

**STAFF REPORT**

Planning & Zoning Commission: December 12, 2005  
Board of County Commissioners: January 11, 2006  
Planning & Zoning Commission: January 9, 2006  
Board of County Commissioners: February 8, 2006

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**APPLICANT:** Tooke Lake Joint Ventures **FILE NUMBER:** H-05-116

**PURPOSE:** Master Plan Revision to include establishment of a General Commercial master plan, and to rezone a portion of previously designated PDP(SF)/Planned Development Project (Single Family) and PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(OP)/Planned Development Project (Office Professional), and with a Reduction in Setbacks

**GENERAL**

**LOCATION:** East side of US 19, north and south sides of Woodland Waters Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 24, Township 22 South, Range 17 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: 62

**STAFF FINDINGS:**

Surrounding Zoning

North: C-2, AG, PDP(GHC), PDP(SF)  
South: AG, AR-2  
East: PDP(SF)  
West: AG, C-2, PDP(GHC), C-3

Surrounding Land Uses

Commercial, MHP, SF, undeveloped  
SF, MH, undeveloped  
Single family, undeveloped  
Mobile home park, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) with a reduction in setbacks. The subject property is located on the east side of US 19, north and south sides of Woodland Waters Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned CPDP.

2. The property comprises approximately 65 acres.
3. The site is largely vacant; a temporary sales office is located in a trailer on the property.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from US 19 and Woodland Waters Boulevard.
6. The subject property is located within commercial, conservation and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Basinger fine sand, Candler fine sand and Tavares 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 zones A and C.
9. The subject property does not contains wetlands and a WHPA-1, but no 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 on the subject property.
12. The area is characterized by commercial, single family residential, mobile home residential and undeveloped parcels.
13. The petitioner proposes a 10' perimeter setback, which is a deviation from the commercial PDP perimeter setback rules, which require a 20' side perimeter setback.

#### **STAFF DISCUSSION**

The petitioner requests a master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) with a reduction in setbacks. The BCC approved the PDP commercial and residential zoning on the property in 1988; the master plan approved in 1988 is no longer valid; however, the zoning and intensity previously approved is retained. The plan shows approximately 19.6 acres of general commercial uses in the western portion of the subject property. The plan shows four (4) commercial lots north of Woodland Waters Boulevard and a commercial tract south of Woodland Waters Boulevard. The petitioner proposes rezoning approximately 4.1 acres for office professional use. The plan shows two (2) office professional lots on the north side of Woodland Waters Boulevard to the east of the commercial lots.

The plan indicates approximately 5 acres will be future residential and drainage. The petitioner has not submitted the information required to establish a master plan on the residential portion of the project.

Commercial Tract B on the south side of Woodland Waters Boulevard is not proposed to exceed 65,000 square feet. If the request is approved, the maximum square footage for single site development allowed would be 65,000. The petitioner acknowledges in the revised narrative that approval of a revised master plan will be required in the future if tract B is subdivided

The plan and narrative indicate 35' setbacks from the frontage road and Woodland Waters Boulevard. The plan and narrative are inconsistent regarding the internal lot setbacks. The narrative makes reference to 25' front, 10' side and 20' rear lot setbacks, which are consistent with single family residential lot setbacks. The narrative indicates a 125' setback from US 19, which is inconsistent with the setbacks shown on the plan. The plan shows a frontage road located within a 50' ROW along the western property line adjacent to US 19 and 35' setbacks from the frontage road. The plan shows side lot setbacks of 10' and 15'. The plan shows 15' rear setbacks on the commercial and office professional lots on the north side of Woodland Waters Boulevard, internal to the project. Commercial Tract B on the south side of Woodland Waters Boulevard is depicted with 35' perimeter setbacks. The Planning staff does not object to the commercial and office professional internal lot setbacks and perimeter setbacks, but does object to the proposed 10' perimeter setback along the north property line, which is a deviation from the commercial PDP perimeter setback rules, which require a 20' side perimeter setback

The narrative and plan make references to excavation activity on the site. The plan shows temporary buffers associated with excavation. The petitioner would have to comply with the appropriate development regulations prior to any excavation on the site. Approval of this master plan does not qualify as approval to excavate.

