uses with enhanced buffering. The staff is of the opinion that if the request is approved, the petitioner should provide 25' vegetated buffers with 80% opacity along the north and west boundaries and 10' vegetated buffers with 80% opacity along the east and south boundaries. The Planning staff recommends the buffers not be located on the single family lots but in a common area owned by the homeowners association. The provision of enhanced buffering within a common area results in perimeter building setbacks of 45' from the north and west boundaries, and 30' from the east and south boundaries.

The Planning staff is of the opinion that the request for a rezoning from R-1C to PDP(SF) is appropriate, based on the following conclusions:

1. 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 R-1C 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 minimum lot size approved is 8,000 square feet.
3. Internal lot setbacks approved as follows: Front: 25' Side: 10' Rear: 20'
4. Perimeter building setbacks shall be 25'.
5. The petitioner shall provide a 25' wide vegetated buffer with 80% opacity along the west and north boundaries of the project, and 10' wide vegetative buffer with 80% opacity along the east and south boundaries of the project. The buffers shall not be located on the single family lots but in a common area owned by the homeowners association.
6. The access points shall be provided as indicated on the plan.
7. The petitioner shall provide the minimum open space indicated on the master plan.
8. Accessories structures and buildings shall meet the setbacks per the PDP rules.
9. 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 R-1C 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 minimum lot size approved is 8,000 square feet. The minimum lot size along the north and west property lines shall be 10,000 square feet. (The staff does not object to the P&Z's modification).
3. Internal lot setbacks approved as follows: Front: 25' Side: 10' Rear: 20'
4. Perimeter building setbacks shall be 25'.
5. The petitioner shall provide a 25' wide vegetated buffer with 80% opacity along the west and north boundaries of the project, and 10' wide vegetative buffer with 80% opacity along

the east and south boundaries of the project. The buffers shall not be located on the single family lots but in a common area owned by the homeowners association.

6. The access points shall be provided as indicated on the plan.
7. The petitioner shall provide the minimum open space indicated on the master plan.
8. Accessories structures and buildings shall meet the setbacks per the PDP rules.
9. 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 acknowledged the petitioner's withdrawal of the petition.

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
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John Druzbeck
Pat Fagan
Sandra Nicholson

July 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-05-73**, the request from Grayble Holdings to rezone and develop a 38.6 acre site with 112 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) –JD Floyd Elementary School
Middle (6-8) –Powell Middle School
High (9-12) –Springstead High School

This rezoning request is expected to add an additional 37 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 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 a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 37 additional students. This worksheet shows an estimated impact in excess of school taxes between \$324,159 and \$335,617.

In reference to **H-05-74**, the request from Vatsala Sastry to rezone 20 Ac and develop 55 single family homes, 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 18 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. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this

development based on the projected 18 additional students. This worksheet shows an estimated impact in excess of school taxes between \$155,425 and \$161,051.

In reference to **H-05-76**, the request from Premier Homes and Ray and Sandra Bisard to rezone and develop 50 acres with 72 single family homes, 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 24 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. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 24 additional students. This worksheet shows an estimated impact in excess of school taxes between \$213,138 and \$220,504.

In reference to **H-05-78**, the request from Ladd Development to rezone and develop a 10 acre site with 42 multi-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) – DS Parrott Middle School
High (9-12) –Hernando High School

This rezoning request is expected to add an additional 14 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 teachers at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 14 additional students. This worksheet shows an estimated impact in excess of school taxes between \$124,331 and \$128,627.

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