

STAFF REPORT

Planning & Zoning Commission: April 10, 2006
Board of County Commissioners: May 10, 2006

APPLICANT: Ladd Development Inc. **FILE NUMBER:** H-06-36

PURPOSE: Master plan revision to add and rezone land from AG(Agricultural) to PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: Approximately 1800' north of County Line Road, west and east 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:

Surrounding Zoning

North: PDP(SF), CPDP
South: AG
East: PDP(SF), AG
West: CPDP

Surrounding Land Uses

Avalon
Single family, mobile home, undeveloped
Avalon, SF, MH
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision in order to add and rezone a 2.75 acre AG parcel to a previously approved PDP(Single Family). The petitioner proposes developing the 2.75 acres with an additional seven (7) single family lots. The subject property is located approximately 1800' north of County Line Road, west and east of Sparks Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF) and AG.
2. The property comprises approximately 17 acres.
3. The site is undeveloped.

4. The site contains no majestic or specimen trees.
5. The subject property has access from 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. There is no capacity remaining along County Line Road to serve the subject property.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family and mobile home residential uses, and undeveloped parcels.
14. The petitioner has not requested a deviation for the facility design guidelines, but no deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision in order to add a 2.75 acre AG parcel and rezone it to PDP(SF). The petitioner proposes adding an additional seven (7) single family lots to the approved 39 lots. In June 2005, the BCC approved a rezoning on a portion of the subject property from AG to PDP(SF).

The standard lot size is 80' x 125'. The petitioner proposes the following perimeter setbacks: 35' from Sparks Road and 20' from all other property lines. The approved master plan shows a 25' perimeter setback along the south property line west of Sparks Road. The petitioner did not request a deviation from the setbacks indicated on the approved master plan. The narrative and plan indicate conflicting internal lot setbacks: the narrative indicates the internal lot setbacks will be 25' front, 10'

side and 20' rear. The plan indicates minimum internal lot setbacks consistent with the previously approved master plan: 25' front, 7.5' side and 15' rear.

The LDRs require the proposed development provide a minimum of 5% of the project area as usable open space. The plan provided does not indicate the amount of acreage to be provided as open space. If the request is approved, the petitioner will be required to provide the minimum opens space per the LDRs.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 16" water line is located on the north side of County Line Road, approximately 1,300' south of the subject property. A gravity sewer manhole is located approximately 2,500' southeast of the subject property at Avalon's south entrance road. The Utilities Department indicates the developer will have to install a 10" water line to the property from County Line Road and will be required to provide a secondary connection from the Avalon development.

The subdivision regulations require consideration of interconnection every 1320'. Avalon is located to the west, north and east of the project which precludes interconnection. There are two access points to the project; however, they both connect into Sparks Road, an unimproved roadway connecting only to County Line Road. Due to the limited number of units proposed in the development, it is the staff's opinion that the access proposed would not be unacceptable since future development along County Line Road will be served by a local collector. This would give residents from this development the ability to go west or east from Sparks Road in the future.

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. If approved, the petitioner would be required to meet the applicable LDRs.

The Transportation Coordinator has indicated that County Line Road no longer has capacity to serve the subject request at this time. 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 narrative indicates the petitioner will be requesting a deviation from the County Engineer for the curve radius shown on the plan. The County Engineer indicates he will review the issue during the development review process if the request is approved.

The Hernando County School Board indicates the request will have minimal impact to the school district.

Pasco County has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The surrounding property is largely undeveloped at this time; however, property west, north and to a portion of the east was recently rezoned for residential development and is under development as part of the Avalon single family residential development.

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 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 2.66 units per acre which is within the range allowed by the comprehensive plan. It is the staff's opinion the density of the proposed request is consistent with the surrounding land uses and would not adversely affect the surrounding areas.

The Planning staff is of the opinion that the request for a master plan revision to add and rezone 2.75 acres of AG to a previously approved PDP(SF) for development with 7 additional lots is appropriate with performance conditions:

1. The proposed single family development is compatible with the surrounding single family uses.
2. The proposed master plan revision 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 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 add and rezone land from AG to PDP(SF), 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. A maximum of 46 single family lots are allowed.
3. The setbacks are approved as follows:
 - From the eastern property line adjacent to Sparks Road: 35'
 - From the south property line west of Sparks Road: 25'
 - From all other perimeter property lines: 20'
4. The performance conditions per PD-313 (petition H-05-37) apply to the new area, and remain in effect for the previously approved PDP(SF).
5. 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 School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

**Facility & Support
Operations
8060 Mobley Road
Brooksville, FL 34601
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Superintendent
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Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

March 20, 2006

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 for the April P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-27** the request from BDC, LLC to Establish a Master Plan for a 10 acre site with 96 multi-family units, 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 32 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 \$175,000 and 1.5 teachers at an estimated cost of \$75,000. 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 32 additional students. This worksheet shows an estimated impact in excess of school taxes between \$283,968 and \$289,728.

In reference to **H-06-40** the request from Hampton Ridge Partners, LLC to rezone a 78.9 acre site with 128 single family lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D.S. Parrott 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 43 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 \$175,000 and 2 teachers at an estimated cost of \$100,000. 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$386,013 and \$393,693.

In reference to **H-06-37** the request from J. Lewless Holdings, LLC to rezone a 79.6 acre site with 230 single family lots, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Eastside Elementary School
Middle (6-8) – D. S. Parrott 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 77 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 \$350,000 and 3.5 teachers at an estimated cost of \$175,000. 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 77 additional students. This worksheet shows an estimated impact in excess of school taxes between \$687,729 and \$701,529.

In response to **H-06-42**, the request to rezone from GGW, LLC and BTM, LLC it appears that residential units are planned, however, not enough information was provided to allow me to comment. If need be, I will make my comments at the public input portion of the meeting.

It appears that the request from GCMB Properties, LLC **H-06-16** will have no student impact; however if children are allowed to reside in the proposed condominium units the impact will be as follows:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D. S. Parrott 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 96 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 \$350,000 and 4 teachers at an estimated cost of \$200,000. 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 96 additional students. This worksheet shows an estimated impact in excess of school taxes between \$851,904 and \$869,184.

H-06-31, H-06-32, H-06-36 and H-06-39 will have minimal impact to the Hernando County School District as each of these will generate less than 10 students.

The request from Levitt Homes, LLC **H-06-41** will have no student impact to the Hernando County School District.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director