

STAFF REPORT

Planning & Zoning Commission: November 13, 2006

Board of County Commissioners: December 13, 2006

APPLICANT: Regal Homes of Central Florida, Inc. **FILE NUMBER:** H-06-115

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

GENERAL

LOCATION: East side of Sparks Road, approximately 1285' north of County Line 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 correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: PDP(SF)

Undeveloped, Avalon

South: CPDP

Single family, mobile home, undeveloped

East: PDP(SF)

Avalon, SF, MH

West: PDP(SF)

Avalon

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 2.0 acre site from Agricultural (AG) to PDP(SF)/Planned Development Project (Single Family). The subject property is located on the east side of Sparks Road (an unimproved public roadway), approximately 1,285' north of County line Road

FACTUAL INFORMATION

1. The property is currently zoned Agricultural (AG).
2. The property comprises approximately 2.0 acre.
3. The site has a single family residence, manufactured homes and storage sheds.
4. The site appears to contain 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, Well Head Protection Areas (WHPA) or Special Protection Areas (SPA) 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 are adequate public facilities available to serve the subject property, with the exception of County Line Road which is operating at LOS D.
12. The area is characterized by commercial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone a 2.0 acre parcel from Agricultural (AG) to PDP(SF)/Planned Development Project (Single Family). The petitioner proposes developing the property with 3 single family lots.

The petitioner has indicted building perimeter setbacks for the subject site will be 10' from north property line, 10' from south property line, 20' from east property line, and 25' from Sparks Road. The petitioner indicated that a sidewalk shall be constructed along the east side of Sparks Road adjacent to the subject property. The petitioner is not proposing any interconnection into the private pods in Avalon.

The petitioner has indicated that the typical lot size would be 24,000 square feet (0.55 acres), 80' x 300' with minimum internal setbacks of front 25', side 7.5', and rear 20'. The minimum county LDRs for the proposed development would require .1 acres of open space to serve the development. The petitioner would be required to provide 5% of the site in usable open space if the project is approved.

Minimum lot sizes in Avalon along the west and north boundary are 90' x 140', with villa lots, 50' x 110', along the east. The proposed 80' x 300' lot sizes are consistent with the surrounding area.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 16-inch waterline on the north side of County Line Road approximately 1,300' south of the parcel. There is an existing 8-inch gravity sewer system on Oak Chase Boulevard approximately 2,600' south of the parcel. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for the parcel. Existing water and sewer upgrades may be required to supply the proposed development.

The county LDR's require that projects with lots smaller than one acre in size, a minimum of 5% of the gross project site shall be retained in usable open space. The plan submitted provides 2.5% of the gross area (.5 acres) of usable open space which would meet the requirement for the existing zoning; however, it does not meet the requirement for the revised proposal which would require one (1) acre of open space.

The County Engineer has indicated that development of the subject property is dependent upon Sparks Road being improved to county standards. Two additional projects have been approved adjacent to Sparks Road. As a condition of approval for these two projects, Sparks Road shall be improved per the County Engineer's specifications from County Line Road to the northern terminus of the subject property. Additionally the intersection of Sparks Road and County Line Road shall be improved pursuant to the County Engineer's specifications.

County Line Road is operating at Level of Service (LOS) D. No improvements are planned within the 5-year plan. There are capacity issues associated with the roadway. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of the conditional plat for commercial development. 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.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the 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 these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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

FINDINGS OF FACT

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

The area is characterized by single family homes, rural residential uses and undeveloped parcels. A large undeveloped AG parcel is located to the east and north. Single family development on minimum half-acre lots would be compatible with the surrounding 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 density proposed is within the range allowed by 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. Low-density residential would be appropriate at this location with adequate access.

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. The subject property is located adjacent to single family development characterized by half-acre and one-third acre lot sizes. The density of the proposed development would be compatible with the surrounding land uses.

The request to rezone 2.0 acres of AG to PDP(SF)\Planned Development Project for development of 3 lots is appropriate, with performance conditions, based on the following conclusions:

1. The proposed single family development is compatible with the surrounding single family uses.
2. The proposed rezoning 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 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 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 to rezone from AG to 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 minimum lot size approved is 80' x 300'.
3. Internal lot setbacks approved as follows:
Front: 25' Side: 7.5' Rear: 20'
4. Perimeter building setbacks: per the PDP rules
5. Development is subject to the completion of Sparks Road improvements.
6. Sidewalks shall be constructed along Sparks Road in conformity with the county Facility Design Guidelines.
7. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not concurrent regarding the transportation impacts, the project will have the option of utilizing the requirements for proportionate fair share mitigation of development impacts.
8. 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: