

STAFF REPORT

Planning & Zoning Commission: February 9, 2004
Board of County Commissioners: February 24, 2004
Board of County Commissioners: March 23, 2004
Board of County Commissioners: March 30, 2004

APPLICANT: Sandspur Housing Partners, Ltd. **FILE NUMBER:** H-04-08

PURPOSE: Rezoning from C-2 (Commercial) to C/PDP(MF) and (HC)/(Multifamily) and (Highway Commercial) with a reduction in setbacks

GENERAL

LOCATION: West side of US 19, south and east of Suzanne Drive, approximately 1,300' north of Caribbean Drive

LEGAL

DESCRIPTION: Lots 4 - 11, Block 5, South Hernando US 19 Commerce Center, as per plat thereof recorded in Plat Book 17, Pages 11 - 16, of the Public Records of Hernando County, Florida in Section 31, Township 23 South, Range 17 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 9 LETTER OF CONCERN: 1

STAFF FINDINGS:

Surrounding Zoning

North: C-2, AG
South: C-2
East: C-2
West: AG

Surrounding Land Uses

Church, school, undeveloped
Undeveloped
Church, school, commercial, undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks. The subject property is located on the west side of US 19, south and east of Suzanne Drive, approximately 1,300' north of Caribbean Drive.

FACTUAL INFORMATION

1. The property is currently zoned C-2.

2. The property comprises approximately 17.06 acres.
3. The site is undeveloped.
4. The subject property has access from US 19 and Suzanne Drive.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Candler fine sand and Tavares 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 alterations.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department 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 institutional and commercial uses and undeveloped parcels.
12. The petitioner has requested a 75' setback from US 19, which is a deviation from the County Land Development Regulations (LDRs) requiring a 125' setback.

STAFF DISCUSSION

The petitioner is requesting to rezone the subject property from C-2 to C/PDP (MF) and (HC) in order to develop the property with multifamily and commercial uses. The narrative submitted indicated the petitioner is proposing to develop the site with 132 to 168 affordable multifamily units on 11 to 14 acres and 3 to 6 acres of commercial uses. The narrative indicates the final land use distribution will be set by market conditions and final design requirements. If the request is approved, the land use acreage and number of dwelling units would be as indicated on the proposed master plan. The plan provided indicates 152 MF units located in 12 buildings on approximately 12.26 acres and three commercial lots on a total of approximately 4.8 acres. To create the lots as indicated, the project would have to go through the subdivision review process.

The petitioner requests a reduction in setbacks along US 19 from 125' to 75'. The petitioner notes that the 125' setback is required to accommodate a future frontage road, yet Suzanne Drive operates as the frontage road in this location. The petitioner notes that a setback requirement from US 19 greater than 75' would create an extreme hardship to fit the proposed development on the site. The Planning staff does not object to the proposed setback reduction, as setbacks have previously been reduced to 75' along arterial highways where frontage roads have been provided.

The petitioner's proposed setbacks are otherwise consistent with the PDP rules. The proposed setbacks for the residential component are as follows: 75' from US 19, 25' setback from Suzanne Drive, 10' side setbacks and 20' rear setback. The setbacks for the commercial component are as follows: 75' from US 19, 35' from Suzanne Drive, 20' side setbacks and 35' rear setback.

The plan provided indicates minimum 5' buffers will be provided between the MF and commercial uses. The LDRs require a buffer between nonresidential PDP uses and residential, agricultural or agricultural-residential uses external to the PDP. The subject property is adjacent to a lot zoned C-2. The Planning staff does not object to the proposed buffering between the residential and commercial uses.

The plan provided indicates 414 parking spaces will be provided for the 40 one-bedroom units, 40 two-bedroom units, 32 three-bedroom units and 40 four-bedroom units. The LDRs require 1.5 spaces per dwelling unit for one- and two-bedroom units and 2 spaces per dwelling unit for three or more bedroom units. The parking indicated provides more than the minimum parking required for the housing unit types indicated. The parking provided for the three (3) proposed commercial out-parcels is not indicated. If the request is approved, the developer will be required to provide parking as required per the County parking LDRs.

