

# HERNANDO COUNTY PLANNING & ZONING COMMISSION

MINUTES OF DECEMBER 12, 2005

The Hernando County Planning & Zoning Commission met in regular session on December 12, 2005, at 9:10 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, Robert Widmar; and Ken Pritz, Hernando County School Board representative. Also present were: Lawrence Jennings, Director of Growth & Development; Jerry Greif, Chief Planner; Chris Mettler, Planner II; Charles Mixson, Public Works Director/County Engineer; Kent Weissinger, Senior Assistant County Attorney; and Sherry Crum and Jenine Wimer, Secretaries.

## **MEETING CALLED TO ORDER**

Chairwoman Covell called the meeting to order at 9:10 a.m. After a moment of silence, Comm. Sevier led the Pledge of Allegiance. Chairwoman Covell instructed the audience of the time limits established by the Commission. The members of the Commission and Staff introduced themselves to the audience. All individuals providing testimony were sworn in and would be confirmed under Oath in this record.

## **EX PARTE COMMUNICATIONS**

The Commission members were polled. Comm. DeWitt recused himself on Item No. 10, David and Doris Cifuentes Moreno (H-05-118). Comm. Sevier stated that he had visited all of the sites on the Agenda. Comm. Palmieri announced that while attending Spring Hill Fire and Rescue District (SHF&RD) Commission meeting, Item No. 5, Norbert Holz (H-05-113), was mentioned in relation to a possible purchase of a site to build a fire station. Comm. Widmar had visited the sites for the Tooke Lake Joint Ventures (H-05-116), Register Chevrolet (H-05-121) and Manuel, LLC (P-05-40C) petitions. Comm. Widmar affirmed for Senior Assistant County Attorney Kent Weissinger that he had had no ex parte communication. Chairwoman Covell stated that she had had no ex parte communication; however, she would recuse herself from Item No. 6, Flagstone Pavers, Inc., (H-05-110).

Comm. DeWitt affirmed for Mr. Weissinger that he had had no ex parte communication.

Mr. Weissinger advised the Commission that if there were matters the Commission members observed while visiting a particular site, they should make sure those issues were brought out by questions to the staff or the petitioner for the record.

## **ANNOUNCEMENTS**

There were no staff announcements.

## **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 Planning and Zoning Commission 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 packet into evidence; seconded by Comm. Palmieri and carried 5-0.

**O2 ACQUISITION CORPORATION - REZONING (H-05-104)**

Purpose: Rezoning from AR(Agricultural-Residential) 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: Attorney Darryl Johnston

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 and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AR to PDP(SF).

Mr. Johnston, under oath, reviewed that since the previous meeting, the applicant had met with the staff and the neighbors to address their concerns. He had reviewed the new site plan with them last week, although that plan had not been submitted to the staff until later this week; therefore, he requested a continuance for one month.

Chairwoman Covell asked for public comment. The following people came forward and spoke under oath: James Hatch; Sherrie Hatch; and Raeburn Taylor. Their concerns included which neighbors had been approached by the applicant; ingress and egress; traffic; adequate water; sewer service; schools; the impact to wildlife; and drainage.

Comm. Sevier expressed his concern with the heavily-wooded location regardless of the number of proposed homes and urged the Commission members to view the subject property.

Mr. Johnston affirmed for Comm. Widmar that the applicant had addressed setbacks in the site plan.

**MOTION** Comm. Palmieri moved to postpone to January 9, 2006, at 9 a.m.; seconded by Comm. DeWitt and 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: Mr. Alan Garman, President of Civil-Tech Engineering, 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, and approximately 450' south of Larkin Road.

Mr. Greif, under oath, reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners 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 Board of County Commissioners approval. A \$250 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 Board of County Commissioners approval will result in the zoning becoming null and void.

Mr. Garman, under oath, discussed the applicant's request to rezone and create a subdivision with 17, one-half-acre lots. He commented that the applicant had had some discussion regarding a fire station being located in the area. He discussed the applicant's desire not to connect to Christine Lane based on residents' concerns, and he noted their intent to install a cul-de-sac, which could be abandoned if the County decided at a later date that connectivity was needed. He addressed economic concerns with being required to pave Christine Lane and Spring Time Street and to connect to central sewer service, and, if required, the possibility of going through a Class C Subdivision process. He read and submitted a petition supporting a subdivision and fire station, and expressing concerns with the two roads being connected due to the traffic that would be generated; the desire for one entrance, a suggestion that the roads not be opened to the public, and the request that a requirement that sirens would be silenced when passing through the neighborhood streets be put in writing. He discussed the staff recommendations and noted that if improvements for connection to sewer service and to off-site roads were required, the petitioner would withdraw the application and come back with a request for more density. He objected to Performance Condition No. 10.

Mr. Weissinger reminded the Commission that as this was a quasi-judicial hearing, their decision must be based on competent evidence before them today; therefore, to the extent that Mr. Garman or any other public speakers under oath would allude to the same issues in the petition, the Commission may consider those issues but the petition by itself was not competent evidence to be relied upon.

Comm. Sevier commented that his review of the petition was the language itself and not the signatures. He stated that he could not support the petition unless there was access to the south. He supported the requirement to connect to central sewer service. He discussed with Mr. Garman access to County Line Road if the fire station was constructed.

Comm. Palmieri preferred the original plan. He discussed the elimination of access to the south and the fact that the applicant did not want to connect to central sewer service. He stated that he would support the staff recommendation and opposed any changes to the performance conditions.

Comm. Widmar discussed with Mr. Garman the economic issue of providing central sewer service.

Comm. DeWitt supported the staff recommendation to extend Gaspar Avenue; however, he was concerned with requiring Spring Time Street to be paved, which he discussed with Mr. Garman, who indicated that approximately 3,944' would be required to be paved.

Comm. DeWitt suggested a compromise since he felt the proposed length of Spring Time Street to be paved was too much; however, he supported paving a portion of that road.

Chairwoman Covell agreed with the original plan that had been previously submitted, but not the second. She discussed Performance Condition No. 6 with Mr. Mixson. She questioned the amount the applicant would be required to pay if this was an existing subdivision and they were required to pave all 3,944 lineal feet. She was not in favor of this proposal unless the development was connected to central sewer service. She discussed access to Christine Lane and Spring Time Street with Mr. Garman. She was in favor of the staff recommendation but felt some consideration should be given, as suggested by Comm. DeWitt regarding Performance Condition No. 6, so that the applicant was not responsible for the expense of paving the entire road and for improvements in the area.

Mr. Garman stated that the applicant had proposed one-half-acre lots and the Ordinance did not require connection to central sewer service; therefore, should that remain a performance condition, he would withdraw the application and add density.

Discussion ensued regarding connecting to sewer.

Comm. Sevier was not concerned with the access to the south since Spring Time Street and Christine Lane were limerock, hard surface and in good condition. He was not opposed to larger sized lots that would utilize septic tanks considering the presence of Fine Candler sand. He objected to having no access to Christine Lane.

Mr. Greif affirmed for Comm. DeWitt that the staff would be opposed to larger sized lots utilizing septic tanks since all but a small portion of the subject property was within a Wellhead Protection Area and the Groundwater Protection Ordinance prohibited new residential subdivisions with a density of more than one unit per acre that did not provide for central sanitary sewer facilities.

**MOTION** Comm. Sevier moved to deny, based upon the refusal to open up to Spring Time Street and not having sewer.

Chairwoman Covell questioned if Comm. Sevier was making a motion for the staff recommendation.

Comm. Sevier desired to remove the word "shall pave" from Performance Condition No. 6 since he felt Christine Lane access should be open.

Comm. Palmieri seconded the motion for discussion.

Mr. Greif understood that Comm. Sevier was recommending approval of the staff recommendation with a modification to Performance Condition No. 6.

Comm. Sevier replied affirmatively.

Comm. Palmieri expressed concern since he envisioned traffic including the SHF&RD using this road to access County Line Road. Mr. Mixson addressed the amount of traffic the road could accommodate, including fire trucks, noting the difficulty with maintaining a limerock road.

Comm. Palmieri believed that if the road was not paved, the County would incur an expense in maintaining that road; therefore, he withdrew his second to the motion.

The motion died for lack of a second.

**MOTION** Comm. Palmieri moved to deny.

The motion died for lack of a second.

Comm. DeWitt concurred with the staff recommendation with the exception that he did not believe that the developer should be required to pave Christine Lane and all of Spring Time Street to County Line Road since that road would benefit other property owners; however, he believed that Gaspar Avenue should be extended to Christine Lane.

Chairwoman Covell suggested that they include that the developer shall pay for a portion of the paving of Christine Lane and Spring Time Street, then the owner and the Board of County Commissioners could determine how to make it cost feasible.

**MOTION** Mr. DeWitt moved that the developer shall pave that part of Christine Avenue that was adjacent to his particular project and that the developer shall pay that proportionate share from Spring Time Street down to Orchard Way; seconded by Comm. Widmar.

The vote was taken on the motion and it carried 3-2, with Comms. Sevier and Palmieri voting Nay.

Chairwoman Covell recused herself from the Flagstone Pavers, Inc., petition, passed the gavel to Vice Chairman DeWitt and temporarily left the Chambers.

**FLAGSTONE PAVERS, INC. - REZONING (H-05-110)**

Purpose: Master Plan Revision to Include a Rezoning from AG(Agricultural) to PDP(LI)/Planned Development Project(Light Industrial) with a Heavy Manufacturing Operation with Outside Storage and Modifications to Buffer and Storage Conditions

Location: East side of Cobb Road and Old Cobb Road, north side of Fort Dade Avenue

Representative: Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc.

The applicant is requesting a master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage and modifications to buffer and storage conditions. The subject property is located on the east side of Cobb Road and Old Cobb Road, and the north side of Fort Dade Avenue.

Mr. Greif, under oath, reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the master plan revision to include a rezoning from AG to PDP(LI) with a heavy manufacturing operation with outside storage and including modifications to the buffer and storage requirements, 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. No vehicular access to Fort Dade Avenue is allowed.
3. All manufacturing equipment shall be contained within a sound-attenuated structure.
4. The petitioner shall provide fencing and a minimum 30' natural opaque vegetative buffer along all east property lines. The petitioner may relocate the swale to within the 30' buffer area between the proposed plant and the northern property line; however the petitioner shall plant vegetation within the northern 5' and southern 5' of the buffer area, on both sides of the relocated swale.
5. The perimeter setbacks are as follows:

From Cobb Road:	125'
From Old Cobb Road:	35'
From Fort Dade Avenue:	75'
From all other property lines:	30'
6. The open storage areas shall maintain the following setbacks:

east line:	30'
north line:	35'
west:	30'
south:	30'
From Fort Dade Avenue:	75'
7. The petitioner shall label and depict the location of the enclosed covered bin and the outside storage area on a revised master plan. These areas shall meet the minimum setbacks for open storage.
8. A wetland jurisdictional determination be made on the property to identify the precise location of the Class I wetland area. This area shall be designated as conservation on a revised master plan.

9. The petitioner shall provide a stormwater management system to prevent sedimentation washing into the wetland.
10. A dust suppression system must be in place to keep fine materials from becoming an airborne dust hazard.
11. There shall be a minimum 75' setback for any impervious surface from any delineated wetlands.
12. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners approval. A \$250 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 Board of County Commissioners approval will result in the zoning becoming null and void.

Mr. Lacey, under oath, discussed the rezoning request and site plan.

Chairwoman Covell asked for public comment.

Ms. Laura Lisk, under oath, spoke in opposition to the request.

Mr. Lacey advised that access would be from Cobb Road. He explained why the proposed use would not create additional noise.

Comm. Sevier discussed access issues, his concern with the proposal to remove six antique specimen majestic oak trees, and his desire that the proposed use be located further south.

In response to questions posed by Comm. Palmieri, Mr. Vernon Myers, Plant Manager, representing the applicant, under oath, explained that a concrete product would be produced on the subject site and that silica sand would be wet down while temporarily contained prior to being pumped into storage bins.

Comm. Palmieri discussed whether Mr. Lacey had addressed Comprehensive Plan Policy 6.105A(9) related to an Industrial land use classification not being placed near a Class I wetland area.

Mr. Greif affirmed for Comm. Widmar that Performance Condition No. 9 mitigated the drainage retention area and use of the wetland area, in order to protect it and prevent sedimentation from destroying the character of the wetlands.

Comm. DeWitt discussed with Mr. Myers the hours of operation considering concerns with dust and noise. He stated that he had visited the site and felt this was an asset to the community.

**MOTION** Comm. Palmieri moved for staff recommendation; seconded by Comm. Sevier for discussion.

Comm. Sevier reiterated his concern regarding preserving the specimen trees, to which Mr. Lacey responded that he would specifically consider those trees and work with staff to mitigate and save what they could.

A vote was taken on the motion and it carried 4-0.

Chairwoman Covell returned to the meeting and resumed the duties of Chairwoman.

**GARY T. DIXON, ET AL - REZONING (H-05-115)**

Purpose: Rezoning from PDP(SF)/Planned Development Project(Single-family) to PDP(GC)/ Planned Development Project(General Commercial)

Location: South side of Spring Hill Drive, west side of Port Court

Representative: Attorney Carole Barice, McGee & Mason, P.A.

The applicant is requesting a rezoning from PDP(SF) to PDP(GC). The subject property is located on the south side of Spring Hill Drive, and the west side of Port Court.

Mr. Greif, under oath, reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from PDP(SF) to PDP(GC). He noted receipt of a letter, which he read, stating that due to an indirect irreconcilable calendar conflict, Attorney Joseph M. Mason, Jr., representing the applicant, had requested that the petition be moved to the January 9, 2006, Agenda.

Ms. Barice, under oath, requested a continuance to February considering the holidays and their desire to address all of the staff's concerns.

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

**MOTION** Comm. DeWitt moved to postpone to February 13, 2006, at 9 a.m.; seconded by Comm. Sevier with a comment.

Comm. Sevier stated that since he would not be present at the February meeting, he had no problem with the petition.

A vote was taken on the motion and the motion carried 5-0.

NOTE: A short recess was taken at this time.

**TOOKE LAKE JOINT VENTURES - REZONING (H-05-116)**

**Purpose:** Master Plan Revision to Include Establishment of a General Commercial Master Plan, and to Rezone a Portion of Previously-designated PDP(SF)/Planned Development Project(Single-family) and PDP(GHC)/Planned Development Project(General Highway Commercial) to PDP(OP)/Planned Development Project(Office Professional), and with a Reduction in Setbacks

**Location:** East side of US 19, north and south sides of Woodland Waters Boulevard

**Representative:** Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc.

The applicant is requesting a master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) with a reduction in setbacks. The subject property is located on the east side of US 19, and the north and south sides of Woodland Waters Boulevard (WWB).

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a master plan revision to include establishment of a general commercial master plan, and to rezone a portion of previously designated PDP(SF) and PDP(GHC) to PDP(OP) with a reduction in setbacks, 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. Lot 5 shall be zoned PDP(OP). A revised plan shall remove Lot 6 and depict the area of Lot 6 as zoned PDP(SF).
3. The minimum internal lot setbacks for the GC and OP are approved as follows:  
Side: 10'                  Rear: 15'

The east side lot setback for Lot 5 shall be 35'.

4. The perimeter setbacks are as follows:

From the frontage road:	35'
From Woodland Waters Boulevard:	35'
From the north property line:	20'
From the south property line:	35'
From the east property line (Tract B):	35'
5. The petitioner shall revise the plan to reduce the number of driveways to lots 2 through 5 and provide for joint access in a manner acceptable to the County Engineer.

6. The jurisdictional wetland line and 100-year floodplain shall be delineated on all future plats and construction drawings.
7. A 25' natural vegetative buffer upland of the jurisdictional wetland line shall be required.
8. Development adjacent to the lake shall maintain a system upland of the wetland buffer in order to prevent direct stormwater runoff into the wetland and/or lake.
9. All finished floor elevations shall be above the regulatory 100-year flood elevation.
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners approval. A \$250 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 Board of County Commissioners approval will result in the zoning becoming null and void.

Mr. Lacey, under oath, reviewed the proposed master plan. He noted that the applicant was not currently proposing a plan to develop Tract "B" located to the south of WWB; however, the applicant planned to relocate some dirt from a hill on Tract "B" for use in raising the commercial lots in the subject master plan to make them more visible from US 19.

Chairwoman Covell asked for public comment. The following people came forward, and, under oath, spoke in opposition to the petition: Eldon Ward; Elsie Kempsey; Lisa Hammond; Digby Janus; George Cooper; Connie Dzurko; Diane Richards; Elaine Underwood; Al Rivera; John Palamaro; Tom Schaffer; Edna Hoover; Carol Merrill; Albert Garcia; Bob Lockett, who submitted photographs of property behind his home; Susan Sutton; and Mike Cipko. The concerns included the need to install sidewalks from US 19 to Nightingale Road; submission of a letter from the Woodland Waters Homeowners Association (WWHA) board opposing the request; the "Big Box" concept; increased traffic and traffic patterns, as well as easements and access issues, including a traffic signal at the intersection of US 19 and WWB; setbacks and buffers; the removal of dirt from Tract "B" would result in reduced foliage and buffering; and decrease in the value of the homes. Mr. Cipko elaborated on action that would be taken to oppose this if approved.

Mr. Lacey addressed the issues raised by the public, and stressed that the commercial parcel zoned PDP(GHC) had always been part of this project. He pointed out that other commercial zoning existed in the area. He stated that the uses some residents desired would require changing the existing zoning. He expressed concern and intended to address with the applicant comments that some individuals were told that commercial uses would not be placed on the subject site. He acknowledged questions as to the type of commercial uses proposed, and stated that a "Big Box" was not anticipated. He felt that while sufficient turn lanes, access points and buffering were all viable issues to be addressed, the issue of whether commercial should be allowed on the property was not reasonable. He stated that if the Commission desired more information on the southern portion, he would be willing to provide it and bring this item back.

Comm. Sevier felt that the hill on Tract "B" should be left alone due to its contribution to the aesthetics of the Woodland Waters entrance. He discussed setbacks and language related to having a temporary setback of 50' during excavation.

Comm. Sevier felt that Lots 5 and 6 should be removed, that Tract "B" should be reduced to leave as much vegetation and trees as possible between the commercial and the adjacent residential.

Mr. Lacey affirmed for Comm. Palmieri that Lot 6 and perhaps a small portion of Lot 5 had previously been shown as SF. He suggested that if the Commission did not feel that OP zoning to the proposed depth was appropriate, Lot 4 could be expanded to the approximate depth of the existing commercial zoning, as the remainder of Lots 5 and 6 were not consistent with the existing master plan.

Comm. Palmieri felt that the proposed commercial zoning extended too far to the east, considering the other commercially-zoned lots in the area.

Mr. Lacey indicated that a traffic study would be conducted, which he described.

Comm. Palmieri stated that he supported the staff recommendation providing that Performance Condition No. 2 was changed to remove Lots 5 and 6. He requested a provision that the developer pay its proportionate share for a traffic signal if and when needed.

Mr. Lacey agreed.

Comm. Palmieri suggested that Tract "B" be left as a single-site development with a maximum square footage of 65,000, and if the developer desired to subdivide that he would need to come back to the Commission.

Mr. Lacey discussed with Comm. Palmieri bringing back a more detailed plan regarding Tract "B" rather than requiring a maximum square footage.

Comm. Palmieri discussed with Mr. Greif the staff's suggestion that Tract "B" be developed as a single-site development and if so, that the development shall not be more than 65,000 square feet. Mr. Greif confirmed for Comm. Palmieri that it was not necessary to make that a condition since that was already part of the Land Development Regulations.

Comm. Widmar agreed with removing Lots 5 and 6 and extending Lot 4 to the existing commercial zoning. He felt that excavating the hill on Tract "B" would be detrimental to the drainage area immediately behind the subject site; however, he was not sure if that needed to be added as a condition.

Mr. Lacey felt that that would not be a problem if the drainage was addressed correctly. Mr. Greif elaborated on the need to obtain an excavation permit.

Comm. Widmar suggested a 35' buffer with an opacity of not less than 80% or 85% be required.

Mr. Lacey did not feel that was unreasonable.

Comm. DeWitt felt that a more concise plan for Tract "B" was needed before action was taken. He requested that Tract "B" be eliminated for consideration at this time. He was not opposed to Lot 5 being an office location since it would be a good transition between SF; however, he was opposed to Lot 6.

Comm. DeWitt agreed with the staff recommendation with the exception of eliminating Tract "B" and that Lot 6 be left as SF zoning. He also concurred with Comm. Palmieri that the applicant must pay their proportionate share for the traffic signal when warranted.

Mr. Lacey responded to Chairwoman Covell that the exact location of the frontage road's connection to the Camp-A-Wyle property to the north would be determined by the staff. He confirmed that the applicant would be sure to notify Camp-A-Wyle representatives to discuss the issue.

Chairwoman Covell desired that a revised plan be brought back for the entire site to reflect exactly what would be done with Tract "B" as well as the lots to the north. She preferred the buffer for Tract "B" to remain at 50' with 80% opacity due to adjacent residential housing and the likelihood that a very large store or building would be placed on that tract.

Mr. Lacey described proposed access to Lots 1 through 4.

Mr. Mixson confirmed for Chairwoman Covell that the traffic study and issues related to traffic on US 19 and WWB would be addressed at the time of permitting.

Mr. Mixson verified for Chairwoman Covell that sidewalks would be required to be constructed by the applicant.

In response to Comm. DeWitt, Mr. Lacey indicated that his intent was to come back with a revised plan that included the western portion of Lot 5 as part of Lot 4, which would be commercial zoning, and combine the remainder of Lot 5 and Lot 6, which would be designated as SF. He advised that he would either provide a definition for Tract "B" or remove it. He clarified that if the Commission intended to not allow excavation on Tract "B", bringing it back was not necessary.

Discussion ensued.

**MOTION** Comm. DeWitt moved that they bring it back in one piece.

Comm. DeWitt clarified that the plan should be brought back as a complete package, splitting Lot 5 and leaving the easterly part of Lot 5 and Lot 6 as residential with Lots 1, 2, 3 and 4, and that proposed Tract "B" be brought back at a later date.

Mr. Lacey understood that his options were either to divide Tract "B" and indicate how it would be used or to remove it from the master plan.

Chairwoman Covell preferred that Tract "B" be defined and the buffering for the adjacent residential area be included.

Comm. Sevier preferred that Tract "B" be removed.

Comm. Palmieri seconded the motion.

Mr. Palmieri agreed that rezonings should not come before the Commission piecemeal; however, this was a request to approve a master plan. He was not opposed to the applicant coming back at a later date regarding Tract "B."

Further discussion ensued regarding Tract "B."

**CLARIFIED MOTION**

Comm. DeWitt clarified that the motion was for the applicant to bring back either the entire parcel, Lots 1, 2, 3, 4 and 5, and Lot 6 as discussed, and Tract "B" but, if he desired he could leave Tract "B" off and just bring the northern part back.

Comm. Palmieri understood the motion would postpone the petition.

Comm. DeWitt agreed.

Discussion ensued after which the Commission determined to bring this item back January 9, 2006, at 9:30 a.m.

Comm. Widmar was opposed to the option of Tract "B" being eliminated from the plan, even if it was not defined, since some stipulations could be imposed on the site.

Chairwoman Covell agreed. She felt Tract "B" should be included, so the opacity could be specified, even if the use would not be completely defined, since at least it would be known that the maximum size would be a 65,000 square foot building.

**AMENDED MOTION**

Comm. DeWitt amended his motion to include that. Comm. Palmieri agreed.

Mr. Greif suggested the petition be postponed until 9:00 a.m. rather than 9:30 a.m.

Chairwoman Covell clarified that the petition would be postponed until January 9, 2006, at 9:00 a.m.

A vote was taken on the motion, and it carried 4-1, with Comm. Sevier voting Nay.

NOTE: A short recess was taken at this time.

**CHARLES M. HARDING - REZONING (H-05-117)**

Purpose: Rezoning from R-1A (Residential) to C-2 (Highway Commercial) and from C-2 (Highway Commercial) to PDP(HC)/Planned Development Project(Highway Commercial) with a C-4 Use of Heavy Wholesale and Storage Establishment

Location: North side of Cortez Boulevard, approximately 250' west of B. W. Stevenson Road

Representative: Not present

The applicant is requesting to rezone from R-1A to C-2 and from C-2 to PDP(HC) with a C-4 use of heavy wholesale and storage establishment. The subject property is located on the north side of Cortez Boulevard, approximately 250' west of B. W. Stevenson Road.

The request has not been adequately advertised because the petitioner failed to post the required signage. The Planning staff recommends the Planning and Zoning Commission postpone hearing the request to January 9, 2006, at 9 a.m.

The Planning and Zoning Commission acknowledged the request could not be heard because it was not adequately advertised.

NOTE: A lunch break was taken at this time.

**DAVID MORENO AND DORIS CIFUENTES MORENO - REZONING (H-05-118)**

Purpose: Rezoning from R-1C (Residential) to OP (Office Professional)

Location: West side of Barclay Avenue, north side of Bock Lane

Representative: Attorney Paul Nessler, Jr.

The petitioner requests a rezoning from R-1C to OP. The subject property is located on the west side of Barclay Avenue and the north side of Bock Lane.

Comm. DeWitt recused himself from this petition, as his real estate office had been involved in the recent sale of the property to the petitioners, and he left the Board Chambers.

Mr. Greif, under oath, reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the rezoning from R-1C to PDP(OP).

Mr. Nessler, under oath, discussed the rezoning request, which was to allow the petitioners, who were doctors, to utilize the site as medical offices. He elaborated on the reasons he believed the proposed zoning was compatible with the surrounding uses. He displayed and reviewed the site plan. He objected to the requirement for the petitioner to donate 70' of right of way (ROW) along Barclay Avenue and to have limited access to Barclay Avenue because a traffic study had not been produced which would indicate that the use of the property as OP would in any way degrade the current road use so as to require the taking. He advised that the petitioners were willing to donate their fair share of ROW. He expounded on his belief that the proposed use met the criteria of the Comprehensive Plan.

Chairwoman Covell asked for public comment. The following people came forward and spoke, under oath, in opposition to the petition: Paul Freeman; Vladimir Wergeles; and Robert Smith. The concerns expressed included the wells and septic tanks used by residents of Bock Lane, the proposed access to Bock Lane, traffic congestion on Barclay Avenue and a potential decrease in homeowners' property values.

Mr. Nessler rebutted that the petitioners would connect the site to central water and sewer service, so there would not be a negative impact to existing wells and septic tanks in the area. He stated that traffic flow would be resolved as part of the site plan review and permitting process. He contended that property values were not in danger of decreasing; in fact, all property values in the area had increased significantly.

