

STAFF REPORT

Planning & Zoning Commission: February 10, 2003
Board of County Commissioners: March 12, 2003

APPLICANT: Hernando County School Board **FILE NUMBER:** H-03-05

PURPOSE: Request for Public Service Facility Overlay District for a Public Educational Facility

GENERAL

LOCATION: East side of McKethan Road, approximately 3200' south of Cortez Boulevard

LEGAL

DESCRIPTION: A portion of Section 10, Township 23 South, Range 21 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Pasture
South: AG	Pasture
East: PDP(SF)	Undeveloped
West: AR-2	Undeveloped, SF, MH

SUMMARY OF REQUEST

The petitioner requests a public service facility overlay district for a public educational facility. The subject property is located on the east side of McKethan Road, approximately 3200' south of Cortez Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 80 acres.
3. The site is currently undeveloped.

4. The subject property has access from McKethan Road.
5. The subject property is located within a Rural land use classification on the adopted Future Land Use Map.
6. According to the Hernando County Soil Survey, the on-site soil types include Basinger fine sand, Candler fine sand, Myakka fine sand and Wauchula 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 development.
7. The property is located in flood zones C and A.
8. The subject property contains wetlands and a WHPA-2, but no SPAs, according to County data resources.
9. The Utilities Department has indicated that central water is currently available and the closest point of connection for central sewer service is at the intersection of Cortez Boulevard and McKethan Road.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area is characterized by rural and residential land uses.
12. The petitioner has not requested any deviations from the County's LDRs.

FINDINGS OF FACT

The subject property is located within a Rural land use classification as identified on the adopted future land use map. Potential uses in the rural land use category include farms, ranches, agri-industrial uses, agricultural commercial, farm worker housing, residential uses, neighborhood commercial uses, recreation, and public and semi-public uses. The proposed educational facility is considered a public facility which is an allowable use in any land use category provided the proposed use is consistent with the policies contained in the adopted Comprehensive Plan. The proposed use must also receive the appropriate land use approval. Consistency with the Comprehensive Plan is determined through the public hearing process to obtain the land use approval.

Policy 1.01I(3) indicates that school siting decisions shall be consistent with the standards established in the Florida Statutes, which indicate that school boards shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans.

Policy 1.01(I)(4) requires that school siting approvals are consistent with appropriate service standards. These standards include an adequate capacity review to ensure the provision of water and sewer services, and the provision of adequate transportation. The petitioner is proposing central water and sewer to serve the subject property. Central water is available to serve the subject site. Central sewer service is not currently available. The closest point of connection to sewer is located at the intersection of Cortez Boulevard and McKethan Road. The County Utilities Department has indicated that sewer can be made available if the petitioner extends service to the subject property and an agreement for services is arranged with the County. The Planning staff would recommend that if the request is approved, the petitioner would be responsible for providing the necessary improvements to make water and sewer provisions available to serve the subject site.

The subject property is located on McKethan Road/US 98, a two-lane undivided principal arterial roadway. No sidewalks are located on this roadway. The petitioner has estimated that approximately 40 buses will serve the site. The Transportation Coordinator has noted that McKethan Road has the capacity to serve the site. The site plan indicates three access points on McKethan Road. The County Engineering Department has indicated that the roadway conditions prohibit the construction of the proposed middle access to McKethan Road and noted that turn lanes on McKethan Road will be required, as will turn lanes on the access roads along the north and south lot lines where they provide access to parking areas and other internal roadways. Although the petitioner indicates a traffic light will be required at the southern access point on McKethan Road, the County Engineering Department indicates that signalization would be anticipated for the northern access road because that intersection is closest to the population served and because the northern access road serves both the middle and high schools. The Planning staff's opinion is that if the request is approved, the petitioner will be responsible for providing signalization at the proposed northern access point. The Engineering Department notes that depending on the volume of traffic at the intersection recommended for signalization, dual left turn lanes may be required, and recommends construction of the dual left turn lanes, with one lane striped out.

Policy 1.01I(5) indicates that new public educational facilities of the School Board are an allowable use in the Residential and Rural land use categories. The subject property is located in the Rural land use category. However, Policy 1.01I(6) indicates that the location of new public educational facilities within the Rural land use category shall only be allowed upon determination by the County in accordance with the Comprehensive Plan, that the proposed site is consistent with the Plan or the site qualifies for or has received a Comprehensive Plan Amendment.

Policy 1.01I(7) provides locational criteria to be reviewed in determining the appropriateness of a proposed school site. The criteria include compatibility with existing and projected uses of adjacent properties and the site area of the proposed location providing sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses. The Planning staff is of the opinion the 80 acre site is large enough to provide adequate buffering to minimize impacts to the surrounding area.

The criteria also requires adequate public services and facilities to support the public educational facility based on the Capital Improvement Program of the School Board and the County's Comprehensive Plan; the petitioner has asserted this criteria is met.

