

HERNANDO COUNTY PLANNING & ZONING COMMISSION

Minutes of December 11, 2006

The Hernando County Planning & Zoning Commission (P&Z) met in regular session on December 11, 2006, at 9:00 a.m., in the John Law Ayers County Commission Chambers, which is located in the Hernando County Government Complex/ Administrative Building, 20 North Main Street, Room 160, Brooksville, Florida. Members present were: Anthony Palmieri, Vice Chairman; Anna Liisa Covell; Robert Widmar; Kenneth Smith; Mary Preston, Alternate Member; and Ken Pritz, representing the Hernando County School Board. Chairman W. R. "Bob" DeWitt, was absent.

Also present were: Ronald F. Pianta, AICP Planning Director; Jerry Greif, Chief Planner; Omar DePablo, Planner I; Chris DeManche, Planner III; Kent Weissinger, Assistant County Attorney; Charles Mixson, County Engineer; and Cynthia Bogert, Administrative Secretary and Notary Public for the State of Florida.

Meeting Called to Order

Vice Chairman Palmieri called the meeting to order at 9:02 a.m., and after a moment of silence, led the Pledge of Allegiance. For the record, the Commission members received copies of staff reports before the meeting that were prepared by the Planning Staff of the Hernando County Planning Department. Vice Chairman Palmieri instructed the audience of the time limits established by the Commission.

The members of the Commission and Staff introduced themselves to the audience at this time.

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

Ex Parte Communications

Comm. Widmar and Comm. Preston indicated they visited all sites on the agenda. Comm. Covell and Comm. Smith indicated they drive past the site for petition SE0612 during normal travels. The members indicated they had no ex parte communications for any of the petitions under consideration for this meeting.

Mr. Weissinger advised the P&Z to rely solely on the testimony and evidence given at the hearing in the quasi-judicial matters.

Announcements

There were no staff announcements.

Approval or Modification of the Agenda

The Agenda for December 11, 2006 was submitted for approval.

MOTION Comm. Covell moved to approve the Agenda. Comm. Smith seconded the motion, and the motion carried 5-0.

Adoption of the Informational Packets into Evidence

The Agenda packet that was submitted to the Commission included written information regarding all cases to be considered, which needed to be accepted into evidence for the hearing. The staff recommended that the Commission accept the Agenda packet, including the staff reports, into evidence as if read aloud in their entirety.

MOTION Comm. Covell moved to adopt the informational packet into evidence. Comm. Smith seconded the motion, and the motion carried 5-0.

Gerda P. And Helmut A. Seefried - Rezoning - H0678

Purpose: Rezoning from AR-2 (Agricultural-Residential) to R-3 (Multifamily)

Location: North side of Smithfield Avenue, west side of Barclay Avenue

Representative: Colleen Garrison

The petitioner initially submitted a request to rezone the subject property from AR-2 to R-3. The petitioner subsequently submitted a request for a rezoning from AR-2 to PDP(MF) to develop the site with 16 units. This petition was postponed from the August 14, 2006, October 9, 2006, and November 13, 2006, P&Z hearings.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from Agricultural-Residential (AR-2) to PDP(MF), with the following modified 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. Perimeter setbacks shall be as indicated on the master plan.
3. A minimum 5' buffer with a minimum 80% opacity or wall shall be constructed along the project perimeter boundaries.
4. Maximum density approved is 5.5 units per acre.
5. The drainage shall be designed to store the 100 year flood event.
6. Access shall be as depicted on the master plan.
7. The plan shall be revised to reflect the minimum open space acreage.
8. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not concurrent regarding the transportation impacts, the project will have the option of utilizing the requirements for proportionate fair share mitigation of development impacts.

9. 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

Ms. Garrison, under oath, indicated she had nothing to add regarding the petition.

Vice Chairman Palmieri asked for public comment. Vladimir Wergeles, under oath, did not object to the petition, but asked for a privacy fence abutting his property to the north.

Comm. Widmar stated his preference to modify condition #4 to 16 units, instead of 5.5 units per acre. He was in favor of the wall requested by Mr. Wergeles.

Vice Chairman Palmieri discussed his concern with the Level of Service D on Barclay Avenue and the limited capacity on SR 50. Mr. Pianta clarified that the petitioner would have to meet concurrency under condition #8 or phase the development to coincide with construction on Barclay Avenue. Mr. Mixson stated they would work with the petitioner.

Vice Chairman Palmieri asked to modify condition #6 to reflect no access to Barclay Avenue and include a provision for the acquisition of right-of-way. Mr. Weissinger recommended against the right-of-way acquisition reference as it would be addressed as part of the fair share mitigation under condition #8.

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

3. A minimum 5' buffer with a minimum ~~80% opacity~~ or 6' opaque wall shall be constructed along the project perimeter boundaries adjacent to other existing uses.
4. Maximum density approved is ~~5.5 units per acre~~ 16 units.
6. Access shall be as depicted on the master plan with no access to Barclay Avenue.

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

Verizon Wireless - Rezoning - H0668

Purpose: Public Service Facility Overlay District for a Communication Tower

Location: North side of Ayers Road, approximately 3500' west of Culbreath Road

Representative: Laura B. Belflower, PA

The applicant is requesting a public service facility overlay district for a communication tower. The property is located on the north side of Ayers Road. This petition was postponed from the July 10, 2006, and August 14, 2006, P&Z hearings.

Mr. Greif read into record a letter dated October 30, 2006, from Laura Belflower requesting a continuance to the January 8, 2007, P&Z hearing.

Ms. Belflower, PA, under oath, explained that they had submitted an application for another site within their search ring. She asked for a continuance so both petitions could be considered simultaneously at the January P&Z hearing to determine which site would be more appropriate.

Vice Chairman Palmieri polled the audience for interested parties, who indicated they would return to the January P&Z hearing.

MOTION Comm. Covell moved that the Planning and Zoning Commission postpone consideration of the petition until their January 8, 2007, meeting at 9:30 a.m. Comm. Widmar seconded the motion and the motion carried 5-0.

NOTE: The meeting was running ahead of schedule. The P&Z discussed Commissioners Issues.

Commissioners and Staff Issues

Comm. Widmar questioned if the County selected the methodology for analyzing fiscal impacts under Policy 1.11A(4) of the adopted Comprehensive Plan. Mr. Pianta gave a progress report of the County reviewing the State approved model which then will be customized to meet local input data.

Vice Chairman Palmieri noted that the Board of County Commissioners had not responded to the P&Z's letter regarding access for new developments which was discussed at the October 9th P&Z hearing.

Comm. Covell suggested televising the workshop held on transportation and long range maps to inform the general public. Mr. Pianta explained that due to the nature of the question and answer format, that particular workshop would have been difficult to televise.

Comm. Widmar, Comm. Covell, and Mr. Pianta discussed affordable housing and the recent passing of House Bill 1363. Mr. Pianta discussed what the county was doing relative to inventory of surplus housing, and suggested that Donald Singer come to a future P&Z hearing to provide an update.

The regular scheduled meeting resumed at 9:30 a.m.

