

**REVISED  
STAFF REPORT**

Planning & Zoning Commission: April 11, 2005  
Board of County Commissioners: May 11, 2005  
Planning & Zoning Commission: May 9, 2005  
Board of County Commissioners: June 8, 2005  
Planning & Zoning Commission: August 8, 2005  
Board of County Commissioners: September 14, 2005

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**APPLICANT:** George Feaster Living Trust **FILE NUMBER:** H-05-35

**PURPOSE:** Rezoning from AR (Agricultural-residential) and PDP(GHC) and an additional C-2 use for a sign to C/PDP (HC) and (SF)/ Combined Planned Development Project (Highway Commercial) and (Single Family) with a Reduction in Setbacks and a Waiver of the Frontage Road Requirement

**GENERAL**

**LOCATION:** South side of Cortez Boulevard, east side of Oxley Road

**LEGAL**

**DESCRIPTION:** A portion of Sections 26 and 35, Township 22 South, Range 19 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: 3

**STAFF FINDINGS:**

Surrounding Zoning

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

Surrounding Land Uses

Undeveloped  
Undeveloped, Moton Elementary  
Undeveloped, Moton Elementary  
Single family, undeveloped

**SUMMARY OF REQUEST**

The petitioner initially submitted a request to rezone the subject property from AR, and PDP(GHC) with an additional C-2 use for a sign to C/PDP (HC) and (SF) for development with single family attached units, a reduction in setbacks and a waiver of the frontage road requirement. The petition has been postponed by the P&Z for the submittal of additional information regarding the concept, and to allow staff review. Subsequent to the initial submittal, the petitioner has modified the request to C/PDP(GC) and (SF) for development with single family detached units, a reduction in setbacks and

a waiver of the frontage road requirement. The subject property is located on the south side of Cortez Boulevard and the east side of Oxley Road.

### **FACTUAL INFORMATION**

1. The property is currently zoned AR, PDP(GHC) with an additional C-2 use for a sign.
2. The property comprises approximately 16.8 acres.
3. The site is heavily wooded and undeveloped.
4. The site appears to contain specimen and majestic trees.
5. The subject property has access from Cortez Boulevard, and Oxley Road an unimproved local street.
6. The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Flemington fine sandy loam.
8. The property is located in a flood zone C; however, a portion is located within the Bystre Lake 100 year flood area.
9. The county's generalized mapping indicates the subject property contains a small wetland, but no WHPAs or SPAs.
10. The property is located within the City of Brooksville first right to serve area. The City has indicated that water and sewer is available to serve the subject property.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family residential and institutional uses, and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from SR 50 from 125' to 75' and a waiver of the frontage road requirement, which are deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner initially submitted a request to rezone the subject property from AR, and PDP(GHC) with an additional C-2 use for a sign to C/PDP (HC) and (SF) for development with single family attached units, a reduction in setbacks and a waiver of the frontage road requirement. The petitioner

was proposing development of the 5.9 acre portion of the project along SR 50 with highway commercial uses, and the remaining 10.9 acres with 65 single family attached (SFA) townhouses at a density of 6 units/acre.

In July 2005, the petitioner provided a revised concept. The subject property contains approximately 17 acres and for purposes of depicting the land use areas on the master plan is separated into Parcel A and Parcel B. Parcel A is located along the southeast corner of Oxley Road and SR 50 and comprises approximately 5.9 acres. The petitioner is proposing general commercial uses on Parcel A. The plan indicates that commercial/office will be developed at the corner, with a drainage retention area on the eastern boundary. One access point is proposed to State Road 50 between the commercial development area and the DRA. The petitioner is requesting a waiver of the frontage road requirement since it is the petitioner's position that a frontage road serves no purpose at this location. The County Engineer and the Planning staff are of the opinion that if the request is approved, the petitioner should be required to provide interconnection to the southeast into the adjacent PDP(MF) parcel. The Planning staff would not object to waiving the frontage road requirement with the provision of the interconnection to the southeast.

The revised concept depicts one commercial parcel and a DRA. The petitioner is proposing internal commercial building setbacks of 75' from Cortez Boulevard, 35' from Oxley Road, 20' from the side and 35' from the rear; and perimeter setbacks of 75' from Cortez Boulevard, 30' from the south and east and 35' from the west. Provided there is interconnection between the commercial parcel and the MF to the southeast, the staff would not object to the 75' setback along Cortez Boulevard.

