

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005
Board of County Commissioners: December 14, 2005
Board of County Commissioners: January 11, 2006

APPLICANT: Tri County Development, Inc. **FILE NUMBER:** H-05-86

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

GENERAL

LOCATION: North of Fenian Drive, south of Highgrove Road, approximately 1,600' north of Elgin Boulevard, east of Killian Street, approximately 1,500' east of Landover Boulevard

LEGAL

DESCRIPTION: A portion of Section 4, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 9 LETTER OF CONCERN: 1
PETITION IN FAVOR: 1 with 32 signatures
PETITION AGAINST: 1 with 24 signatures

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF), R-1C, AG
South: PDP(SF), PDP(PSF)
East: AG, AR-2
West: PDP(SF), AG

Surrounding Land Uses

Single family, undeveloped
SF, power lines, undeveloped
Single family, undeveloped
SF, power lines, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located north of Fenian Drive, south of Highgrove Road, approximately 1,600' north of Elgin Boulevard, east of Killian Street, approximately 1,500' east of Landover Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.

2. The property comprises approximately 80.88 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Fenian Drive, Highgrove Road and Killian Street.
6. The subject property is located within the 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 contains a WHPA-1, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property; however, the subject property is located on a section of Elgin Boulevard that has reduced capacity.
12. The area is characterized by single family residential and developing single family residential, rural residential, institutional uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the property from AG to PDP(SF) in order to develop the subject property with 135 single family lots. In 2004, the BCC denied a request to rezone the subject property from AG to PDP(SF). The 2004 master plan had proposed developing the site with 210 single family lots. The BCC found that the development at the intensity proposed would not be compatible with the surrounding neighborhood and existing infrastructure, the transportation impacts from the proposed development would adversely impact Fenian Drive and the proposed access to the subject property is not adequate to accommodate the proposed intensity of development.

The petitioner proposes developing the subject property with lots with a minimum lot size of 9,600 square feet and dimensions of 80' x 120'. The petitioner proposes lots with a minimum lot size of 20,000 square feet and dimensions of 125' x 160' along the south property line adjacent to Village Van Gogh. The subject property is divided by the Florida Power Corporation power line. The majority of the property is located to the north of Village Van Gogh, east of the power line. A small triangular portion of the project is located west of the power lines, and east of Spring Hill.

The petitioner proposes internal lot setbacks for the smaller lots as follows: 25' front, 7.5' side and 20' rear. The petitioner proposes internal lot setbacks for the larger lots located adjacent to Village Van Gogh as follows: 25' front, 10' side and 20' rear. The petitioner proposes 25' perimeter setbacks.

The petitioner proposes a 10' natural vegetated buffer behind the lots located along the south property line adjacent to the Village Van Gogh lots and behind the lots located along the western property line. The staff is of the opinion that if the request is approved, the petitioner should provide 10' vegetated buffers with 80% opacity behind the proposed lots along the west property line adjacent to Spring Hill and behind the proposed lots along the south property line adjacent to Village Van Gogh. The Planning staff is not opposed to the proposed vegetated buffers, but is of the opinion the buffers not be located on the single family lots but in a common area owned by the homeowners association.

The petitioner also proposes some DRAs along the perimeter. The staff considers the DRAs part of the project's buffering plan. When retention ponds are proposed as part of a buffering plan, any future relocation of the DRAs would require a master plan revision.

The petitioner proposes providing 10 acres of recreation/open space throughout the project. If the request is approved, the petitioner shall provide the 10 acres of recreation/open space in a configuration consistent with the County LDRs regarding usable open space. The proposed development will be required to provide sidewalks throughout the project, as the LDRs require single family developments containing quarter-acre or smaller lots to provide sidewalks.

The petitioner proposes access to Fenian Drive, Highgrove Road and Killian Street. The BCC has a policy of requiring a minimum of two (2) access points for single family developments. The subdivision regulations require that consideration be given to interconnect every 1,320'. The Planning staff is of the opinion the proposed access meets the BCC policy and the LDRs.

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 Transportation Planning Coordinator indicates that the development approvals for previous developments along Elgin Boulevard have substantially reduced the capacity along the roadway; Elgin Boulevard has no additional capacity west of the power lines. 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 petitioner indicates that the proposed interconnection between Fenian Drive and Highgrove Road will direct a portion of trips generated by both the residents of Village Van Gogh and the proposed development away from Elgin Boulevard north to Barclay Avenue via Highgrove Road. The Planning staff is of the opinion the proposed access will provide interconnection in the area. The Planning staff is of the opinion that if the request is approved, the roads shall remain public.

The plan provided indicates the petitioner proposes providing an asphalt overlay over the unpaved portion of Highgrove Road from the project entrance to the paved portion of Highgrove Road. The County Engineer indicates if the project is approved, the petitioner shall pave the roadway to County pavement standards. The County Engineer indicates that if the request is approved, the intersection with Highgrove Road should be redesigned as a T intersection. The plan shows an interconnection between the smaller triangular portion to the west of the power lines and the larger portion of the project to the east of the power lines. The County Engineer has indicated that if the request is approved, the petitioner shall provide this interconnection. The petitioner has not demonstrated he has authorization from Progress Energy to provide this interconnection.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. The Utilities Department indicates an 8" sewer force main is located on Elgin Boulevard, approximately 3,400' south of the project. In order to connect to County sewer service, the petitioner would be required to install approximately 3,400' of offsite sewer force main and an offsite sewer pump station at the developer's expense.

