

# HERNANDO COUNTY PLANNING & ZONING COMMISSION

## MINUTES OF MINUTES OF MARCH 14, 2005

The Hernando County Planning & Zoning Commission met in regular session on March 14, 2005, at 9:00 a.m., in the John Law Ayers County Commission Chambers, which is located in the Hernando County Government Complex/ Administrative Building, 20 North Main Street, Room 160, Brooksville, Florida. Members present were: Anna Liisa Covell, Chairwoman; W. R. "Bob" DeWitt, Vice Chairman; Al Sevier; Anthony Palmieri, Nicholas Nicholson; and Ken Pritz, representing the Hernando County School Board. Tom Richards was present in a non-voting capacity. Also present were: Lawrence Jennings, Director of Growth and Development; Jerry Greif, Chief Planner; Chris Mettler, Planner II; Kent Weissinger, Assistant County Attorney; and Cynthia Bogert, Administrative Secretary and Notary Public for the State of Florida

### **MEETING CALLED TO ORDER**

Chairwoman Covell called the meeting to order at 9:00 a.m. After a moment of silence, Comm. Sevier led the Pledge of Allegiance. Chairwoman Covell instructed the audience of the time limits established by the Commission. The members of the Commission and staff introduced themselves to the audience. All individuals providing testimony were sworn in by a Notary Public for the State of Florida and would be confirmed under Oath in this record.

### **EX PARTE COMMUNICATIONS**

The Commission members were polled. Comm. Sevier stated he visited all of the sites on the Agenda. Comm. DeWitt stated he visited the sites for the Withlacoochee River Electric Cooperative, Inc. (H-05-10), Thomas Armbruster (H-05-16), David and Rachel Riddle (H-05-18), Michael S. Gallo and Tammy L. Gallo (H-05-22), Northcliffe Baptist Church (SE-05-06) and Silverthorn Associates, LLC and Silverthorn Hills, LLC (H-05-15) petitions and had no ex parte communications. The other Commission members indicated they had no ex parte communications for any of the petitions under consideration.

### **ANNOUNCEMENTS**

There were no staff announcements.

### **KATHLEEN OLMSTED, ET. AL. - REZONING (H-04-72) - Not Fully Advertised**

Purpose: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

Location: West side of Kettering Road, north side of Power Line Road

Representative: Not present

The applicant was requesting to rezone from AG to PDP(SF). The subject property was located west of Kettering Road and north of Power Line Road.

Chairwoman Covell announced that this petition had not been fully advertised pursuant to Board policy; therefore, no action could be taken. She stated that this item would be fully re-advertised for a future Agenda.

**JOHN P. WICKERT - REZONING (H-05-07) - Not Fully Advertised**

Purpose: Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(OP)/ Planned Development Project (Office Professional) with specific C-1 uses and a reduction in setbacks

Location: West side of Mariner Boulevard, approximately 400' north of Hearth Road, approximately 550' south of Augustine Road

Representative: Not Present

The applicant was requesting to rezone from PDP(SF) to PDP(OP) with specific C-1 uses and a reduction in setbacks. The subject property was located on the west side of Mariner Boulevard, approximately 400' north of Hearth Road, approximately 550' south of Augustine Road.

Chairwoman Covell announced that this petition had not been fully advertised pursuant to Board policy; therefore, no action could be taken. She stated that this would be fully re-advertised for a future agenda.

**LAURA and LOUIS MORELLI - CONDITIONAL USE PERMIT (CU-05-05)**

Purpose: Conditional Use Permit for a Second Residence

Location: Approximately 450' east of Grove Road, approximately 2,000' north of Cortez Boulevard

Representative: John Martorana

The applicant was requesting a conditional use permit for a second residence. The subject property was located approximately 450' east of Grove Road and approximately 2,000' north of Cortez Boulevard.

Mr. Greif reviewed the staff report stating that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission determine whether a hardship existed and, if such a determination was made, the P&Z may approve the second residence on the parcel for a period of up to two years. If approved, the conditional use permit should be contingent upon the following:

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 petitioner removing the second residence upon termination of the permit, or when the hardship no longer exists.
3. The petitioner shall be required to legally create the parcel through the County's subdivision process prior to obtaining a permit for the second residence.

Mr. Martorana, under oath, stated that both Laura and Louis Morelli suffered from terminal liver disease. He noted that Mrs. Morelli had been under constant live-in care for approximately one year as recent as six months previous. He noted that the applicants needed assistance to care for their son as well as themselves when they were incapacitated.

He stated that a larger home was needed to allow the petitioners the use of wheelchairs, which he understood the Morelli's physicians predicted they would need within one year. He noted that the existing well was sufficient to serve both homes and there was adequate space to install a septic tank a safe distance from any existing wells in the area. He pointed out that the existing home would remain on the property temporarily.

Chairwoman Covell asked for public comment. The following individual came forward:

James Boardman, under oath, stated that he owned two parcels, one to the east of the subject site facing Grove Road and one to the north. He noted that there was limited access to the subject property via a 15' easement across his property. He understood that the Morelli's desired to rent their existing home to help pay for the construction of a new home on the subject property. He expressed concern that there had been disturbances at the subject site which required a response by the police. He had been acquainted with Mrs. Morelli for approximately two years and was aware that she had been to Boston where she recently married Mr. Morelli. He stated that he was not well acquainted with Mr. Morelli; however, contrary to reports that he could not drive, he in fact operated a motor vehicle. He noted that Mr. Morelli had assaulted Mrs. Morelli. He was opposed to this petition.

Mr. Boardman responded to Chairwoman Covell that the only access to the subject property was by an unimproved access through his property.

Mr. Martorana noted that he was in possession of letters from the Morelli's physicians stating that they were both totally disabled and that their condition was expected to worsen. He reiterated that the Morelli's had a seven-year old son who from time to time needed help when the petitioners were incapacitated by their medications. He stated that he had not been aware that the Morelli's desired to rent their existing home to a caretaker, and understood they planned to live in the new home. Mr. Martorana informed Comm. Richards that the letters provided by the physicians were included in the agenda packet.

Mr. Martorana responded to Comm. Sevier that he had witnessed one of the applicants operating a motor vehicle and although he could not answer for them, he understood from the letters he had read that they both had terminal liver disease.

Mr. Martorana informed Comm. Palmieri that he was not related to the applicants and that as far as he knew the existing home was their permanent residence. He clarified that Mrs. Morelli had been under a doctor's care in Boston which was where she had met and married her husband. He understood that Mrs. Morelli had owned the subject property since July 2002.

Discussion ensued regarding the dates of the physician's letters and certifications of permanent disability, during which Comm. Palmieri expressed interest in being provided with a more recent letter.

Comm. DeWitt felt that 250', which was the distance from the current home to the proposed location of the new home, was a significant distance for a caregiver to travel considering that the applicants were disabled and had a small child. He questioned why a room could not be provided inside the new home and the existing structure removed. He felt they could have a part-time caregiver during the hours needed.

Mr. Martorana pointed out that one of the physicians had indicated that a full-time care giver would be needed. He believed the applicants desired the home to be located where proposed due to aesthetics, considering the existing trees, and to leave room for a front yard for their son.

Comm. DeWitt stated that they had no way to control whether the existing residence would actually be rented out. He stated he could not support the petition based on the information that had been provided.

Mr. Jennings informed Chairwoman Covell that access was via a private 15' unimproved easement which extended to the subject property from Grove Road.

Chairwoman Covell expressed concern with retaining the mobile on the property and renting it out. She believed the new home could provide room for a care giver. She questioned if the Morelli's currently had a full time care giver. Mr. Martorana relied negatively, which he believed was because there was not sufficient space.

Comm. Sevier stated considering that the applicants could drive but were not present to answer questions he could only ask them, he saw no need to furnish a second residence at this location.

**MOTION** Comm. Sevier moved to deny the petitioner's request for a second residence; seconded by Comm. Palmieri and the motion carried 5-0.

