

STAFF REPORT

Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006

APPLICANT: Homer E. Hunnicutt, Jr. **FILE NUMBER:** H-06-01

PURPOSE: Rezoning from AG to PDP(MF)/Planned Development Project (Multifamily)

GENERAL

LOCATION: East side of US 19, west of Broadbill Court, Bluebird Avenue and Bobolink Avenue

LEGAL

DESCRIPTION: A portion of Section 35, Township 22 South, Range 17 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0
PETITION AGAINST: 1 with 41 signatures

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: R-1C, City of Weeki Wachee
East: R-1C
West: AG, C-1, C-2

Surrounding Land Uses

Undeveloped
SF, undeveloped
SF, DRA, undeveloped
Commercial, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(MF). The subject property is located on the east side of US 19, west of Broadbill Court, Bluebird Avenue and Bobolink Avenue.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 49 acres.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from US 19, Broadbill Court, Bluebird Avenue and Bobolink Avenue.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Paola fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zones A and C.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. The subject property is located proximate to a section of Cortez Boulevard that has no additional capacity.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by single family residential and commercial land uses, and undeveloped parcels.
14. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes rezoning the subject property from AG to PDP(MF) in order to develop the site with 368 single family attached townhomes. The narrative indicates the proposed development is designed with an emphasis on a more compact urban environment; the plan shows 92 quadraplex buildings distributed throughout the property. The narrative indicates pedestrian integration to the adjoining shopping areas is proposed to encourage a walkable community.

The plan indicates the perimeter setbacks are proposed as follows: 25' from the west/front, 10' from the north/south/sides, and 20' from the east/rear. The Planning staff is of the opinion the that if the request is approved, the minimum perimeter setbacks should be 25' to mitigate the impacts of the proposed residential development.

The proposed minimum lot dimensions are 22' x 110'. The townhouses are proposed to have a maximum height of 45' or three (3) stories. Planning staff does not object to the proposed internal lot setbacks of 25' front, 0' side and 20' rear, with minimum 15' between the quadruplex buildings.

The petitioner proposes preserving dense native vegetation in order to maintain a separate distinction between the subject and the adjoining residential community, however the plan proposes the minimum setback and buffer required per the PDP rules: a 20' setback adjacent to the single family neighborhood with a 5' landscaped buffer. The Planning staff is of the opinion that if the rezoning request is approved, the petitioner should provide a minimum 10' buffer with 80% opacity along the east property line, as well as restrict the units to one story, to be compatible with the adjacent residential development.

The Planning staff is of the opinion that although the petitioner indicates the townhouse development will be single family attached fee-simple development, the residential development proposed will have impacts similar to multifamily development. The Planning staff is of the opinion the townhouse development should be designed according to the multifamily design standards required for PDP(MF). These standards address building facades, roofing, open space, parking and internal access design. The multifamily design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of 7.37 acres. The petitioner indicates 22.34 acres of open space is proposed with 0.17 acres of usable open space/park.

The plan indicates parking would be provided on each lot and in common areas. The multifamily design standards indicate developments with more than twelve (12) units, an additional 30% of the required parking must be provided in common areas throughout the project.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 12" water line is located on the east side of US 19. An 8" sewer force main is located on the west side of US 19. Connection to the force main will require crossing US 19 with an offsite force main and the installation of a sewer pump station onsite at the developer's expense. The applicant will be required to connect to water and sewer to serve the project.

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

The Transportation Planning Coordinator notes the subject property is located proximate to a section of Cortez Boulevard that has no additional capacity. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The County's Land Development Regulations require the developer of the subject property to provide a frontage road across the property, at no cost to the county, upon demonstration of need

and demand by the county. The petitioner would be required to connect the driveways to US 19 into the future frontage road in this area. The plan indicates a connection into the commercial area to the south..

The petitioner proposes a gated community. The petitioner proposes two (2) access points to US 19 and a third access to the frontage road serving the commercial area to the south. The narrative indicates the southern US 19 access is located at an existing median cut; however, it does not appear to align. The petitioner shall be required to ensure that the access aligns with the median opening at the time of development. The County Engineer indicates the proposed access points on US 19 are not located at median cuts, therefore the access will be limited to right-in/right-out access only. The petitioner proposes providing access to the south to allow vehicular and pedestrian integration with the shopping area. Bicycle paths and sidewalks throughout the village are proposed to further implement the pedestrian-friendly theme of the project; the sidewalks and location of the bicycle paths are not indicated on the plan. The multifamily standards require pedestrian facilities. The Planning staff is of the opinion that if the request is approved, the petitioner should provide pedestrian facilities as required per the multifamily design standards and provide a revised plan showing the location of the proposed biking trails.

