

**STAFF REPORT**

Planning & Zoning Commission: June 12, 2006

Board of County Commissioners: July 12, 2006

---

**APPLICANT:** Mercedes Homes **FILE NUMBER:** H-06-48

**PURPOSE:** Rezoning from AG (Agricultural) to CPDP(SF)(OP)(HC)(MF)/Combined Planned Development Project (Single Family)(Office Professional)(Highway Commercial) & (Multifamily) with a modification to the frontage road and reduction in setbacks

**GENERAL**

**LOCATION:** North side of Cortez Boulevard, east of Blue Jay Avenue, Caracara Avenue and Desert Sparrow Avenue, south of Nightingale Road and Mazette Road

**LEGAL**

**DESCRIPTION:** A portion of Sections 30 and 31, Township 22, South, Range 18 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:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: R-1C	Single Family homes; vacant lots
South: C/PDP(SFA), AG & PSF	Undeveloped; towers/substation & Boy Scout property
East: PDP(REC)(MH), OP, C-1 & C-3	High Point MH development, Oak Hill Hospital and associated offices
West: R-1C, AG and C-3	SF & undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone this approximately 416 acre site from Agricultural to a combined planned development project to accommodate residential, office and highway commercial uses. The subject property is located on the north side of SR 50, between Oak Hill Hospital and Nighwalker Road.

**FACTUAL INFORMATION**

1. The property is currently zoned Agricultural.
2. The property comprises approximately 416 acres.
3. The subject property is currently undeveloped.
4. The site does not appear to contain majestic or specimen trees.
5. The subject property has access from SR 50, Blue Jay Avenue, Mabrick Court, Canary Avenue, Desert Sparrow Avenue, Eider Avenue, Mazette Road, Cockatoo and Marston Roads.
6. The subject property is located within residential and commercial future land use classifications 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 flood zones A & C.
9. The subject property contains wetlands, WHPAs and 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. The subject property is located along a portion of SR 50 that has capacity issues.
12. There are adequate public facilities available to serve limited development of the subject property.
13. The surrounding area comprises a mixture of uses including: residential, medical/hospital, Public Service facility uses (water tank, towers and electrical substation), and undeveloped property.
14. The petitioner has requested a reduction in setbacks and a modification to the frontage road to the west which are deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner has submitted a rezoning and master plan for approval on this approximately 416 acre project. The petitioner is proposing developing the site with a mixture of SF products, office professional and highway commercial. The project is located on the north side of SR 50 between Nightwalker Road and Oak Hill Hospital.

The plan depicts the major access way into the project at an existing median break at the Boy Scout Reservation along SR 50. Two additional access points are proposed into the project from SR 50 at existing median breaks. The eastern most access at the Boy Scout Reservation has been identified as a potential future light location with the removal of the light at Oak Hill Hospital.

The County's adopted Comprehensive Plan depicts a future collector roadway through the subject property which will ultimately connect from SR 50 to Centralia. The plan submitted depicts 140' of right of way for a future 4 lane collector roadway. The narrative submitted by the petitioner indicates that Mercedes Homes anticipates building two lanes of the roadway through its property.

The overall plan for development proposes multiple uses on the subject property. Along SR 50, the petitioner proposes two Highway Commercial Parcels, one office professional parcel, open space and a residential pod which could either include townhouses or 50' wide detached lots. The plan indicates a two lane collector road running behind these uses connecting into the hospital to the east. The collector roadway running east/west through the southern portion of the project does not connect into the development to the west, it loops around and connects to SR 50 at an existing median break. The petitioner has requested a modification to the frontage road to not connect into the west. The transportation coordinator and the County Engineer both reviewed the request and indicated that the frontage road should be extended west to Blue Jay Avenue which would eliminate the need to connect at Caracara Avenue.