T-Mobile South LLC c/o Lauralee G. Westine, Esquire - Rezoning - H0699

Purpose: Public Service Facility Overlay District for a Communication Tower

Location: South side of Forest Oaks Boulevard, approximately 1000' east of Harrow Road, and approximately 2400' west of Deltona Boulevard

Representative: Lauralee G. Westine, Esquire

The applicant is requesting a public service facility overlay district for a communication tower. The property is located on south side of Forest Oaks Boulevard, approximately 1000' east of Harrow Road, and

approximately 2400' west of Deltona Boulevard. This petition was postponed from the October 9, 2006, P&Z hearing.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a public service facility overlay district for a communication tower 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. All development must occur generally in compliance with the approved site plan.
3. The tower is approved up to a maximum of 190' in height.
4. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.
6. The proposed tower shall be constructed to support only four (4) antennas.

Ms. Westine, under oath, agreed to reduce the tower height from 190' to 150'. She noted that condition #6 as written would limit the tower to four antennas and requested modifying the condition to reflect the tower would support a "minimum" of four antennas. She noted her Radio Frequency Engineer was available to answer questions.

Vice Chairman Palmieri asked for public comment. The following people spoke under oath in opposition to the petition: Walter Newman, Jan Lehr, Scott Browning and Tom Browning. They discussed concerns with lights on the tower, aesthetic incompatibility, impacts to EMS helicopter evacuations using the abutting church parking lot, and possible increased traffic. The Brownings discussed negative impacts to their adjacent development and decreased property values, raised concern with the tower fall radius, questioned why the petitioner was not using an existing tower located 1.2 miles away, and asked that the petition be denied.

Ms. Westine addressed the citizen's concerns. She clarified that FAA did not require the tower be lit, ground maintenance would have to meet county standards, the Property Appraiser's office concluded that communication towers did not decrease property values, and there would be minimal traffic. She discussed the fall radius of the tower exceeding the 164' distance from the Browning property and suggested including a condition requiring the tower collapse at 50% or 75' in height. She explained the tower was approved by FAA and the Hernando County Airport has no objections to their proposal. She explained there was a tower in Tampa near a hospital, which had no impacts on EMS medevac operations.

Art Peters, Radio Frequency Engineer for the County, under oath, clarified that the proposed tower height reduction to 150' would provide adequate coverage at this location; therefore the existing tower 1.2 miles away became a non-issue. Mr. Peters discussed in depth the technology frequency changes, which require placement of more towers at lower heights.

Comm. Covell and Mr. Greif discussed the Communication Tower ordinance as it relates to the recent changes in technology; Mr. Greif replied that the existing ordinance was still appropriate. Mr. Greif elaborated on collocation, required setbacks, and fall radius of towers. Comm. Covell urged that towers resemble trees or flagpoles to be aesthetically compatible.

Comm. Covell suggested adding language to require an 80% opacity landscape buffer around the fence so the bottom portion is not obtrusive. She asked to modify condition #6 to reflect a "minimum" of four antenna, and she asked to add another condition requiring a fall zone. Upon further discussion with Ms. Westine, Comm. Covell agreed to require the tower to collapse at 75'. Ms. Westine noted there was existing dense vegetation on three sides, and asked that the additional landscape buffer be required only on the west side where the parking lot was located; Comm. Covell agreed. Comm. Covell asked to restrict the approval of the PSFOD to the 60' x 110' compound instead of the entire parcel.

Mr. Greif, Ms. Westine, and Vice Chairman Palmieri discussed the mailing of notification letters to adjacent property owners and the occurrence of the balloon test after the letters are mailed.

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

3. The tower is approved up to a maximum of ~~190'~~ 150' in height.
6. The proposed tower shall be constructed to support a minimum of four (4) antennas.
7. The fenced compound shall have a 80% opaque buffer on the west side.
8. The tower will be designed with a collapse point at the 75' height level.
9. The Public Service Facility shall be limited to the 60'x100' compound.

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

NOTE: A short recess was taken between 10:10 a.m. and 10:23 a.m. Upon reconvening, Vice Chairman Palmieri announced the ex parte communication of site visits disclosed at the beginning of the meeting.

Charles Geraci - Rezoning - H06108

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

Location: North of Madrid Road, east of Golden Eagle Avenue, approximately 1,000' south of Woodland Waters Boulevard

Representative: Joseph M. Mason, Jr. Esq.

The applicant is requesting to rezone from AG to PDP(SF). The subject property is located north of Madrid Road, east of Golden Eagle Avenue, approximately 1,000' south of Woodland Waters Boulevard.

Mr. Greif read into record a letter dated December 7, 2006, from Mr. Mason asking for a postponement to the February 12, 2007, P&Z hearing due to scheduling conflicts at the December 11, 2006 and the January 8, 2007, P&Z hearings.

Vice Chairman Palmieri polled the audience for interested parties, who had indicated they would return to the February P&Z hearing.

MOTION Comm. Covell moved that the Planning and Zoning Commission postpone consideration of the petition until their February 12, 2007, meeting at 9:00 a.m. Comm. Smith seconded the motion and the motion carried 5-0.

Placidus Orlando & Praxedis Dagrella - Rezoning - H06117

Purpose: Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional)

Location: West side of Mariner Boulevard, approximately 300' south of Landover Boulevard

Representative: Placidus Dagrella

The applicant is requesting rezoning from PDP(SF) to PDP(OP). The subject property is located on the west side of Mariner Boulevard, approximately 300' south of Landover Boulevard.

Mr. Greif explained that due to staff error, Lot 6 of the subject application was not legally advertised; therefore, the petition should be postponed to allow for proper notification.

Mr. Dagrella, under oath, objected to the continuance as the error was not his fault. Mr. Greif and Mr. Weissinger agreed that if the petition moved forward as is, the zoning could be challenged due to improper notification. Mr. Weissinger added that since the notice did not meet the ordinance requirements, it would be illegal to proceed.

MOTION Comm. Covell moved that the Planning and Zoning Commission postpone consideration of the petition until their January 8, 2007, meeting at 10:00 a.m. Comm. Widmar seconded the motion and the motion carried 5-0.

Joseph Selway for Truculent, LLC - Rezoning - H06118

Purpose: Rezoning from AG/(Agricultural) to PDP(HC) and PDP(IND)/Planned Development Project (Highway Commercial)(Industrial) with a reduction in setbacks

Location: West side of Broad Street (US Hwy 41), approximately 1000' north of Spring Hill Drive

Representative: Nicholas W. Nicholson, P.E., Nicholson Engineering Assoc.

The applicant is requesting to rezone from AG to PDP(HC) and PDP(IND) with a reduction in setbacks. The subject property is located on the west side of Broad Street, approximately 1000' north of Spring Hill Drive.

Mr. Greif briefly reviewed the staff report. Pursuant to the findings of fact outlined in the staff's report, it is recommended that 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(HC) and PDP(IND) 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 setbacks are approved as follows:

From Broad Street:	75' plus additional Right of Way required along Broad Street (US Hwy 41)
From the north lot line:	35'
From the west lot line:	20'
From the south lot line:	20'
3. Development shall be generally in conformance with the plan submitted.
4. Perimeter setbacks shall be as indicated on the master plan.
5. A 80% opacity vegetative buffer or wall shall be constructed along the project perimeter.
6. The petitioner shall comply with the County's frontage road ordinance.
7. Additional right of way shall be reserved for the site frontage along Broad Street (US Hwy 41) as required by FDOT and shown on the revised master plan. There shall be no improvements within the reserved area.
8. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Mr. Nicholson, under oath, displayed and reviewed a site plan dated December 8, 2006. He stated they agreed with staff's recommendation.

