

**STAFF REPORT**

Planning & Zoning Commission: March 14, 2005

Board of County Commissioners: April 13, 2005

Planning and Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

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**APPLICANT:** State Rd. 54 Investment Properties **FILE NUMBER:** H-05-21

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

**GENERAL**

**LOCATION:** North of Angela Lane, approximately 3,300' southwest of Elgin Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 16, 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: 1 LETTER OF CONCERN: 1

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Undeveloped  
Plantation Estates  
Pristine Place  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(SF). The subject property is located north of Angela Lane, approximately 3,300' southwest of Elgin Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 60 acres.
3. The site is undeveloped.

4. The site appears to contain no majestic or specimen trees.
5. The subject property has access from Angela Lane.
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 and sewer are 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 from AG to PDP(SF) in order to develop the 60 acre subject property with 325 single family attached villas. The minimum lot size is proposed to be 3,850 square feet with dimensions of 35' x 110'. The lot setbacks are proposed to be 20' front, 0'5' side and 15' rear. The perimeter setback is proposed to be 35'. The plan shows a 25' landscaped buffer along the north, east and west lot lines and a 30' landscaped buffer along the south lot line.

The petitioner proposes serving the development with central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site, although a sewer line extension will be necessary. In order to develop the property with single family attached villas, the petitioner will be required to enter into an agreement with the County for provision of water and sewer service.

The Hernando County School Board indicates that the request would generate approximately 108 additional students. Elementary schools students would be assigned to J. D. Floyd 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.

The plan shows approximately 11 acres of area throughout the project with park and DRA uses. The County LDRs require a minimum of 5% of the total acreage be maintained in open space. If the request is approved, the petitioner would be required to provide the required usable open space.

There are approximately 340 acres of AG zoned lands (including the subject site) between Sterling Hills and Spring Hill to the south. In December 2003, the BCC adopted the Functionally Classified Roadway Map 2025 showing a collector roadway connecting Elgin Boulevard and Linden Drive in order to provide connection for the existing and future development in this area. The master plan submitted by the petitioner indicates that the subject site can be connected to the collector roadway in the future through an area on the northwest portion of the project indicated as DRA and open space.

The subject property has access from Angela Lane to the south. The petitioner does not propose access to Angela Lane. Instead, the petitioner proposes providing access via an extension of the collector roadway, Sterling Hill Boulevard, from the north. The plan provided proposes terminating Sterling Hill Boulevard in a roundabout within the subject property.

In 2003, a rezoning was approved on property northwest of the subject property. The master plan associated with the rezoning indicated access via a collector roadway extending from Sterling Hills through that parcel. The collector roadway is consistent with the County's plan for a collector from Elgin Boulevard to Linden Drive. The collector roadway aligned to connect with the parcel to the west of the subject property, not to the subject property. A conditional plat has been submitted on the parcel subject of the 2003 rezoning which indicates the collector roadway aligning to the subject property. The roadway must be reconfigured on the conditional plat as well as the proposed master plan to ensure that access is coordinated from Sterling Hill Boulevard to this parcel and the parcel to the west. Pursuant to the proposed alignment on the subject master plan, the adjacent parcel does not have access to the collector roadway as approved in 2003.

Additionally, the master plan approved in 2003 provided a 25' strip running from the southern terminus of the collector roadway to the east to provide access to a 20 acre property immediately north of the subject site. The subject master plan does not reflect any coordination with this access strip.

The Transportation Planning Coordinator and the Planning Staff are of the opinion that the proposed development is too intense to be located on the subject property with only the single access proposed.

The County Engineer and the Planning Staff are of the opinion that if the request is approved, the petitioner should connect to Angela Lane to the south and provide a future connection to the 20-acre AG parcel to the north. The County Engineer also indicates the petitioner should provide a connection to the northwest to provide interconnection with the future collector roadway, Sterling Hill Boulevard.

### **FINDINGS OF FACT**

The area is characterized by single family residential uses and undeveloped parcels. Pristine Place, a single family subdivision characterized by lots one-third of an acre in size, is located to the east. Plantation Estates, a single family subdivision characterized by half-acre lots, is located to the south. A 40-acre parcel to the north was rezoned in 2003 from AG to PDP(SF), with a density of four (4) units per acre. Undeveloped AG parcels are located to the north and west. The Planning staff is of the opinion the proposed development would be incompatible with the existing development to the east and south.

