

**STAFF REPORT**

Planning & Zoning Commission: May 9, 2005

Board of County Commissioners: June 8, 2005

---

**APPLICANT:** PHPD, LLC & Robert C. Burkett, Trustee      **FILE NUMBER:** H-05-44

**PURPOSE:** Rezoning from AG to PDP(Rural)/Planned Development Project (Rural) with AG uses

**GENERAL**

**LOCATION:** East side of McKethan Road, approximately 4,800' south of Cortez Boulevard, north side of Woodtrace Drive

**LEGAL**

**DESCRIPTION:** A portion of Sections 10 and 15, Township 23 South, Range 21 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

---

**CITIZEN RESPONSE:**                      FOR: 0                                      AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: AG with PSFOD for school  
South: AG  
East: PDP(SF)  
West: AR-2

Undeveloped  
Wood Trace Subdivision, under construction  
Undeveloped  
Mobile Homes

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone this approximately 120 acre site from AG to Planned Development Project(RURAL) with Agricultural uses.

**FACTUAL INFORMATION**

1. The property is currently zoned Agricultural.
2. The property comprises approximately 120 acres.
3. The site contains two single family homes, a horse track and related facilities.

4. The site appears to contain both majestic and specimen trees.
5. The subject property has access from US 98.
6. The subject property is located within a Rural land use classification on the adopted Future Land Use Map.
7. The on-site soil type is candler fine sands, arrendondo fine sands, wauchula fine sands, myakka fine sands and hydric soils along the northeast corner.
8. The property is located in flood zones A and C.
9. The subject property does not contain any WHPAs or SPAs according to County data resources. There are wetlands identified on the County's mapping along the eastern boundary of the project.
10. The Utilities Department has indicated that central water is available to serve the subject property; however, central sewer is not.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The area is characterized by single family and mobile homes, and rural land uses.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner has submitted a request to rezone this approximately 120 acre AG zoned property to PDP(RURAL) for development with twenty-four (24) with a minimum 2 ½ acre homesites.

The subject property exists as an 80 acre tract and a 40 acre tract. Collectively, the parcels could be developed with 15 units under existing County LDRs without applying for rezoning.

The petitioner has indicated that the concept of the development would include 24 single family homes and equestrian facilities. The facilities will include a 15-stall stable building with ancillary stable manager's quarters, related accessory space within a single building, a 6- stall stable stud barn, and an equipment storage building. The petitioner intends the equestrian area to serve as a focal point to the character and development of the project. The common area will be a minimum of 5 acres and is centrally located in the project. The petitioner has not included the manager's quarters in the density calculation.

The petitioner has indicated that they would like the ability to combine two lots as a development site, allowing a principal dwelling and guesthouse/accessory dwelling unit on one lot, with the second lot remaining as pasture with no development rights. The petitioner's concept indicates that a parcel comprised of two lots must be owned by a single entity. The minimum parcel size would be 5 acres, with a minimum separation between buildings of 30'. When two lots are combined into a single parcel, the petitioner has indicated that the owner of both lots would be required to consolidate both lots into a single parcel.

The developer is proposing to develop the project as a Class B subdivision. A Class B subdivision would allow the development to utilize unpaved, limerock internal roadways. The petitioner is proposing the major access to the project from US 98. The plan depicts the entrance as a boulevard style main access; however, no specifics about the number of lanes and condition is provided. The petitioner has depicted two emergency access points, one at the northwest corner of the project to US 98, the second along the south adjacent to Wood Trace. The roadway in Wood Trace is paved; however it is a private access tract. Staff would not support the emergency access from this property onto the private access tract. The petitioner's plan notes that only one of the two emergency access points is intended in addition to the main access point.

