

STAFF REPORT

Planning & Zoning Commission: April 11, 2005
Board of County Commissioners: May 11, 2005

APPLICANT: Walter & Linda Balcerak **FILE NUMBER:** H-05-25

PURPOSE: Rezoning from C-1 (General Commercial) to PDP(MF)/Planned Development District (Multifamily)

GENERAL

LOCATION: West side of Shoal Line Boulevard, north side of Companero Entra

LEGAL

DESCRIPTION: A portion of Section 13, Township 23 South, Range 16 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: CM-2
South: C-1
East: C-1
West: R-1B

Surrounding Land Uses

Marina
Undeveloped
Commercial
Canal, single family

SUMMARY OF REQUEST

The petitioner requests to rezone from C-1 to PDP(MF). The subject property is located on the west side of Shoal Line Boulevard and the north side of Companero Entra.

FACTUAL INFORMATION

1. The property is currently zoned C-1.
2. The property comprises approximately 1.11 acres.
3. The site has been cleared but has not been developed.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from Shoal Line Boulevard and Companero Entra.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Udalfic Arents.
8. The property is located in flood zone AE.
9. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial and single family 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 from C-1 to PDP(MF) in order to develop the subject property with a nine-unit multifamily building.

The master plan depicts a nine unit building on this 1.11 acre site. The buildings are proposed to be two (2) stories, on stilts, with parking located underneath the building.

The petitioner proposes setbacks as follows: 75' from the front lot line along Shoal Line Boulevard, 35' from the front lot line along Companero Entra, 20' from the rear lot line along the canal and 10' from the north/side lot line. The proposed setbacks meet the minimum required for the zoning district. A developed marina exists on the parcel to the north of the subject property. It is the staff's opinion if the request is approved, a minimum 5' of vegetation should be placed within the 10' setback to help shield the development from the adjacent use.

The plan submitted indicates a pool in the rear yard, against Snapper Canal. The pool would have to be a minimum of 5' from the property line. The county has minimum development standards which apply to MF projects. Development of the site will have to comply with the applicable County LDRs relating to MF development.

There are sidewalks along Shoal Line Boulevard in this area. The petitioner should be required to provide pedestrian amenities connecting to the sidewalks.

The Hernando County School Board has reviewed the petitioner's request and indicated that the proposal will result in a minimal impact to Hernando Schools with an expected increase of 3 students.

The Emergency Management Director has reviewed the request and indicated that the proposed development is located within an AE Flood Zone, and the A/B Evacuation zone for hurricanes. Residents will be required to evacuate this development during all mandatory hurricane evacuations of the A/B zone. Emergency Management is in support of the request provided the petitioner enters into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits.

The subject property has access from Shoal Line Boulevard and Companero Entra. The plan submitted by the petitioner indicates one access to each roadway. The County Engineer has reviewed the request and indicated no objections provided the plan is limited to a maximum of one driveway to Shoal Line and one to Companero Entra.

The narrative indicates the development will be served by County central water and sewer service. The Utilities Department has indicated that central water and sewer are available to serve the subject site.

The subject property contains a SPA associated with former mining area. The proposed land use is allowable within this designation.

The State and Hernando County Waterway Maintenance should be consulted for permitting of any future docks located on the canal.

The design of the project shall include a drainage system adjacent to the canal in order to prevent direct stormwater runoff into the waterway.

The subject property is within the 100-year floodplain. All finished floor elevations shall be located above the 100-year flood elevation.

SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by commercial and single family residential uses, and undeveloped parcels. A marina is located on the adjacent property to the north. Commercial zoning and development is located along Shoal Line Boulevard. Undeveloped commercial lots are located to the south. Hernando Beach single family residential development is located to the west.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The commercial land use classification would allow commercial, recreation, office and professional, minor public facilities, and minor institutional uses with the appropriate land use approvals. The Comprehensive Plan indicates that residential units may be allowed in the commercial land use category.

Property located along Shoal Line Boulevard from approximately the northern end of Calienta Street to Amber Jack is designated as commercial on the County's adopted Future Land Use Map. Additionally, there is significant property within the designated commercial land use category zoned a mixture of commercial districts to include C-1, C-2, CM-1 (Commercial Marine-1) and CM-2 (Commercial Marine-2).

Policy 1.01(G)(6) of the adopted comprehensive plan states that multi-family development should not be located where access to arterial or collector roadway system is through single family neighborhoods. The proposed project has direct access to Shoal Line Boulevard which is a two laned collector roadway.

Multifamily developments should be located in areas where central services are available. Water and central sewer are available to serve the subject site.

The petitioner proposes developing the 1.11 acre subject property with nine (9) units at a density of 8.1 du/ac. Policy 1.01F(7) provides criteria and standards for the determination of appropriate locations of higher residential densities greater than 4.0 dwelling units per acre, including, proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways or access to arterial or collector roadways via limited use of local roadways, provision of appropriate police, fire and EMS services, service by existing or expansion of County water and sewer facilities, character and density of existing and approved residential developments of close proximity, availability of appropriate public primary and secondary school facilities, provision of open space beyond minimum County standards and other applicable goals, objectives or policies contained in the Comprehensive Plan.