The narrative indicates that a buffer will be provided between the commercial and single family residential uses, but the buffer is not depicted on the plan. If the request is approved, the Planning staff is of the opinion a 10' vegetated buffer should be provided between the commercial and single family development areas. The Planning staff is of the opinion the proposed PDP(GC) zoning would be compatible with the surrounding area and consistent with the Comprehensive Plan.

The petitioner proposes developing the southern 10.9 acres, Parcel B, with 40 single family lots with a minimum 7500 square feet. There is a discrepancy between the number of units proposed in the petitioner's narrative, 40 units, and the land use tabulation on the master plan which indicates 30 units. The Planning staff does not object to the proposed 40 units of single family development requested in the narrative; however, the plan should be modified to reflect consistency. The proposed lot setbacks are as follows: 20' front, 10' side and 25' rear. The petitioner proposes 30' setbacks from the north and south and 35' from the east and west of the single family pod. The Planning staff does not object to the proposed setbacks for the single family pod.

The staff is of the opinion no single family lots should front on Oxley Road and an adequate buffer should be provided along the west and south lot lines. The revised narrative and plan proposes a 10' vegetative buffer along the southern and western boundaries of the proposed development. The Planning staff is of the opinion the rural residential uses to the west and south will need more substantial buffering from the proposed 7,500 square foot lot single family development. The Planning

staff recommends that if the request is approved, the petitioner provide a 20' vegetated buffer with 80% opacity along the west and south lot lines. The plan does not depict the required usable open space as required per the LDRs.

There is no pedestrian connectivity between the residential and commercial component of the request. The petitioner should be required to integrate the two uses.

The petitioner's revised concept proposes two (2) access points to Oxley Road. The County Engineer does not object to the proposed access points, but indicates that if the request is approved the petitioner shall pave Oxley Road to the southern edge of the project. One access to SR 50 is proposed.

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.

A portion of Parcel A approximately 3.5 acres along SR 50, is part of a master plan approved on a larger property adjacent to the subject property to the east and south. The portion of property approved as part of the master plan is designated as general commercial for future development with two commercial out parcels.

In 2004, a request for master plan approval was submitted which included the subject property and the property to the east (40 acres total). The petitioner had requested development of a multifamily project at a density of 11.2 units per acre which was ultimately denied by the BCC.

The subject property is located within the City of Brooksville's first right of refusal area. The city has indicated that water and sewer is available to serve the subject property. The petitioner would be required to negotiate a water and sewer agreement to serve the project.

A corner of the project is located within the Bystre Lake 100 year floodplain and floodplain buffer. The plan depicts the floodplain in the area designated as retention for the commercial. The 100 year flood elevation is 101.5' for this node.

If the request is approved, any site alterations shall insure that there is no net loss of storage within the 100 year floodplain. All finished floor elevations would have to be above the 100-year flood elevation, and all roadways should be above the 100-year flood elevation for the adjacent Bystre Lake floodplain basin.

The subject property contains a wetland on the southern property line according to County data resources. Any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.

The Hernando County School Board provided comments based on the petitioner's initial request for 65 SFA lots. Hernando County School Board indicates that request would generate approximately 22 additional students. Elementary schools students would be assigned to Moton Elementary School, middle school students would be assigned to Parrott Middle School and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The Transportation Coordinator has indicated that there is adequate capacity along SR 50 to serve the subject property.

The FDOT has been notified of the request; no responses have yet been received.

### **FINDINGS OF FACT**

The surrounding area includes a mixture of uses including undeveloped land, rural residential development and institutional uses. Moton Elementary School is located to the south of the subject property.

The subject property is generally located in commercial and residential land use classifications on the adopted Future Land Use Map.

Policy 1.01F(3) states that medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. The project proposes a density of 3.7 units per acre and is considered medium density. Property to a portion of the west of the project is designated as PDP(multifamily) and (general commercial). Property to the east is zoned MF. A portion of the project has direct access to an arterial roadway. It is the staff's opinion the project at the density proposed would be consistent with the adopted Comprehensive Plan.

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 position that the proposed development, with appropriate buffers, would be consistent with the surrounding area.

