

STAFF REPORT

Planning & Zoning Commission: November 10, 2003
Board of County Commissioners: December 10, 2003

APPLICANT: Charles M. Sasser, Jr. **FILE NUMBER:** H-03-66

PURPOSE: Rezoning from AG (Agricultural) to R-3 (Residential) or PDP(MF)/ (Multifamily) with a waiver of the frontage road requirement

GENERAL

LOCATION: South side of Cortez Boulevard, west side of Mobley Road

LEGAL

DESCRIPTION: Lot 3, Block HH, Mountain Park, as per plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Hernando County, Florida and a portion of Section 29, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: AG, AR
East: AG, City of Brooksville
West: AG, AR

Surrounding Land Uses

Undeveloped, DRA
Undeveloped, SF
HCSB Distribution, undeveloped
Undeveloped, SF

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to R-3. The Planning staff has also advertised for (MF)/ (Multifamily). The subject property is located on the south side of Cortez Boulevard and on the west side of Mobley Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 31.32 acres.
3. The site is undeveloped.

4. The subject property has access from Cortez Boulevard and Mobley Road.
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 and Nobleton fine sand.
7. The property is located in a flood zone C.
8. The subject property contains a Class 2 Wetland, but no WHPAs or SPAs, according to County data resources.
9. The City of Brooksville has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by rural residential uses, institutional uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to R-3 in order to develop the site with multifamily development. The Planning staff has also advertised for PDP(MF). The petitioner proposes in the narrative developing the site with multiple three-story multifamily buildings containing a total of 240 units and a clubhouse. If the request is approved for R-3, development on the site will have to conform to the development regulations for R-3. Multifamily dwellings and clubhouses in association with a multifamily development are permitted uses in R-3. The narrative does not indicate the number of buildings proposed on the site nor the number of units per building. R-3 zoning on the subject property could potentially yield approximately 450 units on this 31.32 acre property. The maximum building area in the R-3 district is forty-five (45) percent of the lot area. The maximum number of MF dwelling units per building in the R-3 district is twelve (12).

The minimum setbacks in the R-3 district are 125' from Cortez Boulevard, 25' from Mobley Road, 10' from side lot lines and 20' from the rear lot line. The petitioner's proposal indicates setbacks meeting and exceeding the setbacks required for the R-3 zoning district. If the request for R-3 is approved, the petitioner would only be required to meet the setbacks for the R-3 zoning district.

The petitioner indicates in the narrative and plan provided a 125' vegetative buffer along the Cortez Boulevard frontage and 100' vegetative buffers around the remaining perimeter. These proposed buffers exceed those required in the R-3 zoning district. If the request is approved as a multifamily

PDP, such uses are required to provide minimum 5' buffers adjacent residential, agricultural-residential or agricultural land uses. The petitioner would be required to provide a frontage road along SR 50 consequently, it would be difficult to maintain the proposed buffer. Staff would support 100' buffers along the west, south and east boundaries, and 50' along SR 50.

The MF development will be subject to the minimum design guidelines for MF uses, whether the rezoning is approved as PDP(MF) or R-3. The petitioner does not indicate if any open space area is to be provided. The County LDRs require MF developments containing 12 or more units to reserve 15 percent of gross site area for open space.

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 Hernando County Fire Rescue District indicates it will be able to provide fire and EMS service for the proposed development, as long as impact fees are furnished and construction conforms to state fire prevention and building codes, county fire hydrant development policy and subdivision design standards.

The petitioner has submitted a request to the County Legal Department to vacate the Farnham Avenue ROW. Farnham Avenue is a County-owned east-west ROW located west of Mobley Road. The ROW is located in the southern half of the subject property. The roadway is not maintained by the County. The hearing for the ROW vacation has not yet been scheduled as of this writing.

The petitioner proposes access to the subject property from Mobley Road. The County Engineer has indicated that there are some issues associated with the angle of the curve on Mobley Road that should be realigned if the proposal is approved. The County Engineer further indicated no objections to access to the subject site from Cortez Boulevard, although the lack of median breaks on Cortez at this location would limit Cortez access to right-in/right-out.

The subject property contains a Class 2 wetland as defined by the County Comprehensive Plan. The wetland and its conveyance way lie within the Peck sink basin and eventually drain to the sink complex. The wetland contains specimen and possibly majestic trees. The wetland shall be delineated on all future plats and construction drawings. The delineated wetland and vegetation within the wetland shall be preserved, pursuant to the Policy 1.01F(7), in order to provide "open space beyond minimum County standards and preservation/conservation/enhancement of high quality, ecologically viable environmentally sensitive areas".

The City of Brooksville has indicated central water and sewer are available. If the request is approved, the development will be required to be served by central water and sewer.

The School Board indicates 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 the estimated 80 additional would be accommodated with current permanent capacity or by adding portable classrooms.

The City of Brooksville and FDOT have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by rural residential uses, institutional uses and undeveloped parcels. Parcels to the southwest have been developed with single family uses. The Hernando County School Board's distribution facilities are located to the east. Parcels to the north, east and south are undeveloped. The P&Z approved a special exception use permit for a hospital on property approximately one mile to the west of the subject property. The Planning staff is of the opinion that the character of the corridor along Cortez Boulevard between the hospital and the city will be changing due to development associated with the new hospital location.

