

HERNANDO COUNTY PLANNING & ZONING COMMISSION

Minutes of June 12, 2006

The Hernando County Planning & Zoning Commission met in regular session on June 12, 2006, at 9:00 a.m., 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: W. R. "Bob" DeWitt, Chairman; Anthony Palmieri, Vice Chairman; Anna Liisa Covell, Robert Widmar; Kenneth Smith; and Ken Pritz, representing the Hernando County School Board. Also present were: Lawrence Jennings, Deputy County Administrator; Carlene Riecss, Planner III; Kent Weissinger, Senior Assistant County Attorney; Geoff Kirk, Assistant County Attorney; Charles Mixson, County Engineer; and Mary Elwin, Planning Operations Assistant and Notary Public for the State of Florida. This meeting was digitally recorded.

MEETING CALLED TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman DeWitt. After a moment of silence, Mr. Palmieri 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. 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

The Commission members were polled and indicated that they had no ex parte communications for any of the petitions under consideration for this meeting.

Comm. Covell noted that she did not see a sign posted on the property under application for BMM Land Trust (H-06-57) which she will bring up later.

Chairman DeWitt instructed the audience of the time limits established by the Commission (15 minutes for presentation, 3 minutes for public comment per person, and 3 minutes for rebuttal) which will be adhered to at the meeting today.

Mr. Weissinger noted that hearings before the Planning and Zoning Commission are quasi judicial in nature. As such, the site visits by the Commission members or independent research gathered from any source for any matter before the Commission needs to be disclosed from the staff/applicant and public speakers because decisions must be based solely on evidence in the record of testimony given at the meeting.

ANNOUNCEMENTS

There were no staff announcements.

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.

VERTEX DEVELOPMENT LLC - REZONING - H0646

Purpose: Public Service Facility Overlay District for a Communication Tower

Location: East of Drew Street, west of Jake Street, approximately 550' east of the Suncoast Parkway, approximately 1.1 miles north of Powell Road

Representative: Lauralee G. Westine, Esq., Vertex Development LLC

Mr. Jennings stated that the application is requesting a public service facility overlay district for a communication tower. The subject property is located east of Drew Street, west of Jake Street, approximately 550' east of the Suncoast Parkway, approximately 1.1 miles north of Powell Road. This item was heard by the Planning and Zoning Commission on May 8, 2006, at which time the applicant was requested to take a look at some additional issues and adjourned it to June 12, at 9:00 am. Mr. Jennings stated that the proposal has some modifications. Staff recommended approval of the project to the Commission.

The staff report reflected that pursuant to the findings of fact outlined in the staff report, the Planning Staff recommends 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.
2. All development must occur generally in compliance with the approved site plan, with the exception of the access which shall be via Drew Street.
3. The tower is approved up to a maximum of 150' 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.

Mr. Palmieri commented that there were two questions to address; one was the access which the petitioner has already taken care of, and the second is the height of the tower.

Ms. Westine stated that subsequent to the May 8, 2006, P&Z hearing, the petitioner provided the staff a revised plan moving the tower to the west. The revised plan indicates the tower is approximately in the middle of the site, 310 feet from the eastern property line. The previous proposal indicated the tower was 72' from the east. A 20' access easement from Drew Street is proposed, whereas the previous plan provided access from the east. The tower is proposed at 190 feet in height. The revised plans have been provided to P&Z members in the first transmittal packet.

The petitioner indicated in correspondence dated May 25, 2006, that the technical information relating to the tower would be provided to the County's Radio Frequency (RF) Engineer and Staff. Nothing additional had been received at the time of report completion.

Mr. Palmieri asked about the access and tower heights from the last meeting and would like to address these two issues only. Members concurred.

Lauralee G. Westine, Esq., under oath, stated that she represented the applicant, Vertex Development. Ms. Westine stated that a revised site plan was submitted and dated May 23, 2006. The tower compound was relocated away from Jake Street - more towards the center of the property and the access is now relocated from Jake Street back to Drew Street. No trees will be taken down for that access, she stated. The engineers have been working with the County's consultant (Mr. Peters) and provided him with sufficient information to support the tower height of 190 feet.

Mr. Mark Bon of Verizon Wireless, under oath, stated that he had sent Mr. Peters data concerning the tower heights. He displayed site plans showing coverages from the tower related to their tower height. There is a significant improvement in signal level with a tower height of 190 feet [versus a lower height] because of the frequency and the sites adjacent to the networks already existing. Ms. Westine stated she would provide copies of the renderings to the staff.

Mr. Shon Sparks, under oath, stated that he is with T-Mobile. The difference in coverage due to the height of the tower being allowed at 190 feet would mean 1.2 miles of additional coverage (15% more medium density buildings covered) and 17% greater coverage area with the tower height at 190 feet versus 150 feet.

Ms. Westine stated that a concern she had was a neighbor's letter indicating they wanted her client to pave Drew Street, which is not a requirement of the land development code. The tower will produce one trip per month per carrier so 6 carriers or 6 trips per month as a maximum would be produced in travel trips. She pointed out that the new setbacks from the tower being relocated to the center of the property are 255 feet from the north property line, 67 feet to the south, and 310 feet from Jake Street. She stated that the data from the engineers has been provided to support the height at 190 feet. Should construction be done from Drew Street, the road will be video taped in the beginning and after construction for comparison. Ms. Westine stated that the proposal is consistent with the Comprehensive Plan and the site plan has been revised as requested

Chairman DeWitt asked for public comment. The following person came forward:

Thomas Lumb - Mr. Lumb, under oath, stated that he is a resident of Drew Street and came to the meeting to remind the Commission that the residents of Drew Street are unanimously opposed to the tower. He also reminded the Commission of the petition submitted in opposition to the tower at last month's meeting. He stated that he does not feel that he has had ample opportunity nor legal resources to oppose this application. He stated that the corporations that are asking for the tower are not living in the area. He felt that there is no need for a tower and that the neighborhood is being considered disposable. He added that they do not have the resources to mobilize against the tower and assured the Commission that the neighborhood is against the tower. He stated that he realizes the traffic isn't going to be that heavy, but they felt their property would be de-valued by the tower.

Mr. Peters, County's Tower Consultant, came forward, under oath, and stated that he requested and obtained additional information to either support or deny the extra tower height. It is his opinion that the applicant has justified the 190 feet in height and it will be part of the record.

Ms. Westine noted that cell tower sites pay property taxes too. She proceeded to review a map of the area noting the location of the citizens that signed a petition against the cell tower and commented that not all of them live on Drew Street.

Mr. Jennings stated that staff was keeping the tower height as low as possible, but with the additional engineering information, the 190 feet is not inconsistent.

Comm. Covell reconfirmed no lights being on the tower. Ms. Lee confirmed that there are no requirements for lighting on the tower and there will not be lights.

Comm. Widmar suggested a performance condition that would say if and when the road is paved, the lot would contribute seven pro-rated shares as a fair share since the tower will have six entities plus the land owner involved. He also preferred the condition being imposed for a video tape being done of the road for pre-and-post construction activities for the tower as suggested by Ms. Westine. Lastly, he was in favor of the 190 feet in tower height. Mr. Weissinger clarified that Municipal Service Benefit Units (MSBUs) are defined by ordinance which determines how the assessments are divided. He cautioned that since the area is being carved out of a larger parcel, that he did not know how it would impact future assessments. Therefore, he opined, while it may be appropriate to require them to pay some fair share amount for any future eventual road paving, it would not be appropriate to specify a number of shares. Further, he clarified, neither of the issues are the responsibility of the Planning and Zoning Commission in terms of their duties and the requirements of the MSBU ordinance.

