

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 10, 2007
Board of County Commissioners: October 10, 2007

APPLICANT: Janis Moore Tucker

FILE NUMBER: H-07-39

PURPOSE: Revision to a Master Plan on property zoned PDP(RUR)/Planned Development Project (Rural) with a reduction in setbacks

GENERAL

LOCATION: North side of Centralia Road, between Marsh Hawk Road and Oregon Road

LEGAL

DESCRIPTION: A portion of Sections 30 and 31, Township 21 South, Range 18 East of Hernando County, FL

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 is requesting a revision to a master plan on property zoned PDP(RUR)/Planned Development Project (Rural) with a reduction in setbacks, in order to develop the site with approximately 149 one-acre, single-family home sites. The petitioner has indicated the revision is to revise the internal road layout. The previous approval was based on 166 lots.

SITE CHARACTERISTICS:

Site Size: 200 acres

Surrounding Zoning; Land Uses:

| | |
|--------|--|
| North: | AR2; Mobile Home, Undeveloped |
| South: | R-1C; Single Family Undeveloped |
| East: | AR2, AG; Single Family, Mobile Home, Undeveloped |
| West: | AR2, AG, CV; Single Family, Mobile Home, Conservation, Undeveloped |

Current Zoning: PDP(RUR)/Planned Development Project (Rural)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

On May 12, 2004, the Board of County Commissioners voted 4-0 denying the petitioner's request to rezone from AG/(Agricultural) to PDP(RUR)/Planned Development Project (Rural) for 166 Rural residential lots. Subsequent to that decision, an appeal to the Circuit Court determined that the decision by the Board of County Commissioners was not supported by competent substantial evidence in the record and was affirmed by the Fifth District Court of Appeal.

On March 9, 2005, the Board of County Commissioners voted 3-1 to approve the petitioner's request to rezone from AG/(Agricultural) to PDP(RUR)/Planned Development Project (Rural) subject to 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, including receiving development review for the proposed use.
2. The permitted uses approved are those consistent with the AR zoning district excluding the allowance for grazing livestock at the rate of one mature animal and offspring less than one year of age, per acre. Dimension and area regulations are approved per the AR zoning district.
3. A maximum of one (1) access point on Centralia Road is allowed.
4. The developer shall provide left and right turn lanes on Centralia Road.
5. The development shall be served by major local roadway(s) designed with traffic calming devices, as required by the County Engineer.
6. No interior lot driveways shall access Centralia Road.
7. The developer/builder/owner shall provide notice to future owners indicating the property is adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand.

Hydrologic

Features: The subject property contains no wetlands, Well Head Protection Areas (WHPA), or Special Protection Areas (SPA), according to County data resources.

Habitat: Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoises now qualify for reclassification from a species of special concern to threatened species status. 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, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

If onsite gopher tortoise mitigation is proposed the applicant should utilize the site adjacent to the existing Southwest Florida Water Management District (SWFWMD) property.

Other: The subject property is immediately adjacent to a SWFWMD owned parcel zoned (CV) Conservation. Natural ecosystems in Hernando County are commonly managed using frequent prescribed burns. Due to the use of this land management technique, staff would recommend the developer/builder/owner provide notification to any future property owners indicating the property is located adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.

SCHOOL BOARD 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 estimates the project has the potential to bring approximately 50 additional students to the three (3) schools. Currently the three (3) schools are at permanent capacity. Additional students would have to be accommodated by adding portable classrooms. The School Board notes it is pursuing property in the area for a future school site, therefore, the schools listed as current zones may change.

UTILITIES REVIEW:

The County Utilities Department has indicated that central water and sewer are not available to serve the subject property. If the rezoning request is approved, the proposed development will be served by individual well and septic tank. The LDRs allow the use of individual well and septic tank on lots at least one acre in size. If approved, the petitioner would have to meet the minimum lot size required by the County land development regulations.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is retaining the previously approved access points to Napier Road, Peaceful Road, Mocking Wren Lane, Centralia Road and a connection into Wood Haven Estates along the northwest corner of the development.

The County Engineer indicates that the petitioner must provide left and right turn lanes on Centralia Road. The County Engineer agrees that traffic calming devices (such as offsets, curves and roundabouts), as shown on the master plan, are needed to prevent speeding on the excessively long straightaways. The County Engineer has indicated that access will be limited to Centralia Road and Mocking Wren Lane at this time. Furthermore, Mocking Wren Lane must be improved from the project's entrance to Knuckey Road to County standards. If the request is approved, the petitioner must stub out and block all traffic from utilizing Napier Road, Peaceful Road, and the connection into Wood Haven Estates until such time those road are brought to County road standards.

