

STAFF REPORT

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

APPLICANT: VLT, Inc. **FILE NUMBER:** H-03-47
P-03-14C

PURPOSE: Rezoning from AG (Agricultural) to C/PDP to include (OP)/(Office Professional), (GC)/(General Commercial), (MF)/(Multifamily) and (SF)/(Single Family), with a reduction in setbacks and a roadway deviation, and Conditional Plat approval

GENERAL

LOCATION: South side of SR 50, approximately 1700' east of Griffin Road

LEGAL

DESCRIPTION: A portion of Sections 25 and 36, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 9

STAFF FINDINGS:

Surrounding Zoning

North: C-2, C-4, C/PDP
South: AG
East: AG
West: AR, AG

Surrounding Land Uses

Commercial, undeveloped
Undeveloped
Single family, undeveloped
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to C/PDP to include (OP), (GC), (MF) and (SF), with a reduction in setbacks and a roadway deviation. The subject property is located on the south side of SR 50 and approximately 1700' east of Griffin Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 110 acres.

3. The site is currently undeveloped.
4. The subject property has access from Cortez Boulevard and Singer Lane.
5. The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map.
6. The on-site soil types include Blichton loamy fine sand, Flemington fine sandy loam and Wauchula fine sand.
7. The majority of the property is located in a flood zone C. A portion of the Byster Lake 100-year flood zone is present on the northeast portion of the property.
8. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
9. Staff has located what appears to be an active sinkhole on the northeast portion of the subject property. According to county data resources, the location of the sinkhole is associated with a portion of the Byster Lake 100-year flood zone which is present on the subject property.
10. The City of Brooksville has indicated that the subject property is located within the city's service area. The city has indicated central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial and single family residential uses and undeveloped parcels.
13. The petitioner has requested a reduction in setbacks from Cortez Boulevard from 125' to 75' and a cul-de-sac longer than 600', which are deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes developing the approximately 110 acre subject property with single family residential, multifamily, office professional and general commercial uses. The petitioner proposes locating general commercial, office-professional and/or multifamily residential uses adjacent to Cortez Boulevard along the northern edge of the subject property. This area of mixed uses would be located between Cortez Boulevard and a reverse frontage road. The petitioner has not specified locations for the commercial, office-professional and multifamily uses. The petitioner has requested that if the petition is approved, a condition be included allowing the petitioner to place multifamily or office-professional uses in the commercial areas provided that a revised layout is submitted to the Planning Department for their approval. The Planning staff recommends that if the request is approved, prior

to, or simultaneous with, the conditional platting of the proposed mixed use area, the developer be required to submit a master plan layout indicating the location of the land uses. The layout would be subject to review by the Planning & Zoning Commission for consistency with the overall master plan and performance conditions. The Planning staff is of the opinion that a properly planned and integrated mixed-use component could be made to work with adequate planning.

The petitioner requests a reduction in setbacks from 125' to 75' from Cortez Boulevard, due to the provision of the reverse frontage road. The Planning staff does not object to the reduction in setbacks, but recommends access to the mixed use area to be limited to the reverse frontage road. The petitioner proposes setbacks for the mixed use GC/OP/MF area as follows: 35' setbacks from the reverse frontage road, 20' side setbacks and 35' rear setbacks. The Planning staff does not object to the proposed setbacks, as they are all consistent with the setbacks for commercial zoning categories and would exceed the setbacks for residential use PDPs.

The petitioner proposes locating multifamily development on approximately 22 acres between the mixed use GC/OP/MF area adjacent to Cortez Boulevard and single family development in the southern rear of the property. The petitioner proposes 250 MF units in this 22 acre area. The petitioner proposes perimeter setbacks of 30' for the 22 acre MF area and proposes a 20' minimum separation distance between MF buildings. The Planning staff does not object to these setbacks as they exceed the minimum setbacks required for residential use PDPs. The MF development will be subject to development regulations for MF uses. The petitioner does not indicate if any open space area is to be provided in the MF area. The County LDRs require MF developments containing 12 or more units to reserve 15 percent of gross site area reserved for open space.

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.

Commercial and multifamily PDPs are required to provide buffers adjacent to residential or agricultural uses external to the PDP. The Planning staff is of the opinion that if the request is approved, the petitioner shall provide a minimum 20' natural buffer between the mixed use and MF areas and adjacent AG properties.

The petitioner proposes 131 SF lots on the rear 74 acres of the subject property. The petitioner proposes a standard lot dimensions of 75' x 125', with a minimum lot size of 9,375 square feet. The petitioner proposes increasing the minimum lot sizes around the perimeter of the property. The petitioner proposes minimum lot sizes of 21,500 square feet along the western boundary and proposes minimum lot sizes of 34,000 square feet along the eastern boundary. The petitioner proposes a 30' natural buffer around the perimeter of the housing areas. The PDP rules indicate the BCC may increase the minimum standards for buffers in PDPs. The Planning staff is of the opinion that if the request is approved, the petitioner be required to provide the natural buffer as proposed in order to maximize the compatibility of the proposed SF land uses and the surrounding rural residential land uses.

