

STAFF REPORT

Planning & Zoning Commission: December 11, 2006

Local Planning Agency: January 10, 2007

Board of County Commissioners: January 10, 2007

APPLICANT: Florida Fine Homes, LLC **FILE NUMBER:** CPAM-07-04
PURPOSE: Comprehensive Plan Amendment to amend the Future Land Use Element by adding an objective and policies to create Rural In-fill Overlay
GENERAL LOCATION: Countywide
LEGAL DESCRIPTION: Countywide
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:

The applicant, Florida Fine Homes, LLC, has submitted a comprehensive plan amendment to add additional policies to Objective 1.01 B (Rural Land Use Regulation and Density Standards) for the purpose of allowing in-fill developments in the Rural Category when adjacent to existing subdivisions at densities greater than allowed in the Rural Category. The applicant’s narrative indicates that the proposed policy will provide an in-fill mechanism by which parcels of property no greater than 40 acres and adjacent to subdivisions containing acre lots or less can be developed with densities no greater than the adjacent subdivisions. The applicant has indicated that the intent of the proposed policy is to lower infrastructure costs while allowing infill in already platted areas of the County.

The applicant’s narrative has indicated that eight parcels have been identified in the County that will meet the criteria for in-fill as proposed by the applicant. The narrative further indicates that the premise of proposing the rural in-fill overlay district is that in-fill on these types of parcels is preferable to large lot rural sprawl. Further, by providing property owners with another option, that being in-fill, infrastructure costs can be lowered and rural sprawl can be reduced. According to the applicant, the addition of the proposed policy on rural in-fill allows for development at greater densities within rural portions of the County, but requires that such development be bordered on two sides by lots of the same size or smaller.

The applicant has indicated that the proposed policy is consistent with the State Comprehensive Plan Goal (16) Land Use. Specifically, the applicant indicates the proposed policy is consistent with the State policy which states: “(1) Promote state programs, investments, and development and

redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.” The applicant states that development would only be approved where appropriate infrastructure is available. It is implied that development under the proposed policy would be “efficient development.”

The applicant has also indicated that the proposed policy is consistent with State Comprehensive Plan Goal (18) Public Facilities. Specifically, the applicant indicates the proposed policy is consistent with State policy which states: “(1) Provide incentives for developing land in a way that maximizes the use of existing public facilities.” Allowing infill development on parcels adjacent to existing development served by infrastructure may help to maximize the use of existing public facilities.

The applicant also cites Withlacoochee Regional Planning Council’s Strategic Regional Policy Plan policies, specifically, Policy 2.11.5, which address adverse impacts on regionally significant resources and facilities, and Policy 4.1.1, which deals with adequate water supplies to new development. By requiring adequate infrastructure for developments allowed under the proposed policy, a level of consistency with these policies of the Strategic Regional Policy Plan is achieved.

This proposal is similar to one that was submitted in late 2004 as CPAM 05-04. At that time the Planning Staff reviewed the concept, revised the policy language and recommended its inclusion in the Comprehensive Plan as an exception in the Rural Future Land Use Category. On January 12, 2005, the BCC voted 5-0 to not transmit the then proposed amendment to DCA for a review. Part of the reasoning for rejecting the exception at that time was that there would not be individual oversight on each particular parcel that sought to use the exception to increase the density in the Rural area.

This application addresses the concern raised by the BCC about oversight by requiring that the application of the proposed policy to an individual parcel would require that a Rural In-fill Overlay designation be placed on the Future Land Use Map, which would require that a comprehensive plan amendment be sought for each instance the proposed policy would be applied. This method would allow the County to review each application on its merits and allow the affected public to provide input using the comprehensive plan amendment process of two public hearings and DCA oversight of the amendment.

The applicant is also proposing policies that develop criteria to determine density level. These criteria are similar to those proposed for the Rural Cluster Overlay District designation that was part of the original Stardust 184 comprehensive plan amendment (CPAM 06-03 and 06-04). That concept was reviewed by the Department of Community Affairs and rejected as being too vague. Therefore, the Planning Staff has modified the proposed policies and is suggesting that the policies that were previously recommended in the CPAM 05-04 amendment be used. In addition, the Planning Staff recommends the inclusion of a policy to require that each application of the in-fill criteria be required to seek an amendment to the Future Land Use Map to create an overlay designation. This

is similar to what the BCC adopted on November 8, 2006 for the Stardust comprehensive plan amendment.

The proposed policies to be included in this amendment (CPAM 07-04) are as follows:

Policy 1.01B(16): Future Land Use Map amendments to create a Rural Infill Overlay designation for residential development of parcels in the Rural Category may be approved provided the following criteria are met:

- A. The parcel requesting the increase in density may be no greater than 40 acres in size and must have existed as of January 1, 1990.
- B. The parcel requesting the increase in density must be bordered on at least two sides by subdivisions containing lots one acre in size or less.
- C. Fifty percent of the lots described in B above, bordering the parcel must have been developed with residential structures.
- D. The density approved for the parcel requesting the increase in density may not exceed the density of the surrounding adjacent development.
- E. Adequate infrastructure must exist or be provided for the density being requested.
- F. The Development rules for development at the requested density must be met.

POLICY 1.01B(17): Properties to be considered for increased density shall be required to seek a “Rural Infill Overlay District” designation via amendment to the Future Land Use Map.

When a determination has been approved as part of a Rural Infill Overlay District, that information will be placed in Section D: Future Land Use Map Mapping Criteria & Land Uses Allowed and will be referenced by the Comprehensive Plan Amendment (CPAM) number assigned to the case. Additional criteria may be added to further define approved conditions. This information will be used in the determination of a zoning approval on the parcel.

POLICY 1.01B(18): Properties under consideration for the Rural Infill Overlay District designation shall have or create access to a paved, county-maintained roadway. All roads within the clustered portions of the project shall be paved to County standards.

Policy 1.01B(3) of the Hernando County Plan states: “The range of residential density allowed within the Rural Land Use Category will maintain an orderly progression of intensity from developed areas.” By allowing the proposed policy exception, as revised by the Planning Staff, this

infill mechanism is consistent with the intent of Policy 1.01B(3) and does create an orderly progression of intensity from developed areas.

As previously stated, the applicant has indicated that there are only a limited number of parcels in the County that will qualify for the overlay designation, so its application will not be widespread and will not result in a significant increase in the number of potential dwelling units. The Planning Staff did an extensive review of the applicability of the concept when it was proposed in CPAM 05-04 and found the results to be consistent with the applicant's contention. In addition, the requirement for a Future Land Use Map amendment to create a Rural Infill Overlay for each parcel seeking the designation will afford considerably more oversight of the implementation of the concept by both the Board of County Commissioners and the Staff.

STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning and Zoning Commission review and recommend approval to the Local Planning Agency and the Board of County Commissioners of the transmittal to the Department of Community Affairs of the proposed CPAM 07-04, consisting of the new policies 1.01B(16-18) as revised by Staff.

P & Z RECOMMENDATION:

LPA / BCC RECOMMENDATION:

P & Z RECOMMENDATION:

STAFF RECOMMENDATION: