

**REVISED STAFF REPORT**

Planning & Zoning Commission: June 12, 2006  
Board of County Commissioners: July 12, 2006  
Planning & Zoning Commission: August 14, 2006  
Board of County Commissioners: September 13, 2006  
Planning & Zoning Commission: September 11, 2006  
Board of County Commissioners: October 11, 2006  
Planning & Zoning Commission: October 9, 2006  
Board of County Commissioners: November 8, 2006

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**APPLICANT:** James W. Kern **FILE NUMBER:** H-06-59

**PURPOSE:** Rezoning from AG (Agricultural) to C/PDP(SF)&(GC)/Combined Planned Development Project (Single Family) & (General Commercial), reduction in setbacks and a waiver of the Frontage Road

**GENERAL**

**LOCATION:** North side of SR 50, east and west of Mondon Hill Road

**LEGAL**

**DESCRIPTION:** A portion of Section 33, Township 22 South, Range 20 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: PDP(RURAL); AG  
South: AG; PDP(GC); C-1: C-2: R-1B  
East: R-1A; C-2  
West: PDP(RURAL); AG

Surrounding Land Uses

SF & MH  
Undeveloped; convenience store;  
commercial strip stores; residential  
MHs; undeveloped; miniwarehouses  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone this site from AG to a planned development project with residential and commercial uses. The property is located on the north side of SR 50, west and east of Mondon Hill Road.

**FACTUAL INFORMATION**

1. The property is currently zoned Agricultural.
2. The property comprises approximately 121 acres.
3. The subject property is undeveloped.
4. The site contains majestic and specimen trees.
5. The subject property has access from State Road 50 and Mondon Hill Road.
6. The subject property is located within residential and commercial land use classifications on the adopted Future Land Use Map.
7. The on-site soil type are candler fine sands, kanapaha, arredondo and sparr fine sands. Candler fine sand and arredondo 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 and C; the property is located within the Bystre Lake 100 year floodplain.
9. The subject property contains wetlands and a Special Protection Area (SPA), but no Well Head Protection Area (WHPA) 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 are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is a mixture of undeveloped parcels, rural residential uses, residential and commercial.
13. The petitioner has requested a reduction in setbacks along SR 50 from 125' to 75' and a waiver of the frontage road requirement.

**STAFF DISCUSSION**

The petitioner has submitted a request to rezone this site from AG to PDP(SF) to develop the property with Single Family Attached units. The subject property is located north of SR 50, east and west of Mondon Hill Road.

The initial plan submitted by the petitioner indicated that the site would be developed with 462 units with a density of 3.9 units per acre, and 4.5 acres of general commercial. It was the staff's opinion that the original plan was too intense given flood issues associated with the site, and compatibility with the surrounding area. The petitioner requested a postponement to address the staff's concerns.

The new plan submitted by the petitioner proposes 307 units with a density of 2.65 units per acre, and 4.5 acres of general commercial. The petitioner has also stated that the second access for the project to Cortez Boulevard (S.R. 50) will be available through the floodplain preservation, lake and compensation areas. The access road will be designed above floodplain elevation to ensure access during a 100 year flood event.

The commercial area is proposed northwest and northeast of the intersection of Mondon Hill Road and SR 50. The residential units are proposed on both sides of Mondon Hill Road.

There is an access proposed to the residential component west of Mondon Hill from SR 50 at an existing directional left turn (northbound), and Mondon Hill Road. There is an access to the residential to the east from Mondon Hill Road. The petitioners revised plan has aligned Mondon Hill Road entry points for the east and west portions of the subject property.

The petitioner has revised the plan to include a 25' natural buffer along the north portion of the property and 10' buffers against existing roadways.

The plan indicates that the residential component will be attached units on lots with a minimum of 26' x 125'. The plan depicts 6-8 units attached, each on individual lots. The setbacks are front: 25', rear: 15', 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 standards.

The petitioner has requested a waiver of the frontage road requirement along SR 50 due to the environmental conditions of the subject property. There is an existing lake along SR 50 west of Mondon Hill Road which would make extension of the frontage road not feasible. Although a frontage road to the west would be difficult to accomplish given the lake, the petitioner should be required to provide an interconnection to the west. The east side of Mondon Hill Road on the proposed commercial, the petitioner proposes no extension of the frontage road into the C-2 property to the east. The petitioner maintains that the existing adjacent land use, DRA, would make it unfeasible to connect. The County Engineer has reviewed the request and indicated that the access on Mondon Hill Road should be relocated outside of the curve. The project should be interconnected into the proposed commercial area via sidewalks along the roadways.