Motion Comm. Covell made a motion to approve staff's recommendations with a change in condition #3 where the tower height would be changed from 150 feet to 190 feet. The motion was seconded by Comm. Smith, and carried 5-0.

MERCEDES HOMES - REZONING - H0648

Purpose: Rezoning from AG (Agricultural) to CPDP(SF)(OP)(HC)(MF)/Combined Planned Development Project (Single Family)(Office Professional)(Highway Commercial) & (Multifamily) with a modification to the frontage road and reduction in setbacks

Location: North side of Cortez Boulevard, east of Blue Jay Avenue, Caracara Avenue and Desert Sparrow Avenue, south of Nightingale Road and Mazette Road

Representative: Darryl W. Johnston, Esq.

The applicant is requesting to rezone approximately 416 acres from Agricultural to a combined planned development project to accommodate residential, office and highway commercial uses. The subject property is located on the north side of SR 50, between Oak Hill Hospital and Nightwalker Road.

The staff report reflected that pursuant to the findings of fact outlined in the staff report, the Planning Staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from AG to

C/PDP(SF)(OP) and (GC) with a reduction in setbacks with the following performance standards:

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. Minimum lot sizes along the perimeter of the project adjacent to platted residential lots in Royal Highlands shall be 12,500 square feet. There shall be a minimum 50' natural buffer along the boundary of the 12,500 lots separate from the lots.
3. Minimum lot sizes within pods as shown:
12,500 square feet
9900 square feet
7700 square feet
5500 square feet
4. Internal lot setbacks for the residential:
12,500 square feet: front 25', side 10', rear: 15'
other SF detached front 20', second front corner: 15', side: 5', rear 15'
5. Like sized lots with common development standards shall be platted in pods.
6. Parcels H & I may be developed with 5500' square foot lots for single family detached, or 1200' for single family attached provided perimeter lot sizes are as indicated in condition 2.
7. Minimum internal setbacks for townhouse lots are as follows, front: 20', side 0'/0 or 10' on end units, rear 15'.
8. Parcels M& L are approved with minimum lot size of 5500 square feet.
9. Minimum of 20' buffer along all other project boundaries and collector roadways throughout the project.
10. Parcels indicated as A&B are approved for C-1 (general commercial). Parcels C and J are (OP) office professional. Setbacks are approved as follows:

front: 75'
side: 20'
rear/from frontage road: 35'

11. The frontage road shall connect to Blue Jay Avenue. Access to Caracara can be eliminated.
12. The interconnections into Royal Highlands shall not be made until the adjacent roadways are improved.
13. Due to the number of directly connected sinks (SPAs) and at least one class 1 wetland on the subject property, site design shall accommodate these environmentally sensitive features.
14. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings.
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.
16. The petitioner should be required to either designate a school site, or enter into a development agreement with the County to provide funding for an alternative location.
17. The petitioner should be required to either designate a park site, or enter into a development agreement with the County to provide funding for an alternative location.
18. 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.

Darryl W. Johnston, Esq., under oath, stated that he represents Mercedes Homes. He commented that the staff's report is fairly comprehensive. He introduced a project engineer from Heidt Engineering, and Ginnie Wilkinson and Ken Mitchell of Mercedes Homes. Mr. Mitchell is the National President of their Land Development Division and Ginnie Wilkinson is the Regional Land Development Manager for the project. Mr. Johnston stated that the property consists of 416 acres and is located west of Oak Hill Hospital. He explained that the Trustee of the Loren Hamm Trust owns the property and Mercedes Homes has a contract with the Trustee of the Trust.

Mr. Johnston stated that a majority of the property is located within the residential land use classification of the adopted Future Land Use Map while a smaller portion is within the commercial future land use classification. He added that this means that the property could be

developed from a low density residential standpoint up to 5.4 units per acre. Along SR 50, it could be more multi-family oriented having up to 16 units per acre, he said. The applicant is not requesting anything remotely near either of those figures, he stated.

Mr. Johnston stated that the property is currently zoned Agricultural and they are requesting a Combined/Planned Development Project zoning classification containing a mixture of single-family products, office professional, and highway commercial zoning. He reviewed the location of the property with the Commission.

A meeting with staff occurred before the site plan was created, Mr. Johnston explained. All of staff's comments were incorporated into the site plan. Mr. Johnston stated that because of the level of service issues on SR 50, the County's formula for the mitigation of transportation impacts along SR 50, the developer would also provide an additional \$1.2 million dollars, above impact fees, towards improvements to SR 50.

Mr. Johnston stated that the staff has recommended an Office Professional (OP) designation on Parcels A and B and the developer does not object to it. An access has been eliminated on Caracara Street.

Mr. Johnston stated that they requested a 20 ft. buffer zone on the entire perimeter except for an area where the townhomes are located and in that area they suggested a 100 ft. buffer. Staff has asked that for anything that abuts Royal Highlands have a 50 ft. buffer in addition to lot sizes being 12,500 square feet (90 X 139). He stated that the original design (with higher density on top) was done pursuant to Staff comments. He did not believe it was necessary to have the 50 ft. buffer and 12,500 square ft. lots along the perimeter, at least not for parcels in Parcels I, N, and O. He felt the buffering was necessary in Parcel H.

Mr. Johnston stated that the lot sizes to the north are comparable to what Staff is requesting and buffering on Parcel H is necessary, but they will provide for 100 ft. buffering if there is a townhome product; otherwise the 20 ft. buffering is satisfactory. He requested further discussion of any buffering greater than 20 feet.

Mr. Johnston noted that there will not be interference with natural vegetation. Mr. Johnston stated that the 12,500 square foot lots along the entire perimeter as it touches Royal Highlands subdivision is objectionable.

Mr. Johnston stated that staff acknowledges that they have been working on a development agreement regarding the north/south collector road through the project. A draft agreement was provided to the County in May and they hope to have it substantially finalized by the time this application goes before the Board of County Commissioners in July. Mr. Johnston stated that staff also recommends working with the School Board and the Parks Department for a school

site or a park site. Mercedes Homes has a 12.2 acre site designated for an internal park for its community. There are 16.6 other acres of upland open space and nearly 29 acres of ponds and wetlands which will not be disturbed. In addition, prior to filing the application, Mercedes Homes did discuss these issues with the School Board and Parks Department.

There are approximately 39 upland acres in Parcel H, Mr. Johnston explained. This is the area that if townhomes were provided, a 100 ft. buffer would be provided. A K-8 school might be appropriate in this area given its location to SR 50 and the idea is to have a shared use facility with the Parks Department where the Parks Department would be able to use some of the fields, he stated. Mr. Johnston stated that they are trying to satisfy these issues prior to the BCC's meeting. He commented that a K-8 school does not have lighted ballfields and some of the similar objectionable items that sometimes high schools do. Mr. Johnston concluded that they are in favor of the staff's recommendations with the elimination of the 12,500 square ft. requirements along the perimeter (conditions 2, 3, 4, and 6 of the staff report) and keeping the buffering as requested in the master plan.

Chairman DeWitt asked for public comment. The following people came forward:

William Eckhoff, 8249 Mazette Road, under oath, stated that he is adjacent to the subject property. He provided photographs of the property which were entered into record. Mr. Eckhoff stated that the developer has already cut a roadway into the land and buried gopher tortoise holes. Mr. Eckhoff reported that the signs were posted less than a week prior to the meeting. He stated that trucks drilled test site holes. He questioned why the property could be subdivided into less than 1/2 acre lots.

