

**STAFF REPORT**

Planning & Zoning Commission: February 13, 2006  
Board of County Commissioners: March 15, 2006

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**APPLICANT:** Diamond Developing LLC **FILE NUMBER:** H-06-13

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

**GENERAL**

**LOCATION:** South side of San Antonio Road, north of North Road, approximately 600' west of Barclay Avenue

**LEGAL**

**DESCRIPTION:** A portion of Section 10, 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: 0

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	SF, undeveloped
South: AR	Undeveloped
East: AG	Undeveloped
West: PDP(SF)	Sterling Hills

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP (SF). The subject property is located on the south side of San Antonio Road, north side of North Road, approximately 600' west of Barclay Avenue.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 20 acres.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from San Antonio Road and North Road.
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 contains a WHPA-2, but no wetlands or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family 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 site with 18 one-acre single family lots. The plan indicates the perimeter setbacks are proposed to be 25' from the north and south property lines and 10' from the east and west property lines. The plan indicates the internal lot setbacks are proposed as follows: 50' front, 15' side and 25' rear. The Planning staff is of the opinion that if the request is approved the perimeter setbacks should be 25' in order to be consistent with the proposed internal lot setbacks.

The plan is unclear about the proposed open space. The plan contains a table with two statements indicating the open space required is 2.5% or 0.50 acres. The plan depicts the open space within the pond area. The LDRs require 5% of the project area to be provided as usable open space. If the request is approved, the petitioner will be required to provide the minimum amount of usable open space as required per the LDRs.

The petitioner proposes serving the homesites with well and septic. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site and the site should be connected to central services. An 8" water line is located to the west of the parcel, within the Sterling Hill development; the developer will need to connect to this water line in two (2) locations along the DRA portion of the water line. A 12" water line is located approximately 3,000'

north of the parcel on the north side of Highgrove Road and a 12" water line is located approximately 4,650' south of the parcel on the north side of Powell Road. An 8" sewer force main is located on the north side of Powell Road approximately 4,750' south of the subject property. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits. The LDRs do not require one acre homesites to be served by central water and sewer service.

The Hernando County School Board indicates that the request would generate approximately 6 additional students, a minimal impact to the school district.

The plan shows access from San Antonio Road to the north and North Road to the south. San Antonio Road is a limerock road. North Road has been built and paved to the southeast corner of the subject property. The plan shows an internal roadway serving the project. The narrative indicates this will be a private roadway. The County Engineer indicates that if the request is approved, the petitioner shall pave San Antonio Road along the parcel's north property line and shall pave North Road to the project's access point on that roadway.

The subject property lies within a Wellhead Protection Area-2 (WHPA-2) for a public supply well. The proposed use is allowable within this designation.

The subject property contains a large depressional area. This area will require a geotechnical examination prior to home construction in order to determine that affected lots are buildable.

The City of Brooksville has no comments regarding this request.

### **FINDINGS OF FACT**

The area is characterized by single family uses and undeveloped parcels. Sterling Hills, a single family residential subdivision is under development to the west. The Silverthorne single family residential subdivision is located to the east on the east side of Barclay Avenue. Single family residential uses and undeveloped parcels are located on AR-2 property to the north. Undeveloped AG parcels are located to the east; undeveloped AR parcels are located to the 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 land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. The proposed request results in a density of approximately 1.0 units per acre which is within the range allowed by the comprehensive plan.

Policy 1.01F (2) indicates low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the district most utilized for regulating future single family development.

The Planning staff is of the opinion that the request for a rezoning from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The rezoning would be compatible with the surrounding land uses.
2. The 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.**

**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 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 minimum lot size shall be one acre.
3. The perimeter setbacks shall be 25'.
4. The internal lot setbacks shall be as follows: Front: 50' Side: 15' Rear: 25'
5. The access points shall be provided as indicated on the plan.
6. The project shall contain the required usable open space per the PDP rules.
7. The petitioner shall pave San Antonio Road along the parcel's north property line.
8. The petitioner shall pave North Road to the project's access point on that roadway.

9. The depression area will require a geotechnical examination prior to home construction in order to determine that affected lots are buildable
10. 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 February 13, 2006 meeting, 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 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 minimum lot size shall be one acre.
3. The perimeter setbacks shall be 25'.
4. The internal lot setbacks shall be as follows: Front: 50' Side: 15' Rear: 25'
5. The access points shall be provided as indicated on the plan.
6. The project shall contain the required usable open space per the PDP rules.
7. The petitioner shall pave San Antonio Road along the parcel's north property line.
8. The petitioner shall pave North Road to the project's access point on that roadway.
9. The depression area will require a geotechnical examination prior to home construction in order to determine that affected lots are buildable
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-72 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 minimum lot size shall be one acre.
3. The perimeter setbacks shall be 25'.
4. The internal lot setbacks shall be as follows: Front: 50' Side: 15' Rear: 25'
5. The access points shall be provided as indicated on the plan.
6. The project shall contain the required usable open space per the PDP rules.
7. The petitioner shall pave San Antonio Road along the parcel's north property line.
8. The petitioner shall pave North Road to the project's access point on that roadway.
9. The depressional area will require a geotechnical examination prior to home construction in order to determine that affected lots are buildable
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

**NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.**

*The School Board of Hernando County, Florida*

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*Robert Wiggins*  
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*Jim Malcolm*  
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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