

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

APPLICANT: Hernando Oaks II, LLP **FILE NUMBER:** H-06-30

PURPOSE: Master Plan Revision to Include: change in access points; modification of previously approved lot sizes; rezoning from open space to recreation, and from storage to single family, modification of the village center, and change in concept on a portion of the project to allow single family attached units

GENERAL

LOCATION: West side of US 41, north side of Powell Road

LEGAL

DESCRIPTION: A portion of Sections 4, 5 and 8, Township 23 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 3

STAFF FINDINGS:

Surrounding Zoning

North: AG, C-1
South: AG, C-2, PDP(GC)
East: AG, R-1B
West: AG

Surrounding Land Uses

AG, undeveloped
AG, undeveloped, MH
AG, SF, commercial, undeveloped
AG, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include a change in access points, modification of previously approved lot sizes, rezoning from open space to recreation, and from storage to single family, modification of the village center, and change in concept on a portion of the project to allow single family attached units. The subject property is located on the west side of US 41 and the north side of Powell Road.

FACTUAL INFORMATION

1. The property is currently zoned CPDP and PDP(SF).

2. The property comprises approximately 630 acres.
3. The residential portion of Hernando Oaks is currently under development.
4. The site contains majestic and specimen trees.
5. The subject property has access from US 41 and Powell Road.
6. The subject property is located within commercial, residential and rural land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Flemington fine sandy loam, Floridana variant loamy fine sand, Kendrick fine sand, Micanopy fine sand and Nobleton fine sand.
8. The property is located in a flood zones AH and C.
9. The subject property contains wetlands and SPAs, but no WHPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by a mix of commercial, agricultural, 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 a master plan revision to include a change in access points, modification of previously approved lot sizes, rezoning from open space to recreation and from storage to single family, modification of the village center, and change in concept on a portion of the project to allow single family attached units. The Hernando Oaks master plan was approved in 1999 and revised in 2000 and 2002.

The petitioner proposes an additional access to US 41 in the villager center area. The County Engineer does not object to the proposed right-in/right-out access to US 41 in the village center area.

The petitioner requests a modification of previously approved lot sizes and a change in concept on a portion of the project to allow single family attached units to allow for a townhouse product with a minimum size of 18' x 120' and minimum setbacks of 20' front, 0', 15' rear with 7.5' feet on the end units with a total of 15' between buildings. The townhouses are proposed to be developed in four-unit blocks with 15' separation distances between buildings. The Planning staff does not object to Townhouse products on the pods closer to the entry of the subdivision provided common housing products are developed together.

The petitioner requests to rezone from open space to recreation to allow for the construction of two (2) tennis courts in the middle of a roadway loop on Esplanade Court. The Planning staff is of the opinion it is inappropriate to replace a passive open space area with active recreational uses with more impacts in an area surrounded by single family lots. Staff would not support this portion of the master plan revision.

The petitioner requests to rezone an area in the northeastern portion of the development from outside storage to single family residential uses. The Planning staff does not object.

The petitioner requests to change the minimum lot width on the cul-de-sac just north and east of the roundabout from 90' to 70' in order to accommodate the homebuilder's preferred housing product. The petitioner notes this will increase the number of lots from 20 to 27 on the cul-de-sac, which would be equal to the amount of 50'-wide lots that would fit on a standard 600' cul-de-sac. The revised plan reflects no increase in overall units. The petitioner notes the end of the cul-de-sac will have direct frontage on the golf course, which would serve as an emergency exit. The Planning staff is of the opinion that if the request is approved, this potential emergency access should be indicated on a revised plan.

The petitioner proposes adding a pool complex in the clubhouse area where the temporary golf course buildings are now located. The Planning staff is of the opinion the proposed recreational use will be appropriate at this location.

The petitioner proposes adding an additional residential lot just south of the clubhouse on the west side of Delacroix Drive. The Planning staff does not object to adding an additional single family lot proximate to an area of single family lots.

The petitioner proposes replacing the recreational uses west of the village center (on the west side of the north/south roadway in the southwestern corner of the subject property) with residential uses. The Planning staff is of the opinion that this location is appropriate for residential uses, however, common area to include either open space or a village green should be provided within the village center area for consistency with the original multi-use village center concept proposed. The County Engineer indicates that if the request is approved, the petitioner shall provide 80' of ROW from the centerline of Powell Road.

The petitioner proposes changing the minimum side setbacks on villa lots from 0' to 5' and proposes revising the plan to remove the double frontage lot concept. An area of double frontage lots had been designated in the south central portion of the development on the 2002 master plan. The Planning staff does not object to these changes.

The petitioner proposes reconfigurations of the roadways along the western and northwestern boundaries in order to provide additional access points to the west. The County Engineer notes that the proposed east-west collector roadway shown on the plan may not be wide enough as shown to accommodate future development to the west of the subject property. The County Engineer notes that a minimum of 98' of ROW is required for the collector roadway, not the 90' shown on the plan.

The Utilities Department has indicated that central water (with system upgrades provided at the developer's cost) and sewer are available to serve the subject site. A 14" water line is located on the south side of Powell Road and serves the existing subdivision within Hernando Oaks. A 10" sewer force main is located on the west side of US 41 along the main entrance road to Hernando Oaks, serving the existing subdivision.

Wetlands, Special Protection Areas (SPAs) associated with sinkholes and other karst features, and flood zones were previously delineated to develop the initial Master Plan. Additional technical data has since been collected and portions of the Master Plan reflect the updated information.