The criteria requires the site have no significant environmental constraints that would preclude development of a public educational facility on the site, the location be well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements, no conflict with the County's Stormwater Management Plan and any watershed management plans adopted by the County if applicable. The County's generalized mapping indicates small wetlands in the northeast portion of the site and a WHPA 2 on the northeastern portion of the property. The wetland feature (class III) will need to be confirmed and if it exists, it must be delineated and shown on future plans. Any activities that impact the wetland will require state agency approval or a state permit. As defined under the Groundwater Protection Ordinance the proposed use would not be prohibited within a WHPA 2. The Planning staff is of the opinion environmental conditions do not prohibit the development of the site with educational facilities.

The criteria require the site not be located in a velocity zone or a flood way, can accommodate the required parking and anticipated queuing of vehicles onsite and lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of the airport. A portion of the site is located within flood zone A, which does not prohibit development. The Planning staff is of the opinion that the site is large enough to accommodate properly designed parking and circulation features. The petitioner has noted the site lies outside the area regulated by Section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The criteria requires there will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources. County data resources indicate no archaeological or historic sites are located on the subject property.

Policy 1.01I(8) indicates that schools shall be permitted to be located in the Rural land use category within two (2) miles from a Residential land use category only upon demonstrated need consistent with criteria including: consideration of the student population density of the area, the criteria included in Policy 1.01I(7), public safety and provision of central water and sewer service. The subject property is located within the Rural land use category and is located as close as 200 feet from property in the Residential land use category. The subject property is located approximately 1500' south of a parcel on McKethan Road in the Residential land use category. The petitioner has indicated the elementary and middle schools are not projected to be developed until 2009 at the earliest. The petitioner has indicated the high school would not be constructed until 2011 at the earliest. The petitioner has verbally indicated that the geographic zone which the school would serve has not yet been defined, but would include some area of the County west of I-75. The Planning Department has not yet received comments from the County Sheriff's Department and the County Fire Rescue District regarding their ability to serve the proposed facility. The site is proposed to be served by central water and sewer. The Planning staff is of the opinion that the proposed site meets the criteria for school sites located in the Rural land use category.

Policy 1.01I(9) indicates that educational facilities including an elementary school, middle school and high school shall have direct access to at least a minor collector roadway and that stadiums,

outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties. The subject property is located on a principal arterial highway. The Planning staff would require a minimum 10' vegetative buffer along the north, east and south lot lines if the request is approved.

Policy 1.01I(12) indicates that if a site is determined to be inconsistent with the County's Comprehensive Plan, in order to achieve consistency with the Plan, the County may impose reasonable conditions for development of the site at the time of review, although conditions may not be imposed which conflict with those established in the Florida Statutes, unless mutually agreed. Section 1013.33(13) FS indicates "(a) local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with Section 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property."

The area is characterized by rural residential development and agricultural uses. A pasture is located north of the subject property. The property to the east is undeveloped. Horse stable facilities are located to the south. It is the staff's opinion that the proposed request is not inconsistent with the County's adopted Future Land Use Map nor incompatible with the surrounding rural residential area with the appropriate performance conditions.

STAFF DISCUSSION

The petitioner has submitted a request for a public service facility overlay district for a public educational facility on this 80 acre property in eastern Hernando County. The subject property is zoned AG. The County's LDRs would allow the proposed use in a public service facility overlay district as a government use and structure. Criteria for reviewing a public service facility overlay district include, but are not limited to, compatibility with the nature of the surrounding area, conflict between the proposed use and nearby uses, and that the use would not adversely affect the public interest.

The petitioner has indicated the facility will include grades kindergarten through 12th. The petitioner has verbally estimated the student population at approximately 2,000. The proposed facilities include classrooms, cafeteria, playground and recreation facilities, bus loop and parking accommodations. The staff population is estimated at approximately 200 persons. The petitioner has entered into a contract to purchase the proposed site, contingent upon satisfaction of all conditions, including the proposed land use approval. Construction on the K-8 facilities is estimated to begin no sooner than 2009. The high school facility is estimated to begin no sooner than 2011.

The petitioner has not requested any reductions in setbacks. Development within a PSFOD must meet the dimension and area regulations of the underlying zoning district. The AG parcel has minimum setbacks of 125' from McKethan Road, 35' from the side lot lines and 50' from the rear lot line. The LDRs indicate no building, structure or use within a public service facility overlay

district shall be located closer than fifty (50) feet to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel. The rear lot line is adjacent to a residentially zoned parcel.

The petitioner has indicated in the narrative that the impacts to the surrounding agricultural and residential uses and adjacent natural resources are expected to be minimal. The petitioner indicates that the subject property would be described as vacant with oak vegetation in the rear. The petitioner notes a small low area exists in the northeast corner of the site with some natural ponding. The petitioner anticipates that this low area will be utilized for an on-site DRA.

The submitted site plan provides no detail about proposed buffering on the subject property. County ordinance will require minimum landscaping standards, including a 5'-wide vegetative buffer along a portion of the McKethan Road frontage and around the perimeter of the parking lots and requiring 15% of the site be landscaping. The Planning staff is of the opinion that if the request is approved, a minimum 10'-wide vegetated buffer with a minimum 6'-high wall or fence will be required along the north, east and south lot lines to buffer the use against the adjacent agricultural parcels.

