

STAFF REPORT

Planning & Zoning Commission: December 12, 2005
Board of County Commissioners: January 11, 2006
Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006
Planning & Zoning Commission: March 13, 2006
Board of County Commissioners: April 12, 2006
Planning & Zoning Commission: April 10, 2006
Board of County Commissioners: May 10, 2006

APPLICANT: Gene Lanton, Coastal Bay Properties, LLC **FILE NUMBER:** H-05-126

PURPOSE: Rezoning from AG to PDP(SF)/Planned Development Project (Single Family) or PDP (MF)/Planned Development Project (Multifamily)

GENERAL

LOCATION: South side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive

LEGAL

DESCRIPTION: A portion of Sections 25 and 36, 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 LETTER OF CONCERN: 1

STAFF FINDINGS:

Surrounding Zoning

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

Surrounding Land Uses

Commercial, vacant commercial, undeveloped
Undeveloped
Rural residential, groves, vacant commercial
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from AG to PDP(SF). The subject property is located on the south side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 88 acres.
3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard.
6. The subject property is located within residential and conservation land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Floridana variant loamy fine sand, Nobleton fine sand and pits.
8. The property is located in flood zones A and C; the property is located within the Bystre Lake 100 year floodplain.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The City indicates a water line is located on the north side of Cortez Boulevard and a force main extension to Emerson Road will be required for sewer service.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial, rural residential and agricultural uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a rezoning from AG to PDP(SF) in order to develop the site with 398 residential units, including a mixture of single family and single family attached/MF. The petitioner originally submitted a request to rezone in order to develop the subject property with 500 townhouses. The revised plan indicates a collector road dividing the subject property with single family attached lots on the east side of the subject property and single family attached/townhouses on the west side of the property. The petitioner proposes the internal lot setbacks of 20' front, 0' side and 15' rear. The petitioner proposes a 125' setback from Cortez Boulevard and 20' perimeter setbacks from the east, west and south property lines. The plan shows a 35' vegetated buffer along the east property line.

The LDRs require single family development provide a minimum of 5% of the gross site area as usable open space. The Planning staff is of the opinion that although the petitioner proposes a single family attached townhouse development, the high-density residential development proposed will have impacts similar to multifamily development. The Planning staff is of the opinion that if the request is approved, the townhouse development should be designed according to the multifamily design standards required for PDP(MF). These standards address building facades, roofing, open space, parking and internal access design and additional parking. The multifamily design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of approximately 13 acres. The plan shows 1.95 acres of open space, which is 2% of the gross site area.

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 a water line is located on the north side of Cortez Boulevard and a force main extension to Emerson Road will be required for sewer service. Central services would be required for a development of this intensity.

The Hernando County School Board indicates that the request would generate approximately 167 additional students. Elementary schools students would be assigned to Moton Elementary School, middle school students would be assigned to D. S. Parrott Middle School, and high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The subject property contains four 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.

The subject property lies within an area of the Bystre Lake 100 year floodplain and contains a portion of the flood conveyance. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year floodplain. The function of the floodway conveyance shall not be adversely impacted.

The subject property lies on the edge of Chocachatti (Griffin) Prairie. This area of the County has important historical and archeological significance. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.

The subject property has access from Cortez Boulevard. The plan shows two (2) access points on Cortez Boulevard. The eastern access point is located at a directional median cut. The plan shows a collector road located in the western half of the subject property, stubbing into the AG parcel to

the south. The Planning staff is of the opinion that the lack of an alternative roadway network, the density proposed, and the lack of left-out access would generate a significant number of U-turns on Cortez Boulevard. The County's LDRs require at the time of conditional plat review, interconnections be considered every 1320'. The Planning staff is of the opinion the SF residential areas should have additional access points to the east and west; however, the surrounding area lacks a street network to urbanize at this time. The Planning staff is of the opinion the intensity proposed is premature until a denser roadway system is developed in the area.

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

FINDINGS OF FACT

The area is characterized by commercial, rural residential and agricultural uses, and undeveloped parcels. Commercial uses are located to the north, across Cortez Boulevard. Large undeveloped AG parcels are located to the north, west and south. Rural residential uses on AG parcels are located to the east along Griffin Road.

The subject property is located within a residential land use classification on the County's adopted Future Land Use Map. The residential land use classification would allow single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards being met 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, office and professional, schools, hospitals and minor public facilities. The petitioner proposes a density of approximately 5.7 units per acre.

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, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The requested zoning would allow residential development at a density too intense to be compatible with the rural residential uses located to the east along Griffin Road and the surrounding AG parcels. The petitioner has not proposed open space, aesthetic design or architectural quality to enhance its compatibility with the surrounding area.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, based on the following conclusions:

1. The intensity of the proposed development is too intense due to the character of the surrounding development, adjacent land uses, the lack of a local street network and distance from central services.
2. The proposed design for the single family development does not provide adequate open space associated with the subject property.
3. The proposed rezoning would be incompatible with the surrounding land uses.
4. The proposed rezoning would be inconsistent with the 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 Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request to rezone from AG to PDP(SF).

P&Z RECOMMENDATION:

On December 12, 2005, the P&Z voted 5-0 to postpone hearing the request until the February 13, 2005 meeting at 9:30 a.m.

BCC ACTION:

On January 11, 2006, the BCC voted 5-0 to postpone this petition until March 15, 2006, at 9:00 a.m.

NOTE:

As of the writing of this report, the petitioner has provided no revised narrative or plan for the staff to review.

P&Z RECOMMENDATION:

At the February 13, 2006 meeting, the P&Z voted 5-0 to postpone hearing the request until the March 13, 2006 meeting at 9:00 a.m.

NOTE:

At the February 13th P&Z meeting, the petitioner submitted a revised plan, reducing the number of units from 500 to 398. The reconfigured plan shows a north/south collector roadway dividing the property, with approximately 108 single family attached units to the west of the collector roadway and approximately 290 single family detached units (45' x 115' square foot lots and 65' x 110 lots) to the east of the collector roadway.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, because the proposed development is too intense due to the character of the surrounding development, adjacent land uses, the lack of a local street network and distance from central services; the proposed PDP(SF) zoning would be incompatible with the surrounding rural residential land uses and is inconsistent with the Comprehensive Plan.

BCC ACTION:

On March 15, 2006, the BCC voted 5-0 to postpone this petition until April 12, 2006, at 9:00 a.m.

P&Z RECOMMENDATION:

At the March 13, 2006 meeting, the P&Z voted 5-0 to postpone hearing the request until the April 10, 2006 meeting at 9:00 a.m.

NOTE:

The petitioner submitted a revised plan on March 20th, reducing the number of units from 398 to 263. The plan shows a north/south collector roadway dividing the property, with multifamily units located to the west of the north/south roadway, 60' x 110' single family lots in the northeast portion of the property and minimum half-acre SF lots in the southeast quadrant. The open space acreage is not provided. The plan shows a 35' buffer along the east property line adjacent to the 60' x 110' SF lots and a 75' buffer along the east property line adjacent to the half-acre SF lots.

The Planning staff is of the opinion that the request to rezone from AG to PDP(SF) is not appropriate, because the proposed development is too intense due to the character of the surrounding development, adjacent land uses, the lack of a local street network and distance from central services; the proposed PDP(SF) zoning would be incompatible with the surrounding rural residential land uses and is inconsistent with the Comprehensive Plan.

The School Board of Hernando County, Florida

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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 57students. 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 57additional 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