

STAFF REPORT

Planning & Zoning Commission: November 10, 2003

Board of County Commissioners: December 10, 2003

APPLICANT: VLT, Inc. **FILE NUMBER:** H-03-67

PURPOSE: Rezoning from AG (Agricultural) to C/PDP to include (GC)/(General Commercial) and (SF)/(Single Family) with a reduction in setbacks

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: 1
PETITION OF OPPOSITION: 1 with 43 signatures

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 (GC) and (SF) with a reduction in setbacks. The subject property is located on the south side of SR 50, approximately 1700' east of Griffin Road.

FACTUAL INFORMATION

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

3. At their September 10, 2003, meeting, the BCC denied a request to rezone the subject property from AG to C/PDP to include (OP), (GC), (MF) and (SF) with a reduction in setbacks.
4. The site is currently undeveloped.
5. The subject property has access from Cortez Boulevard and Singer Lane.
6. The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Flemington fine sandy loam and Wauchula fine sand.
8. 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.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. 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.
11. 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.
12. There are adequate public facilities available to serve the subject property.
13. The area is characterized by commercial and single family residential uses and undeveloped parcels.
14. The petitioner has requested a reduction in setbacks from Cortez Boulevard from 125' to 75', which is a deviation from the County's LDRs.

STAFF DISCUSSION

The petitioner proposes developing the approximately 110 acre subject property with single family residential and general commercial uses. At their September 10, 2003, meeting, the BCC denied a request to rezone the subject property from AG to C/PDP to include (OP), (GC), (MF) and (SF) with a reduction in setbacks. The BCC found that the environmental issues associated with the property

had not been adequately addressed, the request was premature, too intense for the location, and incompatible with the rural residential character of the surrounding area.

The petitioner proposes locating general commercial uses on 14 acres adjacent to Cortez Boulevard along the northern edge of the subject property, on the north side of a proposed reverse frontage road. The plan shows 49 single family lots on the southern 96 acres. The minimum lot size is proposed to be one acre.

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 general commercial uses be limited to the reverse frontage road. The petitioner proposes setbacks for the general commercial area as follows: 35' setbacks from the reverse frontage road, 20' side setbacks and 35' rear setbacks. The petitioner proposes SF internal lot setbacks as follows: 25' front, 10' side, 20' rear. The petitioner proposes a 35' perimeter setback. The Planning staff does not object to the proposed setbacks, as they are all consistent with the setbacks for commercial zoning categories.

The plan indicates a 30' natural buffer around the perimeter of the 96 acre SF uses area. The Planning staff is of the opinion that if the request is approved, the petitioner be required to provide the natural buffer as proposed around the SF uses area, in order to maximize the compatibility of the proposed SF land uses and the surrounding rural residential land uses. The plan shows DRAs located along approximately the northern half of the east property line. Commercial PDPs are required to provide a minimum 5' buffer adjacent to residential, agricultural-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 general commercial area and adjacent AG properties.

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 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 provided, 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 property boundary upon demonstration of need by the County.

The petitioner proposes the potential of a private roadway network south of the reverse frontage road. The petitioner indicates that the configuration of gated entrances, if provided, will be coordinated with the County Engineer. The Planning staff does not object to the proposed private roadways. The County Engineer has noted the roadways shall be designed to meet the County design guidelines, and if the request is approved, the petitioner's access management plan shall be subject to his approval.

The petitioner proposes serving the site with well and septic. 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 has concerns about serving the general commercial uses and 49 homesites with well and septic, when central water and sewer is in the area and can be made available to serve the project. The petitioner has noted the soils on the property are poorly drained soils. The 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 estimates the proposal would add approximately 15-20 students to the school district, which would not have a significant impact on the school district. Additional students would be accommodated with current permanent capacity or by adding portables to the campuses.

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. The subject property is located on the south side of Cortez Boulevard. Development on the south of Cortez Boulevard includes agricultural uses and low-density rural residential uses.

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 BCC has determined that a mixed-use development at this location is premature, given the existing pattern of development.

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.

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 the proposal to develop the site with well and septic is inappropriate, given the availability of central services and the poor drainage quality of the soils.

The Planning staff is of the opinion that the proposed rezoning would not be consistent with the adopted 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 C/PDP (GC) and (SF), with a reduction in setbacks.

P&Z ACTION:

The Planning and Zoning Commission voted 3-1 to deny the petitioner's request to rezone from AG to C/PDP (GC) and (SF), with a reduction in setbacks.

BCC ACTION:

The Board of County Commissioners voted 4-1 to deny the petitioner's request to rezone from AG to C/PDP (GC) and (SF), with a reduction in setbacks.