Andrew Bogulski - Mr. Bogulski, under oath, stated that he lives on Madrid Road. He was concerned with the density in the area and the extra traffic that the development would produce. He indicated that the development would tax the fire department, road, and school systems. The schools are over-burdened, he stated. He felt that water service would be a problem and the extra water provided for the development would cause sinkhole problems like in Pasco County. He provided a letter of opposition from a neighbor who could not attend the meeting.

Barbara Sherwood - Marston Road, under oath, pointed out that the Mercedes Homes proposal comes in at 155% which is 5 percent below the level for a development of regional impact (DRI). Ms. Sherwood stated that the development is at a very high level of density and, therefore, must be carefully examined for what over the long term could cause an unforeseen impact on road traffic, groundwater, and wildlife. She questioned whether a separate traffic light would be provided. Royal Highlands has been asking for a traffic light for years, she stated. She requested consideration be given to increase police patrols, fire protection, and emergency responses.

The following individuals came forward, under oath, and spoke against the project due to density, uses proposed for the project, and the traffic impacts: Mary Kutchera, George Chichon, Jacqueline Mack (Desert Sparrow Road), Dennis Geiken (Madrid Road), Helena Season (7250 Madrid), and Andrew Banomo.

Mr. Johnston provided rebuttal. He stated that there were signs posted; however, 13 or 14 were not posted until late because the County did not provide them. He contended that there were signs posted on SR 50, just not as many as needed to be done. Mail-outs were done.

Mr. Johnston stated that the subject property is not part of Royal Highlands. It is a 416 acre parcel that has been residential in the Comprehensive Land Use Plan since its inception, he stated. Mr. Johnston stated that the density proposed is 2.5 units per acre while it could be 5.4 units and still be considered low residential density. Mr. Johnston explained the zoning or platting of the Royal Highlands property does not allow further splitting of the lots. He also explained that a traffic light would be located at the collector road and there will be a frontage road connecting to Blue Jay. The internal circulation patterns of the project, he stated, are not going to take traffic out to Royal Highlands; rather, it will take it to the primary intersection leading to SR 50. There will be accesses for emergency services. Mr. Johnston stated that they will be working with the Parks Department and the School District concerning Parcel H.

Mr. Al Belluccia of Height & Associates, under oath, stated that Mercedes Homes is in a due diligence period and there are two issues that they want to address properly: sinkholes and gopher tortoises. Mr. Belluccia stated that in order to evaluate the sinkhole situation properly, they needed to access the property with equipment for geo-technical purposes and did selective clearing. Most of those cuts are internal to the project, he stated. As far as those that end up on the perimeter, they stated that they will work with neighbors to do adequate buffering.

Mr. Jennings stated that there were some questions about signs and posting. The number of signs the Planning Department recommends for posting were not initially prepared by the Planning Department, but the affidavit by the applicant's representative indicated they posted the full quantity signs. Royal Highlands lots are zoned R-1C allowing 10,000 square foot lots. The lots in Royal Highlands cannot be split further from their current state because of the lack of central services. To create a lot today that is under one acre, central water service is required; and to create a lot under 21,500 square feet, both water and sewer service would be required.

Comm. Palmieri questioned staff about the moving of the traffic light from Oak Hill to the new collector road. Mr. Jennings clarified that the moving of the light has been a long standing discussion staff has had with the Florida Department of Transportation (FDOT) regarding proper traffic light spacing along SR 50. He stated that the Oak Hill light is too close to the High Point light and the traffic light is primarily a left-exit from the hospital. If

the light were relocated, there would have to be a direct drive-way from the new collector road into the hospital site to accommodate traffic movements. Mr. Palmieri was concerned with there not being a traffic light to the entrance of the hospital.

Comm. Palmieri questioned the wetland that is connected to the aquifer. Mr. Jennings stated that there are two or three of them (wetlands) with direct connections to the aquifer - - they are located in Parcels F and I.

Comm. Palmieri asked Mr. Johnston if they would be willing to build the four-lane road since they are dedicating enough right-of-way for such rather than the two-lane. Mr. Johnston stated that there is not a purpose or need for a four-lane road at this time and it is very expensive. Mr. Johnston stated that they are trying to provide over and above the minimum requirements in order to obtain County approval. He stated that the providing of a school site is not necessary to rezone the property, but there is a need [for school sites]. Mr. Pritz stated that the developer has not yet provided the property, and developers are not required to donate land. Mr. Pritz further stated that the School District asks for a donation, but such donation would be in lieu of the payment of impact fees.

Comm. Palmieri questioned why there could not be the same setback on the northern perimeter of Parcel I, east of the power line, as to the area on the west. Mr. Johnston replied that it could be extended. Mr. Palmieri questioned how the developer was proposing to protect the aquifer. Mr. Belluccia stated that all the County's guidelines will be followed so that the groundwater aquifer is not affected or damaged. Lots will drain towards the streets which then discharge to the ponds where the ponds will provide stormwater treatment.

Comm. Palmieri indicated three concerns - the moving of the traffic light, the two-lane road being constructed to four lanes, and wetland and water supply protection.

Comm. DeWitt concurred about the natural flow of the water. Mr. Johnston stated that proper buffering and procedures will be followed for drainage.

Comm. Covell asked whether there was a new traffic light being installed at the intersection of Nightwalker Road and SR 50. Mr. Mixson replied in the affirmative adding that hopefully the project would be out to bid in the Fall. Ms. Covell asked whether the traffic installation had anything to do with the proposed project. Mr. Mixson replied in the negative.

Comm. Covell stated that she is concerned with the relocation of the Oak Hill traffic light. She questioned whether the hospital has been notified of the possibility the traffic light is being moved. Mr. Mixson stated that they have had no discussions with the hospital - - that they are in discussions with FDOT.

Comm. Covell asked whether stub-outs from Nightingale and Caracara are required in the event of future connection. Mr. Mixson replied in the affirmative. Comm. Covell questioned the use of Parcel G. Mr. Johnston clarified that Parcel G is open land - not to be used for anything.

Mr. Johnston confirmed that the intent is for the school and park is to co-locate on a parcel.

Comm. Covell asked whether the well site on the northern portion of the property is a County well. Mr. Jennings replied in the affirmative. Comm. Covell asked what the lot sizes were for parcels in Royal Highlands that were adjacent to Parcels I, N, and O. Mr. Jennings stated that they range from half-acre to acre lots - - a few could be larger.

Comm. Widmar questioned whether the Utilities Department indicated that adequate sewer and water was available for the project. Mr. Johnston replied in the affirmative. Comm. Widmar asked whether a traffic study would be done. Mr. Johnston again replied in the affirmative adding that a preliminary study had already been done. Comm. Widmar stated that he concurred with staff on the buffering - 50 feet and 12,500 square foot lots are more appropriate along Parcels I, N, and O. He stated that he would support the staff's recommendation with the addition of a condition number 19 as recommended by Comm. Palmieri; that being, a 100 foot buffer along Parcel I.

Mr. Jennings stated the recommendation is fairly consistent with the way that the County is approaching urban development around the Royal Highlands area. Mr. Jennings reminded the Commission that about a month or so ago, a petition at Centralia and US 19 had some of the same types of issues as this project and the staff's recommendation is fairly consistent with the compatibility matrix that was developed and used on that property. Mr. Jennings opined that a 90 foot wide lot with a 50 foot buffer would still be smaller than a half-acre.

Comm. DeWitt commented that he did not feel additional buffering was necessary where the powerline easement is located at the northwest portion of the project boundary, but below that area, there should be a 30 or 50 foot buffer and 12,500 square foot lots.

