

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Emerson Oaks LLC **FILE NUMBER:** H-05-88

PURPOSE: Establishment of a Master Plan for Property Zoned PDP(MF)/Planned Development Project (Multifamily)

GENERAL

LOCATION: West side of Emerson Road, approximately 1,000' south of Cortez Boulevard

LEGAL

DESCRIPTION: A portion of Section 26, Township 22 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: AG
East: PDP(GHC), AG
West: AR

Surrounding Land Uses

DRA; Undeveloped
Moton Elementary School
DRA; Undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to establish a master plan for property zoned PDP(MF). The subject property is located on the west side of Emerson Road, approximately 1,000' south of Cortez Boulevard.

FACTUAL INFORMATION

- 1. The property is currently zoned PDP(MF).
- 2. The property comprises approximately 23.45 acres.
- 3. The site is undeveloped.
- 4. The site contains majestic and specimen trees.

5. The subject property has access from Emerson Road.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Flemington fine sandy loam.
8. The property is located in a flood zone C; however, the subject property is located within the Bystre Lake 100 year flood plain.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville has indicated that the property is located within the City's First Right to Serve Area. Water and sewer are available with line extensions to the subject property.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by rural residential uses, schools and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a master plan for property zoned PDP(MF). The BCC approved the rezoning of the subject property from AR to PDP(MF) in 1988. The plan associated with the rezoning is no longer valid per the PDP rules. The rezoning approval included performance conditions requiring the developer negotiate a water and sewer agreement with the City of Brooksville and hooking into the City water and sewer systems, limiting the maximum gross density of the 23.4 acres of multifamily development to 12 units per acre and providing accel/decel or storage lanes at all project entrances according to County and FDOT standards.

In 2004, the BCC denied a request for a MF master plan approval which included a rezoning for a total project size of 40 acres. The subject MF zoned property was included within the 40 acre property. The previous proposal was to develop 40 acres with 450 multifamily units. The BCC denied the request due to concerns about traffic impacts, school capacity, flooding, drainage and environmental issues.

The petitioner proposes developing the 23.45-acre subject property with 248 multifamily units, at a density of 10.58 units per acre. The petitioner proposes two-story multifamily buildings containing generally ten (10) units approximately 1,200 - 1,500 square foot in size. Some buildings may be smaller containing only six (6) or (8) units. The County's LDRs have standards relating to

MF development which address building design and building materials, minimum open space requirements, pedestrian circulation, access standards, setbacks, and other aesthetic considerations. If approved, the project would have to meet the minimum standards provided for in the County's LDRs regarding MF development.

The petitioner proposes setbacks as follows: 50' from Emerson Road, 25' from the north property line, 35' from the west property line and 35' from the south property line. The plan shows a 25' setback from the proposed frontage road. The petitioner proposes a 15' separation distance between buildings. The Planning staff does not object to the proposed setbacks.

The petitioner proposes a 10' natural buffer along the south and west property lines. The Planning staff is of the opinion the proposed buffer is appropriate next to the AG property developed with a school, to the south and the AR property to the north. The PDP rules would require a minimum 5' buffer along the south and west property lines. The Planning staff is of the opinion that if the request is approved, the 10' buffer should be maintained at a minimum 80% opacity.

The plan shows 3.52 acres of recreational space, which meets the County's multifamily design standards requiring a minimum of 15% of the gross site must be maintained in open space. The LDRs have further design standards regarding the configuration of the open space. If the request is approved, the petitioner will be required to provide open space as required per the LDRs.

County LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. If approved, the petitioner would be required to meet the applicable LDRs.

The petitioner proposes two (2) gated access points to the proposed frontage road. The plan shows a frontage road connecting the commercial property to the northwest to Emerson Road. The County Engineer does not object to the gated access for the development. The County Engineer indicates that if the request is approved, the petitioner shall provide a left turn lane on Emerson Road. The petitioner proposes a frontage road across the property providing interconnection between the commercial property to the north and Emerson Road. The County Engineer indicates that if the request is approved, the frontage road should line up with the frontage road on the commercial property to the north and the petitioner should coordinate the alignment with the County Engineer.