Mr. Mixson, under oath, informed Comm. Sevier that the staff hoped to begin acquiring ROW along Barclay Avenue next year for the widening project. He clarified for Chairwoman Covell that the ROW would be taken from the west side of Barclay Avenue.

Comm. Palmieri expressed concern that any use allowed in the OP district could be placed on the site, and he did not believe he wanted OP zoning on that side of Barclay Avenue.

In response to Chairwoman Covell, Mr. Mixson indicated that the frontage road proposed along the rear of the Register RV Sales property would extend along the north property line of the subject property, and the petitioners would have access to the frontage road. He confirmed for Chairwoman Covell that as part of concurrency, the petitioners would be required to pay their fair share for their impact to SR 50.

Chairwoman Covell did not have a problem with OP zoning for the subject property, as she felt it was downsizing in the area and based on the access to Bock Lane and the future frontage road.

Mr. Nessler responded to Comm. Widmar that the estimated trips per hour that would be generated from the proposed use was 3.66 per thousand square feet.

Upon a query by Comm. Widmar, Dr. David Moreno, under oath, explained that he and his wife intended to utilize the expansion space indicated on the site plan for further expansion of their medical practice, as well as for other physicians' practices.

Comm. Widmar supported the OP zoning, provided it was restricted to that use.

Comm. Palmieri had a problem with access to Bock Lane due to its residential nature.

Chairwoman Covell questioned the possibility of the access to the site being primarily from the future frontage road.

Mr. Mixson stated that the site could have access to the frontage road, but he did not believe that should be the only access to the site.

**MOTION** Comm. Sevier moved to approve the rezoning from R-1C to PDP(OP), the reason being that it was about a building with a road on three sides of it and it will actually alleviate some of the problem that people on Bock Lane have, and also, it was time with some of the major streets, be it Barclay Avenue or Mariner Boulevard or SR 50 or Spring Hill that we do away with all the residences that go out onto an open street like that; seconded by Comm. Widmar.

Mr. Weissinger questioned if the Commission wished to include any performance conditions.

Chairwoman Covell suggested a condition for access to be on Bock Lane and to the future frontage road, as well as the other performance conditions that were required, including the connection to central water and sewer service.

Comm. Sevier had no problem with that.

Mr. Weissinger questioned if an additional amount of ROW was part of the performance conditions.

Comm. Sevier agreed that that was included, as well as the fact that ROW would have to be provided for the future frontage road.

Comm. Widmar agreed.

Comm. Palmieri pointed out that a provision for the 10' buffer was necessary.

Mr. Weissinger advised that the Commission could designate buffers if they wished as part of the Motion; however, the landscaping requirements were separate Land Development Regulations.

Comm. Sevier stated that he did not wish to include that issue.

The vote was taken on the Motion and it carried 3-1, with Comm. Palmieri voting Nay.

Comm. DeWitt rejoined the meeting.

Purpose: Rezoning from AG (Agricultural) to R-4 (Residential)

Location: North side of County Line Road, east side of Trillium Boulevard

Representative: Mr. Mark Bentley and Mr. James Stutzman

The applicant is requesting to rezone from AG to R-4. The subject property is located on the north side of County Line Road and the east side of Trillium Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AG to R-4.

Mr. Bentley (did not indicate whether he was sworn) referred to recent rezonings approved for two adjacent properties to allow MF and commercial uses, noting that the staff had found that the proposed MF zoning for the property to the west was consistent with the Comprehensive Plan, while citing the same policy of the Comprehensive Plan in finding the petitioner's request inconsistent.

Mr. Stutzman, professional land planner, under oath, displayed a map depicting the zoning of properties in the area and discussed the consistency of the proposed project with the development trend in the area. He commented on the anticipated trips to be generated by the proposed project. He disagreed with the staff finding that the proposed project was too intense and not consistent with the Comprehensive Plan, when the subject property was located in proximity to property recently rezoned for the same use.

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

Mr. Jennings detailed the differences between the request for the subject property and the request for the property to the west, which had been a Planned Development Project (PDP). He corrected zoning district errors on the map displayed by the petitioner's representative.

Upon questioning by Comm. Sevier, Mr. Mixson, under oath, related that the proposed realignment of the County Line Road/Ayers Road Extension would extend through the southeast corner of the subject property.

Mr. Bentley affirmed that they were aware of the proposed alignment, although they had not had direct contact with the Department of Transportation. He offered to coordinate access to County Line Road and/or Trillium Boulevard with appropriate agencies.

Mr. Bentley stressed that 375,000 square feet of retail would exist on the property to the west. He stated that with respect to the R-4 district, the County had the ability to impose reasonable conditions in terms of design, pedestrian access, etc., when the applicant submitted subdivision plans. He contended that the County had "laid the blueprint" with respect to the use that should

be developed on the subject property. He commented on the level of service for County Line Road east of the Suncoast Parkway, noting that most of the trips westbound from the project would be to the Suncoast Parkway. He suggested that the request should be treated similarly to the other projects recently approved and the applicant would have to meet concurrency or mitigate any problems that arose. He elaborated on how the project met Policy 1.01F(7) of the Comprehensive Plan.

Comm. Palmieri felt that R-4 was too intense for this area and that County Line Road did not have the capacity to support the proposed development without any mitigation. He did not believe the petitioner had properly addressed all the issues, such as the number and types of lots, and due to this, the School District was not able to assess the impact of the proposed development. He agreed with the reasons outlined by the staff for recommending denial.

Comm. Widmar agreed. He expressed concern should the maximum number of units be constructed and questioned the density proposed by the applicant.

Mr. Bentley explained that the applicants were not the developers, but were preparing to sell the property. He reiterated that if there was an issue, such as public facilities or transportation, the applicants would attempt to mitigate. He understood that the Commission was agreeing with the staff that if the applicants submitted a PDP outlining the mix of uses, the Commission would feel more comfortable.

The Commission concurred.

Comm. DeWitt commented that he did not have a problem with a use other than AG, but felt that the R-4 district was slightly too intense. He agreed that a proposed plan for the site would be helpful.

Chairwoman Covell agreed with Comm. DeWitt's comments.

Mr. Bentley stated that he would appreciate the opportunity to meet further with the staff and prepare a development plan.

**MOTION** Comm. DeWitt moved to postpone it to February 13, 2006, at 9 a.m.; seconded by Comm. Sevier and carried 5-0.

**MARK MALONEY AND RICHARD KLINGER - REZONING (H-05-120)**

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

Location: East side of Sunshine Grove Road, approximately 500' south of Olympic Village Lane

The applicant is requesting to rezone from AG to A/C. The subject property is located on the east side of Sunshine Grove Road, approximately 500' south of Olympic Village Lane.

Mr. Greif reported that a letter had been received from Mr. Maloney requesting adjournment of the petition until the January 2006 meeting.

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

**MOTION** Comm. Palmieri moved to postpone to January 9, 2006, at 9:30 a.m.; seconded by Comm. DeWitt and carried 5-0.

**TRI-COUNTY DEVELOPMENT, INC. - REZONING (H-05-122)**

Purpose: Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project(Single-family)

Location: North of Fenian Drive, south of Highgrove Road, approximately 1,600' north of Elgin Boulevard, east of Killian Street, approximately 1,500' east of Landover Boulevard

Representative: Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc.

The applicant is requesting to rezone from AG to PDP(SF). The subject property is located north of Fenian Drive, south of Highgrove Road, approximately 1,600' north of Elgin Boulevard, east of Killian Street, and approximately 1,500' east of Landover Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from AG to PDP(SF), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The minimum lot size is as follows: 9,100 square feet
3. Lots located along the south property line adjacent to Village Van Gogh and along the east property line adjacent to the AR-2 parcels shall have a minimum lot width of 125' and lot size of 20,000 square feet.
4. The minimum internal setbacks for the 9,100 square foot lots will be as follows:  
Front: 25'                      Side: 7.5'                      Rear: 20'
5. The minimum internal setbacks for the 125' x 160' lots are as follows:  
Front: 25'                      Side: 10'                      Rear: 20'

6. The minimum perimeter setbacks shall be 25'.
7. The development shall be served by central water and sewer.
8. The access points shall be provided as indicated on the plan.
9. The petitioner shall provide the minimum open space indicated on the master plan.
10. The petitioner shall provide 20' vegetated buffers along lots located on the south property line adjacent to Village Van Gogh and along the eastern, northern and western boundaries as shown on the plan. The buffers shall not be located on the single-family lots but in a common area owned by the homeowners association.
11. The petitioner shall pave Highgrove Road to County pavement standards.
12. Village Van Gogh members shall be provided access to the proposed development's roadways and recreation areas.
13. If Village Van Gogh's roadways are made private in the future, then the Fenian Drive gate may be moved southward to Village Van Gogh.
14. Killian Street, which provides access to the portion of the project west of the power lines, shall be extended across the power line to the eastern portion of the project.
15. The petitioner shall redesign the "T" intersection to eliminate the left turn required for vehicles traveling eastward from Killian Street to the power lines.
16. The petitioner shall provide acceleration/deceleration lanes on Elgin Boulevard at Fenian Drive.
17. The petitioner shall provide an overlay of asphalt on Fenian Drive.
18. The petitioner shall provide sidewalks from Village Van Gogh to the park on the subject property.
19. Construction access shall be limited as much as possible to Highgrove Road.
20. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners approval. A \$250 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 Board of County Commissioners approval will result in the zoning becoming null and void.