Vice Chairman Palmieri questioned an area in the southeast corner depicted for access on the site plan which was not included in the outline of the zoning map prepared by the Planning Department. Mr. Nicholson confirmed that access was part of the petition.

Vice Chairman Palmieri asked for public comment. John Stanck, under oath, indicated he owned the abutting property to the south. He discussed concerns with traffic conflicts between the proposed access in the southeast corner and existing streets, drainage issues due to the lower topography of his property, and buffering and noise issues.

Under rebuttal, Mr. Nicholson reviewed the access layout and drainage using the site plan.

Mr. Nicholson advised Comm. Widmar that they would revise their plans to show a proposed stubout in the northeast corner, in addition to right-of-way for frontage along US 41 as noted in condition #7.

Comm. Covell questioned the 30' buffering; Mr. Nicholson agreed to modify condition #5 to include 30' buffer along the south and west perimeter.

MOTION Comm. Preston moved to recommend the BCC approve staff's recommendations. Comm. Smith seconded the motion.

Comm. Covell stated she would vote against the motion without modification to condition #5 to include the buffer depth of 30' along the south and west perimeter. Comm. Preston and Comm. Smith modified their motion accordingly.

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

5. A 30' 80% opacity vegetative buffer or wall shall be constructed along the ~~project~~ south and west project perimeter.

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

Silverthorn Hills, LLC - Rezoning - H06119

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

Location: West side of Jumper Loop, approximately 0.75 mile south of Switch Back Road

Representative: Donald Lacey, Coastal Engineering Assoc. Inc.

The applicant is requesting to rezone from AR-2 to PDP(SF). The subject property is located on the west side of Jumper Loop, approximately 0.75 miles south of Switch Back Road.

Mr. Greif briefly reviewed the staff report. The petitioner's request to rezone from AR-2 to PDP(SF) is not appropriate, based on the following conclusions:

1. The existing local street system is inadequate to serve the development.
2. The proposed development has only one functional access point.
3. The requested rezoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

Pursuant to the findings of fact outlined in the staff's report, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AR-2 and to PDP(SF).

Mr. Lacey, under oath, discussed the history of the subject parcel, the Jumper Loop access when the Suncoast Parkway was designed, and a previous road connection from Silverthorn which was removed by the Silverthorn developer. He explained that since the parcel was already a platted subdivision, it could be developed with small lots and a grid of roadways; however, he opined that the proposed layout was designed to provide more conforming lot sizes to the zoning.

Reviewing the proposed site plan, Mr. Lacey noted two access points to Jumper Loop and explained they would provide additional access elsewhere if a location was accessible to them. He noted how the layout was designed around four lots that could not be acquired. He discussed the proposed 15' non-vehicular pedestrian/cart path to provide easier access for any residents who wanted to become members of the Silverthorn golf course; and he noted the Silverthorn golf course owner was amenable to the access.

Mr. Lacey asked staff to discuss the existing plat and the remaining four parcels. Mr. Greif reviewed the existing platted subdivision of Silver Hills consisting of 12 blocks with 25' x 105' sized lots, which predated the existing zoning. He explained that the AR district requires one acre lots. He read the rules outlining how multiple adjacent lots under one ownership could be used individually if they meet 66% of the minimum lot width and minimum lot area, and meet the regulations regarding access and water/sewer facilities. He calculated that the 25' x 105' lots comprised approximately 2,600 sq. ft., and the minimum zoning district was 43,560 sq. ft.; therefore, in theory, approximately 44 lots could be developed under individual ownership.

Mr. Greif outlined staff's concern with the limited access using Jumper Loop and the lengthy distance to Barclay Avenue using only paved roads. He noted, however, the distance was shorter if local limerock roads were traveled. He stated that staff felt the lots surrounding the four lots omitted from the proposal should remain as open space. Mr. Greif also noted staff's concern that the depressional area in the center of the parcel may impact development of surrounding lots.

Mr. Lacey indicated they could leave sufficient open space around Lots 33, 37, and 44, and add lots elsewhere in the northwest corner.

Vice Chairman Palmieri asked for public comment. The following members of the Silverthorn Homeowner's Association/Board of Directors spoke under oath in opposition to the petition: Virginia Kritzman (submitted documents), Louise Glover, John McKnight, Greg Kullman, and Grace Conger. The following Silverthorn residents spoke under oath in opposition to the petition: Ralph Dunn, Sandy Potter, John Jorgensen and John Hillard. Their concerns included the cart path creating a security breach into

their gated community, and the 15' width being accessed by vehicular traffic. Mr. McKnight was concerned with the proposed lot sizes and density. Mr. Jorgensen, whose property abuts the subject property, was concerned the 25' setback was insufficient.

Under rebuttal, Mr. Lacey stated the standard perimeter setback was 25' and the proposed lots sizes were larger than those within the Silverthorn subdivision. He clarified that the 15' cart path was design for easier access to the Silverthorn golf course and was not a vehicular drive. He suggested the cart path be left as an open space tract to allow for future access if negotiations occurred between the golf course owner and the proposed subdivision. Discussion ensued regarding the cart path and potential golf club membership from residents of the proposed subdivision.

Comm. Widmar felt the cart path should be eliminated since there was no agreement for a mandatory golf membership, and the Silverthorn Homeowner's Association objected. He agreed with Mr. Greif that the development should be limited to 44 lots. Comm. Preston agreed with the proposed development, but opposed the cart path connection.

Mr. Lacey and Mr. Greif advised Comm. Covell that currently the property could be developed with approximately 500 individual lots if they met all the rules. Mr. Lacey believed that mobile homes could be allowed.

Responding to additional questions of Comm. Covell, Mr. Lacey stated that the Silverthorn golf course and homeowner's association were two different entities, and the cart path would access the golf course, not the residential portion. Comm. Covell noted that since the golf course was not owned or controlled by the homeowner's association, she was in favor of leaving it as an open space tract and not a cart path. She agreed to limiting the number of lots to 44.

Vice Chairman Palmieri disagreed with the 5' side setback and preferred a minimum of 7.5'. He was concerned that the streets within Silverthorn would be used once access was allowed to the golf course from the proposed subdivision. He felt the cart path should be eliminated or gated with limited access to golf course members. He opined that the lots were too large and should be ½ acre in size.

Vice Chairman Palmieri suggested postponing the petition so his concerns could be addressed. Mr. Lacey stated that he was willing to rework the layout if the board had concerns.

MOTION Comm. Covell moved to approve the petitioner's request with performance conditions limiting the number of buildable lots to 44; requiring the internal setback be 7.5' side, 20' front, and 15' rear; replacing the golf cart access with a reservation strip, and including all other standard conditions. Comm. Widmar seconded the motion for discussion.

Mr. Lacey asked to change the maximum number of lots to 49; the condition remained at 44. Discussion ensued regarding requiring open space on lots 33, 37, and 42 around the four out parcels. Mr. Lacey also agreed to provide internal road access to those out parcels.

Comm. Widmar and Mr. Mixson discussed the current conditions of Nodoc and Switchback roads. Comm. Widmar asked to include a condition requiring the petitioner contribute his proportionate fair share to the

local roads if and when the roads are improved to County standards. Comm. Covell amended her motion accordingly. Discussion ensued.