The petitioner indicates the site will be served by central water and sewer service. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the south side of Woodland Waters Boulevard. A 16" waterline is located on the west side of US 19. An 8" sewer force main is located on the east side of US 19. Connection to the force main will require installing a sewer pump station. 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 Planning staff is of the opinion that commercial uses developed on the subject property should be served by central water and sewer service.

The County Engineer indicated that the access points shown along Woodland Waters Boulevard and the frontage north of Woodland Waters Boulevard are not acceptable. He indicates that if the request is approved, the petitioner shall revise the plan to show joint access for lots 2 and 3 and for 4 and 5 or 5 and 6. No access is shown for Lot 5 on the plan.

The Hernando County School Board was unable to assess the impacts of the residential component of the request to the school system due to the limited information provided by the petitioner.

The subject property contains a Class 1 wetland and 100-year floodplain associated with the adjacent surface water body. The jurisdictional wetland line and 100-year floodplain shall be delineated on all future plats and construction drawings. A 25' natural vegetative buffer upland of the jurisdictional wetland line shall be required. Development adjacent to the lake shall maintain a system upland of the wetland buffer in order to prevent direct stormwater runoff into the wetland and/or lake. All finished floor elevations shall be above the regulatory 100 year flood elevation.

According to County data resources, a portion of the subject property contains a Wellhead Protection Area-1 (WHPA-1). The proposed use is allowable within this designation.

The FDOT has been notified of the request; no response has yet been received.

### **FINDINGS OF FACT**

The area is characterized by commercial, single family residential, mobile home residential and undeveloped parcels. The subject property is a part of the Woodland Waters development. Woodland Waters single family residential uses are located to the east. Commercial and single family uses and the Camp-a-Wyle RV park are located to the north. A mobile home park and undeveloped parcels are located to the west, across US 19. Woodland Waters single family uses and Happy Acres rural residential uses are located to the south.

The subject property is located within commercial, conservation and residential land use classifications on the adopted Future Land Use Map. The proposed general commercial uses are located within the commercial node at the US 19 and Woodland Waters Boulevard intersection. The requested office professional on lot 5 is located within a transition area between the commercial node to the west and the residential land use to the east. It is the staff's opinion approval of lot 5 to office professional would be an appropriate transition between the commercial and residential areas. The area identified as lot 6 is east of the established commercial area. It is the staff's opinion approval of lot 6 to office professional would be inappropriate at this location.

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. The Planning staff is of the opinion that OP uses one lot 5 would be an appropriate transition between the general commercial zoning to the east and south.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion that Lot 5 is located adequately to the west of existing Woodland Waters single family lots, but the development of Lot 6 with the proposed office professional uses would be an encroachment of incompatible uses destructive to the character and integrity of the residential environment in the area.

The staff is of the opinion that the master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) appropriate, based on the following conclusions:

1. Approval of office professional zoning on lot 5 would serve as a transition between the general commercial to the west and the residential to the east and would therefore be consistent with the surrounding land uses and the adopted Comprehensive Plan.
2. Approval of office professional zoning on lot 6 would encroach into the existing residential area, and extend beyond the depth of the existing commercial zoning and would therefore be inconsistent with the surrounding land uses and the adopted Comprehensive Plan.
3. The residential component of the request does not include the required information to establish a master plan; consequently, should not be approved.
4. The general commercial uses proposed would be compatible with the surrounding land uses and consistent with the adopted 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 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 petitioner's request for a master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) with a reduction in setbacks, 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. Lot 5 shall be zoned PDP(OP). A revised plan shall remove Lot 6 and depict the area of Lot 6 as zoned PDP(SF).

3. The minimum internal lot setbacks for the GC and OP are approved as follows:  
Side: 10'  
Rear: 15'

The east side lot setback for Lot 5 shall be 35'.

4. The perimeter setbacks are as follows:  
From the frontage road: 35'  
From Woodland Waters Boulevard: 35'  
From the north property line: 20'  
From the south property line: 35'  
From the east property line (Tract B): 35'
5. The petitioner shall revise the plan to reduce the number of driveways to lots 2-5 and provide for joint access in a manner acceptable to the county engineer.
6. The jurisdictional wetland line and 100-year floodplain shall be delineated on all future plats and construction drawings.
7. A 25' natural vegetative buffer upland of the jurisdictional wetland line shall be required.
8. Development adjacent to the lake shall maintain a system upland of the wetland buffer in order to prevent direct stormwater runoff into the wetland and/or lake.
9. All finished floor elevations shall be above the regulatory 100 year flood elevation.
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:**

On December 12, 2006, the P&Z voted 4-1 to postpone hearing the request until the January 9, 2006 meeting at 9:00 a.m.

