

**STAFF REPORT**

Planning & Zoning Commission: October 9, 2006  
Board of County Commissioners: November 8, 2006

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**APPLICANT:** Landshore of Sherman Hills, LLC **FILE NUMBER:** H-06-106

**PURPOSE:** Rezoning from C/PDP(GC)(SF) and (MF)/Combined Planned Development Project (General Commercial)(Single Family) and (Multifamily) to C/PDP (MF) and (SF)/Combined Planned Development Project(Multifamily), and (Single Family) to allow single family attached units

**GENERAL**

**LOCATION:** East end of Willow Bank Avenue, west side of Sherman Hills Boulevard, approximately 1000' north of SR 50

**LEGAL**

**DESCRIPTION:** A portion of Section 32, Township 22 South, Range 21 East, Hernando County, FL

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

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**Citizen correspondence received as of the date of this report? Yes  No**

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(SF)	Single Family
South: PDP(GHC)	Commercial
East: PDP(SF) & PDP(GHC)	Single Family & Commercial
West: PDP(SF) & PDP(GHC)	Single Family & Commercial

**SUMMARY OF REQUEST**

The petitioner has submitted a request to rezone the subject property from C/PDP(GC)(SF)(MF)/Combined Planned Development Project (General Commercial), (Single Family) and (Multifamily) to PDP(MF) Planned Development Project (Multifamily) and PDP(SF) Planned Development Project (Single Family) with single family attached units.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(MF), (SF) and (GHC).
2. The property comprises approximately 17.73 acres.

3. The site is undeveloped.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Willow Bank Avenue and Sherman Hills Boulevard.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler Fine Sand. Candler fine sand provides a habitat suitable for gopher tortoises.
8. The property is located in a flood zone C.
9. The subject property contains Wellhead Protection Areas Class-1 and Class-2, however no Special Protection Area or wetland according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by single family and commercial uses.
13. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The subject 17.73 acre site is part of Ridge Manor West which is a mixed use project which included single family, multifamily, golf course and commercial. Ridge Manor is a vested 380 project which means that it was originally approved prior to the Development of Regional Impact (DRI) regulations and has vested rights for development. The Ridge Manor Master Plan was approved with 424 multifamily units. County records indicate 16 units have been approved in Ridge Manor.

The subject property is designated as single family, multifamily and general commercial on the Ridge Manor plan. Approximately the north half of the project was approved with 16 units per acre allowing either single family or single family attached lots along the northern boundary. The southern ½ of the project was approved with 20 units per acre. The petitioner proposes to develop the entire property as an unified residential development with single family attached and multifamily development. The overall development proposes 21 single family attached units, and 252 units for a total density of 15.4 units per acre. The density being proposed is less than the density approved in 1990.

An approximately 1.2 acre portion of the site, located at the southeast corner, is zoned general commercial. This portion of the project is to be rezoned to multifamily and incorporated into the overall development.

An approximately 1.56 acre portion of the site along the northern boundary is currently zoned PDP(SF) and per the prior master plan would allow either single family or single family attached development. The proposed plan for development indicates 21 single family attached units in this area, with a pool/amenity area at the west end. The petitioner is proposing a 20' building setback from the existing lots to the north, and a 10' landscape buffer or wall. The individual lots are 4000 square feet with 25' front, 10'/0' side, 20' rear setbacks.

The multifamily portion of the site is to be developed with 252 multifamily units. The petitioner is proposing a 20' foot building setback along the project boundaries, with the exception of where the multifamily is adjacent to single family lots where the setback is 35'.

A drainage retention area is proposed along the eastern boundary of the project adjacent to Sherman Hills Boulevard. The DRA along Sherman Hills Boulevard would be considered part of the buffering plan and any modification to its location would require a master plan revision.

It is the petitioner's intent to construct a surface water management system to treat and attenuate storm water runoff from the proposed residential Manors of Sherman Hills subdivision. The proposed site currently has a lift station, gravity sewer pipe, force main pipe and water main. It is the intent of the petitioner to upgrade the existing lift station and force mains to meet proposed design.

The LDRs have multifamily design standards which will apply to the subject request. These standards address building facades, roofing, open space, parking and internal access design. The LDRs indicate that when parking spaces are placed within entry aisles to a garage, an additional thirty (30) percent of the required parking must be provided within common areas throughout the project. It is not apparent by the plan submitted whether or not parking is proposed within drive aisles. The multifamily design standards also require a minimum 15% of the gross area be provided as open space. The petitioner shall be required to submit a revised master plan indicating the required open space.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. There is an existing 8-inch waterline on the west side of Barcelona Boulevard., a 6-inch waterline on the south side of Willow Bank Avenue and a 6-inch waterline on the east side of Windmere Road. There is an existing sewer pump station in an easement within the parcel, near the northwest corner of the parcel. There is also an 8-inch gravity sewer system in Windmere Road and Barcelona Boulevard. Utility system upgrades may be required to supply this development depending on proposed flows. Sufficiency of available capacity cannot be determined until submittal of a site plan and proposed flows.

