

STAFF REPORT

Planning & Zoning Commission: August 11, 2003
Board of County Commissioners: September 10, 2003

APPLICANT: Thomas E. Bronson, President & CEO, Majestic Oaks Partners, LLC
FILE NUMBER: H-03-45

PURPOSE: Master Plan Revision to include rezoning from PDP (REC)/(Recreational) to C/PDP to include (MF)/(Multifamily), PDP (SF)/(Single Family), PDP (RR)/(Resort Residential) and PDP(SU)/(Special Use) for a Life Care Center with a reduction in setbacks and a roadway deviation

GENERAL

LOCATION: South of Eppley Drive, east of Wallien Drive, north and south of Links Drive, approximately 200' west of Domingo Drive

LEGAL

DESCRIPTION: A portion of Section 18, Township 22 South, Range 20 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 2

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)
South: C/PDP, PDP(SF)
East: PDP(SF)
West: PDP(SF)

Surrounding Land Uses

Single family
Single family, Undeveloped
Single family
Single family

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include rezoning from PDP (REC) to PDP (MF), PDP (SF), PDP (RR) and PDP(SU) for a Life Care Center with a reduction in setbacks and a roadway deviation. The subject property is located south of Eppley Drive, east of Wallien Drive, north and south of Links Drive and approximately 200' west of Domingo Drive.

FACTUAL INFORMATION

1. The property is currently zoned PDP(REC).
2. The property comprises approximately 168 acres.
3. The site is developed with the Brooksville Country Club clubhouse and golf course.
4. The subject property has access from Links Drive, Eppley Drive, Wallien Drive, Domingo Drive and Christian Circle.
5. The subject property is located within residential and recreational land use classifications on the adopted Future Land Use Map.
6. The Hernando County Soil Survey indicates the on-site soil types include Arredondo fine sand, Blichton loamy fine sand, Flemington fine sandy loam, Kanapaha fine sand, Kendrick fine sand, Micanopy loamy fine sand, Nobleton fine sand, Sparr fine sand and borrow pits.
7. Portions of the subject property are located within the Bystre Lake Study flood area, with flood elevations ranging from 67.5 to 81.7 feet.
8. The subject property contains wetlands, WHPAs and SPAs according to County data resources.
9. The Utilities Department has indicated that the subject property is within the County's area of first refusal. Central water is available to serve the subject site. The Utilities Department has indicated central sewer service can be provided, if the Majestic Oaks subdivision to the south of the subject property is served by central sewer service.
10. The City of Brooksville has indicated that although the proposed development is not within the city's service area, city water and sewer capacity are available to serve the subject property.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by single family development and a country club.
13. The petitioner proposes not providing minimum perimeter setbacks for a housing pod located adjacent to the Majestic Oaks subdivision and proposed providing access to this pod via the Majestic Oaks roadway network. The petitioner has proposed alternative access to residential units such as golf cart path access and private drive with "T" turnaround, which are deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes rezoning the Brooksville Golf and Country Club to allow for additional uses. The petitioner proposes making improvements to the golf course by expanding the length of the driving range and expanding the recreation and ancillary golf facilities in the clubhouse area. The petitioner proposes introducing additional uses into the country club property, including four multifamily/villa complexes with resort residential uses containing up to 80 units and three areas containing a total of eight single family lots.

The Planning staff advertised a life care center, which was part of the petitioner's original request. The petitioner initially proposed 162 dwelling units, including a life care center. The petitioner has revised the request to ask for 88 dwelling units and is no longer proposing a life care center. The petitioner requests to be allowed a range of housing products to be located within each of the four multifamily/villa complexes. The petitioner indicates the products could range from SF detached villa lots to single story attached condominiums. The petitioner requests resort residential uses in the four MF/villa complexes.

The plan submitted indicates MF/villa complex #1 is located northwest of the clubhouse area on approximately 4.6 acres, MF/villa complex #2 is located northeast of the clubhouse area on approximately 2.7 acres, MF/villa complex #3 is located east of the clubhouse on approximately 2.2 acres and MF/villa complex #4 is located northeast of Christian Circle on approximately 0.6 acres.

The petitioner indicates MF/villa complex #1 would be reached directly via Links Drive. The plan submitted indicates a 30 unit villa complex with common parking. The petitioner proposes 50' setbacks from Links Drive and Wallien Drive. The petitioner proposes 35' perimeter setbacks for the complex and 20' separation distance between buildings. The Planning staff does not object to the proposed setbacks.

The petitioner indicates MF/villa complex #2 will have an access driveway from Links Drive with parking provided at the clubhouse. The plan submitted indicates a 15 unit villa complex. The petitioner proposes 25' perimeter setbacks for the complex and 20' separation between buildings. The Planning staff does not object to the proposed setbacks.

