

STAFF REPORT

Planning & Zoning Commission: November 14, 2005
Board of County Commissioners: December 14, 2005
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

APPLICANT: Marion City Investments, Inc. **FILE NUMBER:** H-05-111

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

GENERAL

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

LEGAL

DESCRIPTION: A portion of Sections 25 and 36, Township 22 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: 2

STAFF FINDINGS:

Surrounding Zoning

North: C-2, C-4, C/PDP
South: AG
East: AG
West: AR, AG

Surrounding Land Uses

Commercial, undeveloped
Undeveloped
Single family, undeveloped
Single family, undeveloped

SUMMARY OF REQUEST

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

FACTUAL INFORMATION

1. The property is currently zoned AG.

2. The property comprises approximately 110 acres.
3. The site is undeveloped.
4. The site is wooded and appears to contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard and Singer Lane.
6. The subject property is located within residential and rural 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 and Wauchula fine sand.
8. The property is located in a flood zone C. A portion of the Bystre Lake 100-year flood zone is present on the northeast portion of the property.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources. Staff located what appears to be an active sinkhole on the northeast portion of the subject property which will possibly be considered a vulnerable feature under the Groundwater Protection Ordinance (GPO).
10. The City of Brooksville has indicated the site is located within the city's "first right to serve" area. Water service will require extending a 12" line from Redbud Lane, crossing Cortez Boulevard. Sewer service will require extensive force main extension.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial and single family and rural residential uses and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from Cortez Boulevard from 125' to 75' and has requested a cul-de-sac longer than 600', which are deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes developing the approximately 110 acre subject property with single family residential and general commercial uses. The petitioner proposes developing the site with 12 acres of general commercial uses and 49 single family homes. The petitioner first proposed 14 acres of general commercial and 109 single family homes on minimum half-acre lots. The petitioner revised

the concept to 14 acres of general commercial and 270 single family lots with a minimum size of 6,000 square feet.

The petitioner has submitted three prior zoning petition, which were ultimately denied, on the subject property. The requests ranged from a SF/MF development with 381 units and 14 acres commercial; 49 SF units and 14 acres commercial; and 279 SF homes and 14 acres of general commercial.

The petitioner proposes locating 150,000 square feet of commercial uses on 12 acres adjacent to Cortez Boulevard along the northern edge of the subject property. The petitioner proposes a reverse frontage road separating the commercial from the residential to the south. The petitioner requests a reduction in setbacks from 125' to 75' from Cortez Boulevard, due to the provision of the reverse frontage road. The petitioner proposes setbacks for the commercial area as follows: 35' setbacks from the reverse frontage road, 35' from the entrance roads and 20' from the sides.

The plan shows 49 single family lots on the southern 96 acres. The single family lots are proposed to have a minimum size of 45,000 square feet. The petitioner proposes SF internal lot setbacks as follows: 25' front, 10' side, 20' rear. Within the residential portion of the proposed development the petitioner proposes 75' vegetated buffers within 100' perimeter setbacks along the east and west property lines and a 50' vegetated buffer within a 75' perimeter setback along the south property line.

The LDRs require a minimum of 5% of the total acreage be maintained in usable open space. The petitioner does not indicate the amount of usable open space proposed. If the request is approved, the petitioner will be required to provide usable open space as required per the LDRs.

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.

Commercial PDPs are required to provide a minimum 5' buffer adjacent to residential, agricultural-residential or agricultural uses external to the PDP. The plan indicates a 20' natural buffer is located within the 20' setback in the commercial area adjacent to the west property line. A DRA is located adjacent to the east property line in the commercial area. An approximately 200' wide buffer/open space area is depicted west of the eastern entrance in the general commercial area. The Planning staff does not object to the buffers proposed.

If the request is approved, the developer will be required to provide parking as required per the County parking LDRs. Signage on the property will be subject to the County sign ordinance.

