

**STAFF REPORT**

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

---

**APPLICANT:** Lee K. Pedone **FILE NUMBER:** H-05-79

**PURPOSE:** Rezoning from AG (Agricultural) to C/PDP(SF)&(MF)/Combined Planned Development Project(Single Family)&(Multifamily)

**GENERAL**

**LOCATION:** East side of Kettering Road, approximately 2 miles south of Cortez Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 16, 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: 1 AGAINST: 1

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(IND)  
South: AG  
East: AG  
West: AG

Surrounding Land Uses

Pasture  
Pasture, rural residential, undeveloped  
Dairy, pasture  
Pasture, AG

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to C/PDP(SF)&(MF). The subject property is located on the east side of Kettering Road, approximately 2 miles south of Cortez Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 235 acres.
3. The site contains a dairy farm and an excavation operation.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Kettering Road and Dashbach Street.
6. The subject property is located within the I-75/State Road 50 Planned Development District land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Adamsville fine sand, Arredondo fine sand and 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 wetlands, but no WHPAs or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. There is not an urban roadway network in place to serve the area.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by agricultural and rural residential uses.
14. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests to rezone the subject property from AG to CPDP(SF) and (MF) in order to develop the site with 697 residential units. The petitioner proposes 495 single family units with varying lot sizes, and 202 multifamily units. A 20 acre park is indicated at the northwest corner of the project.

The subject request is one of 4 rezoning petitions submitted in the I-75/SR 50 Planned Development District (PDD). The rezoning petitions have multiple petitioners; however, a unified analysis of comprehensive plan consistency was conducted and submitted for review. The Planning staff has discussed extensively with the petitioner's of the various zoning cases our concerns about public use needs, infrastructure, density, land use layout and transportation issues concerning the PDD. Information has been provided to the staff which demonstrates compliance with the land uses anticipated within the PDD. At this time, no capital improvements have been planned in a program to develop infrastructure for the area; consequently any proposed development beyond what the existing infrastructure can accommodate will be expected to participate. Although public facilities

such as schools and regional recreational facilities are not expected to be located within the subject property, the petitioner is expected to participate in the provision of public facilities for the area. The level of participation by the various developers of the PDD area will have to be addressed with zoning conditions and development agreements.

The petitioner is proposing three typical lot sizes for the single family component of the project. The area identified as A-1 proposes 50' x 120' lots, A-2 areas indicate 65' x 120' lots and area A-3 with 75' x 120' in size. The lots are generally grouped together. The minimum internal lot setbacks for the 50' wide lots are proposed to be 20' front, 5' side and 15' rear. The 65' and 75' wide lots are proposed to have 7.5' side lot setbacks. Lots 60' in width or less are required to provide a fire protection plan at the time of conditional plat approval. The plan notes indicate that the requirement for the fire protection plan is for 50' wide lots or less which is incorrect.

The petitioner is proposing smaller lots within the southeast corner of the project which is adjacent to properties 10 acres in size. The larger lots appear to be proposed internal to the project. The subject property includes 3-10 acre tracts previously approved as a class I subdivision. As part of the approval, these tracts were to be served by a 60' access tract. It is the staff's opinion that two-10 acre tracts at the southeast corner of the project should not be approved given their proximity to the remaining 10 acre tracts. It is further the staff's opinion that the petitioner should be required to place the larger A-3 size lots (9000 square feet) along the south and south east perimeter. The plan submitted places DRAs and open spaces areas at portions of the project perimeter. It is the staff's position the locations are part of the petitioner's buffering plan; consequently, any modification to the locations would require a master plan revision.

The plan provided shows 20 acres of recreation/open space at the northwest corner of the property at the intersection of Kettering Road and Dashbach Street. No indication as to use of the park has been provided, ie: ballfields, passive recreation, structures, walking trails, etc. Given that the adjacent uses proposed along the east and a portion of the south are open space and DRAs, and the proposed development south is MF, the staff would have no issues with playing fields or structures being developed on the site provided that any lighting is oriented internally in to the subject property. Additionally, the park should be developed allowing for pedestrian interconnection into the site. The 20 acres provides more than the minimum open space required. If the request is approved, the petitioner will be required to provide the minimum amount of open space proposed.

A MF component is proposed along Kettering Road, just south of the proposed park. The petitioner is proposing 202 MF units. The plan depicts multiple buildings with approximately 6 units per building served by a 50' right of way which is in excess for the right of way required for MF projects. The MF development would have to meet the design standards for MF Planned Development Projects. These standards address building facades, roofing, open space, parking and internal access design. The multifamily design standards require a minimum 15% of the gross area be provided as open space. The overall PDP proposes a 20 acre park site and 8 acres of other open space throughout the project which exceeds the amount required for the development. If the request

is approved, the petitioner would be required to provide the amount of open space indicated on the plan.