The petitioner has not provided a detailed lighting plan for the proposed school. The Planning staff is of the opinion that improper lighting for the recreational facilities would prevent the proposed use from being compatible with the surrounding rural and residential land uses. In order to minimize adverse impacts to the surrounding land uses, the Planning staff would recommend that if the request is approved, the petitioner should be required to prepare a lighting plan for DRC review which would orient the lights away from the surrounding rural and residential land uses.

Since the site is suitable for gopher tortoise habitat, a species of special concern, a preliminary floral and faunal (plant and wildlife) survey should be conducted to determine if any listed species are present. If listed wildlife species are present, the petitioner would be required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use, which may include review by the Development Review Committee (DRC).

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt

Resolution # _____ approving the petitioner's request for public service facility overlay district for a public educational facility, with the following performance conditions:

1. The petitioner must obtain any applicable permits from Hernando County and meet any applicable land development regulations, for either construction or use of the property, including receiving DRC review of the proposed site plan.
2. The land use approval shall be for educational facilities for grades kindergarten through twelfth on the subject property.
3. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
4. The minimum setbacks shall be as follows:

Front (McKethan Road):	125'
Side lot lines:	35'
Rear lot line:	50'
5. The petitioner shall provide a minimum 10'-wide vegetative buffer with a 6'-high wall or fence along the north, east and south boundaries of the subject property to shield the activities on the site from the adjacent properties.
6. Upon site plan submittal for each phase of the project, the petitioner shall prepare a lighting plan for review by the DRC which orients any lighting away from the adjacent properties.
7. The petitioner shall prepare a detailed onsite and offsite traffic flow and management study to be approved by the County Engineer prior to any construction occurring on the site.
8. When necessary per the traffic study, the two (2) approved access points to McKethan Road shall be improved to provide proper storage of through, left and right turn lanes.
9. The petitioner shall be responsible for providing signalization when warranted at the northern access point.
10. The petitioner must enter into a water and sewer agreement with the County.
11. The petitioner shall be responsible for providing the necessary improvements to make water and sewer provisions available to serve the subject site.

P&Z RECOMMENDATION:

On February 10, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for public

service facility overlay district for a public educational facility, with the following modified performance conditions:

1. The petitioner must obtain any applicable permits from Hernando County and meet any applicable land development regulations, for either construction or use of the property, including receiving DRC review of the proposed site plan.
2. The land use approval shall be for educational facilities for grades kindergarten through twelfth on the subject property.
3. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
4. The minimum setbacks shall be as follows:

Front (McKethan Road):	125'
Side lot lines:	35'
Rear lot line:	50'
5. The petitioner shall provide a minimum 30'- ~~40'~~-wide vegetative buffer with a 6'-high wall or fence along the north, east and south boundaries of the subject property to shield the activities on the site from the adjacent properties.
6. Upon site plan submittal for each phase of the project, the petitioner shall prepare a lighting plan for review by the DRC which orients any lighting away from the adjacent properties.
7. The petitioner shall prepare a detailed onsite and offsite traffic flow and management study to be approved by the County Engineer prior to any construction occurring on the site.
8. Upon construction of the school, ~~When necessary per the traffic study~~ the two (2) approved access points to McKethan Road shall be improved to provide proper storage of through, left and right turn lanes.
9. The petitioner shall be responsible for providing signalization when warranted at the northern access point.
10. The petitioner must enter into a water and sewer agreement with the County.
11. The petitioner shall be responsible for providing the necessary improvements to make water and sewer provisions available to serve the subject site.

ADDITIONAL INFORMATION:

The Hernando County Sheriff's Department and the Hernando County Fire Rescue District have indicated they will both be able to serve the site.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2003-54 approving the petitioner's request for public service facility overlay district for a public educational facility, with the following performance conditions:

1. The petitioner must obtain any applicable permits from Hernando County and meet any applicable land development regulations, for either construction or use of the property, including receiving DRC review of the proposed site plan.
2. The land use approval shall be for educational facilities for grades kindergarten through twelfth on the subject property.
3. The petitioner shall obtain and comply with any DEP, SWFWMD, or FWC permits that may be required for the subject site.
4. The minimum setbacks shall be as follows:

Front (McKethan Road):	125'
Side lot lines:	35'
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5. The petitioner shall provide a minimum 30' wide vegetative buffer with a 6' high wall or fence along the north, east and south boundaries of the subject property to shield the activities on the site from the adjacent properties.
6. Upon site plan submittal for each phase of the project, the petitioner shall prepare a lighting plan for review by the DRC which orients any lighting away from the adjacent properties.
7. The petitioner shall prepare a detailed onsite and offsite traffic flow and management study to be approved by the County Engineer prior to any construction occurring on the site.
8. Upon construction of the school, the two (2) approved access points to McKethan Road shall be improved to provide proper storage of through, left and right turn lanes.
9. The petitioner shall be responsible for providing signalization when warranted at the northern access point.
10. The petitioner must enter into a water and sewer agreement with the County.
11. The petitioner shall be responsible for providing the necessary improvements to make water and sewer provisions available to serve the subject site.