

**STAFF REPORT**

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

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**APPLICANT:** Cornerstone Communities, Inc. **FILE NUMBER:** H-06-22

**PURPOSE:** Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

**GENERAL**

**LOCATION:** East side of Lockhart Road, west side of I-75, east of Old Trilby Road

**LEGAL**

**DESCRIPTION:** A portion of Section 6, Township 23 South, Range 21 East, Hernando County, FL

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

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**CITIZEN RESPONSE:** FOR: 2      AGAINST: 1      LETTER OF CONCERN: 1

**STAFF FINDINGS:**

Surrounding Zoning

North: AG, PDP(REC)  
South: AG with PSFs  
East: AG  
West: AG with PSF

Surrounding Land Uses

Dog park, AG  
AG and communication towers  
I-75, undeveloped  
AG and communication tower

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(SF). The subject property is located on the east side of Lockhart Road, west side of I-75, east of Old Trilby Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 103 acres.
3. The subject property is undeveloped.
4. The site does not contain majestic and specimen trees.

5. The subject property has access from Lockhart Road.
6. The subject property is located within a I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Arredondo fine sand, Candler fine sand and Kendrick 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, WHPAs or 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. There is not an urban roadway network in place to serve the area.
12. There are adequate public facilities available to serve limited development of the subject property.
13. The area is characterized predominately by rural residential uses, undeveloped parcels and an intermittent recreation use (dog park).
14. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner requests to rezone from AG to PDP(SF) in order to develop the site with 200 single family houses and 300 single family attached townhouses.

The subject request is one of 4 rezoning petitions submitted in the I-75/SR 50 Planned Development District (PDD). The rezoning petitions have multiple petitioners; however, a unified analysis of comprehensive plan consistency was conducted and submitted for review. The Planning staff has discussed extensively with the petitioners of the various zoning cases our concerns about public use needs, infrastructure, density, land use layout and transportation issues concerning the PDD. Information has been provided to the staff which demonstrates compliance with the land uses anticipated within the PDD. At this time, no capital improvements have been planned in a program to develop infrastructure for the area; consequently any proposed development beyond what the existing infrastructure can accommodate will be expected to participate. Although public facilities such as schools and regional recreational facilities are not expected to be located within the subject

property, the petitioner is expected to participate in the provision of public facilities for the area. The level of participation by the various developers of the PDD area will have to be addressed with zoning conditions and development agreements.

The single family detached lots are proposed along the western portion of the project. The petitioner indicates the single family lots will have a minimum size of 55' x 110'. There is a discrepancy between the front setback requested in the narrative and the typical lot size indicated on the plan which are 25' and 20' respectively. The side setbacks proposed are 5' with 15' rear. The staff would not object to a 20' front, 5' side, 15' rear setback which are consistent with other similar developments in the County. The plan depicts DRAs along over half of the frontage along Lockhart Road. It is the staff's position the DRAs are part of the buffering plan for the development; consequently any relocations would require a master plan revision.

The single family attached development is located on the eastern portion of the project, along I-75. The petitioner is proposing a townhouse product. There will be 6 units within a building, with each unit on their own lot. The minimum lot size is 22' x 90', with building setbacks of 20' front, 0'/10' side and 15' rear.

The plan submitted by the petitioner indicates the extension of Nature Coast Boulevard along the east boundary of the project, parallel to I-75. The plan further depicts the extension of Old Trilby Road along the northern boundary of the project to connect into the extension of Nature Coast Boulevard. Nature Coast Boulevard connects into SR 50 to the north.

The petitioner proposes project perimeter setbacks as follows: 75' from Lockhart Road (although plan depicts 35'), 25' from the Old Trilby Road extension along the north property line, 25' from the south property line, 35' from the east property line along I-75, and 35' from the proposed Nature Coast Parkway. Due to the provision of right of way for Lockhart Road and the extension of Old Trilby, it is the staff's opinion that a 25' setback from the future rights of way lines would be appropriate.

The LDRs require a minimum of 5% of the total acreage be maintained in usable open space. The plan indicates six (6) acres of recreation/open space is proposed, which exceeds the minimum usable open space as required per the LDRs. If the request is approved, the petitioner would have to provide the amount of open space depicted, at a minimum. The petitioner indicates DRA's along a portion of the project perimeter and all along the project frontage on I-75. The buffer strip along I-75 is approximately 250-300 feet wide. It is the staff's position that these DRAs are part of the buffering of the project; consequently, relocation of the DRAs would constitute a master plan revision.

