

STAFF REPORT

Planning & Zoning Commission: August 14, 2006
Board of County Commissioners: September 13, 2006

APPLICANT: Janis Tucker Moore **FILE NUMBER:** H-06-80

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

GENERAL

LOCATION: North side of Centralia Road, approximately 2200' east of US 19

LEGAL

DESCRIPTION: A portion of Section 31, Township 21 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

North: CV
South: R-1C
East: CV
West: AG

Surrounding Land Uses

Conservation
Single Family
Conservation
Undeveloped

SUMMARY OF REQUEST.

The petitioner has submitted a request to rezone this approximately acre site from Agricultural (AG) to PDP(SF)/Planned Development Project(Single Family).

FACTUAL INFORMATION

1. The property is currently zoned AG (Agricultural).
2. The property comprises approximately 10.0 acres.
3. The property is undeveloped.
4. The site is wooded but does not appear to contain majestic and specimen trees.

5. The subject property has access from Centralia 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 are Myakka Fine Sand, Basinger Fine Sand, Candler Fine Sand and Hydrolic Soils. 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 within the Flood area A and C.
9. The subject property does not contain a Special Protection Area or Wellhead Protection Areas, but does contain wetlands according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are not available to serve the property.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area includes undeveloped, conservation and single family homes.
13. The petitioner has not requested any deviations from the County's land development regulations (LDRs); however are requesting a waiver of Board of County Commissioners policy requiring two functional access points into the project.

STAFF DISCUSSION

The petitioner has requested a rezoning of the subject property from Agricultural (AG) to PDP(SF) in order to develop an approximate 10 acre site into 6 homesites. As zoned, the land development regulations (LDRs) would allow creation of 4-2.5 acre lots without the need for zoning approval.

The lots are proposed at a minimum of one acre in size. The petitioner has proposed internal lot setbacks to be 25' front, 10' side and 15' rear, with a 25' perimeter setback.

The master plan shows one access from Centralia Road into the property. On either side of the entry road, there is a drainage retention area/open space tract. The plan indicates tract C, a conservation/wetland along the western boundary of the property. The plan shows .25 acres of open space, and .84 acre of drainage retention area and open space, and 1.63 acres of conservation/wetland. The county's LDRs require a minimum of .25 acres of usable open space for this project.

The petitioner is requesting relief from the Board of County Commissioner's policy requiring two functional access points into the project. The policy allows deviations after consideration of location of emergency services, travel distances for residents to entrances, alternative access points for travel outside of the development, availability of an emergency access, existing surrounding development pattern, entrance design and future connections. Due to the conservation land use north and east, and wetland along the west, interconnection into the surrounding properties does not provide any alternative access out of the development. All of the lots are served by the cul-de-sac which is only 460' in length; consequently the travel distance out of the development for future residents is limited. The County Engineer has reviewed the request and indicated that due to the limited number of units, a boulevard style entrance would provide adequate access to serve the project. The planning staff concurs.

According to county data resources subject property shows soils that are indicative of Gopher Tortoises, a protected listed species of special concern. Property also exhibits signs of wetlands along west property line. This property is bordered on east, north and west by the Annutalega Hammock Wildlife Preserve.

The Hernando County School district has indicated that the subject request would have no significant impact as it will generate less than 3 students.

The petitioner is proposing to serve the subject property with well and septic.

FINDINGS OF FACT

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 petitioner proposes .6 dwelling units per acre which is within the range allowed by the adopted Comprehensive Plan.

It is appropriate to rezone the subject property from AG to PDP(SF)/Planned Development Project(Single Family), based on the following conclusions:

1. Rezoning to PDP(SF) is inconsistent 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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone the property from Agricultural (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 one acre.
3. Internal lot setbacks:
front: 25'
side: 10'
rear: 15'
4. Perimeter setbacks:
from north and east: 25'
from Centralia: 75'
5. The access to Centralia Road shall be designed as a boulevard style entrance.
6. Tract 6 as indicated on the plan shall be designated Special Use for a conservation area.
7. Drainage retention areas along Centralia are approved as part of the buffering plan.

PLANNING AND ZONING COMMISSION RECOMMENDATION: