

STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006
Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006

APPLICANT: John Vrettos and Michael Lappas **FILE NUMBER:** H-05-119

PURPOSE: Rezoning from AG to R-4 (Residential)

GENERAL

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

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: Pasco County
East: AG
West: CPDP

Surrounding Land Uses

Trillium
Pasture
Single family
Pasture

SUMMARY OF REQUEST

The petitioner requests 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.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 9 acres.
3. The site contains an abandoned building, and is predominately undeveloped.

4. The site is lightly wooded and appears to contain no majestic or specimen trees.
5. The subject property has access from County Line Road and Trillium Boulevard..
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Masaryk very fine sand.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. The adequate public facility review indicates that there are capacity issues associated with County Line Road.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by rural residential uses and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the property from AG to R-4 in order to develop the property with single family and/or multifamily uses. The R-4 zoning category allows single family and multifamily development. The narrative provides minimal detail except to indicate the development of the parcel would be consistent with the LDRs for the R-4 zoning category. If the request is approved, the development would have to meet the LDRs, including the minimum setbacks for the district, which would be 125' from County Line Road, 25' from Trillium Boulevard, 10' from the side lot line and 20' from the rear lot line.

The County's LDRs include development standards for multifamily development. The rules separate the standards into two categories. The first category of standards apply to R-3 and PDP(MF) zoning districts. The standards for this category address building facades, building materials, roof pitch and regulations on rooftop equipment in addition to open space, pedestrian circulation, access design, sidewalks, etc. The standards addressing building design are intended to promote a higher quality, aesthetically pleasing development. The second category of standards

apply to R-4 and PDP(MF2) categories. This category does not require enhanced building facades, materials, roof pitch and regulations regarding rooftop equipment. The petitioner has requested the R-4 category which include minimal development standards.

The County's LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. If approved, the petitioner would be required to meet the applicable LDRs.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the west side of Trillium Boulevard. A gravity sewer manhole is located approximately 5' deep and approximately 500' north of the subject property. A sewer pump station is located approximately 1,800' west of the subject property on the north side of County Line Road. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The plan provided shows an access point on County Line Road and two (2) access points on Trillium Boulevard. County Line Road and Trillium Boulevard are being realigned in this area.

The Transportation Planning Coordinator indicates that capacity does not exist along this section of County Line Road to support the proposed development without mitigation. The Concurrency Coordinator indicates there are not adequate public facilities to support the rezoning request. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The BCC recently approved a rezoning on property to the west that provides a 60' east/west roadway intersecting with Trillium Road at the northwest corner of the subject property. The future 60' roadway located to the west of the subject property will be located along the subject property's north property line to connect to the future realignment of County Line Road.

The Hernando County School Board was unable to assess the impacts to the school system due to the limited information provided by the petitioner.

The Turnpike Headquarters have been notified of the request; no responses have yet been received.

Pasco County has no objections or comments regarding the request.

FINDINGS OF FACT

The area is characterized by rural residential uses and undeveloped parcels. The Trillium single family subdivision is under development to the north. In November 2005, the BCC approved

rezoning on parcels to the west for multifamily, general commercial and office professional uses. The parcel to the east is zoned AG.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Multifamily is an allowable subcategory of residential which may allow multifamily units up to 16 units per acre. The petitioner has not proposed a specific density for the parcel. The LDRs would allow a maximum of approximately 127 units (gross) on the 9 acre parcel with a density of approximately 14 units per acre.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The subject property is located along a portion of County Line Road which does not have adequate capacity to accommodate the proposed rezoning request without mitigation. The requested zoning, if approved, would allow multifamily development with no provision for enhanced open space, aesthetic design or architectural quality beyond the minimum. The subject property is located east of the intersection of County Line Road and the Suncoast Parkway which is an area serving as a major entryway into Hernando County. It is the staff's opinion the request is not consistent with the adopted Comprehensive Plan.

Objective 1.04C indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured. County Line Road does not have additional capacity at this time

The staff is of the opinion that the proposed rezoning is not appropriate, based on the following conclusions:

1. The proposed zoning would allow multifamily development too intense to be compatible with the surrounding area.
2. Adequate public facilities are not available to support the rezoning request.
3. The proposed rezoning is not consistent with the Comprehensive Plan.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners

associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AG to R-4.

P&Z RECOMMENDATION:

On December 12, 2005, the P&Z voted 5-0 to postpone hearing the request until the February 13, 2006, meeting at 9:00 a.m.

BCC ACTION:

On January 11, 2006, the BCC voted 5-0 to postpone this petition until the March 15, 2006, at 9:00 a.m.

NOTE: The representative for the petitioner withdrew the request on January 30, 2006.

P&Z RECOMMENDATION:

On February 13, 2006, the P&Z acknowledged the petitioner's withdrawal of the application.

BCC ACTION:

On March 15, 2006, the BCC voted 5-0 to acknowledge the petitioner's withdrawal of the application

The School Board of Hernando County, Florida

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

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Superintendent
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Chairperson
Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

November 18, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

I reviewed the proposed rezoning requests that you forwarded to me for the December meeting. My comments are listed below for consideration during the staff’s review.

In reference to **H-05-122** the request from Tri County Development, Inc. to rezone and develop an 80.88 acre site with 170 single family units, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – Spring Hill Elementary School
- Middle (6-8) – West Hernando Middle School
- High (9-12) – Central High School

This rezoning request is expected to have an impact to the District with an increase of an additional 57students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$120,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District’s Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 57additional students. This worksheet shows an estimated impact in excess of school taxes between \$510,249 and \$520,449.

In reference to **H-05-125**, the request from Sea Gate Land Holdings, LLC to rezone 76.78 Ac and develop 216 multi-family units and 88 single family units, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – Moton Elementary School
- Middle (6-8) – Powell Middle School
- High (9-12) – Hernando High School

This rezoning request is expected to have a significant impact to the District with an increase of an additional 102 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$190,000 and 5 teachers at an estimated cost of \$250,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District’s Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$914,010 and \$932,250.

In reference to **H-05-126**, the request from Gene Lanton, Coastal Bay Properties, LLC to rezone 88.13 Ac and develop 500 single family townhomes, I offer the following:

- Schools for which students from this development will be zoned:
- Elementary (K-5) – Moton Elementary School

Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have a significant impact to the District with an increase of an additional 167 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$280,000 and 7.5 teachers at an estimated cost of \$375,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,478,889 and \$1,501,389.

In reference to **H-05-127**, the request from Costa Homes, Inc. for a master plan revision to develop 240 residential lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have a significant impact to the District with an increase of an additional 80 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$140,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$706,320 and \$717,120.

In response to **H-05-116**, the request for master plan approval from Tooke Lake Joint Ventures and **H-05-119**, the rezoning request from John Vrettoa & Michael Lappas, although it appears residential units are planned, and therefore, a student impact to the District, not enough information was provided to allow me to make that determination. If need be, I will make my comments at the public input portion of the meeting.

I hope this information will be helpful for the staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect that these proposed rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director