

REVISED STAFF REPORT

Planning & Zoning Commission: August 14, 2006
Board of County Commissioners: September 13, 2006
Planning & Zoning Commission: September 11, 2006

APPLICANT: JA Padilla, 34601 Realty Partners **FILE NUMBER:** H-06-83

PURPOSE: Rezoning from AG (Agricultural) to PDP(MF)/Planned Development Project(Multifamily) with a reduction in setbacks and a frontage road waiver

GENERAL

LOCATION: West side of Cobb Road, north side of Ft. Dade Avenue

LEGAL

DESCRIPTION: A portion of Section 20, Township 22 South, Range 19 East in Hernando County, FL

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

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

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AG with SE for retail sales

Commercial tree service

South: R-1A

Undeveloped; SF

East: PDP(LI), A and City

Industrial use, Undeveloped and Convenience store

West: Mining; AG

Florida Crushed Stone, and SF

SUMMARY OF REQUEST

The petitioner is requesting to rezone this approximately 40 acre site to allow for development of a multifamily complex with 408 dwelling units.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 40 acres.
3. The site is undeveloped.
4. The site contains majestic and specimen trees.

5. The subject property has access from Fort Dade Ave and Cobb Rd.
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 are Blichton Loamy Fine, Nobleton Fine Sand, Agricultural Soils, and Water. Blichton and Nobleton soils are poorly drained with medium potential for dwellings and small commercial buildings.
8. The property is located in a flood zone C and A.
9. The subject property does not contain any Wellhead Protection Areas or Special Protection Areas, but does contain class 1 and class 3 wetlands according to County data resources.
10. The subject property is located within the City of Brooksville's first right of refusal area.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area includes undeveloped, residential, commercial, industrial and mining uses.
13. The petitioner has not requested any deviations from the County's LDRs; however, the plan and narrative indicates the setback from Cobb Road is 75' where the LDRs require 125'.

STAFF DISCUSSION

The petitioner has submitted a request to develop this 40 acre site with 408 multifamily dwelling units at a density of 10.2 units per acre. The petitioner is proposing 5 multifamily pod areas, with a community recreation and open space tract.

The petitioner's concept for development is to provide "workforce" housing to serve the surrounding area. The application does not provide any data supporting their concept of workforce housing.

The petitioner indicates that the MF will be developed in a maximum 3 story building with up to 24 units, and a minimum 15' building separation. The plan submitted depicts a 25' setback from the north and west, 50' building setback from Fort Dade Avenue and a 75' setback from Cobb Road. The setbacks proposed are consistent with the County LDRs with the exception of Cobb Road which has a minimum 125' setback requirement.

A frontage road is required along Cobb Road across the property at no cost to the county, upon demonstration of need and demand by the county. The petitioner has requested a waiver to this requirement. The petitioner's reasoning includes: the fact that Ft. Dade Avenue is considered a canopy roadway and would be significantly impacted by a frontage road; and that there are deep

mining pits located to the north of the property that would preclude extension to the north. The staff reviewed the requested waiver with the County Engineer. Over time the staff expects that the mining operation will transition to another land use. At that time, there may be a need to extend the frontage road north. It is premature at this time to consider a waiver of the frontage road.

The plan depicts a 6 acre drainage area/open space area along Ft. Dade Avenue. A clubhouse and pool is proposed on the interior of the project in a 6 acre pod. The plan depicts a 10' natural buffer along the north and west boundaries of the site.

The LDRs have 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 6 acres for this 40 acre site. If the request is approved, all of the applicable design standards would have to be met at the time of permitting

The plan shows a U-shaped driveway providing two access points to Cobb Road with a drainage retention area/lake in the semi circle. The petitioner initially proposed two emergency access points to Ft. Dade Avenue. These access points were removed on the revised plan submitted subsequent to the August 14, 2006, Planning and Zoning Commission meeting.

There is a wooded stream that runs north-south through the western side of the property that is identified as a class 1 wetland and a small class 3 wetland on the east side adjacent to Cobb Road. Policy 6.05A(3) of the County's Comprehensive Plan prohibits the removal, alteration or encroachment within a Class 1 wetland unless there are no other feasible or practical alternatives that will permit a reasonable use of the land or there is an overriding public benefit. A wildlife survey of the class 3 wetland is needed to determine if the wetland provides critical habitat for federal and/or state listed species that may affect the wetlands classification (in accordance with the County's Comprehensive Plan). The narrative states that the wetland adjacent to Cobb Road will be preserved, however, its labeled as a drainage retention area (DRA) on the master plan. If the intent is to preserve the wetland, then the stormwater management system shall be designed to protect the feature and allow for adequate pre-treatment. These wetlands shall be delineated and shown on all future plans and drawings. Any removal, encroachment or alteration shall also adhere to federal and state permitting and mitigation procedures.

