

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 9, 2007
Board of County Commissioners: May 9, 2007

APPLICANT: Reuvan Zfat for NZRE, LLC

FILE NUMBER: H-07-18

PURPOSE: Establishing a Master Plan on property zoned PDP(SF)/Planned Development Project (Single Family)

GENERAL

LOCATION: East side of Jayson Drive between Jacqueline Road and Taft Street

LEGAL

DESCRIPTION: Lots 7, 8, 25 and 26, Less the southerly 269.28 feet of Lots 25 and 26, Block D, Potterfield Garden Acres, as per plat thereof recorded in Plat Book 5, Pages 20-1, 20-2, 20-3, inclusive, of the Public Records of Hernando County, Florida in Section 28, Township 22 South, Range 18 East

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner proposes to modify an existing master plan for a property zoned PDP(SF)/Planned Development Project (Single Family). The submitted narrative proposes developing the approximately 15 acre parcel with 35 single family detached homes, and 14 single family attached homes. The proposed density will be 3.3 units per acres, which is less than the 3.6 units per acre previously approved by the Board of County Commissioners in 2004. The petitioner is also requesting that the master plan lot depth be reduced from 130' feet to 120' feet. The subject request seeks only to modify the minimum lot sizes and reduce the number of units previously approved.

SITE CHARACTERISTICS:

Site Size: 15.0 acres

Surrounding Zoning; Land Uses: North: AR2; Mobile Home and Single Family
South: PDP(OP); Undeveloped

East: AR2; Mobile Home and Single Family
West: AR2; Mobile Home and Single Family

Current Zoning: PDP(SF)/Planned Development Project
(Single Family)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

On November 10, 2004, the Board of County Commissioners voted 4-1 approving 41 single family units and 14 single family attached units at a density of 3.6 units per acre. The Board of County Commissioner further approved minimum lot sizes of 75' x 130' for the single family lots and 40' x 130' for the single family attached lots. The petitioner is requesting revising the previously approved master plan to accommodate lots 120' in depth.

The master plan depicts a typical single family attached duplex lot as two (2) 40' x 120' lots with the common being the lot line. The petitioner uses the terms single family attached and duplex as one concept; however, they are considered two separate zoning categories. By the description provided by the petitioner, it appears the product proposed is a single family attached units on a 40' x 120' lot with 0'/5' setbacks, and not a true duplex. County Land Development Regulations (LDRs) require that lots less than 60' in width provide a fire protection plan. The single family component proposes 75' x 120' lots. Both types of lots would be considered PDP(SF)/Planned Development Project (Single Family).

The petitioner has indicated proposed external and internal setbacks in the narrative as follows:

The perimeter setbacks for the subject site:

From Jayson:	25'
From Taft:	25'
From East:	20'

The internal lot setbacks for the single family units:

From the front lot line:	25'
From the side lot lines:	7.5'
From the rear lot line:	15'

The internal lot setbacks for the single family attached units:

From the front lot line:	25'
From the side lot lines:	0'/5'
From the rear lot line:	15'

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Hydrologic

Features: The subject property contains a WHPA-2, but no wetlands or SPAs, according to County data resources. The subject property lies within a WHPA-2 for a public supply well according to County data resources. The proposed use is allowable within this designation.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including 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 this listed Species of Special Concern to be present, the site should be inspected prior to construction. Due to the species' protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

SCHOOL DISTRICT REVIEW:

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Pine Grove Elementary School, middle school students will be assigned to West Hernando Middle School and high school students will be assigned to Central High School. The School Board indicates that these schools are currently over permanent capacity and additional students would have to be accommodated by adding portable classrooms. The proposed development would generate approximately 17 additional students.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer are available to serve the subject site. There is a 8-inch sewer force main and a 6-inch water line along Jacqueline Road.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits. All required improvements will be at the expense of the applicant.

ENGINEERING & TRANSPORTATION REVIEW:

The petitioner proposes access from Jacqueline Road and Jayson Drive. Jacqueline Road is designated as a collector roadway; however, it is substandard with regards to its construction. The other roadway serving the parcel, Jayson Drive, is an unpaved limerock road serving rural residential development.

The subject property was rezoned in November 2004 with performance conditions. The County Engineer is in agreement with the previous approval conditions relating to the required roadway improvements.