The petitioner proposes setbacks for SF having a lot width of 75' as follows: 25' front, 7.5' side and 20' rear. The petitioner proposes setbacks for SF having a lot width of greater than 75' as follows: 25' front, 10' side and 20' rear. The Planning staff does not object to the proposed setbacks as long as lots of similar size are located together.

The plan submitted does not indicate the arrangement of parking proposed nor the number of parking spaces proposed. If the request is approved, the developer will be required to provide parking as required per the County parking LDRs.

The plan submitted does not indicate where signage will be located on the subject property. Signage on the property will be subject to the County sign ordinance.

The plan submitted does not indicate the location of sidewalks. SF residential development with lots of 1/4 acre or less are required to provide sidewalks. The Planning staff is of the opinion that if the request is approved, the plan be approved with conditions promoting pedestrian interconnection within the site by the provision of sidewalks through the subject property.

Although the subject property has frontage on Cortez Boulevard, it does not have access to a full median cut. According to the site plan provide, the primary access, located at the eastern end of the Cortez Boulevard frontage, would have right-in/right-out/left-in access. The Planning staff is of the opinion that the uses proposed, the site's location east of Brooksville and the lack of left-out access would generate a significant number of U-turns on Cortez Boulevard. The Planning staff is of the opinion the traffic study to be provided for the conditional plat should analyze trips generated in the direction of Brooksville and the best way to accommodate traffic generated by the uses on the site. All intersection improvements will be subject to the County Engineer's approval.

If the subject request is approved, the petitioner will have the requirement to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The plan submitted proposes stubbing the reverse frontage road to the eastern and western property boundaries upon demonstration of need by the County.

The petitioner proposes a private roadway network south of the reverse frontage road or south of the multifamily entrance. The petitioner indicates that the configuration of a gated entrance, if provided, will be coordinated with the County Engineer. The Planning staff does not object to the proposed private roadways. The plan submitted shows a cul-de-sac longer than 600' in the center of the SF area. The cul-de-sac length is appropriately handled as part of the conditional plat process since cul-de-sac length is a subdivision ordinance standard. The County Engineer has noted that the roadways as designed do not appear to meet the County design guidelines, and if the request is approved they will be required to do so. The County Engineer requests that if the request is approved, the petitioner's access management plan shall be subject to his approval.

The subject property is within the city's right to serve area. Central water and sewer service are available to serve the site. The closest point of connection for city water service is approximately 700'

to the northwest at the intersection of Cortez Boulevard and Rosebud Lane. The closest point of location for city sewer service is approximately 8000' to the northwest at the intersection of Martin Luther King Jr. Blvd. and School Street. The City has indicated the developer will have to apply to the city for connection to the city's system. The Planning staff is of the opinion that if the request is approved the entire development should be served by central water and sewer service.

The Hernando County School Board has indicated that elementary school students will be allocated to Moton 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 proposal would add approximately 125 students to the school district.

County data resources show that there is a Class 3 wetland as defined by the County's Comprehensive Plan in the northwest portion of the subject property. The wetland appears to be on a slope between the 150 and the 130 foot contour and may constitute a seepage slope. All future plats and construction drawings should delineate this feature. The developer is encouraged to conserve this wetland in the site plan. Any removal, alteration, or encroachment of this wetland shall be mitigated through applicable state and federal permitting processes.

Staff located what appears to be an active sinkhole on the northeast portion of the subject property. The sink serves as the natural drainage feature on the subject property and portions of the surrounding area. Several confluences lead to the sink. The feature is wet and will need to be delineated. The feature should be investigated to determine the exact type of feature that is present. If designated as a SPA, a 500' buffer will be required (as measured from the outer boundary) in accordance with the GPO. As this development is proposed, discharges of untreated stormwater to a SPA would be prohibited. The Florida Yards and Neighborhoods (FYN) Program could be implemented if a SPA is delineated on-site.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial and single family residential uses and undeveloped parcels. Parcels zoned C-2 and C-4 are located across Cortez Boulevard from the subject property. The Coca-Cola bottling plant and Flynn Motors are located on the north side of Cortez Boulevard. Rural residential uses, agricultural uses and undeveloped parcels are located to the west, south and east of the subject property.

The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map. Approximately the northwest quarter of the subject property is located within the residential land use category. 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.

