

**STAFF REPORT**

Planning & Zoning Commission: March 13, 2006

Board of County Commissioners: April 12, 2006

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**APPLICANT:** Shady Oaks North LLC (Albert Fortna) **FILE NUMBER:** H-06-25

**PURPOSE:** Public Service Facility Overlay District for a Well Field with a Reduction in Setbacks

**GENERAL**

**LOCATION:** Approximately 1,400' northeast of Baxley Drive, approximately 4,200' east of Treiman Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 13, 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: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: PDP(MH)  
East: AG  
West: PDP(MH)

Surrounding Land Uses

Undeveloped  
Undeveloped  
Mobile home, trail  
Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests a public service facility overlay district for a well field. The subject property is located approximately 1,400' northeast of Baxley Drive, approximately 4,200' east of Treiman Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(MH).
2. The property comprises approximately two (2) acres.
3. The site is undeveloped.

4. The site may contain majestic and specimen trees.
5. The subject property would have access via Baxley Drive through the future phase of the Shady Oaks development.
6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Sparr 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 wellsite is being requested to improve flow and capacity to the surrounding area.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by mobile home residential uses and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from 50' to 25', which is a deviation from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests a public service facility overlay district for a well field in order to supply the east side of the County with additional water supply. The narrative indicates the petitioner proposes a 16" potable water supply well, two (2) high service pumps, and pump buildings, chlorine building, emergency generator, drainage retention pond, access road and associated pumping. The well is proposed initially to be permitted for 150,000 gallons per day, with a maximum one million gallons per day capacity.

The subject property is an approximately 2 acre area within the northeast corner of an area zoned as a mobile home planned development project. The well site is proposed at the northeast quadrant of the 2 acre subject property. The plan submitted indicates that the proposed water plant building will be at the south west corner of the site. The plan indicates 50' vegetative buffer but is not specific whether it is around the entire perimeter or on the north portion of the site. The petitioner

indicates he proposes to locate the well approximately 25' from the east lot line, in order to minimize impacts to the future mobile home residential uses. The petitioner verbally indicated that the wellsite will include a tank. No information was provided on the site plan nor in the narrative. The petitioner should be required to provide a revised site plan with details regarding the tank at the P&Z meeting.

Development in a Public Service Facility Overlay District is required to meet the dimension and area regulations of the underlying zoning district. The underlying zoning district is PDP(MH) which requires front: 25', side 10' and rear 20' setbacks. The petitioner has requested a reduction in setbacks from 50' to 25' along the railroad; however, per the LDRs, the reduction is not necessary. The staff recommends that if the request is approved, the minimum of 50' from the north, south and west and 25' from the east. The petitioner should provide a 25' vegetated buffer along the east lot line and a 50' vegetated buffer along the other property lines. The buffer should have a minimum 80% opacity, preserving the existing natural vegetation within the 50' buffer, enhancing it if necessary to maintain the 80% opacity.

The County Engineer has no comments.

The applicant has submitted modeled Wellhead Protection Areas (WHPA) for the proposed well and a prohibited use survey. The proposed WHPA mapping adheres to the County Groundwater Protection Ordinance standards. The report states that there is no indication of prohibited uses within the proposed WHPAs. The property immediately to the west has an approved master plan for a PDP(MH) with a minimum lot size of ½ acre but has no approved conditional plat. New residential subdivisions utilizing individual septic systems are limited to a density of 1 septic system per acre within the WHPA-1. The WHPA created if the wellsite is approved will affect the density allowed in a portion of the remaining MH development.

The staff has discussed the proximity of the proposed well site to the railroad and potential environmental risks. The professional assessment performed on the site indicated that it was an acceptable location for a wellsite.

The GPO requires that the modeled WHPAs for the new well be added to the GPO mapping in accordance with the ordinance.

Due to the karst nature of the area, a subsurface geotechnical study should be conducted on the site prior to construction to determine the potential for karst activity in the vicinity of the proposed wellfield and adjacent land uses. The petitioner shall be required to supply the study results to the Planning Staff prior to entering into contracts for drilling.

Pasco County has been notified of the request; no response has yet been received.

**FINDINGS OF FACT**

The area is characterized by mobile home residential uses and undeveloped parcels. The site is currently surrounded by undeveloped property. The site is proposed within a platted mobile home park.

The subject property is located within a rural land use classification on the adopted Future Land Use Map. Public uses are potentially allowable in the rural future land use category with the appropriate land use approvals.

The Planning staff is of the opinion that the request for a public service facility overlay district for a wellfield is appropriate based on the following conclusions:

1. The petitioner has provided adequate documentation addressing hydrological impacts associated with the proposed use.
2. The petitioner has provided adequate documentation addressing environmental impacts associated with the proposed use.
3. The proposed public service facility overlay district is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all 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 for a public service facility overlay district for a wellfield, with the following performance conditions:

1. The petitioner must obtain all permits from the state of Florida and Hernando County and meet all applicable land development regulations, for either construction or use of the

- property, and complete all applicable development review processes including SWFWMD water use permitting.
2. The petitioner shall provide a subsurface geophysical study of the site prior to construction. The petitioner shall be required to supply the study results to the Planning staff prior to entering into contracts for drilling.
  3. The petitioner shall supply the WHPA modeling, once constructed, to Planning Staff for adoption into the County's GPO mapping.
  4. The petitioner should be required to provide a revised site plan with details regarding the tank at the P&Z meeting.
  5. The approved setbacks are as follows:  
North, south and west: 50'  
East: 25'
  6. The petitioner should provide a 25' vegetated buffer along the east lot line and a 50' vegetated buffer along the other property lines with a minimum 80% opacity around the perimeter of the project, preserving the existing natural vegetation within the 50' buffer, enhancing it if necessary to maintain the 80% opacity.
  7. 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 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a public service facility overlay district for a wellfield, with the following performance conditions:

1. The petitioner must obtain all permits from the state of Florida and Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes including SWFWMD water use permitting.
2. The petitioner shall provide a subsurface geophysical study of the site prior to construction. The petitioner shall be required to supply the study results to the Planning staff prior to entering into contracts for drilling.

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**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-96 approving the petitioner's request for a public service facility overlay district for a well field with the following performance conditions:

1. The petitioner must obtain all permits from the state of Florida and Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes including SWFWMD water use permitting.
2. The petitioner shall provide a subsurface geophysical study of the site prior to construction. The petitioner shall be required to supply the study results to the Planning staff prior to entering into contracts for drilling.
3. The petitioner shall supply the WHPA modeling, once constructed, to Planning Staff for adoption into the County's GPO mapping.
4. The petitioner should be required to provide a revised site plan with details regarding the tank at the P&Z meeting.

5. The approved setbacks are as follows:
  - North, south and west: 50'
  - East: 25'
  
6. The petitioner should provide a 25' vegetated buffer along the east lot line and a 50' vegetated buffer along the other property lines with a minimum 80% opacity around the perimeter of the project, preserving the existing natural vegetation within the 50' buffer, enhancing it if necessary to maintain the 80% opacity.
  
7. 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.