

HERNANDO COUNTY PLANNING & ZONING COMMISSION

MINUTES OF NOVEMBER 14, 2005

The Hernando County Planning & Zoning Commission (P&Z) met in regular session on November 14, 2005, at 9:00 a.m., in the John Law Ayers County Commission Chambers, which is located in the Hernando County Government Complex/Administrative Building, 20 North Main Street, Room 160, Brooksville, Florida. Members present were: Anna Liisa Covell, Chairwoman; W. R. "Bob" DeWitt, Vice Chairman; Al Sevier, Anthony Palmieri, Mary Preston, Alternate Member; and Ken Pritz, representing the Hernando County School Board. Also present were: Lawrence Jennings, Director of Growth & Development; Jerry Greif, Chief Planner; Chris Mettler, Planner II; Kent Weissinger, Assistant County Attorney; Charles Mixson, County Engineer; and Cynthia Bogert, Administrative Secretary and Notary Public for the State of Florida.

MEETING CALLED TO ORDER

Chairwoman Covell called the meeting to order at 9:00 a.m. After a moment of silence, Comm. Sevier led the Pledge of Allegiance. The members of the Commission introduced themselves to the audience at this time.

EX PARTE COMMUNICATIONS

Comm. Sevier stated that he visited all the sites on the agenda. Comm. Preston indicated she visited all sites except the following: Galileo America LLC (P0525C), Perry and Bradford Ranch LLC (P0502C), Lincoln Trust (P0536C) and Janis Moore Tucker (P0530C). Chairwoman Covell stated she visited the Q2 Acquisition Corp. (H05104) site but had no ex parte communications. The other Commission members indicated that they had no ex parte communications for any of the petitions under consideration.

All individuals providing testimony were sworn in by a Notary Public for the State of Florida and would be confirmed under Oath in this record.

Staff introduced themselves to the audience at this time. Mr. Weissinger reminded the P&Z to base their decisions only on the evidence presented for the record under the quasi-judicial proceedings.

ANNOUNCEMENTS

Mr. Greif explained that normally the rezoning petitions from this hearing would be heard by the Board of County Commissioners (BCC) on December 14; however the BCC will only be available between 9:00 a.m. to 12:00 p.m, therefore some rezoning petitions may be postponed to the January 10, 2006, BCC hearing. He stated that Matt McNulty/Florida Rock Industries (H-05-82) and Longview Equities (H-05-101) will be postponed to the January 10th BCC meeting. Chairwoman Covell noted there was a sign in sheet at the back of the chambers for any interested parties to be notified of the hearing schedule.

Chairwoman Covell instructed the audience of the time limits established by the Commission.

ADOPTION OF THE INFORMATIONAL PACKETS INTO EVIDENCE

For the record, the Commission members received agenda informational packets before the hearing. These packets contain written information regarding all cases to be considered, including copies of staff reports prepared by the Hernando County Planning Department staff. The Planning staff recommends the P&Z accept

the Agenda Informational packets, including the staff reports, into evidence for the hearing as if read aloud in their entirety.

MOTION Comm. DeWitt moved to adopt the informational packets into evidence. Comm. Palmieri seconded the motion, and the motion carried 5-0.

MATT MCNULTY, FLORIDA ROCK INDUSTRIES, INC. - REZONING (H-05-82)

Purpose: Rezoning from AG to PDP(HID)/Planned Development Project (Heavy Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, with a Waiver of the Frontage Road Requirement

Location: South side of Ponce de Leon Boulevard, east side of Hawksbury Road

Representative: Jake Varn, Attorney with Fowler White Boggs Banker

The applicant is requesting to rezone from AG to PDP(HID) with a Heavy Manufacturing Use, namely a Concrete Batch Plant. The subject property is located on the south side of Ponce de Leon Boulevard and the east side of Hawksbury Road. Subsequent to reviewing the staff report prior to the P&Z meeting, the petitioner requested a waiver to the frontage road requirement. This petition was postponed from the October 10, 2005, P&Z hearing.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the petitioner's request to rezone from AG to PDP(LI) / Planned Development Project (Light Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, 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 petitioner shall construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

From Ponce de Leon:	125'
From the east and west lot lines:	20'
From the south lot line:	35'
4. Access shall be from US 98 unless Hawksbury is built to a standard acceptable to the County Engineer.
5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.

6. 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.

Mr. Varn, under oath, discussed the access issues raised at the October 10, 2005, P&Z hearing. He submitted letters from FDOT dated November 10, 2005, which indicated there were no objections to the proposed rezoning, and from CSX Real Property, dated November 3, 2005, which indicated a willingness to work with Florida Rock to utilize their private railroad right-of-way (Hawksbury Road). Mr. Varn noted there were no wetlands on the tract proposed for the plant, and stormwater issues would be addressed through the Department of Environmental Protection (DEP) permitting process. Questioning the access points listed under item #5 of the factual information, Mr. Varn inquired to the location of Treestand Trail.

Chairwoman Covell asked for public comment. The following people spoke under oath regarding the petition: James Deal, Kenneth Bower, Pastor Tom Dixon, and Eugene Lyons. Their concerns included the heavy industrial use being detrimental to the environment and surrounding neighbors; use of alternate routes, including Campground Road, and related impacts to the wetlands if CSX does not grant access through their roadway; potential dust problems impacting the adjacent church and elderly neighbors; and potential flooding to adjacent properties. Mr. Deal inquired if Chairwoman Covell had business dealings with Florida Rock.

Under rebuttal, Mr. Varn noted the site's future land use designation was industrial, clarified that staff recommended light industrial, and noted that only a small portion of the property will be used for the facility. Addressing flooding and dust concerns, he explained the DEP's Environmental Resource Permit (ERP) program would not allow an increase in water flow onto adjacent properties, and they would have to secure air permits from DEP which regulate the amount of dust which can be emitted. He noted that the proposed use of a concrete batch plant was considerably different from a cement plant. Mr. Varn clarified that the access would be from either Hawksbury Road or directly from US 98, and they would agree to a condition prohibiting the use of Campground Road.

Comm. Sevier expressed concern that the petitioner was requesting heavy industrial zoning. Mr. Varn clarified that they agreed with staff's recommendation for light industrial with the concrete batch plant use.

Discussing the details of the CSX and FDOT letters, Comm. Sevier felt the access issue was not resolved since the petitioner did not have a legal access. He opined that Hawksbury Road would not accommodate the truck traffic and access would not be granted through the weigh station to US 98, so the only access would be Campground Road.

Mr. Varn rebutted that they would have access either through Hawksbury Road, which would have to be upgraded to a standard acceptable to the County Engineer; or obtain direct access to US 98 with the appropriate permits through FDOT's access management program. He explained that FDOT cannot deny them access to a public road under Florida Law. Mr. Varn stated there were other permits from DEP that also had to be obtained, and they were willing to accept a condition of approval to obtain the appropriate permits. Discussion ensued.

Comm. Palmieri opined that it was not necessary to rezone the entire 40 acre parcel when only the southwest 7 acres would be used for the batch plant, and he preferred to leave the remaining wetland zoned AG. Mr. Varn explained that the zoning was through a planned development project (PDP) to be consistent with the comprehensive plan and they were not authorized to engage in any activity on the remaining acreage without an amendment to the PDP.

Mr. Varn addressed Comm. Palmieri's concerns of traffic, noise, flooding and water runoff. He stated there would be approximately 10 concrete trucks making multiple trips throughout the day and noise would be associated with those trips. He stated there would be no flooding impacts to adjacent properties as they cannot increase the amount of water runoff, and they would comply with DEP regulations.

Comm. Preston discussed her concerns with flooding issues since the area contained wetlands; Mr. Varn assured her the area for the batch plant did not contain wetlands.

Comm. DeWitt, Mr. Varn and Mr. Greif discussed the requirement of amending the PDP prior to any development occurring outside the 7-acre tract; Comm. DeWitt suggested adding a condition to reflect the requirement even though it would be redundant. Comm. DeWitt and Mr. Varn discussed condition #4 regarding the access; Comm. DeWitt asked to include a statement that access not be allowed to the south to Campground Road. Mr. Varn concurred.

Responding to Chairwoman Covell questions, Mr. Varn explained that the location of the alternate access to US 98 would be determined by the FDOT access management program; however, their preference would be to use Hawksbury Road. In addition, he advised her that there were approximately 20 - 25 acres of usable land excluding wetlands on the remaining site; and noted the hours of operation would be based on the need for concrete, but historically did not include night time hours.

Chairwoman Covell replied to a question posed during public comments that her electrical company, A.L. Covell Electric, was not a vendor or client of Florida Rock and that one of her employees was previously laid off from Florida Rock.

Chairwoman Covell agreed with Comm. DeWitt to prohibit access to the south, but opined that the suggested PDP condition was redundant. Mr. Weissinger stated that from a legal standpoint, adding a condition already covered in the county ordinances could lead to an argument that the ordinance does not cover it, otherwise the condition would not have been included. Mr. Varn did not object to the condition if desired.

Comm. Sevier was concerned that rezoning the property from AG to light industrial will make it easier to rezone it to heavy industrial in the future. He felt there was no written evidence showing there was access to US 98.

MOTION Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

Modify condition #4 to include that there shall be no access to the south to Campground Road.
Add condition #7 that the applicant shall comply with the diagram unless they amend the PDP.

Comm. Preston seconded the motion. Discussion ensued. Comm. Palmieri stated he could not support condition #7 and asked if Comm. DeWitt would consider deleting it; Comm. DeWitt and Comm. Preston agreed.

Being put to the vote, the motion with modification only to condition #4 carried 4-1 with Comm. Sevier voting nay because of the access issues.

