

STAFF REPORT

Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006

APPLICANT: Joseph Pastore **FILE NUMBER:** H-06-14

PURPOSE: Master Plan Revision to Include a Reduction in Lot Setbacks

GENERAL

LOCATION: Approximately 1,700' south of Elgin Boulevard, south of Sand Ridge Boulevard

LEGAL

DESCRIPTION: Sand Ridge Phase II, as per plat thereof recorded in Plat Book 37, Pages 13 - 15, of the Public Records of Hernando County, Florida in Section 9, Township 23 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF), CPDP
South: AG
East: PDP(SF)
West: AG, CPDP

Surrounding Land Uses

Sand Ridge
Undeveloped
Sterling Hills
Well fields, power lines

SUMMARY OF REQUEST

The petitioner requests a master plan revision for a reduction in lot setbacks. The subject property is located approximately 1,700' south of Elgin Boulevard, south of Sand Ridge Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 17.5 acres.
3. The site is under development as Sand Ridge Phase II, a single family residential subdivision.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Sand Ridge Boulevard, a private roadway.
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 contains a WHPA-1 and WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that the site is currently being served by central water and sewer.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family residential and utility uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision for the Sand Ridge Phase 2 single family residential subdivision. The petitioner proposes reducing the villa front lot setbacks along corner lots' second front lot lines from 20' to 15', and the rear lot setbacks from 15' to 10'. The subject property is currently under development. The final plat for Sand Ridge Phase 2 has been approved. A building permit has been issued for one lot.

In 2003, the BCC approved a master plan on the property, with internal lot setbacks of 20' front, 5' side and 15' rear. The typical internal lot setbacks for conventional single family zoning districts are as follows: 25' front, 10' side and 15' rear. The petitioner indicates in the narrative that the proposed setbacks will not be detrimental to the public's safety and welfare, because the roadways are privately owned and maintained and have been built with curbs, gutters and sidewalks, thereby maintaining a division of vehicular and pedestrian areas. The petitioner indicates the proposed setbacks are consistent with Spring Hill residential lots where the old deed restrictions cover such setbacks. The petitioner indicates the existing setbacks do not provide sufficient area on the lots to

construct the typical villa homes designed for the development. The Planning staff is of the opinion the proposed 15' front setbacks on the corner lots will not be consistent with the 20' setbacks on the remainder of the block and the proposed 10' rear setbacks represent a 10' reduction from the standard single family internal lot setbacks and are excessive. The Planning staff is of the opinion the petitioner has not provided adequate justification for the request.

The Utilities Department has indicated that the site is currently being served by central water and sewer.

The subject property has access from Sand Ridge Boulevard, a private roadway. The County Engineer has no comments regarding the request.

The subject property lies within a Wellhead Protection Areas 1 and 2 (WHPA-1 and WHPA-2). The proposed land use with central services is allowable within these designations.

FINDINGS OF FACT

The area is characterized by single family residential and utility uses, and undeveloped parcels. The Sand Ridge Phase I single family residential subdivision is under development to the north. The Sterling Hills single family residential subdivision is under development to the east. Power lines and a well field are located to the west. Undeveloped AG parcels are located to the south.

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.

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 in an area zoned for single family residential development and characterized by single family residential development. The Planning staff is of the opinion the proposed setback reductions would allow the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

The Planning staff is of the opinion that the request for the reduced setbacks is not appropriate, based on the following conclusions:

1. Adequate justification has not been provided to warrant the reduction in setbacks.
2. The proposed lot setbacks are not consistent with the County's adopted Comprehensive Plan.

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 Concurrence. 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 # _____ denying the petitioner's request for a master plan revision to include a reduction in lot setbacks.

P&Z RECOMMENDATION:

The Planning and Zoning Commission made the following findings based on information provided at the hearing:

1. The proposed corner/front setback reduction would not be an encroachment into existing and future residential areas of incompatible uses that are destructive to the character and integrity of the residential environment.
2. The proposed corner/front setback reduction is consistent with the County's adopted Comprehensive Plan.

At the February 13, 2006 meeting, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include a reduction in minimum front lot setbacks along corner lots' second front lot lines from 20' to 15'.

The Planning staff recommends that if the BCC approves the master plan revision, the following three (3) conditions be added:

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. For corner lots, the minimum front setback along the lot line with the longest dimension is 15'.

3. All conditions of PD-476 (approved under file H-03-32) shall be in full force and effect with the exception of the modification to the condition regarding internal lot setbacks.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-80 approving the petitioner's request for a master plan revision to include a reduction in minimum front lot setbacks along corner lots' second front lot lines from 20' to 15'.

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. For corner lots, the minimum front setback along the lot line with the longest dimension is 15'.
3. All conditions of P.D.-476 (approved under file H-03-32) shall be in full force and effect with the exception of the modification to the condition regarding internal lot setbacks.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

**Facility & Support
Operations
8060 Mobley Road
Brooksville, FL 34601
Phone 352-797-7096**

Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

January 26, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

I reviewed the proposed rezoning requests that you forwarded to me for the February meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-05-77** the request from Hernando 100, LLC to rezone and develop a 110 acre site with 302 multi-family units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – East Side Elementary School
Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have a significant impact to the District with an increase of an additional 101 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$500,000 and 4.5 teachers at an estimated cost of \$225,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 101 additional students. This worksheet shows an estimated impact in excess of school taxes between \$909,765 and \$927,885.

In reference to **H-05-79**, the request from Lee K. Pedone to rezone and develop a 235 Ac site with 697 residential units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – East Side Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 233 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$875,000 and 10 teachers at an estimated cost of \$500,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 233 additional students. This worksheet shows an estimated impact in excess of school taxes between \$2,097,414 and \$2,139,234.

In reference to **H-06-09**, the request from Brooksville Properties, LLC to rezone 148.4 Ac and develop 272 multi-family homes and 258 single family homes, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Brooksville Elementary School
Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 177 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$700,000 and 8 teachers at an estimated cost of \$400,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 177 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,519,029 and \$1,622,829.

The request from Diamond Developing, LLC **H-06-13** to rezone and develop 20 Ac with 18 residential lots will be of minimal impact to the District with the addition of 6 students.

In response to **H-06-14**, the request for master plan approval from Joseph Pastore, it appears that residential units have previously been approved, and this request is for a reduction in lot setbacks; however, not enough information was provided to allow me to make that determination. If need be, I will make my comments at the public input portion of the meeting.

I hope this information will be helpful for the staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect that these proposed rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director