The BCC has recently approved enhanced design standards for multifamily development. If the request is approved, the development will have to meet these standards, which addresses subjects such as building facades, building materials, roof pitch, open space and pedestrian circulation.

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 indicates approximately three-quarters of an acre of the 14 acres is devoted to recreational uses, including a clubhouse, pool and two (2) tot lots. The LDRs require fifteen (15) percent of the site to be maintained as open space. If the request is approved, the plan will have to be revised to meet the open space requirement.

There are established deed restrictions on the lots that make up the subject site. The deed restrictions indicate the lots are to be developed with commercial uses and no residences. Although the County does not enforce deed restrictions, it does take such deed restrictions into consideration in determining the character of the area.

The property was rezoned in 1978 to C-2. One of the conditions of the rezoning was that there were to be deed restrictions prohibiting direct access from the lots to US 19. The deed restrictions on the property indicate that direct access to US 19 is prohibited. The plat of the subject property indicates a 10' restrictive access easement located along US 19.

The petitioner anticipates the need to construct a deceleration lane southbound into the property and acknowledges improvements to increase the ability for vehicles to turn left, northbound onto US 19 may be requested during site development. The County Engineer does not object to a southbound deceleration lane on US 19. The County Engineer reviewed the access points as proposed on the plan submitted and indicates that if the request is approved, the multifamily access to US 19 and the Suzanne Drive intersection with US 19 shall not have northbound left-out access, the northernmost and southernmost commercial lots shall not have direct access to US 19, pedestrian and vehicular interconnections shall be provided between the MF and commercial use areas and the northernmost commercial lot shall have access to Suzanne Drive located a minimum of 200' from US 19. The proposed master plan indicates an entrance into the project on the south end between the MF portion, and a commercial pod. The County Engineer indicated that if approved, this access should be extended through to Suzanne Drive. If the request is approved, the Planning staff is of the opinion the access management plan shall be subject to the County Engineer's approval.

The Planning Transportation Coordinator has indicated that the proposed mixed use development would result in a lower peak hour traffic generation rate than if developed pursuant to the existing commercial zoning. The Planning Transportation Coordinator indicated US 19 has capacity to accommodate the proposed uses.

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Westside Elementary School, middle school students will be assigned to Fox Chapel Middle School and high school students will be assigned to Springstead High School. The School Board estimates this project has the potential to generate approximately 55-65 students. The School Board notes that all of the schools serving the subject site are beyond permanent capacity; therefore, additional students will have to be accommodated by adding portable classrooms.

The Utilities Department indicates that central water and sewer services are available to serve the subject property. The petitioner indicates that the developer will assist the County in providing a water main extension or pump station upgrade if required to obtain utility services.

The Director of the Emergency Management Department indicates that the proposed development is located within a primary hurricane evacuation zone. All residents in the proposed development would be required to evacuate during any hurricane threat. He notes that this population would create greater demand on the roadways during evacuation and create greater demand on the County's currently inadequate public shelter space. He suggests that if the request is approved, the developer provide funds to offset the cost associated with developing additional shelter space in the County.

The Fire Chief for the Spring Hill Fire Rescue District has indicated that he does not object to the proposed rezoning request, but issues to include the central water infrastructure and the building heights will need to be addressed during the development review process.

The FDOT, SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received. The Pasco County Zoning/Code Compliance Administrator has indicated she has no objections to the proposal.

FINDINGS OF FACT

The area is characterized by institutional and commercial uses and undeveloped parcels. A church and school are located north of the subject property. Commercial uses are located to the east. Undeveloped properties are located to the west and south of the subject property.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. Residential units may be allowed in the commercial land use category. Staff has no objection to the location of highway commercial uses at this location, as the subject property is currently zoned C-2.