AMENDED MOTION Comm. Covell moved to recommend approval of the petitioner's request for rezoning 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 internal setbacks are approved as follows: Front: 20'; Side 7.5'; Rear: 15'
3. The petitioner will provide a reservation strip for a possible golf cart path along the property's western boundary.
4. The project will contain a maximum of 44 lots.
5. Lots 33, 37 and 42 shall become open space.
6. All out parcels shall be provided with adequate access to the internal road system.
7. If and when the local streets are improved to County standards, the developer shall be responsible for their proportionate fair share contribution.
8. 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.

Comm. Widmar seconded the motion and the motion carried 3-2 with Vice Chairman Palmieri and Comm. Preston voting nay.

NOTE: A lunch recess was called between 12:00 p.m. and 1:03 pm. Upon reconvening, Vice Chairman Palmieri announced the ex parte communication of site visits disclosed at the beginning of the meeting.

St. Frances Cabrini Church - Special Exception Use Permit - SE0609

Purpose: Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking

Location: North side of Norvell Road approximately 900' east of Mariner Boulevard and at Mariner Boulevard and Noremac Street

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

The applicant is requesting a Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking on property located on the north side of Norvell Road approximately 900' east of Mariner Boulevard and at Mariner Boulevard and Noremac Street.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely for overflow parking, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall be responsible for all costs associated with construction and permitting in the modification of the county owned DRA's.
3. The petitioner will be responsible for the maintenance of both DRA's.
4. The petitioner will provide a 25' natural buffer along the perimeter of both DRA's as indicated on the master plan.
5. Access to Norvell Road and Noremac Street shall meet County facility design guidelines.

Mr. Garman, under oath, reviewed the proposed site plan while discussing their request to allow for overflow parking. He noted a typographical error on their site plan and clarified the buffer should be 25'.

Vice Chairman Palmieri asked for public comment. The following people spoke under oath regarding the petition: Edward Golonka supported the proposed request since the original proposal would have allowed parking on Devonshire Avenue. Patricia Kolomechuk was concerned with any tree removal between her home on Gondolier Road and Lot B of the subject property increasing noise from the parking area.

Mr. Garman stated they could relocate the DRA on Lot B to allow for a 35' buffer on the south side to address Ms. Kolomechuk's concerns. Fr. Richard Jankowski, under oath, elaborated on the need for additional parking.

Mr. Garman clarified for Comm. Covell that there was existing vegetation in the area of the 35' buffer area on lot B that will not be cleared.

In response to Vice Chairman Palmieri's question, Mr. Mixson indicated that currently there was no need for a traffic signal at Mariner Blvd when the church is not in use; however, there is peak loading when the church is in use. Vice Chairman Palmieri suggested including a condition requiring the petitioner pay their proportionate fair share for a traffic light at Mariner Blvd when warranted.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve the special exception use permit for a Place of Public Assembly, namely for overflow parking per staff's recommendation with the following modified performance conditions:

4. The petitioner will provide a 25' natural buffer along the perimeter of both DRA's as indicated on the master plan with a 35' natural buffer against the residential lots fronting on Gondolier Road.
6. The petitioner shall pay their proportionate fair share of a traffic light at Mariner Blvd when warranted.

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

Donnamarie Hunter - Special Exception Use Permit - SE0610

Purpose: Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living Facility

Location: East side of Tanner Road, 175' north of Landover Boulevard

Representative: Donnamarie Hunter

The applicant is requesting a Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living Facility (ALF). The subject property is located on the east side of Tanner Road, 175' north of Landover Boulevard.

Mr. Greif briefly reviewed the staff report. The proposed 5-resident ALF special exception use is inappropriate at this location, based on the following conclusion:

1. The applicant has not demonstrated the ability to meet the required parking on site.

It is recommended that the Planning and Zoning Commission deny the petitioner's request for a Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living Facility.

Mr. Greif noted that subsequent to the writing of the staff report, the petitioner had provided a revised plan; however, staff did not have sufficient time to review it to address their inadequate parking concern.

Ms. Hunter, under oath, discussed their request for the ALF. She indicated that currently two ladies resided in the home and the ALF would allow additional clients. She displayed and submitted several photographs of the interior of the home. Darlene Murphy, under oath, elaborated on her residing at the home.

Vice Chairman Palmieri asked for public comment. The following people spoke under oath in opposition to the petition: Fred Beach (submitted two letters from other neighbors), Jerry DeLeary, Robert Foley, Bruce Candic (submitted documentation on ALFs), and Kathleen Foley. Their objections included the petitioner already operating an ALF in the home, associated vehicles parking on the swale and using neighboring driveways to turn around, potential problems with bio-hazardous material disposal, and depreciated property values. They questioned if Ms. Hunter was properly licensed, raised concerns about existing clients using the sidewalks for therapy and with liability if clients wander onto neighboring private property, and asked if business signs would be erected in the yard.

Under the petitioner's rebuttal, Frank Leggio under oath discussed positive aspects of ALFs. He discussed Florida rules allowing two clients without a license, allowing six or fewer clients within a single family home, and limitations of an ALF within 1,000' of another ALF. He discussed the proposed parking for visiting nurses.

Mr. Weissinger advised Vice Chairman Palmieri that the recent State legislative changes would not effect the P&Z's ability to take action on this petition since there was no evidence submitted that all clients of the home would meet the prerequisite that they come from various state agencies.

Comm. Covell, Comm. Preston, Comm. Widmar, and Vice Chairman Palmieri agreed with staff recommendations to deny the petition and were concerned with existing traffic problems and parking. Comm. Covell and Vice Chairman Palmieri expressed their opinion that the facility was a business encroaching into a residential neighborhood. Comm. Preston was also concerned that the home was within a deed restricted area for single family dwellings.

Comm. Smith asked staff if the parking problems could be resolved; Mr. Mixson replied that the applicant had not provided information to demonstrate that they could resolve the parking issue.

Mr. Greif read into record the two letters of opposition submitted by Mr. Beach during public input. The letters were from Marcia Alves and Raidel Fernandez dated December 9, 2006, and from John M. and Teresa Plant dated December 8, 2006.

Comm. Covell asked if the two existing clients could legally stay in the home under State guidelines. Mr. Weissinger was unaware of the State Statutes that allow it and asked Mr. Leggio to cite the statute addressing it. Mr. Leggio explained that a home can take care of two elderly people without applying for Agency for Health Care Administration license, but they would have to apply for a license and get County approval for three or more clients. Mr. Weissinger clarified that Mr. Leggio was talking about criteria required for a State license, not the ordinance requirements for the Special Exception Use Permit.

MOTION Comm. Covell moved that the Planning and Zoning Commission deny the request for a Special Exception Use Permit for a Congregate Care Home, namely an Assisted Living Facility. Comm. Preston seconded the motion and the motion carried 4-1 with Comm. Smith voting nay. Comm. Smith indicated that he would have preferred the applicant try to resolve the parking issue.

NOTE: After the Deborah Owens petition (SE0611) was acted upon, Mr. Weissinger addressed Comm. Covell's inquiry regarding the legality of the two current clients residing in the Hunter home. He cited the definition of a congregate care home or facility under Article 1, Section 3(31) of the Zoning Ordinance. By definition, the two clients would trigger the requirement of a special exception use permit for a congregate care home.