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. The petitioner would be required to meet the applicable LDRs.

The county is in the process of amending the future roadway maps of the adopted Comprehensive Plan to provide additional roadways, and extensions of existing roadways to serve this portion of the PDD. There is a median opening along SR 50, midway between Lockhart Road and I-75 which has historically been planned as the location for a roadway extending from SR 50 to the south in this area. The plan submitted by the petitioner does not accommodate this roadway which would occur approximately midpoint on the subject site. The plan should be revised to indicate this connection. With the provision of this connection, the staff would see no purpose to the extension of Nature Coast Boulevard.

The petitioner's plan indicates provision of 40' of right-of-way for the future extension of Trilby Road; however, 80' would be required to accommodate a 4-laned facility. The petitioner should be required to provide the appropriate right of way for Old Trilby Road as a 4-laned roadway. The only existing access to the subject property is via Lockhart Road, a two roadway. Future plans under development include Lockhart Road as a 4-lane facility. The petitioner should be required to provide the appropriate right-of-way for Lockhart Road. In order to comply with the BCC's access policy, two functional access points would have to be available for the development; consequently Old Trilby would have to be developed concurrently with this project.

The Transportation Planning Coordinator indicates the subject property is proximate to a section of Cortez Boulevard that has limited capacity. 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 Utilities Department has indicated there is adequate water and sewer capacity to serve the project; however, the infrastructure is not developed to provide enough supply to the area. The Director of County Utilities indicates additional well sites will be required in the PDD area to serve future growth. There is a 16" water line approximately 550' north of the parcel, on the east side of Lockhart Road. There is an 8" sewer force main approximately 4150' north of the parcel on the south side of SR 50. The Planning staff is of the opinion the provision of water and sewer service to the subject property should be designed to accommodate future development in the area. The petitioner needs to extend the lines to serve the project of an appropriate size (meaning they will be oversized to serve the area). The County anticipates negotiating the issue of connection fee credits for the provision of oversized water and sewer lines.

The Hernando County School Board indicates that the rezoning request is expected to have an impact to the District with an increase of an additional 167 students. Elementary students would be assigned to East Side Elementary School, Middle students to D.S. Parrott Middle School, and High School students to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

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

**FINDINGS OF FACT**

The area is characterized by agricultural and rural residential uses, undeveloped parcels, communication towers, and an intermittent recreational use (dog park) to the north.

The subject property is located within a I-75/SR 50 Planned Development District land use classification on the adopted Future Land Use Map. Residential land uses are allowed in the I-75/SR 50 PDD. The petitioner proposes an overall density of 4.85 single family attached and detached units per acre, which is characterized as high density

Policy 1.01F(5) indicates any single family density of greater than 4.0 units per acre, other than described in Policy 1.01F(4), should be considered as a planned development project. The petitioner has applied for a planned development project.

Policy 1.01F(7) provides criteria and standards to be used in the determination of appropriate locations of higher residential densities greater than 4.0 units per acre, including proximity to existing or designated commercial areas, or corridors or major employment centers, direct access to arterial or collector roadways or access to arterial collector roadways via limited use of local roadways, provision of appropriate police, fire and EMS services, service by existing or proposed expansion of County water and sewer facilities, character and density of existing or approved residential development of close proximity, availability of appropriate public primary and secondary school facilities, provision of open space beyond minimum County standards, and other applicable goals, objectives or policies contained in the Comprehensive Plan. The subject property is proximate to a commercial area at the intersection of I-75 and Cortez Boulevard, has direct access to Lockhart Road, a collector roadway, can be served by County water and sewer service. The County is currently reviewing the Sunrise DRI immediately east of the Interstate.

The Planning staff is of the opinion that the request for a rezoning from AG to PDP(SF) is appropriate, based on the following conclusions:

1. The proposed development would be consistent with the uses envisioned in the PDD.
2. With performance conditions, necessary public facilities can be provided to serve the subject property.
3. The proposed rezoning is consistent with the County’s adopted Comprehensive Plan and is compatible with the surrounding land uses subject to performance conditions.

