

**STAFF REPORT**

Planning & Zoning Commission: August 11, 2003  
Board of County Commissioners: September 10, 2003

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**APPLICANT:** Trifoliata Development, Inc. **FILE NUMBER:** H-03-49

**PURPOSE:** Rezoning from AG (Agricultural) to PDP (SF)/(Single Family)

**GENERAL**

**LOCATION:** North side of Powell Road, east side of Suncoast Parkway

**LEGAL**

**DESCRIPTION:** A portion of Section 11, Township 23 South, Range 18 East, Hernando County, FL

**FILE STATUS:** All legal obligations have been completed.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2, PDP(REC), PDP(RR)  
South: C/PDP, PDP(MF), PDP(SF)  
East: AR-2  
West: PDP(REC), PDP(RR)

Surrounding Land Uses

Undeveloped  
SF, Undeveloped, DRA  
Undeveloped, DRA  
Suncoast Parkway, Silverthorn

**SUMMARY OF REQUEST**

The petitioner requests a rezoning from AG to PDP (SF) with a reduction in setbacks. The subject property is located on the north side of Powell Road and on the east side of the Suncoast Parkway.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 49 acres.
3. The site is currently undeveloped.
4. The subject property has access from Powell Road.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. 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.
7. The property is located in a flood zone C.
8. The subject property contains a WHPA-1 and a WHPA-2, but no wetlands or SPAs, according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by single family residential uses and undeveloped parcels.

**STAFF DISCUSSION**

The petitioner has submitted a request for a rezoning from AG to PDP(SF) for this approximately 49 acre parcel. The petitioner proposes developing the site with 165 SF villa lots. The lots are proposed to have a minimum size of 7,200 square feet and lot dimensions of 60' x 120'.

The petitioner proposes 25' perimeter setbacks. The Planning staff does not object to the proposed perimeter setbacks.

The petitioner proposes lot setbacks of 20' front, 5' side and 15' rear, which are less than the typical SF requirement. The county's LDRs would allow flexibility in the development standards if it is part of a unique development concept. The Planning staff does not object to the proposed lot setbacks as the site is proposed to be developed uniformly with SF villa lots.

The staff does not object to a villa lot concept development; however, we believe the petitioner should be required to provide open space for the project. The plan submitted indicates a green space/recreational area of approximately an acre in size in the southwest quarter of the parcel. The Planning staff is of the opinion that if the request is approved, the petitioner should provide a minimum of two acres of open space area for recreation purposes.

The petitioner indicates central water and sewer will be provided by the County Utilities Department. The Utilities Department has indicated that central water and sewer are available to

serve the subject site. If the request is approved, the development will be required to be served by central water and sewer service.

The County Engineer has reviewed the plan submitted and has concerns about the proposed roadways as designed meeting the County roadway design guidelines; if the request is approved, the roadways will be required to meet County design guidelines. Sidewalks are not indicated on the plan provided. If the request is approved, sidewalks must be provided as per the County LDRs. The plan indicates the subject property will have one access point on Powell Road. The access point appears to line up with Spring Park Way, the access into Springwood Estates. The County Engineer has indicated if the request is approved, the access point on Powell Road shall line up with Spring Park Way and improvements on Powell Road made as required by the County Engineer. To the east of the subject property are three unimproved County roadways. The County Engineer requests the developer provide at least one access to the east.

Powell Road is indicated in the Comprehensive Plan to be a four-lane divided roadway. Powell Road is currently a two lane undivided roadway. Since the applicant is not required to provide a traffic study at this stage of the development process detailing the project's impacts on Powell Road and, anticipating the need for expansion of the roadway, Staff is of the opinion that if the request is approved, the petitioner should be required to accommodate ROW needs along Powell Road at conditional plat submittal.

The Hernando County School Board has indicated that elementary school students will be allocated to Moton Elementary School, middle school students to Powell Middle School and high school students to Central High School. The School Board indicates that all three schools are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses or may require rezoning if campuses can not accommodate additional portables. The School Board estimates the proposal would add approximately 50 students to the school district

The subject property contains a WHPA-1 and WHPA-2 according to County data resources. The proposed use with central services is allowed within this designation.

The Florida Turnpike Enterprise has indicated it has concerns about potential noise impacts from the Suncoast Parkway on the proposed residential development. The Turnpike Enterprise notes that although it recently invested \$1.3 million to provide an earthen berm and enhanced landscaping for the Silverthorn development on the west side of the Suncoast Parkway, it will be the developers' responsibility in the future to install the visual buffers. The Turnpike Enterprise notes that the Hernando County MPO and the Chairman's Coordinating Committee passed resolutions supporting the application of the Suncoast Parkway as a National Scenic Highway. The Turnpike Enterprise recommends the developer provide structural safeguards against noise instruction such as noise abatement walls and/or earthen berms with landscape buffering within the proposed 25' setback. The Turnpike Enterprise recommends the developer construct the buffer prior to construction so the construction site is not an eyesore or visual hazard to users of the Suncoast Trail and Parkway.