The site contains equestrian facilities and a 5/8 mile horse tract. The narrative indicates that the tract will probably be removed and the area developed with portions of single family lots. This area is designated as a wetland, as well as being in a floodplain. The subject property contains approximately 13.5 acres of onsite wetlands. The petitioner is proposing to utilize the wetlands for the project's drainage facilities. Staff has significant concerns regarding stormwater management relating to the equestrian facilities and the wetlands. The petitioner has indicated that the following techniques will be utilized relative to the project:

1. Manure stockpiles will be under cover, protected from rainfall.
2. All wetlands will have a 25-foot vegetated buffer for nutrient uptake.
3. Stormwater runoff from developed areas will be treated prior to discharge offsite.
4. Activity in pasture areas will be managed to assure a persistent flourishing ground cover.

Any approved development should utilize best management practices for equestrian facilities including a stormwater management system that directly addresses stables and other common equestrian areas. These management practices should include detention/retention and treatment of animal waste laden stormwater runoff prior to discharge into any wetland systems.

Over 50% of the eastern portion of the site is designated as floodplain. The plan does not include a layout, nor indication of the number of lots proposed in the floodplain. The petitioner has identified the floodplain on the plan and indicated that any buildings within the floodplain would be at or above the regulatory flood. As part of the subdivision review approval, the developer will have to demonstrate that all lots are positively drained. The staff also has concerns regarding the construction of roads within the floodplain to access future lots. The petitioner is aware of the

staff's concerns regarding these issues and proposed additional floodplain condition language for review. The petitioner proposes that at the time of construction plan submittal, the developer shall be required to establish that it can develop lots within the eastern area of the property at a density that is less than or equal to one unit/10 acres while satisfactorily addressing county concerns regarding vehicular access to lots through areas mapped as 100 year floodplain. The petitioner further proposes that if it is determined that the density on the eastern portion of the project is limited, than they have the ability to cluster the remaining units to the western portion of the project with a minimum 2.5 acres lot size. While the staff understands the concept put forth by the petitioner, more definitive standards should be included if the request is approved.

It is the staff's position that access to any lots smaller than 10 acres in size should be required to either be elevated above the 100 year flood. Additionally, for all lots or lots which are accessed via roadways constructed within the floodplain, notice shall be required on deeds to future buyers that the lots are within a floodplain, and/or access is within a floodplain and the roads may become impassible for periods of time during storm events. Because of the low density proposed, it is the staff's opinion that conditions can be placed on the request to provide adequate notice/protection to future purchasers of land within the development.

Pasco County has been notified of the subject request. No comments have been received at this time.

The Hernando County School Board indicates that the request would generate approximately 8 additional students. Elementary schools students would be assigned to Eastside Elementary School, middle school students would be assigned to Parrott Middle School and high school students would be assigned to Hernando High School. The comments received by the School Board are attached to this report.

### **FINDINGS OF FACT**

The subject property is located in a rural land use classification as identified on the adopted Future Land Use Map. The adopted comprehensive plan allows densities up to one (1) unit per five (5) acres will be permitted in the rural land use category provided the minimum criteria for infrastructure services and land use compatibility are addressed.

The criteria for infrastructure services includes: an ISO rating of 10 or better; being no further than ½ mile from a county paved roadway; being within 5 miles of a school; and, being within a 5 mile radius of a commercial node. The subject currently meets all of the criteria with the exception of being 5 miles from a school; however, there is a school site approved immediately north of the site which is included in the school board's 5 year facilities plan.

The criteria for land use compatibility includes: location of the site within one mile of a residential land use or designated pre-existing community; and compatibility with the surrounding land uses.

The site is within 1500' of a residential land use classification and it is the staff's opinion the request would be compatible.

The minimum parcel size for consideration of densities up to one (1) dwelling unit per five (5) acres within the Rural Land Use Category is 40 acres. The subject property comprises two parcels, one 80 acres in size, one 40 acres in size.

Development of one (1) dwelling unit per five (5) acres within the Rural Land Use Category will be treated as a Planned Development Project. The petitioner has applied for a Planned Development Project.

Goal 6.05 of the adopted comprehensive plan relates to incompatible land use activities in wetlands. The comprehensive plan indicates that the county should protect and conserve identified wetlands and the natural function of wetlands by restricting incompatible land use activities in wetlands to those which do not significantly impact the quality and the function of the wetland. The subject property includes designated wetlands.

