

STAFF REPORT

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

APPLICANT: Ladd Development Inc. **FILE NUMBER:** H-05-78

PURPOSE: Rezoning from AG (Agricultural) to C/PDP(GC) & (MF)/Combined Planned Development Project (General Commercial) & (Multifamily) with Setback Reductions and Landscape Deviations

GENERAL

LOCATION: North side of County Line Road, east side of Sparks Road

LEGAL

DESCRIPTION: A portion of Section 34, 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Single family
South: Pasco County	Undeveloped
East: CPDP	Avalon
West: AG, OP	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to C/PDP(GC) & (MF) with setback reductions and landscape deviations. The subject property is located on the north side of County Line Road and the east side of Sparks Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.

3. The site is undeveloped.
4. The site is wooded and may contain specimen trees, but no majestic trees.
5. The subject property has access from County Line Road and Sparks 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 contain any wetlands, WHPAs or SPAs according to County data resources.
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 and rural residential uses, and undeveloped parcels.
13. The petitioner requests the following deviations from the LDRs: reduction in setbacks from 125' to 50' on County Line Road and from 35' to 10' along Sparks Road, the elimination of the 3% native vegetation requirement and elimination of the 20' landscape buffer on County Line.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to C/PDP(GC) & (MF) with setback reductions and landscape deviations. The initial submittal made by the petitioner proposed 42 MF units. The staff had recommended postponement of the initial request so that the petitioner could provide the staff with more detail regarding the product. The petitioner has revised the concept to request 28 single family attached units with each unit being on its own lot. This request can be accommodated within the category advertised. The southern 3.4 acres of the property is proposed to be developed with a general commercial subdivision. The plan provided shows a frontage road running east/west between the commercial and residential portions of the development.

The residential component of the request proposes a single family attached product on individual lots. The lots are a minimum of 42.5' x 75' with setbacks of 7.5/0 side, 25' front and 15' rear. The plan depicts a 50' right of way looping through the residential portion of the development with two access points along Sparks Road, an unimproved roadway. There is no interconnectivity between the residential portion of the development and the commercial.

To the east of the subject property is Avalon Subdivision. Residential lots, 50' x 110' abut the SFA portion of the subject property, and office professional to the proposed commercial. AG zoned land is immediately adjacent to the north. The plan does not provide buffers to the north or east of the single family attached development. The PDP rules require a 5' buffer with screening adjacent to the rural residential uses on AG zoning to the north and to the single family development to the east.

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 has requested waiver of this requirement in lieu of donating right-of-way for the future improvement of County Line Road.

The petitioner proposes the dedication of 75' of ROW for County Line Road improvements. The petitioner indicates the dedication is contingent with the approval of a right-in only access point for the commercial portion of the property, the elimination of the native vegetation retention requirement and waiver of the 20' wide vegetative buffer requirement along County Line Road. The County Engineer does not object to the proposed right-in only access on County Line Road. The petitioner is requesting fairly substantial deviations to the Community Appearance Ordinance which cannot be adequately reviewed with the limited level of detail provided at this phase in the process. The petitioner can apply for a variance at the time of site plan review.

The petitioner proposes setbacks as follows for the commercial development: 50' from County Line Road (after the dedication of 75' of ROW), 35' from the frontage road, 10' from Sparks Road and 10' from the east property line. The BCC has approved a reduction in setbacks from 125' to 75' when a frontage road is provided. The Planning staff recommends approving a minimum 75' setback from County Line Road. The Planning staff is of the opinion the petitioner has not provided adequate justification for the 20' setback from Sparks Road and the 10' setback from the office professional zoning to the east. The Planning staff recommends that if the request is approved, the petitioner provide a 35' setback from Sparks Road and 20' setback from the east lot line as required per the PDP rules.

The petitioner proposes the following setbacks for the residential portion of the development: 35' from the frontage road, 35' from Sparks Road, 20' from the east property line and 20' from the north property line which are consistent with county LDRs.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. The Utilities Department notes that connection to sewer service will be required to be made at the County Line Road entrance to Avalon. The Utilities Department recommends the petitioner contact surrounding developments to explore cost sharing.

The Transportation Planning Coordinator indicates that the development approvals for previous developments along County Line Road have substantially reduced the capacity along the roadway. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The only access to the development is from Sparks Road, an unimproved roadway. The petitioner proposes two points of access onto Sparks Road. The petitioner should be required to improve Sparks Road to the northern end of their project as a condition of approval. Due to the limited number of units proposed in the development, it is the staff's opinion that the access would not be unacceptable since future development along County Line Road will be served by frontage road which would give residents from this development the ability to go west or east in the future.

The plan does not provide for any interconnectivity between the residential and commercial components of the request. The petitioner should be required to provide sidewalks along the Sparks Road to connect the land uses in the project.

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 Florida Turnpike and Pasco County have been informed of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by single family and rural residential uses, and undeveloped parcels. The Avalon development is under construction to the east. The Avalon master plan shows single family villas and office professional uses adjacent to the subject property. Rural residential development is located to the north. An undeveloped parcel zoned OP and AG is located to the east. An undeveloped parcel in Pasco County is located to the south.

Objective 1.04C indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured. At

the present time, the project cannot meet the adequate public facility review. Adequate capacity does not currently exist along the link of County Line Road where the property is located.