Although the County LDRs do not require residential PDPs to provide a buffer, Staff recommends that if the request is approved, the petitioner be required to provide a noise abatement wall or earthen berm with a vegetated buffer within the 25' setback along the west lot line.

Since the site is suitable for gopher tortoise habitat, a preliminary floral and faunal (plant and wildlife) survey should be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

The City of Brooksville has indicated it has no objections to the request.

### **FINDINGS OF FACT**

The area is characterized by single family residential uses and undeveloped parcels. The Silverthorn subdivision is located on the west side of the Suncoast Parkway. Springwood Estates is located south of the subject property, on the other side of Powell Road. The Oakwood Acres subdivision is located north of the subject property. The Oakwood Estates lots located along the site's north lot line have a minimum size of an acre. To the east of the subject property is the undeveloped Brooksville Terrace subdivision.

The subject property is located within the residential land use category on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities. The staff does not object to the petitioner's proposal of 165 SF units on 49 acres, at a density of 3.37 du/ac.

Policy 1.01A(9) indicates the LDRs shall establish a Planned Developed Plan (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, open space, public facilities, innovative planning design or other appropriate public benefits. The Planning staff is of the opinion that if the request is approved, the petitioner should provide a minimum of two acres of open space for the proposed SF residential uses.

The staff would not object to rezoning the site to PDP(SF). It is the staff's opinion that rezoning to PDP(SF) with performance standards is consistent with the residential land use classification and would be compatible with the residential land uses in the area.

**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, which may include review by the Development Review Committee (DRC).**

**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) 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, including review of the proposed use through the DRC process.
2. The petitioner shall comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The developer shall provide a noise abatement wall or earthen berm with a vegetated buffer within the 25' setback along the west lot line.
4. The petitioner shall provide the necessary ROW for expansion of Powell Road as anticipated by the Comprehensive Plan and project traffic.
5. The petitioner shall provide a minimum of one access to the east, aligned with an existing platted roadway.
6. The petitioner shall provide improvements at the Powell Road access as required by the County Engineer.
7. The Powell Road entrance shall be located at the Powell Road/Spring Park Way intersection.

8. Minimum internal setbacks are approved as follows:  
    Front: 20'  
    Side: 5'  
    Rear: 15'
9. Minimum external setback is approved at 25'.
10. 165 is the maximum number of lots approved.
11. The minimum lot size shall be 7,200 square feet.
12. The petitioner shall provide a minimum of two acres of open space.
13. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.

**P&Z RECOMMENDATION:**

On August 11, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AG to PDP (SF) with the following modified 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, including review of the proposed use through the DRC process.
2. The petitioner shall comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The developer shall provide a noise abatement wall or earthen berm with a vegetated buffer within the 25' setback along the west lot line.
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11. The minimum lot size shall be 7,200 square feet.
12. The petitioner shall provide a minimum of two acres of open space.
13. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.
14. The petitioner shall provide a 25' landscaped buffer along the north lot line (10' landscaped buffer adjacent to any DRAs) with fill-in landscaping as needed.

**BCC ACTION:**

On September 10, 2003, the Board of County Commissioners voted 3-2 to adopt Resolution # 2003-251 approving the petitioner's request to rezone from AG to PDP (SF) 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, including review of the proposed use through the DRC process.
2. The petitioner shall comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
3. The developer shall provide a noise abatement wall or earthen berm with a vegetated buffer within the 25' setback along the west lot line.
4. The petitioner shall provide the necessary ROW for expansion of Powell Road as anticipated by the Comprehensive Plan and project traffic.
5. The petitioner shall provide a minimum of one access to the east, aligned with an existing platted roadway.

6. The petitioner shall provide improvements at the Powell Road access as required by the County Engineer.
7. The Powell Road entrance shall be located at the Powell Road/Spring Park Way intersection.
8. Minimum internal setbacks are approved as follows:  
Front: 20' Side: 5' Rear: 15'
9. Minimum external setback is approved at 25'.
10. 165 is the maximum number of lots approved.
11. The minimum lot size shall be 7,200 square feet.
12. The petitioner shall provide a minimum of two acres of open space.
13. The petitioner shall submit a revised site plan within 30 days of BCC approval indicating the zoning conditions or the rezoning shall be null and void.
14. The petitioner shall provide a 25' landscaped buffer along the north lot line (10' landscaped buffer adjacent to any DRAs) with fill-in landscaping as needed.

**NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON 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.**