**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 to rezone from AG to PDP(SF) 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. The development shall have a maximum of 200 single family houses and 300 single family attached townhouses.
3. The perimeter setbacks shall be as follows:
  - 25' from Lockhart Road (future ROW line)
  - 25' from the Old Trilby Road extension along the north property line (future ROW line)
  - 25' from the south property line
  - 35' from along I-75
4. The minimum lot sizes approved: Single Family Detached: 6050 square feet, Single Family Attached: 1980 square feet.
5. The internal lot setbacks for the single family detached units are as follows:
  - 20' front, 5' side , 15' rear
6. The internal lot setbacks for the single family attached/townhouse lots are as follows:
  - 20' front , 0' side, 15' rear with a minimum of 20' between buildings.

7. The petitioner should be required to provide their fair share of right of way along Old Trilby Road and Lockhart Road for future 4-lane roadways.
8. Old Trilby Road must be developed concurrent with the project.
9. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
10. The petitioners shall enter into a developer's agreement which will require them to contribute their proportionate share to fund infrastructure deficits within the Planned Development District (PDD).
11. 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.
12. 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:**

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AG to PDP(SF) 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. The development shall have a maximum of 200 single family houses and 300 single family attached townhouses.
3. The perimeter setbacks shall be as follows:
  - 25' from Lockhart Road (future ROW line)
  - 25' from the Old Trilby Road extension along the north property line (future ROW line)
  - 25' from the south property line

35' from along I-75

4. The minimum lot sizes approved: Single Family Detached: 6050 square feet, Single Family Attached: 1980 square feet.
5. The internal lot setbacks for the single family detached units are as follows:  
20' front, 5' side , 15' rear
6. The internal lot setbacks for the single family attached/townhouse lots are as follows:  
20' front , 0' side, 15' rear with a minimum of 20' between buildings.
7. The petitioner should be required to provide their fair share of right of way along Old Trilby Road and Lockhart Road for future 4-lane roadways.
8. Old Trilby Road must be developed concurrent with the project.
9. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
10. The petitioners shall enter into a developer's agreement which will require them to contribute their proportionate share to fund infrastructure deficits within the Planned Development District (PDD). Infrastructure will be provided in a timely manner as the phases of the project are developed.(Staff does not object)
11. 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. Infrastructure will be provided in a timely manner as the phases of the project are developed. (Staff does not object).
12. 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.
13. The petitioner shall disclose to future residents that Florida Classic Park has events (Staff does not object)

**BCC ACTION:**

On April 12, 2006, the Board of County Commissioners voted 5-0 to postpone consideration of the petitioner's request to rezone from AG to PDP(SF) until the July 12, 2006 BCC hearing at 9:00 a.m.

The School Board of Hernando County, Florida

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Brooksville, FL 34601  
352-797-7000

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**Chairperson**  
Robert Wiggins  
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Jim Malcolm  
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John Druzbeck  
Pat Fagan  
Sandra Nicholson

February 21, 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 March 13 P & Z and the March 15 BOCC meetings. My comments are listed below for consideration during the staff's review.

In reference to **H-06-18** the request from BBC, LLC for a Master Plan Revision and Rezoning of a 168 acre site with 80 multi-family units and 53 single family units, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Brooksville 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 45 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 2 teachers at an estimated cost of \$100,000. 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 45 additional students. This worksheet shows an estimated impact in excess of school taxes between \$408,192 and \$416,172.

In reference to **H-06-22**, the request from Cornerstone Communities to rezone and develop a 103 Ac site with 300 multi-family and 200 single family residential units, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – East Side 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 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 \$700,000 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 167 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,486,389 and \$1,516,389.

In reference to **H-06-26**, the request from Bluestone Construction & Development to Establish a Master Plan on 31.5 Ac and develop 432 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Spring Hill Elementary School  
Middle (6-8) – Powell Middle School  
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 144 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 6.5 teachers at an estimated cost of \$325,000. 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 144 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,277,856 and \$1,303,776.

In reference to **H-06-28**, the request from Bill W. Mazas, Thomas W. Mazas, and Sophia Vasilaros to rezone 154 Ac and develop 360 single family homes, 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 120 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 \$525,000 and 5.5 teachers at an estimated cost of \$275,000. 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 120 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,064,880 and \$1,086,480.

In response to **H-06-29**, the request to Establish a Master Plan from Resdev, LLC, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – Spring Hill Elementary School  
Middle (6-8) – Powell Middle School  
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 20 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 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 20 additional students. This worksheet shows an estimated impact in excess of school taxes between \$181,911 and \$185,451.

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