The County Engineer has reviewed the subject request and indicated that there are some internal design issues associated with the layout. The lots at intersections do not meet the appropriate radii at property corner, and driveway widths need to be reduced. The County Engineer has also indicated that the drainage areas shall be designed to store 100 year flood runoff.

The County's transportation planner has indicated that SR 50 in this location is operating at an LOS C. However, existing vested development in the area is expected to absorb much of the available capacity in the near future. Therefore, the project will have to demonstrate transportation concurrency prior to proceeding with actual development.

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

The subject property is within Wellhead Protection Areas 1 and 2 associated with a public supply well. The proposed use is allowable within these designation.

The Hernando County School District indicates that the request would generate an additional 84 students to the school district. Elementary schools students would be assigned to Eastside Elementary School, middle school students would be assigned to DS Parrott Middle School, and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

### **FINDINGS OF FACT**

The subject property is located in an area characterized by a mixture of commercial and residential uses.

The subject site is located within a residential land use category on the adopted future land use map. The subject property is located within a residential land use classification on the adopted Comprehensive Plan which Establish a Residential Land Use Category where the land uses allowed are: Single family residential densities up to 5.4 units/acre, resort residential, and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units/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 subject request is considered high density pursuant to the adopted comprehensive plan. The petitioner's proposal is consistent with the adopted comprehensive plan and the Ridge Manor Master Plan.

The rezoning of the subject property from PDP(GHC) to PDP(MF) with performance conditions would be appropriate, based on the following conclusions:

1. The proposed request is consistent with residential future land use designation as provided for in the adopted comprehensive plan.
2. The proposed property is part of the Ridge Manor West Master Plan which is a vested 380 project allowing the development intensity proposed by the applicant.
3. The proposed rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land use with performance conditions.

**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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request rezone from C/PDP(GC)(SF) and (MF)/Combined Planned Development Project(General Commercial)(Single Family) and (Multifamily) to C/PDP(MF) and (SF)/Combined Planned Development Project(Multifamily), and (Single Family) to allow single family attached units, with the following 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. Internal lot setbacks for the Single family attached product:  
  
Front: 25'  
Side: 0/10'  
Rear (From project perimeter): 20'
3. Minimum lot size for the Single family attached is 4000 square feet.

4. Perimeter setbacks shall be as indicated on the master plan.
5. A buffer or wall shall be constructed along the project perimeter adjacent to existing single family lots along the north boundary.
6. Maximum density approved is 15.6 units per acre.
7. A pool and related amenities is approved in the area designated on the master plan.
8. The drainage shall be designed to store 100 year flood runoff.
9. Access shall be as depicted on the master plan.
10. The plan shall be revised to reflect the minimum open space acreage.
11. 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.
12. 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:**

*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  
Phone 352-797-7096**

**Superintendent**  
Wendy L. Tellone, Ed.D.  
**Chairperson**  
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John Druzbeck  
**Members**  
Pat Fagan  
Sandra Nicholson

September 15, 2006

Omar DePablo, Planner I  
Hernando County Planning Department  
20 North Main Street, Room 262  
Brooksville, FL 34601

Dear Omar:

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

In reference to **H-06-96**, the request from Hernando Reserve to rezone 49.52 Ac and develop 172 multi-family residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 57 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 \$325,000 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 57 additional students. This worksheet shows an estimated impact in excess of school taxes between \$498,807 and \$506,547.

In reference to **H-06-98**, the request from Joseph Selway for MSW, LLC to rezone 24 Ac and develop 382 multi-family residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 127 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 \$500,000 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 127 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,116,837 and \$1,134,027.

In reference to **H-06-105**, the request from Powell Road Property to rezone 78 Ac and develop 185 single-family residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 62 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 \$325,000 and 3 teachers at an estimated cost of \$150,000. 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 62 additional students. This worksheet shows an estimated impact in excess of school taxes between \$551,844 and \$560,169.

In reference to **H-06-106**, the request from Landshore of Sherman Hills to rezone 17.73 Ac and develop 252 multi-family residential units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 84 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 \$350,000 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 84 additional students. This worksheet shows an estimated impact in excess of school taxes between \$741,636 and \$752,976.

**H-06-102** the request from Christopher Shemwell will generate less than 5 students and have no significant impact to the District. **H-06-107** the request from American Realty Development will have no impact to the District.

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

Sincerely,

Ken Pritz

Hernando County School Board  
Facility & Support Operations, Executive Director