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 Transportation Planning Coordinator indicates the subject property is proximate to a section of Cortez Boulevard that has limited capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The subject property has access from Kettering Road and Dashbach Street. Kettering Road is a limerock road and Dashbach Street is an unpaved roadway. The petitioner proposes providing access to Kettering Road and Dashbach Street. In order to accommodate the proposed development, Kettering Road would have to be improved down to Powerline Road. The documentation submitted by the petitioner relative to the Planned Development District indicates that Kettering will require 4-laning from Walmart to SR 50. The County's Buildout Thoroughfare Plan adopted as part of the EAR indicates Kettering from Powerline to SR 50, and Powerline from Lockhart to Kettering as 4-lane divided roadways. If the request is approved, the petitioner should be required to provide the right of way along Kettering for a future 4-lane roadway.

It is the position of both the Planning Staff and the County Engineer that the proposed development should be served by a collector roadway network. Powerline, from Lockhart to Kettering, and Kettering from Powerline to SR 50 should be paved concurrent with any development on this site

The petitioner proposes project perimeter setbacks of 50' from Kettering Road and 35' from all other property lines. Due to the provision of right of way for Kettering Road, it is the staff's opinion that a 25' setback from the future right of way line on Kettering Road would be appropriate.

The Hernando County School Board indicates that the request would generate approximately 233 additional students. Elementary school students would be assigned to East Side Elementary School, middle school students would be assigned to D. S. 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 subject property contains a Class 3 wetland according to County data resources. Any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetlands permitting and mitigation. Recent wildlife surveys of nearby properties suggest that the subject property is likely to contain listed species such as gopher tortoise, southeastern American kestrel and Sherman's

fox squirrel. A comprehensive wildlife survey of the subject property shall be conducted prior to any development activity.

The Utilities Department has indicated there is adequate water and sewer capacity to serve the project; however, the infrastructure is not developed to provide enough supply to the area. The Director of County Utilities indicates additional well sites will be required in the PDD area to serve future growth. There is an existing 16" waterline on the east side of Kettering Road, approximately 2,050' north of the parcel. The sewer service will be at the Ridge Manor Waste Water Treatment Plant head approximately 5200' north of the property (including crossing Kettering Road). The Planning staff is of the opinion the provision of water and sewer service to the subject property should be designed to accommodate future development in the area. The petitioner needs to extend the lines to serve the project of an appropriate size (meaning they will be oversized to serve the area). The County anticipates negotiating the issue of connection fee credits for the provision of oversized water and sewer lines.

Pasco County has no objections to the request.

### **FINDINGS OF FACT**

The area is characterized by agricultural and rural residential uses. Pasture and AG uses are located to the west. Pasture is located to the north on property zoned PDP(IND). AG, rural residential uses and undeveloped parcel are located to the east and south.

The subject property is located within the I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map. The PDD envisions a mixture of land uses including commercial, industrial, public facility, and residential. The proposed single family and multifamily residential uses are potentially allowable within the I-75/SR 50 PDD.

Objective 1.04C indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured. With development agreements, and zoning condition requirements, necessary facilities can be planned to serve the area.

The staff is of the opinion that the proposed rezoning is appropriate based on the following conclusions:

1. The proposed combined development project with single family and multifamily uses is consistent with the uses allowed in the I-75/SR 50 Planned Development District with the exception of the east 20 acres of the subject property.
2. With performance conditions, necessary public facilities can be provided to serve the subject property.

3. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to performance conditions.

**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 rezone from AG to C/PDP(SF)&(MF) with the following performance standards:

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 single family lots are approved for A-1 areas with a minimum size of 6000 square feet.
3. The single family lots are approved for A-2 areas with a minimum size of 7500 square feet, A-3 areas with 9000 square feet.
4. Internal lot setbacks for A-1 areas are as follows: Front: 20', side: 5', and rear 15'
5. Internal lot setbacks for A-2 and A-3 areas are as follows: Front: 20', Side 7.5, and rear: 15'
6. A-1 areas cannot be mixed with A-2 and A-3 lots.
7. Development standards for the MF portion must meet minimum LDRs.
8. Minimum perimeter setback from the new right-of-way line of Kettering Road: 25'
9. Minimum perimeter setback from all other property lines: 35'