Deborah J. Owens - Special Exception Use Permit - SE0611

Purpose: Special Exception Use Permit for a Home Occupation, namely a Massage Therapy Establishment

Location: North side of Danforth Road, 175' north east of Waterfall Avenue

Representative: Deborah J. Owens

The applicant is requesting a Special Exception Use Permit for a Home Occupation, namely a Massage Therapy Establishment. The subject property is located on the North side of Danforth Road, 175' north east of Waterfall Avenue.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Home Occupation, namely a Massage Therapy Establishment, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall be limited to two (2) or fewer clients at any one time.
3. The petitioner shall obtain all required permits and licenses from the applicable state agencies.
4. Hours of operation shall be limited to 8:00 am - 6:00 pm, Monday through Friday.
5. Parking spaces must be provided on driveway, with no increase in driveway width and no parking within the roadway ROW.
6. Petitioner shall be the only massage therapist on staff and no additional employees shall be permitted.

Ms. Owens, under oath, discussed her request for the proposed use and stated her agreement with staff's recommendation.

Vice Chairman Palmieri asked for public comment. No one came forward.

Addressing condition #6, Ms. Owens clarified that she was the petitioner but the other resident of the home was the massage therapist. Mr. Pianta suggested modifying the condition to reflect that a resident of the home, instead of the petitioner, shall be the only massage therapist.

Ms. Owens advised Comm. Covell that each session would take approximately 50 minutes. Based on the hours of operation under condition # 4, Comm. Covell calculated that there could be 50 sessions per week generating 50 trips down the residential street. She felt the trip generation was excessive for a residential neighborhood. She opined that the use was a business encroaching into a residential neighborhood and was inconsistent with the comprehensive plan.

Responding to Vice Chairman Palmieri's questions, Mr. Pianta and Mr. Greif explained that the proposed use could be approved through the special exception use process and the petitioner met the performance conditions within the code.

Vice Chairman Palmieri felt it was a business encroaching into an existing residential neighborhood, was incompatible with the area, and was inconsistent with the LDRs.

MOTION Comm. Covell moved that the Planning and Zoning Commission deny the special exception use permit based on the facts that it is a business encroaching into a residential neighborhood and was inconsistent with the comprehensive plan. Comm. Preston seconded the motion and the motion carried 4-1 with Comm. Smith voting nay.

NOTE: Mr. Greif advised the P&Z that the Zoning Ordinance makes allowances special exceptions for home occupations, and the Zoning Administrator had classified a message therapy establishment as a home occupation by ordinance definition.

Vice Chairman Palmieri questioned if certain types of businesses are allowed in the residential area; Mr. Pianta and Mr. Greif replied affirmatively. Mr. Pianta elaborated on home occupations being allowed in the Code of Ordinances, with performance conditions, and noted that the petitioner is required to live in the residence.

Mr. Weissinger cited the definition of a Home Occupation in the Zoning Ordinance. He explained that if the request is a customary home occupation, it should be approved. However, the P&Z can deny the SPEX request if there was evidence presented that supported their decision. Comm. Covell based her motion on the approximate 50 trips generated during a 5 day week which she opined was excessive for a residential community.

NOTE: A short recess was taken between 2:20 p.m. and 2:26 p.m.

MOTION Upon reconvening, Comm. Widmar made a motion to reconsider the Deborah J. Owen petition (SE0611). Comm. Smith seconded the motion and the motion carried 3-2 with Vice Chairman Palmieri and Comm. Covell voting nay.

Comm. Widmar reconsidered staff's discussion that although this use is considered a business, it is customarily allowed.

Vice Chairman Palmieri and Comm. Covell stated their positions had not changed. Comm. Covell discussed her objection to allowing drive-up trade in a residential area, and compared the proposed use with her electrical business not operation from her residence. Mr. Weissinger discussed distinctions between Comm. Covell's business and the home occupation allowed by the special exception use permit.

Jana Lee, under oath, stated she was the licensed massage therapist residing at the home. She explained that it was inconceivable to do more than five clients per day and would accept a condition limiting the number of daily clients. She and Mr. Greif discussed condition #2, where two clients could be on the premises at one time; Ms. Lee clarified that she would be working with one client at a time.

MOTION Comm. Widmar moved that the Planning and Zoning Commission approve the special exception use permit for a Home Occupation, namely a Massage Therapy Establishment per staff's recommendation with the following modified performance conditions:

6. **Petitioner** A resident of the home shall be the only massage therapist on staff and no additional employees shall be permitted.

Comm. Smith seconded the motion and the motion carried 3-2 with Vice Chairman Palmieri and Comm. Covell voting nay.

Judy L. Watts - Special Exception Use Permit - SE0612

Purpose: Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats

Location: South side of Lake Lindsey Road, approximately 925' south west of Daly Road

Representative: Diann and Bob Jones

The applicant is requesting a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats. The subject property is located on the south side of Lake Lindsey Road, approximately 925' south west of Daly Road.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats, 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 all necessary state and local licenses associated with a wildlife sanctuary prior to any wildlife occupying the subject site.
3. The petitioner must construct all enclosures and perimeter fencing to state requirements.
4. Perimeter fencing will have a minimum 75' setback from all enclosures.
5. The petitioner shall be limited to five (5) enclosures.

Mr. Jones, under oath, discussed their request for the special exception use permit while reviewing the subject site. He explained the preserve would be governed by the Florida Fish and Wildlife Conservation Committee (FFWCC) which has standards and regulations regarding the enclosures. He explained that the tigers and cougar were born in captivity, were not predatory animals, and were used to educate the general population on the extinction of large cats. He agreed to modifying condition #5 to limit the five enclosures to Class I animals. He explained the 75' setback exceeded the minimum 35' FFWCC requirement.

Vice Chairman Palmieri asked for public comment. The following people spoke under oath in opposition to the petition: Glen Musslewhite, Joe Piermatteo, Clay Clements, Richard Olsen, Sue Musslewhite, Cindy

Olsen, Rick Davis, and Dan Kavauras. They expressed concern for the safety of neighboring residents and horses, potential dangers/attacks from the large cats, and concerns with smell and noise associated with the preserve. They discussed recent incidents between tigers and their owners/trainers at the Lowery Park Zoo and Siegfried & Roy. They felt the use was incompatible with the residential area and asked that the petition be denied.

Mona Trump and Ellie Deeter spoke under oath in support of the petition. Ms. Trump discussed the area being a wildlife sanctuary and the need for education of these animals. Ms. Deeter discussed the area being perfect for the large cats and noted there were no statistics showing large cat from preserves attacking neighboring properties.

Judy Watts, under oath, and Mr. Jones addressed the neighbor's concerns under rebuttal. Ms. Watts submitted statistical information regarding the exotic cats.

Ms. Watts answered questions of Comm. Widmar regarding the type and number of animals per cage, with a potential for 10 total on the preserve. She explained that initially the preserve would provide a home for the large cats, with the possibility of opening it for private tours in the future. She stated that she was currently licensed to transport up to 28 cats in the State of Florida and explained how they are transported. She considered the potential of breeding in approximately four to five years.

Comm. Covell disclosed that she drives passed this site on a daily basis. In response to Comm. Covell's questions, Ms. Watts explained that the property would support some grazing animals, such as a pair of zebra or miniature deer listed in her application. She stated that she owned a gun and would shoot a cat to death if needed should it escape the preserve.

Comm. Covell expressed concerns with the number of exotic cats and other animals living on the 9.9 acres and the close proximity to local neighbors. She discussed her concern with safety factors should an animal escape, the time for local authorities to respond to the site, and the close proximity to horse farms, cattle ranges, and farming operations in the area. Mr. Jones and Ms. Watts discussed methods to contact area residents in the event of an escape.

