

STAFF REPORT

Planning & Zoning Commission: August 8, 2005
Board of County Commissioners: September 14, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Vatsala Sastry **FILE NUMBER:** H-05-74

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

GENERAL

LOCATION: East end of Banner Road, west end of Nugent Circle, approximately 2300' west of Anderson Snow Road

LEGAL

DESCRIPTION: A portion of Section 27, 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: PDP(SF)
South: AR-2
East: R-1C
West: PDP(SF)

Surrounding Land Uses

Single family
Mobile home, undeveloped
Single family, undeveloped, DRA
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from (AG) to PDP(SF). The subject property is located on the east end of Banner Road, west end of Nugent Circle, approximately 2300' west of Anderson Snow Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 20 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 Banner Road, Nugent Circle, Diane Street, Hawthorne Road.
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 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 and mobile home 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 from (AG) to PDP(SF) in order to develop the site with a single family residential development. The petitioner proposes a 55 unit development with dimensions of 80' x 125' with a minimum lot size of 10,000 square feet. The petitioner proposes internal lot setbacks of 20' front, 5' side and 15' rear. The Planning staff is of the opinion the lot setbacks should be consistent with those in the R-1C single family zoning district: 25' front, 10' side and 20' rear.

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 1.5 acres of natural vegetation throughout the project. The LDRs require the proposed development provide a minimum of 5% of the project area as usable open space. If the request is approved, the petitioner will be required to provide the minimum amount of open space proposed.

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 Diane Street and east to Anderson Snow Road via Amero Lane. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. The Utilities Department notes an 8" sewer force main is located approximately 3,300' to the east, on the east side of Anderson Snow Road. The Utilities Department has no objections to the petitioner serving the project with central sewer provided the petitioner is aware it is their responsibility to provide the line extension from the force main to the subject property.

The petitioner proposes multiple access points: one to Hawthorne Road to the north, two (2) to Nugent Circle to the east, one to Diane Lane to the south and one to Banner Road to the west. Diane Lane is currently unpaved. The petitioner proposes paving Diane Lane with 20' of pavement to Amero Lane.

The County Engineer has reviewed the plan and noted angles of the intersections in the northeast and southwest corners of the project do not appear to meet facilities design guidelines. The master plan is conceptual in nature. Specific design criteria will be addressed at the time of conditional plat submittal.

The Hernando County School Board indicates that elementary schools students would be assigned to Suncoast 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 and mobile home residential uses, and undeveloped parcels. Spring Hill quarter-acre lots are located to the north and west of the subject property. Barony Woods East, zoned R-1C and characterized by half acre lots, is located to the east. Rolling Oaks, zoned AR-2 and characterized by lots with a minimum size of one acre and developed with single family and mobile homes, is located to the south.

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

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. The plan submitted by the petitioner indicates a DRA and natural vegetation along the southern boundary of the site. Any modification to the location of the DRA would require a master plan revision. It is the staff's opinion the buffering plan in this area adequately addresses compatibility with the adjacent lots. The plan does not depict any buffering along the eastern boundary of the site. It is the staff's opinion the petitioner should be required to construct a minimum 25' wide buffer with 80% opacity along east boundary. 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 Planning staff is of the opinion that the request for a rezoning from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The rezoning, with appropriate buffering, would be compatible with the surrounding land uses.
2. The rezoning is consistent with the County's adopted Comprehensive Plan subject to compliance with all performance conditions herein.

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 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 minimum lot size approved is 80' x 125'.
3. The development shall be served by central water and sewer.
4. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
5. Minimum perimeter building setbacks shall be 25'.
6. Accessories structures and buildings shall meet the setbacks per the PDP rules.
7. The petitioner shall provide a 25' wide vegetated buffer with 80% opacity along the eastern boundary of the project. The buffer shall not be located on the single family lots but in a common area owned by the homeowners association.
8. The petitioner shall provide the minimum amount of open space indicated on the plan.
9. The access points shall be provided as indicated on the plan.
10. The developer shall pave Diane Lane with 20' of pavement to Amero Lane.
11. 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 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from (AG) to 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. The development shall be served by central water and sewer.
4. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
5. Minimum perimeter building setbacks shall be 25'.
6. Accessories structures and buildings shall meet the setbacks per the PDP rules.
7. The petitioner shall provide a 25' wide vegetated buffer with 80% opacity along the eastern boundary of the project. The buffer shall not be located on the single family lots but in a common area owned by the homeowners association.
8. The petitioner shall provide the minimum amount of open space indicated on the plan.
9. The access points shall be provided as indicated on the plan.
10. The developer shall pave Diane Lane with 20' of pavement to Amero Lane.
11. 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:

At the BCC's September 14, 2005, hearing, the BCC voted 5-0 to postpone consideration of this petition until their October 12, 2005, hearing. The BCC indicated a desire to have the project developed with lots similarly sized to the lots located along the eastern boundary of the project (½ acre), in addition to providing a 25' buffer strip separate from the lot. The petitioner provided a revised plan subsequent to the September 14, 2005, hearing which is included in the BCC's packet.

The revised plan indicates ½ acre lots along the eastern boundary with a 25' wide buffer outside of the lot area. The initial plan reviewed by staff proposed 55 lots, with 1.5 acres of natural vegetation/open area. The revised plan provided reflects 50 lots, with 1.02 acre of natural vegetation/open area, a reduction in both intensity and open space. Additionally, approximately ½ of the open space is the buffer strip along the eastern boundary. The minimum usable open space required for this development is 5%, or 1.0 acres. Required buffers do not qualify as usable open space. If approved, the petitioner would be required to meet the minimum open space standard.

BCC ACTION:

On October 12, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-281 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 minimum lot size approved is 80' x 125'.
3. The development shall be served by central water and sewer.
4. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 7.5' Rear: 20'
5. Minimum perimeter building setbacks shall be 25'.
6. Accessories structures and buildings shall meet the setbacks per the PDP rules.
7. The petitioner shall provide a 25' wide vegetated buffer with 80% opacity along the eastern boundary of the project. The buffer shall not be located on the single family lots but in a common area owned by the homeowners association.
8. The petitioner shall provide the minimum amount of open space indicated on the plan.
9. The access points to Nuggett Circle shall be removed from the master plan.
10. The developer shall pave Diane Lane with 20' of pavement to Amero Lane.
11. 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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352-797-7000

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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