The petitioner is proposing 900 single family lots of varying lot sizes and products through out the project. In three of the residential land use pods identified as F, H and I on the master plan, the petitioner is proposing to develop with either 50' x 110' SF lots, or townhouses on 20' x 60' lots. These areas are located on the southern portion of the project west and east of the powerline easement. Area H is immediately adjacent to a portion of Royal Highlands Unit 9 which includes developed SF homes on typical ½ acre lots. The petitioner proposes a 100' setback from Royal Highlands if the area is developed with the townhouse product, or 75' if it is developed with the 50' x 110' product. A 20' buffer is proposed along all project boundaries. Parcel I east of the powerline proposes the alternative housing product as well, with only a 20' buffer adjacent to the platted Royal Highlands lots. Parcel F, located along SR 50, proposes the mixed product as well. Although the staff would not object to smaller lot sizes and/or townhouses within the development, given the existing lot sizes and development patterns within Royal Highlands, the staff would recommend minimum 12,500 square foot lots along the perimeter with a 50' buffer separate from the lots. Setbacks for these lots shall be consistent with the R-1C zoning district, front: 25', side: 10' rear: 20'..

The petitioner proposes 70' x 110' lots along the northwestern boundary of the project adjacent to platted residential lots in Royal highland which are characterized typically by 1 acre lots. The petitioner proposes a 20' buffer between the 70' lots and Royal Highlands. Parcel O at the north end of the project proposes the largest lots measuring 90' x 110' with the 20' project buffer. As indicated in the above paragraph, the staff would not object to smaller lot sizes within the development; however, the perimeter lots should be 12,500, with setbacks consistent with the R-1C district.

Parcels L&M are located in the northeast portion of the project on either side of the future north/south roadway. These parcels propose 50' x 110' lots with the 20' project buffer, and 20' buffer along internal collector roadways. The staff has no objections to the proposed uses within these pods.

Internal lot setbacks for all single family detached lots are: 20' front, 15' second front/corner lots, 5' side and 20' rear. Staff does not oppose the setbacks proposed for the smaller lots; however, for compatibility purposes, we believe lots on the perimeter should be required to match development standards of the R-1C district.

The internal lot setbacks proposed for the single family attached units are Front: 20', side: 10' Rear: 15'. The setbacks as indicated in the proposal are inconsistent with the concept proposed, namely, the side lots will be 0' since they are attached units. The 10' side setbacks indicated in the proposal relate to buildings on the end lots which would result in a total of 20' between buildings.

The petitioner proposes highway commercial zoning at the northwest and northeast corners of the project at the intersection of SR 50 and the new North/south roadway. These areas are indicated as parcel A&B. The petitioner's plan indicates a total of 100,000 square feet of retail commercial to be developed on parcels A&B. These areas are located within a commercial node as identified on the future land use map. The commercial land use classification would support commercial zoning; however, it is the staff's opinion given the hospital/medical office uses to the east, general commercial uses (those consistent with C-1) would be more appropriate on the project.

The petitioner proposes office professional uses on parcel C which is located directly on SR 50, and apparently a mixture of commercial and office on parcel J. The land use table indicates that 120,000 square feet of office will be developed. Both parcels are generally located within a residential land use classification on the adopted comprehensive. It is the staff's opinion that the Office professional uses on parcel C would be appropriate; however, we would not support C-1 uses on Parcel J. If approved, Parcel J should be limited to Office Professional uses.

The petitioner has requested a 75' setback for the commercial and office parcels along SR 50. The BCC has approved similar requests when a frontage road is provided. The subject plan indicates a reverse frontage road along the northern boundaries of the proposed commercial properties connecting into Oak Hill Hospital to the east, and looping back to SR 50 to the west. It is the staff's position that provided the frontage road is extended to the west at Blue Jay, the reduction in setbacks would be appropriate.

The petitioner proposes a total of approximately 41 acres of open space throughout the project. The county LDRs would require a minimum of 5% of the area to be retained in usable open space. Although the open space provided exceeds the minimum total required, a portion of the area is flood zone or other environmental features which may not be considered usable. The petitioner proposes an approximately 12.2 acre park in the central portion of the project with direct access to the future north/south roadway.

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.

County LDRs require that lots less than 60' in width provide a fire protection plan at the time of conditional plat.

The petitioner proposes to interconnect to the Royal Highlands SF development at 3 locations, Marston Road, Desert Sparrow Avenue, and Caracara Avenue. The roadways in Royal Highlands are unimproved at all proposed connection points. Although the staff believes that future interconnection is desirable, the interconnections shall not be made until the adjacent roadways are improved.

The property is located on a section of Cortez Boulevard that has limited capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plats. 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 the time of development. The petitioner is currently working on establishing an agreement with the County.

