



April 16, 2007

MEMORANDUM

PD-151

TO: The Honorable Chairman and Members of the Board of County Commissioners

VIA: Gary Kuhl, County Administrator 

FROM: Ronald F. Pianta, AICP, Planning Director 
Planning Department

SUBJECT: Public Hearing: Hickory Hill Hearing Comprehensive Plan Amendment and Development Order

Hickory Hill is proposed as a new Planned Development District (PDD) on the Future Land Use Map with associated Objective and Policy language intended to provide standards for development. The proposed project is located in a southeastern area of Hernando County on 2,766 acres, west of Lockhart Road and the I-75/SR 50 Planned Development District; an area currently designated Rural on the Future Land Use Map. The project proposes up to 1,750 dwelling units, up to 50,000 square feet of neighborhood commercial use, and up to 63 golf holes with ancillary facilities. Due to the intensity of the proposed development, the project is also considered a Development of Regional Impact (DRI) pursuant to Chapter 380, Florida Statutes. Therefore, the application includes both a Comprehensive Plan amendment and the associated Application for Development Approval (ADA) for the DRI.

Chapter 380.06(6)(b)6, Florida Statute, requires that the County consider both an Application for Development Approval for the DRI and a concurrent comprehensive plan amendment at the same hearing. However, the statute also requires that separate action be taken on the proposed comprehensive plan amendment and DRI development order. Thus, it is important to focus the discussions related to the plan amendment issues versus those related to the Development Order issues where possible, as the issues related to each, although interrelated, are somewhat distinct in breadth and scope. Typically, issues related to a comprehensive plan amendment tend to be much broader and policy driven, where issues related to a Development Order tend to be more specific and compliance driven. Hearing procedures for this public hearing were adopted by the Board on March 14, 2007, and are attached to this memorandum as *Exhibit A*.

On June 14, 2006, the Board of County Commissioners voted 3-2 to transmit the proposed Hickory Hill Comprehensive Plan Amendment to the Department of Community Affairs (DCA) and review agencies for review and comment as a proposed comprehensive plan amendment; a copy of the transmittal package is attached to this memorandum as *Exhibit B*. The Florida Department of Community Affairs reviewed the proposed comprehensive plan amendment and issued what is termed an *Objections, Recommendations and Comments (ORC)*

Report on September 15, 2006, and is attached to this memorandum as *Exhibit C*. Once an ORC Report is received, the local government can choose to adopt the proposed plan amendment, adopt the proposed plan amendment with changes, or determine not to adopt the proposed plan amendment. The decision must be made at a public hearing and by adoption of an ordinance. Should the plan amendment be adopted, or adopted with changes, by the local government, the state land planning agency will review and determine whether the amendment is in compliance with state law, and issue a notice of intent, or finding.

The ORC Report for the future land use map and text amendments for the proposed Hickory Hill Planned Development District raised 4 objections and recommendations related to consistency with the State growth management laws and rules (Chapter 163, Part II, Florida Statutes and Rule 9J-5, Florida Administrative Code), and 1 objection related to consistency with the State Comprehensive Plan (Chapter 187, Florida Statutes). A response was prepared by Sierra Properties to the ORC Report issued by the Florida Department of Affairs and is attached to this memorandum as *Exhibit D*. A summary of the applicant's response to the ORC Report is provided as follows:

1. ***Objection:***

The proposed plan amendment is not supported by adequate data and analysis demonstrating that the amendment discourages urban sprawl.

Recommendation:

Provide a land use analysis demonstrating the need for the amount of development proposed, and include an urban sprawl analysis addressing the criteria identified in the ORC Report.

Applicant's Response:

The applicant prepared a land use needs analysis in order to identify the amount of land available for residential development as compared to the estimated demand for residential development based upon future population projections. The relationship between the estimated available land for residential development versus what is actually needed to accommodate population growth is referred to as the allocation ratio. The analysis indicated that the allocation ratio for the planning horizon (2025) is 1.57, which is within a range that has been generally accepted by the State for planning purposes. Although higher ratios have been used, generally a ratio between 1.20 and 2.0 is professionally acceptable.

Ultimately, the designation of areas for long term development is a value judgement that policy makers and community leaders must make. Regardless, the method used and conclusions reached by the applicant were reviewed by planning staff and determined to be professionally acceptable, and adequate for consideration by the Board.