Vice Chairman Palmieri expressed concern with the proximity of the R-1A residential area to the northeast and the potential of an animal escaping. He also expressed concern that if approved, the petitioner would seek additional approvals for other animals as noted in Ms. Watts recent memo. Mr. Pianta explained the petition was advertised for an Exotic Animal Specialty Farm for the exotic cats, and asked the P&Z not consider Ms. Watts recent memo as staff would not support the additional animals. Mr. Jones clarified the possibility to request approval for breeding exotic cats in the future and would except limiting the preserve to five enclosures for Class I large cats.

MOTION Comm. Covell moved that the Planning and Zoning Commission deny the request for a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats. The motion failed for lack of a second.

MOTION Comm. Preston moved that the Planning and Zoning Commission approve the request for a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats per staff's recommendation. The motion failed for lack of a second.

MOTION Comm. Covell moved that the Planning and Zoning Commission deny the request for a Special Exception Use Permit for an Exotic Animal Specialty Farm, namely a Wildlife Sanctuary for Large Cats. Vice Chairman Palmieri passed the gavel to Comm. Preston and second the motion. The motion carried 4-1 with Comm. Preston voting nay.

Robert Brue - Special Exception Use Permit - SE0613

Purpose: Special Exception Use Permit for a Heavy Building Material Establishment

Location: East side of US Hwy 19, approximately 2250' south of Hexam Road

Representative: James Luna and Robert Brue

The applicant is requesting a Special Exception Use Permit for a Heavy Building Material Establishment. The subject property is located on the east side of US Hwy 19, approximately 2250' south of Hexam Road.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the petitioner's request for special exception use permit for a heavy building material establishment, 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 design a system to control and suppress fugitive dust.
3. The petitioner shall provide a 100% opacity perimeter enclosure.

Mr. Luna, under oath, stated they agreed with the staff's recommendations.

Vice Chairman Palmieri asked for public comment. The following people spoke under oath regarding the petition: Candise Rubenstein asked for a description of the proposed use. Justin Rooks, representing Lake Hideaway Trust, explained that their property was undergoing Development of Regional Impact review for home construction, and he felt the proposed use would negatively impact the future use of their property.

Mr. Brue, under oath, described his proposal to store building materials including pavers, sand, and stone, plus a silo for concrete trucks. He clarified that there would be no other building on site. Mr. Luna stated the proposed use was consistent with businesses in the area.

Mr. Greif clarified for Vice Chairman Palmieri the need for the special exception use permit for the outdoor storage of raw materials. He noted surrounding C-2 uses with enclosed storage facilities. Vice Chairman Palmieri opined that this use should be located in an industrially zoned area.

Comm. Widmar did not support the proposed use as it would set a precedence for other industrial type uses.

Comm. Smith questioned if he should recuse himself because the person opposing the petition was a close friend and neighbor. Mr. Weissinger explained that recusal was generally allowed if there was a conflict of interest based on financial interests.

Comm. Covell opined that the business was a staging area which would be more appropriately located in an industrial area, and felt the outside storage was too intense for this location.

MOTION Comm. Widmar moved that the Planning and Zoning Commission deny the request for a Special Exception Use Permit a Heavy Building Material Establishment. Comm. Covell seconded the motion and the motion carried 5-0.

Helen L. Sartin - Conditional Use Permit - CU0622

Purpose: Conditional Use Permit for a Second Residence

Location: West side of Oakfield Circle, approximately 560' south of Cyril Drive

Representative: Helen L. Sartin

The applicant is requesting a renewal of a conditional use permit for a second residence. The subject property is located on the west side of Oakfield Circle, approximately 560' south of Cyril Drive

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission determine whether a hardship continues to exist and, if such a determination is made, the P&Z may approve the continuance of the second residence on the parcel for a period of up to two (2) years. If approved, the conditional use permit should be contingent upon:

1. The petitioner must maintain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner must remove the second residence upon termination of the permit, or when the hardship no longer exists.

Ms. Sartin, under oath, discussed the continued hardship and stated that the second residence will be removed once the hardship no longer exists.

Vice Chairman Palmieri asked for public comment. No one came forward.

MOTION Comm. Covell moved that the Planning and Zoning Commission determine a hardship continues to exist and approve the conditional use permit for a second residence on the parcel for a period of up to two (2) years with the two conditions recommended by staff. Comm. Preston seconded the motion and the motion carried 5-0.

Plants Galore, Inc. - Conditional Use Permit - CU0623

Purpose: Conditional Use Permit for a Temporary Use, Namely Retail Plant Sales

Location: South side of Cortez Boulevard, at Nunn Boulevard and Cortez Boulevard

Representative: Douglas Hotelling

The applicant is requesting a conditional use permit for a temporary use, namely retail plant sales. The request is proposed within a commercially zoned parcel that has been developed with Beverage 50, Inc. The property is located along Cortez Boulevard.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the Conditional Use Permit for a temporary use, namely retail plant sales for a period of 2 years the request is consistent with development in the area and would not adversely affect the surrounding neighborhood. Approval should be conditioned upon the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The temporary use shall be located on the site as indicated on the plan.
3. The restrooms at Beverage 50, Inc. shall be available to the petitioner and his patrons during operating hours.
4. The temporary use shall utilize the existing parking on the site.
5. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.

Mr. Hotelling, under oath, discussed the need for the conditional use permit for the proposed plant sales.

Vice Chairman Palmieri asked for public comment. No one came forward.

Comm. Covell and Mr. Greif discussed a previously approved conditional use permit existing on the property, and there being no limit on condition use permits allowed on a property. Mr. Greif discussed the shared parking and use of restroom facilities by multiple businesses approved under conditional use permits. Mr. Hotelling indicated that the vegetable stand vendor was no longer on the premises.

Comm. Covell suggested adding a condition outlining the hours of operation between 9:00 a.m. and 5:00 p.m.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve the Conditional Use Permit for a temporary use, namely retail plant sales per staff's recommendation with the following modified performance conditions:

6. The hours of operation shall be limited to 9:00 am to 5:00 pm

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

Marion City Investment Corporation - Conditional Plat - P0630C

Purpose: Conditional Plat approval for Chastain

Location: Approximately 600' east of Griffin Road, south side of SR 50

Representative: Donald Lacey, Coastal Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Chastain. This development consists of 52 lots (49 single family with a minimum lot size of 45,000 sq. ft. and 3 commercial lots) on 114.4 acres located approximately 600' east of Griffin Road on the south side of SR 50.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the conditional plat of Chastain with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant shall show the proposed road right-of-way width of the eastern entrance road from SR 50 to the frontage road on the conditional plat.
4. The tree lined roadway shall be provided along Road "C", instead of Road "D" as shown on the conditional plat.
5. The developer shall provide opaque fencing (6' in height) along the western boundary of the project south from SR 50 to the frontage road.
6. The applicant shall clarify the reference to note #3 regarding general notes for lots contained in the Lot Building Setbacks.
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. The final revised conditional plat must be submitted to the Planning Department no later than at the end of the 5th month proceeding Planning and Zoning Commission approval. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, asked P&Z to approve staff's recommendation after Mr. Greif clarified condition #6 of staff's recommendations.

Vice Chairman Palmieri asked for public comment. No one came forward.