NOTE: Mr. Greif announced that the McNulty and the Longview petitions will be heard at the January 10, 2006, BCC hearing, and referenced the sign up sheet announced at the beginning of the hearing.

LONGVIEW EQUITIES, INC. - REZONING (H-05-101)

Purpose: Rezoning from AR-2 to PDP(OP)/Planned Development Project (Office Professional) with a Reduction in Setbacks

Location: South side of Wiscon Road, approximately 650' east of Cortez Boulevard

Representative: Ethel Hammer, Engelhardt, Hammer & Associates, Inc.

The applicant is requesting to rezone from AR-2 to PDP(OP) with a reduction in setbacks. The subject property is located on the south side of Wiscon Road, approximately 650' east of Cortez Boulevard. This petition was postponed from the October 10, 2005, P&Z hearing.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the petitioner submitted a revised master plan and supplemental narrative subsequent to the October 10th hearing. Staff had modified their recommendation as follows.

The Planning staff recommends the P&Z recommend the BCC adopt a resolution approving rezoning Parcel A from AR-2 to PDP(OP) and a special exception use permit for a place of public assembly on Parcel B, 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 perimeter setbacks shall be as follows:

From Wiscon Road:	75'
From the side property lines:	20'
From the rear property line:	50'
3. The internal lot setbacks for Parcel A shall be as follows:

From Wiscon Road:	75'
From the west lot line:	20'
From the east lot line:	20'
From the south lot line:	25'

4. The internal lot setbacks for Parcel B shall be as follows:

From the north lot line:	35'
From the side property lines:	20'
From the rear lot line:	50'
5. The developer shall provide a minimum 5' wide landscaped buffer along the east and west property lines of the subject property. A minimum 25' wide landscape buffer is required along the front property line, and a minimum 10' wide landscaped buffer with 80% opacity at the time of planting along the south property line of the subject property.
6. The developer shall provide a 5' landscape buffer along the south lot line of Parcel A and a 5' landscape buffer along the north lot line of Parcel B.
7. The buildings in Parcel A shall have one story with a maximum building height of 25'. The buildings shall have a minimum 15' separation distance.
8. The project shall be served by central water and sewer services.
9. Parcel A shall be provided access to the private driveway on Parcel B.
10. 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.
11. Parcel B may be created with a minimum of 75' of frontage along Wiscon Road.
12. The transportation impacts resulting from rezoning the subject property as approved herein will require off-site transportation improvements and mitigation acceptable to the County as a prerequisite for development to proceed; or development shall wait until transportation concurrency is available along the affected corridor. The failure of the parties to agree on the off-site transportation improvements and mitigation, absent the availability of transportation concurrency, will cause the County to withhold subsequent development approvals including, but not limited to, the issuance of building permits.

Ms. Hammer, under oath, noted that Park Myers of Longview Equities, Inc., was also present. She reviewed their rezoning request and site plan while displaying several graphics via overhead projection. She stated they no longer requested a setback reduction along Wiscon Road and their modified plan reflected the 75' setback. Referencing the factual information in the staff report, she clarified that they did not have access to Milton Avenue because the parcel did not have an easement across the adjacent property to the east, and she stated their intention to connect to water and sewer services.

Ms. Hammer asked to modify condition #6 to include a timing mechanism for clarity as follows: The developer shall provide a 5' landscape buffer along the south lot line of Parcel A, at the time of development of Parcel A, and a 5' landscape buffer shall be provided along the north lot line of Parcel B at the time of development of Parcel B.

Chairwoman Covell asked for public comment. Dick Malott, under oath, expressed concern with the property accessing Milton Avenue to the west in the future.

The P&Z and Mr. Greif discussed Milton Avenue as depicted on the displayed zoning and aerial maps for any potential access from either the east or west. Ms. Hammer explained that according to the Property Appraiser's Office there was no legally dedicated right-of-way from Milton Avenue to the subject property and their plan showed a committed access to Wiscon Road only. Further discussion ensued.

MOTION Comm. Sevier moved to recommend approval to the BCC per staff's modified recommendations with the following modified performance condition:

6. The developer shall provide a 5' landscape buffer along the south lot line of Parcel A, at the time of development of Parcel A. ~~and a~~ 5' landscape buffer shall be provided along the north lot line of Parcel B at the time of development of Parcel B.

Comm. Palmieri seconded the motion. Discussion ensued.

Ms. Hammer explained for Chairwoman Covell that each condominium will be sold separately with a proportionate share of the common area.

Chairwoman Covell was concerned with increasing commercial traffic on Wiscon Road. She asked if Wiscon Road was in the five-year plan for widening and if it was of collector road status as she did not believe it to be a truck route.

Comm. Sevier called for the question, stating that there was already a bottleneck problem from SR 50 to Wiscon and not necessary for this rezoning.

Mr. Greif stated that the road was not designated as a truck route.

Being put to the vote, the motion carried 4-1, with Chairwoman Covell voting nay as the information she requested was not provided before the question was called.

ROBERT WASIELEWSKI - REZONING (H-05-103)

Purpose: Rezoning from AG to C-2 (Highway Commercial)

Location: North side of Cortez Boulevard, approximately 880' east of Clayton Road

Representative: Robert Wasielewski

The applicant is requesting to rezone from AG to C-2. The subject property is located on the north side of Cortez Boulevard, approximately 880' east of Clayton Road.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff is of the opinion the C-2 zoning is too intense for this area and C-1 uses

would be more compatible. The Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the rezoning from AG to C-1 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 petitioner shall be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. Access to the site is limited to right-in/right-out access to Cortez Boulevard..

Staff note: At the time of application for building permits on the subject property, documentation will be required addressing nature and significance of the historical/archeological site.

Mr. Wasielewski, under oath, discussed his rezoning request to accommodate future growth of small businesses on the SR 50 corridor.

Chairwoman Covell asked for public comment. No one came forward.

Comm. DeWitt asked if FDOT would allow two access points onto SR 50 as depicted on the proposed plan. Mr. Greif stated the County Engineer indicated only one right-in/right-out access to Cortez Boulevard. Mr. Wasielewski clarified that there were two ½ acre tracts. Chairwoman Covell suggested condition #3 clarify the single access.

MOTION Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the following modified performance condition:

3. Access to the site is limited to one right-in/right-out access to Cortez Boulevard.

Comm. Sevier seconded the motion and the motion carried 5-0.

Q2 ACQUISITIONS CORP. - REZONING (H-05-104)

Purpose: Rezoning from AR to PDP(SF)/Planned Development Project (Single Family) with a reduction in setbacks

Location: West side of Howell Avenue, south side of Yontz Road

Representative: Darryl W. Johnston, Esq.

The applicant is requesting to rezone from AR to PDP(SF). The subject property is located on the west side of Howell Avenue and the south side of Yontz Road.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution denying the petitioner's request to rezone from AR to PDP(SF).

Mr. Johnston was not present. Mr. Greif explained that Mr. Johnston had indicated prior to the hearing his desire for a 30 day continuance and volunteered to be postponed to the January 10, 2006 BCC hearing.

Chairwoman Covell asked for public comment, and she noted there was a considerable amount of people present for this petition.

MOTION Comm. Sevier moved to recommend denial to the BCC per staff's recommendations. The motion failed for lack of a second.

The P&Z adjourned the petition until after the next agenda item to allow Mr. Johnston to return to the meeting.

BONNY SADLER - REZONING (H-05-105)

Purpose: Rezoning from AG to AR-2 (Agricultural-Residential)

Location: Approximately 850' north of Cortez Boulevard, approximately 450' east of Hartness Drive

Representative: Lisa Cunningham

The applicant is requesting to rezone from AG to AR-2. The subject property is located approximately 850' north of Cortez Boulevard, approximately 450' east of Hartness Drive.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the staff is of the opinion that rezoning from AG to AR-2 is not appropriate, based on the following conclusion:

1. The proposed agricultural residential zoning is too intense to be supported by the existing roadway infrastructure.

The Planning staff recommends the P&Z recommend the BCC adopt a resolution denying the petitioner's request to rezone from AG to AR-2.

Ms. Cunningham, under oath, stated she was speaking on behalf of her mother, Bonnie Sadler. She discussed their rezoning request to allow them to relocate their existing home onto the subject property. She stated that the [southern] one acre tract was already split on the legal, which her mother owned.

Addressing staff's roadway concerns, Ms. Cunningham presented several photographs depicting the easement and stated they obtained several quotes to pave the 2500 feet with with 4" limerock with No. 57 stone on top. Displaying pictures of the mobile home and subject property, she noted the property had a septic tank, power pole and garage from a mobile home previously on site. She opined that the use was not detrimental to the surrounding area as the property is designated for residential.

Chairwoman Covell asked for public comment. No one came forward.

In response to Comm. DeWitt's questions Mr. Greif explained staff's recommendation for denial because the infrastructure standards did not meet the criteria for a parcel split – the parent parcel would have to front a county road, not an emergency maintained road. In this instance, the tract accesses Hartness Drive, an emergency maintained road, by an easement. Mr. Greif further explained that three dwelling units would be permitted on the 3.3 acres under the AR-2 zoning; however he questioned the legality of the one-acre split testified by Ms. Cunningham. Ms. Cunningham clarified the previous owner originally had his residence on the one acre tract, then purchased the larger tract (to the north) and moved his mobile home to the larger tract.

Comm. DeWitt opined that the AR-2 rezoning was reasonable for the intended use and did not support staff's recommendation for denial.

Mr. Mixson explained for Comm. Palmieri that Hartness Drive would have to meet full County standards, a 20' wide pavement with right-of-way and drainage, to be upgraded from an emergency maintenance status. He stated that the subdivision rules require frontage onto a county maintained road because increased traffic from creating additional lots on emergency maintained roads deteriorate the roads quicker. Mr. Mixson clarified for Comm. Palmieri that a limerock road would not meet county standards.