The Hernando County School Board indicates that elementary school students would be assigned to Spring Hill Elementary, middle school students would be assigned to West Hernando Middle School and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

According to County data resources a portion of the subject property lies within a WHPA-1 for a public supply well. The proposed land use with central sanitary services is allowable within this designation. In 2004, an environmental study for the subject property was submitted, confirming the presence of both gopher tortoise and Sherman's fox squirrel. These species are listed as a State Species of Special Concern and any disturbance of their burrows or nest trees is regulated through specific Florida Fish and Wildlife Conservation Commission permitting.

FINDINGS OF FACT

The area is characterized by single family residential, rural residential and institutional uses and undeveloped parcels.

The subject property is located within a residential land use classification 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. The 1.67 du/ac gross density proposed by the petitioner could be allowed with the appropriate land use approvals pursuant to the adopted Comprehensive Plan.

The property located to the east in the Hernando Highlands subdivision is zoned AR and is designated as rural on the adopted future land use map. When the rural land use classification is located within 1320' of a residential land use classification, residential uses are allowed; however, the intensity levels are generally transitional in nature. The Planning staff is of the opinion the lower density proposed of approximately 1.67 du/ac is appropriate at this location.

Village Van Gogh to the south comprises platted residential lots which are approximately ½ acre in size. A portion of Spring Hill is located to the west with platted lots ranging in size from approximately ¼ acre to a acre. Hernando Highlands to the east is zoned AR-2 with lots ranging in size from 2.5 to 5 acres. There are several parcels to the north zoned Agriculturally.

Policy 1.01F (2) indicates low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the district most utilized for regulating future single family development.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located in an area with a mixture of single family lot sizes and agricultural residential properties. The area west of the subject site is characterized by smaller single family lots with the power line separating the smaller lots from the subject property. Immediately east of the subject property are larger rural/residential size lots which allow limited agricultural uses. It is the staff's opinion that developing the subject property with a subdivision proposing minimum 9,600 square foot lots with minimum 20,000 square foot lots located along the south property line adjacent to Village Van Gogh would not be incompatible with the area.

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

1. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the existing uses in the area 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 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, 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, and complete all applicable development review processes.
2. The minimum lot sizes are as follows:
9,600 square feet
20,000 square feet
3. Lots located along the south property line adjacent to Village Van Gogh shall have a minimum lot width of 120'.
4. The minimum internal setbacks 9600 square foot lots will be as follows:
Front: 25' Side: 7.5' Rear: 20'
5. The minimum internal setbacks for the 125' x 160' lots are as follows:
Front: 25' Side: 10' Rear: 20'
6. The minimum perimeter setbacks shall be 25'.
7. The development shall be served by central water and sewer.
8. The access points shall be provided as indicated on the plan.
9. The petitioner shall provide the minimum open space indicated on the master plan.
10. The petitioner shall provide 10' vegetated buffers with 80% opacity along lots on the west property line adjacent to Spring Hill lots, and along lots located on the south property line adjacent to Village Van Gogh. The buffers shall not be located on the single family lots but in a common area owned by the homeowners association.

11. The petitioner shall pave Highgrove Road to County pavement standards.
12. The intersection with Highgrove Road should be redesigned as a T intersection.
13. Killian Street which provides access to the portion of the project west of the power lines shall be extended across the power line to the eastern portion of the project.
14. The development's roads shall remain public.
15. 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 4-1 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, and complete all applicable development review processes.
2. The minimum lot sizes are as follows:
9,600 square feet
20,000 square feet
3. Lots located along the south property line adjacent to Village Van Gogh and along the east property line shall have a minimum lot width of 120' (Staff has no objections to P&Z modification)
4. The minimum internal setbacks 9600 square foot lots will be as follows:
Front: 25' Side: 7.5' Rear: 20'
5. The minimum internal setbacks for the 125' x 160' lots are as follows:
Front: 25' Side: 10' Rear: 20'
6. The minimum perimeter setbacks shall be 25'.
7. The development shall be served by central water and sewer.

8. The access points shall be provided as indicated on the plan.
9. The petitioner shall provide the minimum open space indicated on the master plan.
10. The petitioner shall provide 20' ± vegetated buffers with 80% opacity along lots on the west property line adjacent to Spring Hill lots, and along lots located on the south property line adjacent to Village Van Gogh and along the east property line. The buffers shall not be located on the single family lots but in a common area owned by the homeowners association. (Staff has no objections to P&Z modification)
11. The petitioner shall pave Highgrove Road to County pavement standards.
12. The intersection with Highgrove Road should be redesigned as a T intersection.
13. Killian Street which provides access to the portion of the project west of the power lines shall be extended across the power line to the eastern portion of the project.
14. The development's roads shall remain public.
15. 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.
16. The petitioner shall provide acceleration/deceleration lanes on Elgin Boulevard at Fenian Drive. (Staff does not object)
17. The petitioner shall provide an overlay of asphalt on Fenian Drive. (Staff does not object).
18. The petitioner shall allow the residents of Village Van Gogh to have access to the park on the subject property. (Staff does not object)
19. The petitioner shall provide sidewalks from Village Van Gogh to the park on the subject property. (Staff does not object)
20. Construction access shall be limited as much as possible to Highgrove Road. (Staff does not object)

BCC ACTION:

On October 12, 2005, the Board of County Commissioners voted 5-0 to postpone this petition until the December 14, 2005, BCC meeting at 9:00 a.m.

On December 14, 2005, the BCC voted 4-0 to postpone consideration of this petition until the January 11, 2006, BCC meeting at 9:00 a.m.

On January 11, 2006, the BCC acknowledged the petitioner's withdrawal of this petition.

The School Board of Hernando County, Florida

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Brooksville, FL 34601
352-797-7000

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Jim Malcolm
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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