Mr. Pritz commented that there are two issues that would keep the School District from acquiring the property; one is the test to determine whether the land could be built upon given the flood zones, and the second is the appraised value of the property.

Comm. Covell stated that she did not have a problem with the 30 foot buffer along the powerline easement and the 12,500 square foot lots; however, she felt the application should be postponed until Oak Hill Hospital is contacted about the relocation of the traffic light since it is a considerable impact and because an agreement has not been reached for the school/park

use. She felt the Commission was blindly approving Parcel H for townhomes under the assumption that the developer will enter into an agreement for the school/park site.

Comm. Widmar questioned whether the County has a choice about the location of the traffic light. Mr. Mixson stated that FDOT wants the light moved farther away from the High Point light and to accommodate the Boy Scout property. Mr. Mixson commented that it is a logical location to move it and if High Point and Oak Hill can be accommodated, it is a "win-win" for everybody. Comm. Palmieri stated that it is justifiable to keep the light in its current location if it was placed there for the hospital in the first place.

Motion Comm. Widmar moved to recommend approval of the Staff's recommendations to the Board of County Commissioners per Staff's recommendations with the following Condition 19 being added:

19. There shall be a 100' buffer along the northern boundary of Parcel I east of the power line adjacent to platted lots in Royal Highlands (staff has no objections).

The motion was seconded by Comm. Smith, and carried 3-2 with Comm. Covell and Comm. Palmieri voting nay.

Comm. Covell indicated that her reason for voting against the motion was because Oak Hill Hospital has not yet been notified that there are traffic light changes being made at the intersection of Oak Hill Hospital's entrance on SR 50 and because the school/park agreement has not been created for use of Parcel H. Mr. Jennings commented for the record that there is no condition in the recommendation of approval concerning the traffic light relocation. Comm. Palmieri concurred with Comm. Covell.

A FIVE MINUTE BREAK OCCURRED AT THIS TIME.

Jacqueline Studer - Rezoning - H0653

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

Location: North side of Spring Hill Drive, approximately 225' west of St. Ives Boulevard

Representative: Jacqueline Studer

The applicant is requesting to rezone this approximately ½ acre platted SF lot from Single family to Office Professional.

The staff report indicated that staff is of the opinion that rezoning the subject property from PDP(SF) to PDP(OP) would be inappropriate, based on the following conclusions:

1. The proposed rezoning would not be compatible with the established single family uses.
2. The proposed rezoning is not consistent with the County's adopted Comprehensive Plan and is incompatible with the surrounding land uses.

Mr. Jennings stated that pursuant to the findings of fact outlined in the staff report, the Planning Staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from PDP(SF) to PDP(OP).

Jacqueline Studer, under oath, was present to represent the petition. She stated that she is the owner of Galaxy Realty. The property is currently used as the Lexington Model Home Center. She reviewed the location and proximity of the property to commercial areas.

Chairman DeWitt asked for public comment. The following people came forward:

Sal Barone - Mr. Barone, under oath, stated that he lives at 3380 Dow Lane. Mr. Barone stated that he lives directly behind the subject property. He presented for the record a petition containing 16 names in opposition to the rezoning. Mr. Barone requested the County deny the request. He stated that the real estate office is being operated out of a single-family home. The property is zoned residential and it should remain residential. He stated that he hopes the Board continues with past decisions and keep the property residential. Mr. Barone stated that the previous applicant had a State Arbitrator review the case and it was denied.

Mrs. Barone (3380 Dow Lane) and Mr. Jack Provencher (3372 Dow Lane), both indicating they were under oath, came forward in opposition to the application because it is a residential area.

Ms. Studer stated that the Lexington Model Center is used to sell homes and that is all that she wants to do - sell homes. She indicated that there would be very little traffic from the office.

Comm. Palmieri disagreed with the applicant. He stated that the changes affect the land use which is currently residential. He stated that the designation Office Professional is a business. Comm. Palmieri recalled that back in 1999, the property was petitioned for an office professional use at which time staff recommended denial, the Planning and Zoning

Commission recommended denial, and the Board voted to deny the request because approving it would be encroaching into an established residential area and would not be consistent with Policy 1.01H(2). Comm. Palmieri stated that he felt nothing has changed since 1999.

Comm. Palmieri indicated that the businesses that are in proximity are located within a commercial node (Spring Hill Drive and Anderson Snow Road). The subject property, he stated, is not located in a commercial node. Comm. Palmieri commented that the mortgage house across the street was a mistake; in that, it should have never been rezoned commercial. Comm. Palmieri stated that he supports Staff's recommendation for denial.

Comm. Covell stated that she is in favor of staff's recommendation to deny for the same reasons [as Comm. Palmieri indicated]. Comm. Covell stated that a potential precedent would be set if approved because all the sales offices on Spring Hill Drive would want to do the same thing. Comm. DeWitt concurred with Comm. Covell and Palmieri adding that he felt that if it were approved, it would be an intrusion into a single-family area. Comm. DeWitt commented that the Office Professional designation would allow other types of uses in that category that could involve a variety of hours of operation.

Motion Comm. Covell moved that pursuant to the findings of fact outlined in the staff report, the Planning and Zoning Commission recommend the petition be denied. Comm. Widmar seconded the motion, and the motion carried 5-0.

Robert Wasielewski - Rezoning - H0655

Purpose: Rezoning from AG (Agricultural) to C-1 (General Commercial)

Location: North side of Cortez Boulevard, approximately 1000' east of Clayton Road

Representative: Robert Wasielewski

The applicant is requesting to rezone this approximately 2 acre site from AG to C-1 (General Commercial). The property is located on the north side of Cortez Boulevard, approximately 1000' east of Clayton Road

The staff report reflected that pursuant to the findings of fact, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from AG to PDP(GC) to a depth consistent with the existing commercial zoning along SR 50 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 required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
3. Access to the site is limited to right-in/right-out access to Cortez Boulevard.
4. New development within the project shall use the best available floodplain data for project design and construction. All finished floor elevations shall be above the regulatory 100 year flood elevation.
5. At the time of application for building permits on the subject property, documentation will be required addressing nature and significance of the historical/archeological site.

Robert Wasielewski, under oath, was present to represent the petition and reviewed his request. He agreed with Staff's recommendations.

Chairman DeWitt asked for public comment. No one came forward.

Comm. Palmieri stated that the petitioner requested a C-1, but staff is recommending PDP(GC) to a depth consistent with the existing commercial along SR 50. Comm. Palmieri reiterated that the whole parcel would not be rezoned - - just a depth consistent with the contiguous properties.

Motion Comm. Palmieri moved that pursuant to the findings of fact outlined in the staff report, the Planning and Zoning Commission recommend approval to the Board per staff recommendations. Comm. Covell seconded the motion, and the motion carried 5-0.

BMM Land Trust - Rezoning - H0657

Purpose: Rezoning from AG(Agricultural) to C/PDP(OP) & (SU)/Combined Planned Development Project(Office Professional) and (Special Use) for congregate care facilities, and a waiver of the frontage road

Location: North side of SR 50, approximately 1700' west of Cobb Road

Representative: Tommy Bronson, Owner, and Mike Gaylor of Gaylor Engineering, Inc.

The applicant is requesting to rezone this approximately 30 acre site from Agricultural to C/PDP(OP) and (SU) to allow congregate care facilities. The property is located on the north side of SR 50, at the northern terminus of Mobley Road.

