

# HERNANDO COUNTY PLANNING & ZONING COMMISSION

MINUTES OF OCTOBER 10, 2005

The Hernando County Planning & Zoning Commission met in regular session on October 10, 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; Al Sevier; Anthony Palmieri; Alternate Member Mary Preston; and Ken Pritz, representing the Hernando County School Board. Alternate Member Thomas Richards was present in a non-voting capacity. Also present were: Lawrence Jennings, Director of Growth & 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**

The meeting was called to order at 9:00 a.m. by Chairwoman Covell. After a moment of silence, Comm. Sevier led the Pledge of Allegiance. For the record, the Commission members received copies of staff reports before the meeting that were prepared by the Planning Staff of the Hernando County Planning Department. 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 at this time.

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 and those members who had site visits indicated they had no ex parte communications. Comm. Preston visited the following sites: Matt McNulty (H0582), Jonathan E. Klein (H0581), Georgios and Vasiliki Klonaridis (H0592), Times Publishing Company (H0596), Michael or Tammy Gallo (H0597), and Richard & Mari Davis (H0598). Comm. DeWitt visited the following sites: McNulty, (H0582), Klein (H0581), Klonaridis (H0592), Times Publishing Company (H0596), Gallo (H0597), Davis (H0598), and Longview Equities, Inc. (05101). Comm. Palmieri visited the following sites: Klein (H0581), Klonaridis (H0592), Times Publishing Company (H0596), Davis (H0598), Profree #2 LLC (H0599), and Triple B Properties (P0527C). Comm. Sevier stated he visited all sites on the agenda. Comm. Richards indicated he had no ex parte communications. Chairwoman Covell visited the following sites: Klonaridis (H0592) and Times Publishing Company (H0596). Mr. Weissinger reminded the P&Z of the quasi-judicial proceedings and any observations made during site visits used to base their decision had to be placed on the record in the form of testimony or questions to persons providing testimony.

## **ANNOUNCEMENTS**

Chairwoman Covell noted that Alternate Members Mary Preston would be acting as a voting member and Tom Richards would be present as a non-voting member. In the event a regular member was unable to vote, Comm. Richards would become a voting member.

## **ELECTION OF A NEW VICE CHAIRMAN FOR THE HERNANDO COUNTY PLANNING AND ZONING COMMISSION FOR THE REMAINDER OF YEAR 2005**

Chairwoman Covell opened nominations for Vice Chairman for the remainder of the year. Comm. Sevier nominated Comm. DeWitt. There being no other nominations; Chairwoman Covell called for the vote on the nomination and motion carried 5-0.

**ADOPTION OF THE INFORMATIONAL PACKETS INTO EVIDENCE**

The Agenda packet that was submitted to the Commission included written information regarding all cases to be considered, which needed to be accepted into evidence for the hearing. The staff recommended the Commission accept the Agenda packet, including the staff reports, into evidence as if read aloud in their entirety.

**MOTION** Comm. DeWitt moved to adopt the informational packet into evidence. Comm. Palmieri seconded the motion, and the motion carried 5-0.

**MATT MCNULTY, FLORIDA ROCK INDUSTRIES, INC. - REZONING (H-05-82)**

Purpose: Rezoning from AG to PDP(HID)/Planned Development Project (Heavy Industrial) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, with a Waiver of the Frontage Road Requirement

Location: South side of Ponce de Leon Boulevard, east side of Hawksbury Road

Representative: Jake Varn, Attorney, Fowler White Boggs & Banker, PA..

The applicant is requesting to rezone from AG to PDP(HID) with a Heavy Manufacturing Use, namely a Concrete Batch Plant. The subject property is located on the south side of Ponce de Leon Boulevard and the east side of Hawksbury Road. Subsequent to reviewing the staff report prior to the P&Z meeting, the petitioner requested a waiver to the frontage road requirement. This petition was postponed from the September 12, 2005, P&Z meeting.