Pursuant to the Findings of Fact outlined in the staff report the Commission determined that a hardship did not exist.

NOTE: The meeting was running ahead of schedule; therefore the P&Z discussed Commissioner's Issues until 9:30 a.m.

**COMMISSIONERS ISSUES**

Comm. DeWitt and Comm. Sevier discussed with Mr. Jennings their concerns with allowing rezonings in the area of Wiscon Road and the Highpoint subdivision but not allowing building permits to be issued and the County placing a building moratorium on the area. Mr. Jennings explained that it had been determined new development would exceed the Level of Service (LOS) based on studies done by the Florida Department of Transportation (FDOT). In terms of timing he felt that travel had increased faster than anticipated and planned for, which was driven by growth and increased travel above historical levels nationwide. Mr. Jennings detailed the criteria used to count the number of trips generated. He disagreed that there was a moratorium. Comm. DeWitt understood that no building permits would be issued until and unless road improvements had been made and questioned if that included frontage roads.

Mr. Jennings discussed ways to improve travel within a corridor, including adding lanes on SR 50; however, the Adequate Public Facilities Ordinance programed that particular project further out. He clarified that traffic studies were not done for rezoning requests, but conducted during the development permitting process. He explained that up to this point when an individual applied for an adequate facilities review, a certification of concurrency study was done by the developer showing that they were able to meet the requirements of the ordinance; however, travel had increased to a point where that would not occur automatically. Mr. Jennings elaborated on the options available to the developer: they could conduct an additional study based on speeds and other types of criteria, indicating that the LOS was not as low as the County's studies had indicated; they could enter into a development agreement with the County to do additional work to assist with solving the problem; or they could wait until the adequate public facilities ordinance was met. Mr. Jennings discussed when traffic counts were done and the adjustment factors.

Mr. Jennings informed Comm. Sevier that the staff conducted significant communication and coordination with the FDOT. He offered to provide a record of when the FDOT had conducted traffic counts at the end of the meeting.

Comm. Sevier expressed concern since he believed that allowing rezonings but not issuing building permits was a moratorium. He expressed concern with FDOT's ability to secure a proper trip count or properly maintain coordination of the traffic pattern entering or exiting the Suncoast Parkway.

Comm. Sevier questioned if a frontage road was allowed for the Rick Matthews Buick automobile dealership. Mr. Jennings was not sure whether that business was obligated to provide a frontage road since it may have predated the ordinance. Comm. Sevier believed adding an additional lane for access to Wiscon Road would better accommodate the traffic versus turning back off on an "s" curve.

**WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC. - REZONING (H-05-10)**

Purpose: Public Service Facility Overlay District for an Electrical Substation

Location: North side of Ayers Road, approximately 1,100' west of Culbreath Road

Representative: Gordon Coburn, District Manager, Withlacoochee River Electric Cooperative

The applicant was requesting a public service facility overlay district (PFSOD) for an electrical substation. The subject property was located on the north side of Ayers Road, approximately 1,100' west of Culbreath Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a PFSOD for an electrical substation, 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. The minimum setbacks for the fenced substation facility are 50' from Ayers Road, 50' from the north and west property lines and 133' from the east property line.
3. The petitioner must retain the natural vegetation on the periphery of the site between the substation facility and the property lines. Landscape plantings would be required to supplement the buffer area if the buffer is not maintained at 80% opacity.
4. Clearing on the perimeter of the site will be permitted only at the driveway access points and transmission line entry and exit.
5. The petitioner shall be limited to one driveway.
6. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
7. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board approval. A \$250 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 Board approval will result in the zoning becoming null and void.

Mr. Coburn, under oath, discussed the need for this substation to meet future capacity due to continued growth in the eastern portion of the county. He expressed concern with limiting the project to one driveway under Condition #5 as two driveways were needed to meet their emergency contingency plans. He explained that a circular drive with two accesses would eliminate problems with trucks maneuvering on the property.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Jennings and Comm. Palmieri discussed the language under Condition #7 regarding the time periods to submit the revised plans. Comm. Palmieri asked to discuss this condition further under Commissioner's Issues for clarification. Mr. Coburn informed Comm. Sevier that he was not concerned with Condition #7.

Comm. Sevier agreed with Mr. Coburn regarding the problem with only having one driveway, noting the danger of any vehicle backing out onto Ayers Road versus making a circle to exit.

Comm. DeWitt was not opposed to deleting Condition #5 considering safety issues. Mr. Coburn advised Comm. DeWitt that as much natural buffer would be retained and there was adequate space for growth as transformers were being built smaller. He clarified that this would be a single transformer.

Comm. Nicholson preferred that Condition # 5 be modified to say that there shall be two accesses with one being an emergency access. Comm. DeWitt agreed. Chairwoman Covell was not opposed to Comm. Nicholson's recommendation if that was not a concern to Mr. Coburn. Mr. Coburn stated that he was comfortable with the modification.

**MOTION** Comm. Nicholson moved to approve the petitioner's request as per staff's recommendation with changes to Condition #5 as follows:

5. ~~The petitioner shall be limited to one driveway.~~ Two (2) driveways are allowed; one driveway shall be for emergency access only.

Comm. DeWitt seconded the motion. Discussion ensued. Mr. Coburn informed Comm. Sevier that both accesses would be paved with one labeled emergency only. Being put to a vote, the motion carried 5-0.

**MOHAN KUTTY - REZONING (H-05-14)**

Purpose: Rezoning from PDP(SF)/ Planned Development Project (Single Family) to PDP(OP)/Planned Development Project (Office Professional)

Location: South side of Spring Hill Drive, approximately 625' east of Glenridge Drive

Representative: Alan Garman, President, Civil-Tech Consulting Engineers, Inc.

The applicant was requesting to rezone from PDP(SF) to PDP(OP). The subject property was located on the south side of Spring Hill Drive, approximately 625' east of Glenridge Drive.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from PDP(SF) to PDP(OP).

Mr. Garman believed this was located in an area of transition due to the traffic impact and that a five-lane roadway did not fit the criteria for residential use. He reviewed the subject property and the surrounding zoning and land uses, noting that if this remained zoned residential, there was the potential to have three driveways on Spring Hill Drive. He felt that residential driveways would not be safe due to sight distance problems at the Glen Ridge intersection; however, a commercial use could be limited to one driveway located closer to the adjacent commercial property which was separated by an alley. He noted that Spring Hill Drive was not five-laned when this request was previously denied; however the petitioner felt the road widening was an unfavorable situation for residential use. Mr. Garman asked the P&Z to look favorably upon this request.

Chairwoman Covell asked for public comment. The following people came forward and spoke in opposition of the rezoning: Susan Sebeny; George Popovich; Joanne Murphy and Martin Fisher. Their concerns included the two proposed driveway locations and sight distance problems on Spring Hill Drive, increased traffic generated by a medical facility, decreased property values to adjacent properties and properties along Barrow Street, safety concerns for children on Barrow Street exposed to dumpsters and delivery trucks, and inadequate buffering to abutting residential properties. They noted there was other OP zoned property available in the area and asked that the property remain residentially zoned. They indicated they did not object to three residential driveways on Spring Hill Drive. Ms. Sebeny indicated she previously submitted a petition signed by residents opposing the rezoning; Chairwoman Covell acknowledged the petition had been included with the Agenda packet. Mr. Popovich submitted a letter of opposition from a neighbor who could not attend the meeting.

Mr. Garman referred to an aerial map noting that only two driveways existed from Lema Drive to property zoned commercial on Spring Hill Drive as the corner lots accessed the side roads. He discussed the site plan, noting rear parking, landscape buffering and DRA location to provide ample buffering to adjacent residential properties. He stated they could include a 6' wall to the back for additional buffering. He stated he agreed with the County Engineer that there should be only one driveway located away from the hill. He asked that consideration be given that new subdivisions were not allowed to have residential driveways on collector roads.

