

## STAFF REPORT

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

**APPLICANT:** Legacy WDM

**FILE NUMBER:** H-07-45

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

### GENERAL

**LOCATION:** South side of San Antonio Road, north of North Road, approximately 600' west of Barclay Avenue

### LEGAL

**DESCRIPTION:** A portion of Section 10, Township 23 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

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### APPLICANT'S REQUEST:

The petitioner is requesting a revision to a master plan on property zoned PDP(SF)/Planned Development Project(Single Family) in order to develop five (5) single family lots, varying in size from 2.35 acres to 3.26 acres. The petitioner is proposing two (2) ponds totaling 2.25 acres connected by a stream and water fall amenity. A one acre portion of the two acre pond (Tract C) will be lined for permanent recreational use. The project will be a gated community and streets will be privately owned and maintained by the Homeowners Association.

### SITE CHARACTERISTICS:

**Site Size:** 20.0 acres

**Surrounding Zoning; Land Uses:** North: AR2; Single Family & Mobile Homes  
South: AR2; Undeveloped  
East: AG; Undeveloped  
West: PDP(SF); Sterling Hills

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

**Future Land Use Map Designation:** Residential

**Flood Zone:** C

**SITE CIRCUMSTANCES:**

On March 15, 2006, the Board of County Commissioner voted 5-0 approving the request to rezone from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family). The approval included 15 lots at a minimum of one (1) acre in size and access onto North Road and San Antonio Road. Due to the property's topography, the Board of County Commissioner also requested that a geotechnical study be conducted on the depressional area to determine that the affected lots were buildable.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand.

**Hydrologic**

**Features:** The subject property contains no wetlands or Special Protection Area (SPA), according to County data resources.

**Protection**

**Features:** The property contains a Class 2 Well Head Protection Areas (WHPA) according to County data resources.

**Habitat:**

Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoise now qualifies for reclassification from 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.

**Other:**

The subject property contains a large depressional area. This area will require a geotechnical study prior to any home construction in order to ensure affected lots are buildable.

**UTILITIES REVIEW:**

The Utility Department has indicated that central water and sewer capacity is available to serve the subject site. An 8" water line is located to the west of the parcel. An 8" sewer gravity line is located at Blythewood Drive and an additional 8" gravity line is located at Edgemere Drive within the Sterling Hill subdivision. The applicant is proposing that the lots be served by individual well and septic system.

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.

**ENGINEERING & TRANSPORTATION REVIEW:**

The proposed project shall be accessed by extending North Road. The petitioner has indicated that there will be no connection to San Antonio Road. The petitioner has further stated that the internal road will result in a dead end with a 75' radius cul-de-sac and will not exceed 600' feet in length.

The County Engineer has reviewed the request and indicated that the petitioner shall pave North Road to the project's entrance.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

**LAND USE REVIEW:**

The petitioner has proposed internal lot setbacks to be 20' feet on all sides except those lots that front the internal road, which will be 50' feet.

Proposed perimeter setbacks:

North:	50'; with a 20' restricted access and landscape buffer
South:	50'; with a 20' restricted access and landscape buffer
East:	35'
West:	20'

The proposed perimeter setback meets or exceeds those required for the PDP(SF)/Planned Development Project (Single Family) District.

The county LDRs require that projects with lots larger than one (1) acre provide 2.5% of usable open space, which exclude drainage retention areas (DRAs). The plan submitted provides 1.79 acres of usable open space exceeding the required 0.5 acres.

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within the Residential land use classification on the adopted Future Land Use Map. The residential land use category includes single family densities up to 5.4 units per acre. The proposed 0.25 du/ac density is consistent with the densities allowable per the adopted Comprehensive Plan.

**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 and with the surrounding area.

The revision to a master plan on property zoned PDP(SF)/Planned Development Project (Single Family) is an appropriate use due to the subject site 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. The rezoning would be compatible with the surrounding area 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 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(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. Perimeter Setbacks are approved as:  
North: 50'  
South: 50'  
East: 35'  
West: 20'
3. Access is approved as indicated on the master plan. No access shall be permitted to San Antonio Road.
4. The petitioner shall conduct a geotechnical survey to determine that affected lots are buildable prior to conditional plat approval.
5. The petitioner shall pave North Road to the project's entrance.

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 petitioner shall provide a 20' restricted access and landscape buffer along the north and south property lines.
8. 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.