Mr. Jennings reviewed for Chairwoman Covell the previous occasions on which a petition had been considered for the subject property.

Mr. Lacey, under oath, summarized the history of the proposed project. He reviewed the proposed site plan, which contained three accesses. He advised that the developer was working with the property owners of Village Van Gogh (VVG), on a proposed plan in which the subject property would become a second phase of VVG and the proposed project and VVG would be privatized, and he detailed the improvements that would be made by the developer in conjunction with the plan. He discussed the buffers for properties adjacent to the proposed project. He recalled that the Planning and Zoning Commission had found the previous plan with a higher number of lots to be compatible and had recommended approval.

Mr. Alex Deeb, with Tri-County Development, under oath, emphasized that one of the improvements included in the agreement with the VVG homeowners was to either overlay Fenian Drive if 135 units were approved for the new project or to overlay all existing streets in VVG if the homeowners worked with the developer to have 170 units approved. He informed Comm. Sevier that a 1" asphalt overlay would be applied to the streets.

Chairwoman Covell asked for public comment.

Mr. Jerry Townsend, under oath, distributed a packet of information regarding the use of Fenian Drive for access to the project, to which he objected, and he discussed the lack of capacity on Elgin Boulevard. He requested that the buffers be required to be natural buffers. He also requested that the lots abutting Sterling Hill be the same size as the Sterling Hill lots.

Mr. William Zito, under oath, agreed that the third access through Fenian Drive was not necessary. He noted the numerous new projects that had access to Elgin Boulevard and generated significant traffic, and he requested that the Commission take public safety into consideration. He clarified that he was not opposed to the development, but objected to the access through their development.

Mr. Mike Philpot, under oath, quoted from Pages 7 and 8 of the packet submitted by Mr. Townsend, and contended that Mr. Deeb was more concerned with sales than with safety. He refuted that all the residents of VVG supported the agreement with the developer.

Ms. Erma Townsend, under oath, opposed the use of Fenian Drive for access to this project due to the adverse impacts to Elgin Boulevard. She expressed concern with the unsafe conditions at the intersection of Elgin Boulevard and Fenian Drive due to vision obstructions. She felt safety was a priority over improvements such as street overlays and landscaping.

Mr. Bob LaDue, under oath, stated that VVG was a deed restricted area, but many residents did not comply. He related that he had attempted to organize improvements to the community but none of the residents wanted to participate. He supported the developer's proposal to beautify the community. He added that VVG was planned as Phase I, with Fenian Drive leading into Phase II.

Mr. George Kalomeres, under oath, indicated that he represented two-thirds of VVG residents, and while he acknowledged that some of the residents were not in favor of this project, the

majority of the residents were. He pointed out that the performance conditions were a result of input from residents, including the individuals who expressed opposition. He stressed that the developer would be installing acceleration/deceleration lanes which would provide safety that did not currently exist. He submitted a copy of the agreement between the developer and VVG homeowners, which had been signed by a number of VVG residents.

Ms. Carol Chan, under oath, who operated a goose farm on her property which was located to the northwest of the subject property refuted that the developer's representative had contacted her, and noted that her neighbors been not been contacted either. She expressed concern with entering Barclay Avenue from Highgrove Road due to traffic congestion.

Ms. Jennifer Zito, under oath, disagreed that the majority of VVG residents were in favor of the proposal from the developer. She opposed the access to the project through Fenian Drive.

Mr. Lacey rebutted that the signatures on the agreement reflected 18 of the 27 existing homes in VVG, which was two-thirds of the homes. He reiterated that the traffic would be evenly distributed to the three accesses.

Mr. Deeb commented that he had done everything he was supposed to do to work with all the neighbors. He verified that a buffer was planned for every location that the subject property abutted other property.

Mr. Mixson described for Comm. Widmar the proposed schedule for the Elgin Boulevard Widening Project.

In response to Comm. Palmieri, Mr. Lacey specified that the developer would pave the portion of Highgrove Road that was not currently paved, so the traffic would utilize a paved Highgrove Road, a paved Killian Street/Landover Boulevard and a paved and improved Elgin Boulevard. He maintained that with three access options, residents would utilize the access in the direction to which they wished to travel. He verified for Comm. Palmieri that the applicant had obtained approval from Progress Energy for access through their easement.

Mr. Deeb informed Comm. Palmieri that he had discussed the development's impact to the School District and had reached an agreement.

Mr. Deeb confirmed that the agreement with the VVG homeowners provided that VVG residents would be provided access through the proposed development.

Comm. DeWitt understood that Performance Condition No. 21 would be added that if 170 units were approved, the developer would complete an asphalt overlay on VVG streets.

Mr. Deeb replied affirmatively.

Comm. DeWitt indicated that the subject property was designed as Phase II of VVG. He agreed with the concern regarding the line of sight at the Fenian Drive/Elgin Boulevard intersection due to the large power poles that had recently been installed and expressed the hope that the line of

sight would be improved. He agreed with the staff recommendation, with the addition of Performance Condition No. 21, that if the project had 170 units, the developer would overlay Enchantment Drive, Lauren Drive and Fenian Drive.

Comm. Sevier recalled that he had originally opposed the project because there was only one entrance, but the developer had done all that he had been asked, so he had no problem with the request.

Chairwoman Covell stated that she would vote in favor of the request based on the three accesses, the road improvements and the other improvements to be completed by the developer.

**MOTION** Comm. DeWitt moved to approve it with the addition of Performance Condition No. 21 that the Planning and Zoning Commission approved it for 170 units and that the applicant would overlay those particular streets they talked about; seconded by Comm. Sevier and carried 5-0.

NOTE: A brief recess was called at this time.

**SONA NEMETHY - REZONING (H-05-123)**

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

Location: West side of US 41, approximately 1,900' north of Hennes Cove

Representative: Ms. Marsha Wheaton

Mr. Greif reported that the request has not been adequately advertised because the petitioner failed to post the signs. The staff recommended that the Planning & Zoning Commission postpone the petition until January 9, 2006, at 9 a.m.

The Planning and Zoning Commission acknowledged the request could not be heard because it was not adequately advertised.

**ALAN FIELD - REZONING (H-05-124)**

Purpose: Master Plan Revision Including a Rezoning from AR-2 (Agricultural-Residential) to PDP(HC)/Planned Development Project(Highway Commercial) with a Specific C-4 Use of Construction Service Establishment and Outside Storage and a Change to the Buffer Requirements

Location: East side of Ponce de Leon Boulevard, north side of Cedar Street, approximately 700' south of Brittle Road

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

The applicant is requesting a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer requirements. The subject property is located on the east side of Ponce de Leon Boulevard and the north side of Cedar Street, approximately 700' south of Brittle Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a master plan revision including a rezoning from AR-2 to PDP(HC) with a specific C-4 use of construction service establishment and outside storage and a change to the buffer requirements, 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 provide a frontage road upon demonstration of need and demand by the County.
3. The perimeter setbacks shall be as follows:  
Front: 125'                      Side: 35'                      Rear: 35'
4. The petitioner shall provide a minimum 35' vegetative buffer along the east and south property lines.
5. Outside storage is allowed along the northern property line as shown on the plan.
6. The driveway intersection, the frontage road intersections and layout shall be redesigned to meet the specifications of the County Engineer.

Mr. Garman, under oath, advised that the prior master plan had expired. He reported that the petitioner had obtained additional property to the east of the subject property and was in the process of obtaining appropriate permits for the site. He related that the 35' buffer would be extended to the east along the total parcel instead of between the two parcels.

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

**MOTION** Comm. Palmieri moved to approve the staff recommendation; seconded by Comm. DeWitt and carried 5-0.

**SEA GATE LAND HOLDINGS, INC. - REZONING (H-05-125)**

Purpose:                      Rezoning from AG (Agricultural) to C/PDP(GC), (MF) and (SF)/Combined  
Planned Development Project (General Commercial), (Multi-family) and  
(Single-family)

Location: South side of Wiscon Road, south of Horse Lake Road, north side of Mason-Smith Road, approximately 2,700' west of US 41

Representative: Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc.

The applicant is requesting to rezone from AG to C/PDP(GC), (MF) and (SF). The subject property is located on the south side of Wiscon Road, south of Horse Lake Road and the north side of Mason-Smith Road, approximately 2,700' west of US 41.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the rezoning from AG to C/PDP(MF) and (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 northern 19.81 acres shall be zoned PDP(MF).
3. The minimum setbacks for the MF area are as follows:  
From Wiscon: 75'  
From all other lot lines: 35'
4. The southern 17.82 acres shall be zoned PDP(SF) with minimum lot sizes of 5,200 square feet.
5. The minimum setbacks for the SF area are as follows:  
Front: 25'                      Side: 5'                      Rear: 15'
6. The minimum perimeter setbacks are as follows:  
From Wiscon Road: 75'  
From Mason Smith Road: 50'  
From all other lot lines: 35'
7. The petitioner shall provide 80' of ROW from the centerline of Wiscon Road.
8. The petitioner shall improve Mason-Smith Road, from the development's access point to US 41, to County standards.
9. The petitioner shall accommodate the ROW for the future extension of Horse Lake Road on the subject property south of Wiscon Road as required by the County Engineer.