Mr. Garman affirmed for Comm. DeWitt that the commercial properties to the east were separated from residential by alleyways. Comm. DeWitt noted this property did not have an alleyway to provide additional buffering. Mr. Garman stated that OP did not require truck traffic.

Comm. DeWitt agreed with staff recommendations. He stated that he would have looked at the request differently if the lots adjacent and behind the property were vacant; however he felt this would be an intrusion on the residents.

Comm. Nicholson agreed that subdivisions were currently designed so driveways did not access collector roads and stated his preference to eliminate all driveways from Spring Hill Drive. He felt that OP should be extended in this area but not to the detriment of surrounding property owners. He felt a 20' buffer was inadequate, but a wider vegetative buffer was more appropriate than a fence. He felt the use was too intense. He expressed concern with the sight distance problems and felt the driveway should be located as far east as possible. He stated he was opposed to the proposal; however, he would be in favor if it were designed differently to protect the residents to the east and south. Mr. Garman agreed that the site plan needed to be revised.

Mr. Garman advised Comm. Palmieri that the DRA shown on the plan was more or less a buffer area. He noted that it has become more difficult to enter onto Spring Hill Drive since the time of the previous request. Comm. Palmieri opined that extending the commercial node would be an encroachment into an established residential area. He stated that he could not support the rezoning as he felt it was incompatible with the surrounding area and inconsistent with the adopted Comprehensive Plan.

Comm. Sevier believed he previously voted in favor the OP zoning as this was a commercial area, noting the only difference was the widening of Spring Hill Drive. He expressed concern for the dangers of three additional residences with driveways backing out onto Spring Hill Drive. He felt the area was in transition and was in favor of the OP zoning.

Chairwoman Covell did not feel the use was too intense because Spring Hill Drive was five-laned; however, she did not believe it was transitional as the property was located beyond the commercial node. She opined that the use would generate significant traffic which would impact the entire length of Spring Hill Drive, especially near the new model homes. She indicated she could not approve the proposal as additional commercial in this area would compound existing problems.

Comm. Nicholson suggested reserving at least half of the lot to the west as a buffer to the adjacent property and a larger buffer to the south with lower intensity.

**MOTION** Comm. Nicholson moved to deny the petitioner's request per staff's recommendation. Comm. DeWitt seconded the motion, and the motion carried 4-1, with Comm. Sevier voting nay.

**THOMAS ARMBRUSTER - REZONING (H-05-16)**

Purpose: Rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(GC)/Planned Development Project (General Commercial) with a Specific C-2 use of Mini-warehouses or PDP(CP)/Planned Development Project (Corporate Park)

Location: East side of Anderson Snow Road, approximately 450' north of Corporate Boulevard

Representative: Alan Garman, President, Civil-Tech Consulting Engineers, Inc.

The applicant was requesting to rezone from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses. The subject property was located on the east side of Anderson Snow Road, approximately 450' north of Corporate Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses.

Mr. Garman, under oath, stated that the proposed use of a carwash had been deleted; however, the applicant still desired to have mini-warehouses, with offices in the front. He pointed out that this parcel had previously been part of the Holland Springs Industrial Park which was platted in 1982 or 1983, and since that time all but one parcel (Miller Sod and Excavating) remained vacant. He stated that the property could not be sold zoned Industrial, noting that the parcels that had been sold were zoned commercial and developed, for example, as shopping centers and a Capital City Bank.

He stated that a portion of the Comprehensive Plan that was part of a rezoning request from Industrial to Residential by Holland Spring, which was recently denied, read as follows: "in the Airport area the proposed mix of land uses include aviation, aviation-related activities, industrial uses, public facility, commercial, limited agriculture, limited real development, interim continuation of vested residential development, and the other use was not incompatible with the Airport." He understood that during that hearing, staff indicated other non-Industrial uses could be allowed within the Airport PDP, which is the reason for this request. He questioned if commercial was allowed in the PDP and stated the Industrial zoning was acceptable if commercial buildings could be placed on the property.

Chairwoman Covell asked for public comment. No one came forward.

Comm. Palmieri agreed with staff that additional commercial would be inconsistent since the size of the community commercial node had reached the acreage called for in the Comprehensive Plan, and that the commercial use would generate more traffic than an industrial use. He supported staff's recommendation.

Mr. Garman countered that traffic generated by office and mini-warehouses would probably not involve big trucks. He believed an industrial use would have a greater impact on the County maintained roads which existed since the early 1980's. He felt that this was more of a larger commercial node versus a neighborhood. Discussion ensued.

Comm. Palmieri felt it was prudent to protect the industrial area as this was a good sized node.

Mr. Garman indicated that the petitioner had not been able to sell this property since 1983 and stated the County had stopped people from using their property without making a provision. He reiterated that the reason for this request was due to the previous discussion that other uses could be utilized within this Airport PDP.

Comm. Sevier agreed with Mr. Garman, noting that there was no demand for industrial in this area, and there was a significant amount of Industrial zoned property along Cobb Road and other areas. He pointed out that this area was changing considering the property zoned multifamily to the south and commercial to the north. He felt this was a good location for the proposed use.

Comm. DeWitt agreed with Comm. Sevier, noting there was no demand for industrial use along Anderson Snow Road, but rather at the Airport or close to I-75 and the mining areas. He questioned if the adjoining property to the north was developed; Mr. Garman replied negatively. In response to a further inquiry, Mr. Garman affirmed that the adjoining property was required to provide a cross connection and because there was a divided highway at the southern end, traffic could not cross and enter the north entrance from the south. He understood that the County Engineer would want to meet with the developer before the location of the driveway was determined and that one driveway was recommended. He envisioned improvements in the area since the County was trying to acquire ROW to widen the length of Anderson Snow Road.

Comm. DeWitt questioned if the petitioner was willing to give 20' of his property to the County. Mr. Garman clarified that he had previously stated that the County was in need of additional ROW, not that he would give the ROW to the County.

Comm. DeWitt was in favor of the petitioner donating 20' of ROW. He questioned if Mr. Mixson had reviewed the conceptual plan considering the increased traffic on Anderson Snow Road. Mr. Mixson replied affirmatively; noting his concern with the deceleration lanes. He explained that a full analysis regarding the turn lanes and traffic would be done in greater detail once the trip generation was provided. He indicated that depending on how the transition area

was structured, there should be one entrance and possibly a left-turn lane and a left-in access with the worst case being a right-in/right-out only.

Mr. Mixson responded to Comm. DeWitt that multi-laning Anderson Snow Road was in the long-range transportation plan, but clarified that was not in the five-year plan.

Comm. DeWitt was not opposed to rezoning this from industrial to a multi-commercial type use. He felt that general commercial zoning was adequate in this area and would give the County a little more control.

Comm. Nicholson agreed with Comms. DeWitt and Sevier. He opined that the commercial node in this area should be extended and that the Suncoast Parkway intersection should be the commercial node extending closer to Anderson Snow Road. He opined that there were other areas in the county more appropriate for industrial zoning and felt this area should be a mixture of residential, multifamily, and commercial.

Comm. Nicholson stated he was in favor of changing the zoning for mini-storage and general office use. If approved, he asked for conditions that access be limited to one driveway, the petitioner meet with Mr. Mixson to determine if at some future date a left-turn lane would be appropriate, the petitioner donate an additional 20' of ROW to the County for widening of Anderson Snow Road, and that the petitioner provide a driveway extending to the south. He opined that extending driveways through the existing and future commercial area would eliminate traffic accessing Anderson Snow Road and create a frontage road.

Chairwoman Covell and Mr. Jennings discussed development to the north and whether they were within the Airport Influence Zone. Mr. Jennings clarified that the boundaries for the Airport Planned Development District and the Airport Influence Zone were different. Discussion ensued.

Chairwoman Covell felt that it was not the P&Z's responsibility to change zoning in direct conflict with the Comprehensive Plan and that the industrial district was limited; therefore she could not support the request. She noted that changing this area from Industrial had not been discussed during the two and a half year review of the Evaluation and Appraisal Report (EAR) process or other Comprehensive Plan changes.

