

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: October 8, 2007  
Board of County Commissioners: November 14, 2007

**APPLICANT:** Crystal Waters of Hernando County, LLC

**FILE NUMBER:** H-07-52

**PURPOSE:** Revision to a Master Plan on property zoned PDP(SF)/Planned Development Project (Single Family) with a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial) and PDP(SF)/Planned Development Project (Single Family)

### GENERAL

**LOCATION:** East side of US Hwy 19, south side of Bourassa Boulevard

### LEGAL

**DESCRIPTION:** A portion of Section 13, Township 22 South, Range 17 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

### CITIZEN

**RESPONSE:** Correspondence received as of the date of this report? Yes  No

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### APPLICANT'S REQUEST:

The petitioner is requesting to revise a master plan on property zoned PDP(SF)/Planned Development Project (Single Family) in order to rezone and establish PDP(GC)/Planned Development Project (General Commercial) uses on a 3.5 acre portion of the site. The commercial parcel will accommodate approximately 22,350 square feet of commercial development. The remaining single family development will be reduced from the previously approved 183 lots to 176 lots. The petitioner has indicated that all lots will remain a minimum 8,000 square feet. The petitioner has also indicated that they seek no deviations from the County LDRs and will comply with all previously approved conditions, including but not limited to the previously approved frontage road waiver.

### SITE CHARACTERISTICS:

**Site Size:** 63.65 acre (Commercial development proposed on 3.5 acres)

**Surrounding Zoning; Land Uses:** North: C-2; Pool Contractor and Undeveloped

South: AG; Campground  
East: AG; Tooke Lake  
West: CPDP & PDP(GC); Undeveloped

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**Future Land Use Map Designation:** Residential and Commercial

**Flood Zone:** A & C

**SITE CIRCUMSTANCES:**

On January 12, 2005, the Board of County Commissioners voted 5-0 to approve a rezoning from PDP(SF)/Planned Development Project (Single Family), C-2(Highway Commercial) and AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) in order to develop 183 single family, 8,000 square foot lots on 63.65 acres.

The previous application requested to rezone approximately 25.0 acres of C-2/(Highway Commercial) in order to develop a 63.65 acre PDP(SF)/Planned Development Project (Single Family) project. The C-2 designated property spanned the entire US Hwy 19 frontage and a large portion of the south east corner of US Hwy 19 and Bourassa Boulevard intersection. The petitioner at this time only seeks to rezone a 3.5 acre portion to PDP(GC)/Planned Development Project (General Commercial) at the south west corner of US Hwy 19 and Bourassa Boulevard.

The Crystal Waters project has received conditional plat and construction drawing approval. The petitioner has indicated in their narrative that the project is currently under permitting, and site clearing has begun for construction.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand and Basinger Fine Sand

**Hydrologic**

**Features:** The subject property contains a wetland, but no Special Protection Areas (SPA), according to County data resources.

**Protection**

**Features:** No Well Head Protection Areas (WHPA) according to County data resources.

**Habitat:** Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including 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 this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

**Flood:** The subject property contains a Class 2 wetland and 100-year floodplain associated with Tooke Lake. The 100 year floodplain should be defined on the construction plans for the project, and all finished floor elevations should be above the 100 year flood elevation. In order to protect water quality in the lake, development of lots adjacent to the lake shall maintain a drainage system upland of the wetland line in order to prevent direct stormwater runoff into the wetland and/or lake. A minimum 25' upland buffer should be required between the drainage system and the lake. The 25' buffer should be indicated on the final plat for the project.

**Comments:** The lake to the east of the subject property is owned by the petitioner and should be included within the zoning approval and designated as a conservation area.

**Other:** It is recommended that the project implement “Florida Yards & Neighborhoods” (FYN) principles for landscaping within the development, and that the Home Owner’s Association distribute FYN materials to new homeowners.

