

**STAFF REPORT**

Planning & Zoning Commission: October 9, 2006  
Board of County Commissioners: November 8, 2006

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**APPLICANT:** Christopher D. Shemwell **FILE NUMBER:** H-06-102

**PURPOSE:** Rezoning from PDP(RUR)/Planned Development Project(RURAL) to PDP(SF)/Planned Development Project(Single Family) with an increase in density

**GENERAL**

**LOCATION:** East end of Chalk Farm Road, south end of Hyde Park Way, and at the west end of Padron Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 32, Township 23 South, Range 18 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**Citizen correspondence received as of the date of this report? Yes  No**

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Barony Woods  
Wellington  
Padron's West Linden Estates, DRA  
Barony Woods, SF, Undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request to revise a previously approved PDP(RUR)/Planned Development Project(Rural) to increase the number of lots. Due to the minimum lot sizes of the lots being proposed (3/4 acre) which is less than the PDP(RUR) allows, a rezoning to PDP(SF)/Planned Development Project(Single Family ) is required.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(RUR)/ Planned Development Project (Rural).
2. The property comprises approximately 20 acres.

3. The subdivision infrastructure is in place in the subdivision; however, no residential construction has occurred.
4. The property does not appear to contain majestic or specimen trees.
5. Hyde Park Boulevard and Chalk Farm Road abut the perimeter of the project; however, the only functional access to the project is via Padron Boulevard.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The surrounding area is characterized by residential uses.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner has submitted a request for approval of a master plan revision to include a rezoning to PDP(SF)/Planned Development Project(single family). The existing zoning allows nine (9) minimum one acre lots, with uses consistent with the AR/Agricultural-Residential District. The proposed request results in an increase in the number of units previously approved, a reduction in the minimum lot size and eliminates the AR/Agricultural-Residential uses. The subject site is bordered on the southwest by Wellington at Seven Hills; on the east by Padron's West Linden Estates and on the north by Barony Woods Phase1.

The petitioner initially received approval on the subject property in 2003 for seven (7) lots on this 20 acre site. In 2004, the Board of County Commissioners approved a modification to the master plan to increase the number of units from seven (7) to nine (9) 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, including review of the proposed use through the DRC process.
2. The development shall be served by central water.
3. The petitioner shall provide access to Padron Boulevard.
4. The minimum perimeter setbacks shall be 35'.
5. Minimum internal lot setbacks are approved as follows:  
Front: 50' Side: 10' Rear: 35'
6. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.

The narrative submitted by the petitioner indicates that in marketing the project, it was determined that prospective purchasers in this area were interested in slightly smaller lots; consequently the petitioner is requesting to amend the minimum lot size to 3/4 acre which would increase the number of lots to 14. Additionally, it should be noted that the plan submitted indicates minimum lot setbacks contrary to those approved by the BCC. The plan depicts typical lot setbacks of 25' front, 10' side and 15' rear.

The Hernando County School Board indicates that the request would generate less than 5 additional students to the school system which the school system characterizes as minimal impact.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. There is an existing 6-inch waterline on the north side of Chalk Farm Road and Padron Boulevard. There is also a 6-inch waterline on the east side of Hyde Park Way. Sewer service is currently not available unless the developer can obtain an easement and/or agreement to access sewer infrastructure within the Wellington Subdivision. Utility system upgrades may be required to supply this development depending on proposed flows. Sufficiency of available capacity cannot be determined until submittal of a site plan & proposed flows.

The county LDRs require that projects with lots smaller than one acre in size, a minimum of 5% of the gross project site shall be retained in usable open space. The plan submitted provides 2.5% of the gross area (.5 acres) of usable open space which would meet the requirement for the existing zoning; however, it does not meet the requirement for the revised proposal.

The infrastructure is in place to provide central water to the site but not central sewer.

Pasco County has no comments or objections to the petition.

**FINDINGS OF FACT**

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre. The proposed 0.70 du/ac density is consistent with the densities allowable per the adopted Comprehensive Plan.

The surrounding is predominately zoned residential, although there are two parcels to the west zoned AG and AR. The subject property is surrounded by single family subdivisions. Barony Woods is located to the north and the west. Pardon's West Linden Estates is located on the east. The Wellington at Seven Hills is located on the south.

The Board of County Commissioners has a policy of requiring a minimum of two (2) access points for residential development. The policy was approved after approval of the subject property although access was debated during the prior public hearings for this project as the staff had recommended interconnection between the subject property and the surrounding area. The BCC approved the project with one access point, and then allowed the modification in 2004, due to the limited number of units proposed. The proposed request is for 14 units which is double the original density approved by the BCC.

The request to rezone from PDP(RUR)/Planned Development Project(Rural) to PDP(SF)/Planned Development Project(Single Family) is not appropriate, based on the following conclusions:

1. The project proposes to increase the number of lots from 9 to 14 with only one functional access point. This is inconsistent with the BCC policy regarding 2 points of access.
2. The master plan submitted does not meet the minimum County Land Development Regulations for open space.
3. The infrastructure for the site, including utility service connections have already been installed for 9 lots.

**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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_denying the petitioner's request for a rezoning from Planned Development Project(Rural) to Planned Development Project(Single Family).

**P&Z RECOMMENDATION:**