10. Any removal, alteration, and encroachment into these wetlands shall be in accordance with State and Federal wetland permitting and mitigation procedures.
11. Any karst features shall be evaluated to determine if they are considered vulnerable features under the County's Groundwater Protection Ordinance.
12. All roadways, driveways and finished floor elevations shall be above the regulatory 100-year flood elevation.
13. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
14. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners approval. A \$250 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 Board of County Commissioners approval will result in the zoning becoming null and void.

Mr. Lacey, under oath, presented the proposal for the subject property by reviewing the site plan which was displayed via overhead projection. He demonstrated the area for which commercial zoning had been requested, noting that the staff did not feel it was compatible but had suggested MF zoning for that area, and he detailed the reasons the petitioner felt the commercial zoning was reasonable. He added that the petitioner would agree to discuss deleting some C-1 uses which the Commission felt were not appropriate on Wiscon Road.

Chairwoman Covell asked for public comment.

Mr. Kerry Smith, owner of two parcels adjacent to the subject property, under oath, expressed concern with a potential drainage impact to his property; the lack of stub-outs on the west side of the subject property for future connection to the proposed north/south road; and the use of Mason-Smith Road, which was limerock and had inadequate right of way. He requested that a vegetative buffer be placed against property he owned which abutted the subject property to the east.

Mr. Lacey questioned Mr. Smith's anticipated use of the property for which the buffer was requested.

Mr. Smith responded that he did not know, but it could eventually be commercial in the future.

Mr. Lacey addressed the concerns regarding drainage, noting that the petitioner was required to meet Southwest Florida Water Management District standards. He agreed that they could consider a connection along the west property line. He stated that some buffering could be provided on the boundary abutting Mr. Smith's property, but he did not anticipate that the property would continue as a rural residential lot.

In response to concerns from Comm. Widmar regarding the limerock condition of Mason-Smith Road, Mr. Lacey explained that other property owners in the area would be coming forward in the near future with requests for land use approvals, so he believed that Mason-Smith Road would be paved with a complete intersection.

Comm. Palmieri expressed agreement with the staff's opinion that the requested commercial zoning was not appropriate.

Comm. DeWitt had no problem with the staff recommendation, but felt the commercial zoning was acceptable as the area requested to be commercial abutted an outside storage area of Lowe's Home Improvement Warehouse and the commercial uses would total approximately 50,000 square feet.

Mr. Lacey agreed with Comm. DeWitt that it was possible that the City would require annexation of the subject site.

Mr. Weissinger answered a question from Chairwoman Covell that the petitioner could not obtain water and sewer service from the County, as the site was within the City's service area established by interlocal agreement.

Chairwoman Covell indicated that she had no problem with Office Professional or C-1 zoning in the requested area. She agreed that MF residents would not wish to have a view of the Lowe's outside storage area.

**MOTION** Comm. DeWitt moved to follow the staff recommendation with No. 2 being changed to that portion of 6.05 acres in the northeast corner designated as "C" on the plan that was presented to the Planning and Zoning Commission being designated as GC.

Mr. Greif suggested that the language be that the northern 19.81 acres shall be zoned PDP(MF) and (GC).

Comm. DeWitt agreed.

Comm. Sevier seconded the Motion.

The motion carried 4-1, with Comm. Palmieri voting Nay.

Comm. Palmieri clarified that the reason he voted against the motion was due to the commercial zoning being included.

**GENE LANTON, COASTAL BAY PROPERTIES, LLC - REZONING (H-05-126)**

Purpose: Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project(Single-family)

Location: South side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive

Representative: Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc.

The applicant is requesting a rezoning from AG to PDP(SF). The subject property is located on the south side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AG to PDP(SF).

Mr. Lacey, under oath, reviewed the rezoning request. He noted that the staff report was not favorable to development as proposed and he addressed issues enumerated in the staff report, during which he displayed a color-coded site plan.

Chairwoman Covell asked for public comment. The following people came forward and spoke, under oath, in opposition to the petition: Jack Pepper; Keith Pritchett; Jim Scharber; Janey Baldwin; Mary Evelyn Reid; and Kathleen Pritchett. The reasons for opposition included incompatibility with the agricultural area, the proposed density, flooding and drainage problems due to the fact that the property was located in Griffin Prairie, and impacts to schools.

Mr. Lacey responded to citizens concerns, during which he contended that it was possible that the development would contribute to the drainage solution rather than create drainage problems as claimed by some citizens, although the details still needed to be discussed. He mentioned that he planned to review the Stormwater Master Plan study that was being finalized by the Southwest Florida Water Management District. He remarked that in regard to compatibility, the project met all criteria outlined in the Comprehensive Plan for determining the location of intensity of over 4.0 units per acre, with the exception of the surrounding intensity. He stressed that the subject property was located directly next to the City of Brooksville, and the idea that the City of Brooksville would never expand beyond the existing rural lots was not appropriate.

In response to Comm. Sevier, Mr. Lacey indicated that the County Engineer should be consulted regarding drainage issues, because there were certain steps that could be taken to handle additional drainage without causing issues.

Mr. Lacey responded to questions from Comm. Palmieri regarding the provision of open space. He verified for Comm. Palmieri that the applicant would discuss the project's impact with the School District.

Comm. Palmieri elaborated on the reasons that he agreed with the staff recommendation for denial, which involved the intensity, lack of local street network, distance from central services, inadequate open space and drainage problems.

Comm. Widmar questioned if a rezoning to another zoning district would be acceptable to the staff and to the Commission.

Mr. Greif expounded on the issues surrounding timeliness of a development of this magnitude, and noted that a concept plan for the entire quadrant had not been approved.

Comm. DeWitt disagreed with the staff that this was a premature development; however, the environmental concerns needed to be addressed before any further action was taken. He believed that a tremendous amount of growth extending from the City would occur. He stated that the petitioner had not shown him information that would make him deviate from the staff recommendation. He responded to a query from Mr. Lacey that he felt the density was too intense for the area.

Mr. Lacey questioned the possibility of bringing the project back to the Commission with a different level of density.

Comm. DeWitt believed that the parcel could be developed at a less intense density.

Mr. Lacey expressed willingness to resubmit the project, unless the Commission did not desire development on the parcel.

Chairwoman Covell felt the County was overstepping its bounds to require an historical study without a Federal or State law. She was not in favor of the proposed development at this time, due to the proposed density, the environmental impacts, the roadway and water and sewer service.

Discussion was held regarding the proposed collector road that would dead-end at the south end of the subject property and the existing and future road network in the area, including whether development would occur on the property to the south.

**MOTION** Comm. Palmieri moved to postpone to February 13, 2006, at 9:30 a.m.; seconded by Comm. DeWitt.

Comm. Widmar recalled that Mr. Greif had discussed timeliness and density, as well as a comprehensive plan for the area, and asked if that should be expected when the petition was brought back to the Commission.

Mr. Greif clarified that he had alluded to a previous Comprehensive Plan Amendment proposed by the applicant, which was denied. He stated that the issue involved whether the Commission felt there was a level of development that was appropriate or if the Commission agreed with the staff that this was not an appropriate development at this time so the petitioner should not waste their time redrawing new plans.

The Commission members reiterated their concerns with the proposed project.

The vote was taken on the motion and it carried 5-0.

**REGISTER CHEVROLET - MASTER PLAN REVISION (H-05-121)**

Purpose: Master Plan Revision to Include a Reduction in Setbacks

Location: North side of Cortez Boulevard, west side of Brookridge Central Boulevard

Representative: Mr. Tom Wiley, General Manager of Register Chevrolet and RV Center

The applicant is requesting a master plan revision to include a reduction in setbacks. The subject property is located on the north side of Cortez Boulevard and the west side of Brookridge Central Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request for a master plan revision to include a reduction in setbacks.

Mr. Greif read aloud a supplemental staff report which indicated that the petitioner had provided a letter from the Brookridge Community Property Owners, Inc., (BCPO), which was submitted to the Commission, indicating that they had no objections to the petitioner's request to reduce the rear setback to 100'. The staff had based their recommendation for denial on the fact that the previously-required rear setback was a result of a negotiated agreement with BCPO. If the letter from BCPO had been submitted as part of the application, the staff would not have objected to the requested reduction. As proposed, the rear setback was still in excess of the minimum 35' required for commercial development.

It was the staff's opinion that the petitioner's request should be approved with the previous conditions relative to Register Chevrolet (Petitions H-94-5 and H-96-18) with the exception of the rear setback which would be modified to a minimum of 100' to be measured from the property line of the Brookridge subdivision.

