

**STAFF REPORT**

Planning & Zoning Commission: September 12, 2005

Board of County Commissioners: October 12, 2005

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**APPLICANT:** Alvin R. Mazourek **FILE NUMBER:** H-05-84

**PURPOSE:** Rezoning from AG to CPDP(MF) and (OP) with C-1 Uses/Combined Planned Development Project (Multifamily) and (Office Professional) with General Commercial Uses; and a reduction in setbacks

**GENERAL**

**LOCATION:** North side of County Line Road, east side of Farnsworth Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 32, Township 23 South, Range 18 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 6

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(SF)  
South: Pasco County  
East: AG, R-1C  
West: AG

Surrounding Land Uses

Wellington Residential Subdivision  
Pasco County  
Undeveloped  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to CPDP(MF) and (OP) with specific C-1 uses. The subject property is located on the north side of County Line Road and the east side of Farnsworth Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 33 acres.
3. The site contains a single family home, but is predominately undeveloped.

4. The does not appear to contain majestic or specimen trees.
5. The subject property has access from County Line Road and Farnsworth Boulevard.
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 does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water is available to serve the project. There is an existing sewer pump station located north of the center of this property in the Wellington Subdivision. To connect to this pump station will require the developer to obtain a utility easement from the Wellington subdivision. Also, depending on the proposed flows for the project, the existing pump station may be required to be upgraded at the expense of the developer to handle additional flows.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is characterized by a mixture of uses including residential; rural residential and commercial.
13. The petitioner has requested a reduction in setbacks along County Line Road from 125' to 75'.

**STAFF DISCUSSION**

The petitioner has submitted a request to rezone this approximately 33 acre site from Agricultural to a Planned Development Project. The petitioner is proposing to develop the site with a mixture of multifamily, and office professional uses with additional general commercial uses. The requested general commercial component includes the following from the list of C-1 uses: convenience goods stores; personal service establishments; domestic and business service establishments; domestic and business repair establishments; gasoline service stations; dry cleaning establishments; antique stores; veterinary clinics with air conditioned, sound-attenuated runs; light domestic rental establishments; secondhand stores; and nursing care homes.

The overall concept of the development proposes creation of 9 lots from the subject property. The eastern portion of the site is proposed for development with multifamily uses, the western portion with the Office Professional/ C-1 uses. The plan depicts 3 access points to County Line Road, one into the MF portion of the project, one into the Office/Commercial in the middle of the site, and a right-in right out into the Office/Commercial. Two access points are proposed to Farnsworth, one midway in the project along County Line Road directly across from Alexson Road which exists in Pasco County, the northern access an extension of Quality Drive. The plan does not propose extension of the reverse frontage road along the MF portion until such time as demonstration of need and demand is determined by Hernando County. It is the staff's position that the roadway should be constructed to the eastern boundary concurrently with development of the site.

The multifamily component of the project proposes 145 units on 12.3 acres which results in a density of approximately 12 units per acre. The concept of the MF propose buildings with a maximum of three (3) stories, with two (2) stories located along the north bordering Quality Drive, across from the Wellington. The petitioner indicates the buildings will be 20' apart and units may either be rental or condominium. Public streets are not anticipated in the MF area. The petitioner proposes a 5' wide sidewalk between the multifamily and the business park area. A 35' building setback from the north frontage road is indicated. The 75' setback along County Line Road places future buildings within the area indicated as necessary for future right of way associated with County Line Road. The setback requested is a deviation to the County LDRs which require 125'. The requested deviation is being made because of the provision of the reverse frontage road. Staff would not support the reduction in setbacks along County Line Road which would ultimately allow buildings within the future right-of-way area.

The master plan submitted is conceptual in nature. The final design and development of the site will have to comply with the County's LDRs relating to MF development. The standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking etc. Additionally, County LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. If approved, the petitioner would be required to meet the applicable LDRs.

The commercial component of the request comprises approximately 17 acres which the petitioner indicates will be a business park. The business park essentially includes office professional uses, with some additional C-1 uses as enumerated in the introduction. Of the requested C-1 uses proposed, convenience goods stores with a limit to number of vehicle fueling stations; personal service establishments and nursing care homes are considered neighborhood commercial uses. The petitioner does not indicate any mix of OP to C-1 uses. Under the proposal if approved, all of the business park lots could be developed with the C-1 uses. The staff would not object to a mix of uses; however, we would recommend the additional C-1 uses only be allowed on the lots facing County Line Road. It is the staff's opinion that a small restaurant/deli with 40 or fewer seats would be complementary to the MF component of the request and would be a benefit to the business center.

