

**STAFF REPORT**

Planning & Zoning Commission: June 12, 2006

Board of County Commissioners: July 12, 2006

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**APPLICANT:** Ljuba Irwin **FILE NUMBER:** H-06-60

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

**GENERAL**

**LOCATION:** Approximately 1500' north of Dunkirk, east end of Bayshore Court

**LEGAL**

**DESCRIPTION:** A portion of Section 24, Township 23 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: 0

**STAFF FINDINGS:**

Surrounding Zoning

North: AG  
South: AG  
East: R-1C  
West: PDP(SF)

Surrounding Land Uses

Undeveloped  
AG  
Single family  
Single family, undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG to R-1C. The subject property is located east of Bayshore Court, approximately 1,500' north of Dunkirk Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AG.
2. The property comprises approximately 10 acres.
3. The site is undeveloped.
4. The site contains no majestic or specimen trees.

5. The subject property has access from Bayshore Court.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler 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 & A.
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, but not sewer, is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family homes, rural residential uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner requests to rezone a 10 acre parcel from AG to PDP(Single Family). The petitioner proposes developing the property with 14 single family homes. The petitioner proposes a single family development with 21,500 square foot lots.

In 2005, the petitioner submitted a request to rezone the subject property from AG to R-1C. The R-1C district would allow minimum 10,000 square foot lots provided central water and sewer is provided. The Utilities Department indicated that central water was available to serve the site; however, sewer was not; consequently, , the smallest lot the petitioner could have been developed on the site was 21,500 square feet. The staff recommended approval of a PDP(SF) with 21,500 square foot lots. The BCC did not support the staff's recommendation, nor the petitioner's request for R-1C zoning.

The plan submitted by the petitioner indicates existing access to the site via Bayshore Drive with a future access to the south to a currently undeveloped AG parcel. No access to the north is proposed and the existing development pattern to the east would preclude interconnection.

The petitioner has indicated that the minimum lot size would be 21,500 square feet with minimum setbacks of Front 25', side 10, rear 20'. The setbacks proposed are consistent with the conventional single family district.

The Utilities Department has indicated that central water, but not sewer, is available to serve the subject site. A 6" force main is located approximately 9,050' away on the east side of Mariner Boulevard. The smallest lot size allowed with central water and septic service would be 21,500 square feet per the County LDRs. The density would be the same as the previous request. The Department of Health notes that a site evaluation shall be performed prior to construction permitting.

The Hernando County School Board indicates that the request would generate less than 5 additional students to the school system which the school system characterizes as minimal impact.

The plan provided shows no open space. The LDRs require a minimum of 5% of the project area be provided as usable open space. If the request is approved, the petitioner would be required to provide a half-acre of usable open space.

### **FINDINGS OF FACT**

The area is characterized by single family homes, rural residential uses and undeveloped parcels. Spring Hill Unit 25 is located to the west and is developed with minimum one-third-acre lots zoned PDP(SF). The Oakridge Estates subdivision is located to the east and is developed with minimum half-acre lots. A rural residential 10 acre AG property is located to the south. A large undeveloped AG parcel is located to the north. The Planning staff is of the opinion single family development on minimum half-acre lots would be compatible with the surrounding development provided adequate access could be provided.

The subject property is located within a residential land use classification 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 density proposed is within the range allowed by the adopted Comprehensive Plan.

Policy 1.01F (2) indicates 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 are intended to be the district most utilized for regulating future single family development. The Planning staff is of the opinion low-density residential would be appropriate at this location with adequate access.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent to single family development characterized by half-acre and one-third acre lot sizes. It is the staff's opinion that the density of the proposed development would be compatible with the surrounding land uses.

The Board of County Commissioners has a policy of requiring a minimum of two (2) access points for residential development. The project, as proposed, does not provide adequate access.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, based on the following conclusions:

1. The project as proposed includes only one functional access point which is inconsistent with BCC policy.
2. The existing local roadway system is inadequate to accommodate the proposed development.
3. Rezoning to PDP(SF) is inconsistent with the County's 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 # \_\_\_\_\_ denying the petitioner's request to rezone from AG to PDP(SF).

**P&Z RECOMMENDATION:**

*The School Board of Hernando County, Florida*

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

**Facility & Support  
Operations  
8060 Mobley Road  
Brooksville, FL 34601  
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**Superintendent**  
*Wendy L. Tellone, Ed.D.*  
**Chairperson**  
*Robert Wiggins*  
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**Members**  
John Druzbeck  
Pat Fagan  
Sandra Nicholson

May 12, 2006

Carlene Riecse, Planner III  
Hernando County Planning Department  
20 North Main Street, Room 262  
Brooksville, FL 34601

Dear Carlene:

I reviewed the proposed rezoning requests that you forwarded to me for the June P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-48** the request from Mercedes Homes to rezone a 416.3 acre site with 900 dwelling units, 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 a significant impact to the District with an increase of an additional 300 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 \$1,225,000 and 14 teachers at an estimated cost of \$700,000. 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 300 additional students. This worksheet shows an estimated impact in excess of school taxes between \$2,662,200 and \$2,716,200.

In reference to **H-06-56** the request from Schafer Development to rezone a 25 acre site with 75 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 25 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 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 25 additional students. This worksheet shows an estimated impact in excess of school taxes between \$221,850 and \$226,350.

In reference to **H-06-58** the request from Thomas J. Murphy, Emerson Brooksville Trust for a Master Plan Revision, 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 request is expected to have an impact to the District with an increase of an additional 83 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 83 additional students. This worksheet shows an estimated impact in excess of school taxes between \$740,973 and \$755,853.

In response to **H-06-59**, the request from James W. Kern to rezone 121.5 acres with 461 single family units 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 request is expected to have an impact to the District with an increase of an additional 154 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 7 teachers at an estimated cost of \$350,000. 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 154 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,371,027 and \$1,398,687.

In response to **H-06-60**, the request from Ljuba Irwin to rezone 10 Acres will have minimal impact to the Hernando County School District as it will generate less than 5 students.

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