The Transportation Planning Coordinator has indicated Centralia Road has capacity to accommodate the trips to be generated by the proposed development.

LAND USE REVIEW:

The petitioner is proposing minimum 43,000 (145'x 230') square foot lots. The County LDRs requires that the minimum lot size to be serviced by well and septic be 43,560 square feet (one acre). If approved, the petitioner must revise the master plan to accommodate minimum one (1) acre lots to allow for proper utilities.

Proposed Lot Setbacks:

Front: 50'
Rear: 35'
Sides: 10'

Proposed Minimum Perimeter Setbacks:

North: 35'
South: 50'

East: 35'

West: 35'

The petitioner is requesting a reduction in setbacks along Centralia Road from 75' to 50'. There was no justification provided for the reduction in setbacks along Centralia Road; therefore, the reduction is not justified.

For Single Family Planned Development Projects with lots one acre in size or greater, a minimum of 2.5 percent of the gross project site shall be retained in usable open space. Usable open space excludes drainage retention areas and required buffers. Conservation areas which allow passive use may be utilized in the usable open space calculation. The proposed development would require 5 acres at 2.5%. The petitioner has indicated in their narrative that they have allocated 7 to 9 acres of open space. To meet the 2.5% open space requirement, the petitioner would be required to submit a revised master plan with lots at a minimum of one (1) acre in size.

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. The plan as submitted does not accommodate the vegetative buffer.

The petitioner proposes a minimum 10' wide enhanced buffer with 80% opacity along the rear of perimeter lots. A 10' wide easement will be provided to ensure the buffer is protected. Natural preserved vegetation will be provided wherever possible.

The County's LDRs encourage Florida friendly design. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by single family residential, rural residential, agricultural and conservation uses and undeveloped parcels. Subdivisions characterized by rural residential development are located to the north, east and west of the subject property. These subdivisions are zoned AR-2, allowing single family dwellings and mobile homes. Royal Highlands, characterized by single family platted lots smaller than an acre, is located across Centralia Road from the subject property.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation,

churches and community centers. The 0.75 du/ac density proposed by the petitioner is consistent with the densities allowable per the adopted Comprehensive Plan.

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.

Comment: The 0.75 du/ac density proposed by the petitioner is consistent with the densities allowable per the adopted Comprehensive Plan.

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.

Comment: The subject property is located adjacent to Woodhaven Estates, Leisure Retreats and Leisure Acres, which are subdivisions consisting of lots zoned AR-2 with a minimum size of one acre. The density of the proposed development would be compatible with these surrounding subdivisions.

Policy 1.01S(10) Buffers shall be required between proposed development and conservation areas, with particular emphasis on minimizing noise impacts of development on wildlife species and communities which are intolerant of manmade noise.

Revision to a Master Plan on property zoned PDP(RUR)/Planned Development Project (Rural) is an appropriate use due to the subject site's compatibility with the adopted comprehensive plan.

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. PDP(RUR)/Planned Development Project (Rural) use is consistent with the Residential land use classification on the adopted Future Land Use Map.

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 that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the revision to a master plan on property zoned PDP(RUR)/Planned Development Project (Rural) with a reduction in setbacks with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 be served by major local roadway(s) designed with traffic calming devices, as required by the County Engineer. The petitioner shall construct traffic calming devices (such as offsets, curves, and roundabouts) in accordance with the requirements of the County Engineer
3. A maximum of one (1) access point shall be permitted on Centralia Road is allowed.
4. The developer shall provide left and right turn lanes on Centralia Road in accordance with County Design Guidelines.
5. Mocking Wren Lane shall be improved from the project's entrance to Knuckey Road to County standards.
6. The developer/builder/owner shall provide notice to future owners indicating the property is adjacent to conservation land and the property may be impacted by normal land management techniques including prescribed burns.

7. The minimum lot size shall be one (1) acre.
8. The perimeter setbacks shall be as follows:
North: 35'
South: 75'
East: 35'
West: 35'
9. The minimum internal lot setbacks
Front: 50'
Rear: 35'
Sides: 10'
10. A 10' enhanced buffer shall be required along east and west property boundaries as shown on the master plan. The buffer tract shall be separate from the lots.
11. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
12. 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.
13. The petitioner shall 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' feet in width.
14. The petitioner shall stub out and block all traffic from utilizing Napier Road, Peaceful Road, and the connection into Wood Haven Estates until such time those road are brought to County road standards.
15. If the County has not adopted a school concurrency ordinance by the time of development, the developer shall enter into a separate mitigation agreement with the School Board prior to development.
16. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.