No pedestrian facilities are proposed within the development, or between the commercial and SF residential areas. Given the project is within an urban area, it is staff's position sidewalks should

be required within the residential development, and into the commercial areas if the request is approved.

The subject property is located on Cortez Boulevard. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The plan submitted proposes stubbing the reverse frontage road to the eastern property boundary upon demonstration of need by the County. If the request is approved, the reverse frontage road must be built when the commercial portion is developed in order to prevent direct access to the commercial development from Cortez Boulevard.

Although the subject property has frontage on Cortez Boulevard, it does not have access to a full median cut. According to the site plan provided, the eastern access on Cortez Boulevard would have right-in/right-out/left-in access.

The plan submitted indicates two (2) entrances into the SF area. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. The Planning staff is of the opinion the interconnections are adequate for the SF residential area at the intensity proposed.

The plan shows a cul-de-sac longer than the maximum 600' in length. The petitioner requests a deviation from the roadway standards for an approximately 1,100'-long cul-de-sac. Due to the limited number of lots served by the cul-de-sac, the staff would not object to the cul-de-sac

The petitioner proposes the potential of a private roadway network south of the reverse frontage road. The petitioner indicates that the configuration of gated entrances, if provided, will be coordinated with the County Engineer. Due to the limited number of units proposed, and the provision of the connection west via the frontage road, the Planning Department would not object. The County Engineer has noted some of the roadway curves and radii do not meet the roadway design guidelines. If the request is approved, the roadways shall be designed to meet the County design guidelines, and the petitioner's access management plan shall be subject to the County Engineer's approval.

The petitioner proposes serving the site with well and septic. The subject property is within the City's right to serve area. Central water and sewer service capacity are available to serve the site. Central water and sewer services can be made available to serve the project. An extensive length of force main would be required at a substantial cost to extend sewer to the subject property.

The Hernando County School Board indicates that the request would generate approximately 16 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.

Staff located what appears to be an active wetland sinkhole on the northeast portion of the subject property. The sink serves as the natural drainage feature on the subject property and portions of the surrounding area. Several confluences lead to the sink. The feature is wet and will need to be delineated. The feature should be investigated to determine the exact type of feature that is present. If designated as a vulnerable feature as defined in the GPO, a 500' buffer will be required (as measured from the outer boundary). Discharges of untreated stormwater to a karst feature is prohibited by the GPO. The County's LDRs encourage Florida friendly design. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

The revised site plan has addressed this sinkhole wetland area in greater detail than previous requests. It is highly likely that this feature will need to be accommodated further during the conditional plat process.

There is a potential wading bird rookery adjacent to the eastern property line of the subject property according to County data resources. Due to the size of the subject property and possibility of listed species use of wetlands and possible bald eagles' nests associated with Bystre Lake, a comprehensive wildlife survey should be conducted prior to any development of this site.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial and single family residential uses, and undeveloped parcels. Parcels zoned C-2 and C-4 are located across Cortez Boulevard from the subject property. The Coca-Cola bottling plant and a trucking company are located on the north side of Cortez Boulevard. The subject property is located on the south side of Cortez Boulevard. Development on the south side of Cortez Boulevard includes agricultural uses and low-density rural residential uses. In September 2005, the BCC approved a rezoning of the property located northwest of the subject property from AR to AG.

The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map. Approximately the northwest quarter of the subject property is located within the residential land use category. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

Approximately three-quarters of the subject property is located within the rural land use category. Policy 1.01B(10) indicates residential land uses consistent with those uses allowed in the residential land use category are allowable up to 1,320' into the rural land use category. The mapping associated with the Comprehensive Plan is generalized.

The petitioner proposes developing 98 acres with 49 SF homes at a density of approximate 0.5 units per acres. Policy 1.01F (2) indicates low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the district most utilized for regulating future single family development.

