

**STAFF REPORT**

Planning & Zoning Commission: February 14, 2005  
Board of County Commissioners: March 9, 2005

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**APPLICANT:** Hernando County School Board **FILE NUMBER:** H-05-02

**PURPOSE:** Public Service Facility Overlay District for a Public Educational Facility

**GENERAL**

**LOCATION:** South of Northcliffe Boulevard, south of Azora Road, west of Tillery Road

**LEGAL**

**DESCRIPTION:** Portions of Sections 12 and 13, Township 23 South, Range 17 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: 1

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: PDP(PSF), PDP(SF), PDP(MF)  
South: AG  
East: AG, PDP(PSF), PDPSF  
West: AG, PDP(PSF), PDP(SF)

SF, MF, well site, substation, undeveloped  
Undeveloped  
Multifamily, undeveloped  
SF, substation, well site, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a public service facility overlay district for a public educational facility. The subject property is located south of Northcliffe Boulevard, south of Azora Road, west of Tillery Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG and PDP(MF) and (SF).
2. The property comprises approximately 36 acres.
3. The site contains Progress Energy powerlines along the western boundary, otherwise, the site is undeveloped.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Northcliffe Boulevard, Azora Road and Tillery Road.
6. The subject property is located within residential and public facility land use classifications 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 this listed species of special concern is present, a Florida Fish and Wildlife Conservation Commission permit will be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA, 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.
12. The area is characterized by single family and multifamily residential and utility uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner has submitted a request for a public service facility overlay district for a public educational facility on 36 acres. The school site is proposed on 33 acres of AG-zoned property and an access drive is proposed on 3 acres of property zoned PDP(MF) and PDP(SF). The petitioner proposes developing the site with a two-story school building and recreational facilities. The school is proposed to serve 1,400 students. The school is proposed to house either kindergarten through eighth grade or middle school grades only. A school is not a permitted use on the site as it is currently zoned. The County's LDRs would allow the proposed use in a public service facility overlay district as a government use and structure. Criteria for reviewing a public service facility overlay district include, but are not limited to, compatibility with the nature of the surrounding area, conflict between the proposed use and nearby uses, and that approval would not adversely affect the public interest.

The proposed facilities include classrooms, cafeteria, playground and recreation facilities, bus loop and parking accommodations. The petitioner has entered into contracts to purchase the proposed site, contingent upon satisfaction of all conditions, including the proposed land use approval.

The petitioner has not requested any reductions in setbacks. The 33-acre school site is zoned AG. The 3 acre access strip is zoned PDP(MF). Development within a PSFOD must meet the dimension and area regulations of the underlying zoning district. The setbacks required for the AG zoning category are 75' front, 35' side and 50' rear. However, the LDRs indicate no building, structure or use within a public service facility overlay district shall be located closer than fifty (50) feet to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel. The 33-acre school site is adjacent to PDP(MF) lots on the north and east sides. The plan provided meets the setback requirements.

The petitioner would be required to comply with the County's landscaping regulations which address issues such as minimum buffers and internal landscaping. For purposes of applying the landscaping regulations, any type of project that is zoned and approved for commercial, industrial, institutional, multifamily, office professional, public service facility, recreational or their equivalent use is considered commercial. The plan submitted indicates 50' wide natural landscape buffers around the perimeter of the 33-acre school site, excluding the driveway. The Planning staff would not object to the proposed buffers provided there is a minimum of one tree per twenty-five feet around the perimeter of the site.

In order to minimize adverse impacts to the surrounding land uses, the Planning staff would recommend that if the request is approved, the petitioner should be required to provide a lighting plan during the development review process which would orient the lights away from the surrounding residential land uses to enhance compatibility.