**MOTION** Comm. Palmieri moved to deny the petitioner's request per the staff recommendation. The motion failed for lack of a second.

**MOTION** Comm. Nicholson moved to approve the petitioner's request to rezone from PDP(IND) to PDP(GC) with a specific C-2 use of mini-warehouses 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. The development shall be limited to one driveway to Anderson Snow Road.
3. The petitioner shall work with the County Engineer regarding the location of a left-turn lane into the property.
4. The petitioner shall donate 20' of additional Right of Way along Anderson Snow Road to the County.

5. The petitioner shall provide driveway access to the lot to the south for the purpose of cross access.

Comm. DeWitt seconded the motion and the motion carried 3-2 with Chairwoman Covell and Comm. Palmieri voting nay.

**DAVID and RACHEL RIDDLE - REZONING (H-05-18)**

Purpose: Rezoning from R-1C (Residential) and C-3 (Neighborhood Commercial) to R-1C (Residential) or AR (Agricultural-residential)

Location: North side of Croom Road, east side of Jacobson Road

Representative: Mr. David Riddle

The applicant was requesting to rezone from R-1C and C-3 to either R-1C or AR. The subject property was located on the north side of Croom Road and east side of Jacobson Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from C-3 to R-1C, with the following performance condition:

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.

Mr. Riddle, under oath, stated that he had recently purchased the subject property with the intent of constructing a single-family residence for his family; however, it was zoned commercial in the late 1970's. He requested approval to rezone the subject property to R1-C or AR.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Jennings responded to Comm. Sevier that it was possible this property had been zoned commercial due to the entrance to the Brooksville Country Club, and because things were zoned differently in the 1970's. Comms. Sevier, DeWitt, and Nicholson stated their agreement with rezoning to R1-C.

**MOTION** Comm. Sevier moved to approve the petitioner's request per the staff recommendation; seconded by Comm. Palmieri and carried 5-0.

**HERBERT A. MILLER - REZONING (H-05-19)**

Purpose: Rezoning from R-1C (Residential) to PDP (HC)/ Planned Development District (Highway Commercial) with Outside Storage and a Reduction in Setbacks

Location: East side of US 19, west and approximately 150' south of Necklace Warbler Avenue, west of Yellowlegs Avenue

Representative: Charles Brown

The applicant was requesting to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks. The subject property was located on the east side of US 19, west of and approximately 150' south of Necklace Warbler Avenue and west of Yellowlegs Avenue.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from R-1C to PDP (HC) with outside storage and a reduction in setbacks.

Mr. Brown, under oath, noted the closest residential home along US 19 was approximately two miles on the west side. He expressed concern with traffic backing onto US 19 if the property remained residential and opined that commercial was more compatible along US 19. He expressed concern with a required frontage road and potential stacking problems, and suggested a one-way in/one-way out access to US 19 with a rear exit to Necklace Warbler Avenue at Yellowlegs Avenue. He questioned the need for a frontage road at this site, noting Necklace Warbler Avenue was a reverse frontage road and the surrounding lots were undeveloped. He noted an existing commercial lot 1,000' south on Yellowhammer Road did not have a frontage road. He noted that the retail trees and shrubs would be stored outside.

Chairwoman Covell asked for public comment. The following people came forward: Arthur Tester; Elizabeth Heim; and Thomas Anderson. Mr. Tester and Ms. Heim discussed their concerns with the poor road conditions and increased commercial traffic impacting those roads. They questioned what other uses would be allowed if this business venture failed. Mr. Anderson asked the P&Z to reconsider staff's recommendation and felt the nursery would complement the area. He expressed concern with multiple residential driveways backing onto US 19.

Mr. Brown asked the P&Z to reconsider his request. He felt there was a good chance his business would succeed, however, he would possibly have office retail if this business did not prosper.

Comm. Sevier noted that the lot configurations on Commercial Way faced US 19 with residential off the adjacent streets; therefore, he felt there should be blanket commercial along Commercial Way.

Mr. Jennings clarified for Comm. DeWitt that the closest lots zoned commercial were the two lots located approximately 1,200' south of the subject property. He affirmed that the remaining lots on the west side of US 19 were zoned residential.

Comm. DeWitt felt the area would become commercial but was unsure if the request might be premature. He believed Necklace Warbler Avenue could serve as a reverse frontage road and suggested the petitioner participate in a MSBU (Municipal Service Benefit Unit) for road improvements.

Mr. Jennings affirmed for Comm. Palmieri that PDP(HC) was C-2 uses. Mr. Brown responded to Comm. Palmieri that he was currently under contract to purchase this property.

Comm. Palmieri did not oppose C-1 uses but felt C-2 was too intense for this area. He felt that the zoning should remain residential unless the residential classification for this area changed on the Future Land Use Map.

Comm. Sevier referred to the staff report and noted that Policy 1.01O(1) indicated that strip commercial would be allowed along commercial corridors which had significant existing commercial development and he questioned where the commercial development had begun. He suggested they may want to change the comprehensive plan since he agreed that no individual would want to construct a home on US 19. Mr. Jennings clarified that commercial development began where existing commercial development was located and noted that commercial development did not exist in this area to meet the in-fill criteria.

Comm. Sevier questioned if all of US 19 would remain zoned residential. Mr. Jennings indicated that staff felt it was inappropriate to develop commercially without a plan of action and proper infrastructure.

Comm. Nicholson stated this site was too far from existing commercial. He was opposed to residential lots having direct access onto US 19 and agreed with Comm. Sevier that the lots should be commercial unless they had rear access.

**MOTION** Comm. Palmieri moved to deny the petitioner's request per staff recommendation; seconded by Comm. Nicholson and carried 4-1, with Comm. Sevier voting nay.

**STATE ROAD 54 INVESTMENT PROPERTIES - REZONING (H-05-21)**

Purpose: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

Location: North of Angela Lane, approximately 3,300' southwest of Elgin Boulevard

Representative: Alan Garman, President, Civil-Tech Consulting Engineers, Inc.

The applicant was requesting to rezone from AG to PDP(SF). The subject property was located north of Angela Lane, approximately 3,300' southwest of Elgin Boulevard.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AG to PDP(SF).

Mr. Garman, under oath, stated that he recently met with the residents of Plantation Estates and their concerns were taken into consideration. He also met with County Engineering staff but was unable to complete a revised plan for this hearing. He asked for a postponement to meet with staff regarding the roads and submit a revised plan, and to meet again with the area residents.

Comm. Nicholson requested a map showing the overall view of the road network, particularly north and south, because he questioned how a collector road could extend to Elgin Boulevard through properties that had already been rezoned. He also asked to see a depiction of the collector road extending west to provide access to existing and future subdivisions. Mr. Garman stated that a map existed and would be presented during another rezoning request to be presented later in this meeting. [See the rezoning petition under Steve Baxley and John McRae (H-05-20).]

Chairwoman Covell asked for public comment. The following people came forward:

Valerie Felter, under oath, expressed concern with access to Angela Lane and potential increased traffic using this road as a shortcut to the nearby school and shopping complex. She suggested that if it is necessary to open Angela Lane, the Planning Staff recommend it be used for emergency access only.

Steve McAnowy, under oath, clarified that the residents had not conveyed to the petitioner that they would necessarily be in favor of this if they came up with a new plan.

Martin Monohan, Plantation Estates Homeowners Association President, under oath, questioned staff's indication that there were adequate public facilities to serve limited development and asked for clarification to the type of public facilities and the specific number of limited development. He stated he was not opposed to development as long as it was done appropriately and he was waiting to see the revised plan.

Darryl Johnston, under oath, stated that he represented Mr. and Mrs. Chris Wert. He requested that the applicant, staff and the P&Z consider requiring a 50' access to be located wherever the public thoroughfare would extend down for public access, so that the Wert's property would not remain landlocked but have a direct route to a public access point.