**ENGINEERING & TRANSPORTATION REVIEW:**

The proposed commercial parcels are located at the south east corner of US Hwy 19 and Bourassa Boulevard. The petitioner proposes three (3) access points for the subject commercial site. One access point will be directly onto Bourassa Boulevard as a right-in/right-out, the second as a full access onto the north/south single family roadway and a third access will be provided from US Hwy 19 as a right-in only drive with a right turn lane.

The previous approval allowed for an access point onto Bourassa Boulevard for the proposed single family development to the south. The petitioner has indicated retaining the previously approved single family roadway access.

County development regulations require the provision of a frontage road across the property at no cost to the County upon demonstration of need and demand by the County. On January

12, 2005, the Board of County Commissioners approved the petitioner's request for a waiver of the frontage road requirement, if all of the requirements for access enumerated in the conditions were complied with. Provision for a connection to Bourassa, and a connection to the west to align with US Hwy 19 and Glen Lakes Boulevard maximizes conformance with the County's frontage road requirement given the environmental limitations which impedes extension of the roadway to the south.

Previous roadway/traffic conditions approved by Board of County Commissioners include:

1. The petitioner shall provide access to the west to tie in with the US Hwy 19/ Glen Lakes Boulevard intersection, and a connection to Bourassa.
2. The petitioner shall pay their proportionate share of traffic signalization at the Glen Lakes Boulevard and U.S. 19 intersection when warranted.
3. The developer shall provide 40' of ROW from the centerline of Bourassa Boulevard.
4. The developer shall provide a pedestrian connection to the commercial property to the south.
5. All roads and finished floor elevations within the floodplain shall be constructed above the 100-year flood elevation.

The County Engineer has reviewed the petitioner's request and indicated that the commercial parcels will be limited to one right in/right out access onto Bourassa Boulevard. Further, the proposed commercial parcels need to connect to the north/south roadway running through Crystal Waters residential project.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal.

#### **UTILITIES REVIEW:**

The Utilities Department has indicated that water and sewer capacity is available to serve the project. There is an existing 16-inch waterline on the west side of US Hwy 19. There is also a 10-inch force main on the east side of US Hwy 19. 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.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development.

**LAND USE REVIEW:**

The petitioner proposes a reduction from 183 to 176 lots at a minimum 8,000 square feet in size.

Internal lot setbacks as follows:

Front: 20'  
Side: 7.5'  
Rear: 15'

The site has been previously approved for a reduction in setbacks along Bourassa Boulevard and US Hwy 19.

Previously approved perimeter setbacks:

US Hwy 19: 75'  
Bourassa Boulevard: 35'  
From the east property line: 20'  
From the south property line: 20'

Minimum County Commercial Building Setbacks:

US Hwy 19: 125'  
Bourassa Boulevard: 35'  
Side: 20'  
Rear: 35'

The master plan shows a 1.24 acre park with lake access in the southwest corner of the single family development. County LDRs require that Single-Family Planned Development Projects with lots smaller than one acre in size, a minimum of 5% of the gross project site shall be retained in usable open space. If approved, the petitioner should provide 5% usable open space for the single family portion of development.

The petitioner has indicated that a 10' vegetative buffer along with a drainage retention area shall be utilized to provide buffering to the residential uses to the south of the commercial parcels. Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where residential uses abut the subject property and along all property lines abutting public right-of-way. The vegetative buffer may include berms, fences, or walls. If approved, the petitioner must provide adequate buffering to prevent noise pollution into neighboring residential uses. If approved the petitioner must provide a 10' vegetative buffer, with 80% opacity along the subject site's south property line.

The petitioner has not indicated any provisions for lighting of the subject property. If approved, the petitioner must meet the County's LDR requirements for small box commercial development.

The commercial development will have to meet the minimum architectural design standards for small retail commercial development pursuant to the County's LDRs.

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within a Commercial land use classification on the adopted Future Land Use Map. The area is characterized by commercial and residential uses and undeveloped parcels. Glen Lakes is located to the west. Residential uses are located to the east. Woodland Waters and Tooke Lake are located to the southeast.