The adopted comprehensive indicates that development shall be compatible with the ability of the natural systems to support the intensity of the development. Development in flood-prone areas shall generally be less intensive and shall meet standards established in the County Flood Plain ordinance. It is the staff's opinion the proposed density of 1 unit per 5 acres is relatively low and would not be inconsistent with the comprehensive plan with appropriate performance conditions.

The staff is of the opinion that it is appropriate to rezone the parcel from Agricultural to PDP(RURAL) with AG uses based on the following conclusions:

1. The overall density of the proposal is one unit per 5 acres.
2. The request is consistent with the provisions in the adopted comprehensive plan to increase the density to one unit per 5 acres.
3. Residential land uses exist to the west of the subject property.
4. The proposed development is not incompatible with the surrounding land use.
5. There are environmental concerns associated with the site which can be adequately addressed through approval of a Planned Development Project.
6. The requested rezoning is 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 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 (Agricultural) to Planned Development Project (RURAL)/PDP(RUR) with AG uses.

1. The petitioner must obtain all permits and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The request is approved for all permitted uses within the AG zoning district.
3. Minimum internal setbacks shall be per the AG zoning district. External setbacks shall be consistent with the PDP regulations for a rural development.
4. There shall be a maximum of 24 lots created.
5. The minimum lot size allowed is 2.5 acres.
6. If the developer can design a mechanism to ensure compliance, a principal dwelling and an accessory dwelling is allowed when two lots are combined into a development site.
7. Internal roadways accessing lots smaller than 10 acres in size shall be elevated at or above the 100 year flood.
8. The site shall be served with central water.
9. Lots in the floodplain or lots accessed by roadways in the floodplain shall have notice placed on their property deeds indicating that the property and/or roadways are within a floodplain and roads may become impassible for periods of time during storm events.

10. Any approved development should utilize a suite of best management practices for equestrian facilities including a stormwater management system that directly addresses stables and other common equestrian areas.
11. Uses allowed in the common area include: stable buildings, ancillary stable manager's quarters, related accessory space and equipment storage. Setbacks shall be consistent with the AG zoning district.

**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 rezone from AG (Agricultural) to Planned Development Project (RURAL)/PDP(RUR) with AG uses with modified performance conditions:

1. The petitioner must obtain all permits and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The request is approved for all permitted uses within the AG zoning district.
3. Minimum internal setbacks shall be per the AG zoning district. External setbacks shall be consistent with the PDP regulations for a rural development.
4. There shall be a maximum of 24 lots created.
5. The minimum lot size allowed is 2.5 acres.
6. If the developer can design a mechanism to ensure compliance, a principal dwelling and an accessory dwelling is allowed when two lots are combined into a development site.
7. Internal roadways accessing lots smaller than 10 acres in size shall be elevated at or above the 100-year flood. elevation 64', or as determined by the County Engineer.
- ~~8. The site shall be served with central water.~~
- ~~9. Lots in the floodplain or lots accessed by roadways in the floodplain shall have notice placed on their property deeds indicating that the property and/or roadways are within a floodplain and roads may become impassible for periods of time during storm events.~~

8. Any approved development should utilize a suite of best management practices for equestrian facilities including a stormwater management system that directly addresses stables and other common equestrian areas.
9. Uses allowed in the common area include: stable buildings, ancillary stable manager's quarters, related accessory space and equipment storage. Setbacks shall be consistent with the AG zoning district.

**NOTE:**

Subsequent to the May 9, 2005, Planning and Zoning Commission meeting, the applicant's representative met with the County Engineer and Planning Staff. The County's Facility Design Guidelines require that roadways are built at a minimum to the 25 year storm event. The County Engineer indicated that elevation 64.8' acceptable relative to design of the roadway.