The Utilities Department has indicated that water and sewer capacity is available to serve the subject property. There is an existing 12-inch and 14-inch water line on the north side of Cortez Blvd (SR 50) and an existing 10-inch force main along the northeast side of the parcel. Central water and sewer facilities would be required to serve the intensity of the development proposed.

The Hernando County School District indicates that the request would generate a significant impact with 300 additional students. Elementary school students would be assigned to Pine Grove Elementary School, middle school students would be assigned to West Hernando Middle School, and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report. Additionally, the school district has indicated an interest in obtaining property within the subject development to accommodate a future school site. It is the staff's opinion that the petitioner should be required to either designate a school site, or enter into a development agreement with the County to provide funding for an alternative location.

The subject property is located in a developing area of the County with no existing regional park facilities. The parks director has indicated that a regional park facility would be desirable on the subject property. It is the staff's opinion that the petitioner should be required to either designate a future regional park site on their property, or enter into a development agreement with the County to provide funding for an alternative location.

The subject property contains Class 1, 2 and Class 3 wetlands according to County data resources. Several of the depressional wetlands on-site are sinkholes, directly connected to the aquifer, and classified as SPAs under the Groundwater Protection Ordinance (GPO). Joe and Mary's sinks and the Lost Forty are documented sinks tied to an underwater cavern system on the subject properties. One of the sinks is greater than half an acre, classifying it as a class 1 wetland.

The associated wetlands shall be delineated and any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures. The County's LDRs encourage Florida friendly design and the County's Comprehensive Plan requires development to adhere to green industries best management practices and distribution of Florida Yards & Neighborhoods (FYN) education to individual lot owners. This can be accomplished through coordination with the County's Extension Office. Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if any wetlands provide critical habitat for federal and/or state listed species. If the wetlands provide critical habitat to listed species, those wetlands would be re-classified as Class 1 (in accordance with the County's Comprehensive Plan), and require County approval before any removal, encroachment or alteration could be considered. Additionally, ephemeral wetlands an 1/8 of an acre or larger are classified as Class 2 wetlands in the County's Comprehensive Plan.

The subject property is within WHPA-1 and WHPA-2 for public supply wells. General commercial and residential uses with central services are allowable within the WHPA-2 and within the WHPA-1 designation with the exception of new discharges of any regulated substance or untreated stormwater into karst solution features or sinkholes, underground storage tanks for fuel, facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986, and hazardous waste facilities classified as large quantity generators of hazardous waste. General commercial and residential uses with central services are allowable within the 500' SPA buffer(s) with the exception of new discharges of any regulated substance or untreated stormwater into karst solution features or sinkholes, facilities regulated by the Emergency Planning and Community Right-to-know Act of 1986, and hazardous waste facilities classified as large quantity generators of hazardous waste.

The project design shall limit more intense land uses in close proximity to floodplain and wetlands/sinks including high density residential and commercial uses. Any land alteration that impacts 100 year floodplain capacity and volume shall be appropriately mitigated. There shall be no net loss of flood storage.

The FDOT has been notified of the subject request. No comments have yet been received.

**FINDINGS OF FACT**

The property is located in an area characterized by a mixture of uses: single family, hospital and related medical office, and undeveloped properties.

Policy 6.05A(7) indicates that residential and commercial future land use designations adjacent to class 1 wetlands may remain, however, any development must demonstrate that no significant adverse impact to the wetland(s) will result. The proposed density is within the range allowed by the comprehensive plan for development adjacent to a class1 wetland. Planning staff is of the opinion that with appropriate design, vegetative buffering, and use of FYN principles, the development can be designed to be compatible with the environment.

The subject property is located within residential and commercial land use classifications 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 revised request results in a density of 2.5 units per acre which is within the range allowed by the comprehensive plan. The petitioner’s proposal is considered low density pursuant to 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. The subject is in an area c characterized by platted single family development, undeveloped parcels, mobile home development and Oak Hill Hospital and associated medical facilities. The staff does not have issue with the overall density proposed by the petitioner; however, it is our opinion that minimum 12,500 square foot lots with a minimum 50’ buffer separate from the lots should be provided along the perimeter adjacent to platted Royal Highlands lots.

Offices and professional uses can be located in the residential land use category with performance conditions being met. It is the staff’s opinion that developing parcels & OP would not be inconsistent with the adopted comprehensive.

