

**REVISED STAFF REPORT**

Planning & Zoning Commission: April 10, 2006  
Board of County Commissioners: May 10, 2006  
Planning and Zoning Commission: May 8, 2006

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**APPLICANT:** J. Lewless Holdings, LLC **FILE NUMBER:** H-06-37

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

**GENERAL**

**LOCATION:** North side of SR 50, west side of Olancha Road, south side of Ridge Manor Boulevard

**LEGAL**

**DESCRIPTION:** A portion of Section 3, 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: CV  
South: PDP(GHC), AG  
East: PDP(GHC), R-1C  
West: AR-2

Surrounding Land Uses

Cypress Lakes Preserve  
Gas station, waste transfer station, undeveloped  
Gas station, single family, undeveloped  
Single family, waste transfer station, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to PDP(SF). The subject property is located on the north side of SR 50, west side of Olancha Road, south side of Ridge Manor Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 80 acres.
3. The site has been partially cleared and is undeveloped.

4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard, Ridge Manor Boulevard and Olancha 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 types include Arredondo fine sand, burrow pits, 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 zones C and x500.
9. The subject property does contains wetlands, a WHPA-1 and multiple SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. Capacity is limited on SR 50 east of McKethan Road.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family residential, commercial, conservation, institutional uses and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner initially submitted a request to rezone from AG to PDP(SF) in order to develop the site with 230 single family homes. The development proposed typical lot sizes of 50' x 120' and 60' x 120'. The staff had some concerns about the intensity of the development proposed and recommended a 30 day postponement to allow the petitioner time to modify their concept.

The petitioner has submitted a revised plan which proposes a total of 199 units. The minimum lot sizes proposed are 50' x 120', 60' x 120' and 75' x 150'. The project has perimeter setbacks proposed as follows: 125' from Cortez Boulevard, 50' from Olancha and Ridge Manor Boulevard, 35' from all other property lines. The internal lot setbacks are proposed to be 25' front, 5' side and 15' rear.

The petitioner is proposing a 35' buffer tract along Ridge Manor Boulevard and Olancha adjacent to the proposed Single family development..

The LDRs require a minimum of 5% of the total acreage be maintained in usable open space which is 4 acres. The plan indicates that four (4) acres of recreation/open space is proposed.

The narrative indicates the development will be served by central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 12" water line is located on the east side of Cortez Boulevard. An 8" force main is located on the west side of Cortez Boulevard. The applicant will have to connect to water and/or sewer to support the level of development proposed.

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. If approved, the petitioner would be required to meet the applicable LDRs.

The Transportation Planning Coordinator indicates Cortez Boulevard has limited capacity to the east of McKethan Road. If approved, 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 has access from Cortez Boulevard, Ridge Manor Boulevard and Olancha Road. Access is proposed to Ridge Manor Boulevard and Olancha Road. The County Engineer indicates that if that if the request is approved, the petitioner should be required to provide 50' of ROW from the centerline of Ridge Manor Boulevard, and 50' of ROW from the centerline of Olancha Road. Sidewalks will be required on Ridge Manor Boulevard and Olancha Road pursuant to the LDRs. Additionally, the petitioner should be required to revise the plan to show a pedestrian connection to the commercial use at the northwest corner of Cortez Boulevard and Olancha Road.

The Hernando County School Board indicated that the initial request would generate approximately 77 additional students based on the initial submittal. Elementary schools students would be assigned to Eastside Elementary School, middle school students would be assigned to D. S. Parrott Middle School, and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The center of the subject property may contain a Class 3 wetland according to County data resources. The applicants narrative states that no wetlands or surface water were detected. This area shall be investigated to determine if there is any remnant of the wetland present. Any removal, alteration or encroachment within wetlands shall adhere to all state and federal wetland permitting and mitigation requirements.

The petitioners narrative states that the property has numerous gopher tortoise burrows, a protected listed species of special concern. There is the potential for associated listed commensal species associated with the burrow environment to be present on the property. The western half of the property is wooded while the eastern half has been in agricultural row crop production. 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. Air potato, an invasive exotic, is also present. This species will need to be eradicated as the property is developed.

The subject property is across from Cypress Lakes Preserve and in proximity to DOF managed conservation areas. These conservation areas contain sandhill and scrub habitat. This habitat requires frequent prescribed fire, approximately once every 1-3 years. The developer shall make new residents aware of this requirement.

The subject property contains Special Protection Areas (SPAs) associated with pits from previous mining activity on the property. The proposed planned development with central services is allowable within this designation provided the pits are properly abandoned prior to development and elevations are contoured with proper soil compaction to allow for residential development. Once the pits are abandoned the County SPA map will need to be modified.

A portion of the subject property contains a WHPA-1 for a public supply well. The proposed planned development with central services is allowable within this designation.

The County's LDRs encourage Florida friendly design. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

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

### **FINDINGS OF FACT**

The area is characterized by a mixture of uses including: single family residential, commercial, conservation, institutional uses and undeveloped parcels. The Cypress Lakes Preserve is located to the north. Single family uses are located to the east, on lots with a minimum size of a half-acre. A gas station is located to the southeast. A waste transfer station is located to the southwest.