The subject property is located within the coastal high-hazard area. Florida Rule 9J-5.012(3)(b)(5)-(7) requires coastal management elements in coastal counties' adopted comprehensive plans to contain requirements guiding development so that human life is protected in coastal areas subject to destruction by natural disaster. These objectives are to contain one or more specific objectives which limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the element's adoption except for restoration or enhancement of natural resources, direct population concentrations away from known or predicted coastal high-hazard areas, maintain or reduce hurricane evacuation times and prepare post-disaster redevelopment plans which will reduce or eliminate the exposure of human life and public and private property to natural hazards. The state requires the coastal management element to identify regulatory or management techniques for designating coastal high hazard areas and limiting development in these areas.

Pursuant to the state regulations, the County comprehensive plan contains goals, objectives and policies guiding development in the coastal high hazard area. Objective 5.02B indicates that development in the coastal high hazard area shall be ensured to be compatible with its natural character and that public expenditures for infrastructure in the coastal high-hazard area are limited.

Policy 5.02B(3) indicates that future development and redevelopment within the coastal high hazard area shall be ensured to be compatible with site characteristics, consistent with coastal resource protection and will not increase clearance times along evacuation routes. The Emergency Management Director has indicated the proposed development would increase clearance times along evacuation routes.

Policy 5.02B(4) indicates that the location of development within areas of the coastal high hazard area which have sustained recurring hurricane related damage shall be minimized by acquiring property, using zoning methods to reduce the probability of future property loss due to storm event, or directing development outside the coastal high hazard area. The Planning staff is of the opinion approving the rezoning will not direct development outside the coastal high hazard area and will not reduce the probability of future property loss due to storm event.

The petitioner proposes a maximum of 168 MF units on as few as 11 acres, at a maximum density of 15.27 du/ac, which the Comprehensive Plan identifies as high 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 subject property is located proximate to commercial centers on US 19, is located directly on an arterial roadway, will be served by County services, is served by County water and sewer service and is not located proximate to residential development with which it would be incompatible. The proposed development will be served by County schools that are currently over permanent capacity but can accommodate additional students with portable classrooms. The proposed development will be required to be designed with a quantity of open space meeting the County LDRs. Although the subject property is not located within an environmentally sensitive area, it is located within the coastal high hazard area, where it is not unlikely that a storm event could endanger human life and cause damage to property.

Policy 1.01G(5) indicates high density MF use is appropriate in multi-use PDPs or located in close proximity to commercial or employment clusters. The proposal is for a mixed-use PDP including commercial uses. The subject property is located in close proximity to clusters of commercial development.

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 is located on US 19, an arterial roadway.

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 proposed development is located proximate to commercial and institutional, but not residential, uses.

Policy 1.01G(8) indicates coordination of access and facilities is to be encouraged by utilizing a PDP designation where MF housing is located in mixed-use areas. The County Engineer has made recommendations for the access management for the subject property.

Policy 1.01G(9) indicates high density MF development shall be required to have appropriate open space, buffering, landscaping and recreation areas suited to their density and design. The LDRs require fifteen (15) percent of the site to be maintained as open space. The plan provided indicates approximately three-quarters of an acre of the 14 acre MF area contains recreational uses including a clubhouse, pool and two (2) tot lots. If the request is approved, the petitioner will be required to provide open space as required by the LDRs. The plan submitted indicates 5' minimum buffers will be provided between the MF and commercial uses on the site.

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.

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 and vehicular interconnection throughout the subject property.

The staff is of the opinion that rezoning from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks should be denied, based on the following conclusions:

1. The subject property is located in the coastal high hazard area.
2. The proposed development would generate greater demand on the roadways during evacuation and create greater demand on the County's currently inadequate public shelter space during a storm event.
3. The proposed rezoning is not consistent with the Comprehensive Plan which indicates that development should be directed away from the coastal high hazard area to reduce the probability of future property loss due to storm event.

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 C-2 to C/PDP(MF) and (HC) with a reduction in setbacks.