Mr. Greif reviewed the staff report which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from AG to PDP(LI) with a Heavy Manufacturing Use, Namely a Concrete Batch Plant, 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 construct the frontage road along the Ponce de Leon Boulevard frontage, at no cost to the County, upon demonstration of need and demand by the County.
3. The setbacks are approved as follows:

|                                   |      |
|-----------------------------------|------|
| From Ponce de Leon:               | 125' |
| From the east and west lot lines: | 20'  |
| From the south lot line:          | 35'  |

4. Access shall be from US 98 unless Hawksbury is built to a standard acceptable to the County Engineer.
5. The petitioner shall provide a minimum 50' natural buffer along the south property line adjacent to the concrete batch plant facility.
6. 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.

Mr. Varn, under oath, stated he agreed with staff recommendations but questioned conditions #2 and #4. He asked for a waiver of the frontage road requirement under condition #2 because of an existing road to the weigh station on US 98. He stated condition #4 was vague as to the type of standards the County Engineer would require and questioned the need for improvements as Hawksbury Road was a private road.

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

Captain Troy L. Thompson, Florida Department of Transportation Motor Carrier Compliance Office, under oath, stated they were the law enforcement branch of FDOT. He stated that they continue to use and maintain the weigh station on US 98 and will well into the future. He asked that their office be allowed to review any information and recommendation made by the P&Z prior to the November 9, 2005, BCC hearing.

Comm DeWitt, Mr. Jennings and Captain Thompson discussed which agencies are responsible for the maintenance of the highway and the weigh station, and coordination efforts to provide information prior to the BCC hearing. Captain Thompson clarified that the weigh station is owned by FDOT.

John Kilkenny representative of the Brooksville branch of FDOT, under oath, stated that in June 2005 Randy Wilder of the engineering firm Kimley-Horn and Associates Inc. provided them with a drawing of the proposed connections to US 98 through the weigh station; however the drawing did not provide sufficient detail for FDOT to make a determination regarding the access. He noted there were existing maintenance access connections for local residential use; but not for the scale of a concrete plant. The best they could offer would be access to the on/off ramps but not directly onto US 98. He discussed future plans to improve Cobb Road and US 98 to a four-laned divided highway at which time the weigh station would also be improved; and he asked that the required frontage road be upheld per county ordinance.

James Deal - Mr. Deal, under oath, stated he was an ex-employee of Florida Rock. He stated he objected to the proposed site and questioned why other sites were not considered. Showing several pictures, he described the area as a swamp and discussed flooding issues. He asked if Florida Rock would be responsible for future flooding damage to a nearby church.

Gary Schraut - Mr. Schraut, under oath, asked the P&Z to support the rezoning. He stated there were limited areas in the comprehensive plan where a batch plant can be located on truck routes. He discussed the influx of jobs and tax dollars this facility will generate for the county.

Janey Baldwin - Ms. Baldwin, under oath, asked the P&Z to postpone this petition to allow FDOT additional time to review detailed information regarding the access.

Pastor Tom Dixon, under oath, stated he was pastor of the adjacent church. He questioned how the facility will impact the surrounding neighbors regarding cement dust, noise, water pollution and run-off, and whether the facility will operate 24-hours per day.

Under rebuttal, Mr. Varn stated that Florida Rock had a right of access to US 98 as a property owner adjacent to the highway and they would have to work out a reasonable access with FDOT. He questioned where the photos submitted by Mr. Deal were taken. While reviewing the proposed site plan, noted the batch plant will be located near the southwest corner because most of the wetlands were located towards the front of the parcel. He clarified for Mr. Dixon that the facility was for a batch plant, not a cement plant, and explained that concrete trucks will be loaded with material to deliver to job sites. He stated it would be a 8- to 10-hour per day operation, and there would be no additional water runoff from the site.

Regarding FDOT's issue regarding the access, Mr. Varn stated that the representatives did not formally ask for a postponement but asked to be consulted of the petition. He explained that they would have to obtain permits through the FDOT access management program or use an existing right-of-way. He questioned the consistency of the FDOT representatives's testimonies regarding the access, and future use of the weigh station if US 98 becomes a divided highway.