Comm. Sevier discussed Ms. Cunningham's offer to pave the road with Mr. Mixson. Mr. Mixson replied that it would be better than the current conditions; however, it would not meet the county's full standards.

Comm. DeWitt suggested the applicant provide documentation showing taxes were paid on two separate parcels; Ms. Cunningham believed they were on one tax bill. Mr. Greif clarified that staff identified them as separate parcels; however, the one acre parcel size did not meet the 2/3 lot size of the AG district according to the county's rules so it could not be used separately.

MOTION Comm.DeWitt moved to approve the rezoning from AG to AR-2. Comm. Sevier seconded the motion and the motion carried 3-2 with Chairwoman Covell and Comm. Palmieri voting nay.

Q2 ACQUISITIONS CORP. - REZONING (H-05-104) - continued

Purpose: Rezoning from AR to PDP(SF)/Planned Development Project (Single Family) with a reduction in setbacks

Location: West side of Howell Avenue, south side of Yontz Road

Representative: Darryl W. Johnston, Esq.

This petition was adjourned from earlier in the meeting. Chairwoman Covell noted Mr. Johnston was present.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution denying

the petitioner's request to rezone from AR to PDP(SF). Mr. Greif noted staff had received an additional letter which would be included in the next agenda packet should this petition be postponed.

Mr. Johnston, under oath, stated that he spoke with Mr. Greif previously regarding staff's concerns and believed they were correctable. Mr. Johnston requested a postponement to the December P&Z and January BCC hearings to enable them to modify their site plan to address the concerns raised in the staff's report.

Chairwoman Covell explained to the audience that the applicant did not make a full presentation and would be making changes to their proposal. She asked for public comment from only those individuals who were unable to attend the December 12 P&Z hearing. The following people spoke, under oath, in opposition to the rezoning: Ben Herne (Oakhurst Drive), Douglas Holt (172 Lark Avenue), and Mike LaLonde (56 Lark Avenue). Their concerns included the impacts to the wetlands and wildlife, and the proposed density changing the rural characteristics of the area.

Chairwoman Covell clarified that any changes to the petition will be included in the December agenda packet which will be available for public review.

Mr. Johnston confirmed for Comm. DeWitt that 30 days will be sufficient time and they will meet with interested parties in the interim.

MOTION Comm. DeWitt moved that the P&Z postpone the petition to their December 12, 2005, meeting at 9:00 a.m. Comm. Sevier seconded the motion and the motion carried 5-0.

TAKAHE CORPORATION - REZONING (H-05-106)

Purpose: Rezoning from AG to C-1 (General Commercial) or PDP(GC)/Planned Development Project (General Commercial)

Location: East side of Lori Drive, approximately 700' east of US 19, approximately 1,000' south of Applegate Drive

Representative: Donald Lacey, Coastal Engineering & Associates, Inc.

The applicant is requesting to rezone from AG to C-1. The subject property is located on the east side of Lori Drive, approximately 700' east of US 19, approximately 1,000' south of Applegate Drive.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the rezoning from AG to PDP(GC) 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 minimum setbacks shall be as follows:
From Lori Drive: 35'

From the east: 25'
From the north and south: 20'
From the east: 35'

3. The petitioner shall provide for future interconnection to the southeast.
4. 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.

Mr. Lacey, under oath, asked the P&Z to approve staff's recommendation.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Lacey discussed the location of the DRA with Comm. Palmieri; and reviewed the access points referenced under condition #3 with Chairwoman Covell.

MOTION Comm. DeWitt moved to recommend the BCC approve staff's recommendations. Comm. Preston seconded the motion and the motion carried 5-0.

DR. KAREN L. TAYLOR - REZONING (H-05-107)

Purpose: Rezoning from AG to A/C (Agricultural/Commercial)

Location: North side of Cortez Boulevard, west side of Thistlebrook Lane

Representative: Dr. Karen L. Taylor

The applicant is requesting to rezone from AG to A/C. The subject property is located on the north side of Cortez Boulevard and the west side of Thistlebrook Lane.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the petitioner's request to rezone from AG to A/C 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 petitioner shall be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. The petitioner shall provide 30' of ROW from the center line of Thistlebrook Lane.
4. The subject property shall be served by central water and sewer.

5. Access to the development may be limited to either access from Thistlebrook Lane or a right-in/right-out access on Cortez Boulevard and will be determined by the County Engineer in the future.

Dr. Taylor, under oath, discussed her request to develop a veterinary clinic on this site. She stated the facility will be a small clinic, approximately 4,000 - 5,000 square foot single story building with indoor air-conditioned kennels. The one to two doctor clinic would operate during normal business hours with minimal hours on Saturday.

Dr. Taylor questioned conditions # 4 and #5 of staff's recommendations. Under condition #4, she explained the Utilities Department advised her that central water and sewer were on the south side of Cortez Boulevard and connection would be based on criteria such as the number of bathrooms. Regarding access, she understood from FDOT that access would be from Thistlebrook Lane with a secondary right-in / right-out access to Cortez if they applied for it, and not be limited to one or the other.

Chairwoman Covell asked for public comment. No one came forward.

Comm. DeWitt was concerned with the expense to connect to services across SR 50, and asked if well and septic would be allowed. Mr. Greif explained the Utilities Department's preference for water and sewer connection because of its location on SR 50, even though this petition may not meet the mandatory connection criteria of the ordinance; and added that the P&Z could make that determination.

Comm. DeWitt suggested deleting condition #4 as the soil type was conducive for well and septic. Comm. Sevier, Comm. Preston, and Chairwoman Covell agreed. Chairwoman Covell added that it would be a substantial expense for a small business just starting out and opined that the petitioner could connect to those services when they were more readily available.

Comm. Palmieri disagreed and expressed concern with a commercial site using a well and septic. He preferred connection to central water and sewer.

MOTION Comm. Sevier moved to recommend approval to the BCC per staff's recommendations with the deletion of condition #4. Comm. Preston seconded the motion and the motion carried 4-1, with Comm. Palmieri voting nay.

M & F INVESTMENTS, INC. - REZONING (H-05-108)

Purpose: Rezoning from AR-2 (Agricultural - Residential) to PDP(SF)/Planned Development Project (Single Family) with Deviations from the Access Standards and the Open Space Standards

Location: East side of Annapolis Road, approximately 300' east of Hallcrest Avenue, approximately 450' south of Eldridge Road

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting to rezone from AR-2 to PDP(SF) with deviations from the access standards and the open space standards. The subject property is located on the east side of Annapolis Road, approximately 300' east of Hallcrest Avenue, approximately 450' south of Eldridge Road.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the petitioner's request to rezone from AR-2 to PDP(SF) with a deviation from the open space standards, 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 six (6) lots shall each have a minimum size of 21,500 square feet.
3. The perimeter setback shall be 25'.
4. Minimum internal lot setbacks approved as follows: Front: 25'; Side: 10'; Rear: 20'
5. The petitioner shall be required to pay into a fund for mitigation of the open space as determined by the County.
6. The petitioner shall extend Annapolis Road to the east property line.
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.

Mr. Garman, under oath, discussed their proposal while reviewing their site plan via overhead projection. Reviewing staff's recommendation, he indicated the plan would be revised to meet the 25' perimeter setback under condition #3. He explained the site was too small to provide a recreational area and agreed to pay into the mitigation fund for open space under condition #5. He stated they will meet the remaining conditions as well.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Garman discussed the 1.80 acre site with the existing home and its access with Comm. Sevier. He explained to Comm. Palmieri their intent to replace the cul-de-sac with a hammerhead stub-out to meet condition #6, and explained the access strip depicted to Lot 6 was private and part of the lot itself.

MOTION Comm. DeWitt moved to recommend the BCC approve staff's recommendations. Comm. Palmieri seconded the motion and the motion carried 5-0.

LARRY HAHN - REZONING (H-05-109)

Purpose: Rezoning from R-1C (Residential) to PDP(OP)/Planned Development Project (Office Professional)

Location: South side of Twin Dolphin Drive, south of Cortez Boulevard, approximately 240' west of Navy Drive

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting to rezone from R-1C to PDP(OP). The subject property is located on the south side of Twin Dolphin Drive, south of Cortez Boulevard, approximately 240' west of Navy Drive.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the rezoning from R-1C to PDP(OP), 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 10' wide vegetated buffer shall be provided along the east and south lot lines.
3. Lighting shall be oriented away from the SF residential lots.
4. There shall be interconnection between all parcels within the subject property.
5. Individual lot setbacks shall be per the OP district.
6. The transportation impacts resulting from rezoning the subject property as approved herein will require off-site transportation improvements and mitigation acceptable to the County as a prerequisite for development to proceed; or development shall wait until transportation concurrency is available along the affected corridor. The failure of the parties to agree on the off-site transportation improvements and mitigation, absent the availability of transportation concurrency, will cause the County to withhold subsequent development approvals including, but not limited to, the issuance of building permits.
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.

Mr. Garman, under oath, noted that Mr. Hahn was present to answer any questions. Displaying an aerial map of the area, Mr. Garman discussed the recent changes to Twin Dolphin Road and its future use as a frontage road. He explained that Mr. Hahn currently owned a real estate business and an adjacent residential home on Twin Dolphin Drive; however, the location of the business may be lost during the widening of SR 50 and the frontage road. The rezoning request was to convert the residence for office professional for the business. Addressing the existing traffic problems and congestion on SR 50, Mr.

Garman explained that if the existing office location is lost, they will get credit back for those trips which would be applied towards the new office location and a traffic plan will be done.

