

REVISED STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006
Planning & Zoning Commission: January 9, 2006
Board of County Commissioners: February 8, 2006
Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006
Planning & Zoning Commission: March 13, 2006
Board of County Commissioners: April 12, 2006

APPLICANT: Costa Homes, Inc. **FILE NUMBER:** H-05-127

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

GENERAL

LOCATION: Approximately three-quarters of a mile east of US 41, east of Rivard Boulevard, approximately 1 ½ miles north of Ayres Road

LEGAL

DESCRIPTION: A portion of Section 20, Township 23 South, Range 19 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Undeveloped
South: AG	Undeveloped
East: CPDP	Undeveloped
West: PDP(SF), PDP(REC)	Golf course, single family

SUMMARY OF REQUEST

The petitioner requests 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 three-quarters of a mile east of US 41, east of Rivard Boulevard, approximately 1 ½ miles north of Ayres Road.

FACTUAL INFORMATION

1. The property is currently zoned CPDP.
2. The property comprises approximately 63.69 acres.
3. The site is undeveloped.
4. The site contains majestic and specimen trees.
5. The subject property has access from Rivard Boulevard.
6. The subject property is located within residential, rural, and airport planned development district land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Flemington fine sandy loam, Micanopy loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zone C, however, County mapping indicates the subject property is located within the Squirrel Prairie flood zone.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water capacity is available if improvements are made; central sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by single family residential and golf course uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include a change in access points, a modification of lot size and a change in concept. The petitioner proposes developing the subject property with 240 single family homes.

The petitioner proposes 76 lots 50' x 110' in size, 99 lots 70' x 110' in size, and 65 lots 75' x 110' in size. The narrative proposes 20' front, 5' side and 15' rear lot setbacks for the 50' lots, 20' front, 7.5' side and 15' rear lot setbacks for the larger lots. It is the staff's position that the 5500 square foot lots should be grouped together in blocks or pods in the development.

The narrative proposes perimeter setbacks of 25' front, 10' side and 20' rear, which appears to contradict what is shown on the plan. If the request is approved, the Planning staff is of the opinion the perimeter setbacks should be a minimum of 25'.

The plan shows open space around the perimeter of the project. The narrative indicates the plan shows twice the required open space, which is a minimum of 3.19 acres, or 5% of the 63.69 acre subject property. The petitioner would be required to provide the amount of open space indicated on the plan.

In 2001 the BCC approved a master plan revision on the subject property. The 2001 approved master plan showed 250 single family and duplex villa lots.

The plan proposes access to Rivard Boulevard and a stub out to the north to undeveloped AG land. The petitioner indicates access to Rivard Boulevard, Dog Leg Court, Old Oak Trail and Clearview Drive.

The subject property was initially part of the overall Rivard master plan. In 2001, the subject property was subject of a master plan revision which removed this piece from the original master plan and placed it into a new master plan. The 2001 master plan expired in April of 2005. The petitioner submitted an appeal to the county's determination that the master plan had expired. On February 8, 2006, the BCC reviewed the petitioner's request and voted 5-0 to overturn the staff's decision based on a finding that strict application of the master planning ordinance in this particular instance results in a violation of equitable principles.

Pursuant to the BCC's decision, the subject property has a valid master plan. Although the current plan does not have two access points pursuant to County Policy, it is consistent with the previous approval. The petitioner is requesting to modify the previously approved plan and the modifications result in a less intense development, which is more compatible with the existing Rivard. A new plan was submitted by the petitioner before the February P&Z hearing; however, the staff did not have adequate time to review consequently, P&Z postponed consideration to their March hearing. The plan modifies the previous access by proposing a new access point to the north. The previous plan approved a mixture of 250 single family, duplex units and a future golf course hole. The revised master plan reduces the number of units to 240, eliminates the duplex villas and the golf course hole. Additionally, the petitioner has further refined the plan through depiction of the areas within the project that lie within the Squirrel Prairie flood plain.

County 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. The petitioner would be required to meet the applicable LDRs.

The County Engineer has reviewed the plan and indicated that sidewalks would be required to be 5' wide. All roads within the development will have to meet the facilities design guidelines which

would include providing appropriate ROW for Rivard Boulevard as a collector roadway, and modifying the cul-de-sac at the north end of the project. Additionally, the Planning Staff and the County Engineer believe it would be beneficial to provide a stub out to the south to provide future interconnection.

The Utilities Department has indicated that central water capacity is available, if a water line is upsized or if a second feed is provided. Central sewer capacity is available to serve the subject site. The Utilities Department indicates 6" water lines are located on all roads within the Rivard subdivision. Water pressure and supply will need to be evaluated before construction. An 8" gravity sewer system is located on all roads within the Rivard subdivision. If the request is approved, it would be required to be served by both central water and central sewer service

The Hernando County School Board indicates that the request would generate approximately 80 additional students. Elementary schools students would be assigned to Moton Elementary School, middle school students would be assigned to D. S. Parrott Middle School, and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

A portion of the subject property lies within the Squirrel Prairie 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation. A revised flood study for the Squirrel Prairie watershed, to FEMA standards, is anticipated to be completed in early 2006 and will supercede the current Squirrel Prairie report. Any fill placed within the floodplain shall be mitigated so that there is no net loss of floodplain storage volume or function.

The subject property contains two Class 3 wetlands according to County data resources. The proposed master plan demonstrates that these wetlands will be filled for lots and roadways. Jurisdictional wetland lines shall be delineated on any future plats and construction drawings. Any removal, alteration or encroachment into these wetlands shall comply with state and federal wetland permitting and mitigation procedures.