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 ranging from .10 du/acre up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community center with the appropriate land use approvals.

Policy 1.01F(7) provides criteria and standards for the determination of appropriate locations of higher residential densities greater than 4.0 dwelling units per acre, including proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, provision of appropriate police, fire and EMS services, service by existing or expansion of County water and sewer facilities, character and density of existing and approved residential developments of close proximity, availability of appropriate public primary and secondary school facilities, provision of open space beyond minimum County standards and other applicable goals, objectives or policies contained in the Comprehensive Plan. The Planning staff is of the opinion that the subject property does not meet the criteria for a residential density over 4 units per acre because of the lack of proximity to commercial nodes, the limited capacity of existing and future collector roadways in the area and the incompatibility with the surrounding existing and future residential subdivisions.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, based on the following conclusions:

1. The proposed single family development would be incompatible with the surrounding land uses.
2. The access proposed to serve the development is inadequate.

3. The requested rezoning is not consistent with the County’s adopted Comprehensive Plan and the County’s land development regulations.

**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 # \_\_\_\_\_ denying the petitioner’s request to rezone from AG to PDP(SF).

**P&Z RECOMMENDATION:**

On March 14, 2005, the Planning and Zoning Commission voted 5-0 to postpone this petition until the April 11, 2005, P&Z meeting at 9:00 a.m.

**NOTE:** No additional information subsequent to March 14, 2005, was submitted for staff review.

**BCC ACTION:**

On April 13, 2005, the BCC voted 5-0 to postpone the petition until the May 11, 2005 BCC hearing at 9:00 a.m.

**P&Z RECOMMENDATION:**

At their April 11, 2005 hearing, based on the information provided, including a revised plan with a lower density proposed, the Planning and Zoning Commission made the following findings:

1. The requested rezoning, with the density proposed, will be compatible with the surrounding land uses.
2. The requested rezoning is consistent with the County’s adopted Comprehensive Plan and the County’s land development regulations.

The Planning and Zoning Commission voted 4-1 to recommend the BCC 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 development shall provide access to Angela Lane.
3. The development shall provide access to the AG parcel north of the subject property.
4. The development shall provide a minimum 25' along the north property line for future access to the AG parcel to the north.
5. The development shall provide access to the future collector roadway.

**NOTE:**

The P&Z recommended approval of the revised plan provided by the petitioner at their April 11, 2005, meeting which proposed an overall density of 3.7 units per acre, versus the original submittal of 5.4 units per acre. The revised plan contains a cul-de-sac with a length exceeding the roadway design standards. The request was not advertised to consider a roadway deviation. If the request is approved, the staff would recommend inclusion of the following additional performance conditions:

6. No roadway deviation is approved.
7. Minimum lot sizes and locations shall be as indicated on the revised master plan.
8. Internal lot setbacks are approved as follows:

For 80' x 120'  
Front: 25'  
Side: 10'  
Rear: 20'

For 70' x 120'  
Front: 25'  
Side: 7.5'  
Rear: 20'

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:**

On May 11, 2005, the BCC voted 5-0 to adopt resolution #2005-136 denying the petitioner's request to rezone from AG to PDP(SF)

*The School Board of Hernando County, Florida*

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Pat Fagan  
Sandra Nicholson

February 28, 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-05-15, the request from Silverthorn Associates, LLC to rezone and develop an additional 159 single family lots, I offer the following:

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

This rezoning request is expected to add an additional 53 students to the District, requiring 2.5 classroom units. 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 \$125,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. With the expected addition of these 53 students, the actual financial impact to the District is \$1,174,851.

In reference to H-05-20, the request from Steve Baxley and John McRae to rezone and develop 81 single family lots, I offer the following:

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

This rezoning request is expected to add an additional 27 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 \$50,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 27 students is a total impact of \$598,509.

In reference to H-05-21, the request from State Rd. 54 Investment Properties to rezone and develop 325 single family lots, I offer the following:

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

This rezoning request is expected to add an additional 108 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 \$250,000 and 5 teachers at an estimated cost of \$250,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 108 students is a total impact of \$2,394,036.

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