Chairwoman Covell asked for public comment. No one came forward.

Comm. DeWitt discussed his concern that Twin Dolphin Drive may have to be improved if used as a frontage road; Mr. Greif clarified the right of way was 50' which is typical for a frontage road. Discussion ensued regarding the closure of the eastern access from Twin Dolphin Drive to SR 50 for the development of a Holiday Inn Express. Twin Dolphin Drive will extend westward to the signalized intersection on SR 50 and eventually as a frontage road eastward to Barclay Road.

Comm. Palmieri expressed his concern with commercial developments using a well and septic. He noted that sewer was not available but asked to include a condition requiring connection to central water.

MOTION Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the an additional condition that the site shall be served by central water. Comm. Palmieri seconded the motion and the motion carried 5-0.

NOTE: Mr. Greif reminded the audience of the sign up sheet for interested parties to be notified of the December 2005 and January 2006 BCC land use hearing schedules as previously announced.

MARION CITY INVESTMENTS, INC. - REZONING (H-05-111)

Purpose: Rezoning from AG to CPDP(GC) and (SF)/Combined Planned Development Project (General Commercial) and (Single Family) with a Reduction in Setbacks and a Deviation from the Roadway Standards

Location: South side of Cortez Boulevard, approximately 1,700' east of Griffin Road

Representative: Donald Lacey, Coastal Engineering and Associates, Inc.

The applicant is requesting to rezone from AG to CPDP(GC) and (SF) with a reduction in setbacks and a deviation from the roadway standards. The subject property is located on the south side of Cortez Boulevard, approximately 1,700' east of Griffin Road.

Mr. Greif reviewed the staff report which includes a lengthy history of the tract. The Planning staff is of the opinion that the request to rezone from AG to C/PDP(GC) and (SF) with a reduction in setbacks and a deviation from the roadway standards is not appropriate, based on the following conclusions:

1. The intensity of the proposed development is too intense due to the character of the surrounding development, the lack of a local street network and distance from central services.
2. The proposed design for the single family development does not provide adequate open space or adequately address the topography and environmental issues associated with the subject property.
3. The proposed rezoning would be incompatible with the surrounding land uses.

4. The proposed rezoning would be inconsistent with the Comprehensive Plan.

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution denying the petitioner's request to rezone from AG to CPDP(GC) and (SF) with a reduction in setbacks and a deviation from the roadway standards.

Mr. Lacey, under oath, discussed the proposed site, residential and rural land use classification, and existing left turn median cut on SR 50. He discussed in depth the three previous rezoning petitions including the proposed uses, densities, use of central water and sewer or well and septic depending on the proposed density of each petition; opposition from adjacent residents; staff's positive recommendation of the first petition; and why the petitions were denied by the BCC.

Mr. Lacey reviewed the current proposal; noting the reduced density from previous petitions, lot size and layout, buffering to adjacent parcels, extension of central water to the site, the existing median cut on SR 50 and the site's close proximity to the City of Brooksville. He opined the adjacent residents's desire to continue development with larger parcels was not appropriate for this location. He asked the P&Z to approve this proposal and advise the applicant of any problems or concerns so the plan would be more compatible to the adjacent properties.

Chairwoman Covell asked for public comment. The following people came forward:

Lisa Greene - Ms. Greene, under oath, indicated her property abutted the northwest corner of the subject site. She discussed her concerns with the proposed plan and submitted a letter outlining them for the record. She objected to the reduced front setback and reverse frontage road as they would not align with what was approved for her property, asked that the side setback be increased to 35' as the proposed 20' was not adequate for a commercial use abutting her AG property, shared staff's concern with traffic, preferred the site be served by both central water and sewer, was concerned with flooding and drainage onto adjacent properties, and was concerned with increased noise.

Rick Singer - Mr. Singer, under oath, noted that three similar rezoning requests were denied for this site and asked the P&Z to follow staff's recommendation for denial. He asked the petitioner to meet with the residents and Planning staff to discuss a plan that would be agreeable to everyone.

Bob Singer - Mr. Singer, under oath, stated his objection with the petition being heard within twelve months of a previously denied petition, and expressed concern with increased water consumption and impacts to the onsite wetlands. He cited a newspaper article from the November 6, 2005 edition of the *St. Petersburg Times* addressing vanishing wetlands; the article was submitted for the record. He asked the P&Z to deny the petition.

Gary Weeks - Mr. Weeks, under oath, discussed his objection with the proposed density, use of septic tanks, and expressed concern with possible contamination to existing wells in the area.

Rose Dukes - Ms. Dukes, under oath, stated her objection to the proposed density, and was concerned with erosion, drainage and flooding, increased impacts to the overcrowded school system, and traffic. She would not be opposed to development similar to what existed in the area.

Mary Evelyn Reid - Ms. Reid, under oath, discussed flooding and drainage problems at Bystre Lake and asked for restoration of the Griffin Prairie. She suggested the county place a moratorium on development.

Clarence Morrow - Mr. Morrow, under oath, asked the P&Z to consider the water quality, erosion, and flooding problems in the area before allowing more development.

Under rebuttal, Mr. Lacey addressed Ms. Reid's concerns by noting the County and SWFWMD were awaiting finalization of a URS study to determine what can be done about flooding and water quality in the Bystre Lake/ Griffin Prairie area. For this site, he noted they would work with SWFWMD to ensure the development does not exacerbate the problem. He noted SWFWMD recently tightened the rules regarding wetlands and clarified that they would avoid the onsite wetlands were possible.

Referencing the frontage road issue raised by Ms. Greene, Mr. Lacey explained that whichever parcel is constructed first establishes the location of the frontage road. He discussed the advantages of a reverse frontage road and suggested the adjacent parcel consider the reverse frontage road concept, which would reduce their front setback as well, or the petitioner could consider relocating the road towards the front of the subject parcel. He stated they would meet the adjacent property owner to work out the frontage road concept.

Mr. Lacey stated they would like to accept the invitation to meet with County staff and adjacent property owners to work out a resolvable development plan for this site and asked for a postponement.

Comm. DeWitt agreed with the postponement and noted that he would not approve the proposed density level without connection to water and sewer services. Comm. Sevier, Comm. Palmieri, and Comm. Preston agreed with requiring connection to water and sewer. Comm. Preston expressed her concern with the proposed density as well. Comm. Palmieri felt the applicant did not address all the environmental impacts to the site.

Mr. Lacey discussed the need for a higher density level to offset the cost for extending water and sewer to the site. He related to the use of buffering along the boundaries for compatibility.

Chairwoman Covell stated her objection to using septic systems because of the wetland and impacts to the adjacent properties. Relating to issues raised during public testimony, Chairwoman Covell asked staff to address the moratorium suggestion and the twelve month period between petitions. Mr. Weissinger responded that the P&Z had no authority to impose a moratorium but could make appropriate recommendations to the BCC if desired. Mr. Greif clarified that the time between petitions being heard by the P&Z exceeded the twelve month period.

Chairwoman Covell asked staff when new flood plain maps would be available; Mr. Mixson replied that they were behind schedule but anticipated this area begin done in early spring.

Chairwoman Covell and Mr. Greif discussed whether the petition would have to be re-advertised dependent on the extent of the changes. She explained that she did not want to deny the public to speak, but wanted to continue the petition at the point of Commissioner's discussion if the proposal is not substantially modified.

Comm. DeWitt questioned if 30 or 60 days would be needed; Mr. Lacey and Mr. Greif suggested 60 days due to the upcoming holidays.

MOTION Comm. DeWitt moved that the P&Z postpone consideration of the petition until their January 9, 2006, meeting at 9:00 a.m. Comm. Palmieri seconded the motion and the motion carried 5-0.

THOMAS ARMBRUSTER - REZONING (H-05-112)

Purpose: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park)

Location: West side of Anderson Snow Road, approximately 550' east of Industrial Loop

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting to rezone from PDP(IND) to PDP(CP). The subject property is located on the west side of Anderson Snow Road, approximately 550' east of Industrial Loop.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the petitioner's request to rezone from PDP(IND) to PDP(CP) 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 minimum setbacks are as follows:

From Anderson Snow Road:	75'
From the side lot lines:	20'
From the west/rear lot line:	35'
3. The petitioner shall provide 80' of ROW from the centerline of Anderson Snow Road.
4. The petitioner shall provide ROW for an extension of Corporate Boulevard along the south property line.
5. The petitioner shall provide an avigation easement.
6. 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.

Mr. Garman, under oath, stated the property was part of the unplatted portion of the Holland Springs Industrial Park. He reviewed the existing and future roadway configurations of the industrial park using a highlighted exhibit of the Holland Springs Industrial Park Sewerage Plan. He noted proposed

configuration changes to Industrial Loop Road to the east as a result of a recently approved conditional plat [Johannes Schalekamp; P-05-26C] and the Anderson Terrace Apartments development.

Mr. Garman stated they agreed with staff's recommendations with the exception of conditions #3 and #4. He discussed his concerns with the 80' right-of-way from the centerline under condition #3, as it would require 30' additional right-of-way from each side of the road; whereas the approvals to the east only required an additional 20' of right-of-way. He explained that the fluctuations of right-of-way widths created problems while preparing construction drawings and planning conditional plats along Anderson Snow Road.

Addressing his objection to condition #4, Mr. Garman opined the extension of Corporate Way was unnecessary if they provided a cross parking agreement. He argued that the 50' ROW and 35' setback on each side would take 120', a substantial amount, through the center of the property; and he did not envision the county wanting traffic from this industrial park accessing the residential area to the south.

Chairwoman Covell asked for public comment. No one came forward.

