

**STAFF REPORT**

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

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**APPLICANT:** Wright Land Development LLC **FILE NUMBER:** H-05-102

**PURPOSE:** Establishment of a Master Plan for Property Zoned PDP(SF)/Planned Development Project(Single family)

**GENERAL**

**LOCATION:** East end of Tara Street, east end of Lola Drive, approximately 1,200' north of Delbarton Street

**LEGAL**

**DESCRIPTION:** Lots 16, 17 and west 1/2 of Lot 15, Evans Hi-Park Subdivision, as per plat thereof recorded in Plat Book 6, Page 25, of the Public Records of Hernando County, Florida in Section 33, Township 22 South, Range 18 East

**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: AR, PDP(SF)  
South: PDP(SF)  
East: AR  
West: PDP(SF)

Surrounding Land Uses

DRA  
Single family  
Undeveloped  
Single family, DRA

**SUMMARY OF REQUEST**

The petitioner requests to establish a master plan for property zoned PDP(SF). The subject property is located on the east end of Tara Street, east end of Lola Drive, approximately 1,200' north of Delbarton Street.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(SF).
2. The property comprises approximately 15.88 acres.

3. The site is undeveloped.
4. The site is wooded and appears to contain no majestic or specimen trees.
5. The subject property has access from Tara Street and Lola Drive which are both local streets.
6. The subject property is located within a residential 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-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that water and sewer capacity is available to serve the subject property. Pursuant to County Ordinance, central water is deemed available; however, sewer is not.
11. Central water and sewer service would be required to serve the project at the intensity proposed. The petitioner has indicated the project will be served by central water and sewer which would require a water and sewer agreement with the County.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family residential and commercial uses, and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to establish a master plan for property zoned PDP(SF). The petitioner proposes developing the 15.88 acre site with 26 single family homes with an average lot size of 17,936 square feet.

In 1988, the BCC approved rezoning the subject property from AR to PDP(SF). The plan associated with the 1988 rezoning approval would allow 26 SF units and access points at Tara Street, Lola

Drive and one to the east. Per the PDP rules, the plan approved in 1988 is no longer valid; however, the density previously approved is retained.

In June 2004, the petitioner submitted a request to rezone the subject property from PDP(SF) to C/PDP(SF) and (MF) in order to develop the property with 20 SF units and 120 MF units. Subsequent to the Planning & Zoning Commission's review and recommendation for denial, the petitioner withdrew the request in November 2004. In January 2005, the BCC voted 5-0 to deny the petitioner's request for a master plan revision in which he proposed developing the subject property with 48 single family homes, due to the drainage issues not being adequately addressed, the proposed density being too intense, the change in access points adversely impacting the local roadway system. The Planning staff is of the opinion the petitioner has addressed the intensity issue and the impacts to the local roadway system by reducing the number of lots to 26.

The plan provided proposes 25' front, 10' side and 20' rear lot setbacks for the SF lots. The staff does not object to the proposed setbacks, which are consistent with the PDP(SF) zoning category. The plan shows a 20' perimeter setback. The staff does not object to the proposed perimeter setbacks.

The petitioner proposes providing 1.27 acres of open space. The LDRs require the proposed development provide a minimum of 5% of the project area as usable open space. Three-quarters of an acre of the open space is located within Progress Energy's power line easement, which may preclude use of the area as recreational open space. The Planning staff is of the opinion that if the request is approved, the petitioner should be required to demonstrate that locating usable open space within the Progress Energy easement is not precluded by the easement.

The petitioner proposes serving the property with central water and sewer service. The Utilities Department has indicated that central water, but not sewer, is available per the ordinance to serve the subject site. If the request is approved, the developer will be required to negotiate an agreement with the County Utilities Department to serve the site with central water and sewer.

The Hernando County School Board indicates that the request would generate approximately 9 additional students. Elementary schools students would be assigned to Spring Hill Elementary School, middle school students would be assigned to West Hernando Middle School, and high school students would be assigned to Central High School. The comments received by the School Board are attached to this report.