The petitioner proposes revising the village concept with the development of a neotraditional office/commercial "main street" complex in the southeastern corner. The complex would require filling a large depressional sink feature in the southeast corner of the project below the 65' contour line. A drainage feature associated with the sink appears to drain stormwater from the south side of Powell Road. This is also within flood zone A. The original special protection areas avoidance map from the initial re-zoning case (H-99-36) show this sink as a SPA (not to be developed), as defined in the Groundwater Protection Ordinance (GPO).

The recommendations of the report titled "Results of Geophysical Surveys of Sinkholes on the Coastal/CSL Property, Brooksville, Florida", which was completed in August 1999 as a condition of the original rezoning, state that "further evaluation of subsurface conditions across the site should be performed to provide necessary data for design work." It goes on to recommend that "further evaluation would require additional ERI surveys and/or GPR surveys and test borings." The petitioner has not supplied technical data on the current subsurface condition of the sink or demonstrated why it would be appropriate to abandon it as opposed to maintaining it in conservation as previously determined. The Planning staff is of the opinion the petitioner has not provided adequate justification for filling the sink and altering the drainage feature.

Development of the sink would have an adverse impact on the 100 year flood plain volume and the recharge capability of the sink feature. Stormwater treatment from new development shall be provided prior to discharge into the sink.

Prohibited uses within SPAs includes stormwater received from other prohibited uses. Future drainage plans should demonstrate that stormwater from the treated golf course doesn't enter SPAs and impact local drinking supplies. Since this property is internally drained and environmentally sensitive, it is recommended that open, natural space associated with the SPAs be delineated and identified as conservation areas as part of the conditional plat process.

The soils consist of Blitchton loamy fine sand, Flemington fine sandy loam, Floridana variant loamy fine sand, Kendrick fine sand, Micanopy loamy fine sand and Nobleton fine sand. Comprehensive Plan Policy 1.06(A)(5) requires that the petitioner address the building potential of the soils on the site. The petitioner has previously said that the majority of the site consists of somewhat poorly and poorly drained soil with several small areas that are well drained, and one that is very poorly drained. Further, the petitioner has previously indicated that the primary limitation to residential development is the type of soils found on the property and the establishment of an appropriate drainage system.

The existing FEMA maps indicate that there are three areas of flood zone "A" located within the project boundary. The remainder of the project is identified in the "C" zone. The current watershed mapping shows that the majority of the site is within the Powell watershed and that the areas of revision to the north are within the Peck Sink Watershed. Both of these watersheds are internally drained. The new drainage studies developed for these watersheds indicate that there are significant areas of 100 year / 5 day flooding within the project limits. County Engineering Staff and Southwest Florida Management District are currently updating the FEMA NFIP (National Flood Insurance Program) risk maps. Any new development areas would have to comply with the new mapping once it is accepted at the time of permitting. The petitioner is advised that these maps may have an impact on the proposed development. The engineer of record should indicate the design 100 year floodplain.

The City of Brooksville and the FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by a mix of commercial, agricultural, single family and mobile home residential uses, and undeveloped parcels. Residential development is currently underway within Hernando Oaks.

The subject property is located within residential, rural and commercial land use classifications on the adopted Future Land Use Map. A commercial node is located in the southeastern portion of the property. The residential land use classification would allow single family residential, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met 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.

A portion of the property is located within the rural land use category. Policy 1.01B(10) indicates residential land uses consistent with those uses allowed in the residential land use category are allowable up to 1,320' into the rural land use category. The mapping associated with the Comprehensive Plan is generalized.

Policy 1.01A(10) of the adopted Comprehensive Plan indicates maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing and natural system preserving living, shopping, and working environments on properties of adequate size, shape and location are to be provided. The Planning staff is of the opinion the proposed alterations of the sink and the drainage feature in the eastern portion of the village center would be detrimental to the natural system.

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 Planning staff is of the opinion replacing the open space area on Esplanade Court with tennis courts would allow the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Policy 1.01L(6) of the adopted Comprehensive Plan indicates that land development regulations shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access.

The Planning staff is of the opinion that a portion of the proposed master plan revision is appropriate based on the following conclusions:

1. Redesignating the open space tract to allow tennis courts would not be consistent with the surrounding area.
2. The petitioner has not provided adequate justification to support or information regarding filling the sink at the southeast corner of the property below the 65' contour.
3. The remaining elements of the master plan revision would not be incompatible with the surrounding single family uses.
4. The proposed master plan revision, with the exception of conclusions 1 and 2 above, are 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 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, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include a change in access points, modification of previously approved lot sizes, rezoning from storage to single family and change in concept on a portion of the project to allow single family attached units, 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. Stormwater treatment from new development shall be provided prior to discharge into the sink.
3. New development within the project shall use the best available floodplain data for project design and construction.
4. The petitioner shall provide 80' of ROW from the centerline of Powell Road.
5. The townhouse lots shall have a minimum lot size of 18' x 120' and minimum setbacks of 20' front, 0' side, 15' rear with 15' between buildings.
6. The proposed rezoning from open space to recreation to allow tennis courts in the loop on Esplanade Court is not allowed.
7. The large commercial development at the corner of Powell and US 41 is approved with the exception of allowing fill below the 65' contour. The petitioner shall provide a revised plan for the commercial site prior to BCC providing detail as to how this center is integrated into the Village Center.

8. The applicable conditions approved in results memos PD #553 (1999), PD #164 (2000) and PD #417 (2002) are in full force and effect.
9. 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: