

STAFF REPORT

Planning & Zoning Commission: September 13, 2004
Planning & Zoning Commission: September 27, 2004
Planning & Zoning Commission: October 4, 2004
Board of County Commissioners: October 13, 2004

APPLICANT: Gary Blackwell **FILE NUMBER:** H-04-54

PURPOSE: Rezoning from AG(Agricultural) to C/PDP(MF) and (GC)/Combined Planned Development Project (Multifamily) and (General Commercial) with a reduction in setbacks

GENERAL

LOCATION: North side of Cortez Boulevard (SR 50), approximately 1,600' west of Weeping Willow Street

LEGAL

DESCRIPTION: Lots 1 - 49, and Tracts A - I, Tanglewood Unrecorded Subdivision located in Section 29, Township 22 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 49 LETTERS OF CONCERN: 51

STAFF FINDINGS:

Surrounding Zoning

North: PDP(MH)
South: C-1, C-2, AG w/SE
East: C-2, PDP(MH)
West: C-2, AG & PDP(MH)

Surrounding Land Uses

High Point Mobile Home Park
Office complex, undeveloped, Hospice
Undeveloped, High Point Mobile Home Park
Mobile home sales, undeveloped, High Point
Mobile Home Park

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone approximately 28 acres to C/PDP(MF) and (GC). The subject property is located on the north side of SR 50, approximately 1600' west of Weeping Willow Street.

FACTUAL INFORMATION

- 1. The property is currently zoned AG.

2. The property comprises approximately 28 acres.
3. The subject site is undeveloped.
4. The subject property is lightly wooded with scrub trees and appears to contain no majestic or specimen trees.
5. The subject property has access from SR 50.
6. The subject property is located within residential and commercial land use classifications on the adopted Future Land Use Map.
7. The on-site soil types are candler fine sands and candler urban land complex.
8. The property is located in a flood zone C.
9. The subject property contains a WHPA-2 according to County data resources; however, there are no wetlands or SPAs. The proposed land use is allowable in a WHPA-2.
10. The Utilities Department has indicated that 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 surrounding the subject property along SR 50 is predominately zoned and developed commercially. The property to the north is zoned PDP(MH) and developed with the High Point Mobile Home Park.
13. The petitioner has requested reduction in setbacks from 125' to 75' along SR 50, internal front setbacks for the MF from 25' to 20', and rear setbacks for the MF from 20' to 15'.

STAFF DISCUSSION

The petitioner has submitted an application to rezone this approximately 28 acre piece from AG to C/PDP(MF) and (GC).

The plan submitted indicates the MF component will comprise 37 lots, each to be developed with a four plex building. The project proposes a total of 148 units for an overall density of approximately 5.9 units per acre. A supplemental layout was provided by the petitioner which indicates that each of the 37 lots on the plan will be subdivided into 4 lots with a minimum size of 25' x 125' or 3,125 square feet. As further described by the petitioner, the project is actually a single family attached product given the lots will be offered for sale. The R-3 zoning category requires that the minimum lot area for two family dwellings be 12,000 square feet with an additional 3,000 square

feet for each additional dwelling unit over the two. The petitioner's proposal creates smaller lots than the R-3 district would allow; however, the PDP regulations allow some flexibility to the conventional requirements. The staff would not object to the lot sizes proposed given the open space and recreational areas proposed. A clubhouse is proposed within the residential portion of the project.

The county has enhanced standards for the development of projects zoned Multifamily (MF). These standards include issues such as design standards relating to building facade, building materials, roof pitch, required open space, minimum setbacks, and pedestrian circulation. The MF criteria would allow internal accessways to have a minimum paved width of eighteen (18) feet. The petitioner is proposing to develop the project with private streets built to minimum county subdivision street standards. The MF development would be required to provide 3.75 acres of open space for the project. The master plan submitted depicts a one acre clubhouse site, a one acre outdoor recreation area and approximately 3.7 acres of DRA. If approved, the subject proposal should be required to meet the enhanced MF standards relating to building design, internal pedestrian circulation and open space.

Sidewalks are required along the internal roadways through out the MF development. It is the staff's opinion that the petitioner should be required to construct sidewalks along the frontage road in order to integrate the MF into the proposed commercial area.

The petitioner has requested 20' front setbacks for the MF units from the front property line. The staff would not object to the front setbacks proposed. The petitioner has also proposed a rear setback of 15' from the ordinance standard of 20'. The petitioner has provided no justification regarding these requests for setback reduction. The petitioner is proposing a 20' separation between buildings. The staff would have no objections to the building separation proposed.

The narrative submitted by the petitioner indicates it is the developer's intent to provide a 15' vegetative buffer along the residential portion of the project, and a fence. The staff has no objections to the buffering proposed. The MF component of the request abuts High Point Mobile Home Park to the north. High Point is a developed mobile home park comprised of lots approximately 55' x 120' in size.

The petitioner is also indicating a 20' wide emergency access into High Point. There are no residential lots within High Point located along the northern boundary of the subject property, only a 10' wide platted tract. It is the staff's opinion that this access would be beneficial to the residents of High Point Subdivision as well given the number of units and the limited access to the subdivision. The petitioner should be required to allow High Point to use the access during emergency situations.

Approximately 3 acres of the request situated along SR 50 is proposed to be zoned general commercial. General commercial, if approved, would allow all of the permitted uses in the C-1 zoning classification. The concept of the master plan indicates that the commercial area will be one

development site. The maximum square footage allowed on the subject property would be 65,000 square feet. The petitioner is proposing standard commercial zoning setbacks with the exception of the front setback from SR 50. The petitioner is requesting a 75' front setback with the provision of a reverse frontage road.

Access to the project is being proposed via a roadway along the eastern portion of the subject property which would be a right in/right out access. In addition, the petitioner is requesting one more right in/right out driveway along the western portion of the commercial area along SR 50. The petitioner's narrative indicates that there is no existing median cut in proximity; however, there is a full median located at the project's western boundary. The petitioner has subsequently indicated that they are not desirous of placing their access along the western boundary of the project given the existing land uses in the area. The petitioner has indicated informally that he is willing to construct the frontage road now and build a link from the frontage road to the south to align with the median on SR 50; however, the petitioner is requesting the main entrance to be to the east. In order to provide access into the property, the frontage road and the link would have to be constructed simultaneously with the development of the site.

The County Engineer has indicated that the main access to the subject property should be moved to the west to line up with the existing full median. The proposal to have the major access in to the project along the eastern boundary of the project does not make engineering sense given a median exists at the western boundary of the project.

The petitioner is indicating a reverse frontage road; however, as depicted the road does not connect into the parcel to the east. The plan would have to be revised to provide connection to the east and the link to the south to direct the traffic to the median. The property to the west of the subject site is developed with a mobile home sales lot; however, there is no frontage road on this property. Final location of the frontage road would be determined by the County Engineer at the time of development review.

The Hernando County School Board has indicated the current school zones are as follows: Elementary (K-5) - Pine Grove Elementary School; Middle (6-8) - West Hernando Middle School; High (9-12) - Central High School. This project is estimated to add approximately 50 students to the school system. These additional students could not be accommodated by current permanent capacity. The students could only be accommodated by adding additional permanent capacity, adding portables, redrawing of school boundaries, or a combination of these options.

FINDINGS OF FACT

The subject property is located within both the residential and commercial land use classifications. The residential land use classification would allow MF housing up to 16 units per acre. The commercial land use classification would allow commercial, recreation, office and professional, minor public facilities and minor institutional uses.

The adopted Comprehensive Plan establishes criteria for location of residential densities greater than 4.0 units per acre for consideration which include the proximity to existing or designated commercial areas or corridors or major employment centers; direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways; police, fire and EMS service, water and sewer facilities, character and density of existing or approved developments, adequate public facilities for schools, open space, etc.

Additionally, specific comprehensive plan policies address Multifamily development as follows:

Policy 1.01G(2): Establish a low density multifamily zoning district to permit residential development consisting of densities not to exceed 7.5 units per acre.

Policy 1.01G(6): Multifamily developments should not be located where access to the arterial or collector roadway system is through established single family neighborhoods.

Policy 1.01G(7): Multifamily development shall be encouraged as “step-down” in intensity of use between single family residential and intensive uses such as commercial and industrial.

Policy 1.01G(8): Encourage coordination of access and facilities by utilizing a Planned Development Project designation where multifamily housing is located in mixed use areas.

Policy 1.01L(7) states that the county shall establish standards to promote the integration of pedestrian traffic within and between commercial developments and adjacent residential areas.

The subject request is for a 5.9 unit per acre MF complex which is considered low density pursuant to the Comprehensive Plan. It is the staff’s position the request meets the locational criteria of the adopted comprehensive plan in that it is located proximate to existing commercial centers, its access is not through established neighborhoods, and that it is a “step-down” in intensity between the commercial development along SR 50, and the High Point Mobile Home subdivision to the north.

The commercial component of the project is located within a commercial land use classification. The surrounding zoning along SR 50 is predominately C-1 and C-2. It is the staff’s opinion that the general commercial requested is consistent with the adopted comprehensive plan and would be compatible with the surrounding area.

The staff is of the opinion that it is appropriate to rezone the parcel AG to C/PDP(MF) and (GC) with performance conditions, based on the following conclusion:

1. The rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.

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.

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(MF) and (GC) 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, and complete all applicable development review processes.
2. The frontage road and link to SR 50 shall be developed at no cost to the county with the development of the residential component of the project. Final location of the frontage road shall be approved by the County Engineer.
3. Multifamily development standards:
 - Minimum lot size: 25' x 125'
 - Maximum number of lots approved: 148

 - Internal setbacks:
 - Front setbacks: 20'
 - Side setbacks: 0', with 20' between buildings
 - Rear setbacks: 20'

 - Perimeter setbacks per the PDP regulations.
4. Development shall meet the design criteria for MF development relating to pedestrian connectivity, building design standards and open space.
5. A minimum 15' wide vegetative buffer and fence shall be provided along the perimeter of the MF component of the project.

6. The emergency access to the north shall be provided as indicated on the plan. The subject development shall allow High Point to use the access during emergency situations.
7. The open space and DRA acreage shall be maintained as indicated on the plan.
8. GC development area standards:
 Front setbacks: 75'
 Side setbacks: 20'
 Rear setbacks: 35'
9. Sidewalks shall be constructed along one side of the frontage road.
10. The primary access to the subject property shall be relocated to the west to align with the median opening along SR 50.
11. A revised plan reflecting the zoning conditions shall be submitted within 30 days of BCC approval or the zoning will be null and void.

P&Z RECOMMENDATION:

On September 13, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the September 27, 2004, P&Z meeting at 10:00 A.M. due to the threat of Hurricane Ivan.

On September 27, 2004, the Planning and Zoning Commission voted 3-0 to postpone this petition until the October 4, 2004, P&Z meeting at 9:30 A.M. due to the recovery efforts for Hurricane Jeanne.

P&Z RECOMMENDATION:

On October 4, 2004, the P&Z voted 3-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to C/PDP(MF) and (GC) with a reduction in setbacks with the following modified 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, and complete all applicable development review processes.
2. The frontage road and link to SR 50 shall be developed at no cost to the county with the development of the residential component of the project. Final location of the frontage road shall be approved by the County Engineer.
3. Multifamily development standards:

Minimum lot size: 25' x 125'

Maximum number of lots approved: 148

Internal setbacks:

Front setbacks: 20'

Side setbacks: 0', with 20' between buildings

Rear setbacks: 20'

Perimeter setbacks per the PDP regulations.

4. Development shall meet the design criteria for MF development relating to pedestrian connectivity, building design standards and open space.
5. A minimum 15' wide vegetative buffer with a minimum of 80% opacity and fence shall be provided along the perimeter of the MF component of the project.
6. The emergency access to the north shall be provided as indicated on the plan. The subject development shall allow High Point to use the access during emergency situations. The access shall be gated and controlled for major emergencies only as determined by Governmental Authorities.

(*note: The P&Z indicated that they believed a minimum of two access points should be provided to the subject property. They supported the concept of the emergency access because it was their opinion that access was beneficial to the High Point Community. However, if after conducting their public meeting the BCC determined that the emergency access to High Point was not appropriate, the P&Z would not object to it being eliminated if a minimum of two other access points are provided)
7. The open space and DRA acreage shall be maintained as indicated on the plan.
8. GC development area standards:
Front setbacks: 75'
Side setbacks: 20'
Rear setbacks: 35'
9. Sidewalks shall be constructed along one side of the frontage road.
10. The primary access to the subject property shall be relocated to the west to align with the median opening along SR 50.
11. A revised plan reflecting the zoning conditions shall be submitted within 30 days of BCC approval or the zoning will be null and void.

12. The development shall be established as a 55 years of age and older community.
13. The buildings shall be limited to single story. Each unit shall be on a platted lot.
14. The petitioner shall conduct a public inquiry meeting pursuant to the LDRs prior to the BCC hearing.

NOTE: Upon further review of the concept proposed by the petitioner and discussion during the P&Z public hearing, it is the staff's opinion that if the request is approved, it would be more appropriately approved as a rezoning to C/PDP(SF) and (GC) with a reduction in setbacks. The units are proposed to be constructed on individual lots and will be marketed for sale which results in the units being considered a single family attached product.

BCC ACTION:

On October 13, 2004, the Board of County Commissioners voted 4-1 to deny the petitioner's request to rezone from AG to C/PDP(MF) and (GC) with a reduction in setbacks.