In response to Comm. Sevier's questions, Mr. Jennings explained that the FDOT District 7 Access Management Office in Tampa was notified of the petition. He stated that a Heavy Industrial zoning designation would allow a concrete batch plant or a cement plant but the cement plant would also require approval of a Special Exception Use Permit. He also clarified that the concrete batch plant on Spring Hill Drive was zoned heavy industrial. Mr. Jennings noted staff was recommending approval of PDP(Light Industrial) with the specific Heavy Manufacturing Use for the Concrete Batch Plant.

Comm. Sevier expressed his concern that approval of this facility would potentially open the door for a future cement plant operation. He was concerned with the on-site wetlands; and discussed potential traffic problems with concrete trucks making sharp turns onto and from US 98 onto Hawksbury Road, a 12' wide private drive. He stated he was against the proposal and opined that the site was not a good location for the facility.

Mr. Weissinger clarified for Comm. Palmieri that the County could legally require the applicant to improve that portion of Hawksbury Road which lies on the applicant's property to acceptable county standards if access is denied directly to US 98 under condition #4. Comm. Palmieri opined that it was premature to waive the frontage road requirement, and also expressed concern with approving the rezoning because he felt the petitioner had not addressed the environmental impacts.

Mr. Varn clarified for Comm. Richards that the facility would operate six days a week, excluding Sundays. Comm. Richards asked that the days and hours of operation be included as a condition of approval.

Comm. DeWitt and Mr. Kilkenny further discussed FDOT's concern with Florida Rock accessing the site through the weigh station and whether the petition should be postponed. Mr. Kilkenny reiterated FDOT's concern with access via the weigh station potentially interfering with the weigh station's operations and

opined that access should be via a frontage road. Mr. Kilkenny clarified that the widening of US 98 was at least five years away.

At the request of Chairwoman Covell, Mr. Varn explained that Hawksbury Road was west of the subject property and owned by the railroad. The applicant was seeking use of the right of way from the railroad from US 98 to the portion of their property where the facility is proposed. If access is not granted, the applicant would have to obtain access from US 98 through the FDOT access management program. Showing a map of the wetland areas, Mr. Varn reiterated that the facility would be located in the upland area. He stated the proposal was an appropriate use under the land use classification of the future land use map. Mr. Varn asked the P&Z to forward staff's recommendation to the BCC.

Comm. DeWitt agreed that this site is appropriate for the proposed use, and he concurred with staff's recommendation with the inclusion of conditions #2 and #4.

**MOTION** Comm. DeWitt moved to recommend the BCC approve staff's recommendations, then his motion to continue Commissioner's discussion.

Chairwoman Covell asked if the petitioner would have to obtain approval from FDOT for any access to US 98. Mr. Jennings explained there was uncertainty as to the access which is why staff included performance conditions to ensure the intersection would be appropriately designed. He elaborated on staff's concerns with the existing condition of Hawksbury Road, and conflicts with the intersection design and the weigh station.

Mr. Weissinger clarified that in light of Mr. Varn's testimony that the access was a railroad right of way, the County could not impose requirements to build something on private property; however staff could legally condition approval on making the access meet the county standards if used.

Chairwoman Covell suggested that condition #5 be revised to require some of the natural buffering along the east and north be retained around the wet ponds. She felt that adequate buffering along all sides except abutting US 98 would be appropriate to protect surrounding neighbors. She agreed that conditions #2 and #4 should remain as part of the approval. She agreed that the use was appropriate considering other intense commercial uses in the area.

Comm. Sevier reiterated his concern with accessing the site from Hawksbury Road or the weigh station, with the alternate access drive depicted on the site plan going through wetlands, and with agencies of FDOT not being aware of the petition in sufficient time to address the access issues.

**MOTION** Comm. Sevier moved to recommend the BCC deny the petitioner's request. Comm. Palmieri seconded the motion for discussion.