The subject property is located within the airport influence zone. The Airport Director indicates that if the request is approved, that petitioner shall provide notice, in the form of avigation easements, on the deeds of lots sold.

The City of Brooksville has no comments regarding the request. The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by single family residential and golf course uses, and undeveloped parcels. The Rivard Trails single family/golf course subdivision is located to the west of the subject

property. Undeveloped AG parcels are located to the north and south. Undeveloped CPDP property is located to the east.

The subject property is located within residential, rural and airport planned development land use classifications on the adopted Future Land Use Map. The majority of the property is located within the residential future land use classification, in which the allowed land uses include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. The portion of the subject property located in the rural future land use classification is located within 1,320' of the residential land use classification; the comprehensive plan would allow residential uses at this location.

The proposed density of the subject request is approximately 3.8 units per acre. Policy 1.01F (3) indicates medium high density zoning districts shall be directed to areas within or adjacent to urbanizing areas within the County at densities not to exceed 4.0 units per acre. The subject request would be considered medium high density residential.

Goal 6.05 of the adopted comprehensive plan relates to incompatible land use activities in wetlands. The comprehensive plan indicates that the county should protect and conserve identified wetlands and the natural function of wetlands by restricting incompatible land use activities in wetlands to those which do not significantly impact the quality and the function of the wetland. The subject property includes designated wetlands. The petitioner's plan identifies the wetlands on the project and has indicated a mitigation plan.

The staff is of the opinion that it is appropriate to approve the proposed master plan revision, based on the following conclusions:

1. The proposed development would be consistent with the surrounding area.
2. The proposed master plan revision is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 Concurrency. 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 # _____ approving the petitioner's request for a master plan revision to include a change in access points, a modification of lot size and a change in concept 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 obtain and comply with any state or federal permits that may be applicable, including DEP or SWFWMD permits.
3. Minimum lot sizes approved: 5500 square feet and 7700 square feet. The 5500 square foot lots shall be grouped together in blocks or in pods.
4. Minimum internal setbacks:
for minimum 5500 square foot lots:
front: 25', side: 5', rear: 15'
for minimum 7700 square foot lots:
front: 25', side: 7.5, rear: 15'
5. Minimum perimeter setbacks: 25'
6. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100 year flood elevation.
7. The petitioner shall ensure that the post-development volumes and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100 year storm event.
8. The petitioner shall design storage structures to the 100 year storm event.
9. The developer will be responsible for their proportionate share (percentage of traffic) of the cost of a traffic signal at US 41 and Rivard Boulevard.
10. The petitioner shall provide a stub out to the south.
11. The roads within the subdivision shall be private.
12. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.

13. A preliminary floral and faunal (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.
- 14.. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include a change in access points, a modification of lot size and a change in concept 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 obtain and comply with any state or federal permits that may be applicable, including DEP or SWFWMD permits.
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for minimum 7700 square foot lots:
front: 25', side: 7.5, rear: 15'
5. Minimum perimeter setbacks: 25'
6. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100 year flood elevation.
7. The petitioner shall ensure that the post-development volumes and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100 year storm event.
8. The petitioner shall design storage structures to the 100 year storm event.

9. The developer will be responsible for their proportionate share (percentage of traffic) of the cost of a traffic signal at US 41 and Rivard Boulevard.
10. The petitioner shall provide a stub out to the south.
11. The roads within the subdivision shall be private.
12. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.
13. A preliminary floral and faunal (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.
14. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTE:

The petitioner provided a revised plan on March 14th indicating 25' perimeter setbacks, removing an access point to the east [at Clearview Drive], adding an access point to the south and adding additional notes consistent with the P&Z recommendation to the BCC.

BCC ACTION:

On March 15, 2006, the BCC voted 5-0 to postpone hearing the request until the April 12, 2006, meeting at 9:00 a.m.

BCC ACTION:

On April 12, 2006, the Board of County Commissioners voted 5-0 to adopt Resolution #2006-98 approving the petitioner's request for a master plan revision to include a change in access points, a modification of lot size and a change in concept 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 obtain and comply with any state or federal permits that may be applicable, including DEP or SWFWMD permits.

3. Minimum lot sizes approved: 5500 square feet and 7700 square feet. The 5500 square foot lots shall be grouped together in blocks or in pods.
4. Minimum internal setbacks:
for minimum 5500 square foot lots:
front: 25', side: 5', rear: 15'
for minimum 7700 square foot lots:
front: 25', side: 7.5, rear: 15'
5. Minimum perimeter setbacks: 25'
6. All lots, excluding the rear setback area, and roads shall be elevated at or above the regulatory 100 year flood elevation.
7. The petitioner shall ensure that the post-development volumes and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100 year storm event.
8. The petitioner shall design storage structures to the 100 year storm event.
9. The developer will be responsible for their proportionate share (percentage of traffic) of the cost of a traffic signal at US 41 and Rivard Boulevard.
10. The petitioner shall provide a stub out to the south.
11. The roads within the subdivision shall be private.
12. The petitioner shall grant an Avigation Easement to Hernando County for airport operations.
13. A preliminary floral and faunal (plant and wildlife) survey shall be conducted to determine if any listed species are present. If listed species are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.
14. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE,

DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.

The School Board of Hernando County, Florida

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Robert Wiggins
Vice Chairperson
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John Druzbeck
Pat Fagan
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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