The subject property is served by Northcliffe Boulevard, Azora Road and Tillery Road. The petitioner proposes to limit vehicular and bus access to Northcliffe Boulevard, a collector roadway. The portion of Northcliffe Boulevard in front of the subject property is scheduled to be widened to a four-lane divided roadway this year. The County Engineer has indicated that a light at the entrance on Northcliffe will be required prior to occupancy of the school. Existing access points at Azora Street and Keysville Avenue will be limited to right-in/right-out once Northcliffe is widened. The petitioner is proposing that the driveway to the school be constructed within the 100' wide Florida Power right-of-way easement which runs from Northcliffe along the western boundary of the site. The western 15-20' of the right-of-way is proposed to be an open space buffer supplemented with a viburnum hedge, followed by a 25' wide paved roadway, and then 50' of open area. The Planning staff is of the opinion the petitioner should be required to provide a minimum 15' wide vegetated buffer, a minimum of five feet in height and 80% opacity along the western side of the driveway access to Northcliffe Boulevard to shield the roadway from the adjacent residential lots. The petitioner's narrative does not propose a buffer to the east of the driveway access. The staff is of the opinion that scattered low growing trees should be installed within the 50' open space area to the

east of the driveway to buffer the multifamily units. The County Engineer indicates that dual left turn lanes may be required. The plan shows a sidewalk located along the eastern side of the access drive from Northcliffe Boulevard into the project.

The petitioner proposes secondary access from Tillery Road limited to emergency access and/or deliveries. The plan provided indicates vehicular access from Tillery Road; the petitioner has clarified full vehicular access to Tillery Road is not requested. The Planning staff is of the opinion that if the request is approved, the Tillery Road access should be limited to emergency and pedestrian access only. Further, it is the staff's opinion that the petitioner should be required to secure the access at Tillery so that parents do not drive their vehicles up to this entrance and drop their children off to walk into school. Additionally, it is the staff's opinion the petitioner should be required to enter into a joint effort with the County to provide sidewalks along Tillery Road to Landover Boulevard.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property lies within a WHPA-1 for a public supply well. The proposed use is allowable within this designation. The petitioner submitted a floral and faunal survey detailing the gopher tortoise density on-site. The petitioner should comply with FWC gopher tortoise permitting.

The subject property is a portion of an approximately 480 acre tract. The subject would have to obtain subdivision approval through the County prior to development.

### **FINDINGS OF FACT**

The area surrounding the subject property is largely residential in nature. Duplex multifamily units are located to the north and east. Single family units are located to the northwest. A well site and substation are located to the northwest. The subject property is a part of a larger undeveloped AG parcel that extends to the west and south.

The subject property is located within residential and public facility land use categories on the County's adopted Future Land Use Map. The proposed educational facility is considered a public facility which is an allowable use in any land use category provided the proposed use is consistent with the policies contained in the adopted Comprehensive Plan. The proposed use must also receive the appropriate land use approval.

Policy 1.01I(3) indicates that school siting decisions shall be consistent with the standards established in the Florida Statutes, which indicate that school boards shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans. The County's adopted Comprehensive Plan provides guidance regarding appropriate locations for school sites.

Policy 1.01(I)(4) requires that school siting approvals are consistent with appropriate service standards. These standards include an adequate capacity review to ensure the provision of water and sewer services, and the provision of adequate transportation infrastructure. The petitioner is proposing central water and sewer to serve the subject property. The County Utilities Department indicates water and sewer is available to serve a 1,400-student school. The Transportation Planning Coordinator indicates there is adequate transportation infrastructure to serve the site.

Policy 1.01I(7) provides locational criteria to be reviewed in determining the appropriateness of a proposed school site. The criteria include compatibility with existing and projected uses of adjacent properties and the site area of the proposed location providing sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses. The Planning staff is of the opinion that with the appropriate performance conditions, the subject property would not be incompatible with the area.

The locational criteria also requires adequate public services and facilities to support the public educational facility based on the Capital Improvement Program of the School Board and the County's Comprehensive Plan; the petitioner has asserted this criteria is met. The staff is in agreement with the petitioner's assertion.

The locational criteria requires the site have no significant environmental constraints that would preclude development of a public educational facility on the site, the location be well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements, no conflict with the County's Stormwater Management Plan and any watershed management plans adopted by the County if applicable. The County's generalized mapping indicates a WHPA 1 on the northern portion of the property. As defined under the Groundwater Protection Ordinance, the proposed use would not be prohibited within a WHPA 1.