Daniel Dropp, under oath, expressed concern with increased traffic if Angela Lane is opened and asked that it be opened as an emergency access, if necessary.

**MOTION** Comm. Nicholson moved to postpone the petition to the April 11, 2005 hearing at 9:00 a.m. Comm. Palmieri seconded the motion for discussion. Comm. Palmieri asked if one month was sufficient time; Mr. Garman replied affirmatively. Being put to the vote, the motion carried 5-0.

Chairwoman Covell announced that all of the questions asked at this hearing would be addressed at the public hearing on April 11, 2005.

**MICHAEL S. GALLO and TAMMY L. GALLO - REZONING (H-05-22)**

Purpose: Rezoning from R-1B (Residential ) to C-2 (Highway Commercial)

Location: North side of Cortez Boulevard, approximately 1,700' west of Remington Road

Representative: Attorney Joseph Mason, Jr.

The applicant was requesting to rezone from R-1B to C-2. The subject property was located on the north side of Cortez Boulevard, approximately 1,700' west of Remington Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from R-1B to C-2, 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. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

Mr. Mason, under oath, stated that he agreed with the staff recommendation. He referred to the zoning map and reviewed the surrounding road network. He noted that this was in a developing commercial area with an existing commercial node, and was surrounded by compatible uses. He stated that what was proposed was compatible with the Comprehensive Plan. He stated that this was an appropriate location for this development and he asked for a favorable consideration.

Chairwoman Covell asked for public comment. The following individual came forward.

Irma Carr, under oath, discussed the zoning approval conditions for a plumbing business on an adjacent lot and asked if this petition would have similar conditions regarding rear outside storage and buffering. She asked that they keep the requirement for a frontage road.

Mr. Mason stated that this property was subject to the frontage road requirement and discussed the potential of a reverse frontage road as a frontage road along the right of way of a arterial road created intersection and stacking problems. He clarified the request was for a straight zoning, not a Planned Development Project, and a site plan was not required. He indicated that the land development regulations would be met.

Mr. Jennings responded to questions of Comms. Palmieri and Sevier regarding the requirement of the frontage road upon demonstration and need by the County and that the frontage road location would be coordinated during the development review process to best meet the road connections as the area developed.

**MOTION** Comm. DeWitt moved to approve the petitioner's request per staff recommendation; seconded by Comm. Palmieri. Discussion ensued.

Chairwoman Covell questioned if the motion would include Mrs. Carr's comments regarding outside storage. Comm. DeWitt stated he was in favor of C-2 as requested by the applicant. Being put to the vote, the motion carried 5-0.

**NORTHCLIFFE BAPTIST CHURCH - SPECIAL EXCEPTION USE PERMIT (SE-05-06)**

Purpose: Modification to a Special Exception Use Permit for a Place of Public Assembly

Location: North side of Northcliffe Boulevard, west side of Hearth Road, east side of Tiburon Avenue

Representative: Michael McLaughlin

The applicant was requesting a modification to a Special Exception Use Permit for a place of public assembly. The subject property was located on the north side of Northcliffe Boulevard, west side of Hearth Road and east side of Tiburon Avenue.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a place of public assembly, 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 two additional signs not to exceed 16 square feet in size each as indicated on the plan are allowed subject to conformance with the land development regulations.
3. Lot 2, Block 1130 shall be limited to one sign and landscape features. Passive recreational uses associated with the church are allowed on Lot 1, Block 1130.
4. Any future development on the subject property requires modification of the special exception use permit by the Planning and Zoning Commission.

Mr. McLaughlin, under oath, explained their request to modify a previously approved Special Exception Use Permit by changing the size of the sign from 10 square feet to 16 square feet.

Chairwoman Covell asked for public comment. No one came forward.

**MOTION** Comm. Nicholson moved to approve the petitioner's request per the staff recommendation; seconded by Comm. Palmieri and the motion carried 5-0.

**ROBERTA OLDREAD - CONDITIONAL USE PERMIT (CU-05-04)**

Purpose: Conditional Use Permit for a Temporary Use, namely a Roadside Stand

Location: West side of US 19, approximately 1,450' south of Palmdale Road

Representative: Roberta Oldread

The applicant was requesting a conditional use permit for a temporary use, namely a roadside stand. The subject property was located on the west side of US 19, approximately 1,450' south of Palmdale Road.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission approve the Conditional Use Permit for a temporary use, namely a roadside stand for a period of two years because it was the staff's opinion that the request was consistent with development in the area. Approval should be conditioned upon 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. The temporary use shall be located adjacent to the bar, out of the circulation area.
3. The restrooms at the bar shall be available to the petitioner and her patrons.
4. The temporary use shall only operate during the hours of operation of the principal business.

5. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
6. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.

Ms. Oldread, under oath, agreed with the staff recommendation.

Chairwoman Covell asked for public comment. No one came forward.

Mr. Jennings explained to Comm. Sevier that the reason for the conditional use permit was so the County would have a certain level of control over what was placed on a commercial site as they did not want every site to be for temporary uses or have temporary structures. Comm. Sevier felt this was overkill as it only took approximately 10 to 15 minutes to erect. Ms. Oldread agreed as she had never heard of a vendor having to apply for a CUP, noting that she possessed a State license as well as an occupational license.

**MOTION** Comm. Sevier moved to approve the petitioner's request per staff recommendation; seconded by Comm. Nicholson.

Chairwoman Covell noted that in most cases these type of requests were for hot dog stands, fruit stands, and mobile units. She stated she was opposed to the request because she felt the tent was mobile and should be located in an outlet mall, retail center, or flea market atmosphere.

Being put to the vote, the motion carried 4-1 with Chairwoman Covell voting nay.

**DEVELOPMENT OPTIONS, INC. - REZONING (H-04-75)**

Purpose: Rezoning from AG, PDP(GHC)/Planned Development Project (General Highway Commercial) and C-2 (Highway Commercial) to C/PDP (GC) and (HC)/Combined Planned Development Project (General Commercial) and (Highway Commercial) with a Reduction in Setbacks and a Relocation of the Frontage Road and Deviations from the Roadway Standards

Location: North side of Cortez Boulevard, south side of Jacqueline Road, east and west of Chambord Street

Representative: Not Present

The applicant was requesting to rezone from AG, PDP(GHC) and C-2 to C/PDP (GC) and (HC) with a reduction in setbacks and a relocation of the frontage road and deviations from the roadway standards. The subject property was located on the north side of Cortez Boulevard, south side of Jacqueline Road and east and west of Chambord Street.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AG, PDP(GHC) and C-2 to C/PDP (GC) and (HC) with a reduction in setbacks and a relocation of the frontage road and deviations from the roadway standards.

Mr. Greif noted that the petitioner had requested a 30 day postponement in order to afford additional time to address site design concerns and issues related to infrastructure.

Chairwoman Covell asked for public comment. No one came forward.

**MOTION** Comm. Nicholson moved to postpone the petition to April 11, 2005 at 9:00 a.m.; seconded by Comm. Palmieri, and the motion carried 5-0.

NOTE: A lunch break was taken at this time.

**SILVERTHORN ASSOCIATES, LLC and SILVERTHORN HILLS, LLC - REZONING (H-05-15)**

Purpose: Rezoning from AR-2 (Agricultural-residential) and PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single family)

Location: West side of Suncoast Parkway, west side of Jumper Loop, approximately 800' south and east of Legend Hills Lane

Representative: Mr. Donald Lacey, President, Coastal Engineering Associates, Inc.

The applicant was requesting to rezone from AR-2 and PDP(REC) to PDP(SF). The subject property is located on the west side of Suncoast Parkway, west side of Jumper Loop and approximately 800' south and east of Legend Hills Lane.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from AR-2 and PDP(REC) to PDP(SF).

Mr. Lacey, under oath, stated that there were a number of off-site improvements, which the applicant desired to investigate further prior to proceeding; therefore, he requested a postponement to the April 11, 2005, meeting.