**Policy 1.01A(9)** The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

*Comment:* The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

**Policy 1.01F(1)** Establish 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 multi-family 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.

*Comment:* The proposed 176 lot reduction would provide for a 2.93 unit per acre density, which is compatible with the adopted Comprehensive Plan.

**Policy 1.01L(3):** New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

*Comment:* The proposed commercial development lies within a Commercial land use classification on the adopted comprehensive plan.

**Policy 1.01L(5):** Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

**Comment:** Any approval should include appropriate performance conditions to address potential negative impacts from the development.

**Policy 1.01L(6):** The Land Development Regulations shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access.

**Comment:** The proposed master plan revision and rezoning complies with this policy.

**Policy 1.01L(8):** indicates that during the land use approval process for higher intensity commercial uses, appropriate buffering will be considered to maintain a separation from existing or proposed residential uses. The buffering method may include lower intensity commercial or multifamily uses creating a pattern of higher to lower intensity.

**Comment:** Sufficient buffering should be provided in accordance with the Community Appearance Ordinance where single-family lots abut the subject property. The vegetative buffer may include berms, fences, or walls.

The request to revise a master plan on property zoned PDP(SF)/Planned Development Project (Single Family) with a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial) and PDP(SF)/Planned Development Project (Single Family) is appropriate with performance conditions, based on the following conclusions:

1. The buffering required by the County's Planned Development Project regulations provide adequate separation between the proposed development and the residential uses to the south.
2. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

3. The rezoning would be compatible with the surrounding area subject to compliance with all performance conditions herein.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*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 RECOMMENDATIONS:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to revise a master plan on property zoned PDP(SF)/Planned Development Project (Single Family) with a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(GC)/Planned Development Project (General Commercial) and PDP(SF)/Planned Development Project (Single Family) with 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. The developer shall meet the County's LDR requirements for small box commercial development.
3. The development shall be served by central water and sewer.
4. The petitioner shall provide a 10' vegetative buffer, with 80% opacity between the proposed commercial and residential uses.
5. The commercial parcels shall be limited to one (1) right in/right out access to Bourassa Boulevard.
6. The petitioner shall coordinate with FDOT and the County Engineer for the proposed right-in and right turn lane along US Hwy 19 for the commercial development.

7. The petitioner shall provide a pedestrian connection from the commercial development to the residential development.
8. The minimum Commercial building setbacks shall be as follows:

US Hwy 19:	125'
Bourassa Boulevard:	35'
Side:	20'
Rear:	35'
9. The petitioner shall provide a wildlife survey prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
10. The petitioner shall 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' feet in width.
11. The lake shall be included within the boundary of the master plan area and designated as conservation.
12. Florida Yards & Neighborhoods” (FYN) principles shall be implemented for landscaping within the development and FYN materials shall be distributed to new homeowners.
13. All roads and finished floor elevations within the floodplain shall be constructed above the 100-year flood elevation.
14. The maximum number of Single Family units shall be 176 units.
15. Jurisdictional wetlands shall be delineated on all future development plans and any removal, encroachment, or alteration of the wetland shall adhere to all state and federal wetland permitting and mitigation procedures.
16. Lots adjacent to the lake shall maintain a drainage system upland of the wetland line in order to prevent direct stormwater runoff into the wetland and/or lake. A minimum 25' upland buffer is required between the drainage system and the wetland and/or lake and must be designated on the final plat.
17. The petitioner shall provide access to the west to tie in with the US Hwy 19/ Glen Lakes Boulevard intersection, and a connection to Bourassa.

18. The petitioner shall pay his proportionate share of traffic signalization along US Hwy 19 in a location determined by FDOT, and aligned with one of the projects entrances, when warranted.
19. The developer shall provide 40' of ROW from the centerline of Bourassa Boulevard.
20. The minimum internal lot setbacks shall be as follows:
  - Front: 20'
  - Side: 7.5'
  - Rear: 15'
21. The petitioner shall provide a minimum of 5% usable open space.
22. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.