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 category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses allowed with performance conditions include multifamily housing up to 16 units acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities. The subject property is not located adjacent to a commercial node.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future land Use Map Series, except for Specialty Commercial, Neighborhood Commercial and appropriate infill areas. The subject property is not located within a commercial node or regional commercial overlay district.

Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. The subject property does not meet this criteria; consequently, staff would not support General Commercial zoning on this property.

Office professional zoning is allowable within the residential land use category with the appropriate land use approvals. Office professional zoning exists immediately east and west of the subject property. It is the staff's opinion that office professional uses would not be inconsistent with the surrounding area or the adopted Comprehensive Plan.

The petitioner proposes 28 units on 6.3 acres at a density of 4.4 units per acre. Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre shall consider such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The residential portion of the request will have access to a frontage road which will connect to future commercial uses.

Policy 1.01L(7) states that the county shall establish standards to promote the integration of pedestrian traffic within and between commercial developments and adjacent residential areas. No proposal was provided indicating integration the commercial and residential uses. The staff would recommend requiring pedestrian interconnectivity on a revised master plan.

Policy 1.01F(7) of the Comprehensive Plan indicates criteria and standards to be considered in determining appropriate locations of higher residential densities greater than 4.0 dwelling units per acre. These criteria and standards include direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, and the character and density of existing or approved residential developments of close proximity. The residential component of the request has direct access to Sparks Road, a local roadway. The proposed SFA development would be located adjacent to rural residential and single family residential development.

The staff is of the opinion that the approval of the rezoning from AG to C/PDP(OP) & (SF) for single family attached homes with a setback reduction on County Line Road, is appropriate based on the following conclusions:

1. The proposed GC portion of the request is inconsistent with the adopted comprehensive plan with regards to location of commercial zoning.
2. Rezoning the front portion of the subject property to PDP(OP) would be consistent with the residential future land use designation.
3. Rezoning the remainder of the site to PDP(SF) for development with single family attached units with performance conditions would be consistent with the surrounding area.
4. Not enough detail regarding the landscape deviations are known at this time.
5. The setback reduction requested along Sparks Road from 35' to 10' is significant and has not been justified.
6. Rezoning the subject property to PDP(OP) and (SF) is consistent 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:

Staff recommends postponement until the September 12, 2005, P&Z hearing.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to postpone hearing the petition until their September 12, 2005 meeting at 10:00 a.m.

BCC ACTION:

The BCC voted 5-0 to postpone the petition until the October 12, 2005, meeting at 9:00 a.m.

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 rezoning from AG to C/PDP(OP) & (SF) with setback reductions 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. Perimeter setbacks shall be as follows:

For the OP portion:
From the frontage road: 35'
From Sparks Road: 35'
From East: 20'
From County Line Road: 75'

Minimum internal OP side lot setbacks: 10'

For SF portion:
From north & east: 20'
From Sparks: 35'
From frontage road: 35'
3. Minimum lot size for SFA lots: 3,150 square feet.
4. Minimum internal SFA lot setbacks: side: 7.5'/0' front: 25' rear: 15'
5. A revised master plan shall indicate sidewalks along the project adjacent to Sparks Road.

- 6. Sparks Road shall be improved per the County Engineer’s specifications from County Line Road to the northern terminus of the subject property.
- 7. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer’s specifications.
- 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 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to C/PDP(OP) & (SF) with setback reductions 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. Perimeter setbacks shall be as follows:
 - For the OP portion:
 - From the frontage road: 35'
 - From Sparks Road: 35'
 - From East: 20'
 - From County Line Road: 75'
 - Minimum internal OP side lot setbacks: 10'
 - For SF portion:
 - From north & east: 20'
 - From Sparks: 35'
 - From frontage road: 35'
- 3. Minimum lot size for SFA lots: 3,150 square feet.
- 4. Minimum internal SFA lot setbacks: side: 7.5'/0' front: 25' rear: 15'
- 5. A revised master plan shall indicate sidewalks along the project adjacent to Sparks Road.

6. Sparks Road shall be improved per the County Engineer’s specifications from County Line Road to the northern terminus of the subject property.
7. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer’s specifications.
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.
9. The petitioner shall enter into a development agreement with the County to pay their proportionate share to mitigate impacts to County Line Road. (Staff has no objections)

BCC ACTION:

The Board of County Commissioners voted 3-2 to adopt Resolution # 2005-282 approving the rezoning from AG to C/PDP(OP) & (SF) with setback reductions 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. Perimeter setbacks shall be as follows:

For the OP portion:

From the frontage road:	35'
From Sparks Road:	35'
From East:	20'
County Line Road (new):	75'

Minimum internal OP side lot setbacks: 10'

For SF portion:

From north & east:	20'
From Sparks:	35'
From frontage road:	35'

3. Minimum lot size for SFA lots: 3,150 square feet.
4. Minimum internal SFA lot setbacks: side: 7.5'/0' front: 25' rear: 15'
5. A revised master plan shall indicate sidewalks along the project adjacent to Sparks Road.
6. Sparks Road shall be improved per the County Engineer's specifications from County Line Road to the northern terminus of the subject property.
7. The intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer's specifications.
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.
9. The petitioner shall enter into a development agreement with the County to pay their proportionate share to mitigate impacts to County Line Road.
10. The applicant shall enter into an agreement with the school board to mitigate school impacts.

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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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