The Hernando County School Board indicates that the request would generate approximately 130 additional students. Elementary schools students would be assigned to Pine Grove Elementary School, middle school students would be assigned to West Hernando Middle School, and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The subject property contains Class 3 wetlands according to County data resources. These wetlands shall be delineated and any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures. The narrative indicates the landscaping will utilize native vegetation and xeriscape practices where possible to minimize water consumption and conserve natural resources. 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 subject property contains areas of 100 year floodplain according to County data resources. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.

The City of Weeki Wachee and the FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by single family residential and commercial land uses, and undeveloped parcels. Commercial and AG lots containing a mixture of commercial uses and undeveloped parcels are located to the west along US 19. The Royal Highlands single family development characterized

by half-acre lots is located to the east. A shopping center is located to the south of the subject property.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards 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, offices and professional, schools, hospitals and minor public facilities. The request proposes a multifamily density of approximately 7.48 units per acre.

Policy 1.01G(2) indicates low density multifamily zoning is not to exceed 7.5 du/ac. Policy 1.01G(7) indicates multifamily development shall be encouraged as “step-down” in intensity of use between single family residential and intensive uses such as commercial and industrial. The Planning staff is of the opinion the proposed low density multifamily development is an appropriate transition between the half-acre single family Royal Highlands area to the east and the commercial development to the west and south along US 19.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. It is the staff’s opinion the request is consistent with the adopted Comprehensive Plan. The subject property is proximate to commercial areas, has direct access to an arterial roadway, can be served by central services and is proposed to have adequate open space.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The subject property is located adjacent to the Royal Highlands single family subdivision. The Planning staff is of the opinion the proposed 25' buffer to be located along the eastern property line prevents the encroachment of incompatible uses into the Royal Highlands single family area.

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 If the request is approved, the petitioner shall provide pedestrian interconnection throughout the subject property.

The petitioner requests PDP(MF), however the proposed product is single family attached lots. The Planning staff is of the opinion the appropriate zoning category for approval is PDP(SF) reflecting the single family character of the proposed development.

The staff is of the opinion that the approval of the rezoning from AG to PDP(SF) is appropriate based on the following conclusions:

1. The Single family attached development would be compatible with the surrounding area with performance conditions.
2. The Single family attached development is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of 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 petitioner's request to rezone from AG to PDP(SF), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The maximum density of 7.5 du/ac.
3. The minimum lot size is 2,420 square feet.
4. Minimum internal lot setbacks approved as follows:
Front: 25' Side: 0' Rear: 20'
5. Minimum perimeter building setbacks shall be 25'.
6. The townhouse development shall meet the multifamily design standards required for a PDP(MF).

7. The petitioner shall provide the minimum amount of open space as required per the multifamily design standards.
8. The access points shall be provided as indicated on the plan.
9. The developer shall ensure that the southern access to the project aligns with the median opening along US 19.
10. Biking trails shall be shown on a revised plan.
11. The proposed walking paths/ pedestrian interconnection shall be provided to the south.
12. The petitioner shall provide a minimum 10' buffer with 80% opacity along the east property line. Units along the east boundary shall be limited to one story.
13. The wetland areas shall be delineated on all future plats and construction drawings.
14. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
15. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project, or delay development until the project is concurrent.
16. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

At the February 13, 2006 meeting, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to PDP(SF), 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 maximum density of 6.1 ~~7.5~~ du/ac.[staff does not object]
3. The minimum lot size is 2,300 ~~2,420~~ square feet.