Comm. Palmieri stated his preference to postpone the petition to allow FDOT more time to address the access issue and allow the petitioner to address the environmental impact; however, if he had to vote on the petition as is, he would deny it.

Being put to the vote, the motion failed 2-3 with Chairwoman Covell, Comm. DeWitt, and Comm. Preston voting nay.

**MOTION** Comm. Palmieri moved that the Planning and Zoning Commission postpone consideration of the petition until their November 14, 2005, meeting at 9:00 a.m. Comm. Preston seconded the motion and the motion carried 4-1 with Comm. Sevier voting nay.

**JONATHAN E. KLEIN/DIVERSIFIED PROPERTY GROUP, LLC - REZONING (H-05-81)**

Purpose: Establishment of a PDP(GC)/Planned Development Project (General Commercial) Master Plan

Location: North side of State Road 50, east side of Brookridge Central Boulevard, west side of Grove Road

Representative: Susan Finch and David Campbell; Diversified Property Group, LLC

The applicant is requesting to establish a master plan for property zoned PDP(GC). The subject property is located on the north side of State Road 50, on the east side of Brookridge Central Boulevard and on the west side of Grove Road.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to establish a PDP(GC) master plan, 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 developer shall provide a frontage road at the time of development.
3. The minimum perimeter setbacks are as follows:
  - From Cortez Boulevard: 125'
  - From the west property line: 35'
  - From the east property line: 35'
  - From the north property line: 35'
4. The minimum internal lot setbacks are as follows:
  - From the frontage road: 35'
  - From the side lot lines: 20'
  - From the rear lot line: 35'
5. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
6. The access at the midpoint of the project along Brookridge Central Boulevard is required. The easement indicated on the master plan relating to this access shall be a perpetual easement for public

use as a roadway and associated drainage. The northern access along Brookridge Central Boulevard may be allowed with approval by the County Engineer.

7. The loading docks shall be parallel to the buildings as depicted on the master plan.
8. The hours of operation applicable to the large retail development on the main parcel adjacent to Brookridge shall be limited to 7:00 a.m. to 11:00 p.m.
9. If wetlands exist on the site, any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.
10. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the northern boundary where adjacent to the Brookridge mobile home park shall be cut-off fixtures, no greater than 10' in height.
11. The developer shall provide a minimum 10' wide landscaped buffer including a pre-cast concrete panel wall not to exceed 8' in height providing 100% opacity between the proposed development and the Brookridge Community. Additionally, the petitioner shall meet all applicable LDRs for landscaping.
12. 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.

Ms. Finch, under oath, discussed their request to establish a master plan for retail commercial. Reviewing staff's recommendations, she explained that they were negotiating with adjacent property owners to secure the perpetual easement under condition #6, and asked to modify the second sentence to allow a 25' easement secured from either the northern or southern property. She submitted revised language for the P&Z consideration. She discussed their objection to condition #8 noting the proposed increased vegetative buffering and a wall on the north boundary, plus the surrounding commercial activities, would mitigate the need to limit the hours of operation. She clarified that they were not requesting any setback reductions and would revise the site plan to correct the setbacks for two outparcels on their site plan, as noted in the staff report. She discussed problems with the 10' light fixture height limitation under condition #10 being a traffic hazard for delivery trucks and the light head would have to face the building, which would reflect onto the boundary wall. She stated that 20' - 25' high poles were the acceptable lighting standard and would be externally shielded from the residential area. She stated they were agreeable to work with staff and the residential community to the north to include golf cart access and on-site parking.

David Campbell, Professional Engineer with Kimley-Horn and Associates, Inc., under oath, reviewed the site plan in depth. He reviewed the proposed access points using existing driveways and an existing median cut on SR 50. He noted they were not requesting additional access to SR 50 from FDOT and discussed their intention to align the frontage road with the car dealership to the west. He stated the plan was developed in accordance with the "big box" standards and they exceeded buffering requirements along the northern boundary. He discussed proposed improvements at the Brookridge /Barclay/SR 50 intersection and turn lane improvements at their main entrance.

