

STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006

APPLICANT: Sea Gate Land Holdings, LLC **FILE NUMBER:** H-05-125

PURPOSE: Rezoning from AG to CPDP(GC) (MF) (SF)/Combined Planned Development Project (General Commercial) (Multifamily) (Single Family)

GENERAL

LOCATION: South side of Wiscon Road, south of Horse Lake Road, north side of Mason-Smith Road, approximately 2,700' west of US 41

LEGAL

DESCRIPTION: A portion of Sections 32 and 33, 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:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: City of Brooksville	Undeveloped
South: AG	Powerlines, pasture
East: City of Brooksville, AG	Lowe's, undeveloped
West: AG	Substation, rural residential, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to CPDP(GC)(MF)(SF). The subject property is located on the south side of Wiscon Road, south of Horse Lake Road, north side of Mason-Smith Road, approximately 2,700' west of US 41.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 77 acres.
3. The site is undeveloped.

4. The site is wooded and appears to contain majestic and specimen trees.
5. The subject property has access from Wiscon Road and Mason-Smith Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Flemington fine sandy loam, Kendrick fine sand, Micanopy loamy fine sand, Nobleton fine sand, Sparr fine sand, Wauchula fine sand and pits.
8. The property is located in a flood zones AH and C.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The City of Brooksville indicates extension of water and sewer lines is required for service.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, utility and rural residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to CPDP(GC)(MF)(SF) in order to develop the property with general commercial, multifamily and single family uses. The plan provided appears to have mislabeled the land uses. The narrative indicates 9.03 acres are proposed to be rezoned for general commercial uses.. The land use table on the plan indicates the general commercial area is 6.05 acres. Staff notes that 6 and 9 are similar-looking numbers. The petitioner proposes the following setbacks for the general commercial area: 75' setback from Wiscon Road and 35' setbacks from all other lot lines.

The petitioner proposes a multifamily area on 12.76 acres. The petitioner characterizes the multifamily development as 216 units in three-story buildings with parking on the ground floor. The petitioner proposes 35' setbacks in the multifamily area with 10' natural buffers to the east.

The petitioner proposes a single family area in the southern 17.82 acres. The petitioner proposes the following SF lot setbacks: 25' front, 5' side and 15' rear. The minimum lots proposed are 40' x 130', or 5200 square feet. The plan shows a 50' perimeter setback from Mason Smith Road and 35' perimeter setbacks from the east and west property lines.

The petitioner proposes providing 2.98 acres of recreation/open space throughout the project. The plan does not clearly indicate the open space provided meets the LDRs, which require 15% of the multifamily gross site area be provided as usable open space and 5% of the single family gross site area be provided as usable open space. The single family area contains no recreational open space.

The petitioner proposes access to Wiscon Road and Mason-Smith Road. The County Engineer indicates that if the request is approved, the petitioner shall provide 80' of ROW from the centerline of Wiscon Road. The County Engineer requires the petitioner to pave Mason-Smith Road from the development's access point to US 41 to county standards at the time of development. Mason-Smith is substandard with regards to ROW. The plan shows an approximately 115'-wide ROW along the western property line as a "possible right-of-way for Horse Lake Road extension by Hernando County." The County Engineer indicates that if the request is approved, the petitioner shall accommodate the ROW for the future extension of Horse Lake Road.

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 City of Brooksville indicates the subject property is located in the City's "first right to serve area." The City indicates extension of water and sewer lines will be required for service.

The Hernando County School Board indicates that the request would generate approximately 102 additional students. Elementary school students would be assigned to Moton Elementary School, middle school students would be assigned to Powell 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 contains five Class 3 wetlands according to County data resources. Any removal, alteration, and encroachment into these wetlands shall be in accordance with state and federal wetland permitting and mitigation procedures.

There appears to be karst activity in the form of solution pipes adjacent to the northernmost wetland on the site. These features shall be evaluated to determine if they are vulnerable features under the County's Groundwater Protection Ordinance.