While displaying a sketch on the plan, Comm. Sevier, Comm. Palmieri, and Mr. Garman discussed the configuration of the Corporate Way extension under Condition #4. Mr. Garman noted that the extension would have to curve northward from their southern boundary to align with Corporate Way. He objected to the road as it would require a minimum 50' ROW, but would agree to provide an easement through the parking lot [to the west] as it was part of one common plan of development.

Mr. Mixson stated that Mr. Garman provided a good explanation of the whole picture and the future loop connecting Industrial Loop Drive and Anderson Snow Road would work well. Mr. Mixson stated his preference to have the main entrance align with Corporate Way, with an easement to access the back parcel [to the west].

Mr. Mixson explained for Chairwoman Covell the need for the additional right of way under condition #3. He discussed recent changes to the Facilities Design Guidelines and re-designation of some roads in the county from collector to major collector status, which require 160' of right-of-way. He clarified that Anderson Snow Road was upgraded to a major collector road; the county currently had 100' of ROW and needed the additional 30' for either side of the road.

MOTION Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

4. The petitioner shall provide an easement ROW for an extension of Corporate Boulevard along the south property line. The entrance to the site shall align with Corporate Boulevard.

Comm. Sevier seconded the motion and the motion carried 5-0.

NORBERT HOLZ - REZONING (H-05-113)

Purpose: Rezoning from AR-2 (Agricultural-Residential) to PDP(SF)/Planned Development Project (Single Family)

Location: South of Gaspar Avenue, north of Christine Lane, approximately 450' south of Larkin Road

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting to rezone from AR-2 to PDP(SF). The subject property is located south of Gaspar Avenue, north of Christine Lane, approximately 450' south of Larkin Road.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z recommend the BCC adopt a resolution approving the petitioner's request to rezone from AR-2 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 lots shall each have a minimum size of 21,500 square feet.
3. The minimum perimeter setback shall be 25'.
4. Minimum internal lot setbacks approved as follows: Front: 25'; Side: 10'; Rear: 20'
5. A minimum of 0.7-acre of open space is required.
6. The developer shall pave Christine Lane and Spring Time Street between the development's access point on Christine Lane to the paved portion of Spring Time Street.
7. The developer shall extend Gaspar Avenue as a major local roadway across the site to Christine Lane.
8. The developer shall locate the access point on Christine Lane a minimum of 150' west of the intersection with Spring Time Street.
9. The developer shall provide 30' of ROW from the centerline of Christine Lane.
10. The subject property shall be served by central water and sewer.
11. 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.

Mr. Garman, under oath, requested a postponement to address staff's comments and research the availability of sewer in the area. He indicated that a fire station may be added to the site, which would require a revised plan.

Chairwoman Covell asked for public comment. The following people spoke, under oath, regarding the petition: Jennifer Waibel and Lou Sterlein. They did not object to the development but were concerned with increased traffic using Larkin Road and Gasper Avenue. They asked if a traffic study was done.

MOTION Comm. DeWitt moved that the P&Z postpone consideration of the petition until their December 12, 2005, meeting at 9:00 a.m. Comm. Palmieri seconded the motion and the motion carried 5-0.

NOTE: A lunch recess was called at 12:20 p.m. and the meeting reconvened at 1:20 p.m.

SOSA FONG INC. dba HIGHER LEVEL MEDICAL INSTITUTE - SPECIAL EXCEPTION USE PERMIT (SE-05-19)

Purpose: Special Exception Use Permit for an Educational Facility

Location: North side of Spring Hill Drive, west and east of Kass Circle

Representative: Georgina Sosa-Fong

The applicant is requesting a special exception use permit for an educational facility, in order to operate a vocational training school, offering training in the medical technical, nursing, paramedical and cosmetological fields. The subject property is located in the retail plaza on the north side of Spring Hill Drive and west and east sides of Kass Circle.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z approve the petitioner's request for a special exception use permit for an educational facility, 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. Development shall occur generally in conformance with the plan and narrative submitted with the application.

Ms. Sosa-Fong, under oath, discussed existing institutions in the Tampa Bay area and their interest in providing a facility with various vocational programs at this site. She stated they work with the local hospitals and explained how this facility would benefit local students. She noted that they rent space and do not own the building.

Chairwoman Covell asked for public comment. No one came forward.

Comm. DeWitt inquired if the Special Exception Use Permit would be for the entire site or their specific location. Mr. Greif clarified that the application's legal description covered the entire parcel, but the specific plan referenced just their site. Mr. Jennings clarified that the approval would be restricted to the specific units depicted on the plan, and any expansion would require a modification of the Special Exception Use Permit.

Upon further discussion, the P&Z unanimously agreed that the Special Exception Use Permit should be identified by their associated unit numbers of 7353 and 7355.

MOTION Comm. Palmieri moved that the P&Z approve the special exception use permit per staff's recommendation with the following additional performance condition:

3. The approval is for buildings addressed 7353 and 7355.

Comm. Preston seconded the motion and the motion carried 5-0.

ANTHONY J. JACOBS for AJ & J PROPERTY INVESTMENTS - CONDITIONAL USE PERMIT (CU-05-11)

Purpose: Conditional Use Permit for Excavation

Location: South side of Cortez Boulevard, approximately 660' west of La Pine Road

Representative: Anthony Jacobs

The applicant is requesting a conditional use permit for excavation. The subject property is located on the south side of Cortez Boulevard, approximately 660' west of La Pine Road.

Mr. Greif reviewed the staff report which indicates that the Planning staff is of the opinion that the request for a conditional use permit for excavation is not appropriate, based on the following conclusions:

1. The property should be developed following the county's regulations.
2. The excavation operation would be incompatible with the surrounding land uses.
3. The excavation operation is inconsistent with the County's adopted Comprehensive Plan.

The Planning staff recommends the P&Z deny the Conditional Use Permit for an excavation operation.

Mr. Jacobs, under oath, discussed their intent to excavate the fill dirt and top soil to make the property more usable; and then to landscape and fence it for cattle and sod activities. He described the 27' to 31' fall at a rate of 2:1 to 3:1 from the county right-of-way to SR 50. Mr. Jacobs stated they had met with several county officials, who had explained that they would need a simple excavation plan and permit. He explained the excavation would be done in a manner that would not adversely impact SR 50 or the adjacent neighbors. He discussed how the county would benefit from this project with needed fill dirt and sales tax. Mr. Jacobs displayed three photographs of the site taken from various angles.

Chairwoman Covell asked for public comment. The following residents of LaPine Road spoke under oath in opposition to the petition: John Halderman (submitted photographs), Teresa Burr, Lisa Vasquez, Natalie Halderman, Patricia King, and Carole Brady. Their concerns included impacts to gopher tortoises, noise, inadequate buffering, erosion, impacts to surrounding wells, depreciating property values, safety of neighboring children and livestock, and future excavation on adjacent properties owned by the applicant.

In addition, Mr. Halderman discussed the recent deforestation of trees and questioned the greenbelt status of the property. Displaying photographs, he expressed concern that he will see a 35' to 50' hole from his back yard after the site is excavated.

Under rebuttal, Mr. Jacobs clarified that the pine trees were timber mined from the property, any on-site gopher tortoises will be relocated, and they cannot apply for greenbelt status until the property is used for agricultural activities. He stated they were not trying to disturb the neighbors or depreciate property values, but to enhance their own property. He stated the subject property will be fenced.

Comm. Sevier and Mr. Jacobs discussed the topography of the site. Mr. Jacobs approximated 320,000 yards of fill to be excavated. Comm. Sevier stated he did not object to excavating along SR 50 but objected to excavation along the residential properties to the south, east, and west.

Responding to Comm. Palmieri's questioned, Mr. Jacobs explained that the excavated materials, which were currently purchased from adjacent counties, will provide a local source for area contractors. He explained that water truck spraying the roads will control dust.

Comm. Palmieri asked if the maximum conditional use permit for excavation could be limited to two years instead of five; Mr. Jennings replied affirmatively, explaining the provision in the ordinance allowed up to a five year maximum.

Comm. Palmieri stated he supported staff's recommendation and agreed that the use was incompatible with the residential area. Mr. Jacobs explained the excavation use would be temporary then the property would be used for agricultural activities.

Comm. Preston was concerned that the excavation could create drainage issues which would be detrimental to surrounding properties. Mr. Jacobs explained that water drainage and runoff would be contained on-site.

Comm. DeWitt and Mr. Jennings discussed the ability of the applicant to remove some fill dirt as part of development of a structure without a conditional use permit; Mr. Jennings clarified that the dirt removal would not be allowed to the magnitude proposed in this plan. Comm. DeWitt and Mr. Jacobs discussed a proposed deceleration lane from SR 50 to the site. Comm. DeWitt felt the surrounding property values would not diminish from this use.

Mr. Jacobs clarified for Chairwoman Covell that the property did not have greenbelt status when the pine trees were logged; Chairwoman Covell noted the petitioner's narrative indicated the property had previously been greenbelted. Chairwoman Covell agreed with staff's position and recommendation.

MOTION Comm. Sevier moved to deny the conditional use permit per staff's recommendation. Comm. Preston seconded the motion and the motion carried 5-0.

JOSEPH EDWIN and LORETTA LYNN HAMILTON - CONDITIONAL USE PERMIT (CU-05-12)

Purpose: Conditional Use Permit for a Second Residence

Location: East side of Sunshine Grove Road, approximately 540' north of Hexam Road

Representative: Kim or Lanny Corlew

The applicant is requesting a renewal of a conditional use permit for a second residence. The subject property is located on the east side of Sunshine Grove Road, approximately 540' north of Hexam Road.