The plan indicates that access will be provided from Tara Street and Lola Drive on the west side of the subject property. The plan appears to show ROW set aside for Lola Drive and Tara Street to be extended to the east property line, but does not depict the roadways extended to the east. The Planning staff and the County Engineer are of the opinion if the request is approved, Lola Drive and Tara Street should be extended to the east property line.

A future functionally classified collector roadway has been designated in the area to provide access from Mariner Boulevard to Barclay Road. The PD&E study is programmed for 2005/2006.

The County Engineer has indicated that the County DRA adjacent to the southwest portion of the project was cleaned and maintained in January 2005. The petitioner is proposing to locate the project drainage in the southwest portion of the subject property. The County Engineer has indicated that there may be some benefit to combining the project drainage area with the existing DRA. The design of the DRA will be reviewed in more detail as the project moves through subdivision review.

The subject property contains a WHPA-2 according to County data resources. The proposed land use is allowable within this designation.

The City of Brooksville has no comments regarding the request.

### **FINDINGS OF FACT**

The area is characterized by single family residential and commercial uses, and undeveloped parcels. Platted Spring Hill lots are located to the west and south of the subject property. The SF lots in the area are a minimum 10,000 square feet in size. Undeveloped parcels zoned AR are located to the north and east. The Mariner Plaza shopping center is located to the north of the subject property.

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 classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers.

The petitioner proposes developing the 15.88 acres with 26 SF homes at a density of 1.64 units per acre. 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.

The Planning staff is of the opinion that the request for the establishment of the master plan is appropriate, with performance conditions, based on the following conclusions:

1. The proposed plan is consistent with the County's adopted Comprehensive Plan.
2. The proposed plan is compatible with the existing surrounding development.

**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 establish a master plan for property zoned 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 maximum number of lots is 26.
3. The development shall be served by central water and sewer.
4. Internal lot setbacks shall be as follows:  
Front: 25' Side: 10' Rear: 20'
5. The perimeter setbacks shall be 20'.
6. The petitioner shall provide access to Lola Drive and Tara Street and shall extend those roadways to the east property line.
7. The petitioner shall provide the minimum required usable open space, demonstrating that locating usable open space within the Progress Energy easement is not precluded by the easement.
8. The petitioner shall redesign the DRA proposed for the southwest corner of the property to interconnect with the existing DRA located to the southwest of the subject property, if required by the County Engineer.
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 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to establish a master plan for property zoned 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 maximum number of lots is 26.
3. The development shall be served by central water and sewer.
4. Internal lot setbacks shall be as follows:  
Front: 25' Side: 10' Rear: 20'
5. The perimeter setbacks shall be 20'.
6. The petitioner shall provide access to Lola Drive and Tara Street and shall extend those roadways to the east property line.
7. The petitioner shall provide the minimum required usable open space, demonstrating that locating usable open space within the Progress Energy easement is not precluded by the easement.
8. The petitioner shall redesign the DRA proposed for the southwest corner of the property to interconnect with the existing DRA located to the southwest of the subject property, if required by the County Engineer.
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 # 2005-327 approving the petitioner's request to establish a master plan for property zoned 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 maximum number of lots is 26.
3. The development shall be served by central water and sewer.
4. Internal lot setbacks shall be as follows: Front: 25' Side: 10' Rear: 20'
5. The perimeter setbacks shall be 20'.
6. The petitioner shall provide access to Lola Drive and Tara Street and shall extend those roadways to the east property line.
7. The petitioner shall provide the minimum required usable open space, demonstrating that locating usable open space within the Progress Energy easement is not precluded by the easement.
8. The petitioner shall redesign the DRA proposed for the southwest corner of the property to interconnect with the existing DRA located to the southwest of the subject property, if required by the County Engineer.
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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**Chairperson**  
*Robert Wiggins*  
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*Jim Malcolm*  
**Members**  
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