

**STAFF REPORT**

Planning & Zoning Commission: October 10, 2005  
Board of County Commissioners: November 9, 2005

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**APPLICANT:** Precision Land Development (Francine Baia) **FILE NUMBER:** H-05-100

**PURPOSE:** Rezoning from AG and R-1C (Residential) to PDP(SF)/Planned Development Project (Single Family)

**GENERAL**

**LOCATION:** South of Dunkirk Road, south of Running Oak Court, west of Deer Street

**LEGAL**

**DESCRIPTION:** A portion of Section 24, 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: 0

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Single family  
Undeveloped  
Power lines, SF under development  
Single family

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG and R-1C to PDP(SF). The subject property is located south of Dunkirk Road, south of Running Oak Court, west of Deer Street.

**FACTUAL INFORMATION**

1. The property is currently zoned AG and R-1C.
2. The property comprises approximately 18 acres.
3. The site is undeveloped.
4. The site does not appear to contain majestic or specimen trees.

5. The subject property has access from Running Oak Court and Deer Street.
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 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 SPA and wetlands, but no WHPAs, according to County data resources.
10. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential 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 subject property from AG and R-1C to PDP(SF) in order to develop the subject property with 18 single family homes. In 1981 the BCC approved a rezoning from AG to R-1C on property containing approximately 33.3 acres, approximately 1.8 acres of which are a portion of the subject property and have not been platted.

The petitioner proposes developing the subject property with 18 lots with a minimum lot size of a 21,500 square feet. The petitioner proposes internal lot setbacks as follows: 25' front, 10' side and 20' rear. The petitioner proposes 25' perimeter setbacks. The Planning staff does not object to the proposed perimeter and internal lot setbacks.

The petitioner proposes a 5' vegetated buffer around the perimeter of the property within the 25' setback. Given the proposed lot sizes within the development are similarly sized to those lots adjacent to the development, staff would not object to the buffering proposed.

The petitioner proposes serving the lots with central water and septic tanks. The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. The

Utilities Department notes the closest sewer is a force main approximately 7,100' to the east on the east side of Mariner Boulevard.

The subject property may contain a sinkhole feature and its associated 500' SPA buffer. The proposed density of 1 unit/acre is the maximum allowable density within this designation using septic tanks. The discharge of untreated stormwater into the sinkhole feature is prohibited under the County's Groundwater Protection Ordinance. A berm/swale system or other stormwater management system shall be installed upland of the wetland buffer which treats stormwater to F.A.C. standards.

The petitioner proposes providing 1.4 acres of open space, however .9 acres of the proposed open space is located in a pond. The LDRs require the proposed development provide a minimum of 5% of the project area as usable open space. The Planning staff does not view the pond as usable open space. If the request is approved, the Planning staff is of the opinion the petitioner should provide a revised plan indicating in the graphic and table of land uses that none of the usable open space is located within the pond.

The petitioner proposes access to Dunkirk Road, Running Oak Court and Deer Street. Located between the subject property and Dunkirk Road is a County-owned property designated on the plat as a landscape tract with uses limited to stormwater retention and landscaping. The petitioner has not included the County-owned parcel as part of the subject property or demonstrated authorization to include the parcel as part of the rezoning request. The subject property does not have access to Dunkirk Road through this triangular parcel. It is the staff's opinion that the access proposed at this location should remain for possible future connection to Dunkirk Road. The BCC has a policy of requiring a minimum of two (2) access points for single family developments. The subdivision regulations require that street rights of way be provided to all undeveloped areas surrounding the subdivision at points not to exceed 1320', or as the P&Z may direct. The Planning staff is of the opinion access to Running Oak Court and Deer Street meets the BCC policy and the LDRs. Additionally, the County Engineer has indicated that if the request is approved, the petitioner should provide for future interconnection to the south.

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 Hernando County School Board indicates that the request would generate approximately 6 additional students. Elementary schools students would be assigned to Deltona Elementary School, middle school students would be assigned to Fox Chapel Middle School, and high school students would be assigned to Springstead High School. The comments received by the School Board are attached to this report.

**FINDINGS OF FACT**

The area is characterized by single family residential uses and undeveloped parcels. The Oakridge Estates subdivision is located to the north. The Orchard Park subdivision is located to the east. The Waterfall Place subdivision is located to the west. The subdivisions are characterized by lots with a minimum size of a half-acre.

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 1.0 du/ac gross density proposed by the petitioner falls within the range allowed with the appropriate land use approvals pursuant to the adopted Comprehensive Plan.

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. It is the staff's opinion that developing the subject property with a subdivision proposing minimum half-acre lots 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 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 and R-1C 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 size is 21,500 square feet.
3. The maximum number of lots is 18.
4. The minimum internal lot sizes shall be as follows:  
Front: 25' Side: 10' Rear: 20'
5. The perimeter setbacks shall be 25'.
6. The development shall have access to Running Oak Court and Deer Street. Future connection to the south shall be provided.
7. Usable open space must be provided consistent with the LDRs. The pond does not qualify as usable open space.
8. The petitioner shall provide a 5' wide vegetated buffer around the perimeter of the project.
9. 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 and R-1C 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 size is 21,500 square feet.
3. The maximum number of lots is 18.

4. The minimum internal lot sizes shall be as follows:  
Front: 25'    Side: 10'    Rear: 20'
5. The perimeter setbacks shall be 25'.
6. The development shall have access to Running Oak Court and Deer Street. Future connection to the south shall be provided. [The petitioner will review his proposed access to Dunkirk Road prior to the BCC.]
7. Usable open space must be provided consistent with the LDRs. The pond does not qualify as usable open space.
8. The petitioner shall provide a 5' wide vegetated buffer around the perimeter of the project.
9. 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.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution #2005-329 approving the petitioner's request to rezone from AG and R-1C 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 size is 21,500 square feet.
3. The maximum number of lots is 18.
4. The minimum internal lot sizes shall be as follows: Front: 25'    Side: 10'    R e a r :  
20'
5. The perimeter setbacks shall be 25'.
6. The development shall have access to Running Oak Court and Deer Street. Future connection to the south shall be provided. The access road at the northwest corner of the project shall be modified to a cul-de-sac on the revised master plan.

7. Usable open space must be provided consistent with the LDRs. The pond does not qualify as usable open space unless it is incorporated into a use area.
8. The petitioner shall provide a 5' wide vegetated buffer around the perimeter of the project.
9. 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.

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

*The School Board of Hernando County, Florida*

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John Druzbeck  
Pat Fagan  
Sandra Nicholson

September 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-05-95**, the request from Q2 Brooksville 191, LLC to rezone and develop a 425 acre site with 999 residential units, 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 have a significant impact to the District with an increase of an additional 333 students. 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 \$540,000 and 14.5 teachers at an estimated cost of \$725,000. 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 333 additional students. This worksheet shows an estimated impact in excess of school taxes between \$2,925,072 and \$3,044,952.

In reference to **H-05-100**, the request from Precision Land Development to rezone 18 Ac and develop 18 single family homes, I offer the following:

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

This rezoning request is expected to add an additional 6 students to the District, which is not a significant impact.

In reference to **H-05-102**, the request from Wright Land Development, LLC to rezone and develop 15.88 acres with 26 single family units, 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 9 students to the District, which is not a significant impact.

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