Mr. Wiley, under oath, related that the business had grown and he anticipated future growth, so he requested the setback reduction to accommodate a car wash area they wished to build.

Chairwoman Covell asked for public comment.

Ms. Rosemary Fraser, under oath, whose home abutted the subject property, stated that she represented a number of homeowners who disagreed with the BCPO letter. She expressed concern with the lack of a buffer between the subject property and her property. She had been told that trees were planted but had died after an irrigation line was accidentally cut.

Mr. Wiley recalled that considerable discussion had occurred at the BCPO meeting, and when the vote was taken, there were no objections. He had discussed the buffer with Ms. Frazier and had informed her that he would be willing to replant any area in which the vegetation had died.

Upon inquiry by Comm. Sevier, Mr. Wiley explained that cable and water/sewer line installation had been occurring on a strip of property south of the Brookridge fence to provide a connection for new construction on the property to the west of the subject property, during which time the irrigation lines were cut. He related that upon his request, the developer of the property to the west had regraded the dirt. He clarified that the work was occurring on County property, which was the location of a new frontage road that would be constructed. He informed Comm. Sevier that the frontage road would be approximately 50' in width.

In response to questions from Commission members, Mr. Wiley and Mr. Greif clarified that the distance between the existing buildings on the subject property and the Brookridge subdivision was 216', and the petitioner was requesting an additional 100', leaving a 116' setback, which was 16' more than BCPO requested. Mr. Wiley confirmed that the 50' frontage road was included in the 116' setback.

**MOTION** Comm. DeWitt moved to approve the request as asked for, other than the fact that the rear setback shall be 100' from the boundary of Brookridge community, not 116' based on the letter from the BCPO, and that Petitions H-94-05 and H-96-18, those conditions be included; seconded by Comm. Palmieri.

Chairwoman Covell requested assurance that Mr. Wiley would address the buffering for Ms. Frazier and the residents of Brookridge.

Mr. Wiley agreed.

The motion carried 5-0.

NOTE: A short recess was taken.

**JOSEPH AND ROSE KLUKOWSKI - CONDITIONAL USE PERMIT (CU-05-16)**

Purpose: Renewal of Conditional Use Permit for Second Residence

Location: North side of Kiwi Lane, approximately 550' west of Weatherly Road

Representative: Ms. Debra LaGrand

The applicant is requesting a renewal of a conditional use permit for a second residence. The subject property is located on the north side of Kiwi Lane, approximately 550' west of Weatherly Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission determine whether a hardship continues to exist and, if such a determination is made, the Planning and Zoning Commission may approve the continuance of the second residence on the parcel for a period of up to two 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 removing the second residence upon termination of the permit, or when the hardship no longer exists.

Ms. LeGrand, under oath, advised that her father had had his leg amputated earlier in the day, so the hardship had worsened. She stated that she was not aware of any concerns from their neighbors.

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

**MOTION** Comm. Palmieri moved to approve the Conditional Use Permit with the two conditions listed by the staff in the staff report; seconded by Comm. DeWitt and carried 5-0.

**COSTA HOMES, INC. - MASTER PLAN REVISION (H-05-127)**

Purpose: Master Plan Revision to Include a Change in Access Points, a Modification of Lot Size and a Change in Concept

Location: Approximately 3/4 mile east of US 41, east of Rivard Boulevard, approximately 1 1/2 miles north of Ayers Road

Representative: Attorney Darryl Johnston

The applicant is requesting a master plan revision to include a change in access points, a modification of lot size and a change in concept. The subject property is located approximately 3/4 mile east of US 41, east of Rivard Boulevard and approximately 1 1/2 miles north of Ayers Road.

Mr. Greif reported that a letter had been received requesting continuance of the petition until January 9, 2006, at 10 a.m.

Chairwoman Covell asked if the public present could attend the January 9, 2006, meeting, and members of the audience indicated affirmatively.

Mr. Johnston, under oath, explained that the staff had contended that the applicant needed to provide a second access in addition to Rivard Boulevard. He specified that some legal issues existed and he was requesting the additional 30 days to research those issues.

**MOTION** Comm. DeWitt moved to postpone to January 9, 2006, at 10 a.m.; seconded by Comm. Sevier and carried 5-0.

**PULTE HOME CORPORATION - CONDITIONAL PLAT APPROVAL (P-05-37C)**

Purpose: Conditional Plat Approval for Pulte Home Corporation

Location: Approximately 1/2 mile north of the intersection of County Line Road and Trillium Boulevard, lying east of Trillium Boulevard

Representative: Attorney Darryl Johnston

The applicant is requesting conditional plat approval for Trillium Village "C". This development consists of 187 single-family lots on 49.07 acres and is located approximately 1/2 mile north of the intersection of County Line Road and Trillium Boulevard, lying east of Trillium Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission approve the conditional plat of Trillium Village "C" with the following performance conditions:

1. The conditional plat shall expire in two years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facilities Design Guidelines.
3. The applicant shall indicate the sidewalk width as shown in typical roadway section to be 5' on the conditional plat.
4. The applicant shall show on the conditional plat the detailed design of the access to the adjoining southern property owner, subject to approval by the County Engineer. This access cannot be part of the proposed lots within this subdivision.
5. The applicant shall show on the conditional plat the following:
  - a) water and sewer mains to serve the project,
  - b) existing and proposed road right of way and easement widths,
  - c) minimum radii of 20' at street corners,
  - d) right-of-ways radii, and

e) a 5' access reservation strip along the rear property lines of lots adjacent to: Trillium Boulevard; the proposed County Line Road realignment; and the southern access to be provided to the adjoining property owner to the south.

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. Johnston, under oath, concurred with the staff recommendation for approval and requested that the Commission approve the Conditional Plat.

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

**MOTION** Comm. DeWitt moved to approve; seconded by Comm. Sevier and carried 5-0.

**MANUEL, LLC - CONDITIONAL PLAT (P-05-40C)**

Purpose: Conditional Plat Approval for Eagle Point

Location: North side of Eagle Nest Drive, approximately 1/4 mile west of Maplewood Drive

Representative: Attorney Darryl Johnston and Mr. Cliff Manuel, President of Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Eagle Point. This development consists of 11 single-family lots on 20.2 acres located on the north side of Eagle Nest Drive, approximately 1/4 mile west of Maplewood Drive.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission approve the conditional plat of Eagle Point with the following performance conditions:

1. The conditional plat shall expire in two years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facilities Design Guidelines.
3. A 25' naturally vegetated upland buffer shall be provided landward of the jurisdictional wetland line. The only disturbance allowed within this buffer is access improvements to any permitted water-dependent structures.

4. No vertical seawalls, individual lot boat ramps or fill will be allowed within the Class 1 wetland. A single common boat ramp may be allowed within Tract B (water access/open space) if permitted by the appropriate State agency.
5. The applicant shall show the wetland jurisdictional line, verified mean high water line, and the 25' naturally vegetated buffer on the construction drawings and final plat. The construction drawings, final plat and homeowners documents shall contain language clearly identifying what structures and activities are allowed within the jurisdictional wetlands and 25' naturally vegetated upland buffer.
6. A wildlife survey of the property shall be conducted focusing on protected species. The applicant shall adhere to all Federal and State wildlife regulations.
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 six months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Johnston, under oath, reviewed that a proposed conditional plat for the subject property had previously been considered by the Commission; however, changes had been made to the plan based on input from the staff, the public and the Commission. He discussed the request for conditional plat approval, stressing that the applicant would develop the property according to standards currently in effect, not those in effect at the time the property had been acquired or rezoned. He advised that the applicant would meet all County and State Codes, as well as any applicable Federal Codes. He stated that the applicant agreed with the staff's recommendation, including all performance conditions. He pointed out that the issue under consideration was whether the conditional plat met the applicable County requirements and regulations for approval, and the issue was not whether the zoning was appropriate. He displayed the site plan to review the changes that had been made to the plan for the proposed project. He submitted five signatures of support from residents of the community.

Chairwoman Covell asked for public comment. The following people came forward and spoke, under oath, in opposition to the petition: Linda Prescott, who submitted a packet of information entitled Protect the Wetlands; Colleen Spadafora; George Southworth, Cindy Smith, Grace Pizzo; Crystal Dressler; Mike Ahern; Richard Doyle, who submitted a diagram and photographs of the surrounding area; Ron Basso, who displayed and described photographs of the subject property; John Wilson; Nancy Messineo, who submitted photographs of wildlife; and Karen Smith. The concerns expressed included inconsistency with the Comprehensive Plan; protection of wetlands; destruction of wildlife habitat; an unclear upland/wetland delineation line and the need for a jurisdictional line to be established by the Southwest Florida Water Management District (SWFWMD) prior to the Conditional Plat approval; evacuation during hurricanes and potential flooding; the location of the proposed access road; and the need to address the inadequate sewer service. Mr. Basso indicated that the residents had hired an environmental scientist, who indicated that there were wetland plants on the site.