Policy 1.01L(7) states that the county shall establish standards to promote the integration of pedestrian traffic within and between commercial developments and adjacent residential areas. The petitioner should be required to integrate the commercial and residential uses.

The Planning staff is of the opinion that the rezoning from AR and PDP(GHC) and an additional C-2 use for a sign to C/PDP (GC) and (SF) with a reduction in setbacks and a waiver of the frontage road requirement is appropriate, based on the following conclusions:

1. The proposed rezoning is compatible with the surrounding land uses.

2. The proposed rezoning is consistent with the County's adopted Comprehensive Plan 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.**

**PRIOR ACTIONS:**

The staff recommended postponing the request until the June 13, 2005, P&Z hearing so that the petitioner could address the compatibility issues identified in the report. At their April 11, 2005, meeting, the Planning & Zoning Commission acknowledged that the petition would have to be readvertised for a future hearing date. On May 9, 2005, the Planning and Zoning Commission voted 5-0 to postpone this petition until the June 13, 2005, P&Z meeting at 9:00 a.m. so that the petitioner could address the compatibility issues identified in the report. No additional information subsequent to the May 9, 2005, P&Z hearing was submitted for staff review until July 8, 2005. On June 13, 2005, the Planning and Zoning Commission voted 5-0 to postpone this petition until the August 8, 2005, P&Z meeting at 9:00 a.m. On June 8, 2005, the Board of County Commissioners voted 5-0 to postpone this petition until the July 13, 2005, BCC meeting at 9:00 a.m. On July 13, 2005, the Board of County Commissioners voted 4-0 to postpone the petition until the September 14, 2005, BCC hearing at 9:00 a.m.

**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 rezoning from AR and PDP(GHC) and an additional C-2 use for a sign to C/PDP (GC) and (SF)/ Combined Planned Development Project (General Commercial) and (Single Family) with a reduction in setbacks and waiver of the frontage road requirement, 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 be served by central water and sewer.

3. General commercial uses are approved on the northern 5.9 acre pod.
4. The petitioner shall provide access to the east from the general commercial pod.
5. The setbacks for the general commercial pod are as follows: 75' from Cortez Boulevard, 35' from Oxley, 20' from the east lot line and 35' from the southern boundary of the general commercial pod.
6. The petitioner will provide a 10' vegetated buffer along the south lot line of the general commercial pod adjacent to the single family pod.
7. Single family lots with a minimum lot size of 7,500 square feet are allowed in the southern 10.9 acre pod.
8. Internal lot setbacks for the single family lots are approved as follows:  
Front: 20' Side: 10' Rear: 20'
9. Perimeter setbacks for the single family residential pod are as follows:  
From Oxley Road: 35'  
From the east: 35'  
From the north and south : 30'
10. No single family houses shall face or have access from Oxley Road.
11. The petitioner shall provide 20' vegetated buffers with 80% opacity along the western and southern boundary lines of the single family pod.
12. The petitioner shall pave Oxley Road to the southern boundary of the project and shall provide additional ROW to bring to the road minimum standards for a local roadway.
13. Any site alterations shall insure that there is no net loss of storage within the 100 year floodplain. All finished floor elevations would have to be above the 100-year flood elevation, and all roadways should be above the 100-year flood elevation for the adjacent Bystre Lake floodplain basin.
14. Any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
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 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the rezoning from AR and PDP(GHC) and an additional C-2 use for a sign to C/PDP (GC) and (SF)/ Combined Planned Development Project (General Commercial) and (Single Family) with a reduction in setbacks ~~and waiver of the frontage road requirement~~, 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 development shall be served by central water and sewer.
3. General commercial uses are approved on the northern 5.9 acre pod.
4. The petitioner shall provide access to the southeast from the general commercial pod.  
(The staff does not object to the clarification)
5. The setbacks for the general commercial pod are as follows: 75' from Cortez Boulevard, 35' from Oxley, 20' from the east lot line and 35' from the southern boundary of the general commercial pod.
6. The petitioner will provide a 10' vegetated buffer along the south lot line of the general commercial pod adjacent to the single family pod.
7. Single family lots with a minimum lot size of 7,500 square feet are allowed in the southern 10.9 acre pod.
8. Internal lot setbacks for the single family lots are approved as follows:  
Front: 20' Side: 10' Rear: 20'
9. Perimeter setbacks for the single family residential pod are as follows:  
From Oxley Road: 35'  
From the east: 35'  
From the north and south : 30'
10. No single family houses shall face or have access from Oxley Road.
11. The petitioner shall provide 20' vegetated buffers with 80% opacity along the western and southern boundary lines of the single family pod.