A portion of the subject property is within the 100 year floodplain. All roadways driveways and finished floor elevations shall be above the regulatory 100 year flood elevation. The plan provided appears to generally accommodate the flood plain.

A historical/archeological site is located in the area of the subject property according to County data resources. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.

The City of Brooksville has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by rural residential uses and undeveloped parcels. Lowe's is under construction to the east. Rural residential and substation uses are located to the west. Powerlines and pasture are located to the south. The property to the north in the City of Brooksville is undeveloped, but zoned for mobile home or multifamily uses.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional. Schools, hospitals and minor public facilities. The request proposes a density of 4.9 units per acre in the single family area, which is within the range allowed by the comprehensive plan. The request proposes a multifamily density of 16.9 units per acre, which is higher than the density allowed.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The adopted Comprehensive Plan would support a density greater than 4.0 units per acre at this location.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. The subject property is located approximately 700' to the west of the US 41/Wiscon Road commercial node. The subject property does not meet the criteria for new commercial rezoning. The Planning staff is of the opinion that multifamily zoning would be appropriate in the area designated for general commercial zoning. The Planning staff is of the opinion multifamily zoning would provide an appropriate transition between the commercial and multifamily zoning in the city to the east and north and the AG zoning located to the west and south.

The Planning staff is of the opinion that rezoning the subject property from AG to CPDP(MF) and (SF) would be appropriate, based on the following conclusions:

1. Multifamily and single family zoning would be compatible with the surrounding land uses.

2. General commercial zoning would be incompatible with the surrounding land uses.
3. Multifamily and single family is consistent with the County's adopted Comprehensive Plan and the County's land development regulations subject to performance conditions.
4. General commercial zoning is inconsistent with the County's adopted Comprehensive Plan.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. 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 rezoning from AG to CPDP (MF) and (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 northern 19.81 acres shall be zoned PDP(MF).
3. The minimum setbacks for the MF area are as follows:
From Wiscon: 75'
From all other lot lines: 35'
4. The southern 17.82 acres shall be zoned PDP(SF) with minimum lot sizes of 5200 square feet.
5. The minimum setbacks for the SF area are as follows:
Front: 25'
Side: 5'
Rear: 15'

6. The minimum perimeter setbacks are as follows:
 - From Wiscon Road: 75'
 - From Mason Smith Road: 50'
 - From all other lot lines: 35'
7. The petitioner shall provide 80' of ROW from the centerline of Wiscon Road.
8. The petitioner shall improve Mason-Smith Road from the development's access point to US 41 to County standards.
9. The petitioner shall accommodate the ROW for the future extension of Horse Lake Road on the subject property south of Wiscon Road as required by the County Engineer.
10. Any removal, alteration, and encroachment into these wetlands shall be in accordance with state and federal wetland permitting and mitigation procedures.
11. Any karst features shall be evaluated to determine if they are considered vulnerable features under the County's Groundwater Protection Ordinance
12. All roadways driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
13. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
14. 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 made the following findings based on information provided at the hearing:

1. The proposed general commercial zoning is appropriate as a transition between the commercial zoning to the east and the multifamily zoning proposed on the subject property.
2. The proposed general commercial zoning is compatible with the surrounding land uses.

3. The proposed general commercial zoning is consistent with the County's adopted Comprehensive Plan.

At the December 12, 2005 meeting, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to CPDP (GC)(MF) and (SF), 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. The northern 19.81 acres shall be zoned PDP(MF) with 6.05 acres of (GC) in the northeast corner as indicated on the site plan. [the plan provided indicates 12.76 acres of multifamily and 6.05 acres of general commercial]
3. The minimum setbacks for the MF area are as follows:
From Wiscon: 75'
From all other lot lines: 35'
4. The southern 17.82 acres shall be zoned PDP(SF) with minimum lot sizes of 5200 square feet.
5. The minimum setbacks for the SF area are as follows:
Front: 25'
Side: 5'
Rear: 15'
6. The minimum perimeter setbacks are as follows:
From Wiscon Road: 75'
From Mason Smith Road: 50'
From all other lot lines: 35'
7. The petitioner shall provide 80' of ROW from the centerline of Wiscon Road.
8. The petitioner shall improve Mason-Smith Road from the development's access point to US 41 to County standards.
9. The petitioner shall accommodate the ROW for the future extension of Horse Lake Road on the subject property south of Wiscon Road as required by the County Engineer.
10. Any removal, alteration, and encroachment into these wetlands shall be in accordance with state and federal wetland permitting and mitigation procedures.