If approved, Jacqueline Road will need improvements, including cutting into the hill to provide 40 mph design speed, to improve the sight distance and provide a minimum 40' right-of-way from the Jacqueline Road centerline.

The Transportation Coordinator has indicated improvements are not scheduled for Jacqueline Road in the near future.

LAND USE REVIEW:

County LDR standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking etc. The single family design standards require a minimum 5% of the gross area be provided as usable open space for lots under one (1) acre in size, which would be a minimum of 1.60 acres. Additionally, County LDRs require that new single family 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. The petitioner's plan proposes a 15' enhanced perimeter buffer along the north, east and west property lines. If approved the petitioner will have to meet all County LDR requirements.

County LDR's require buffering consisting of a minimum five (5) foot landscape buffer. The use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The plan as submitted does not depict the minimum

buffering required by the LDRs. If the request is approved, the petitioner would have to meet all of the applicable LDRs.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a Residential land use classification on the adopted Future Land Use Map. The Residential land use category allows multifamily; rural residential; neighborhood commercial; commercial extending from commercial nodes with functioning frontage roads, unless it is determined that wetlands or existing development make frontage road extension unfeasible; offices and professional uses; schools; hospitals and minor public facilities. The petitioner request for single family and single family attached uses are appropriate, with improvements to the infrastructure in the area.

Policy 1.01F(3) Medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre.

Comment: The petitioner is proposing a density of 3.3 units per acre. The subject property is located adjacent to an urbanized sector anchored by the Coastal Way and Coastal Landing Shopping Centers.

Policy 1.01F(9) New residential development in the County will occur within the areas designated in the Residential Category on the Future Land Use Map. These will be the areas utilized for residential densities provided for in Policies 1.01F (1 through 5) and Policies 1.01G (1 through 4) until and unless these areas are predominantly developed and occupied, population projections indicate a need for additional urban development areas, and additional areas for urban development in the County can be established without adversely affecting natural resources, particularly groundwater, or producing adverse fiscal impacts on local government entities.

Policy 1.01H(2) Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Comment: The properties to the north, east and west of the subject property are a mixture of low-density rural residential uses and vacant AG/(Agricultural) parcels. South of the subject parcel is Coastal Way and Coastal Landing Shopping Centers. This site is compatible with the surrounding area and serves as a step down between the commercial to the south and the Agricultural zoning to the north.

Establishing a Master Plan on property zoned PDP(SF)/Planned Development Project (Single Family) would be appropriate, based on the following conclusions:

1. The proposed single family development would be compatible with the surrounding neighborhood and act as an appropriate transition with performance conditions.
2. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.

NOTICE OF APPLICANT RESPONSIBILITY:

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 RECOMMENDATIONS:

It is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for establishing a Master Plan on property zoned 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 development shall have a maximum of 49 total lots, 35 single family detached and 14 single family attached.
3. The minimum lot sizes shall be 75' x 120' for the single family detach and 40' x 120' for the single family attached.
4. The perimeter setbacks for the residential component shall be as follows:
From Jacqueline Road: 75'

From Jayson: 25'
From Taft: 25'
From East: 20'

5. The internal lot setbacks for the single family units shall be as follows:
 - From the front lot line: 25'
 - From the side lot lines: 7.5'
 - From the rear lot line: 15'

6. The internal lot setbacks for the single family attached units shall be as follows:
 - From the front lot line: 25'
 - From the side lot lines: 0'5'
 - From the rear lot line: 15'

7. The petitioner shall provide 40' of ROW from the Jacqueline Road centerline and 30' of ROW from the Jayson Drive and Taft Street centerlines.

8. The development shall be in conformance with the submitted master plan.

9. A minimum of one acre of open space shall be provided on a revised plan.

10. The development shall be served by central water and sewer.

11. The petitioner shall provide enhanced buffering as indicted on the submitted master plan.

12. The developer shall make improvements to provide 40 mph design speed and to improve the sight distance at the intersection of Jayson Drive and Jacqueline Road, and shall improve Jacqueline Road in front of the project to collector road standards.

13. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.

14. The petitioner shall coordinate a fire protection plan prior to construction plan approval.

15. 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.