

REVISED STAFF REPORT

Planning & Zoning Commission: October 9, 2006
Board of County Commissioners: November 8, 2006
Planning and Zoning Commission: November 13, 2006
Board of County Commissioners: December 13, 2006
Planning and Zoning Commission: January 8, 2007
Board of County Commissioners: February 14, 2007
Planning and Zoning Commission: March 12, 2007
Board of County Commissioners: April 11, 2007

APPLICANT: Joseph Selway for MSW, LLC **FILE NUMBER:** H-06-98

PURPOSE: Rezoning from Agricultural (AG) and PDP(SF)/Planned Development Project(Single Family) to PDP(MF)/Planned Development Project (Multifamily)

GENERAL

LOCATION: West side of Croom Rital Road, east end of Park Ridge Drive, approximately 1400' north of Cortez Boulevard (SR 50)

LEGAL

DESCRIPTION: A portion of Section 32, Township 22 South, Range 21 East, Hernando County, FL and Tract B of the plat of Ridge Manor West, as recorded in Plat Book 13, Pages 32-33 of the Public Records of 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: C/PDP & PDP(REC)

Sherman Hills Golf Club

South: C2

Undeveloped

East: Conservation

Preserve

West: PDP(SF)

Single Family

FACTUAL INFORMATION

1. The property is currently zoned AG/(Agricultural).
2. The property comprises approximately 24.5 acres.

3. The site is undeveloped.
4. The site appears to contain specimen and majestic trees.
5. The subject property has access to Croom Rital Road and Park Ridge Drive.
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 and Sparr 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 C and B.
9. The subject property contains one wetland, but no Special Protection Areas (SPA) or Wellhead Protection Areas (WHPA) exist according to County data resources. The existing wetland is not being impacted under the proposed plan.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. The surrounding area is characterized by single family, golf course, and rural land.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request to rezone from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) in order to develop the 24.5 acre site with 241 two (2) story townhome units (9.84 units per acre). The development includes a clubhouse with pool in the east portion of the project.

The master plan depicts two (2) access points into the project. One access point is proposed with a gated boulevard entrance. The second access is proposed as a gated entry with a landscaped roundabout feature. Access to the project is available from Croom Rital Road, a substandard collector roadway with regards to right-of-way and design. The petitioner will be required to upgrade Croom Rital Road to Hernando County Facility Design Standards as indicted by the County Engineer from Cortez Boulevard (SR 50) to the projects northern entrance. An interconnection is proposed to the commercial parcel to the south on the projects south west corner.

The petitioner is proposing the following perimeter project setbacks: front 50', side 20', and rear 50' which are consistent with the Planned Development Project regulations.

The County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of five (5) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting. The petitioner has proposed a 35' wide natural buffer with 80% opacity on the west side of the property and a 50' wide buffer with 80% opacity on the east side and 20' wide vegetative buffer on the north and south side of the property. These buffers exceed the minimum required.

The plan indicates that two (2) landscaped roundabouts will be utilized on the project' two major internal road spans as traffic calming devices.

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). These standards address building facades, roofing, open space, parking and internal access design. The design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of 3.6 acres for this 24.5 acre site. The plan as submitted indicates approximately 3.92 acres of open space which exceeds the minimum required.

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 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.

The County Engineer has reviewed the request and indicated that there have been flooding issues in the area. If the request is approved, the County Engineer indicated that the DRA would have to be designed to accommodate full storage to the 100 year flood on the site. Additionally, the County Engineer has indicated that a 20' drainage easement along the properties west and south boundary must be provided. Furthermore, the petitioner must provide right-of-way along Croom Rital Road to bring up to county collector road standards.

The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site. There is an existing 12-inch waterline approximately 1,550' on the north side of SR 50 and an existing 8-inch waterline on the south side of Park Ridge Drive. There is an existing manhole on the south east corner of the Cedar Side Avenue and Park Ridge Drive intersection. There is an existing 8-inch force main on the south side of SR 50. Utility system upgrades may be required

to supply this development depending on proposed flows. Available capacity cannot be determined until submittal of a site plan and proposed flows.

The Hernando County School District has indicated that approval of the subject request would impact the district with an increase of 80 students. 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. The above mentioned schools are currently over permanent capacity.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

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.

FINDINGS OF FACT

The subject property is located adjacent to residentially zoned and developed property to the west, undeveloped commercial property to the south and agricultural uses to the east.

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 following 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 adopted comprehensive plan contains goals, objectives and policies that must be reviewed in determining appropriate land use intensities and densities.

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 incompatible with the mining uses and rural residential uses located proximate to the site.

Policy 1.01G(5): High density multi-family residential development in other than multi-use PDPs should be located in close proximity to commercial or employment clusters.