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 proposed revised request results in a density of 2.5 units per acre which is within the range allowed by the comprehensive plan. The petitioner's proposal is considered medium high density pursuant to the adopted comprehensive plan.

Policy 1.01F(2) states that low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and is intended to be the district most utilized for regulating future single family development. The petitioner's revised application proposes 2.5 units per acre.

The Planning staff is of the opinion that the request to rezone from Agricultural to Planned Development Project (SF), is appropriate with performance conditions:

1. Single family development not to exceed 2.5 units per acre is compatible with the surrounding single family uses.
2. Single family development not to exceed 2.5 units per acre 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 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. A maximum of 199 units are approved.
3. The minimum lot sizes shall be 6000 square feet, 7200 square feet and 11,250 square feet. Lot sizes shall be approved as indicated on the master plan.

4. The perimeter setbacks shall be as follows:
  - 125' from Cortez Boulevard
  - 50 from Olancha and Ridge Manor
  - 35' ' from all other
5. The minimum internal lot setbacks approved are: 25' front, 5' side and 15' rear.
6. A 35' landscape buffer tract shall be required as depicted on the plan. The buffer tract shall be separate from the lots.
7. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
8. The petitioner shall provide 50' of ROW from the centerline of Ridge Manor Boulevard and 50' of ROW from the centerline of Olancha Road.
9. The petitioner shall provide a pedestrian connection to the gas station at the northwest corner of Cortez Boulevard and Olancha Road.
10. The potential wetland area shall be investigated to determine if there is any remnant of the wetland present. If present, any removal, alteration or encroachment within the wetland shall adhere to all state and federal wetland permitting and mitigation requirements.
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. All offering statements for lots within the subdivision shall contain the following notice regarding prescribed fire as a conservation management practice:

This development is across from Cypress Lakes Preserve as well as DOF managed conservation lands within the area. These conservation areas contain sandhill and scrub habitat that requires frequent prescribed fire, approximately once every 1-3 years. Please be aware that prescribed fire is a management practice used to maintain the ecological health of the land and to minimize the occurrence of wildfire. Smoke and odors occur during prescribed burns.
13. The pits (existing SPAs) shall be properly abandoned prior to development and elevations contoured with proper soil compaction to allow for residential development. A remediation plan for these pits shall be approved by the County prior to development.
14. A wildlife survey acceptable to the County shall be conducted to determine the presence of federal and/or state listed species and Class 1 wetlands. Additionally, invasive exotic plant

species (specified in the County's Landscape Ordinance) shall be eradicated/controlled as the property is developed.

15. Prior to development, a site assessment shall be performed to determine if there was a landfill on the site. If there was, proper procedures shall be followed.
16. 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 April 10, 2006 meeting, the P&Z voted 5-0 to postpone hearing the request until the May 8, 2006 meeting at 9:30 a.m.

*The School Board of Hernando County, Florida*

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Brooksville, FL 34601  
352-797-7000

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John Druzbeck  
Pat Fagan  
Sandra Nicholson

March 20, 2006

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 April P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-27** the request from BDC, LLC to Establish a Master Plan for a 10 acre site with 96 multi-family units, I offer the following:

Schools for which students from this development will be zoned:  
Elementary (K-5) – J.D. Floyd Elementary School  
Middle (6-8) – Powell 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 32 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 1.5 teachers at an estimated cost of \$75,000. 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 32 additional students. This worksheet shows an estimated impact in excess of school taxes between \$283,968 and \$289,728.

In reference to **H-06-40** the request from Hampton Ridge Partners, LLC to rezone a 78.9 acre site with 128 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 43 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 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$386,013 and \$393,693.

In reference to **H-06-37** the request from J. Lewless Holdings, LLC to rezone a 79.6 acre site with 230 single family lots, 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 rezoning request is expected to have an impact to the District with an increase of an additional 77 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 3.5 teachers at an estimated cost of \$175,000. 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 77 additional students. This worksheet shows an estimated impact in excess of school taxes between \$687,729 and \$701,529.

In response to **H-06-42**, the request to rezone from GGW, LLC and BTM, LLC it appears that residential units are planned, however, not enough information was provided to allow me to comment. If need be, I will make my comments at the public input portion of the meeting.

It appears that the request from GCMB Properties, LLC **H-06-16** will have no student impact; however if children are allowed to reside in the proposed condominium units the impact will be as follows:

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 96 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 96 additional students. This worksheet shows an estimated impact in excess of school taxes between \$851,904 and \$869,184.

**H-06-31, H-06-32, H-06-36 and H-06-39** will have minimal impact to the Hernando County School District as each of these will generate less than 10 students.

The request from Levitt Homes, LLC **H-06-41** will have no student impact to the Hernando County School District.

Sincerely,

Ken Pritz

Hernando County School Board  
Facility & Support Operations, Executive Director