Policy 1.01A(9) indicates the LDRs shall establish a Planned Developed Plan (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, open space, public facilities, innovative planning design or other appropriate public benefits. The Planning staff is of the opinion that if the request is approved, the petitioner should provide appropriate environmental protection regarding the SPA and wetland issues.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The general commercial uses are proposed for a portion of the property located within the residential land use classification on the adopted Future Land Use Map. The petitioner's request for general commercial zoning on the subject property does not meet the criteria for new commercial rezoning. Policy 1.01M(2)(a) indicates neighborhood commercial nodes may be located in the residential future land use category with a maximum size of five (5) acres, to be located on arterial or collector roadways except where proposed as part of an integrated, mixed-use planned unit development, proximate to population areas to support the proposed use, not compromising the integrity of the residential areas. The Planning staff is of the opinion that five (5) acres of neighborhood commercial zoning is the maximum amount of commercial zoning that would be appropriate.

Policy 1.01L(7) indicates the County shall establish standards to promote the integration of pedestrian traffic within and between commercial developments and adjacent residential areas. The Planning staff is of the opinion if the request is approved, the petitioner shall provide pedestrian interconnection throughout the subject property.

Policy 1.01A(10) indicates the Comprehensive Plan shall provide a maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing and natural system preserving living, shopping, and working environments on properties of adequate size, shape and location. The revised plan demonstrates more open space preservation in the vicinity of the wetland areas however no wetland, sinkhole, or floodplain delineations are provided. If approved a revised master plan shall delineate these features and illustrate how they are to be incorporated into the open space areas.

The Planning staff is of the opinion that the request to rezone from AG to C/PDP(NC) and (SF) with a reduction in setbacks is appropriate, based on the following conclusions:

1. General commercial zoning on the subject property is not consistent with the residential land use designation.
2. Neighborhood commercial and single family zoning would be compatible with the surrounding land uses with performance conditions.
3. Neighborhood commercial and single family zoning would be 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 # _____ approving the rezoning from AG to C/PDP(NC) and (SF) 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. The petitioner will be required to construct a frontage road across the property at the time of developing the neighborhood commercial area.
3. The minimum perimeter setbacks are approved as shown on the master plan.
4. The minimum buffers are approved as shown on the master plan.
5. The maximum number of single family lots is 49.

6. The minimum lot size is 45,000 square feet.
7. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
8. A maximum of five (5) acres of neighborhood commercial is allowed, to be located along the northern property line.
9. The sink feature will need to be delineated. If designated as a vulnerable feature as defined in the GPO, a 500' buffer will be required (as measured from the outer boundary).
10. A comprehensive wildlife survey shall be conducted prior to any development of this site.
11. The petitioner shall provide pedestrian interconnection throughout the subject property.
12. A revised master plan shall delineate the wetland, sinkhole and floodplain features and illustrate how they are to be incorporated into the open space areas. The sinkhole shall be conserved within the open space area. No roadways shall be allowed in the open space area.
13. 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 January 30th, too late in the process for the staff to review it. No changes to the number of lots or commercial component were indicated. The revised plan shows the roadways reconfigured so that the cul-de-sac in the southeast corner of the property is no longer over the 600' length allowed per the LDRs. The plan continues to show the eastern roadway access to Cortez Boulevard located within the SPA.

PRIOR HISTORY:

The Planning and Zoning Commission voted 5-0 to postpone hearing the request to the January 9, 2006 meeting at 9:00 a.m. The petitioner indicated he would meet with the Planning staff and interested residents prior to the January P&Z meeting to discuss alternatives for the development of the subject property.

The petitioner provided a revised plan to the Planning staff on December 9, 2005. This plan proposed 270 SF homes on 6,000 square foot lots. The Planning staff is of the opinion that the revised concept does not address the findings that the intensity of the proposed development is too

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

Subsequent to the plan submitted on December 9, 2005, the petitioner met with the staff and interested parties. Based on that meeting, the petitioner provided a revised plan proposing 49 SF units and 12 acres of commercial. The staff report prepared for the P&Z consideration is predicated on this revised plan.