10. A comprehensive wildlife survey of the subject property shall be conducted prior to any development activity.
11. Kettering Road shall be paved from SR 50 to Powerline Road concurrent with any development of the site.
12. Powerline Road must be paved from Kettering Road to Lockart Road concurrent with any development of the site.
13. The petitioner should be required to provide their fair share of right of way along Kettering for a future 4-lane roadway.
14. Dashbach road shall be paved along the northern boundary of the project to local street standards concurrent with development of the site.
15. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
16. The southeastern 20 acres of the subject property are not approved as PDP(SF). The master plan shall be revised to remove this area
17. The master plan shall be revised to indicate A3 sized lots adjacent to the south and east boundaries of the project.
18. The petitioners shall enter into a developer's agreement which will require them to contribute their proportionate share to fund infrastructure deficits within the Planned Development District (PDD).
19. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
20. 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:**

At the March 13, 2006 meeting, 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 to C/PDP(SF)&(MF) with the following performance standards:

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 single family lots are approved for A-1 areas with a minimum size of 6000 square feet.
3. The single family lots are approved for A-2 areas with a minimum size of 7500 square feet, A-3 areas with 9000 square feet.
4. Internal lot setbacks for A-1 areas are as follows: Front: 20', side: 5', and rear 15'
5. Internal lot setbacks for A-2 and A-3 areas are as follows: Front: 20', Side 7.5, and rear: 15'
6. A-1 areas cannot be mixed with A-2 and A-3 lots.
7. Development standards for the MF portion must meet minimum LDRs.
8. Minimum perimeter setback from the new right-of-way line of Kettering Road: 25'
9. Minimum perimeter setback from all other property lines: 35'
10. A comprehensive wildlife survey of the subject property shall be conducted prior to any development activity.
11. Kettering Road shall be paved from SR 50 to Powerline Road concurrent with any development of the site.
12. Powerline Road must be paved from Kettering Road to Lockart Road concurrent with any development of the site.
13. The petitioner should be required to provide their fair share of right of way along Kettering for a future 4-lane roadway.
14. Dashbach road shall be paved along the northern boundary of the project to local street standards concurrent with development of the site.
15. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
16. ~~The southeastern 20 acres of the subject property are not approved as PDP(SF). The master plan shall be revised to remove this area.~~ (Staff object, contrary to our recommendation)

17. The master plan shall be revised to indicate A3 sized lots adjacent to the south and east boundaries of the project, and minimum quarter-acre lots along the south and east property lines of the southeastern 40 acres.(Staff objects, contrary to our recommendation)
18. The petitioners shall enter into a developer's agreement which will require them to contribute their proportionate share to fund infrastructure deficits within the Planned Development District (PDD). Infrastructure will be provided in a timely manner as the phases of the project are developed. (Staff does not object)
19. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project. Infrastructure will be provided in a timely manner as the phases of the project are developed. (Staff does not object)
20. 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.
21. The petitioner shall provide an enhanced 35' buffer along the southern property line and along the east property line of the southeastern parcel.(Staff would not object to enhanced buffering against portion of project south and east that we recommended approval)

**BCC ACTION:**

On April 12, 2006, the Board of County Commissioners voted 5-0 to postpone consideration of the petitioner's request to rezone from AG to C/PDP(SF)&(MF) until the July 12, 2006 BCC hearing at 9:00 a.m.

*The School Board of Hernando County, Florida*

919 North Broad Street  
Brooksville, FL 34601  
352-797-7000

**Facility & Support  
Operations  
8060 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

January 26, 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 for the February meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-05-77** the request from Hernando 100, LLC to rezone and develop a 110 acre site with 302 multi-family units, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – East Side 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 101 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 \$500,000 and 4.5 teachers at an estimated cost of \$225,000. 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 101 additional students. This worksheet shows an estimated impact in excess of school taxes between \$909,765 and \$927,885.

In reference to **H-05-79**, the request from Lee K. Pedone to rezone and develop a 235 Ac site with 697 residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 233 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 \$875,000 and 10 teachers at an estimated cost of \$500,000. 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 233 additional students. This worksheet shows an estimated impact in excess of school taxes between \$2,097,414 and \$2,139,234.

In reference to **H-06-09**, the request from Brooksville Properties, LLC to rezone 148.4 Ac and develop 272 multi-family homes and 258 single family homes, 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 an impact to the District with an increase of an additional 177 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 \$700,000 and 8 teachers at an estimated cost of \$400,000. 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 177 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,519,029 and \$1,622,829.

The request from Diamond Developing, LLC **H-06-13** to rezone and develop 20 Ac with 18 residential lots will be of minimal impact to the District with the addition of 6 students.

In response to **H-06-14**, the request for master plan approval from Joseph Pastore, it appears that residential units have previously been approved, and this request is for a reduction in lot setbacks; however, not enough information was provided to allow me to make that determination. If need be, I will make my comments at the public input portion of the meeting.

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