The City of Brooksville has indicated that the project is within the City's first right to serve area. Central water and sewer are available to serve the subject property with line extensions to the site.

The Hernando County School Board indicates that elementary school students would be assigned to Moton Elementary, middle school students would be assigned to D. S. Parrott Middle School and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The subject property is within the Bystre Lake 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the 100 year regulatory flood elevation.

There are two streams running through the subject property according to the submitted plan. These conveyances shall be conserved in the site plan and buffered according to state and federal wetland regulations.

The City of Brooksville has no objections to the request.

FINDINGS OF FACT

The area is characterized by rural residential uses, schools and undeveloped parcels. Moton Elementary School is located south of the subject property. A DRA and undeveloped property is located north of the subject property. Undeveloped property zoned AG is located to the east of the subject property, on the east side of Emerson Road. The property to the west is undeveloped and zoned AR; a request to rezone the property to the west to allow single family development is currently going through the rezoning process.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The Comprehensive Plan indicates residential units are allowed in the commercial land use category. The BCC approved a rezoning allowing multifamily development with a gross density of 12 units per acre in 1988.

The Planning staff is of the opinion that the request to establish a master plan for property zoned PDP (MF) is appropriate, based on the following conclusions:

1. The proposed plan is compatible with the surrounding land uses.
2. The proposed plan is consistent with the County's adopted Comprehensive Plan 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 establish a master plan for property zoned 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, and complete all applicable development review processes.
2. A maximum of 246 multifamily units are allowed.
3. The developer negotiate a water and sewer agreement with the City of Brooksville.
4. The minimum setbacks shall be as follows:

From Emerson Road:	50'
From the north property line:	25'
From the frontage road:	25'
From the west property line:	35'
From the south property line:	35'
5. The minimum separation distance between the buildings shall be 15'.
6. 10' buffers with a minimum 80% opacity shall be located along the south and west property lines.
7. The access points shall be provided as indicated on the plan.
8. The petitioner shall provide turn lanes on Emerson Road as determined by the County Engineer.
9. The frontage road shall line up with the frontage road on the commercial property to the northwest. The petitioner shall coordinate the alignment with the County Engineer.
10. All roadways, driveways and finished floor elevations shall be above the 100 year regulatory flood elevation.
11. The streams onsite shall be conserved in the site plan and buffered according to state and federal wetland regulations.
12. The petitioner shall provide the minimum open space indicated on the master plan.

13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to establish a master plan for property zoned 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, and complete all applicable development review processes.
2. A maximum of 248 ~~246~~ multifamily units, limited to three (3) stories, are allowed.
3. The developer negotiate a water and sewer agreement with the City of Brooksville.
4. The minimum setbacks shall be as follows:

From Emerson Road:	50'
From the north property line:	25'
From the frontage road:	25'
From the west property line:	35'
From the south property line:	35'
5. The minimum separation distance between the buildings shall be 15'.
6. 10' buffers with a minimum 80% opacity shall be located along the south and west property lines.
7. The access points shall be provided as indicated on the plan.
8. The petitioner shall provide turn lanes on Emerson Road as determined by the County Engineer.
9. The frontage road shall line up with the frontage road on the commercial property to the northwest. The petitioner shall coordinate the alignment with the County Engineer.
10. All roadways, driveways and finished floor elevations shall be above the 100 year regulatory flood elevation.

11. The streams onsite shall be conserved in the site plan and buffered according to state and federal wetland regulations.
12. The petitioner shall provide the minimum open space indicated on the master plan.
13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTE:

The Planning & Zoning Commission requested the Planning staff seek comments from the County fire and rescue department regarding the ability to serve the proposed three story multifamily development.

