

STAFF REPORT

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

APPLICANT: Moss Kenneth and Anne Nakaoka

FILE NUMBER: H-07-43

PURPOSE: Rezoning from AG/(Agricultural) to PDP(SF) Planned Development Project (Single Family)

GENERAL

LOCATION: Northwest corner of Exile Road and Seely Lane

LEGAL

DESCRIPTION: A portion of Section 19, Township 22 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 has submitted a request for a 26.5 acre parcel to be rezoned from AG/(Agricultural) to PDP(SF) Planned Development Project (Single Family) in order to develop the site with 8 one-acre lots and 26 half-acre lots (34 total lots).

The petitioner has indicated that the property is located in a Rural Land Use designation on the adopted Comprehensive Plan. However, the site is within the 1,320' residential transition zone. The subject site is bordered by Royal Highlands to the south and Woodland Waters to the north. In order to minimize the intensity of the proposed development, the petitioner has 8 one-acre lots along the west property line. The AG/(Agricultural) to the east is buffered from the remaining 26 half-acre lots by an existing wetland and drainage retention area.

A 7.31 acre jurisdictional wetland exists on site. The petitioner has indicated that the wetland jurisdictional line has been established, reviewed and approved by the Southwest Florida Water Management District. The petitioner proposes a 25' average buffer as indicated on the master plan.

SITE CHARACTERISTICS:

Site Size: 29.50 acres

Surrounding Zoning; Land Uses: North: PDP(SF); Woodland Water Phase 2
South: R-1C; Royal Highlands
East: AG, PDP(SF); Undeveloped
West: AG; Undeveloped, Mobile Homes

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Rural, within 1320' of the Residential land use classification

Flood Zone: C

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand and Tavares fine sand

Hydrologic

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

Comments: Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

Lots adjacent to the wetland/lake must maintain a drainage system upland of the wetland line in order to prevent direct stormwater runoff into the wetland and/or lake. A average 25' upland buffer is required between the drainage system and the wetland and/or lake and must be designated on all future plats and plans.

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.

Comments: According to County data resources a portion of the subject property is within the 100 year floodplain.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 8" water line is located along Woodland Waters Boulevard. There is an existing 10" sewer force main on the east property line of the subject parcel. The applicant proposes central water and individual septic tanks.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

SCHOOL BOARD REVIEW:

The Hernando County School Board indicates that the request would have minimal impact to the District as the project will generate less than 11 students.

ENGINEERING & TRANSPORTATION REVIEW:

The subject parcel proposes access onto two unpaved road, Mazette Road and Manetta Road. Godwit Avenue, an unpaved road, is a connecting road from Manetta Road to Mazette Road.

The County Engineer has reviewed the request and indicated that the petitioner will be responsible for improvements to Manetta Road, Mazette Road extending to Gyrafalcon Avenue and Godwit Avenue. All improvements must be to County road standards and must be coordinated with the County Engineer.

LAND USE REVIEW:

Single-family planned developments with lots smaller than one (1) acre in size must demonstrate that a minimum of 5% of the gross project site will be retained in usable open space. The plan indicates lots less than one (1) acre in size, and therefore requires a minimum of 5% open space. The petitioner is proposing utilizing the existing 7.31 acres of wetland as passive open space.

The petitioner as not indicated the minimum perimeter setbacks or the intended internal lot setbacks. If approved, the petitioner should maintain a minium 20' perimeter setback along the entire property's boundary line.

The petitioner has not indicated minimum internal building setbacks for the subject project. Due to the subject property's adjacency to property zoned R-1C, the lots should have setbacks consistent with that district.

Residential Building Setbacks:

Front: 25'

Side: 10'

Rear: 20'

COMPREHENSIVE PLAN REVIEW:

The area is characterized by single family development and undeveloped parcels. Royal Highlands, platted with a mixture of half-acre and one-acre lots, is located to the south of the subject property. Woodland Waters, containing lots with a minimum size of an acre, is located to the north of the subject property.

The subject property is located within a Rural land use classification on the adopted Future Land Use Map. The comprehensive plan indicates residential uses as established in the Residential land use category with performance conditions are allowed within 1,320' of the Residential classification. 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 1.28 units per acre which is within the range allowed by the comprehensive plan. The density of the proposed request is consistent with the surrounding land uses and would not adversely affect the surrounding areas.

Policy 1.01A(9) The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

Comment: The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

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: Low-density residential would be appropriate at this location and any approval should include appropriate performance conditions.

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

Comment: The proposed development is compatible with the surrounding area.

The request for a the rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) is appropriate, based on the following conclusion:

1. The proposed single family zoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

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 petitioner’s request to rezone from (AG)/Agricultural to PDP(SF)/Planned Development Project (Single Family), 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 developer shall delineate the portion of the wetland feature within the subject property on conceptual plat and construction plans, and abide by all state and federal wetland regulations. An average 25' buffer adjoining the wetland shall also be required and designated on all future plats and plans.
3. Minimum lot size approved is 0.5 acre.
4. Internal lot setbacks approved as follows:
Front: 25'
Side: 10'
Rear: 20'
5. The petitioner shall provide a minimum 20' perimeter buffer along the property's perimeter boundary line. Existing native vegetation shall be retained within the buffer.
6. 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.
7. The 100 year floodplain shall be delineated and shown on all site plans. All finished floor elevations shall be above the regulatory 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
8. Lots adjacent to the lake shall maintain a drainage system upland of the wetland line in order to prevent direct stormwater runoff into the wetland and/or lake.
9. The lake/wetland and associated buffer shall be designated as a conservation area on the final subdivision plat.
10. 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.