11. Any karst features shall be evaluated to determine if they are considered vulnerable features under the County's Groundwater Protection Ordinance
12. All roadways driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
13. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
14. 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.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2006-22 approving the rezoning from AG to CPDP (GC)(MF) and (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 northern 19.81 acres shall be zoned PDP(MF) with 6.05 acres of (GC) in the northeast corner as indicated on the site plan. [the plan provided indicates 12.76 acres of multifamily and 6.05 acres of general commercial]
3. The minimum setbacks for the MF area are as follows:
From Wiscon: 75'
From all other lot lines: 35'
4. The southern 17.82 acres shall be zoned PDP(SF) with minimum lot sizes of 5200 square feet.
5. The minimum setbacks for the SF area are as follows:
Front: 25'
Side: 5'
Rear: 15'
6. The minimum perimeter setbacks are as follows:
From Wiscon Road: 75'
From Mason Smith Road: 50'

From all other lot lines: 35'

7. The petitioner shall provide 80' of ROW from the centerline of Wiscon Road.
8. The petitioner shall improve Mason-Smith Road from the development's access point to US 41 to County standards.
9. The petitioner shall accommodate the ROW for the future extension of Horse Lake Road on the subject property south of Wiscon Road as required by the County Engineer.
10. Any removal, alteration, and encroachment into these wetlands shall be in accordance with state and federal wetland permitting and mitigation procedures.
11. Any karst features shall be evaluated to determine if they are considered vulnerable features under the County's Groundwater Protection Ordinance
12. All roadways driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
13. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
14. 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: 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.

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John Druzbeck
Pat Fagan
Sandra Nicholson

November 18, 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 for the December meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-05-122** the request from Tri County Development, Inc. to rezone and develop an 80.88 acre site with 170 single family units, 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 have an impact to the District with an increase of an additional 57 students. 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 \$120,000 and 2.5 teachers at an estimated cost of \$125,000. 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 57 additional students. This worksheet shows an estimated impact in excess of school taxes between \$510,249 and \$520,449.

In reference to **H-05-125**, the request from Sea Gate Land Holdings, LLC to rezone 76.78 Ac and develop 216 multi-family units and 88 single family units, I offer the following:

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

This rezoning request is expected to have a significant impact to the District with an increase of an additional 102 students. 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 \$190,000 and 5 teachers at an estimated cost of \$250,000. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$914,010 and \$932,250.

In reference to **H-05-126**, the request from Gene Lanton, Coastal Bay Properties, LLC to rezone 88.13 Ac and develop 500 single family townhomes, I offer the following:

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

This rezoning request is expected to have a significant impact to the District with an increase of an additional 167 students. 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 \$280,000 and 7.5 teachers at an estimated cost of \$375,000. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,478,889 and \$1,501,389.

In reference to **H-05-127**, the request from Costa Homes, Inc. for a master plan revision to develop 240 residential lots, I offer the following:

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

This rezoning request is expected to have a significant impact to the District with an increase of an additional 80 students. 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 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$706,320 and \$717,120.

In response to **H-05-116**, the request for master plan approval from Tooke Lake Joint Ventures and **H-05-119**, the rezoning request from John Vrettoa & Michael Lappas, although it appears residential units are planned, and therefore, a student impact to the District, not enough information was provided to allow me to make that determination. If need be, I will make my comments at the public input portion of the meeting.

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