On December 14, 2005, the BCC voted 4-0 to postpone consideration of this petition until the February 8, 2006, BCC meeting at 9:00 a.m.

At their January 9th meeting, the Planning and Zoning Commission voted 4-1 to postpone hearing the request to the February 13, 2006 meeting at 9:00 a.m. so that staff would have time to review the revised plan showing 49 residential units.

On February 8, 2006, the BCC voted 5-0 to postpone consideration of this petition until the March 15, 2006, BCC meeting at 9:00 a.m.

P&Z RECOMMENDATION:

At the February 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to C/PDP(GC) and (SF) with a reduction in setbacks, with the following modified 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 will be required to construct a frontage road across the property at the time of developing the general ~~neighborhood~~ commercial area. [staff opinion is neighborhood commercial is more appropriate]
3. The minimum perimeter setbacks are approved as shown on the master plan.
4. The minimum buffers are approved as shown on the master plan.
5. The maximum number of single family lots is 49.

6. The minimum lot size is 45,000 square feet.
7. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
8. A maximum of ~~twelve (12)~~ ~~five (5)~~ acres of ~~general neighborhood~~ commercial (PDP/GC) is allowed, to be located along the northern property line, as generally shown on the plan. [staff's opinion is neighborhood is more appropriate].
9. The sink feature will need to be delineated. ~~If designated as a vulnerable feature as defined in the GPO, a 500' buffer will be required (as measured from the outer boundary).~~ [staff does not object, buffer is an ordinance requirement]
10. A comprehensive wildlife survey shall be conducted prior to any development of this site.
11. The petitioner shall provide pedestrian interconnection throughout the subject property.
12. A revised master plan shall delineate the wetland, sinkhole and floodplain features and illustrate how they are to be incorporated into the open space areas. The sinkhole shall be conserved within the open space area. No roadways shall be allowed in the open space area.
13. 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.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-74 approving the rezoning from AG to C/PDP(GC) and (SF) 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. The petitioner will be required to construct a frontage road across the property at the time of developing the general commercial area.
3. The minimum perimeter setbacks are approved as shown on the master plan.
4. The minimum buffers are approved as shown on the master plan.

5. The maximum number of single family lots is 49.
6. The minimum lot size is 45,000 square feet.
7. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 10' Rear: 20'
35' setback on the west side of the commercial
8. A maximum of twelve (12) acres of general commercial (PDP/GC) is allowed, to be located along the northern property line, as generally shown on the plan.
9. The sink feature will need to be delineated.
10. A comprehensive wildlife survey shall be conducted prior to any development of this site.
11. The petitioner shall provide pedestrian interconnection throughout the subject property.
12. A revised master plan shall delineate the wetland, sinkhole and floodplain features and illustrate how they are to be incorporated into the open space areas. The sinkhole shall be conserved within the open space area. No roadways shall be allowed in the open space area.
13. 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.
14. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings.
15. The applicant will provide opaque fencing along the western boundary of the project south to the frontage road.

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

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

**Facility & Support
Operations**
8050 Mobley Road
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Members
John Druzbeck
Pat Fagan
Sandra Nicholson

October 21, 2005

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

Dear Chris:

RE: November 14, 2005 Rezoning Requests

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

In reference to **H-05-104**, the request from Q2 Acquisition Corp to rezone and develop a 70.15 acre site with 128 residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 43 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$382,173 and \$397,533.

In reference to **H-05-111**, the request from Marion City Investments, Inc. to rezone 110 Ac and develop 109 single family homes, 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 an impact to the District with an increase of an additional 36 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$311,763 and \$324,843.

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In reference to **H-05-114**, the request from Lincoln Trust to rezone and develop 19 acres with 125 multi-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 an impact to the District with an increase of an additional 42 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 \$70,000 and 2 teachers at an estimated cost of \$100,000. 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$373,389 and \$388,389.

H-05-105, H-05-108, and H-05-113 will have minimal impact to the Hernando County School District.

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