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

The County's adopted Future Land Use Map indicates approximately two-thirds of the subject property is located within the rural land use category. However, 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 map indicates the portion of the subject property located within the rural land use category is located within 1320' of the residential land use category. The portion of the property located within the rural land use category is wedged between the residential land use category to the north and west, and property located in the City of Brooksville's commercial land use category to the east. The Planning staff is of the opinion that residential land uses as proposed at this location would not be inconsistent with the Comprehensive Plan.

The petitioner proposes 240 MF dwelling units on 31.32 acres, at a density of 7.66 du/ac. The Planning staff does not object to the proposed density, which is characterized as medium MF density

per the Comprehensive Plan. If the request for R-3 is approved, the maximum number of units allowable on the property would be significantly greater than the 240 proposed.

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, by its proximity to commercial uses in the City of Brooksville and access to Cortez Boulevard. If the request is approved, the developer will be required to address the County's open space requirements and will be required to address the wetlands on the property.

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 subject property has access to Cortez Boulevard, an arterial roadway; access to Cortez Boulevard via Mobley Road is not through an established SF neighborhood.

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 subject property is located between the City of Brooksville to the east, single family uses to the southwest, vacant AG properties to the north and west and rural residential uses to the south.

The Planning staff is of the opinion that rezoning the property to R-3 is inappropriate given the density, access, buffer and environmental issues associated with the site. The Planning staff is of the opinion rezoning to PDP(MF) with performance conditions addressing these issues will be not incompatible with the surrounding area and not inconsistent with the Comprehensive Plan.

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 deny the petitioner's request to rezone from AG to R-3 and adopt Resolution # _____ approving the rezoning from AG to PDP(MF), 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. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The rezoning is contingent upon the BCC's approval of the Farnham Avenue vacation.
4. The maximum number of units is 240.
5. The maximum building height is three (3) stories.
6. A maximum of one access to Cortez Boulevard is approved.
7. A maximum of two access points to Mobley Road are approved.
8. The developer's access management plan shall be subject to the County Engineer's approval.
9. The developer shall realign the angle of the curve on Mobley Road adjacent to the subject property subject to the County Engineer's approval.
10. The perimeter setbacks are approved as follows:

From Cortez Boulevard:	125'
Side:	100'
Rear:	100'
11. The development shall be served by central water and sewer.
12. The development may include a clubhouse facility.
13. The petitioner shall provide a 50' vegetated buffer along the Cortez Boulevard frontage and a 100' vegetated buffer along the remaining perimeter of the property.
14. The wetland shall be delineated and shown on all future plats and construction drawings. The delineated wetland and vegetation within the wetland shall be preserved in the site plan.

15. The petitioner shall submit a master plan meeting the PDP rules two weeks prior to the BCC hearing to allow staff time to review.

P&Z RECOMMENDATION:

On November 10, 2003, the Planning and Zoning Commission voted 3-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(MF), 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. The petitioner shall provide ROW for a frontage road across the property, at no cost to the County, upon demonstration and need by the County.
3. The rezoning is contingent upon the BCC's approval of the Farnham Avenue vacation.
4. The maximum number of units is 240.
5. The maximum building height is three (3) stories.
6. A maximum of one access to Cortez Boulevard is approved.
7. A maximum of two access points to Mobley Road are approved.
8. The developer's access management plan shall be subject to the County Engineer's approval.
9. The developer shall realign the angle of the curve on Mobley Road adjacent to the subject property subject to the County Engineer's approval.
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From Cortez Boulevard:	125'
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11. The development shall be served by central water and sewer.
12. The development may include a clubhouse facility.
13. The petitioner shall provide a 50' vegetated buffer along the Cortez Boulevard frontage and a 100' vegetated buffer along the remaining perimeter of the property.

14. The wetland shall be delineated and shown on all future plats and construction drawings. The delineated wetland and vegetation within the wetland shall be preserved in the site plan. All majestic and specimen trees shall be identified and protected.
15. The petitioner shall submit a master plan meeting the PDP rules two weeks prior to the BCC hearing to allow staff time to review.

NOTE:

The petitioner has provided a request to have the requirement for the frontage road waived. The Planning staff is still evaluating the request for the frontage road waiver and will be prepared to discuss it further at the BCC hearing. On November 25th, the petitioner provided two plans to comply with the request for a master plan meeting the PDP rules. The petitioner provided a plan with the site's topographical information and a plan showing the access and general configuration of the proposed site development. If the request is approved, the petitioner will be required to provide a plan for the file reflecting final conditions of the zoning if approved.

BCC ACTION:

The Board of County Commissioners found the request inconsistent with the adopted comprehensive plan because the Developer was unwilling to meet condition #2 of the Staff recommendation regarding the frontage road which rendered the project inconsistent; therefore, the BCC voted 3-2 to deny the rezoning from AG to PDP(MF).