Policy 5.02B(1) states that Hernando County will establish a coastal high hazard area within which the transfer of development rights is permitted and density is limited to one (1) unit per acre unless the parcel is an existing lot of record or part of a vested development. As defined herein, the coastal high hazard area is the evacuation zone for a Category 1 Hurricane. The subject site is located in an area developed with Hernando Beach, a residential subdivision.

Policy 5.02B(3) Ensure that future development and redevelopment within the coastal high hazard area is compatible with site characteristics, consistent with coastal resource protection, and will not increase clearance times along evacuation routes. The Emergency Management Director has reviewed the request and indicated no objections to the project based on the low intensity proposed. Further, the petitioner should be required to enter into an agreement with the County to provide funds to help offset

the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project.

The staff is of the opinion that rezoning from C-1 to PDP(MF) is appropriate, based on the following conclusions:

1. The requested rezoning is compatible with the surrounding area.
2. The requested rezoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

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

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from C-1 to PDP(MF), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The approved setbacks are as follows:

From Shoal Line Boulevard: 75'
From Companero Entra: 35'
From the north: 10'
From the canal: 20'
3. There shall be a minimum 5' vegetative buffer within the 10' setback from the north.

4. The development shall have a maximum of nine (9) units.
5. Access shall be limited to a maximum of one driveway to Shoal Line Boulevard and one driveway to Companero Entra.
6. The petitioner shall be required to provide pedestrian amenities connecting to the sidewalks on Shoal Line Boulevard.
7. The design of the project shall include a drainage system adjacent to the canal in order to prevent direct stormwater runoff into the waterway.
8. All finished floor elevations shall be located above the 100-year flood elevation.
9. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # _____ approving the petitioner's request to rezone from C-1 to PDP(MF), with the following modified performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The approved setbacks are as follows:

From Shoal Line Boulevard: 75'
From Companero Entra: 35'
From the north: 10'
From the canal: 20'
3. There shall be a minimum 5' vegetative buffer within the 10' setback from the north.
4. The development shall have a maximum of nine (9) units.
5. Access shall be limited to a maximum of one driveway to Shoal Line Boulevard and one driveway to Companero Entra.
6. The petitioner shall be required to provide pedestrian amenities connecting to the sidewalks on Shoal Line Boulevard.

7. The design of the project shall include a drainage system adjacent to the canal in order to prevent direct stormwater runoff into the waterway.
8. All finished floor elevations shall be located above the 100-year flood elevation.
9. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project. The cost to the developer shall determined prior to the BCC hearing.

BCC ACTION:

On May 11, 2005, the BCC voted 5-0 to adopt resolution #2005-139 approving the petitioner's request to rezone from C-1 to PDP(MF), with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The approved setbacks are as follows:

From Shoal Line Boulevard: 75'
From Companero Entra: 35'
From the north: 10'
From the canal: 20'
3. There shall be a minimum 5' vegetative buffer within the 10' setback from the north.
4. The development shall have a maximum of nine (9) units.
5. Access shall be limited to a maximum of one driveway to Shoal Line Boulevard and one driveway to Companero Entra.
6. The petitioner shall be required to provide pedestrian amenities connecting to the sidewalks on Shoal Line Boulevard.
7. The design of the project shall include a drainage system adjacent to the canal in order to prevent direct stormwater runoff into the waterway.
8. All finished floor elevations shall be located above the 100-year flood elevation.

9. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project.

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.

NOTE: The shelter space impacts resulting from rezoning the property to PDP(MF) will require the County and the Applicant entering into an Agreement to address and mitigate those shelter impacts. The failure of the parties to agree to and execute an Agreement will cause the County to withhold subsequent development approvals including, but not limited to, the issuance of building permits. The cost to the Developer for shelter space was determined to be \$100.00 per unit prior to the BCC hearing.

The School Board of Hernando County, Florida

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Superintendent

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Members

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Pat Fagan
Sandra Nicholson

March 22, 2005

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

Dear Chris:

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

In reference to **H-05-25**, the request from The Balceraks to rezone and develop 9 multi-family units, I offer the following:

This request will result in a minimal impact to Hernando County Schools with an expected increase of 3 students.

In reference to **H-05-32**, the request from Lucky Find Development to establish a master plan with 160 single family units, I offer the following:

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

This master plan request is expected to add an additional 53 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$70,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 53 students is a total impact of \$1,174,851.

In reference to **H-05-35**, the request from The George Feaster Living Trust to rezone and develop 65 single family attached townhouses, 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 add an additional 22 students to the District. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$50,000 and 1 teacher at an estimated cost of \$50,000.

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However, the state requires us to build permanent capacity facilities and eliminate portables. Therefore, the actual financial impact to the District to build permanent facilities is, at a minimum, \$22,167 per student station. This figure is for land and construction costs only. The actual financial impact to the District for these 22 students is a total impact of \$487,674.

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