**BCC ACTION:**

On June 8, 2005, the Board of County Commissioners voted 5-0 to adopt Resolution # 2005-158 approving the petitioner's request to rezone from AG (Agricultural) to Planned Development Project (RURAL)/PDP(RUR) with AG uses with performance conditions:

1. The petitioner must obtain all permits and meet all applicable land development regulations, for either construction or use of the property, including receiving DRC approval for the proposed use.
2. The request is approved for all permitted uses within the AG zoning district.
3. Minimum internal setbacks shall be per the AG zoning district. External setbacks shall be consistent with the PDP regulations for a rural development.
4. There shall be a maximum of 24 lots created.
5. The minimum lot size allowed is 2.5 acres.
6. If the developer can design a mechanism to ensure compliance, a principal dwelling and an accessory dwelling is allowed when two lots are combined into a development site.
7. Internal roadways and driveways accessing lots shall be elevated at or above. elevation 64.8'.
8. Lots in the floodplain or lots accessed by roadways in the floodplain shall have notice placed on their property deeds indicating that the property and/or roadways are within a floodplain and roads may become impassible for periods of time during storm events.

9. Any approved development should utilize a suite of best management practices for equestrian facilities including a stormwater management system that directly addresses stables and other common equestrian areas.
10. Uses allowed in the common area include: stable buildings, ancillary stable manager's quarters, related accessory space and equipment storage. Setbacks shall be consistent with the AG zoning district.

**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  
Brooksville, FL 34601  
352-797-7000

**Facility & Support  
Operations  
8050 Mobley Road  
Brooksville, FL 34601  
Phone 352-797-7096**

**Superintendent**  
Wendy L. Tellone, Ed.D.  
**Chairperson**  
Robert Wiggins  
**Vice Chairperson**  
Jim Malcolm  
**Members**  
John Druzbeck  
Pat Fagan  
Sandra Nicholson

April 22, 2005

Carlene Riecss  
Hernando County Planning Department  
20 North Main Street, Room 262  
Brooksville, FL 34601

Dear Carlene:

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-05-30**, the request from Gloria S. Williams to rezone and develop 85 single family units, I offer the following:

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

This rezoning request is expected to add an additional 28 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 28 students is a total impact of \$620,676.

In reference to **H-05-37**, the request from Ladd Development to rezone and develop 39 single family units, I offer the following:

Sparks Road is one of the boundary roads used by the Hernando County School Board to define attendance zones. Therefore, potential students from this rezoning request will attend one of these schools:  
Elementary (K-5) – Suncoast or Moton Elementary School  
Middle (6-8) – Powell or Parrott Middle School  
High (9-12) – Springstead or Hernando High School

This rezoning request is expected to add an additional 13 students to the District. The above mentioned schools are currently over permanent capacity. The 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 13 students is a total impact of \$288,171.

In reference to **H-05-38**, the request from Lincoln Trust to rezone and develop lots, 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 rezoning request is expected to add an additional 25 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 25 students is a total impact of \$544,175.

In reference to **H-05-39**, the request from Seven Hills for Master Plan approval to develop 49 lots, I offer the following:

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

This rezoning request is expected to add an additional 16 students to the District. The above mentioned schools are currently over permanent capacity. The 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 16 students is a total impact of \$354,672.

In reference to **H-05-40**, the request from Ladd Development to rezone and develop 102 single family units, I offer the following:

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

This rezoning request is expected to add an additional 34 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 34 students is a total impact of \$753,678.

In reference to **H-05-43**, the request from Irwin Ljuba to rezone and develop 13 units, 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 will result in a minimal impact to Hernando County Schools with an expected increase of 4 students. The 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 financial impact to the District for these 4 students is a total impact of \$88,668.

In reference to **H-05-44**, the request PHPD, LLC and Robert C. Burkett, Trustee to rezone and develop 24 units, I offer the following:

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

This rezoning request will result in a minimal impact to Hernando County Schools with an expected increase of 8 students. The 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 financial impact to the District for these 8 students is a total impact of \$177,336.

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 requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board  
Facility & Support Operations, Executive Director