Comm. Covell and Mr. Lacey discussed the western abutting property owner previously raising a concern regarding the location of the frontage road connecting to her property; Mr. Lacey stated he would meet with the property owner and the county regarding the location prior to the construction drawing phase.

Mr. Lacey clarified for Vice Chairman Palmieri that the location of the frontage road extending eastward was not depicted on the plat due to significant drainage in the area and the location of the right-of-way was not yet determined. Comm. Covell suggested adding a condition requiring the frontage road extending to the east upon demonstration of need and demand by the county.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve the conditional plat of Chastain with the following modified performance conditions:

8. The frontage road shall be extended to the east upon demonstration of need by the County.

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

Seville, LLC - Conditional Plat - P0633C

Purpose: Conditional Plat approval for Seville, Phase 1-C

Location: Approximately 1 ¼ miles east of US 19, north side of Seville Parkway

Representative: Donald R. Lacey, AICP, Vice President, Coastal Engineering Associates, Inc.

The applicant is requesting re-approval of a conditional plat for Seville Phase 1-C. On April 9, 2006, the P&Z had previously approved the conditional plat for this site for 151 single-family lots on 65.1 acres. This request consists of 247 single family lots on 57.3 acres. The site is located approximately 1 ½ miles east of US19, lying on the north side of Seville Parkway. The proposed increase in the number of lots is consistent with the approved master plan.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the conditional plat of Seville Phase 1-C with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant must modify the roadway typical cross sections to meet current Hernando County Facility Design Guidelines
4. 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. The final revised conditional plat must be submitted to the Planning Department no later then at the end of the 5th month proceeding Planning and Zoning Commission approval. Staff approval of the revised

conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, reviewed the proposed plat and asked the P&Z to move staff's recommendation.

Vice Chairman Palmieri asked for public comment. Herbert Kirby, under oath, discussed a letter mailed from the Hernando County Utilities Department regarding the installation of a force main. Vice Chairman Palmieri advised Mr. Kirby that the letter was unrelated to this petition.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve the conditional plat of Seville, Phase 1-C, per staff's recommendation. Comm. Smith seconded the motion and the motion carried 5-0.

Lance Brambeck, Sean Nguyen - Conditional Plat - P0634C

Purpose: Conditional Plat approval for Winter Street Subdivision

Location: Approximately 700' north of SR 50, east side of Winter Street

Representative: Nicholas W. Nicholson, PE, Nicholson Engineering Associates, Inc.

The applicant is requesting conditional plat approval for Winter Street Subdivision. This development consists of six (6) single family lots on 4.44 acres located approximately 700' north of SR 50, on the east side of Winter Street.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the conditional plat of Winter Street Subdivision with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant shall show the following on the conditional plat:
 - a) the existing paved road within the Winter Street right-of-way,
 - b) typical roadway cross section meeting current Hernando County Facility Design Guidelines for major local roadway,
 - c) the open space tract shall be combined with the drainage parcel,
 - d) the developer shall ensure a total of 30' of right-of-way from the Winter Street centerline for the site frontage.
4. The proposed 15' drainage easement along the northern boundary shall be 30'.

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. The final revised conditional plat must be submitted to the Planning Department no later than at the end of the 5th month proceeding Planning and Zoning Commission approval. 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. Nicholson, under oath, stated his agreement with the staff's recommendations.

Vice Chairman Palmieri asked for public comment. No one came forward.

Vice Chairman Palmieri questioned the reduction in setbacks. Mr. Greif clarified that the setbacks could not be modified by the conditional plat and the petitioner would have to apply to the Board of County Commissioners for a variance. Mr. Nicholson accepted the standard setbacks.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve the conditional plat of Winter Street Subdivision per staff's recommendation. Comm. Smith seconded the motion and the motion carried 5-0.

NOTE: A short recess was taken between 4:17 p.m. and 4:25 p.m. The record should reflect that during the recess Omar DePablo left and Paul Wiczorek, Concurrency Coordinator, was present for the remainder of the hearing.

184 Stardust, LLC - Comprehensive Plan Amendment - CPAM0607

Purpose: Comprehensive Plan Amendment to amend the Future Land Use Map from Mining to Rural with the designation of a Rural Cluster Overlay

Location: North side of Parsons Road and east of Citrus Way

Representative: Donald R. Lacey, AICP, Vice President, Coastal Engineering Associates, Inc.

The applicant is requesting an amendment to the Future Land Use Map (FLUM) to change the designation on a 251 acre parcel on the north side of Parsons Road, east of Citrus Way from Mining to Rural, with the designation of a Rural Cluster Overlay. The purpose of the change is to allow the development of a rural subdivision using the clustering concept that the Board of County Commissioners transmitted to the Department of Community Affairs (DCA) in Spring, 2006 (CPAM 06-03). The clustering concept would allow a gradation of density bonus above the current Rural standard of 1 unit per 10 acres based on characteristics of the site and the preservation of a minimum of 50% of the land of the parcel.

Mr. Wiczorek reviewed the staff report, specifically the changes beginning on page 4. The Planning Staff recommends that the Planning and Zoning Commission review and recommend approval to the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) of the transmittal to the Department of Community Affairs of the proposed CPAM 06-07, consisting of the designation of the Stardust Ranches, LLC properties as a Rural Cluster Overlay District on the Future Land Use map and the combination of the properties with the originally approved 184 Stardust, LLC parcel (CPAM 06-04) into

a common development with the Mapping Criteria language added to Section D of the Comprehensive Plan.

Vice Chairman Palmieri and Mr. Wieczorek discussed preservation of at least 50% of the 80 acre upland forested hammock referenced on pages 6 and 8 of the staff report. Vice Chairman Palmieri suggested the entire 80 acre parcel be preserved under the 50% requirement.

Vice Chairman Palmieri inquired of the issues previously raised by DCA had been addressed. Mr. Wieczorek replied that the ORC report prepared by the applicant satisfied DCA's issues.

Mr. Lacey reviewed the conceptual land use layout of the proposal. He reviewed the proposed street layout and secondary emergency access to Parsons Road. He discussed DCA's concern with the data and analysis and if there would be other eligible land within the county that would meet the characteristics of two parcels providing a connection between two public properties. Mr. Lacey clarified that there were no other parcels in the county that would meet this criteria. He added that DCA looked favorably on the subject parcel being preserved.

Vice Chairman Palmieri asked for public comment. No one came forward.

Mr. Wieczorek noted that there was a sign in sheet in the rear of the chambers for anyone to sign up to receive a copy of the Notice of Intent issued by DCA for the comprehensive plan amendments petitions on this agenda.

The P&Z expressed their support of the concept proposed in this comprehensive plan amendment.

MOTION Comm. Covell moved that the Planning and Zoning Commission recommend the LPA/BCC transmit CPAM0607 to the DCA per staff's recommendation. Comm. Widmar seconded the motion and the motion carried 5-0.

NOTE: Jim King, Planner I, was present for CPAM0702 petition.

Florida Crushed Stone Co. - Comprehensive Plan Amendment - CPAM0702

Purpose: Comprehensive Plan Amendment to the Future Land Use Map (FLUM) from Mining to Industrial

Location: West of Cobb Road and the CSX Railroad and north of Cement Plant Road with frontage on Camp Mine Road

Representative: Darryl W. Johnston, Esquire

The applicant is requesting an amendment to the FLUM to change 30.4 acres from Mining to Industrial. On the FLUM, the parcel is bordered by Industrial and Mining on the east, by Industrial on the south, and by Mining on the north and west.