The County's LDRs encourage Florida friendly design and the County's Comprehensive Plan requires development to adhere to green industries best management practices and distribution of Florida Yards & Neighborhoods (FYN) education to individual lot owners. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

The county has an adopted canopy road ordinance. Ft. Dade is considered a canopy road. Canopy roads are roads, whether rural or urban, that are characterized by rows of trees bordering both sides of the road corridor of sufficient height, density and crown spread to create natural canopy coverage

over the road corridor and that preserve and maintain the historic, natural beauty and ambience of Hernando County. All lands within fifty (50) feet of the centerlines of the canopy roads are considered to be tree protection zones and as such, no tree can be removed for the purpose of access to adjacent properties, and no improvements shall be carried out nor made in the tree protection zone other than routine maintenance of existing roadways, utilities, and existing drainage facilities without the express, written approval of the board of county commissioners. The petitioner's plan reflects a 50' building setback along Ft. Dade Avenue and notes that the tree canopy will be maintained except for proposed roadway connections. The plan depicts a drainage retention area in the 50' setback. A drainage retention area would not be allowable in the tree protection zone. 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. If approved, the petitioner would be required to meet the applicable LDRs.

The County's transportation planner had no comments regarding the proposal relative to the surrounding roadways.

The County Engineer has reviewed the plan and indicated the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

The Hernando County School District has indicated that approval of the subject request would impact the district with an increase of 136 students. 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. The above mentioned schools are currently over permanent capacity.

The City of Brooksville has been notified of the request. No comments have been received. The subject property is within the City's first right of refusal area. To support the intensity proposed, the site would have to be served by central water and sewer.

FINDINGS OF FACT

The surrounding area is characterized by a mixture of uses including Florida Crushed Stone mining operation, commercial and industrial to the east, residential and undeveloped parcels to the south.

The subject property is located within a residential land use classification on the County's adopted Future Land Use Map. The residential land use classification would allow single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road

extension unfeasible, office and professional, schools, hospitals and minor public facilities. The petitioner proposes a density of approximately 10.2 units per acre which is considered high density multifamily.

Policy 1.01F(7) of the Future Land Use Element 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. The requested multifamily would allow residential development at a density that is not compatible with the mining uses and rural residential uses located proximate to the site.

Policy 6.05A(9) provides future land use categories that would be considered incompatible designations adjacent to class 1 wetlands. Residential housing greater than 7.0 dwelling units per acre shall not be designated adjacent to class 1 wetlands. The requested zoning would allow a residential density that would exceed this amount and would be too intense to be considered compatible with a class 1 wetland.

The intensity proposed is also premature given the character of the surrounding development, and is too intense given the proximity to a class I wetland.

The request to rezone the site from AG to PDP(MF) with a reduction in setbacks and a waiver of the frontage road is not appropriate, based on the following conclusions:

1. The proposed development is too intense due to the character of the surrounding development, adjacent land uses, and environmental limitations on the site.
2. It is premature to waive the frontage road at this time.
3. The proposed rezoning would be premature given the nature of surrounding development and not compatible with the surrounding land uses.
4. The proposed rezoning would be inconsistent with the policies of the Comprehensive Plan related to the location of higher density residential uses.

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 that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AG to PDP(MF) with a reduction in setbacks and a waiver of the frontage road.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to postpone consideration until their September 11, 2006, hearing at 10:00 a.m.

The School Board of Hernando County, Florida

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Brooksville, FL 34601
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Members
Pat Fagan
Sandra Nicholson

July 24, 2006

Carlene Riecse, Planner III
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Carlene:

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

In reference to **H-06-70**, the request from Mark C. Taylor to rezone a 33 acre site with 145 multi-family dwelling units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Suncoast 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 48 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 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 48 additional students. This worksheet shows an estimated impact in excess of school taxes between \$421,521 and \$430,221.

In reference to **H-06-79**, the request from Jorge Lopez for Garden Homes, LLC to rezone a portion of an 8.63 acre site with 72 multi-family units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 24 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding a portable classroom at an estimated cost of \$150,000 and 1 teacher at an estimated cost of \$50,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 24 additional students. This worksheet shows an estimated impact in excess of school taxes between \$212,976 and \$217,296.

In reference to **H-06-83**, the request from JA Padilla, 34601 Realty Partners to rezone a 40 acre site with 408 multi-family units, I offer the following:

"A fully accredited school system" Southern Association of Colleges and Schools
Education: the vehicle for exploring the past and conquering our future

An Equal Opportunity Employer

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 136 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 \$525,000 and 6 teachers at an estimated cost of \$300,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 136 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,231,344 and \$1,243,584.

In response to **H-06-78**, the request from Gerda P. and Helmut A Seefired to rezone 10 Acres will have minimal impact to the Hernando County School District as it will generate approximately 8 students. The request from Janis Tucker Moore, **H-06-80** will have no significant impact as it will generate less than 3 students.

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