Approximately three-quarters of the subject property is located within the rural land use category. Policy 1.01B(10) indicates residential land uses consistent with those uses allowed in the residential land use category are allowable up to 1,320' into the rural land use category. The mapping associated with the Comprehensive Plan is generalized. The Planning staff is of the opinion that residential land uses as proposed at this location are consistent with the Comprehensive Plan.

The petitioner proposes 131 SF dwelling units on 74 acres, at a density of 1.77 du/ac. The Planning staff does not object to the proposed density, which is characterized as low density in the residential land use category per the Comprehensive Plan.

The petitioner proposes 250 MF units on 22 acres, at a density of 11.36 du/ac, which the Comprehensive Plan identifies as high density. The petitioner also proposes locating some of the 250 MF units in the 14 acre mixed use area, which would decrease the proposed density.

Policy 1.01F(7) indicates that the criteria and standards used for determining appropriate locations of higher residential densities greater than 4.0 dwelling units per acre shall consider such factors as proximity to existing or designated commercial centers, direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, provision of appropriate police, fire and EMS services, service by existing or proposed expansion of County water supply and sewer facilities, character and density of existing or approved residential developments of close proximity, availability of appropriate public elementary and secondary school facilities, provision of open space beyond minimum County standards and preservation/conservation/enhancement of high quality, ecologically viable environmentally sensitive areas. The Planning staff is of the opinion the proposed location meets these criteria.

Policy 1.01G(5) indicates high density MF use is appropriate in multi-use PDPs. Policy 1.01G(6) indicates MF developments should not be located where access to the arterial or collector roadway system is through established SF neighborhoods. The petitioner has located MF uses on the plan between SF development and Cortez Boulevard.

Policy 1.01G (7) indicates MF development shall be encouraged as “step-down” in intensity of use between SF residential and intensive uses such as commercial and industrial. The petitioner has located MF uses between commercial uses and SF uses.

Policy 1.01G(9) indicates high density and medium density MF development shall be required to have appropriate open space, buffering, landscaping and recreation areas suited to their density and design. The plan submitted indicates a natural buffer adjacent to the western lot line, and a DRA area adjacent to the east lot line. The developer will be required to provide open space as required by the LDRs.

Policy 1.01A(9) indicates the LDRs shall establish a Planned Developed Plan (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, open space, public facilities, innovative planning design or other appropriate public benefits. The Planning staff is of the opinion that if the request is approved, the petitioner should provide appropriate environmental protection regarding the SPA and wetland issues and should provide open space for the proposed residential uses.

Policy 1.01L(7) indicates the County shall establish standards to promote the integration of pedestrian traffic within and between commercial developments and adjacent residential areas. The Planning staff is of the opinion if the request is approved, the petitioner shall provide pedestrian interconnection throughout the subject property.

Policy 1.01A(10) indicates the Comprehensive Plan shall provide a maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing and natural system preserving living, shopping, and working environments on properties of adequate size, shape and location. The Planning staff is of the opinion the petitioner has not adequately demonstrated how the proposed development will be aesthetically pleasing and has not adequately addressed the flood, SPA or wetlands issues on the property. The Planning staff is of the opinion that with additional planning and appropriate performance conditions the site can be developed in an aesthetically pleasing and environmentally sensitive manner.

The Planning staff is of the opinion that the proposed rezoning with performance conditions will be compatible with the surrounding area and consistent with the Comprehensive Plan.

CONDITIONAL PLAT ISSUES

There are conditional plat issues that still need to be addressed by the applicant prior to the staff's recommendation to the Planning and Zoning Commission. Upon the applicant addressing the conditional plat issues, the Planning Department will place the conditional plat on the next scheduled Planning and Zoning Commission meeting.

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 to rezone from AG to C/PDP (OP), (GC), (MF) and (SF), with a reduction in setbacks, 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. The petitioner shall obtain all applicable State permits, including DEP and SWFWMD.
2. Prior to, or simultaneous with, the conditional platting of the 14 acre portion of the property identified as commercial/office and multifamily, the developer shall submit a master plan layout for the 14 acre mixed-use area including the location of land uses. The layout must be reviewed and approved by the Planning & Zoning Commission for consistency with the overall master plan and performance conditions. Any change to the approved master layout plan after development has commenced shall require a master plan revision.
3. The petitioner will provide a traffic study at the time of conditional plat approval analyzing trips generated in the direction of Brooksville and the best way to accommodate traffic generated by the uses on the site.
4. The developer's access management plan shall be subject to the County Engineer's approval.
5. The perimeter setbacks are approved as follows:
From Cortez Boulevard: 75'
Side: 20'
Rear: 35'
6. The internal setbacks for the 14 acre mixed use GC/OP/MF area are approved as follows:
Front: 35' Side: 20' Rear: 35'
7. The internal setbacks for the 22 acre multifamily area are approved as follows:
Front/side/rear: 30'
8. Separation distance between MF buildings shall be 20'.
9. The internal setbacks for SF residential lots with front lot width of 75' or less are approved as follows:
Front: 25' Side: 7.5' Rear: 20'