The preliminary geotechnical investigation found 10 small diameter level 1 subsurface anomalies around the perimeter of the site and generally away from the building site. A review of state agency sinkhole databases found no reported sinkholes on or near the site. The report indicates that additional geotechnical exploration is warranted in pavement, stormwater management areas or where they may occur close to structure areas. Planning staff is of the opinion environmental conditions do not prohibit the development of the site with educational facilities.

The locational criteria require the site not be located in a velocity zone or a flood way, can accommodate the required parking and anticipated queuing of vehicles onsite and lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of the airport. The subject is located in flood zone C. The Planning staff is of the opinion that the site is large enough to accommodate properly designed parking and circulation features. The petitioner has noted the site lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The locational criteria requires there will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources. County data resources indicate no archaeological or historic sites are located on the subject property.

Policy 1.01I(9) indicates that educational facilities including an elementary school and middle school shall have direct access to at least a minor collector roadway. The subject property has access to Northcliffe Boulevard, which is a collector roadway.

Policy 1.01I(9) also indicates that outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties. The site plan indicates that outdoor recreational facilities are located a minimum of 50' from all property lines.

The staff is of the opinion that a public service facility overlay district for a public educational facility is appropriate, based on the following conclusions:

1. The proposed public service facility overlay district for a public educational facility, with appropriate performance conditions, would be compatible with the surrounding land uses.
2. The proposed public service facility overlay district for a public educational facility is consistent with the County's adopted comprehensive plan and is compatible with all performance conditions set forth 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 for a public service facility overlay district for a public educational facility, with the following performance conditions:

1. The petitioner must obtain all applicable permits from Hernando County for either construction or use of the property.
2. The petitioner shall be required to comply with the County's land development regulations and to secure review of the site plan through the development review process to ensure compliance with the LDRs.
3. During the development review process, the petitioner shall provide a lighting plan orienting lighting away from the adjacent residential properties.
4. An on-site traffic flow and management study shall be approved by the County Engineer prior to any construction.
5. The petitioner shall provide a traffic light at the access point on Northcliffe Boulevard prior to occupancy of the school.
6. Dual left turn lanes shall be required on Northcliffe Boulevard as determined by the County Engineer.
7. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
8. The minimum building setbacks from all property lines is 50'.
9. The petitioner shall provide a vegetative buffer around the perimeter of the school site as indicated in the plan. The buffer shall comprise a minimum of one tree per twenty-five feet around the perimeter. Natural vegetation may remain or be enhanced with planted landscaping.
10. The petitioner shall provide a minimum 15' wide vegetated buffer, a minimum of five feet (5') in height and 80% opacity along the west side of the driveway. Scattered low growing trees shall be installed within the 50' open space area to the east of the driveway to Northcliffe Boulevard.
11. The petitioner shall enter into a water and sewer agreement with the County.
12. Access to Tillery Road shall be limited to emergency vehicular and pedestrian access.
13. The petitioner shall secure the Tillery Road access and instruct parents not to drive their vehicles up to this entrance and drop their children off to walk onto school property.

14. The petitioner shall enter into a joint effort with the County to provide sidewalks along Tillery Road to Landover Boulevard. A sidewalk shall be provided along the driveway to Northcliffe Boulevard as indicated on the plan.
15. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 days of BCC approval.
16. All planned DRAs shall undergo subsurface geotechnical testing to determine the presence of significant karst features or voids. Results shall be reported to the County staff and used in the design layout of the project.

**P&Z RECOMMENDATION:**

On February 14, 2005, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a public service facility overlay district for a public educational facility, with the following modified performance conditions:

1. The petitioner must obtain all applicable permits from Hernando County for either construction or use of the property.
2. The petitioner shall be required to comply with the County's land development regulations and to secure review of the site plan through the development review process to ensure compliance with the LDRs.
3. During the development review process, the petitioner shall provide a lighting plan orienting lighting away from the adjacent residential properties.
4. An on-site traffic flow and management study shall be approved by the County Engineer prior to any construction.
5. The petitioner shall provide a traffic light at the access point on Northcliffe Boulevard prior to occupancy of the school.
6. Dual left turn lanes shall be required on Northcliffe Boulevard as determined by the County Engineer.
7. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
8. The minimum building setbacks from all property lines is 50'.