Comm. Nicholson was in favor of a postponement but asked to take public comment so the applicant could also address those concerns. The Commission agreed and Chairwoman Covell advised Mr. Lacey that they had suspended his presentation at this meeting.

Chairwoman Covell asked for public comment. The following people came forward:

Anthony Spada, under oath, asked if Mr. Lacey could present the proposal to better explain this development from a different perspective. Chairwoman Covell replied negatively since Mr. Lacey's presentation had been suspended due to the Commission's intent to postpone this item.

Wayne Smith, under oath, expressed concern that the road was inadequate for the proposed traffic volume proposed at 1500 vehicles per day, and stated that any road widening would hinder his accessing a bike path he made. He noted the location of his property to the north. He stated that his neighbor had asked that he express the same concerns for her as she was a teacher and could not be present.

John Hilliard, a resident of Silverthorn who lived near one of the proposed alternative entrances, under oath, expressed concern with an additional 1,500 cars traveling through the built out Silverthorn subdivision. He was concerned that a drainage retention area would be filled in or blocked by an entrance proposed to go through it.

Ralph Dunn, under oath, stated that the roads in the area were substandard. He expressed concern for the safety of school children of a bus that currently entered Nodock Road to the area.

Robert Nolff, a resident of Silverthorn, under oath, questioned if the current sewer system could handle an additional 160 homes. He questioned if the water pressure would be effected if this development was connected to the water lines located inside Silverthorn.

Chairwoman Covell stated that those issues would be addressed at the next hearing.

Mr. Jennings, responding to comments by Chairwoman Covell, clarified that the streets and drainage within Silverthorn were private and not maintained by the County.

Mr. Nolff questioned why this developer could use the water and sewer lines installed by the developer of Silverthorn, which he had paid for when he purchased his lot. Mr. Jennings clarified that the water and sewer lines were constructed by developers and dedicated to the County. He stated that the Utilities Department could answer whether additional flow could be run through the existing lines, or if the developer would have to either upgrade the lines or extend lines from some other location.

Chairwoman Covell affirmed for Mr. Nolff that his questions would be answered at the next public hearing.

**MOTION** Comm. Nicholson moved to postpone the petition to April 11, 2005 at 9:30 a.m.; Comm. DeWitt seconded the motion.

Chairwoman Covell suggested that Mr. Lacey speak with the residents of Silverthorn prior to the next meeting; Mr. Lacey replied that was their intention.

Being put to the vote, the motion carried 5-0.

**STEVE BAXLEY and JOHN McRAE - REZONING (H-05-20)**

Purpose: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family)

Location: North of Dudley Avenue, west of Sigmund Street

Representative: Attorney Joseph Mason, Jr.

The applicant was requesting to rezone from AG to PDP(SF). The subject property was located north of Dudley Avenue and west of Sigmund Street.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners

adopt a Resolution approving the petitioner's request to rezone from AG to PDP(SF), 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. The minimum lot size is 21,500 square feet.
3. The minimum internal setbacks approved: Front: 25' Side: 10' Rear: 20'
4. The perimeter setbacks shall be 35'.
5. The petitioner shall provide a minimum 10' vegetated buffer along the east property line and along the south lot line to the west of the Dudley Avenue extension.
6. The plan shall be modified to reflect the ordinance required usable open space.
7. The petitioner shall accommodate the collector roadway required by the Comprehensive Plan within the development providing access to the north and west.
8. The petitioner shall provide a revised plan before the BCC hearing meeting the performance conditions.

Mr. Mason, under oath, discussed staff's issue with the collector roadway noted in the staff report. He explained that the configuration was not submitted with the application because the roadway involves another petition [State Road 54 Investment Properties, H-05-21] which was postponed earlier in this meeting. Displaying a Barclay SR 54 Partners Area Plan, he reviewed the proposed collector road configuration connecting Sterling Hill Boulevard to the north with Linden Drive to the south and noted that it would serve the subject property in the northwest corner. Mr. Mason indicated that configuration suited the Engineering Department standards.

Mr. Mason noted that when a portion of the subject property had been before the P&Z previously, the only objection was with construction traffic accessing Plantation Estates. He explained that at the time, the petitioner was unable to acquire the southern 20 acre parcel and withdrew the previous petition. He noted that the 20 acre parcel added to the original 40 acre tract allowed access to Dudley Avenue to the south, providing a secondary access.

Mr. Mason explained that the Hernando County School Board agreed to swap a triangular piece along their northwest boundary with a portion of the subject property along the southern boundary to solve a bus/ automobile conflict at JD Floyd Elementary School in the upcoming petition.

Mr. Mason noted that some residents of Plantation Estates felt their roads would not be suitable for this development, and the developer would be willing to close that connection; however, the Planning Department might not approve.

Mr. Mason stated that a biological study had been done which would be provided to Staff, and noted the flora and fauna were not a problem on the property. The gopher tortoises would be dealt with during development.

Chairwoman Covell asked for public comment. The following people came forward:

Martin Monohan, Plantation Estates Homeowner's Association President, under oath, questioned what was meant by limited development and adequate public facilities. He questioned if the buffer was a 10' buffer with 35' of vegetation and if the 35' perimeter setback included the buffer. He asked if areas of sparse vegetation would be augmented. He stated a preference to have Sigmund Street closed but asked that its opening be delayed until development was occupied. He asked that construction traffic be limited since Sigmund was only 20' wide and not suitable for construction vehicles.

Steve McAnally, under oath, stated he lived on Rudy Loop in Plantation Estates. He stated that if Sigmund Street could not be limited to an emergency access, its opening should be delayed until the infrastructure is in place and the streets are completed. He noted the stubout to Sigmund Street was narrow and he was concerned with destruction of their landscape and roads by heavy construction equipment.

Joan Anderson, under oath, stated she lived on the corner of Drysdale Street and Dudley Avenue and represented the residents of her neighborhood. She stated they were concerned with construction traffic driving over their lawns on Dudley Avenue. She stated they only had a few weeks to prepare their arguments regarding this development and the second entranceway for the school [Hernando County School Board petition]; however, they were in the process of obtaining necessary evidence to support the safety of the residents and children, their property values, the fact that the school entrance does not comply with the collector road access in the comprehensive plan, and increased enrollment in the overcrowded school. She stated they had a professional traffic study done for their neighborhood which resulted in the installation of speed humps. She stated the proposed development and the second school entrance would cause traffic problems. She noted there were existing water pressure problems and lack of water which would be increased by additional growth. She expressed concern with existing wildlife on the site, including gopher tortoises and red wolf. She noted the property was used as a tree farm for many years and was concerned with changing it for residential use. She asked the Commission to deny this petition and stated a petition with residents's signatures would be provided at the BCC hearing.

Valerie Felter, under oath, noted her objections with construction traffic accessing Plantation Estates during the original Baxley petition. She noted Sigmund Street was a narrow, loop street, not a through street. She felt the construction vehicle could not maneuver the curve at Sigmund Street and Rudy Loop without destroying the lawns.

Barry Cawley, under oath, stated he lived on Drysdale Street. He stated his support to Ms. Anderson's comments. He stated they had no time to prepare and felt the notice was posted as late as possible

Walter Mitz, under oath, stated he lived on Coronado Drive. He explained that Coronado Drive was a through street between Spring Hill Drive and Mariner by way of Linden Drive and described the existing heavy traffic with speeders. He expressed his concern with children playing in the street. He felt this development would increase traffic, and noted the road was not intended to be a feeder road. He stated his objection with the secondary road proposed by the School District and supported Ms. Anderson's statements. He asked that the road not be extended and JD Floyd school not be expanded.

Addressing questions asked during public testimony, Mr. Mason explained the terminology "adequate" meant there was enough, even if it was more than was needed; and the term "limited development" meant development limited by the plan. He reviewed the limited development of this plan at 84 units on 60 acres with a lot size of 21,500 square feet, which would be less than 2 units per acre with the DRAs and streets.

Mr. Mason discussed the setbacks and buffers in the staff report noting confusion between reports he and Mr. Garman had in their possessions. He stated that there were setbacks that needed to be accommodated. He explained that this

development abutted an identical subdivision; therefore there should not be any styling conflicts between the two subdivisions but the developer was leaving a 10' vegetative buffer between the Plantation Estates development.

Mr. Mason noted Sigmund Street had a 60' right of way which was not too narrow to accommodate traffic, but they were willing to leave it closed. Addressing the public testimony objection to accessing Dudley Avenue, Mr. Mason noted that there was objection to accessing the east during the previous petition and he questioned how they were to access this property. He explained that it was impossible to develop one subdivision onto another without some degree of impact to the surrounding area, but that was the reason for the land development regulations. He stated his agreement with staff that this was an appropriate development in the area.

Addressing wildlife concerns, Mr. Mason stated a professional biological study was done which indicated no red wolf on the property. He noted the existence of gopher tortoises which would be dealt with.

Mr. Mason stated that they would agree to limit construction traffic from the south rather than through Plantation Estates. He explained that if they were required to connect to Sigmund Street, they would have to construct it at the time of development, but prohibit its use by construction traffic.

Comm. DeWitt noted that his previous concern with access to the south was solved with the proposed layout. He stated his preference to connect to Sigmund Street to the east so this subdivision was not limited to one access until Sterling Hills Boulevard was completed to the north. He believed Mr. Mixson was concerned that there should be two access points. He agreed with prohibiting construction traffic onto Sigmund Street and suggested either keeping the access closed during construction or placing a weight limit on Sigmund Street to deter traffic. He opined this area will be developed and noted their primary task was to ensure properties meet zoning criteria. He stated his support for staff's recommendation.

Comm. Nicholson agreed with Comm. DeWitt that the access to Sigmund Street should be opened after construction has been completed. Comm. Nicholson questioned if the other property owners agreed with the collector road. Mr. Mason explained that the property owners did not have a choice, and he discussed the County amending the collector road plan in December 2003 which requires the connection that followed the proposed route. Comm. Nicholson stated he was in favor of the rezoning and opined that it may alleviate some of the traffic problems by providing access from Linden north to Elgin.

Comm. Palmieri stated he was not opposed to the rezoning but had two issues of concern. Referencing the zoning map, Comm. Palmieri suggested the entire approximately 250 AG zoned area be developed at once so the roadway could be laid out better. He expressed concern with piecemeal development of smaller subdivisions with cul-de-sacs that go nowhere. Mr. Mason explained that several groups had unsuccessfully attempted to involve the property owners to participate in a joint venture. Comm. Palmieri referenced the letter from the Ken Pritz with the School District indicating the student capacity from the development and financial impacts to the school district. He questioned how much the developer was willing to contribute to the school district. Mr. Mason stated that they would pay the accessed impact fees. Mr. Mason noted that the addition of 27 students to the total student population would not have a significant burden to the school. Comm. Palmieri and Mr. Mason continued to discuss impact fees and capital improvements.

Comm. Sevier discussed the difficulty accessing the site through the existing streets within Plantation Estates and the need for additional roadway connectivity in the area. He discussed the Dudley Avenue access being the preferred access for construction traffic. Comm. Sevier stated there will be traffic problems until the collector road is built.

Responding to Chairwoman Covell's inquiry, Charles Mixson, under oath, stated that he previously reviewed the layout proposed by Mr. Mason and the curve, radius, and alignment met the standards for a county collector roadway. He explained that a more detailed layout would have to be reviewed later. Mr. Mixson and the Commission discussed the proposed collector roadway alignment as depicted on the subject site plan.

Chairwoman Covell questioned if the petition was properly noticed; Mr. Jennings replied affirmatively, stating that the standard advertising procedures were followed.

At Chairwoman Covell's request, Mr. Pritz reviewed the impact this development would have on the school district as outlined in his February 28, 2005 letter. Mr. Pritz noted this development would impact the district by 27 students at JD Floyd; Powell Middle School and Springstead High School. He explained that he wrote two scenarios, one which would impact the district by use of portables since the schools were over capacity at a cost of approximately \$100,000. However with the State's direction that the District must put in permanent capacity facilities and not use the portables as permanent capacity, the actual figure would be \$598,509 for the purchase of land and the construction of buildings.

Chairwoman Covell indicated that she wanted access to Sigmund Street, but wanted to keep it closed completely until the subdivision was completed due to the existing road configuration in Plantation Estates. She expressed concern with it's use by delivery trucks. Mr. Mason explained at they would have to build the connection to Sigmund Street during work construction, however, they would barricade it to traffic. Chairwoman Covell was not opposed to this request.

Comm. Nicholson made a motion to approve staff's recommendation with an additional condition that Sigmund Street will remain closed and barricaded until such time as all of the construction within the subdivision has been completed.

Mr. Mason questioned if the motion addressed the layout accommodated staff's concern about the collector road layout. Comm. Nicholson added another condition that the diagram shown with the collector road shall be included as part of this approval process and that the collector road system shall be filed.

**MOTION** Comm. Nicholson moved to approve the petitioner's request per staff's recommendation with additional conditions that Sigmund Street remain closed and barricaded until such time as all of the construction within the subdivision has been completed; and that the diagram shown with the collector road shall be included as part of this approval process. Comm. DeWitt seconded the motion. Discussion ensued.

Comm. Palmieri asked for clarification of the motion regarding Sigmund Street. Comm. Nicholson clarified that the road would be barricaded until all of the infrastructure improvements were completed, not when the development was built out with homes.

Being put to the vote, the motion carried 5-0.

**HERNANDO COUNTY SCHOOL BOARD - (H-05-23)**

Purpose: Public Service Facility Overlay District for a Public Educational Facility

Location: North of Dudley Avenue, approximately 200' north of Drysdale Street

Representative: School Board Attorney Karen Gaffney

The applicant was requesting a public service facility overlay district for a public educational facility. The subject property was located north of Dudley Avenue, approximately 200' north of Drysdale Street.

Mr. Greif reviewed the staff report and stated that pursuant to the findings of fact outlined in the staff report, the Planning staff recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a public educational facility, with the following performance conditions:

1. The petitioner must obtain all applicable permits from Hernando County for either construction or use of the property.
2. The petitioner shall be required to comply with the County's land development regulations and to secure review of the site plan through the development review process to ensure compliance with the land development regulations.
3. The petitioner shall work with the County Engineer to assist in improving the traffic flow on and around the school site prior to any construction.
4. The petitioner shall construct a sidewalk on the east side of Dumont Avenue from Drysdale Street to Coronado Drive, including ADA ramp connections on both sides of Coronado Drive.
5. All traffic control signs and pavement markings on the streets accessing the campus shall be updated, and all traffic control signs and pavement markings onsite upgraded to the appropriate standards.
6. Prior to any construction on the property, the special exception use permit for J.D. Floyd Elementary School shall be modified to reflect the driveway along the western boundary of the SE use site.
7. The petitioner shall provide a minimum 15' wide vegetated buffer, a maximum of three feet (3') in height and 80% opacity along the west side and north side of the driveway. The petitioner shall provide the minimum 80' wide natural buffer along the south side of the driveway as indicated on the plan.
8. The approval is for a driveway as specifically indicated on the plan.

Ms. Gaffney, under oath, discussed the land proposed land swap with Mr. Baxley and Mr. McRae for the .72 acres that would extend from Dudley Avenue extension to the southwest corner of the subject property for a second access. She noted that they submitted the additional legal description the previous Friday to address the Condition #6 regarding the modification of the special exception use permit to reflect the driveway. Reviewing the plan, she noted that the driveway would extend along the southern boundary and connect to the existing north/south bus loop. She explained that they staggered the start time for students to try to address the traffic concerns and congestions but could do nothing more with the internal traffic circulation to alleviate stacking on Dumont Avenue. She explained that the proposed second entrance would segregate incoming and outgoing traffic at the facility. She agreed with and proposed to comply with all of the staff conditions. She stated that they would provide an 80' buffer area on the south side of the driveway to allow adequate buffering between the abutting residential area. She stated that there were residents present who desired to speak on her behalf.