12. The petitioner shall pave Oxley Road to the southern boundary of the project and shall provide additional ROW to bring to the road minimum standards for a local roadway.
13. Any site alterations shall insure that there is no net loss of storage within the 100 year floodplain. All finished floor elevations would have to be above the 100-year flood elevation, and all roadways should be above the 100-year flood elevation for the adjacent Bystre Lake floodplain basin.
14. Any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
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 developer shall align the reverse frontage road on the subject property with the frontage road on the property to the west. (Staff does not object).
17. The developer shall show majestic trees on the construction drawings as per the County LDRs. (Since the LDRs require, staff does not believe this condition is necessary)

**NOTE:**

The master plan submitted depicts a 50' right of way from Oxley Road running between the commercial portion of the subject property and the residential. The petitioner proposed the right of way extending to SR 50 at the eastern end of the subject property. The petitioner requested a waiver of the frontage road because they believed it served no purpose to connect to the east. To provide for interconnection between the subject site, the staff recommended the access road be extended to the southeast. The configuration proposed by staff, and supported by the P&Z, would be consistent with the frontage road ordinance requirement; consequently, the frontage road is not waived. The reference to the waiver should be removed from the recommendation line.

**BCC ACTION:**

The Board of County Commissioners voted 4-1 to adopt Resolution # 2005-242 approving the rezoning from AR and PDP(GHC) and an additional C-2 use for a sign to C/PDP (GC) and (SF)/ Combined Planned Development Project (General Commercial) and (Single Family) with a reduction in setbacks, 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 be served by central water and sewer.
3. General commercial uses are approved on the northern 5.9 acre pod.
4. The petitioner shall provide access to the southeast from the general commercial pod.
5. The setbacks for the general commercial pod are as follows: 75' from Cortez Boulevard, 35' from Oxley, 20' from the east lot line and 35' from the southern boundary of the general commercial pod.
6. The petitioner will provide a 10' vegetated buffer along the south lot line of the general commercial pod adjacent to the single family pod.
7. Single family lots with a minimum lot size of 7,500 square feet are allowed in the southern 10.9 acre pod.
8. Internal lot setbacks for the single family lots are approved as follows:  
Front: 20' Side: 10' Rear: 20'
9. Perimeter setbacks for the single family residential pod are as follows:  
From Oxley Road: 35'  
From the east: 35'  
From the north and south : 30'
10. No single family houses shall face or have access from Oxley Road.
11. The petitioner shall provide 20' vegetated buffers with 80% opacity along the western and southern boundary lines of the single family pod.
12. The petitioner shall pave Oxley Road to the southern boundary of the project and shall provide additional ROW to bring to the road minimum standards for a local roadway.
13. Any site alterations shall insure that there is no net loss of storage within the 100 year floodplain. All finished floor elevations would have to be above the 100-year flood elevation, and all roadways should be above the 100-year flood elevation for the adjacent Bystre Lake floodplain basin.
14. Any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.

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 developer shall align the reverse frontage road on the subject property with the frontage road on the property to the west.
17. The developer shall show majestic trees on the construction drawings as per the County LDRs.

**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*

919 North Broad Street  
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352-797-7000

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Robert Wiggins

**Vice Chairperson**  
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John Druzbeck  
Pat Fagan  
Sandra Nicholson

March 22, 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-05-25**, the request from The Balceraks to rezone and develop 9 multi-family units, I offer the following:

This request will result in a minimal impact to Hernando County Schools with an expected increase of 3 students.

In reference to **H-05-32**, the request from Lucky Find Development to establish a master plan with 160 single family units, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Pine Grove Elementary School  
Middle (6-8) – West Hernando Middle School  
High (9-12) – Central High School

This master plan request is expected to add an additional 53 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. 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 53 students is a total impact of \$1,174,851.

In reference to **H-05-35**, the request from The George Feaster Living Trust to rezone and develop 65 single family attached townhouses, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Moton 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 22 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.

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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 22 students is a total impact of \$487,674.

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