The County's transportation coordinator has indicated that capacity on the adjacent network is LOS C. 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 subject property is located within Bystre Lake Floodplain. County Engineering Staff and Southwest Florida Management District are currently updating the FEMA NFIP (National Flood Insurance Program) risk maps. Any new development areas would have to comply with the new mapping once it is accepted at the time of permitting. The petitioner is advised that these maps may have an impact on the proposed development. All roadways, driveways and finished floor elevations shall be above the best available 100 year flood elevation at the time of construction. The preliminary results of the flood mapping indicate that a portion of the project along SR 50 is within a flood area.

The County's generalized mapping indicates a large Class 2 wetland along the southeast portion of the project that is separated from a Class 1 wetland to the south by SR 50. This wetland was divided by SR 50 and is still connected by an equalizer pipe to the wetland on the south side of the roadway. In effect, the wetland should be classified as a class 1. The petitioner's narrative states that the wetlands have been identified, surveyed, and will be protected and utilized in accordance with SWFWMD permitting requirements. Any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures, and County policies. Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if the wetlands provide critical habitat for federal and/or state listed species. Additionally, 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.

The Utilities Department has indicated that water and sewer capacity are both available to serve the project. There is an existing 12-inch waterline on the north side of SR 50 along the parcel. There is an existing 8-inch force main on the northeast corner of SR 50 and Palen Lane, approximately 5,000-feet east of the parcel. The petitioner would be required to hook up to central services to accommodate the development.

The Hernando County School District indicated that the request would add an additional 154 students to the school system. Students will be zoned to Eastside Elementary School, D. S. Parrott Middle School and Hernando High School. These schools are currently over permanent capacity. The School District's comments are attached to this report. These comments were not modified after the reduction in units proposed by the petitioner.

The City of Brooksville and the FDOT have been notified of the subject request. No comments have yet been received.

### **FINDINGS OF FACT**

The area is characterized by a mixture of undeveloped land, rural residential, residential and commercial.

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 new proposed request results in a density of 2.65 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.

The petitioner is requesting general commercial uses at the intersection of Mondon Hill Road and SR 50. Land uses allowed in the commercial land use classification would include general commercial zoning. The commercial component of the request would be consistent with the adopted Comprehensive Plan.

The property to the west of the subject property is zoned PDP(Rural) and is currently undeveloped. Properties to the north are zoned AG and characterized by 5 and 10 acre parcels with single family and mobile home development. The subject property is within a residential land use classification with properties west and north designated as rural. Even with the reduction in units proposed, the plan submitted proposes development that is incompatible with the rural nature of the surrounding area.

County data resources indicate that a significant portion of this project was located within the Bystre Lake floodplain and associated buffer area. The revised plan has moved a large portion of the project outside the floodplain, however a south western portion of the project still remains within the floodplain area. The adopted comprehensive plan has goals, objectives and policies addressing that development shall be compatible with the ability of the natural systems to support the intensity of the development. Policy 6.08A(2) of the Conservation Element states that development in flood-prone areas shall generally be less intensive and shall meet the standards established in the County Flood Plain Ordinance. The plan submitted by the petitioner depicts development within areas designated as flood areas. The intensity of the project is also not compatible with the environmental issues related to the site and not consistent with the adopted comprehensive plan.

The request to rezone from AG to PDP(SF) & (GC) is not appropriate, based on the following conclusions:

1. The intensity of the proposed development is not compatible with the character of the surrounding development, adjacent land uses, and environmental issues associated with the property.
2. The proposed master plan would be incompatible with the surrounding land uses.
3. The proposed master plan would be inconsistent with the policies of the Comprehensive Plan.

**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, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ denying the petitioner's request to rezone from AG to PDP(SF) & (GC).

**HISTORY:**

The subject request was scheduled for review by the P&Z at their June 12, 2006, hearing. The staff recommended a 30 day postponement in order for the petitioner to address issues outlined in the report. At the June 12, 2006, P&Z hearing, the petitioner requested an additional 30 days, to the August 14, 2006, P&Z hearing to address staff issues. The petitioner did not provide anything further to the staff to review, and upon request by the staff, indicated nothing further would be provided.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

At their September 11, 2006 hearing, the P&Z voted 5-0 to postpone consideration to the October 9, 2006, P&Z Commission hearing at 9:30 a.m.

**BCC ACTION:**

On September 13, 2006, the BCC voted 5-0 to postpone consideration of the request to their October 11, 2006, hearing at 9:00 a.m.

**PLANNING AND ZONING COMMISSION 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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**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