Mr. Scott Barnwell, a member of the Student Advisory Council, under oath, supported the request for a second access as he felt the plan would provide better access and be safer than the existing school layout.

Ms. Arlene Cotto, a parent and past President of the Parent Teacher's Association, under oath, stated she represented the parents and students of JD Floyd. She stated that due to the growth in the community there was an urgent need for the entrance and asked that the request move forward as quickly as possible. She explained that there were still traffic and stacking problems even with the staggered start times and elaborated on the difficulty with vehicles and busses accessing the premises during peak times.

School Board member John Druzbeck, under oath, stated that they have been trying to address this problem for the last 10 years and safety was paramount for everyone involved. He discussed a similar school on the east side which did not have traffic problems because it had two entrances. He felt this entrance would be a tremendous value on easing traffic in the neighborhood and a great safety issue for the school.

Chairwoman Covell asked for public comment. The following people came forward:

Joan Anderson, a parent and member of the SAC, under oath, opined that the problem was created when the School District did not place the facility in the middle of the property, and with the constant rising enrollment requiring the placement of additional portables on campus. She felt the safety of students walking on Drysdale Street would be at risk. She opined that the second entrance would not help, and discussed other outside improvements the residents requested, including flashing school zone signs and sidewalks. She discussed the resident's request for a second entrance to the proposed collector road to the north which would lead to Linden Drive. She asked that the P&Z not approve the second entrance until the collector road is constructed.

Valerie Felter, under oath, questioned if the entrance was proposed as a two way access or an entrance only.

Walter Mitz, under oath, expressed concern for student safety with school buses using the proposed second access and construction traffic associated with the new development under the Baxley petition (H-05-20) merging on Dudley Avenue.

Barry Cawley, under oath, requested a copy of the new plans. He opined that this proposal was just a temporary fix and felt the second entrance should be located at a different road. He asked if this entrance would be used by buses only as he opined that use by both cars and buses would increase traffic at both ends.

Addressing issues raised by the public, Ms. Gaffney explained the School District had to add portables at each school as a result of the class size reduction and increased student population. She stated that sidewalks would be installed at Dumont Avenue as a condition of approval. She noted that a collector road was planned as part of future growth infrastructure, but overcrowding and traffic were a current serious issue. She noted there was no ability to provide access from the north at this time. She stated there would be a two-way entrance at Dudley Avenue with a right-turn only to access the school site. She noted they would work with the developer with regards to mixed truck and bus traffic using Dudley Avenue; however the developer owned that area with the School District having a perpetual easement. She noted the traffic analysis by Planning Staff and their traffic study indicated the second entrance would alleviate traffic congestion. She explained that they did not want to limit the western access to bus traffic only as they would be working with the Engineering Office regarding whether the western or eastern access point would be best suited for buses.

In response to Comm. Palmieri's inquiries, Ms. Gaffney explained that they would be working with the County regarding the most efficient access from a traffic standpoint. She stated there were no plans to expand this school. She stated they were willing to install a gate at their access location if it was determined necessary. She stated they did not object to staff's performance conditions and believed they resolved the Special Exception Use Permit per her previous discussion with Mr. Jennings.

Comm. Nicholson opined that this access was overdue and expressed the need for this project to move forward. Comm. DeWitt agreed.

Comm. Sevier state he was in favor of the petition and suggested the roadway (Dudley Avenue) be widened. He commented that the existing traffic calming devices impeded the flow of traffic. Chairwoman Covell noted the traffic control devices and street markings would have to be updated.

**MOTION** Comm. Palmieri moved to approve the petitioner's request per staff recommendations, seconded by Comm. DeWitt. Discussion ensued.

Comm. Nicholson suggested including a condition that the short section of Dudley Avenue north of Drysdale Street be widened to County standards. Comm. Palmieri agreed; Comm. DeWitt questioned if there was sufficient right-of-way.

Mr. Mixson, under oath, believed the streets developed by the Deltona Corporation were 20' wide, which met the current standards for a local road. Comm. DeWitt opined that the current width was adequate based on Mr. Mixson's comments. Discussion ensued.

Comm. Nicholson opined that a 24' width roadway would be better for bus traffic and asked that the road be widened by 2' on each side.

In responds to Comm. Palmieri's question, Ms. Gaffney clarified that the School District did not have control over the portion of Dudley Avenue under discussion for road widening, and asked that it not be part of the motion for their petition. Discussion ensued. Using an overhead of the zoning location map, Mr. Jennings identified the area under consideration for the petition and the area being discussed for road widening.

At Chairwoman Covell's request, Mr. Alan Garman, Civil-Tech Consulting Engineers, Inc., under oath, understood that the developer and school board had an agreement to three-lane that section with three 12' lanes to Drysdale Avenue. Comm. Nicholson stated that would satisfy his concerns; the P&Z agreed to leave the motion as is.

Chairwoman Covell clarified that the Motion was for staff recommendation. Being put to the vote, the motion carried 5-0.

### **COMMISSIONERS ISSUES**

NOTE: Additional Commissioners Issues were discussed earlier because the meeting was running ahead of schedule.

The P&Z allowed Mr. Joseph Mason, Jr., to address the Commission. Mr. Mason explained that the release of the staff reports on the Wednesday prior to the P&Z hearing did not provide ample time for the applicants and/or representatives to prepare for the public hearing. He suggested moving the entire rezoning process up by one week from the application

submittal deadline to the release of the staff reports. The P&Z discussed their agreement that an additional week would assist them in reviewing the material for the hearing.

Chairwoman Covell stated they would keep Mr. Mason's suggestion in mind to discuss under Commissioners Issues and also to address it with the Board of County Commissioners.

Comm. Nicholson expressed appreciation to Chairwoman Covell for the manner in which she handled the public as he felt it was intrusive and impolite for someone to continuously speak from the audience after already having had a turn to speak.

Comm. Palmieri and Mr. Jennings discussed at length the intent of the new performance condition: "The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of Board approval. A \$250 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 Board approval will result in the zoning becoming null and void." and the use of the term null and void. Mr. Jennings stated that it had been the staff's desire to make more precisely known the time periods and to enforce those with precision. Mr. Jennings explained that the Zoning Ordinance references 30 days but does not identify the type of days. To make the system work the Staff had suggested 30 calendar days to be followed by a late fee and then if the plan was not submitted in 30 business days, the petition would be null and void at which time the file would be closed and the zoning would revert back to its previous classification and the applicant would have to reapply. Discussion ensued.

Mr. Weissinger explained that even though the Zoning Ordinance states 30 days, because of prior practice and procedure the County could not strictly enforce the 30 days. He explained that the Zoning Ordinance will be amended to clarify the language and remove the administrative interpretation. Mr. Jennings stated that the proposed language would be similar to the performance condition being discussed and they would use the condition in the interim.

Comm. Sevier readdressed his concern with zoning changes being made without permits being issued, which was discussed under Commissioner's Issues earlier in the hearing. He asked staff to inquire where FDOT was basing their information regarding traffic counts relative to SR 50. Mr. Jennings clarified that the County issues buildings permits, not FDOT, and they are following the ordinance by not issuing permits if adequate facilities are not available. Discussion ensued.

In response to Chairwoman Covell, Mr. Jennings discussed a tentative date of April 6, 2005 for the Growth and Development workshop; the date would be confirmed at the March 15, 2005 BCC hearing.

Chairwoman Covell asked Mr. Pritz to coordinate with the Planning Department to provide his letters relative to petitions for public review. Mr. Jennings explained that historically, the staff report provided a synopsis of the information and staff would address a way to provide the information to the County's website.

**ADJOURN**

There being no further business, the meeting was adjourned at 3:05 p.m.

Signed,

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Anna Liisa Covell, Chairwoman  
Hernando County Planning & Zoning Commission

sc/cb