The petitioner indicates MF/villa complex #3 will have access via a 12' golf cart path from the clubhouse parking lot. The plan indicates a 30 unit single-story condo complex. The petitioner proposes 25' perimeter setbacks for the complex and 20' separation between buildings. The Planning staff does not object to the proposed setbacks.

The petitioner indicates MF/villa complex #4 will have access via a 12' golf cart path from the clubhouse parking lot. The plan indicates a 5 unit villa complex. The plan submitted does not specify setbacks for complex #4. The Planning staff would not object to perimeter setbacks of 25' and separation distance between buildings of 20'.

The site plan additionally indicates proposed villa setbacks of 25' front, 5' side and 10' rear. The Planning staff would not object to these setbacks for a complex developed uniformly with villa lots.

The plan indicates an approximately 0.25 acre SF area located south of the Wallien Drive/ Links Drive intersection. The plan indicates this is proposed to be one 150' x 200' SF lot. The petitioner has indicated this area would be developed in conjunction with property outside of the subject area. The petitioner has not indicated how the 0.25 area would be accessed. The petitioner has acknowledged this request will have to be the subject of a future master plan revision request.

The plan submitted shows two additional SF areas. One 2.5 acre area near Christian Circle is proposed to be developed with four (4) SF lots to be accessed via an 18' wide private drive within a 30' easement. The Planning staff is of the opinion that if the request is approved, development of this 2.5 acre SF area be made contingent upon the petitioner providing a revised plan indicating access meeting County roadway design guidelines. The 2.5 acre area adjacent to Majestic Oaks to the south lot is proposed to be developed with three SF lots and is proposed to be accessed via the Majestic Oaks roadway network. The petitioner indicates development of the three (3) SF lots would not occur until a roadway access is built on the Majestic Oaks property. The Planning staff does not object to access for the three lots being provided via Majestic Oaks local roadways when developed.

The SF lots are proposed to be of a minimum size of 100' x 150'. The petitioner proposes SF setbacks of 25' front, 10' side and 15' rear. The Planning staff does not object to the proposed SF setbacks. The petitioner requests a 25' perimeter setback for the SF area, except for the lots adjacent to Majestic Oaks, where the petitioner requests setback reduction from 25' to 0'. The Planning staff does not object to the proposed reduction in perimeter setbacks in this location adjacent to Majestic Oaks.

The petitioner has proposed resort residential uses on the site. The LDRs indicate that in order to reduce conflicts with existing and future residential districts and resort residential districts, resort residential districts shall have no access points to an adjacent residential district. The Planning staff is of the opinion the subject property, surrounded by existing SF development within Dogwood Estates, is not appropriate for resort residential development.

The petitioner has indicated on the plan that the former limerock pit in the southwest corner will be designated as "future use," consistent with the designation attached to the same pit on the adjacent Majestic Oaks property. The petitioner indicates the future use will be determined following an assessment of possible reclamation within the pit. The Planning staff does not object to this designation on the master plan.

The petitioner indicates access to the subject property will be provided from Croom Road via Dogwood Estates Drive, Wallien Drive and Links Drive. The petitioner indicates residents of the Majestic Oaks subdivision south of the subject property will access the golf and country club via Wallien Drive. The County Engineer has indicated that if the request is approved, the developer

should provide a right turn lane into Dogwood Estates Drive from eastbound Croom Road. The County Engineer has indicated improvements will be required on Wallien Drive north of the subject property. If the request is approved, the petitioner will be required to make improvements to the County roadway network as required by the County Engineer in order to correct the deficiencies regarding the access to the subject property. The petitioner's access management plan will be subject to approval by the County Engineer.

The Hernando County School Board has indicated that elementary school students will be allocated to Brooksville Elementary School, middle school students to D. S. Parrott Middle School and high school students to Hernando High School. The School Board indicates that all three schools are currently over permanent capacity and any additional students would be accommodated by adding portables to the campuses. The School Board estimates the original proposal would add approximately 162 students to the school district.

The petitioner proposes serving the proposed development with central water and sewer and will request service from both the city and the county to determine their ability to serve the proposed development. The petitioner indicates both the city and the county have utility service in the area. The Utilities Department has indicated that central water is available to serve the subject site. The Utilities Department has indicated central sewer service can be provided, if the Majestic Oaks subdivision to the south of the subject property is served by central sewer service. The City of Brooksville has indicated that although the subject property is not within the city's service area, if the County is unable to serve the site, city water and sewer capacity are available to serve the site. The city has indicated the closest point of connection for city water is an existing 12" water line located in the northwest quadrant of the US 41/Kelly Street intersection and the closest sewer point of connection for sewer is an existing 12" force main located in the south ROW of Croom Road approximately 1200' east of US 41. If the request is approved, multifamily development and single family development on lots smaller than a half-acre will have to be served by central water and sewer service.