The staff report reflected that pursuant to the outlined findings of fact, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from AG to C/PDP(OP) and (SU) for congregate care facilities 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. Perimeter setbacks shall be as follows:
from the north: 35 feet;
side: 25 feet;
front: 125 feet
3. Minimum internal lot setbacks: Side: 15 feet; from frontage road: 35 feet, from SR 50: 125 feet.
4. A minimum 10' wide natural buffer with 80% opacity shall be provided along the north and east boundaries of the project adjacent to platted residential property. A minimum 5' along the west.
5. The buffer/sensitive area along SR 50 shall be designated as a preservation area on a revised master plan.
6. Development of the subject property shall be approved allowing up to 300 congregate care beds.
7. The petitioner shall extend a roadway to the north along the eastern boundary of the project, and provide adequate right-of-way to accommodate.
8. The entry road at the project's access shall be redesigned to meet the minimum LDRs. All other internal roadways shall meet the minimum LDRs.
9. Wetlands shall be delineated and any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures, and County policies.

10. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings
11. A wildlife survey acceptable to the County shall be conducted to determine the presence/absence of federal and/or state listed species and Class 1 wetlands.
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.

Mike Gaylor, Engineer, under oath, provided his address of 2164 SR 54 in Lutz and stated that he is the engineer of record on the project. Comm. Covell commented that she did not see any public notice signs posted on the property. Mr. Gaylor replied that the larger placard was located at the intersection of SR 50 and Mobley Road, two placards were on SR 50 and others on the north side. He stated that the proposal is to build BMM Care Center, a professional care center providing help for those in need. One of their requirements for those they assist is the fact that the property owners of the care center shall be guided by the precept and belief of the Christian faith; shall not be for profits; and shall have a large component of volunteerism in the direction, management, and care work conducted on the premises. Mr. Gaylor stated that two entities that are already committed to the project are the Pasco-Hernando Hospice and Teen Challenge. Mr. Gaylor reviewed the application.

Mr. Gaylor stated that a 50 foot right-of-way that will parallel SR 50 will be reserved for the future. A 25 foot reservation goes north along the easterly side of the property. He stated that there are twelve conditions of approval and requested a change on Condition #4 to a minimum of 10 feet to the west rather than 5 feet. As pertaining to Condition #5, they requested to underbrush the natural vegetation in the 50 foot reservation easement area and plant landscaping. As pertaining to Condition #7, they have agreed to leave a 25 foot right-of-way along the easterly property boundary.

Chairman DeWitt asked for public comment. The following people came forward:

Brian Cross - Mr. Cross, under oath, stated that he lives on the corner - adjacent to the subject property. He stated that he does not have a problem with the project except that when they came through with the water and sewer lines, heavy equipment went through his property to access the service road. He commented that it is low lying property.

Mr. Weissinger stated that much of the speaker's concern was with the water and sewer line and the City would need to address the issue.

Mr. Gaylor stated that it is unfortunate that these things happen, but the developer had nothing to do with the pipe construction. He stated that they will do everything in their power to be good stewards. Very little work would be done in the northeast corner of the property.

Comm. Palmieri stated that he is not in favor of waiving the requirement of the frontage road. Comm. Smith stated that he knows the gentleman [Mr. Cross] and wants to be sure he is not caused anymore problems. Mr. Gaylor stated that they are bound by more stringent regulations than what the contractor was for the water/sewer lines that were installed. He stated that they have to make sure the conveyance of drainage is maintained.

Comm. Widmar questioned the 25 foot right-of-way reservation on the eastern property line. Mr. Gaylor stated that they are providing the reservation. In response to Comm. Palmieri's concern, Mr. Gaylor stated that the 50 foot reservation would be along SR 50 so there is no discussion of not providing the frontage road - it is simply the matter of timing for the building of the road. They will provide additional landscaping.

Comm. Widmar asked how the natural swale that runs along Lots 4 and 5 would not be impeded. Mr. Gaylor stated that they would route the stormwater around the property. Mr. Jennings stated that the streambed is stabilized and it should remain through the development process.

Mr. Weissinger requested clarification of Condition #7 (the petitioner shall extend a roadway to the north along the eastern boundary of the project). Mr. Weissinger stated that he did not see it on the plan. Mr. Jennings stated that they have to submit a revised plan that shows the right-of-way. Mr. Weissinger contended that the language indicates the petitioner shall extend a roadway rather than reserve a right-of-way. Mr. Jennings stated that there needs to be the provision of language that upon demonstration of need and demand by the County, the petitioner would furnish the frontage road. Mr. Jennings clarified that there is an existing platted 20 ft. right-of-way in Mountain Park abutting, their proportionate share of that 50 foot right-of-way being 25 feet for a total of 45 feet. And, he added, they would have to add an additional five feet to bring it up to the 50 foot right-of-way.

Comm. Widmar asked about the protection of the natural swale. Mr. Jennings stated that there is nothing in the regulations requiring the swale to be incorporated into the project.

Comm. Covell asked about the approximate size of the lots in Mountain Park (lots 5, 6, 7, and 8). Comm. Covell stated that the City Council should be contacted with concerns [about the water/sewer lines]. Comm. Covell stated the buffer needs to be increased to a minimum of 30 feet in the back. She also felt that a condition of approval would be that the applicant be responsible for their proportionate fair share of the impacts for the road impacts on SR 50; and that all construction traffic enter and exit on SR 50 to eliminate a little bit of the problem.

Motion Comm. Covell moved that pursuant to the findings of fact outlined in the staff report, the Planning and Zoning Commission recommend approval of the application to the Board of County Commissioners with the following modifications to conditions 4 and 7, and the addition of items 13 and 14 as follows:

4. A minimum of ~~10'~~ 30' wide natural buffer with 80% opacity shall be provided along the north and east boundaries of the project adjacent to platted residential property. A minimum ~~5'~~ 10 feet along the west.
7. The petitioner shall provide a frontage road across the property at no cost to the county, upon demonstration of need and demand by the County, The petitioner shall extend the roadway to the north upon demonstration of need and demand and provide 25' of ~~adequate~~ right-of-way to accommodate.
13. 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.
14. All construction traffic shall enter and exit on SR 50.

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

Mr. Gaylor commented that they would like the flexibility to be able to work with Vic Heisler [Development Department] on plant landscaping, but they will leave the trees as they exist.

THE COMMISSION TOOK A ONE HOUR LUNCH BREAK AT THIS TIME.

Anna Belle Bonnell - Conditional Use Permit - CU0615

Purpose: Conditional Use Permit for a Second Residence

Location: South side of Arizona Street, approximately 200' west of Fort Dade Avenue

Representative: Celia Phillips-Hormerte

The applicant is requesting to renew a previously approved conditional use permit for a second residence. The subject property is located on the south side of Arizona Street, approximately 200' west of Fort Dade Avenue.

The staff report reflected that the Planning staff recommends 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 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, including receiving development review for the proposed use.
2. The petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The second residence is approved as a substandard sized unit.

Celia Phillips-Hormerte, under oath, was present to represent the application.

Chairman DeWitt asked for public comment. No one came forward.

Comm. Widmar asked where the mobile home was a recreational vehicle. It was clarified that it has wheels and is a mini-trailer. Mr. Jennings stated that the park trailer is on the property and has been for two years. It was clarified for the record that it is a park model, a doublewide trailer.

Motion Comm. Covell made a motion to approve per staff's recommendation. Comm. Palmieri seconded the motion, and it carried 5-0.