**NOTE:**

The petitioner indicated at the December 12, 2005 P&Z meeting he would provide a revised plan for the P&Z's review. The Planning staff has not received a revised plan.

**BCC ACTION:**

On January 11, 2006, the BCC voted 5-0 to postpone hearing the request until the February 8, 2006, meeting at 9:00 a.m.

**P&Z RECOMMENDATION:**

The petitioner submitted a revised master plan at the P&Z hearing on January 9, 2006. The revised plan removed the initially requested OP portion. The revised plan requests to establish a general commercial master plan on lots identified as 1-5.

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_ approving the petitioner's request for a master plan revision to include establishment of a general commercial master plan, ~~and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP)~~ with a reduction in setbacks, with the following modified 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. ~~Lot 5 shall be zoned PDP(OP). A revised plan shall remove Lot 6 and depict the area of Lot 6 as zoned PDP(SF). The property east of Lot 4 on the revised plan shall remain PDP(SF).~~ [P&Z recommendation reflects the land uses requested on the revised plan, staff has no objections]
3. The minimum internal lot setbacks for the GC and ~~OP~~ are approved as follows:  
Side: 10'  
Rear: 15'  
  
The east side lot setback for Lot 5 shall be 35'.  
[staff recommends striking the reference to OP]
4. The perimeter setbacks are as follows:

From the frontage road:	35'
From Woodland Waters Boulevard:	35'
From the north property line:	20'
From the south property line:	35'
From the east property line (Tract B):	35'
5. The petitioner shall revise the plan to reduce the number of driveways to lots 2-5 and provide for joint access in a manner acceptable to the county engineer.
6. The jurisdictional wetland line and 100-year floodplain shall be delineated on all future plats and construction drawings.

7. A 25' natural vegetative buffer upland of the jurisdictional wetland line shall be required.
8. Development adjacent to the lake shall maintain a system upland of the wetland buffer in order to prevent direct stormwater runoff into the wetland and/or lake.
9. All finished floor elevations shall be above the regulatory 100 year flood elevation.
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:**

On February 8, 2006, the Board of County Commissioners voted 5-0 to postpone consideration of this petition to the May 10, 2006 BCC meeting at 9:00 a.m.

**The School Board of Hernando County, Florida**

919 North Broad Street  
Brooksville, FL 34601  
352-797-7000

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Operations  
8050 Mobley Road  
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Robert Wiggins  
**Vice Chairperson**  
Jim Malcolm  
**Members**  
John Druzbeck  
Pat Fagan  
Sandra Nicholson

November 18, 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 December meeting. My comments are listed below for consideration during the staff’s review.

In reference to **H-05-122** the request from Tri County Development, Inc. to rezone and develop an 80.88 acre site with 170 single family units, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – Spring Hill 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 57students. 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 \$120,000 and 2.5 teachers at an estimated cost of \$125,000. 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 57additional students. This worksheet shows an estimated impact in excess of school taxes between \$510,249 and \$520,449.

In reference to **H-05-125**, the request from Sea Gate Land Holdings, LLC to rezone 76.78 Ac and develop 216 multi-family units and 88 single family units, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – Moton Elementary School
- Middle (6-8) – Powell 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 102 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 \$190,000 and 5 teachers at an estimated cost of \$250,000. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$914,010 and \$932,250.

In reference to **H-05-126**, the request from Gene Lanton, Coastal Bay Properties, LLC to rezone 88.13 Ac and develop 500 single family townhomes, 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 a significant impact to the District with an increase of an additional 167 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 \$280,000 and 7.5 teachers at an estimated cost of \$375,000. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,478,889 and \$1,501,389.

In reference to **H-05-127**, the request from Costa Homes, Inc. for a master plan revision to develop 240 residential 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 a significant impact to the District with an increase of an additional 80 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 \$140,000 and 3.5 teachers at an estimated cost of \$175,000. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$706,320 and \$717,120.

In response to **H-05-116**, the request for master plan approval from Tooke Lake Joint Ventures and **H-05-119**, the rezoning request from John Vrettoa & Michael Lappas, although it appears residential units are planned, and therefore, a student impact to the District, 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