P&Z RECOMMENDATION:

At their February 9, 2004, hearing based on the information provided the Planning and Zoning Commission made the following findings:

1. The subject property is located in an area of minimal flooding; the subject property is located in flood zone C.
2. The subject property's location directly on a principal arterial roadway will facilitate swift evacuation.
3. The subject property meets the comprehensive plan's criteria for high density multifamily development.
4. The proposed multifamily uses are less intense than the commercial uses presently permitted.

The Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks with the following performance standards:

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. A maximum of ~~136~~ 128 MF units are allowed.

NOTE: If the BCC wishes to approve the petitioner's request to rezone from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks, staff would propose the following performance standards for addition to the modification indicated to the P&Z's recommendation:

3. Land use configuration and acreages are approved as shown on the master plan.
4. Minimum MF building setbacks from the internal driveway are 25'. All other minimum setbacks for the project are as depicted on the master plan.
5. The access management plan shall be subject to approval by the County Engineer.
6. The subject property shall be served by central water and sewer services.
7. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes.
8. Development of the MF portion of the project shall meet design standards for PDP(MF) as provided for in the LDRs.
9. Item number 5 on the general note section of the master plan shall be eliminated.
10. Site data information on the master plan shall be revised to reflect land use areas as approved.
11. Pedestrian connectivity shall be provided between the commercial and multifamily land use areas.
12. A revised master plan shall be submitted within 30 days indicating the zoning conditions or the approval shall be null and void.
13. The portion of the project at the northwest corner shall be labeled open space.

BCC ACTION:

On February 24, 2004, the Board of County Commissioners voted 4-0 to postpone consideration of this petition to their March 23, 2004 meeting at 10:45 a.m. On March 23, 2004, the Board of County Commissioners voted 4-0 to postpone consideration of this petition to their March 30, 2004 meeting at 10:45 a.m.

***Additional note:**

Subsequent to the March 23, 2004, BCC hearing, the petitioner provided staff with a revised master plan of the project. Notable changes include a reduction in the number of units from the prior range of 132 -168 to 128 on 12.2 acres. A previously indicated building on the northwest portion of the project has been eliminated; however, there is no land use indicated for this area of the plan. The plan should label this area as open space. The land use table was modified to reflect 12.2 acres of

MF, 5.8 acres of open space and 4.8 acres of commercial. The 5.8 acres of open space are within the 12.2 acres of MF, not in addition to. The land use table should be revised to indicate the status of the open space. The petitioner has reduced the provided parking by 123 spaces. If the master plan is approved, the conceptual layout of the parking would be approved; however, final determination of the number of required spaces would be determined through the permitting process. The petitioner has modified the southern driveway to extend west through the multifamily portion of the project to Suzanne Drive. A building is proposed adjacent to this driveway. Due to the scale of the plan provided, the setback proposed cannot be determined. The petitioner would have to meet the minimum setback of 25' from an internal driveway. Staff provided the BCC with approval conditions in the event the BCC wishes to approve the request. Staff has indicated modifications to conditions 2, 4 and 13 above to address issues on the revised plan received March 23, 2004.

BCC ACTION:

On March 30, 2004, the Board of County Commissioners voted 3-2 to adopt Resolution #2004-78 approving the petitioner's request to rezone from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks with the following performance standards:

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. A maximum of 128 MF units are allowed.
3. Land use configuration and acreages are approved as shown on the master plan.
4. Minimum MF setbacks for the internal driveway are 25'. All other minimum setbacks for the project are as depicted on the master plan.
5. The access management plan shall be subject to approval by the County Engineer.
6. The subject property shall be served by central water and sewer services.
7. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project.
8. Development of the MF portion of the project shall meet design standards for PDP(MF) as provided for in the LDRs.
9. Item number 5 on the general note section of the master plan shall be eliminated.

10. Site data information on the master plan shall be revised to reflect land use areas as approved.
11. Pedestrian connectivity shall be provided between the commercial and multifamily land use areas.
12. A revised master plan shall be submitted within 30 days indicating the zoning conditions or the approval shall be null and void.
13. The portion of the project at the southwest corner shall be labeled open space.