9. The petitioner shall provide a vegetative buffer around the perimeter of the school site as indicated in the plan. The buffer shall comprise a minimum of one tree per twenty-five feet around the perimeter. Natural vegetation may remain or be enhanced with planted landscaping.
10. The petitioner shall provide a minimum 15' wide vegetated buffer, a ~~maximum~~ ~~minimum~~ of ~~three~~ ~~five~~ feet (3') (5') in height and 80% opacity along the west side of the driveway. Scattered low growing trees shall be installed within the 50' open space area to the east of the driveway to Northcliffe Boulevard.
11. The petitioner shall enter into a water and sewer agreement with the County.
12. Access to Tillery Road shall be limited to emergency vehicular and pedestrian access.
13. The petitioner shall secure the Tillery Road access and instruct parents not to drive their vehicles up to this entrance and drop their children off to walk onto school property.
14. The petitioner shall enter into a joint effort with the County to provide sidewalks along Tillery Road to Landover Boulevard. A sidewalk shall be provided along the driveway to Northcliffe Boulevard as indicated on the plan.
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. All planned DRAs shall undergo subsurface geotechnical testing to determine the presence of significant karst features or voids. Results shall be reported to the County staff and used in the design layout of the project.
17. Where a conflict exists between these performance conditions and the 2001 Florida School Code, specifically in regards to landscaping, the 2001 Florida School Code will prevail.

**BCC ACTION:**

On March 9, 2005, the Board of County Commissioners voted 2005-63 to adopt Resolution # 2005-63 approving the petitioner's request for a public service facility overlay district for a public educational facility, with the following performance conditions:

1. The petitioner must obtain all applicable permits from Hernando County for either construction or use of the property.

2. The petitioner shall be required to comply with the County's land development regulations and to secure review of the site plan through the development review process to ensure compliance with the LDRs.
3. During the development review process, the petitioner shall provide a lighting plan orienting lighting away from the adjacent residential properties.
4. An on-site traffic flow and management study shall be approved by the County Engineer prior to any construction.
5. The petitioner shall provide a traffic light at the access point on Northcliffe Boulevard prior to occupancy of the school.
6. Dual left turn lanes shall be required on Northcliffe Boulevard as determined by the County Engineer.
7. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
8. The minimum building setbacks from all property lines is 50'.
9. The petitioner shall provide a vegetative buffer around the perimeter of the school site as indicated in the plan. The buffer shall comprise a minimum of one tree per twenty-five feet around the perimeter. Natural vegetation may remain or be enhanced with planted landscaping.
10. The petitioner shall provide a minimum 15' wide vegetated buffer, a maximum of three feet (3') in height and 80% opacity along the west side of the driveway. Scattered low growing trees shall be installed within the 50' open space area to the east of the driveway to Northcliffe Boulevard.
11. The petitioner shall enter into a water and sewer agreement with the County.
12. Access to Tillery Road shall be limited to emergency vehicular and pedestrian access.
13. The petitioner shall secure the Tillery Road access and instruct parents not to drive their vehicles up to this entrance and drop their children off to walk onto school property.
14. The petitioner shall enter into a joint effort with the County to provide sidewalks along Tillery Road to Landover Boulevard. A sidewalk shall be provided along the driveway to Northcliffe Boulevard as indicated on the plan.

15. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 days of BCC approval or the zoning shall become null and void..
16. All planned DRAs shall undergo subsurface geotechnical testing to determine the presence of significant karst features or voids. Results shall be reported to the County staff and used in the design layout of the project.
17. Where a conflict exists between these performance conditions and the 2001 Florida School Code, specifically in regards to landscaping, the 2001 Florida School Code will prevail.