The applicant also prepared a response to 5 of the 13 primary indicators of “urban sprawl” defined by the States growth management rules, and cited by the Florida Department of Community Affairs in their Objections, Recommendations and Comments Report. Generally, a review of urban sprawl indicators for a plan amendment must be made within the context of local characteristics and consider the potential for impact on the remainder of the plan. Analysis of the indicators cited by DCA was prepared by the applicant and is ready for consideration by the Board. Finally, at staff’s request, the applicant has prepared an analysis of several goals and policies contained in the Hernando County Comprehensive Plan, and cited by DCA in their ORC Report. This analysis is contained in the ORC response, and is ready for consideration by the Board. To clarify the amendment’s intent to protect the adjacent rural community, the applicant has also proposed to modify 3 of the policies contained in the proposed text for the Hickory Hill PDD.

2. ***Objection:***

The proposed plan amendment is not supported by an adequate transportation analysis.

Recommendation:

Include the required analysis.

Response:

The applicant has prepared the required supporting data and analysis and updates to the capital improvements schedule for transmittal to the Florida Department of Community Affairs should the proposed plan amendment be adopted by the Board. If the Comprehensive Plan Amendment is approved, the Capital Improvement Element tables will need to be updated to reflect the projects contained in the proposed development order.

3. ***Objection:***

The proposed amendment is not supported by adequate data and analysis related to water and sewer facilities.

Recommendation:

Include the required analysis that the water and sewer services can be supplied to the site.

Response:

The applicant has prepared the required supporting data and analysis, updates to the capital improvements schedule, and a proposed utility service agreement for transmittal to the Florida Department of Community Affairs should the proposed plan amendment be adopted by the Board. If the Comprehensive Plan Amendment is approved, the Capital Improvement Element tables will need to

be updated to reflect the projects contained in the proposed utility service agreement.

4. **Objection:**

The data and analysis did not demonstrate the environmental suitability of the site.

Recommendation:

Revise the amendment to assure the protection of wildlife and vegetative communities.

Response:

The specific areas cited by the Florida Department of Community Affairs include the protection of wildlife and vegetative communities, wetlands protection, the impact of the amendment on listed species, and consistency with the Hernando County Comprehensive Plan related to density clustering. The applicant has prepared the required supporting data and analysis for transmittal to the Florida Department of Community Affairs should the proposed plan amendment be adopted by the Board.

5. **Objection:**

The amendment must demonstrate compliance with the State Comprehensive Plan.

Response:

Typically, consistency with the State Comprehensive Plan is used to support objections and recommendations made relative to consistency with State growth management laws and rules. Generally, if the additional analysis and responses provided to the State relative to consistency with the State growth management laws and rules are determined adequate then these objections are also satisfied. However, at staff's request, the applicant has prepared responses to these objections for transmittal to the Florida Department of Community Affairs should the proposed plan amendment be adopted by the Board.

As a rule, once a proposed plan amendment has been approved by the governing body for transmittal to the State, the broad policy decisions required to determine appropriateness have been discussed and made. The direction for Staff then becomes to focus the final review of the amendment on the additional analysis necessary to adequately address the objections and recommendations made as part of the ORC Report.

With respect to this application, the responses provided by the applicant are professionally acceptable, and appear to satisfy the objections and adequately address the recommendations made as part of the ORC Report issued by the State. However, should the Board not want to limit the discussion on the proposed plan amendment to the sufficiency of the responses to the

ORC Report, then the Board should focus its discussion on some very basic policy questions associated with this amendment. In consideration of the previous public hearing discussions occurring on the Comprehensive Plan transmittal, and in order to finalize action on the proposed amendment, Staff has identified the following basic policy questions for the Board:

- Does the proposed amendment further the overall intent of the goals, objectives and policies of the adopted Comprehensive Plan, and
- do the specific policies proposed as part of the Hickory Hill Planned Development District provide adequate guidance and direction for future development that furthers the overall intent of the adopted Comprehensive Plan and protection of the rural area, and
- is the timing of the proposed amendment consistent with development trends in the area, and
- does the proposed amendment provide for an appropriate transition from the planned urban area to the rural community while providing adequate policy direction to ensure that future urban development will be contained?

If the Board is satisfied that these basic policy questions have been adequately addressed, then it would be appropriate for the Board to adopt the Ordinance attached hereto as ***Exhibit F*** which amends the County's Comprehensive Plan and authorize the Chairman's signature thereupon.

