

STAFF REPORT

Planning & Zoning Commission: December 11, 2006

Board of County Commissioners: January 10, 2007

APPLICANT: Silverthorn Hills, LLC **FILE NUMBER:** H-06-119

PURPOSE: Rezoning from AR-2 (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: West side of Jumper Loop, approximately 0.75 miles south of Switch Back Road

LEGAL

DESCRIPTION: Lots 23-28, Block 1, Lots 19-21, Block 3, Lots 9-12 and Lots 15-19, Block 4, Lots 1-4, Block 6, Lots 15-16, Block 9 as per plat thereof recorded in Plat Book 4, Page 8 of the Public Records of Hernando County, Florida

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:

Surrounding Zoning

North: PDP(SF)

South: PDP(REC)

East: AR-2

West: PDP(SF), PDP(REC)

Surrounding Land Uses

Single family, DRA

Golf course

Suncoast Parkway

Silverthorn

SUMMARY OF REQUEST

The petitioner requests to rezone from AR-2 (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family). The subject property is located on the West side of Jumper Loop, approximately 0.75 miles south of Switch Back Road.

FACTUAL INFORMATION

1. The property is currently zoned AR-2 (Agricultural/Residential) .
2. The property comprises approximately 40.0 acres.
3. The site contains undeveloped platted lots.
4. The site does not appear to contain majestic or specimen trees.

5. The subject property has access from Jumper Loop.
6. The subject property is located within rural and residential land use classifications 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 appears to contain a WHPA-2 and a SPA, but no wetlands, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site. Utilities would have to be extended from Silverthorn to the subject property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AR-2 (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family) in order to develop the approximately 40.0 acre subject property with 49 single family homes with the future inclusion of a neighborhood park or pool facility. The plan indicates the proposed lot setbacks are as follows: 20' front, 5' side and 15' rear. The petitioner proposes a 25' perimeter setback. The typical single family lot is proposed to be 160' x 80' with minimum lot area of 16,000 square feet.

The subject property is located within the Silver Hills subdivision. The petitioner proposes vacating the following roadways located within the Silver Hills plat: Guava Street, Orange Street, Lime Street, Lemon Street, Mango Street, West Avenue and Oak Avenue. If the request is approved, the petitioner will have to replat or vacate the Silver Hills plat before development. The County Legal Department has not yet received any requests to vacate the Silver Hills plat or the roadways contained therein.

The subject property does not include four (4) lots located within the Silver Hills and Oakwood Acres subdivisions. The petitioner can not demonstrate a logical and unified development without the inclusion of these four (4) lots as the petitioner has indicated that the outparcels will not be included in this application. As shown, the rezoning of the subject property would leave remnant lots that would

impact the proposed site plan. If approved, the outparcels would result in under sized AR-2 lots within a PDP(SF)/Planned Development Project (Single Family). The outparcels would also impact the design of the proposed new lots.

The county LDR's 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 does not indicate the provision of usable open space. The submitted plan would require approximately two (2) acres of open space. If approved the developer must provide the required open space.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 8-inch waterline on the south side of Legend Hill Lane. There is an existing 8-inch gravity sewer system within Legend Hill Lane. There is also an existing sewer pump station near the north east corner of the property in a drainage retention area. Availability of the existing infrastructure is dependent on the engineer's estimated flows for the proposed development and water and sewer upgrades may be required to supply the proposed development. The petitioner proposes serving the development with central water and sewer service and utilities would have to be extended from Silverthorn to the subject property.

The subject property has access from Jumper Loop, a roadway with a 20'-wide paved surface. The subject property is located approximately two (2) miles from Barclay Road along substandard local roadways (Jumper Loop, Switch Back Road and Nodoc Road). The County Engineer notes that Switch Back Road and Nodoc Road have 18'-wide paved surfaces. The County Engineer has indicated that a development with 49 single family homes is a concern because of the substandard local roadways serving the subject property. Furthermore the existing roadway system provides only one access point to the proposed development. Board of County Commissioners policy requires the provision of two access points to a subdivision.

The Transportation Planning Coordinator has reviewed the request and indicated no other transportation related issues with the proposal.

The Hernando County School Board indicates that the request would generate approximately 16 additional students to the County's school system. Elementary school students would be assigned to J. D. Floyd Elementary School, middle school students would be assigned to Powell 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 proposed development lies within a WHPA 2 for public supply wells. The proposed use is allowed within this designation. Based on a site visit the property does contain a Special Protection Area (SPA) which is a sinkhole located in the center of the subject property. Discharge of untreated stormwater or regulated substances is prohibited within the SPA. Therefore, any stormwater discharged to this feature shall be treated according to SWFWMD standards. Prior to any development associated with this feature a geotechnical evaluation shall be preformed, and the developer shall demonstrate that the building location is geologically stable. Any storm water capacity provided by the feature shall be

mitigated. In addition, central sanitary sewer must be provided unless the project density is reduce to one (1) unit per acre or greater.

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, rural residential development and undeveloped parcels. Silverthorn is located to the north, west and south of the subject property. The Silverthorn golf course is located to the west and south of the subject property. The Suncoast Parkway is located to the east of the subject property.

The subject property is located within rural and residential land use classifications 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. Single family residential development at the intensity proposed is inappropriate given that the one functional access point is to a substandard local roadway network.

Policy 1.01F (2) indicates low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the district most utilized for regulating future single family development. Low-density residential would be appropriate at this location provided adequate access is demonstrated.

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 subject property is located adjacent to single family development characterized by half-acre and one-third acre lot sizes. The density of the proposed development would be compatible with the surrounding land uses.

The petitioner request to rezone from AR-2 (Agricultural/Residential) to PDP(SF)/Planned Development Project (Single Family) is not appropriate, based on the following conclusions:

1. The existing local street system is inadequate to serve the development.
2. The proposed development has only one functional access point.
3. The requested rezoning is not 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:

Pursuant to the findings of fact outlined in the staff's report, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AR-2 and to PDP(SF)\Planned Development Project (Single Family).

The School Board of Hernando County, Florida

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November 9, 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-06-119**, the request from Silverthorn Hill, LLC to rezone approximately 40 Ac and develop 49 single-family lots, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 16 students. 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 \$150,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 16 additional students. This worksheet shows an estimated impact in excess of school taxes between \$136,818 and \$139,023.

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