

**STAFF REPORT**

Planning & Zoning Commission: November 13, 2006

Board of County Commissioners: December 13, 2006

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**APPLICANT:** Mack Harper **FILE NUMBER:** H-06-49

**PURPOSE:** Rezoning from PDP(MF)(GHC) and (NC)/Planned Development Project (Multifamily)(General Highway Commercial) and (Neighborhood Commercial) to PDP(SF)/Planned Development Project(Single Family) with single family attached units with a roadway deviation.

**GENERAL**

**LOCATION:** East side of Grove Road, west side of Oakado Street, approximately 1000' north of State Road 50

**LEGAL**

**DESCRIPTION:** A portion of Section 26, Township 22 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 correspondence received as of the date of this report?** Yes  No

**STAFF FINDINGS:**

Surrounding Zoning

North: AR2  
South: PDP(NC), PDP(GHC)  
East: R1C  
West: PDP(MH)

Surrounding Land Uses

Mobile Homes, Single Family Undeveloped  
Sherman Williams Paints, Medical Office  
Single Family, Suncoast Parkway  
Brookridge Mobile Home Subdivision

**SUMMARY OF REQUEST**

The petitioner is requesting to rezone PDP(MF)(GHC) and (NC)/Planned Development Project (Multifamily)(General Highway Commercial) and (Neighborhood Commercial) to PDP(SF)/Planned Development Project(Single Family) with single family attached units with a roadway deviation. It is the petitioner's intent to develop the subject property with 79 single family attached units. The property is located on the east side of Grove Road, the west side of Oakado Street, approximately 1000' north of State Road 50.

**FACTUAL INFORMATION**

1. The Property is currently zoned PDP(MF)(GHC) and (NC)/Planned Development Project (Multifamily)(General Highway Commercial) and (Neighborhood Commercial)
2. The property comprises approximately 7.54 acres.
3. The site is currently undeveloped.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Oakado Street and Grove Road.
6. The subject property is located within a commercial and residential and 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 does not contain any wetlands or Special Protection Areas (SPA) but does contain a Wellhead Protection Area Class-2 (WHPA-2) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is surrounded by commercial, mobile home, and single family uses.
13. The petitioner is requesting a roadway deviation.

**STAFF DISCUSSION**

The petitioner is requesting a rezoning from PDP(MF)(GHC) and (NC)/Planned Development Project (Multifamily)(General Highway Commercial) and (Neighborhood Commercial) to PDP(SF)/Planned Development Project(Single Family) with single family attached units. The subject property is located north of SR 50, east of Grove Road and west of Oakado Street.

The petitioner proposes developing the approximately 7.54 acre subject property with a 79 unit single family attached home subdivision, with an intended density of 10.48 dwelling units per acre. The plan indicates that the residential component will be on 95' x 27' fee-simple lots.

The petitioner is proposing a 25' foot building setback along the project boundaries. The proposed internal setbacks are front: 25' from access tract, rear: 15' from drainage tracts, side 0, and 10' on end units for a total of 20' between buildings. The project would be required to provide roadways built to minimum county construction standards. In addition, the petitioner is proposing an access tract of 24 feet in width for the internal roadways which is a deviation from the county standards of a 50 foot right-of-way. The access tract should be a minimum of 30 feet in width to accommodate sidewalks.

The petitioner has indicated that parking will be furnished by constructing garages with each unit. The garages will have setbacks large enough to allow for one more additional vehicle to be parked outside. The applicant states that additional visitor parking will be planned throughout the development. However, visitor parking is not shown on the plan provided. The applicant should be required to provide visitor parking strategically placed throughout the project.

The master plan depicts two (2) access points. The primary entrance will access Grove Road. Secondary access will be provided along the south side of the project onto Oakado Street.

County LDR's require buffering consisting of a minimum five (5) foot landscape separation distance. The adjoining use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The petitioner has illustrated open space along the subject property boundary. However, buffering is not provided adjacent to existing single family lots on the eastern boundary. It is recommended that a 20' buffer at a minimum 80% opacity be provided at this location.