Mr. Greif reviewed the staff report which indicates that the Planning staff recommends the P&Z determine whether a hardship exists and, if such a determination is made, the P&Z may approve the request for the second residence on the parcel for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon:

1. The petitioner must maintain 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 petitioner shall remove the second residence upon termination of the permit, or when the hardship no longer exists.

Ms. Corlew, under oath, stated she concurred with staff's recommendation.

Chairwoman Covell asked for public comment. No one came forward.

In response to Comm. Sevier's query, Chairwoman Covell noted the medical hardship was outlined in the applicant's narrative.

MOTION Comm. DeWitt moved that the P&Z determined a hardship exists and approved the conditional use permit for a second residence on the parcel for a period of up to two (2) years with the conditions recommended by staff. Comm. Sevier seconded the motion and the motion carried 5-0.

MICHAEL L. RUNYAN - CONDITIONAL USE PERMIT (CU-05-13)

Purpose: Conditional Use Permit for a Temporary Use, Namely a Roadside Stand

Location: North side of Cortez Boulevard, east side of Chambord Street

Representative: Michael Runyan

The applicant is requesting a conditional use permit for a temporary use, namely a roadside stand. The subject property is located on the north side of Cortez Boulevard and the east side of Chambord Street.

Mr. Greif reviewed the staff report which indicates that pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the P&Z approve the Conditional Use Permit for a Temporary Use, Namely a Roadside Stand for a period of two (2) years because it is staff's opinion that the request is consistent with development in the area. Approval should be conditioned upon 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 temporary use shall be located adjacent to the store, out of the circulation area.
3. The restrooms at the Topline Tire and Auto store shall be available to the petitioner and his patrons.
4. The temporary use shall only operate during the hours of operation of the principal business.
5. The temporary use shall utilize the existing parking on the site; no parking shall be allowed in the Cortez Boulevard ROW.
6. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
7. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.

Mr. Runyan, under oath, discussed his operation and products.

Chairwoman Covell asked for public comment. No one came forward.

Comm. Palmieri observed the hours of operation not being consistent with the closing hours for the principal business; Mr. Runyan clarified that they would close at 4:00 p.m. on Saturdays as well.

MOTION Comm. Palmieri moved that the P&Z approve the Conditional Use Permit per staff's recommendation. Comm. Dewitt seconded the motion and the motion carried 5-0.

PERRY and BRADFORD RANCH, LLC - CONDITIONAL PLAT (P-05-2C)

Purpose: Conditional Plat approval for Perry and Bradford Ranch

Location: Approximately 3,200' southwest of Elgin Boulevard, approximately 2,200' north of Rudi Loop, approximately 2,600' west of St. Ives Boulevard

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting conditional plat approval for Perry and Bradford Ranch. This development consists of 160 single family villa lots on 40.30 acres and is located approximately 3,200' southwest of Elgin Boulevard, approximately 2,200' north of Rudi Loop, approximately 2,600' west of St. Ives Boulevard.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Perry and Bradford Ranch with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The conditional plat must conform to Hernando County Facility Design Guidelines.
3. The applicant shall remove the driveway eastside of the collector road (across from the west entrance) from the conditional plat.
4. The applicant shall show the following on the conditional plat:
 - a) right-of-way widths and cul-de-sac radiuses,
 - b) location of the entrance gates, as per the County Engineer's approval,
 - c) proposed treed roadway area meeting landscaping requirements,
 - d) 30' drainage right-of-way for DRAs not adjacent to road right-of-way,
 - e) left hand turn lane.
5. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Garman, under oath, stated they concerned with staff's recommendation with the exception of Condition #4(e). He stated that the traffic study was under review by the County Engineer, and they would not object to the left turn lane if it is warranted by the traffic study, assuming it would turn into their main entrance from the continuation road of Sterling Hill Boulevard.

Chairwoman Covell asked for public comment. Darryl Johnston, representing adjacent property owner Chris Wert, under oath, discussed their request that the plat provide a 25' access to the Wert parcel.

Mr. Garman noted the plat depicts the 25' access strip along the southern boundary, and explained that the southeast portion of the plat will be reconfigured in the future to provide access when the 60 acre tract to the south is petitioned for master plan approval.

Comm. Palmieri inquired to connecting the two southern cul-de-sacs together. Mr. Garman and Mr. Mixson explained that the roads could not be connected and meet the 300' design radius required to meet the speed limit. Mr. Garman elaborated on plans to provide access to the Wert parcel to the east.

MOTION Comm. Palmieri moved to approve staff's recommendation. Comm. DeWitt seconded the motion and the motion carried 5-0.

GALILEO AMERICA, LLC - CONDITIONAL PLAT (P-05-25C)

Purpose: Conditional Plat approval for Coastal Landing

Location: Approximately 1500' east of Mariner Boulevard, north side of SR50

Representative: Donald Lacey, Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Coastal Landing. This development consists of two commercial lots on 20.2 acres, located approximately 1500' east of Mariner Boulevard, north side of SR50.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Coastal Landing with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The conditional plat must conform to Hernando County Facility Design Guidelines.
3. The applicant must obtain approval from the County Engineer on the northern access connection at Jacqueline Road.
4. The applicant shall indicate the boundary of out parcel 2 and the proposed frontage road. right-of-way.
5. The applicant shall show on the conditional plat a 5' wide sidewalk along Jacqueline Road.
6. The applicant shall clarify sidewalk, parking/aisle dimensions within section A-A typical from road right-of-way to the proposed building.
7. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, asked the P&Z to approve staff's recommendation.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Lacey reviewed the frontage road reconfiguration and traffic stacking with the Commission.

NOTE: During Mr. Lacey's review of the frontage road concept, Chairwoman Covell announced that Government Broadcasting was having technical difficulties and a short recess was taken., The meeting resumed at 2:35 p.m.

Mr. Mixson discussed for Chairwoman Covell the petitioner's contributions to improve Jacqueline Road, including additional 40' right-of-way from the centerline on Jacqueline Road, extension of the frontage road to Jacqueline Road, and if need, additional turn lanes on Jacqueline Road.

MOTION Comm. DeWitt moved to approve staff's recommendation. Comm. Sevier seconded the motion and the motion carried 5-0.

JANIS MOORE TUCKER, TRUSTEE - CONDITIONAL PLAT (P-05-30C)

Purpose: Conditional Plat approval for Janis Tucker

Location: Approximately $\frac{3}{4}$ mile east of US19, north of Centralia Road

Representative: Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Janis Tucker. This development consists of 148 single family lots on 194 acres is located approximately $\frac{3}{4}$ mile east of US19, north of Centralia Road.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Janis Tucker with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant shall show the following on the conditional plat:
 - a) legible topography elevations (too small),
 - b) open space calculations confirming requirements are met,
 - c) treed roadway area conforming to the landscape ordinance,
 - d) 5' access reservation strip along lots adjacent to Centralia Road and the major north/south local road,
 - e) intersection sight distance triangle,
 - f) lot numbers,
 - g) "T" turn around at the end of each east access point.
4. The developer shall pave the main north/south road to Knucky Road.
5. The developer shall construct all sidewalks along the DRAs and park areas at the time of construction.
6. The applicant shall relocate traffic calming circles to the road intersections.
7. The developer shall not permit access to the east access points until the adjoining roads (off site) meet county standards.
8. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, reviewed the conditional plat. He explained that they would like to work with the County Engineer on the traffic calming devices, and asked to modify condition #6 to include the phrase "in coordination with the County Engineer." Mr. Mixson agreed with the modification.

Chairman Covell asked for public comment. No one came forward.

Comm. Sevier expressed his concern with the use of wells and septic tanks. Mr. Lacey explained that the plat was based on the original rezoning petition adjudicated by the courts. Mr. Weissinger elaborated on the court's decision.

Mr. Lacey reviewed the future access points and traffic calming devices with Comm. DeWitt. Mr. Lacey and Chairwoman Covell discussed the future eastern access under conditions #3(g) and #7.

MOTION Comm. Palmieri moved that the P&Z approve the conditional plat per staff's recommendation with the following modified performance condition:

6. The applicant shall relocate traffic calming circles ~~to the road intersections~~ in accordance with County Engineer's approval.

Comm. DeWitt seconded the motion and the motion carried 5-0.

LADD DEVELOPMENT, INC. - CONDITIONAL PLAT (P-05-34C)

Purpose: Conditional Plat approval for Sparks Road Office-Residential

Location: Northeast corner of County Line Road and Sparks Road

Representative: Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Sparks Road Office-Residential. This development consists of 28 single family attached lots and 4 commercial lots on 9.1 acres, located on the northeast corner of County Line Road and Sparks Road.

Mr. Greif announced that this petition was not ready to move forward and staff would place it on a future agenda. Since it was not an advertised public hearing, no further action was taken.

SOUTHEAST INVESTMENTS - CONDITIONAL PLAT (P-05-33C)

Purpose: Conditional Plat approval for Rainbow Glen

Location: Approximately $\frac{3}{4}$ mile east of Mariner Boulevard, approximately 150' north of Linden Drive

Representative: Rich Matassa, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting conditional plat approval for Rainbow Glen. This development consists of 106 single family lots on 38.6 acres located approximately $\frac{3}{4}$ mile east of Mariner Boulevard approximately 150' north of Linden Drive.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Rainbow Glen with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The conditional plat must conform to Hernando County Facility Design Guidelines.
3. The applicant shall conduct and provide to the Planning and Engineering Departments an additional geophysical/geotechnical subsurface survey within the relic sink feature between lot 27 and adjoining DRA.
4. The applicant shall indicate the following on the conditional plat:
 - a) road right-of-way widths
 - b) sidewalks
 - c) treed roadway area in accordance with the landscape ordinance
 - d) land use area between lots 54 and 55
 - e) all lot corner radius (min. 35')
5. The right-of-way routing drainage from the road right-of-way to the DRAs not adjacent to roads shall be 30' min. in width.
6. The applicant shall remove the landscape island within the Clewiston Street entrance way or redesign to meet design standards.
7. The entrance at Rainbow Woods Loop shall meet major local roadway standards.
8. The developer shall construct a left hand turn lane on Linden Drive at the intersection of Linden Drive and Clewiston Street.
9. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Matassa, under oath, stated they concurred with staff recommendations with the exception of Conditions #7 and #8. He felt the entrance meeting local roadway standards under Condition #7 was unnecessary as most of the local traffic would head south to Linden Drive, with the western access being secondary. He explained that the County Engineering Office was currently reviewing their traffic study, and asked that the left turn lane under Condition #8 be required only if warranted by the traffic study.