Chairwoman Covell asked for public comment. Ruth McGeachen, General Manager of Brookridge Community, under oath, stated her support for the golf cart access to Brookridge; but expressed concern with traffic conflicts between the residents and large trucks turning left [south] from the northernmost access on Brookridge Central Boulevard. She asked that delivery trucks be restricted to accessing the site from the main entrance directly on SR 50.

Under rebuttal, Mr. Campbell noted the golf cart access would be added to the site plan. He suggested restricting deliveries to ingress from Brookridge Central Boulevard's northernmost access and egress from the SR 50 access instead of prohibiting total access from the boulevard.

In response to Comm. Richards questions, Mr. Campbell noted their traffic study requires a westbound right turn lane on SR 50, that acceleration lanes are dangerous on major roadways, and the potential to close the Grove Road entrance as a full access if traffic becomes problematic because of its proximity to the SR 50 intersection. Comm. Richards stated his preference to using Brookridge Central Boulevard because of the full median and signalized intersection.

Mr. Campbell clarified for Comm. Palmieri that negotiations were ongoing with the owners of the two outparcels to the west to comply with the frontage road standards. Comm. Palmieri and Mr. Jennings discussed the proposed change to condition #6 requested by Mr. Finch; Mr. Jennings stated County Engineer Charles Mixson believed the frontage road alignment could work from adding from the north, south, or both to meet the 50' right of way for frontage road connectivity.

Comm. Palmieri questioned if a light was needed at Grove Road. Charles Mixson, under oath, opined that a light would be needed but FDOT would have to approve it because of its proximity to the Suncoast Parkway. An alternative would be to limit access to left in, and right in/right out. Comm. Palmieri asked to include a condition that the petitioner pay his proportionate fair share if a traffic signal is required at the Grove Road/SR 50 intersection.

Comm. DeWitt and Mr. Mixson discussed the level of service for the area. Mr. Mixson discussed his concern that the intersections work well. Comm. DeWitt discussed condition #10 regarding the light fixtures with Mr. Campbell. Mr. Campbell reiterated the problems with a 10' high light fixture and requested 25' fixtures with externally shielded full cut-off fixtures along the rear boundary abutting the residential neighborhood. Comm. DeWitt disagreed with staff regarding restricting the hours of operation under condition #8.

Chairwoman Covell agreed with Comm. Palmieri regarding the developer paying his proportionate fair share if a traffic light is needed at Grove Road/SR 50. She agreed with staff regarding the 10' light fixture height but hesitated on restricting the hours of operation. She asked if Brookridge Central Boulevard was a public road. Mr. Mixson replied the county owned and maintained it up to the [Brookridge] gate. She questioned the turn radius for semi-trailers. Mr. Campbell replied the turn radius would be designed to accommodate the larger trucks and a truck turning plan would be submitted during the construction plan phase. Chairwoman Covell asked to include a condition to require a golf cart access and parking to accommodate the Brookridge community.

Comm. Sevier and Mr. Mixson discussed traffic congestion and signalization problems on SR 50. Comm. Sevier agreed to remove condition #8. Comm. Sevier discussed lighting safety issues if the area is not well

lit. Mr. Campbell elaborated on the design for a full cut-off fixture with an external shield to the residential area; and felt a 20' to 25' height limitation would be appropriate. Chairwoman Covell discussed adhering lights to the buildings. Mr. Campbell was concerned that the driveway would not be lit.

Mr. Jennings expressed concern with the golf cart access and use of the public right of way. Mr. Campbell stated he would work with staff on this issue. Mr. Jennings did not object to the petitioner's suggested language under condition #6 as long as a 50' right of way was provided for the reverse frontage road.