All residential PDPs with lots which have lot widths of less than 60' at the building line are required to submit a fire protection plan upon filing of a conditional plat. If the request is approved, the developer must provide a fire protection plan as required per the LDRs.

The southern portion of the subject property contains a Special Protection Area (SPA) associated with an excavation pit. Any development in the vicinity of the SPA shall adhere to the County's Groundwater Protection Ordinance. Therefore, there shall be no direct discharge of untreated stormwater into the excavation pit or within the 500 foot buffer unless the pit is abandoned and physically removed.

According to County data resources, the subject property contains a WHPA-2 and WHPA-1. The proposed use with central services is allowed within this designation.

According to County data resources the subject property contains a Class 3 Wetland. Any removal, alteration, or encroachment of this wetland shall be mitigated through applicable state and federal permitting processes.

FINDINGS OF FACT

The area is characterized by single family development and a country club. According to County records, Dogwood Estates currently contains approximately 250 platted lots. The Planning staff is of the opinion additional SF development in the subject area at an appropriate density would be compatible with the existing development, as long as the developer maintains open space characteristics consistent with the original development plan for Dogwood Estates.

The subject property is located within residential and recreational land use classifications on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community centers. Land uses which can be located in this category with performance standards being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

According to County data records, the Dogwood Estates residential area contains approximately 264 acres and the Brooksville Country Club contains approximately 155 acres. Dogwood Estates contains approximately 250 units. The petitioner has proposed 88 total units on the subject property, however the Planning staff objects to one of the SF as proposed. The Planning staff does not object to 337 units developed within the 419 acre Dogwood Estates subdivision. The resulting 0.8 du/ac density would be allowable per the Comprehensive Plan. The Planning staff is of the opinion that the addition of 87 residential units with performance conditions would result in an intensity that would be compatible with the surrounding area.

Policy 1.01H(2) of the Comprehensive Plan indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion that MF development as proposed would not be compatible with the surrounding SF residential development in Dogwood Estates.

The Comprehensive Plan has policies regarding the location of multifamily uses. Policy 1.01G(6) indicates multifamily developments should not be located where access to the arterial or collector roadway system is through established single family neighborhoods. The Planning staff would not support MF development in the subject area, where access to Croom Road is through the Dogwood Estates SF residential subdivision.

Policy 1.01G(7) indicates multifamily development shall be encouraged as “step-down” in intensity of use between single family residential and intensive uses such as commercial and industrial. The Planning staff would not recommend approval of multifamily development in the subject area, because it is surrounded by SF residential uses.

The staff would object to PDP(RR) and PDP(MF) uses on the subject property but would not object to SF villa uses on the four (4) areas designated as MF/villa and SF residential uses on the two (2) 2.5 acre SF areas as designated on the plan. It is the staff's opinion that rezoning to C/PDP to include PDP(SF) with the reduction in setbacks and roadway deviation with performance standards is consistent with the residential land use classification and would be compatible with the residential land uses in the area.

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 Concurrency. 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 deny the petitioner's request for PDP(MF) and PDP(RR) and adopt Resolution # _____ approving the petitioner's request to master plan revision to include rezoning from PDP (REC) to C/PDP to include PDP (SF) with a reduction in setbacks and a roadway deviation, 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, including review of the proposed use through the DRC process.
2. Development shall be limited to 30 SF villa units in the 4.6 acre area, 15 SF villa units in the 2.7 acre area, 30 SF villa units on the 2.2 acre area, 5 SF villa units on the 0.6 acre area, 4 SF units on the 2.5 acre area at the end of Christian Circle and 3 SF units on the 2.5 acre area adjacent to Majestic Oaks.

3. Attached SF villa development is not to exceed 4 units per building.
4. The development shall be served by central water and sewer service.
5. Any development in the vicinity of the SPA shall adhere to the County's Groundwater Protection Ordinance.
6. The internal SF lot setbacks are approved as follows:
Front: 25' Side: 10' Rear: 15'
7. The internal SF villa lot setbacks are approved as follows:
Front: 25' Side: 5' Rear: 10'
8. A minimum 20' separation distance shall be located between SF attached villa buildings.
9. The perimeter setback for the SF residential uses is approved at 25'.
10. The reduction in perimeter setbacks from Majestic Oaks in the 2.5 acre SF area is approved at 0', contingent upon development of roadway access from the Majestic Oaks subdivision.
11. The former mining pit area shall be designated "future use." Redesignation of use in this area will require a master plan revision.
12. The driving range and clubhouse and related facilities areas are approved as indicated on the plan submitted.
13. The petitioner will be required to make improvements to the County roadway network as required by the County Engineer in order to correct the deficiencies regarding the access to the subject property.
14. The access management plan is subject to approval by the County Engineer.