James W. Kern - Rezoning - H0659

Purpose: Rezoning from AG (Agricultural) to C/PDP(SF)&(GC)/Combined Planned Development Project (Single Family) & (General Commercial), reduction in setbacks and a waiver of the Frontage Road

Location: North side of SR 50, east and west of Mondon Hill Road

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

The applicant is requesting to rezone this approximately 121 acre site from AG to a planned development project with residential and commercial uses. The property is located on the north side of SR 50, west and east of Mondon Hill Road.

The staff report reflected the Planning staff recommends the Planning and Zoning Commission postpone consideration of the subject request for 30 days in order to allow the petitioner time to develop a plan which reduces the density, increases buffers, and demonstrates compatibility with the surrounding area.

Alan Garman, under oath, representative of the applicant, stated they concur with staff and would like the petition postponed to the August agenda of the Planning and Zoning Commission. Upon questioning by Comm. Covell concerning notices to the public, Mr. Jennings replied that public notice signs are re-issued indicating the new date, but no additional mailing of notices is typically done.

Chairman DeWitt asked for public comment. No one came forward.

Motion Comm. Palmieri moved that the Planning and Zoning Commission postpone consideration of this petition to their August 14, 2006, meeting at 9:00 a.m. The motion was seconded by Comm. Smith. The motion carried 5-0.

Ljuba Irwin - Rezoning - H0660

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

Location: Approximately 1500' north of Dunkirk, east end of Bayshore Court

Representative: Darryl W. Johnston, Esq.

The applicant is requesting to rezone from AG to R-1C. The subject property is located east of Bayshore Court, approximately 1,500' north of Dunkirk Road.

Mr. Jennings noted for the record that there could conceivably be ex-parte issues since the Commissioners did disclose in the morning session that they did visit the sites.

The staff report reflected that staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, based on the following conclusions:

1. The project as proposed includes only one functional access point which is inconsistent with BCC policy.
2. The existing local roadway system is inadequate to accommodate the proposed development.

3. Rezoning to PDP(SF) is inconsistent with the County's adopted Comprehensive Plan.

Mr. Jennings stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AG to PDP(SF). Staff did not see anything different than previously submitted.

Comm. Covell asked why it is being submitted within the 12 month period. Mr. Jennings stated that the hearings are being held after the one year date. The petition was originally denied on June 8, 2005. Chairman DeWitt asked what the vote was at that time. Mr. Jennings stated that it was recommended for approval by the Planning and Zoning Commission with a vote of 3-2.

Darryl W. Johnston, Esq., under oath, was present to represent the applicant. Mr. Johnston introduced Ted Tob, Attorney with Schumaker, Loop, and Kendrick (co-counsel) and Ty Maxi, a land planner with Engelhardt, Hammer & Associates. Mr. Johnston reviewed the property and its surrounding land uses.

Mr. Johnston reviewed that in 2005 the Planning and Zoning Commission, by a vote of 3-2, recommended approval of the application to the Board of County Commissioners (BCC) with an added condition to provide a stub-out to the south. However, the BCC denied the application because they wanted two access points. Staff recommended approval of PDP(SF) zoning with 21,500 sq. ft. lot minimum requirements. For the record, Mr. Johnston provided a copy of the staff report from last year.

Mr. Johnston pointed out that nowhere in the staff report does it mention that the local road system is inadequate. He submitted a report dated June 9, 2006, by Dillette-Monker, a P.E. and a traffic engineering firm. Their conclusion was that the road system is adequate for this ten acre piece of property that can be, at most, developed into 14 units and will probably be 12 units (after SWFWMD permitting and such). Whatever road system [staff is considering] should not include Bayshore Court because it is functional, according to the staff's report, Mr. Johnston stated. Further, Mr. Johnston questioned how the project is inconsistent with the Comprehensive Plan. Mr. Johnston stated that they disagree with staff's recommendations of denial - that the project is consistent with the Comprehensive Plan. The lots are bigger than any surrounding parcels. There are no policies in the staff's report indicating which parts of the Comprehensive Plan it is in conflict with.

Mr. Maxi, under oath, stated that he has been a Principal Planner with Engelhardt & Hammer Associates, Inc. for three and one-half years. He reviewed his educational background. Mr. Maxi stated that it is impossible to provide interconnection to contiguous properties with no additional development occurring.

Mr. Johnston stated that the property is ten acres in size, it is compatible with the lots in the neighborhood, and the proposed residential use is well below the allowed density in the future land use classification for the property, and requested approval of the rezoning.

Chairman DeWitt asked for public comment. The following people came forward:

Anthony Domagala - Mr. Domagala, under oath, stated that his property abuts to the proposed project. He stated that his property is 150 ft. deep. The road is very narrow. The only way to widen the road is to take part of his property, he stated. He stated that he has had to call the police over 100 times and this project would increase crime. He stated that he bought the property because it was on a dead-end street and the project would change the character of the area. He questioned what would happen to the drainage in the area and was fearful it would drain on his property. He requested the Commission to stop the development.

George Hayles - Mr. Hales, under oath, stated that he lives on Bayshore Court - further down the court towards the cul-de-sac. He commented that the issue of one or two entrances needs to be decided. Eventually, the large piece of property (over 400 acres) will be built upon, he stated. Furthermore, access roads would need to be built. Mr. Hayles stated that it is difficult to get to Oak Hill Hospital due to the roadway network as it is now.

Bill Wuekr - Mr. Wuekr, under oath, stated that he lives on Bayshore Court and he indicated opposition to the project.

Mr. Johnston provided rebuttal reiterating points he mentioned earlier. Comm. Covell requested clarification on the County's policy for access. Mr. Jennings explained that the policy is fairly new - it requires two access points for any project, but for smaller projects, there is the ability to deviate from the policy.

Mr. Jennings stated that the Staff's recommendation was based upon the fact that nothing has changed in the project since it was submitted a year ago and it boils down to the finding that the access as shown is inconsistent with the policy.

Comm. Covell stated that she objected to the proposal a year ago because she was insisting on a northern access as well as a southern access for the project, but the proposed plan has a small amount of homes (10 or 12). She stated that there have been numerous projects throughout the Spring Hill area that have dead-end streets that eventually will be connected into.

Comm. Palmieri stated that the Board of County Commissioners denied the project. Comm. Palmieri stated that the applicant originally requested R-1C with 21,500 square foot minimum lot size and now the applicant is requesting PDP(SF) with 21,500 square foot minimum lot sizes. Comm. Palmieri asked what has changed in the application for the Staff's

recommendation of denial. Mr. Jennings stated that Staff's recommendation for the previous petition was for PDP(SF) not for R-1C and two stub-outs. Mr. Jennings stated the Board denied the petition. The petition that is currently before the Commission is the very same application. The BCC said it was inconsistent so Staff is recommending denial based upon the Board's previous decision, Mr. Jennings said. Mr. Weissinger clarified that it is Staff's role to interpret the Comprehensive Plan and apply it to the petitions before them. Mr. Jennings stated that there are no changes in the circumstances of the new petition, and since the Board denied the previous petition, Staff is recommending denial based upon Board actions.

After additional discussion, Comm. Palmieri commented that he thought the lot sizes are compatible with the surrounding area, appropriate for the location, and compatible with the surrounding uses. Comm. Palmieri stated that he doesn't like going against Staff's recommendation, but in this case he feels that because of the size of the proposed development, the one entrance with a stub-out to the south is all that is necessary. He indicated he would be in favor of approving the application. Mr. DeWitt concurred. He asked whether it would make a difference to the Board if the applicant provided a stub-out to the north and to the south. Mr. Jennings replied that from the Staff's perspective, there still are not two functional access points. Mr. DeWitt stated that he would be in favor of the project as long as it had the 21,500 square foot lots.