Adding a limited restaurant/deli use can be accommodated under the advertising for this petition. Further, staff would recommend that no more than one gas station be allowed in the project.

There is a large DRA proposed between the majority of the MF project and the commercial portion. The petitioner is indicating 35' setback from Farnsworth and the Quality Drive extension; 75' from County Line Road, 10' from lot lines internal to the commercial, and 20' from the MF component. The petitioner is indicating that the business park project square footage would be approximately 120,000 square feet.

The Utilities Department has indicated that central water is available to serve the project. The Utilities Department further indicates that there is an existing sewer pump station located north of the center of this property in the Wellington Subdivision. To connect to this pump station will require the developer to obtain a utility easement from the Wellington subdivision. Also, depending on the proposed flows for the project, the existing pump station may be required to be upgraded at the expense of the developer to handle additional flows. The proposed development would be required to be served by central water and sewer services.

The Transportation Planning Coordinator indicates that the development approvals for previous developments along County Line Road have substantially reduced the capacity along the roadway. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The Hernando County School Board indicates that the request would generate approximately 48 additional students. Elementary school students would be assigned to Suncoast Elementary School, middle school students would be assigned to Powell Middle School, and high school students would be assigned to Springstead High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

Pasco County has indicated they have no objections to the proposed development.

### **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 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 allowed with performance conditions include multifamily housing up to 16 units 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, offices and professional, schools, hospitals and minor public facilities. The frontage road in this area is not yet fully functioning as there is a portion of Quality Drive which has not been constructed to Farnsworth.

The petitioner is proposing a MF project with a density of approximately 12 units per acre which is considered high density pursuant to the adopted comprehensive plan. Policy 1.01G(5) states that high density multifamily residential development in other than multi-use PDPs should be located in close proximity to commercial or employment centers. The proposed MF development is part of a mixed use PDP and is located proximate to a commercial area. Policy 1.01G(6) further indicates that multifamily development should not be located where access to the arterial or collector roadway system is through established single family neighborhoods. The subject property directly accesses County Line Road, classified as an arterial roadway, and a reverse frontage road, with no access through a residential neighborhood.

The petitioner is requesting an Office Professional PDP with limited C-1 uses. The adopted comprehensive plan would allow office professional and neighborhood commercial in the residential land use classification. With limitations as to the location of the additional C-1 uses, being restricted to the lots located along County Line Road, the staff would have no objections.

The staff is of the opinion that the proposed rezoning is appropriate with performance conditions, based on the following conclusions:

1. Approval of PDP(OP) with additional C-1 uses would not be inappropriate on the lots located along County Line Road.
2. Approval of PDP(MF) at the intensity proposed would not be inconsistent with the adopted comprehensive plan.
3. The transportation impacts resulting from rezoning the property to PDP(OP) with C-1 uses, and (MF) will require off-site transportation improvements to allow development to proceed, or development must wait until concurrency is available.
4. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.

**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(MF) and (OP) with C-1 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. C-1 uses are approved as follows: convenience goods stores; personal service establishments; domestic and business service establishments; domestic and business repair establishments; gasoline service stations limited; dry cleaning establishments; delicatessens and restaurants with a 40 or less seating capacity; antique stores; veterinary clinics with air conditioned, sound-attenuated runs; light domestic rental establishments; secondhand stores; and nursing care homes along the properties identified as lots 2-5. There shall be a limit of one facility which sells fuel on lots 2-5.
3. OP uses are approved on properties identified as lots 6-8 on the proposed master plan.
5. Minimum OP lot setbacks are as follows:

Front (County Line Road):	125'
Side and Rear (internal)	10'
Frontage Road & Farnsworth:	35'
6. Minimum MF setbacks:

Front (County Line Road):	125'
west boundary:	15'
east boundary:	20'
Frontage road:	35'
7. The petitioner shall provide a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity along the northern property line.
8. Pedestrian interconnection shall be required between the MF and business park property and Quality Drive and Farnsworth.
9. The frontage road shall be constructed at the time of development.
10. Construction on the subject property cannot commence until such time as Quality Drive is completed from Farnsworth to Mariner Boulevard.