Chairman Covell asked for public comment. The following people spoke under oath regarding the petition. Calvin Mehuron (Rainbow Woods resident), Alice Franceschina (Rainbow Woods Homeowners Association Board of Directors), Elise Kelly, Victor Breckler. Their concerns included increased traffic impacting the Rainbow Woods subdivision, additional impacts to the dangerous intersection at Linden Drive and Clewiston Street, and limited access for emergency vehicles. Referencing a rezoning petition

heard by the P&Z in August 2005, they questioned the lot sizes on the plat and what would be placed in the 25' buffer. They asked that construction traffic use Clewiston Street and not Rainbow Woods Loop.

Under rebuttal, Mr. Matassa asked to reduce the size of the right-of-way to Rainbow Woods to discourage additional traffic into their subdivision. Addressing the lot sizes and buffering, he explained the current R-1C zoning allowed the needed density, and buffers were not required under the county zoning and land development regulations. The proposed 80' x 125' lot size was identical to the lots to the south and east. Mr. Matassa clarified that the rezoning petition presented to the P&Z in August 2005 had been withdrawn before moving forward to the BCC because certain conditions and demands would have decreased the proposed density. He noted that according to their sight distance study and vertical curve review, they had adequate sight distance to make the left turn on Linden Drive.

Mr. Mixson discussed condition #7 with Comm. Palmieri, noting that if the number of generated trips exceed the criteria in the Facilities Design Guideline, the status of Rainbow Woods Loop could increase to a major local roadway in the future. Mr. Mixson explained the improvements to the stub would require 10' more of right-of-way and the road would be one foot wider. This requirement would be confirmed during the construction drawing phase. Comm. Palmieri agreed with staff regarding condition #7.

Discussing condition #8 with Comm. Palmieri, Mr. Mixson agreed that if the traffic study did not warrant a left turn lane, he did object to the added language suggested by Mr. Matassa. Mr. Matassa elaborated on his request to modify conditions #7 and #8 be required only if warranted by the traffic study.

Chairwoman Covell asked to add a condition requiring construction traffic to use Clewiston Street instead of through Rainbow Woods Loop.

MOTION Comm. DeWitt moved to approve the conditional plat per staff's recommendation with the following modified conditions:

7. The entrance at Rainbow Woods Loop shall meet major local roadway standards if warranted by the traffic study.
8. The developer shall construct a left hand turn lane on Linden Drive at the intersection of Linden Drive and Clewiston Street if warranted by the traffic study.
10. Construction traffic access shall be through Clewiston Street.

Comm. Preston seconded the motion and the motion carried 5-0.

LINCOLN TRUST - CONDITIONAL PLAT (P-05-36C)

Purpose: Conditional Plat approval for Lincoln Trust

Location: Approximately ½ mile east of US19, north side of Centralia Road

Representative: Donald Lacey, Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Lincoln Trust. This development consists of 76 single family lots on 98.65 acres located approximately ½ mile east of US19, on the north side of Centralia Road.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Lincoln Trust with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant shall indicate the correct scale on the conditional plat.
4. The applicant shall number each lot on the conditional plat.
5. The applicant shall show proposed treed roadway area conforming to the landscaping requirements.
6. The applicant shall provide open space calculations on the conditional plat demonstrating compliance with the open space requirements under the PDP rules.
7. The applicant shall show sidewalk width as 5'.
8. The applicant shall provide left/right turn lanes at both entrances or realign the road system to promote major traffic flow unto the main boulevard with minor traffic using secondary entrance.
9. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, asked the P&Z to approve staff's recommendations.

Chairman Covell asked for public comment. No one came forward.

Mr. Lacey explained to Chairwoman Covell that due to the recent litigation of the Tucker rezoning petition to the east, access was not provided eastward as a precaution. Mr. Lacey elaborated on the access depicted on the plat as SWFWMD owned the property to the north and west.

MOTION Comm. Palmieri moved to approve the conditional plat per staff's recommendation. Comm. Dewitt seconded the motion and the motion carried 5-0.

STEVE BAXLEY and JOHN McRAE - CONDITIONAL PLAT (P-05-35C)

Purpose: Conditional Plat approval for Baxley and McRae 60 Acre Subdivision

Location: Approximately ¼ mile east of Linden Drive, 120' north of Drysdale Street

Representative: Alan Garman, Civil-Tech Consulting Engineers, Inc.

The applicant is requesting conditional plat approval for Baxley and McRae 60 Acre Subdivision consisting of 81 single family lots on 60 acres located approximately ¼ mile east of Linden Drive, 120' north of Drysdale Street.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z approve the conditional plat of Baxley and McRae 60 Acre Subdivision with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The conditional plat must conform to Hernando County Facility Design Guidelines.
3. The applicant shall show the following on the conditional plat:
 - a) 10' vegetated buffer along the east and south property lines,
 - b) roadways and lot corners radii,
 - c) sidewalk along one side of major local roadways,
 - d) cul-de-sac right-of-way radius,
 - e) drainage easement to be 30' drainage right-of-way,
 - f) location map,
 - g) 5' access reservation strip along the west property line on lots adjacent to the collector road,
 - h) 10' planting strip easement along the west property line on lots adjacent to the collector road.
4. The applicant shall demonstrate that the conditional plat will accommodate the collector roadway required by the Comprehensive Plan within the development.
5. The developer will construct a traffic signal based on need and necessity.
6. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Garman, under oath, stated they concurred with staff's recommendation.

Chairman Covell asked for public comment. No one came forward.

Comm. Palmieri, Mr. Greif, and Mr. Mixson discussed the length of the northeastern cul-de-sac length being under the 600' maximum length. Chairwoman Covell and Mr. Greif discussed the access to the Dudley road under condition #4.

MOTION Comm. Palmieri moved to approve the conditional plat per staff's recommendation. Comm. Preston seconded the motion and the motion carried 5-0.

NOTE: A short recess was called at 3:18 p.m. and the meeting reconvened at 3:30 p.m.

CHARLES R. and JANET T. WRIGHT - CONDITIONAL USE PERMIT (CU-05-14)

Purpose: Conditional Use Permit for a Second Residence

Location: North side of Moore Road, approximately 480' east of Endsley Road

Representative: Janet T. Wright and Susan Wright

The applicant is requesting a conditional use permit for a second residence. The subject property is located on the north side of Moore Road, approximately 480' east of Endsley Road.

Mr. Greif reviewed the staff report which indicates the Planning staff recommends the P&Z determine whether a hardship exists and, if such a determination is made, the P&Z may approve the second residence on the parcel for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon:

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 petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The second residence must be a minimum of 70' from the primary structure.

Janet Wright, under oath, stated that one of their daughters, Susan Wright, would speak on their behalf. Susan Wright, under oath, clarified that the second residence would be for her younger sister, Karen, who is significantly debilitated from rheumatoid arthritis and needs help from her parents. Ms. Wright explained that a second residence was previously at this location and asked to place the second residence in the same location. She described her sister's disabilities in detail.

Chairman Covell asked for public comment. No one came forward.

Comm. Preston disclosed that the Wrights were her neighbors and she knew of their situation but did not discuss the petition with them.

Comm. Palmieri asked why there was a 70' separation between structures when the previous homes were 38' apart as noted in the petitioner's narrative. Mr. Greif explained the county typically kept a lot line setback separating structures in the event the parcel was split in the future; however it was not mandated by the ordinance. Comm. Palmieri agreed to the 38' separation so the petitioner can use the same driveway and utility connections.

Chairwoman Covell questioned the second residence being a manufactured home; Mr. Greif explained the term has been used for either a modular or mobile home. Chairwoman Covell clarified that the second residence would have to be removed when the hardship ceased to exist or the CUP was not renewed.

MOTION Comm. Palmieri moved that the P&Z determined a hardship exists and approved the conditional use permit for a second residence on the parcel for a period of up to two (2) years with the conditions recommended by staff and the following modification:

3. The second residence must be a minimum of ~~70'~~ 38' from the primary structure.

Comm. DeWitt seconded the motion and the motion carried 5-0.

CORAL BAY CONSTRUCTION - CONDITIONAL PLAT (P-05-05C)

Purpose: Discuss Conditional Plat condition of approval for Palm Court Estates previously approved by the P&Z

Location: Lying at the west end of Hoover Street, approximately 800' east of Angora Street

Representative: Richard Matassa, Civil-Tech Consulting Engineers, Inc.

Mr. Greif explained this item was a discussion of the Palm Court Estates conditional plat approved by the P&Z on February 14, 2005, and a disagreement between the Planning Staff and the petitioner regarding the connection to the north. Condition #9 of the approval indicated the conditional plat shall provide road right-of-way access connection to the north vacant parcel.