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2005-285 approving the petitioner's request to establish a master plan for property zoned 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, and complete all applicable development review processes.
2. A maximum of 248 multifamily units, limited to three (3) stories, are allowed.
3. The developer negotiate a water and sewer agreement with the City of Brooksville.
4. The minimum setbacks shall be as follows:

From Emerson Road:	50'
From the north property line:	25'
From the frontage road:	25'
From the west property line:	35'
From the south property line:	35'
5. The minimum separation distance between the buildings shall be 15'.

6. 10' buffers with a minimum 80% opacity shall be located along the south and west property lines.
7. The access points shall be provided as indicated on the plan.
8. The petitioner shall provide turn lanes on Emerson Road as determined by the County Engineer.
9. The frontage road shall line up with the frontage road on the commercial property to the northwest. The petitioner shall coordinate the alignment with the County Engineer.
10. All roadways, driveways and finished floor elevations shall be above the 100 year regulatory flood elevation.
11. The streams onsite shall be conserved in the site plan and buffered according to state and federal wetland regulations.
12. The petitioner shall provide the minimum open space indicated on the master plan.
13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTES:

REVIEW OF SIDEWALKS FROM THE SUBJECT PROPERTY TO THE ENTRANCE OF THE SCHOOL WILL BE CONSIDERED AT THE TIME OF CONSTRUCTION PLAN APPROVAL.

THE ROAD FROM EMERSON ROAD WEST MUST BE DONE AT THE TIME OF CONSTRUCTION.

PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

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Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

August 16, 2005

Christopher Mettler
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Chris:

I reviewed the proposed rezoning requests that you forwarded to me. My comments are listed below for consideration during the staff's review.

In reference to **H-05-83**, the request from Q2 Brooksville 191, LLC to rezone and develop a 191 acre site with 400 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Brooksville Elementary School
Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to add an additional 133 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$210,000 and 6 teachers at an estimated cost of \$300,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 133 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,176,711 and \$1,217,631.

In reference to **H-05-84**, the request from Alvin R. Mazourek to rezone 33 Ac and develop 145 multi family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Suncoast Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Springstead High School

This rezoning request is expected to add an additional 48 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$70,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this

development based on the projected 48 additional students. This worksheet shows an estimated impact in excess of school taxes between \$421,847 and \$436,681.

In reference to **H-05-86**, the request from Tri County Development, Inc to rezone and develop 80.88 acres with 135 single family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Spring Hill Elementary School
Middle (6-8) – West Hernando Middle School
High (9-12) – Central High School

This rezoning request is expected to add an additional 45 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$70,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 45 additional students. This worksheet shows an estimated impact in excess of school taxes between \$399,634 and \$413,444.

In reference to **H-05-88**, the request from Emerson Oaks, LLC to rezone and develop a 23.45 acre site with 248 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – DS Parrott Middle School
High (9-12) –Hernando High School

This rezoning request is expected to add an additional 83 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$140,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 83 additional students. This worksheet shows an estimated impact in excess of school taxes between \$741,531 and \$766,901.

In reference to **H-05-90**, the request from Todd A. Mooney to rezone and develop a 44.96 acre site with 124 single family town-homes, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Spring Hill Elementary School
Middle (6-8) – West Hernando Middle School
High (9-12) –Central High School

This rezoning request is expected to add an additional 41 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$70,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this

development based on the projected 41 additional students. This worksheet shows an estimated impact in excess of school taxes between \$359,682 and \$372,367.

In reference to **H-05-91**, the request from Terry A. Whaley, Sr. to rezone and develop a 35 acre site with 490 multi-family homes, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Moton Elementary School

Middle (6-8) – DS Parrott Middle School

High (9-12) –Hernando High School

This rezoning request is expected to add an additional 163 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$260,000 and 7 teachers at an estimated cost of \$350,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 163 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,443,134 and \$1,493,261.

I hope this information will be helpful for the staff review. Please contact me if you have any questions or need further information. Thank you for the opportunity to comment on the effect that these proposed rezoning requests will have on the Hernando County School System.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director