P&Z RECOMMENDATION:

On August 11, 2003, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners deny the petitioner's request for PDP(MF) and adopt Resolution # _____ approving the petitioner's request for a master plan revision to include rezoning from PDP (REC) to C/PDP to include PDP (SF) and PDP(RR) with a reduction in setbacks and a roadway deviation, with the following modified 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, including review of the proposed use through the DRC process.
2. Development shall be limited to 30 SF villa units in the 4.6 acre area, 15 SF villa units in the 2.7 acre area, 30 SF villa units on the 2.2 acre area, 5 SF villa units on the 0.6 acre area, 4 SF units on the 2.5 acre area at the end of Christian Circle and 3 SF units on the 2.5 acre area adjacent to Majestic Oaks.
3. Attached SF villa development is not to exceed 5 4 units per building.
4. The development shall be served by central water and sewer service.
5. Any development in the vicinity of the SPA shall adhere to the County's Groundwater Protection Ordinance.
6. The internal SF lot setbacks are approved as follows:
Front: 25' Side: 10' Rear: 15'
7. The internal SF villa lot setbacks are approved as follows:
Front: 25' Side: 5' Rear: 10'
8. A minimum 20' separation distance shall be located between SF attached villa buildings.
9. The perimeter setback for the SF residential uses is approved at 25'.
10. The reduction in perimeter setbacks from Majestic Oaks in the 2.5 acre SF area is approved at 0', contingent upon development of roadway access from the Majestic Oaks subdivision.
11. The former mining pit area shall be designated "future use." Redesignation of use in this area will require a master plan revision.
12. The driving range and clubhouse and related facilities areas are approved as indicated on the plan submitted.
13. The petitioner will be required to make improvements to the County roadway network as required by the County Engineer in order to correct the deficiencies regarding the access to the subject property.
14. The access management plan is subject to approval by the County Engineer.

15. Resort Residential units are allowable in Pods 3 & 4. The maximum total number of resort residential units shall be 35.

BCC ACTION:

On September 10, 2003, the BCC voted 5-0 to deny the petitioner's request for PDP(MF) and adoption of Resolution # 2003-253 approving the petitioner's request for a master plan revision to include rezoning from PDP (REC) to C/PDP to include PDP (SF) and PDP(RR) with a reduction in setbacks and a roadway deviation, 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, including review of the proposed use through the DRC process.
2. Development shall be limited to 30 SF villa units in the 4.6 acre area, 15 SF villa units in the 2.7 acre area, 30 SF villa units on the 2.2 acre area, 5 SF villa units on the 0.6 acre area, 4 SF units on the 2.5 acre area at the end of Christian Circle and 3 SF units on the 2.5 acre area adjacent to Majestic Oaks.
3. Attached SF villa development is not to exceed 5 4 units per building.
4. The development shall be served by central water and sewer service.
5. Any development in the vicinity of the SPA shall adhere to the County's Groundwater Protection Ordinance.
6. The internal SF lot setbacks are approved as follows:
Front: 25' Side: 10' Rear: 15'
7. The internal SF villa lot setbacks are approved as follows:
Front: 25' Side: 5' Rear: 10'
8. A minimum 20' separation distance shall be located between SF attached villa buildings.
9. The perimeter setback for the SF residential uses is approved at 25'.
10. The reduction in perimeter setbacks from Majestic Oaks in the 2.5 acre SF area is approved at 0', contingent upon development of roadway access from the Majestic Oaks subdivision.
11. The former mining pit area shall be designated "future use." Redesignation of use in this area will require a master plan revision.

12. The driving range and clubhouse and related facilities areas are approved as indicated on the plan submitted.
13. The petitioner will be required to make the following improvements to the County roadway network as required by the County Engineer in order to correct the deficiencies regarding the access to the subject property:
 - A: The developer will provide turn lanes on Croom Road into Dogwood Estates when 25% of the units are developed;
 - B: The Developer will increase the curve radii from 90-100 at the intersection of Dogwood Estates Drive and Wallien Drive.
14. The access management plan is subject to approval by the County Engineer.
15. Resort Residential units are allowable in Pods 3 & 4. The maximum total number of resort residential units shall be 35.
16. The roadway deviation for Christian Circle is approved with an 18' roadway within a right-of-way width as approved by the County Engineer.

NOTE: Single Family Lots are a minimum of 100' x 150'.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.