

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

APPLICANT: Thomas and Laura McLeod **FILE:** H-06-39
PURPOSE: Rezoning from AG (Agricultural) to PDP(RUR)/Planned Development Project(Rural) with AG uses

GENERAL

LOCATION: East side of Hancock Lake Road, north of Pasco County Line

LEGAL

DESCRIPTION: A portion of Section 31, Township 23 South, Range 20 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: Pasco
East: AG
West: AG

Surrounding Land Uses

Rural residential
AG
Undeveloped
Rural residential

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(RUR) with AG uses. The subject property is located on the east side of Hancock Lake Road, north of Pasco County Line.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises two 40 acre tracts for a total of approximately 80 acres.
3. The site contains a mobile home.
4. The site is wooded and contains majestic and specimen trees.

5. The subject property has access from Hancock Lake Road, an unimproved roadway.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Myakka fine sand, Pomello fine sand, Pompano fine sand, Sparr fine sand and Wauchula fine sand.
8. The property is located in a flood zones C and A.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by rural residential and agricultural uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AG to PDP(RURAL) with AG uses. The petitioner proposes developing the subject property with 14 homesites.

The Utilities Department has indicated that central water and sewer are not available to serve the subject site, due to its remote location. The closest utilities are located approximately 8 miles to the northwest at US 41 and Runway Drive.

The subject property comprises two-40 acre tracts for a total of 80 acres. Pursuant to the County's Land Development regulations, each 40 acre tract would be entitled to 7 parcels, with a minimum of 2.5 acres provided they can meet the LDRs. Without seeking a rezoning, 14 units would be allowed on the 80 acre subject property. Due to some wetland issues associated with the eastern 40 acres, the petitioner is proposing 4- 10 acre lots and wishes to transfer the remaining 3 parcels to the front 40 acre piece. The overall development proposed on the subject property is still 14 units; however, the configuration proposed deviates from the entitlement pursuant to the AG zoning.

The subject property has access to Hancock Lake Road, an unpaved roadway. County records indicate that Hancock Lake Road is county maintained; however, its current condition is essentially

a dirt trail. If the request is approved, the petitioner should be required to upgrade Hancock Lake Road to the project's access to meet minimum County standards.

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

The subject property contains a Class 2 wetland according to County data resources that connects to Lake Hancock. The wetlands shall be delineated and any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures. The east side of the property contains an area of flood zone A that corresponds with the wetlands and Lake Hancock. The best available data shall be used to determine 100 year flood elevations for the subject property. All roadways and finished floor elevations shall be constructed above this elevation.

The master plan submitted indicates 10 parcels on the western 40 acres fronting on Hancock Lake Road, and 4 parcels on the eastern 40 acres. Access to the eastern 4 parcels is not defined on the plan submitted. Each future lot must be served by an access tract. Design of the access tract shall be required to minimize impacts to the wetlands. A revised plan would have to be prepared if the request is approved demonstrating adequate access to all created parcels.

Pasco County has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by rural residential and agricultural uses, and undeveloped parcels. The property to the east and south is undeveloped. Rural residential uses are located to the north and west. The subject property is located within a rural land use classification on the adopted Future Land Use Map.

It is the staff's opinion that since the petitioner is proposing to transfer units from the eastern 40 acres to the western 40 acres fronting on Hancock Lake Road, a minimum 50' natural buffer should be required.

The staff is of the opinion that rezoning from AG to PDP(RURAL) with AG uses is appropriate based on the following conclusions:

1. Improvement of Hancock Lake Road to the subject properties access to meet county standards would provide adequate access to the site.
2. Maintaining a 50' natural buffer along Hancock Lake Road would enhance compatibility with the surrounding area.

3. 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(RURAL) with AG uses 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. A maximum of 14 lots are allowed.
3. The minimum lot size approved is 2.5 acres.
4. The permitted uses and dimension and area regulations applicable to the AG zoning district are approved.
5. The petitioner shall revise the plan to indicate access to each proposed tract and design the access in such a way that it minimizes impacts to the wetlands.
6. A 50' natural vegetative buffer shall be maintained along Hancock Lake Road.
7. Hancock Lake Road shall be improved to 18 feet of limerock, 4" thick to the project’s access.
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:

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

March 20, 2006

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 April P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-27** the request from BDC, LLC to Establish a Master Plan for a 10 acre site with 96 multi-family units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – J.D. Floyd Elementary School
Middle (6-8) – Powell 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 32 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 \$175,000 and 1.5 teachers at an estimated cost of \$75,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 32 additional students. This worksheet shows an estimated impact in excess of school taxes between \$283,968 and \$289,728.

In reference to **H-06-40** the request from Hampton Ridge Partners, LLC to rezone a 78.9 acre site with 128 single family lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton 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 43 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 \$175,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$386,013 and \$393,693.

In reference to **H-06-37** the request from J. Lewless Holdings, LLC to rezone a 79.6 acre site with 230 single family lots, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Eastside 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 77 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 \$350,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 77 additional students. This worksheet shows an estimated impact in excess of school taxes between \$687,729 and \$701,529.

In response to **H-06-42**, the request to rezone from GGW, LLC and BTM, LLC it appears that residential units are planned, however, not enough information was provided to allow me to comment. If need be, I will make my comments at the public input portion of the meeting.

It appears that the request from GCMB Properties, LLC **H-06-16** will have no student impact; however if children are allowed to reside in the proposed condominium units the impact will be as follows:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton 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 96 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 \$350,000 and 4 teachers at an estimated cost of \$200,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 96 additional students. This worksheet shows an estimated impact in excess of school taxes between \$851,904 and \$869,184.

H-06-31, H-06-32, H-06-36 and H-06-39 will have minimal impact to the Hernando County School District as each of these will generate less than 10 students.

The request from Levitt Homes, LLC **H-06-41** will have no student impact to the Hernando County School District.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director