There is a commercial node depicted general at the intersection of SR 50 and the new north/south roadway. The commercial land use classification would support commercial zoning on parcel ; however, given the surrounding land uses, it is staff’s opinion C-1 would be more appropriate.

The Planning staff is of the opinion that rezoning the subject property from AG to C/PDP(SF)(GC)&(OP) with performance conditions would be appropriate, based on the following conclusions:

1. The rezoning, with performance conditions recommended by staff, would be compatible with the surrounding area.

2. Frontage road should be extended to the west to provide for interconnection of uses.
3. Agreements between the petitioner and the County addressing the transportation issue, park facilities and educational facilities will ensure necessary facilities and services are provided to maintain public health, safety and general welfare.
4. With the provision of a 2 lane collector roadway/frontage road parallel to SR 50, the reduction in setbacks along SR 50 from 125' to 75' are adequately justified.
5. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

**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 rezoning from AG to C/PDP(SF)(OP) and (GC) with a reduction in setbacks 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. Minimum lot sizes along the perimeter of the project adjacent to platted residential lots in Royal Highlands shall be 12,500 square feet. There shall be a minimum 50' natural buffer along the boundary of the 12,500 lots separate from the lots.
3. Minimum lot sizes within pods as shown:
  - 12,500 square feet
  - 9900 square feet
  - 7700 square feet
  - 5500 square feet

4. Internal lot setbacks for the residential:  
12,500 square feet: front 25', side 10', rear: 15'  
other SF detached front 20', second front corner: 15', side: 5', rear 15'
5. Like sized lots with common development standards shall be platted in pods.
6. Parcels H & I may be developed with 5500' square foot lots for single family detached, or 1200' for single family attached provided perimeter lot sizes are as indicated in condition 2.
7. Minimum internal setbacks for townhouse lots are as follows, front: 20', side 0'/0 or 10' on end units, rear 15'.
8. Parcels M& L are approved with minimum lot size of 5500 square feet.
9. Minimum of 20' buffer along all other project boundaries and collector roadways throughout the project.
10. Parcels indicated as A&B are approved for C-1 (general commercial). Parcels C and J are (OP) office professional. Setbacks are approved as follows:  
  
front: 75'  
side: 20'  
rear/from frontage road: 35'
11. The frontage road shall connect to Blue Jay Avenue. Access to Caracara can be eliminated.
12. The interconnections into Royal Highlands shall not be made until the adjacent roadways are improved.
13. Due to the number of directly connected sinks (SPAs) and at least one class 1 wetland on the subject property, site design shall accommodate these environmentally sensitive features.
14. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings.
15. 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.
16. The petitioner should be required to either designate a school site, or enter into a development agreement with the County to provide funding for an alternative location.

17. The petitioner should be required to either designate a park site, or enter into a development agreement with the County to provide funding for an alternative location.
18. 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 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

May 12, 2006

Carlene Riecse, Planner III  
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 for the June P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-48** the request from Mercedes Homes to rezone a 416.3 acre site with 900 dwelling 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 rezoning request is expected to have a significant impact to the District with an increase of an additional 300 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 \$1,225,000 and 14 teachers at an estimated cost of \$700,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 300 additional students. This worksheet shows an estimated impact in excess of school taxes between \$2,662,200 and \$2,716,200.

In reference to **H-06-56** the request from Schafer Development to rezone a 25 acre site with 75 single family lots, 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 have an impact to the District with an increase of an additional 25 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 \$150,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 25 additional students. This worksheet shows an estimated impact in excess of school taxes between \$221,850 and \$226,350.

In reference to **H-06-58** the request from Thomas J. Murphy, Emerson Brooksville Trust for a Master Plan Revision, 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 request is expected to have an impact to the District with an increase of an additional 83 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 \$350,000 and 4 teachers at an estimated cost of \$200,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 83 additional students. This worksheet shows an estimated impact in excess of school taxes between \$740,973 and \$755,853.

In response to **H-06-59**, the request from James W. Kern to rezone 121.5 acres with 461 single family units I offer the following:

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

This request is expected to have an impact to the District with an increase of an additional 154 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 \$675,000 and 7 teachers at an estimated cost of \$350,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 154 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,371,027 and \$1,398,687.

In response to **H-06-60**, the request from Ljuba Irwin to rezone 10 Acres will have minimal impact to the Hernando County School District as it will generate less than 5 students.

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