11. MF buildings along the northern boundary shall be limited to 2 stories.
12. 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 Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner’s request to rezone from AG to PDP(MF) and (OP) with C-1 uses 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, and complete all applicable development review processes.
2. C-1 uses are approved as follows: convenience goods stores; personal service establishments; domestic and business service establishments; domestic and business repair establishments; gasoline service stations limited; dry cleaning establishments; delicatessens and restaurants with a 40 or less seating capacity; antique stores; veterinary clinics with air conditioned, sound-attenuated runs; light domestic rental establishments; secondhand stores; and nursing care homes along the properties identified as lots 2-5. There shall be a limit of one facility which sells fuel on lots 2-5.
3. OP uses are approved on properties identified as lots 1, 6-8 on the proposed master plan.
- 4.5- Minimum OP lot setbacks are as follows:

Front (County Line Road):	125'
Side and Rear (internal)	10'
Frontage Road & Farnsworth:	35'
- 5.6- Minimum MF setbacks:

Front (County Line Road):	125'
west boundary:	15'
east boundary:	20'
Frontage road:	35'
- 6.7- The petitioner shall provide a minimum 10' vegetated buffer with a wall or fence providing a minimum 80% opacity along the northern property line.

- ~~7.8.~~ Pedestrian interconnection shall be required between the MF and business park property and Quality Drive and Farnsworth.
- ~~8.9.~~ The frontage road shall be constructed at the time of development.
- ~~9.10.~~ Construction on the subject property cannot commence until such time as Quality Drive is completed from Farnsworth to Mariner Boulevard
- ~~10.11.~~ MF buildings along the northern boundary shall be limited to 2 stories.
- ~~11.12.~~ 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.
- 12. Farnsworth Boulevard shall be open and functioning prior to construction beginning on the subject property. (Staff has no objection to P&Z's modification).

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to deny the petitioner's request to rezone from AG to PDP(MF) and (OP) with C-1 uses.

*The School Board of Hernando County, Florida*

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Brooksville, FL 34601  
352-797-7000

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*Robert Wiggins*  
**Vice Chairperson**  
*Jim Malcolm*  
**Members**  
John Druzbeck  
Pat Fagan  
Sandra Nicholson

August 16, 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. My comments are listed below for consideration during the staff's review.

In reference to **H-05-83**, the request from Q2 Brooksville 191, LLC to rezone and develop a 191 acre site with 400 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 add an additional 133 students to the District. 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 \$210,000 and 6 teachers at an estimated cost of \$300,000. 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 133 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,176,711 and \$1,217,631.

In reference to **H-05-84**, the request from Alvin R. Mazourek to rezone 33 Ac and develop 145 multi family homes, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Suncoast Elementary School  
Middle (6-8) – Powell Middle School  
High (9-12) – Springstead High School

This rezoning request is expected to add an additional 48 students to the District. 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 48 additional students. This worksheet shows an estimated impact in excess of school taxes between \$421,847 and \$436,681.

In reference to **H-05-86**, the request from Tri County Development, Inc to rezone and develop 80.88 acres with 135 single family homes, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Spring Hill Elementary School  
Middle (6-8) – West Hernando Middle School  
High (9-12) – Central High School

This rezoning request is expected to add an additional 45 students to the District. 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 45 additional students. This worksheet shows an estimated impact in excess of school taxes between \$399,634 and \$413,444.

In reference to **H-05-88**, the request from Emerson Oaks, LLC to rezone and develop a 23.45 acre site with 248 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Moton Elementary School  
Middle (6-8) – DS Parrott Middle School  
High (9-12) –Hernando High School

This rezoning request is expected to add an additional 83 students to the District. 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 \$140,000 and 3.5 teachers at an estimated cost of \$175,000. 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 83 additional students. This worksheet shows an estimated impact in excess of school taxes between \$741,531 and \$766,901.

In reference to **H-05-90**, the request from Todd A. Mooney to rezone and develop a 44.96 acre site with 124 single family town-homes, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Spring Hill Elementary School  
Middle (6-8) – West Hernando Middle School  
High (9-12) –Central High School

This rezoning request is expected to add an additional 41 students to the District. 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 41 additional students. This worksheet shows an estimated impact in excess of school taxes between \$359,682 and \$372,367.

In reference to **H-05-91**, the request from Terry A. Whaley, Sr. to rezone and develop a 35 acre site with 490 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Moton Elementary School

Middle (6-8) – DS Parrott Middle School

High (9-12) –Hernando High School

This rezoning request is expected to add an additional 163 students to the District. 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 \$260,000 and 7 teachers at an estimated cost of \$350,000. 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 163 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,443,134 and \$1,493,261.

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