The second part of the discussion is related to the Development of Regional Impact Application for Development Approval and the associated local government development order. Chapter 380, Florida Statutes, specifies the format and content of a local government development order, including findings of fact and conclusions of law, monitoring procedures, compliance dates for commencement and build out, reporting, and specific conditions related to impacts.

The proposed local government development order related to this application has been prepared by the County Planning Department and County Attorney's Office, is attached to this memorandum as ***Exhibit G***, and is ready for consideration by the Board. The specific conditions related to the impacts from development were drafted to address the issues raised by the Withlacoochee Regional Planning Council during the DRI process as reflected in ***Exhibit E***, the policies proposed for the Hickory Hill Planned Development District as part of the proposed comprehensive plan amendment, and the local issues raised by the County during the DRI process, and include the following recommended provisions:

1. A requirement that the development shall prepare and maintain an Environmental Monitoring Plan, to include a Stormwater Pollution Prevention Plan, an Integrated Pest Management Plan, a Chemical Management Plan, a Groundwater Monitoring Program, a Wildlife Habitat Management Plan, and a Pet Management Plan. The specific components of the aforementioned are described in the proposed development order; and
2. a requirement that the development comply with certain water conservation techniques; and
3. a requirement that the Developer comply with SWFWMD rules and regulations with regard to adverse impacts on the existing wells of neighboring property owners. Adverse impacts and recommended mitigation measures shall be reported annually; and
4. a requirement that the Developer monitor for impacts to the County's well field, and report on the monitoring program annually; and
5. provisions for potable water, wastewater and effluent reuse improvements in accordance with a specific Water and Sewer Agreement to be approved by the County, and
6. a requirement that the development provide for a fire protection mitigation payment of \$150,000; and
7. a requirement that the development comply with certain emergency management provisions pertaining to hurricane preparedness and public education; and
8. a requirement that the development provide for an affordable housing mitigation payment of \$175,000; and
9. a requirement that the development provide for a public linear park with passive amenities and equestrian trail along Baseball Pond Road; and
10. a requirement that the development participate in the fair share cost of an east side district park consistent with requirements established for the I 75/SR 50 PDD; and
11. a requirement for the mitigation of impacts to public schools in

- accordance with an agreement entered into by the School Board and Developer; and
12. a requirement to monitor school capacities annually, and contribute an additional cost toward the construction of schools if determined necessary by the School Board; and
 13. requirements for certain transportation improvements and mitigation payments. Additional conditions such as: restricting access to Hickory Hill Road, preserving the tree canopy along Hickory Hill Road, provisions for bicycle and pedestrian facilities, limitations on construction access, and requirements for traffic and roadway monitoring; and
 14. requirements for buffering and land use compatibility consistent with the specific plan amendment policies for the Hickory Hill Planned Development District; and
 15. requirements for the preservation of any historic artifacts discovered during development; and
 16. requirements to minimize noise from golf course maintenance equipment and shield lighting from the development; and
 17. provisions for concurrency in accordance with the County's Adequate Public Facilities Ordinance; and
 18. provisions for annual monitoring and reporting; and
 19. provisions for substantial deviations to the development order.

Should the Board approve the proposed comprehensive plan amendment, it is appropriate for the Board to then take separate action considering the proposed development order for the Hickory Hill DRI, review the recommended conditions contained in the development order, and approve the proposed development order as recommended or with modifications.

RFP/mre

Attachments: *Exhibit A*, Public Hearing Procedures Adopted by the Board on March 14, 2007

Exhibit B, Proposed Comprehensive Plan Amendment (CPAM 06-02) transmitted to the Florida Department of Community Affairs dated July 12, 2006

Exhibit C, *Objections, Recommendations and Comments Report* Issued by the Florida Department of Community Affairs, Hernando County Amendment 06D-1, dated September 16, 2006

Exhibit D, Response Prepared by Sierra Properties dated April 4, 2007, to the *Objections, Recommendations and Comments Report* Issued by the Florida Department of Community Affairs

Exhibit E, Withlacoochee Regional Planning Council Review and Recommendations dated September 21, 2006

Exhibit F, Proposed Ordinance Amending the Comprehensive Plan

Exhibit G, Proposed Development Order dated April 12, 2007, for the Hickory Hill Development of Regional Impact