4. ~~Minimum internal lot setbacks approved as follows:~~

~~Front: 25' Side: 0' Rear: 20'~~

Minimum internal lot setbacks for the one-story single family attached are approved as follows:

Front: 20' Side: 0'/7.5' Rear: 25'

Minimum internal lot setbacks for the two-story townhomes with alleys are approved as follows:

Front: 20' Side: 0'/7.5' Rear: 5'

Minimum internal lot setbacks for the two-story townhomes without alleys are approved as follows:

Front: 20' Side: 0'/7.5" Rear: 15'

[staff does not object]

5. Minimum perimeter building setbacks shall be per the master plan 25'.

[The revised narrative indicates a 10' perimeter setback from the north, 25' setbacks from the east and south and a 64' setback from the west. The staff is of the opinion the minimum setbacks should be 25']

6. The townhouse development shall meet the multifamily design standards required for a PDP(MF).
7. The petitioner shall provide the minimum amount of open space as required per the multifamily design standards.
8. The access points shall be provided as indicated on the plan.
9. The developer shall apply to FDOT to address the realignment of the median cut on US 19. ~~ensure that the southern access to the project aligns with the median opening along US 19.~~
[staff objects to the language in the condition as it does not ensure that the realignment occurs]
10. Biking trails shall be shown on a revised plan.
11. The proposed walking paths/ pedestrian interconnection shall be provided to the south.

12. The petitioner shall provide a minimum ~~10'~~ 25' buffer with 80% opacity along the east property line. Units along the east boundary shall be limited to one story.

[The revised plan shows a 25' vegetated buffer along the east and south property lines, petitioner should be held to plan, staff modified to reflect plan]
13. The wetland areas shall be delineated on all future plats and construction drawings.
14. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
15. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project, or delay development until the project is concurrent.
16. 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.
17. 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. [ordinance requirement]
18. The petitioner shall provide ROW to extend Broadbill Court to US 19. [staff does not object].

NOTE:

The P&Z recommended approval of the revised plan and narrative submitted by the applicant February 3, 2006.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-79 approving the petitioner's request to rezone from AG to PDP(SF), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The maximum density of 6.1 du/ac.[staff does not object]

3. The minimum lot size is 2,300 square feet.
4. Minimum internal lot setbacks for the one-story single family attached are approved as follows:
Front: 20' Side: 0'/7.5' Rear: 25'

Minimum internal lot setbacks for the two-story townhomes with alleys are approved as follows:
Front: 20' Side: 0'/7.5' Rear: 5'

Minimum internal lot setbacks for the two-story townhomes without alleys are approved as follows:
Front: 20' Side: 0'/7.5" Rear: 15'
5. Minimum perimeter building setbacks shall be per the master plan.
6. The townhouse development shall meet the multifamily design standards required for a PDP(MF).
7. The petitioner shall provide the minimum amount of open space as required per the multifamily design standards.
8. The access points shall be provided as indicated on the plan.
9. The developer shall ensure that the southern access to the project aligns with the median opening along US 19.
10. Biking trails shall be shown on a revised plan.
11. The proposed walking paths/ pedestrian interconnection shall be provided to the south.
12. The petitioner shall provide a six foot high opaque fence and a minimum 25' buffer ensuring 80% opacity along the east property line. Units along the east boundary shall be limited to one story.
13. The wetland areas shall be delineated on all future plats and construction drawings.
14. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
15. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project, or delay development until the project is concurrent.

16. 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.
17. 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.

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
8060 Mobley Road
Brooksville, FL 34601
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Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
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Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

December 12, 2005

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

Dear Chris:

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

In reference to **H-06-01** the request from Homer E. Hunnicutt, Jr. to rezone and develop a 49.18 acre site with 388 multi-family units, I offer the following:

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

This rezoning request is expected to have a significant impact to the District with an increase of an additional 130 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 \$275,000 and 5.5 teachers at an estimated cost of \$275,000. 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 130 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,156,662 and \$1,174,122.

In reference to **H-06-04**, the request from Nohl Crest Homes Corporation to establish a Master Plan on 13 Ac and develop 158 multi-family units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 53 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 \$175,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 53 additional students. This worksheet shows an estimated impact in excess of school taxes between \$472,383 and \$479,493.

In reference to **H-06-06**, the request from Keith Brickmeyer, Esq to rezone 60 Ac and develop 48 single family detached homes and 181 single family villas, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – JD Floyd Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 77 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 \$175,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 77 additional students. This worksheet shows an estimated impact in excess of school taxes between \$688,725 and \$699,030.

In reference to **H-06-10**, the request from Alan Garman and John McRae to rezone and develop approximately 133 residential lots, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 45 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 \$100,000 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$406,197 and \$412,182.

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