The County's Transportation Coordinator has indicated that capacity on the adjacent network (SR 50) is LOS F. There are no planned improvements at the present time. 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 County Engineer has reviewed the request and indicated that there have been flooding concerns in the area. If the request is approved, the County Engineer indicated that the Drainage Retention Areas would have to be designed to accommodate full storage for the 100 year flood on the site. Furthermore forty (40) foot of right-of-way is required along Grove Road. The petitioner will also have to participate in improvements to the Grove Road and SR 50 intersection as determined by the County Engineer.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 8-inch waterline on the west side of Grove Road. There is an existing 6-inch force main on the east side of Grove Road. Capacity availability of the existing infrastructure

is dependent on the engineer's estimated flows for the parcel. Existing water and sewer upgrades may be required to supply the proposed development.

The Hernando County School District indicated that the request would add an additional 26 students to the school system. Students will be zoned to Pine Grove Elementary School, West Hernando Middle School and Hernando High School. These schools are currently over permanent capacity. The School District's comments are attached to this report.

The subject property is within Wellhead Protection Areas-2 associated with a public supply well. The proposed residential use is allowable within these designation.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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. The petitioner should comply with the Florida Yards & Neighborhoods (FYN) program as part of the development of the project

### **FINDINGS OF FACT**

The subject property is located adjacent to residentially zoned and developed property to the east, mobile home community to the west and commercial uses to the south.

The subject property is located within a commercial and residential land use classification on the adopted Comprehensive Plan which Establishes a Residential Land Use Category where the land uses allowed are: Single family residential densities up to 5.4 units/acre, resort residential, and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units/acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities. The subject request is considered high density pursuant to the adopted comprehensive plan.

The rezoning from PDP(MF)(GHC) and (NC)/Planned Development Project(Multifamily)(General Highway Commercial) and (Neighborhood Commercial) would be appropriate, with performance conditions, based on the following conclusions:

1. The proposed request is consistent with the locational criteria for high density residential development as provided for in the adopted comprehensive plan.
2. The intensity of the proposed request would be compatible with the mix of uses in the neighborhood.

**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 PDP(MF)(GHC) and (NC)/Planned Development Project(Multifamily)(General Highway Commercial) and (Neighborhood Commercial) to PDP(SF)/Planned Development Project(Single Family) with single family attached units with a roadway deviation) subject to the following 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. Internal lot setbacks for the Single family attached product:  
  
Front: 25'  
Side: 0/10'  
Rear: 15'
3. Perimeter setbacks shall be as indicated on the master plan.
4. A minimum 5' buffer with a minimum 80% opacity or wall shall be constructed along the project perimeter boundaries with the exception of the boundary adjacent to the single family lots on the eastern boundary, where a 20' buffer with a minimum 80% opacity shall be provided.

5. Maximum density approved is 10.5 units per acre.
6. The drainage shall be designed to store the 100 year flood event.
7. Access shall be as depicted on the master plan.
8. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not concurrent regarding the transportation impacts, the project will have the option of utilizing the requirements for proportionate fair share mitigation of development impacts.
9. The applicant shall participate in an intersection improvement at Grove Road and SR 50, subject to a determination by the County Engineer.
10. A deviation of the internal roadway width is allowed to provide for a minimum 30 foot access tract provided the roadways are built to comply with the minimum county construction standards and sidewalks are provided on both sides of the internal roadway.
11. Additional parking spaces for visitors shall be provided throughout the development. The minimum number of additional spaces provided shall be at least 15% of the required parking.
12. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners 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 Board of County Commissioners 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  
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Sandra Nicholson

October 20, 2006

Omar DePablo, Planner I  
Hernando County Planning Department  
20 North Main Street, Room 262  
Brooksville, FL 34601

Dear Omar:

I reviewed the proposed rezoning request that you forwarded to me for the November P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-49**, the request from Mark Harper to rezone 7.54 Ac and develop 79 single-family attached 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 an impact to the District with an increase of an additional 26 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 \$175,000 and 1.5 teachers at an estimated cost of \$75,000. 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 26 additional students. This worksheet shows an estimated impact in excess of school taxes between \$225,108 and \$228,663.

Sincerely,

Ken Pritz

Hernando County School Board  
Facility & Support Operations, Executive Director