The following citizens expressed support, under oath, for the request for conditional plat approval: Mr. Bill Eppley, Mr. Scott Browning, Mr. Tom Browning and Mr. Homer Hunicutt. The reasons cited included: refuting of claims of the possibility of flooding; the fact that Oak and Pine Trees grew on the property which demonstrated that uplands existed on the property; the fact that the applicant had met all requirements to receive conditional plat approval; and that various agencies would ensure all rules were met so that no lives would be endangered.

Mr. Manuel, under oath, displayed a photograph of the subject site and pointed out Oak and Pine Trees that grew on 5 of the 20 acres of the site. He stressed that the applicant had no plans for the 15 acres of wetlands, as they were submerged properties owned by the State. He discussed how the applicant had addressed water and sewer service, proper evacuation in the event of a storm, safe access to Eagle Nest Drive and drainage. He specified that the applicant had been requested by the Utilities Department staff to participate in improvements to the sewer system to ensure adequate sewer service to the subject site as well as surrounding residents. He emphasized that everything that the County had asked the developer to do to develop the property had been completed by the applicant in accordance with the rules and regulations associated with conditional plat development.

Comm. Palmieri stated that he agreed with the comments by the citizens who spoke in opposition; however, most of those arguments should have been made at the rezoning hearing. He stated that the Commission's only concern should be to ensure that the conditional plat conformed with County development regulations, which the staff had indicated was the case. He stated that while he sympathized with the residents, he did not believe the Commission had a valid legal reason to deny the request.

Comm. Widmar agreed with the staff. He believed the mean high water line had been addressed. He did not believe this was new development so the section of the Comprehensive Plan that was cited did not apply. He suggested a Performance Condition No. 8 to address the sewer system upgrade.

Mr. Manuel agreed that it could be included. He related that he had obtained a letter from Utilities Director Kay Adams indicating that the work proposed by the applicant was acceptable.

Comm. DeWitt concurred that this was not a rezoning issue but a platting issue. He asked if the proposed plat as presented to the Commission today met all the criteria as far as the County's platting requirements.

Mr. Greif replied affirmatively.

Comm. DeWitt had no problem with the staff report. He supported approval of the staff recommendation with the change suggested by Comm. Widmar.

In response to a question posed by Comm. Sevier, Mr. Jennings discussed the Comprehensive Plan consistency issues associated with the request.

Mr. Donald Lacey, Senior Vice President of Coastal Engineering Associates, Inc., informed Comm. Sevier that the smallest proposed lot was approximately .33 acre. He verified that there was sufficient upland to accommodate the proposed 11 lots.

Comm. Sevier indicated that he would vote against the request. He requested that if the conditional plat was approved, a telephone pole be erected with lines designating the water level for each storm classification.

Mr. Manuel confirmed for Comm. DeWitt that the applicant had provided written responses to all staff comments received, including the letter from Zoning Coordinator Leah Fussell. He submitted a letter from the Emergency Evacuation Coordinator verifying that the applicant had addressed proper preparedness for evacuation of the subject property.

Chairwoman Covell addressed the concerns expressed by citizens and shown in the photographs. She referred to a citizen who requested certain documents within a specific time frame, and indicated that she understood that it was the citizen's responsibility to obtain those documents himself. She stated that as the conditional plat met all County, State and Federal Codes, the Commission did not have any choice but to approve the request.

**MOTION** Comm. Widmar moved to accept the staff recommendation for approval with a Performance Condition No. 8 that would state that not only is the applicant going to move the sewage, but make sure the system is upgraded so that it can handle both the new and the existing sewage; seconded by Comm. DeWitt.

Mr. Jennings clarified that only the electrical panel for the lift station was being moved. He understood that the intent was that the applicant will participate in the necessary upgrades to the water and sewer system to ensure adequate provision of water and sewer service.

Comm. Widmar agreed.

Mr. Manuel had no problem with the condition.

The motion carried 4-1, with Comm. Sevier voting Nay.

**VATSALA SASTRY - CONDITIONAL PLAT APPROVAL (P-05-40C)**

Purpose: Conditional Plat Approval for Sterling Estates

Location: Approximately 1/3 mile west of the intersection of Anderson Snow Road and Amero Lane, lying 500' north of Amero Lane

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

The applicant is requesting conditional plat approval for Sterling Estates. This development consists of 51 single-family lots on 20.0 acres located approximately 1/3 mile west of the intersection of Anderson Snow Road and Amero Lane, lying 500' north of Amero Lane.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission approve the conditional plat of Sterling Estates with the following performance conditions:

1. The conditional plat shall expire in two years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facilities Design Guidelines.
3. The applicant shall indicate on the conditional plat the proposed location of the treed line roadway required under the Landscape Ordinance.
4. The applicant shall indicate on the conditional plat that the construction entrance shall be from Diane Drive only.
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. Matassa, under oath, stated that in regard to Performance Condition No. 3, he understood that the intent of the Ordinance requirement was that only collector roadways were required to be treed.

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

Mr. Jennings explained that trees were required along the main roadway in a project. He clarified that local streets and collectors were treated differently in regard to construction plans and implementation, but the developer was still required to designate the longest road as a treed roadway.

Mr. Greif clarified for Comm. Sevier that in regard to this particular project, the developer needed to designate which street would be the treed roadway.

Mr. Matassa verified for Comm. Palmieri that the petitioner had no problem with Performance Condition No. 4 regarding the construction entrance to the project.

**MOTION** Comm. Palmieri moved to approve the staff recommendation; seconded by Comm. DeWitt and carried 5-0.

**APPLICATION REVIEW FOR CURRENT VACANCY**

A memorandum was submitted by Growth and Development Services Director Larry Jennings which indicated that two regular Planning and Zoning Commission members' terms would expire on December 31, 2005. Comm. Sevier was not eligible for reappointment due to term limits; however, Comm. DeWitt was eligible for reappointment and had applied. The Board of County

Commissioners has requested that all boards and committees review applications received for any vacancies, rank the applicants and provide written justification for the selection of the top candidate(s).

Applications were received from the following individuals: Arthur Raymond Dillman; Lisa Hammond; Bill Joe Luecke; Kenneth W. Smith; Robert F. Widmar; James Adkins; Tina Tysinger; Bob DeWitt; and Anthony Jacobs (application received after deadline). A copy of the applications, as well as the analysis required by the Board of County Commissioners' policy, was submitted to the Planning and Zoning Commission for their review. The applicants, with the exception of Mr. DeWitt and Mr. Jacobs, were currently being considered by the Board of County Commissioners for one vacant regular position and one vacant alternate position which became available due to recent resignations. All of the applicants would be considered for the two vacant positions available as of December 31, 2005.

Comm. Palmieri recommended that Ms. Hammond be appointed as a regular member and that Mr. Luecke be appointed to replace her as an alternate, based on his construction and regulatory experience. He agreed with the reappointment of Comm. DeWitt.

Comm. Sevier recommended that Mr. Smith be appointed for one vacancy and that Comm. DeWitt be reappointed for the other vacancy.

Comm. Widmar concurred to reappoint Comm. DeWitt. He supported appointment of Ms. Hammond as a regular member and Mr. Smith as an alternate.

Comm. DeWitt concurred with Comm. Sevier, as he felt an individual with agriculture experience was needed and that Mr. Smith would make a good member of the board. He suggested retaining Ms. Hammond as an alternate, and that she be appointed for a regular position when the next vacancy occurred.

Chairwoman Covell expressed that based on additional information and a revised application submitted by Mr. Smith, he was her first choice to replace Comm. Sevier, because of his farming interest and his additional experience with the Farm Bureau and the Gulf Soil and Water Conservation District. She agreed that Ms. Hammond should remain as an alternate. She selected Comm. DeWitt for reappointment for the other vacant position. She noted that Board of County Commissioners Chairman Robert Schenck had commented on the vacancy at a Board of County Commissioners meeting and had requested the appointment of Mr. Smith.

The Planning and Zoning Commission members submitted their written ballots.

Chairwoman Covell announced that for the first regular position vacancy, there were three first place votes for Mr. Smith and two votes for Ms. Hammond. She advised that there were five votes for Comm. DeWitt for the second vacant seat.

**MOTION**

Comm. Sevier moved to pass on that information to the Board of County Commissioners; seconded by Comm. Palmieri and carried 5-0.

**COMMISSIONERS' ISSUES**

Upon a suggestion by Comm. Widmar, the Commission discussed the format for the narratives in the staff reports.

Mr. Jennings noted that the staff dealt with a range of petitioners from individuals to engineers, planners and attorneys. He indicated that the staff could review the matter to consider what could be done to improve the process.

Comm. Palmieri expressed to Comm. Sevier that he would be missed.

Comm. DeWitt commended Comm. Sevier for his efforts while serving on the Planning and Zoning Commission.

Chairwoman Covell announced that Congresswoman Brown-Waite was working on proposed legislation related to assisted living facilities and a requirement that the property owner live on the premises.

Chairwoman Covell stated that Comm. Sevier would be missed.

There being no further business, the meeting was adjourned at 7 p.m.

Signed,

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Anna Liisa Covell, Chairwoman  
Hernando County Planning & Zoning Commission