Mr. King briefly reviewed the staff report. The Planning Staff recommends the Planning & Zoning Commission review and recommend approval to the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) of the transmittal to the Department of Community Affairs of the proposed Comprehensive Plan Amendment (CPAM-07-02 Florida Crushed Stone Company).

Mr. Johnston, under oath, agreed with staff's recommendation. He noted that Florida Crushed Stone owned approximately 9100 acres in Hernando County. He explained that although the subject property had been surveyed and identified, he had not received the deed describing the parcel to submit as proof of ownership. He suggested that rather than postponing the petition, the P&Z deny the petition with the caveat that the BCC approve it if the deed is presented at the BCC hearing. If the deed is still not available at the BCC hearing, the petition would have to be postponed at that hearing.

Comm. Covell asked if the P&Z could approve the petition contingent upon submittal of the deed at the BCC hearing. Mr. Pianta replied affirmatively, noting that if the deed was not submitted at the BCC hearing, the petition would be held over to the next comprehensive plan cycle. Mr. Weissinger advised Vice Chairman Palmieri that he did not have a problem with Mr. Johnston's recommendation.

Vice Chairman Palmieri asked for public comment. No one came forward.

MOTION Comm. Covell moved that the Planning and Zoning Commission recommend the LPA/BCC transmit CPAM0702 to the DCA contingent that the deed is submitted prior to the BCC hearing. Comm. Widmar seconded the motion and the motion carried 5-0.

Florida Fine Homes, LLC - Comprehensive Plan Amendment - CPAM0704

Purpose: Comprehensive Plan Amendment to amend the Future Land Use Element by adding an objective and policies to create Rural Infill Overlay

Location: Countywide

Representative: Nicholas W. Nicholson, PE, Nicholson Engineering Associates, Inc.

The applicant, Florida Fine Homes, LLC, is requesting a comprehensive plan amendment to add additional policies to Objective 1.01 B (Rural Land Use Regulation and Density Standards) for the purpose of allowing in-fill developments in the Rural Category when adjacent to existing subdivisions at densities greater than allowed in the Rural Category. The applicant's narrative indicates that the proposed policy will provide an in-fill mechanism by which parcels of property no greater than 40 acres and adjacent to subdivisions containing acre lots or less can be developed with densities no greater than the adjacent subdivisions. The applicant has indicated that the intent of the proposed policy is to lower infrastructure costs while allowing infill in already platted areas of the County.

Mr. Wiczorek briefly reviewed the staff report. The Planning Staff recommends that the Planning and Zoning Commission review and recommend approval to the Local Planning Agency and the Board of County Commissioners of the transmittal to the Department of Community Affairs of the proposed CPAM 07-04, consisting of the new policies 1.01B(16-18) as revised by Staff.

Mr. Nicholson, under oath, discussed the proposed amendment. He noted under staff's recommended ½ acre lot size, the parcel under CPAM0705 would allow approximately 55 lots.

Vice Chairman Palmieri suggested modifying Policy 1.01B(16)(A) to clarify that parcels no greater than 40 acres should be under one ownership or a single parcel. Mr. Wieczorek stated the policy could be modified accordingly.

Vice Chairman Palmieri was concerned that gated communities do not allow for connectivity and asked if Policy 1.01B(16)(B) should reflect connectivity between the subdivisions. Mr. Wieczorek explained that not all parcel layouts would meet the standard but staff noted his concern and would try to preserve connectivity as each case is reviewed.

Referencing Policy 1.01B(16)(D), Comm. Covell discussed previous public objections to dissimilar lot sizes during rezoning petitions, and asked how that policy would be addressed. Using CPAM0705 as an example, Mr. Wieczorek explained that the perimeter lots qualifying for infill would be averaged.

Comm. Widmar, Vice Chairman Palmieri, Mr. Nicholson and Mr. Wieczorek discussed the amendment standards being more applicable on the west side of the county where more development has taken place.

Vice Chairman Palmieri asked for public comment. No one came forward.

MOTION Comm. Widmar moved that the Planning and Zoning Commission recommend the LPA/BCC transmit CPAM0704 to the DCA with the following modification to Policy 1.10B(16):

A. The parcel requesting the increase in density may be a single parcel no greater than 40 acres in size and must have existed as of January 1, 1990.

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

Florida Fine Homes, LLC - Comprehensive Plan Amendment - CPAM0705

Purpose: Comprehensive Plan Amendment to amend the Future Land Use Map by designating the parcel as Rural Infill Overlay

Location: North of Greenwood Street and East of Evergreen Avenue

Representative: Nicholas W. Nicholson, PE, Nicholson Engineering Associates, Inc.

In conjunction with application CPAM 07-04, Florida Fine Homes, LLC is requesting to amend the County's Future Land Use Map to create a Rural Infill Overlay designation for a 40 acre parcel of property lying north of Greenwood Street and east of Evergreen Avenue. The parcel is generally located west of Weeping Willow Street approximately one quarter of a mile north of the northern boundary of the High Point Subdivision. The parcel is in the Rural Future Land Use Category and is not within an area to meet the 1,320' Rural / Residential exception.

Mr. Wieczorek briefly reviewed the staff report. The Planning Staff recommends that the Planning and Zoning Commission review and recommend approval to the LPA and the BCC of the transmittal to the Department of Community Affairs of the proposed CPAM 07-05, amending the Future Land Use Map to designate the parcel with a Rural Infill Overlay District with the limitation that the lot size be no less than 21,500 square feet to correspond to the requirement contained in the proposed Policy 1.01B(16) contained in CPAM 07-04.

Mr. Nicholson, under oath, discussed their proposed concept with approximately 55 lots of 21,500 sq. ft minimum lot size. He discussed the connectivity with Vice Chairman Palmieri.

Mr. Wieczorek added that there were existing paved roads and street connections, and available public facilities in the area. He indicated that this would be a good application of infill policy.

Vice Chairman Palmieri asked for public comment. Daniel Nichols questioned if the project would connect to central sewer and if there was adequate service to handle the additional development.

Mr. Nicholson clarified that the ½ acre lots would use central water and individual septic system

Mr. Wieczorek clarified that the petitioner will have to provide a revised plan prior to the BCC hearing reflecting the approximately 55 to 60 lot layout.

MOTION Comm. Smith moved that the Planning and Zoning Commission recommend the LPA/BCC transmit CPAM0705 to the DCA per staff's recommendation. Comm. Covell seconded the motion and the motion carried 5-0.

Commissioners and Staff Issues

Vice Chairman Palmieri noted some Commissioners Issues were discussed earlier when the meeting was running ahead of schedule.

Comm. Covell suggested the Communication Tower Ordinance be revisited to reflect the newer technology described by Art Peters, the County's Radio Frequency Engineer, requiring shorter towers located closer together to provide adequate coverage. She also suggested using existing poles, i.e. power poles or street lights, instead of erecting new towers. Mr. Pianta noted staff would look into her suggestion.

Vice Chairman Palmieri relayed a message from Laura Lee Westine, representative of communication tower applications, that it was a pleasure working with Hernando County as we were the only county who consulted with a Radio Frequency Engineer regarding tower applications.

The Commission wished everyone Season's Greetings.

Other Business

There being no further business, the meeting was adjourned at 5:20 p.m.

Signed,

Anthony Palmieri, Vice Chairman
Hernando County Planning & Zoning Commission

cjb