Reviewing the area via overhead projection, Mr. Greif noted there were two parcels to the north, a 2.5 acre tract to the northeast and an [18 acre] tract to the north. Staff's intention was for the access to connect to the larger 18 acre tract. Mr. Greif explained that the northern 18 acre tract was recently rezoned with a stipulation requiring southern access to the subject property. He stated that Mr. Matassa believed the connection could be provided to the 2.5 acre tract and shifted the right-of-way to align with the southern boundary of that tract.

The staff report indicates the Planning staff recommends that the applicant be required to connect to the northern most boundary line adjoining the adjacent 18 acre parcel, as indicated on the conditional plat showing the connection.

Mr. Matassa, under oath, stated the condition did not specify which northern parcel to access and their initial intent was to provide a northern access via Hoover Street. He displayed their proposed conditional plat showing access to the 2.5 acre tract; then displayed an Exhibit showing an secondary access along their western boundary to the northernmost parcel. He questioned the need to provide two northern access points; believed they met the intention of the condition, and asked for clarity as to which interpretation of the condition was correct.

Displaying a location map of the area, Mr. Greif discussed the future connectivity of area roads through Orchard Park to the northeast, connectivity of Running Oak Court from the north with Angora and Hoover

streets to the east and west of the subject property. Mr. Greif asked the P&Z to provide their intent of the connection under condition #9.

Comm. Sevier discussed the future roadways with Mr. Greif and Mr. Matassa, and stated his agreement with connection to the 2.5 acre parcel depicted on the proposed conditional plat.

Comm. Palmieri stated his intention to provide connection to the larger tract for future connectivity via a north/south roadway from that northern tract. Mr. Matassa stated that configuration would leave the 2.5 tract with only their current access through an existing power line easement. Discussion ensued regarding the required connection from the northern 18 acre tract which has not yet been platted. Mr. Greif clarified that the 18 acre tract did not originally show access to the subject parcel, but staff recommended the connection. He further explained that if the P&Z agreed with Mr. Matassa's configuration, the 18 acre tract would have to provide connection to the 2.5 acre tract for connectivity. Discussion ensued.

Mr. Mixson explained the need for Hoover Street to connect to the north, which could be done through the subject tract, or could wait until the 2.5 acre tract develops.

Comm. DeWitt felt the connection should occur now and preferred the design displayed in the exhibit. He recalled requesting connection of the northern 18 acre parcel to Dunkirk Road, but the P&Z decision was overturned by the BCC. Chairwoman Covell and Comm. Palmieri agreed.

Mr. Greif noted the County Engineer did not accept the spite strip between the 2.5 acre tract and Hoover Street depicted on the exhibit. Mr. Matassa clarified that the developer requested a 2' landscape tract between the parcels because the northern access met the ordinance requirements. The developer did not feel he should bear the expense of providing access to both northern parcels. Mr. Matassa further clarified that the 2.5 acre tract still had access through the power line easement but would not have the right to connect lots to Hoover Street when the site is developed.

Reviewing the exhibit, Mr. Mixson opined that if the P&Z preferred the connection to the larger 18 acre tract, the area depicted for the landscape strip should remain open. He noted, however, that it would be somewhat unfair for this developer to build Hoover Street and allow the 2.5 acre tract to develop lots with connection to the road without paying for it.

Mr. Mixson stated the determination of the access location to the north was a policy decision of the P&Z; they could either require connection to the 2.5 acre tract or the 18 acre tract. If connection to the 2.5 acre tract was preferred, the larger tract could provide a stub out to the northern boundary of the smaller parcel for future connectivity. The problem was that they did not know when that 2.5 acre tract would be developed, if ever. He further explained that the connection was not needed immediately, but should be planned for future connectivity.

Chairwoman Covell agreed with Mr. Mixson's explanation to use stub-outs for future connectivity. She agreed that the 2.5 acre tract should bear some expense for road connection when that parcel is developed; rather than this developer incurring the expense to build the road and required connections. She did not agree with the spite strip to deny access to the 2.5 acre parcel.

Mr. Greif asked if the consensus of the P&Z was to accept the original conditional plat submitted by Mr. Matassa; Comm. Sevier replied affirmatively. Comm. Palmieri disagreed. Discussion ensued. Mr. Weissinger stated that a motion was preferred for the record to reflect the consensus of the board.

MOTION Comm. Sevier moved that the P&Z accept the original plat including the ten conditions of the original approval. The motion failed for lack of a second.

MOTION Comm. Palmieri moved that the P&Z approve the plat marked "Exhibit" with the ten conditions of the original approval. Comm. DeWitt seconded the motion for discussion.

Mr. Greif was concerned with future problems created by the 2' spite strip along the 2.5 acre tract. Mr. Matassa clarified that the parcel would continue to use the easement as presently recorded, but would not be allowed to develop lots connecting to the Hoover Street without purchasing the reserve access strip.

Comm. DeWitt agreed to the proposed layout as long as the 2.5 acre parcel currently had a legal access.

Being put to the vote, the motion carried 4-1 with Comm. Sevier voting nay.

APPLICATION REVIEW FOR CURRENT VACANCY

There is currently one vacant full time position as noted in Planning Memo PD-556, dated November 3, 2005.

Chairwoman Covell stated that both she and Comm. Palmieri attended the [October 25, 2005] BCC hearing regarding the appointment policy, where they voiced different opinions of the process. She suggested the P&Z follow their current procedure [to rank the applicant and provide a recommendation to the BCC], then discuss the matter further during Commissioners' Issues to determine what procedure they want to follow in the future.

Upon conferring with staff, Chairwoman Covell clarified that Alternate Member Thomas Richards had resigned, and they would make a recommendation for both the vacant regular position and alternate position. Comm. Sevier noted that his term expired at the end of the year and due to term limits he could not reapply. Chairwoman Covell stated that his vacancy would be discussed in December when expiring appointments were addressed.

Comm. Palmieri stated he ranked Robert Widmar for the regular position because of his educational credentials, diversity in experience, expertise, and profession. He ranked Lisa Hammond for the alternate position because of her diversity in education, experience, and expertise.

Comm. Preston and Comm. DeWitt indicated they would submit their ballots without additional comment. Mr. Weissinger clarified for Chairwoman Covell that the name of the P&Z members had to appear on the ranking sheets, otherwise they would become unlawful secret ballots which is a violation of the Sunshine Law.

Comm. Sevier recommended Robert Widmar first and Kenneth Smith second. He noted that the P&Z should have someone to represent the northeast corner of the county.

Comm. DeWitt opined that nominees should reside in the county long enough to have an understanding of and be familiar with the county.

Chairwoman Covell ranked Robert Widmar first because of his participation in the EAR process, his participation in the selection of County Administrator Gary Adams, and his extensive educational background. She ranked Lisa Hammond for the alternate position because of her participation in the EAR process. She reviewed the remaining ranking, explaining that she followed the demographic and job experience criteria guidelines as follows: Arthur Raymond as third because of his engineering experience; James Adkins fourth for his fire and farming experience; Kenneth Smith fifth for his farming experience; Tina Tysinger sixth because she shared a real estate background with Comm. DeWitt; and Bill Luecke seventh because he was currently serving on another board. She did not believe a person could not serve on two boards simultaneously.

Chairwoman Covell noted the ranking sheets indicated four members ranked Mr. Widmar first and asked for a motion.

MOTION Comm. Palmieri moved to nominate Robert Widmar for the regular position of the P&Z. Comm. Preston seconded the motion, and the motion carried 5-0.

Chairwoman Covell noted the ranking sheets indicated three recommendations for Ms. Hammond and two for Mr. Smith for the alternate position and asked for a motion.

MOTION Comm. Palmieri moved to nominate Lisa Hammond for the alternate position of the P&Z. Comm. Preston seconded the motion, and the motion carried 4-1 with Comm. DeWitt voting nay.

Chairwoman Covell noted the signed ranking sheets were submitted to the recording secretary.

COMMISSIONERS ISSUES

Comm. Palmieri discussed his suggestion to the BCC to eliminate the P&Z recommendation process and appoint candidates directly through an interview process at BCC hearings, which the BCC did not support.

Comm. Sevier opined that applicants should meet certain criteria and opined that site visits and meeting attendance was important. Comm. Preston agreed.

Comm. DeWitt stated the P&Z should not make recommendations to the BCC. He felt demographics and length of residence should be a criteria for appointments.

Chairwoman Covell felt the P&Z should follow the same procedures required by all appointed boards. She noted the application forms were updated to alleviate past problems and opined the new ranking sheets being part of the public record alleviated the need to discuss applicants in a public forum. She noted the existing attendance policy requires attendance and members to contact the Planning Department when they cannot attend a meeting.

Chairwoman Covell stated that she addressed the November 4th legislative delegation as a concerned citizen regarding the State Statutes for Adult Living Care Facilities, specifically to discuss the issue that

applicants are not required to live on the property. She learned that other citizens and an applicant had contacted Rep. David Russell's office regarding their concerns and she hoped changes would be made to the statutes regarding these types of facilities. Discussion ensued regarding the current regulations and difficulties in denying these types of applications.

Mr. Weissinger noted there were ambiguities in the State Statutes for smaller facilities and denials had to be based on inconsistencies with the comprehensive plan or incompatibility, not because it would be considered a business operation. He agreed that there needed to be clarification of the legislative intent.

Chairwoman Covell stated that she asked the Legislation for clarity of these issues so local planning boards can do their job better. She referenced a recent petition where the applicant testified that it was easier to get approval of these facilities in Hernando County and Palm Beach than elsewhere. Discussion ensued.

Comm. DeWitt commended the Planning Staff for placing conditional plats at the end of the agendas, and for mailing staff reports earlier to allow more review time.

OTHER BUSINESS

There being no further business, the meeting was adjourned at 4:30 p.m.

Signed,

Anna Liisa Covell, Chairwoman
Hernando County Planning & Zoning Commission

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