10. The internal setbacks for SF residential lots with front lot width of 75' or greater are approved as follows:
Front: 25' Side: 10' Rear: 20'
11. The minimum SF lot size shall be 9,375 square feet.
12. The minimum SF lot size adjacent to the western boundary shall be 21,500 square feet.
13. The minimum SF lot size adjacent to the eastern boundary shall be 34,000 square feet.
14. The development shall be served by central water and sewer.
15. A subsurface investigation shall be conducted to determine the type of feature on the northeast portion of the property. A SPA shall be delineated around any sinks, including the 500 foot buffer, in accordance with the County's Groundwater Protection Ordinance (GPO) and shall be delineated on any future plats and construction drawings.
16. No untreated stormwater shall be discharged into a SPA in accordance with the GPO.
17. The Class 3 wetland shall be delineated and shown on any future plats and construction drawings. Any removal, alteration, or encroachment of this wetland shall be mitigated through applicable state and federal permitting processes.
18. If a SPA is designated on the subject property, the developer shall require that all property owners be provided written materials on the Florida Yards and Neighborhoods (FYN) program and that property owners be encouraged to utilize the best management practices in the FYN program.
19. All lots and roadways must be constructed at or above the regulatory flood.
20. The petitioner shall ensure that the post-development volume and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100 year storm event.

P&Z RECOMMENDATION:

On August 11, 2003, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to C/PDP (OP), (GC), (MF) and (SF), with a reduction in setbacks, 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. The petitioner shall obtain all applicable State permits, including DEP and SWFWMD.
2. Prior to, or simultaneous with, the conditional platting of the 14 acre portion of the property identified as commercial/office and multifamily, the developer shall submit a master plan layout for the 14 acre mixed-use area including the location of land uses. The layout must be reviewed and approved by the Planning & Zoning Commission for consistency with the overall master plan and performance conditions. Any change to the approved master layout plan after development has commenced shall require a master plan revision.
 3. The petitioner will provide a traffic study at the time of conditional plat approval analyzing trips generated in the direction of Brooksville and the best way to accommodate traffic generated by the uses on the site.
 4. The developer's access management plan shall be subject to the County Engineer's approval.
 5. The perimeter setbacks are approved as follows:

From Cortez Boulevard:	75'
Side:	20'
Rear:	35'
 6. The internal setbacks for the 14 acre mixed use GC/OP/MF area are approved as follows:

Front: 35'	Side: 20'	Rear: 35'
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 7. The internal setbacks for the 22 acre multifamily area are approved as follows:

Front/side/rear:	30'
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 8. Separation distance between MF buildings shall be 20'.
 9. The internal setbacks for SF residential lots with front lot width of 75' or less are approved as follows:

Front: 25'	Side: 7.5'	Rear: 20'
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 10. The internal setbacks for SF residential lots with front lot width of 75' or greater are approved as follows:

Front: 25'	Side: 10'	Rear: 20'
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 11. The minimum SF lot size shall be 9,375 square feet.
 12. The minimum SF lot size adjacent to the western boundary shall be 21,500 square feet.
 13. The minimum SF lot size adjacent to the eastern boundary shall be 34,000 square feet.

14. The development shall be served by central water and sewer.
15. A subsurface investigation shall be conducted to determine the type of feature on the northeast portion of the property. A SPA shall be delineated around any sinks, including the 500 foot buffer, in accordance with the County's Groundwater Protection Ordinance (GPO) and shall be delineated on any future plats and construction drawings.
16. No untreated stormwater shall be discharged into a SPA in accordance with the GPO.
17. The Class 3 wetland shall be delineated and shown on any future plats and construction drawings. Any removal, alteration, or encroachment of this wetland shall be mitigated through applicable state and federal permitting processes.
18. If a SPA is designated on the subject property, the developer shall require that all property owners be provided written materials on the Florida Yards and Neighborhoods (FYN) program and that property owners be encouraged to utilize the best management practices in the FYN program.
19. All lots and roadways must be constructed at or above the regulatory flood.
20. The petitioner shall ensure that the post-development volume and rate of drainage flow shall not exceed the volume and rate of pre-development for a 100 year storm event.
21. The deed restrictions for the proposed SF lots shall inform the owners of the existence of agricultural uses in the vicinity.

BCC ACTION:

On September 10, 2003, the Board of County Commissioners voted 3-2 to deny the petitioner's request to rezone from AG to C/PDP (OP), (GC), (MF) and (SF), with a reduction in setbacks.