Mr. Smith stated that he is in favor of the application, and that he understands why Staff made the recommendation that they did. Comm. DeWitt didn't have a problem with a stub-out.

Mr. DeWitt commented that the developer should be responsible for repairs and maintenance of Bayshore Court down to Dunkirk caused by development activities. Mr. Johnston stated that they would comply with whatever the land development regulations would require.

Mr. Jennings stated that the standard recommendations needed to be included in any motion for approval including obtaining all required permits, revising the plan within 30 days, and the reflecting of the open space standard. Comm DeWitt felt that any deterioration of Bayshore Drive and Bayshore Court during construction of the subdivision should be the responsibility of the developer and part of a motion.

Motion Comm. Palmieri made a motion to recommend approval of the application to the Board of County Commissioners with the following conditions:

1. 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.

2. 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.
3. The developer maintain and repair Bayshore Court so as to prevent any deterioration during construction of the project.

The motion was seconded by Comm. Widmar. The motion carried 4-1 with Comm.. Covell voting nay since there was no access to the north.

William T. Gould - Special Exception Use Permit - SE0601

Purpose: Special Exception Use Permit to Park Commercial Vehicles

Location: Approximately 1450' south of Whitman Road, west side of Jacobson Road

Representative: Darryl W. Johnston, Esq.

The applicant is requesting a special exception use permit to park commercial vehicles. The subject property is located approximately 1450' south of Whitman Road, on the west side of Jacobson Road.

The Staff report reflected that pursuant to the findings of fact outlined in the Staff report, the Planning Staff recommends the Planning and Zoning Commission approve a special exception use permit to park one additional commercial vehicle on the subject property with the following performance standards:

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 commercial vehicles shall be parked in the area indicated on the site plan.

Darryl W. Johnston, Esq., under oath, reviewed the request. Mr. Bill Gould, applicant, was also present. Mr. Johnston indicated that Mr. Gould has had a concrete business for a number of years and has some trucks that he hasn't been using, a box truck and a pump truck, none of which require commercial licenses to operate. Mr. Johnston stated that Code Enforcement has cited the owner for having the vehicles on the Agricultural property. Mr. Johnston stated that

four people reside on the property and they are affiliated with the business. He indicated that the owner would like to have on additional truck which is beyond the requirements allowed. The vehicles are hidden from view; however, the neighbors don't like the vehicles on the property.

Chairman DeWitt asked for public comment. The following people came forward:

Eric Lavin - Mr. Lavin, under oath, stated that he and several others are opposed to the application due to the commercial activities on the property.

Mr. Johnston stated that the goal is to obscure the vehicles from sight from the road and from neighbors and the property is large enough for that to be done. He requested a total of four additional vehicles be allowed on the site.

Comm. Widmar commented that there were no public notice signs posted on the property. Mr. Johnston stated that the signs were initially posted and then were torn down and then not re-posted until later. Comm. Widmar noted that there was a hut on the property. Mr. Gould affirmed that he had built a hut on the property and had obtained permits to do it.

Comm. Widmar questioned whether the yellow pages would be considered advertising. Mr. Jennings replied in the affirmative. Mr. Jennings informed the Commissioners that Code Enforcement is involved in reviewing activities on the property.

Comm. Covell asked the applicant whether he had an occupational license for the property. Mr. Gould replied in the affirmative. Comm. Covell questioned whether he had an occupational license for the trucks operating out of the business. Mr. Gould replied in the affirmative. Comm. Covell agreed with Comm. Widmar that the advertising is not allowed per County standards. She requested clarification from Staff concerning the vehicles. Mr. Jennings stated that in the Agricultural district, a person is allowed to drive back-and-forth to their house in a commercial vehicle. The applicant has requested four vehicles, three plus the one that he is allowed to have as a permitted use. Staff is recommending one additional vehicle for a total of two. Comm. DeWitt concurred with Staff's recommendation.

Motion Comm. Palmieri moved that pursuant to the findings of fact outlined in the staff report, the Planning and Zoning Commission approve the Special Exception Use Permit per Staff's recommendations. The motion was seconded by Comm. Smith, and carried 5-0.

First Baptist Church of Garden Grove, Inc. - Special Exception Use Permit - SE0603

Purpose: Special Exception Use Permit for a Place of Public Assembly

Location: North side of Stromberg, east and west of Deepwood Street

Representative: Darryl W. Johnston, Esq.

The applicant is requesting a special exception use permit on this approximately 2 acre property. The subject property is located east and west of Deepwood Avenue.

The staff report reflected that pursuant to the findings of fact outlined in the report, the Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly and associated 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. Final design of parking and circulation areas are subject to approval by the County Engineer.
3. The petitioner shall work with the County Engineer to provide additional right-of-way along the adjacent streets accessing the project.
4. The approval is for the buildings and parking at the intensity indicated on the site plan.

Mr. Jennings stated that there is a church on a portion of the property that is a non-conforming use. The applicant wants to expand the public assembly use to lots across the street for parking. Staff felt, he explained, that the best way to do this is to bring the whole thing into conformance with the rules and suggested they apply for a special exception use permit on the parcels.

Mr. Johnston, under oath, was present to represent the application. Mr. Johnston stated that they support Staff's recommendation.

Comm. Dewitt asked for public comment. No one came forward.

Comm. Palmieri asked whether there was a provision for a buffer along the western boundary of the proposed parking area since it is a residential area. Mr. Jennings stated that there would be a buffer or hedge separation required under the land development regulations.

Motion Comm. Palmieri moved to approve per Staff's recommendation. Comm. Covell seconded the motion, and it carried 5-0.

A five minute break occurred at this time. It was noted that Mr. Mixson, County Engineer, had to leave the meeting due to preparation for possible hurricane weather.

LTRA, Inc. - Conditional Plat - P0609C

Purpose: Conditional Plat approval for Big John's Subdivision

Location: Approximately 800' east of the intersection of Spring Hill Drive and Spring Park Way, lying on the south side of Spring Hill Drive

Representative: Mark Guttman, Nicholson Engineering

The applicant is requesting conditional plat approval for Big John's Subdivision. This development consists of 2 commercial lots, a DRA and Preservation tract on 3.87 acres located approximately 800 feet east of the intersection of Spring Hill Drive and Spring Park Way, lying on the south side of Spring Hill drive.

The staff report reflected that the Planning Staff recommends the Planning and Zoning Commission approve the conditional plat of Big John's 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 the Hernando County Facility Design Guidelines.
3. The applicant shall provide an additional 20' of right-of-way along Spring Hill Drive to accept drainage along Spring Hill Drive.
4. The applicant shall show on the conditional plat drainage easement serving lots 1 & 2 into the DRA tract.
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. 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. Guttman indicated a problem with Condition #3. He felt that "right-of-way" should be "easement." Mr. Jennings stated that the recommendation came from the County Engineer and unfortunately he already left the meeting. Comm. Covell asked whether the Board of County Commissioners could modify the condition if the County Engineer does not agree with

the change in the language for Condition #3. Mr. Jennings confirmed that the Board has the ability to review and modify conditional plat conditions approved by the Planning and Zoning Commission.

Motion Comm. Covell moved to approve the conditional plat per Staff's recommendations with the exception of Condition #3 being approved as follows:

3. The applicant shall provide an additional 20' of easement along Spring Hill Drive to accept drainage along Spring Hill Drive.

