

STAFF REPORT

Planning & Zoning Commission: December 11, 2006
Board of County Commissioners: January 10, 2007
Planning & Zoning Commission: February 12, 2007
Board of County Commissioners: March 14, 2007

APPLICANT: Charles Geraci **FILE NUMBER:** H-06-108

PURPOSE: Rezoning from AG/(Agricultural) 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 correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SF), AG	Single family, undeveloped
South: R-1C, AG	Single family
East: AG	Power lines, undeveloped
West: R-1C, AG	Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family). 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/(Agricultural).
2. The property comprises approximately 20.9 acres.

3. The site is undeveloped.
4. The site may 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 Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by single family development and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the site from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) in order to develop the approximately 20.9 acre site with 17 single family homes. The petitioner proposes minimum 0.97 acre lots with 25 foot perimeter setbacks. The petitioner indicates a 15 foot natural buffer is to mitigate impacts on land located within the rural future land use classification. 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 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 Utilities Department has indicated that central water is available to serve the subject site. A 6" water line is located on the east side of Bunting Road. Sewer service is not available. Utility system upgrades may be required to supply this development with public water service depending on

proposed flows. Available capacity will be determined at the time of a development plan review when estimated flows are provided by the engineer of record.

Single-family planned developments with lots smaller than one (1) acre in size must demonstrate that a minimum of 5% of the gross project site will be retained in usable open space. Single family planned development projects with lots one (1) acre in size or greater must demonstrate a minimum of 2.5 percent of the gross project site will be retained in usable open space. The plan indicates lots less than one (1) acre in size, and therefore requires a minimum of 5% open space. The plan illustrates approximately 0.65 acres of open space being provided. If the request is approved, the petitioner will be required to provide a revised plan providing approximately one (1) 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 6 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.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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. AG/(Agricultural) 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 1.23 units per acre which is within the range allowed by the comprehensive plan. 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. 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 request for a the rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) 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 Concurency. 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:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from (AG)/Agricultural to PDP(SF)/Planned Development Project (Single Family), 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 conceptual plat and construction plans and abide by all state and federal wetland regulations.
3. Minimum lot size approved is one (1) acre.
4. Internal lot setbacks approved as follows:

Front: 25' Side: 10' Rear: 20'

5. Perimeter building setbacks shall be 25' as indicated on the plan.
6. The petitioner shall provide a minimum of 5% usable open space.
7. 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:

At the request of the applicant, the Planning and Zoning Commission voted 5-0 to postpone consideration of the request until the February 12, 2007, Planning and Zoning Commission hearing at 9:00 a.m.

BCC ACTION:

The BCC voted 5-0 to postpone consideration of this petition until the March 14, 2007, BCC Land Use Hearing at 9:00 a.m.

The School Board of Hernando County, Florida

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November 20, 2006

Omar DePablo, Planner I
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Omar:

I reviewed the proposed rezoning request that you forwarded to me for the December P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-108**, the request from Charles Geraci to rezone approximately 20.9 Ac and develop 17 single-family lots, 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 have an impact to the District with an increase of an additional 6 students. This is not a significant impact.

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