The proposed development is located along Cortez Boulevard (SR 50). The subject site is located in close proximity to I-75, Wal-Mart Distribution Center and future industrial development.

Policy 1.01G(7) states that multi-family development shall be encouraged as "step-down" in intensity of use between single family residential and intensive uses such as commercial and industrial. There is single family residential approved to the west, with undeveloped commercial to the south.

The development with the proposed density would act as a step down between commercial parcels south and residential development north.

Policy 1.01G(9) requires that high density and medium density multi-family residential development to have appropriate open space, buffering, landscaping, and recreation areas suited to their density and design.

The plan as submitted indicates adequate buffering and approximately 3.92 acres of open space which exceeds the minimum required.

Policy 1.01H(2) requires protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

Objective 1.04C: indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured.

Cortez Boulevard (SR 50) may not have the capacity to support the proposed multifamily use at the time of development. The petitioner will be required to address and mitigate any transportation impacts to ensure available capacity at the time of development, or delay development until the project is concurrent.

The rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project(Multifamily) would be appropriate based on the following conclusions:

1. The proposed development would be compatible with the surrounding neighborhood with performance conditions.
2. The transportation impacts resulting from rezoning the property to PDP (MF) will require the development to ensure available capacity at the time of development to proceed, or development must be delayed until adequate capacity is available.
3. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.

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.

PRIOR HISTORY:

On October 9, 2006, the Planning and Zoning Commission voted 5-0 to postpone consideration of the proposed request until their November 13, 2006, hearing at 9:30 a.m. On November 8, 2006, the Board of County Commissioners voted 5-0 to postpone consideration of the proposed request until their December 13, 2006, hearing at 9:00 a.m.

NOTE: On October 30, 2006, the Planning Staff received a letter from the applicant requesting a postponement to an undetermined date and time. If the Planning and Zoning Commission elects to postpone per the petitioner's request, the petitioner will be required to pay all advertising cost at the future date and time.

On November 13, 2006, the Planning and Zoning Commission voted 5-0 to postpone consideration of the proposed request until their January 8, 2007, hearing at 9:00 a.m. On December 13, 2006, the Board of County Commissioners voted 5-0 to postpone consideration of the proposed request until their February 14, 2007, hearing at 9:00 a.m.

On January 8, 2007, upon the applicant's request, the Planning and Zoning Commission voted 5-0 to postpone consideration of the proposed request until their March 12, 2007 hearing at 9:00 a.m. On February 14, 2007, the Board of County Commissioners voted 5-0 to postpone consideration of the proposed request until their April 11, 2007, hearing at 9:00 a.m.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from Agricultural and Planned Development Project (Single Family) to Planned Development Project (Multifamily) with 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 building height shall be 35'.
3. If the County has not adopted a school concurrency ordinance by the time of development the developer will negotiate a mitigation plan with the School Board.
4. Internal lot setbacks for the Single family attached product:
Front: 20'
Side: 0/15'
Rear: 20'
5. Perimeter setbacks shall be as indicated on the master plan.
6. A 35' wide natural buffer with 80% opacity shall be provided on the west side of the property and a 50' wide buffer with 80% opacity on the east side and 20' wide vegetative buffer on the north and south side of the property.
7. Maximum density approved is 9.84 units per acre.
8. Development of the property shall comply with the County's flood plain management ordinance, the requirements of the County Engineer and Facility Design Guidelines pertaining to development in the 100 year flood plain.
9. Access shall be as depicted on the master plan.
10. A pool and related amenities is approved in the area designated on the master plan.
11. Minimum lot size for the Single family attached is 4,000 square feet.

12. 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.
13. Additional parking spaces for visitors shall be provided throughout the development. The minimum number of additional spaces provided shall be at least 15% of the required parking.
14. The development shall upgrade Croom Rital Road to minimum County Collector Road Standards from the project entrance to Cortez Blvd (SR 50).
15. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
16. The development shall meet Florida friendly design standards for landscaping.
17. The petitioner must reserve right-of-way for the site frontage along Croom Rital Road to bring up to county collector road standards as determined by County Engineer.
18. The petitioner shall provide one treed roadway/access way in accordance with the requirements of the County LDR's.
19. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board of County Commissioners 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 Board of County Commissioners approval will result in the zoning becoming null and void.

The School Board of Hernando County, Florida

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Members
Dianne Bonfield
Jim Malcolm

February 28, 2007

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

Dear Omar:

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

The request from Joseph Selway for MSW, LLC, **H-06-98**, to rezone 24 Ac and develop 241 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 80 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 80 additional students. This worksheet shows an estimated impact in excess of school taxes between \$701,874 and \$712,719.

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