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

Pulte Home Corporation - Conditional Plat - P0610C

Purpose: Conditional Plat Approval for Trillium Villages D&E

Location: Approximately 3000' east of the Suncoast Parkway and approximately ½ mile north of County Line Road

Representative: Bill Balke, Heidt & Associates, Inc

The applicant is requesting conditional plat approval for Trillium Villages D & E. This development consists of 259 single family lots on 81.93 acres is located approximately 3000' east of the Suncoast Parkway and approximately ½ mile north of County Line Road.

The staff report reflected that pursuant to the findings of fact outlined in the staff report, the Planning Staff recommends the Planning and Zoning Commission approve the conditional plat of Trillium Villages D & E 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 on the conditional plat the proposed location of tree-lined roadway area.
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. 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. Balke, under oath, was present to represent the conditional plat, and stated that they reviewed and concurred with Staff's recommendations.

Chairman DeWitt asked for public comment. No one came forward.

Comm. Palmieri asked when the County Line Road re-alignment was going to occur. Mr. Jennings responded that it will probably be within the next 4-5 years. Their access point, he stated, would be to County Line Road just east of the Parkway. The developer has to have an emergency access to the Masaryktown area. The plat shows the crossing of the County Line Road extension and it shows the existing County Line Road right-of-way which has been secured by the County as part of the development.

Motion Comm. Palmieri moved to approve the conditional plat per the Staff's recommendations. The motion was seconded by Comm. Covell, and the motion carried 5-0.

Hernando County Board of County Commissioners - Comprehensive Plan Amendment - CPAM0601

Purpose: Comprehensive Plan Amendment to Amend the Transportation Maps of Section E, Special Features Maps of Hernando County, Florida

Location: County Wide

Representative: Larry Jennings, Deputy County Administrator

Mr. Jennings recommended the items be postponed for additional review. The workshop scheduled for the Planning and Zoning Commission on June 22, 2006, concerns the maps and the adjournment to July 10 would allow time to conduct the workshop.

Chairman DeWitt asked for public comment. No one came forward.

Motion Comm. Covell made a motion to postpone this petition to their July 10, 2006, meeting at 1:00 p.m. The motion was seconded by Comm. Widmar, and carried 5-0.

Discussion of Plummer-Bash et al Request (James Berentine et al, H0568)

This issue is a discussion on a request by the applicant to determine whether the Planning and Zoning Commission wants to schedule a public hearing on a future agenda to consider this zoning petition.

Mr. Jennings stated that the application was rejected by the BCC in October of 2005. The policy is that the applicant can request a hearing date prior to one year since action was taken on the application, but the Planning and Zoning Commission has to review the request and decide whether or not to hear it before the one year waiting period.

Mark Guttman from Nicholson Engineering was present to represent the issue. Mr. Guttman, under oath, stated that they applied for a different zoning intensity (previously it was C-2, and now they wish to pursue PDP(GHC)). He noted that the Planning and Zoning Commission had recommended approval, but the BCC denied it.

Comm. Palmieri commented that he did not feel there was a substantial change from the original petition. Comm. Covell and Comm. Widmar agreed with Comm. Palmieri.

Motion Comm. Covell made a motion to deny re-hearing the petition before the one year period expired. The motion was seconded by Comm. Palmieri, and it carried 5-0.

Discussion of Coastal Bay Realty, LLC (Gene Lanton, Coastal Bay Properties, LLC H05126)

This issue is a discussion on a request by the applicant to determine whether the Planning and Zoning Commission wants to schedule a public hearing on a future agenda to consider this zoning petition.

Mr. Jennings stated that this is the same sort of request as the previous discussion. The Planning and Zoning Commission recommended approval, but the BCC denied the application.

Mr. Quinn from Coastal Engineering Associates, Inc. was present to represent the application. He provided a review of the history of the project. He indicated that the new layout shows a reconfiguration of the 60 foot lots to the north, and they moved the 1 acre lots to the south providing more compatibility with lot owners to the south and east. He stated that they felt it represented a substantial change from the previous application.

After some discussion, Commissioners Widmar and Smith felt that there was a substantial change since the previous submission and the applicant is depicting a site plan that reflects staff's comments made during their previous hearing.

Motion Comm. Palmieri moved to deny the re-hearing before the one year waiting period expires. Comm. Covell seconded the motion. The motion failed with Commissioners Widmar, Smith, and DeWitt voting nay.

Motion Comm. Widmar moved to allow the petition to re-apply before the one year waiting period. Comm. Smith seconded the motion, and the motion carried 3-2 with Commissioners Covell and Palmieri voting nay. Commissioners Covell and Palmieri indicated that there should be adherence to the policy and the application was previous postponed several times with reiterations of the site plan.

Discussion of Malte Rezoning/Master Plan [Previously Alvin Mazourek et. al. (H-05-84)]

This issue is a discussion on a request by the applicant to determine whether the P&Z wants to schedule a public hearing on a future agenda to consider this zoning petition.

Mr. Jennings stated that this request is the same as the two previous discussions. The application was heard by the Planning and Zoning Commission on September 12, 2005.

Mr. Quinn from Coastal Engineering Associates, Inc. was present to represent the application. Under oath, he discussed the project indicating they believed there were substantial changes to the site plan which he reviewed.

Comm. DeWitt asked for public comment. The following person came forward:

Herbert Malherb - Mr. Malherb, under oath, stated that he finds faults with the reverse frontage road and that it runs only 25 feet away from the single-family homes. He felt the proposed change is not substantial warranting a re-hearing. He reviewed the BCC member's comments from the previous public hearing when it was denied.

Tony Nicita - Mr. Nicita, under oath, also had concerns with the reverse frontage road.

Mr. Mark Taylor, under oath, stated that he is one of the owners of the property. He reviewed the proposed changes to the project indicating that they have tried to address the concerns of the adjacent property owners.

Mr. Jennings stated that the Staff had recommended approval of the application, the Planning and Zoning Commission had recommended approval of the application to the BCC by a vote of 3-2, but the Board denied it 5-0. He recollected that the Board's concern was on compatibility issues and separation from the single-family lots in Wellington - the frontage road being too close to them.

Comm. DeWitt stated that he doesn't have a problem re-hearing it since it is almost a year since it was acted upon anyway. Comm. Palmieri agreed.

Motion Comm. Palmieri moved to re-hear the application before the one year waiting period expires. Comm. Smith seconded the motion, and it carried 3-2 with Commissioners Covell and Widmar voting nay indicating preference to the adherence to the waiting period policy. Comm. Widmar felt that the residents are still not satisfied with the changes.

Commissioner Issues

Comm. Widmar stated that during the Evaluation and Appraisal Report (EAR) process of the Comprehensive Plan one of the items discussed was the Southeast Overlay District which was removed from the Comprehensive Plan. He felt that the idea of being a buffer zone between the Planned Development District (PDD) and rural area was recognized as having merit. That being in place could've given direction because it must have economic and other merit. Mr. Widmar was concerned with a lack of a master plan for the I-75 PDD area. The lack of it has caused some disconnects between the responsibilities for the PDD and surrounding areas, he stated. Further discussion ensued.

Mr. Jennings stated that the major issues are the facilities and how they are financed. Mr. Jennings stated that the Staff is responsible to do the plan. Much of this will be discussed at the Planning and Zoning Commission's workshop on June 22, 2006, at 1:00 p.m.

Other Business

There being no further business, the meeting was adjourned at 4:06 p.m.



W. R. "Bob" DeWitt, Chairman
Hernando County Planning & Zoning Commission

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Approved by the Planning and Zoning Commission on 7/10/06, 2006.