**MOTION** Comm. Palmieri moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

6. The access at the midpoint of the project along Brookridge Central Boulevard is required. The 25' easement indicated on the master plan relating to this access shall be a perpetual easement and may be obtained from either the north or the south property for public use as a roadway and associated drainage. The northern access along Brookridge Central Boulevard may be allowed with approval by the County Engineer.
8. ~~The hours of operation applicable to the large retail development on the main parcel adjacent to Brookridge shall be limited to 7:00 a.m. to 11:00 p.m.~~
10. The developer should provide a lighting plan which reduces lighting intensity during non-operating hours, showing that the lighting along the northern boundary where adjacent to the Brookridge mobile home park shall be full cut-off fixtures with external shields, no greater than ~~10'~~ 20' in height.
13. Golf cart access and parking to accommodate the Brookridge residents shall be allowed if legally possible.
14. The petitioner shall pay his fair share for a traffic signal at the Cortez Boulevard/Grove Road intersection.

Comm. DeWitt seconded the motion and the motion carried 5-0.

NOTE: A recess was called at 10:30 a.m. and the meeting reconvened at 10:40 a.m.

**GEORGIOS and VASILIKI KLONARIDIS - REZONING (H-05-92)**

Purpose: Rezoning from C-1 (General Commercial) and R-1B (Residential) to PDP(HC)/Planned Development Project (Highway Commercial) with Outside Storage

Location: East side of Howell Avenue, approximately 200' north of Chatfield Drive

Representative: Vasiliki Klonaridis

The applicant is requesting to rezone from C-1 and R-1B to PDP(HC) with outside storage. The subject property is located on the east side of Howell Avenue, approximately 200' north of Chatfield Drive.

Mr. Greif reviewed the staff report which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving rezoning from C-1 and R-1B to C-1, 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.

Ms. Klonaridis, under oath, stated they no longer needed the zoning for outside storage and found other ways to extend her property for the business so she asked to have the zoning clarified.

Chairwoman Covell asked for public comment. The following people spoke under oath in opposition of the petition: Margaret Lagone, Raymond Taylor, Anthony Lagone, and Janey Baldwin. Their concerns included health, safety, and fire issues with appliances stored outside, rodent and snake problems from overgrown vegetation, devalued property values, noise, and the unsightly appearance of the property. Ms. Lagone displayed several photographs of the subject site. Terry Curtis stated under oath that he did not have problems with the applicants and opined they were considerate neighbors.

Under rebuttal, Ms. Klonaridis stated that code enforcement had visited the property and advised her to erect a fence. She explained that the drain hoses are removed from appliances stored outside so water drains from the bottom.

In response to Commissioner's questions, Mr. Jennings discussed the applicant's request for a heavy commercial district and staff's recommendation for C-1 due to the surrounding zoning; issues with Code Enforcement, and the P&Z determining the proper zoning for the R-1B remnant of the subject parcel. Ms. Klonaridis stated the outside storage issue was resolved. Another location was found to store some appliances. The existing building will be expanded, and the appliances will be covered and out of sight. The P&Z members unanimously concurred with staff's recommendation of C-1 without outside storage.

Ms. Klonaridis clarified for Chairwoman Covell that the 24' overhang noted on her drawing will be used for storage. Mr. Jennings explained that the building would have to comply with the required setbacks and the storage area would have to be enclosed to meet the C-1 regulations.

**MOTION** Comm. Sevier moved that pursuant to the findings of fact outlined in the staff report, the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving rezoning from C-1 and R-1B to C-1, with the following additional performance conditions:

2. All appliances shall be kept inside.

Comm. Palmieri seconded the motion. Mr. Jennings and Mr. Weissinger explained that condition #2 was confusing and could create a legal issue by including a condition of something that is already prohibited in the Code of Ordinances. Comm. Sevier insisted on leaving the condition in, noting he would otherwise vote against the petition.

Chairwoman Covell, Mr. Jennings, and Mr. Weissinger discussed the site being in the City of Brooksville's "first right to serve area" for central water and sewer service and related power of attorney waivers for voluntary annexation into the City limits. Discussion ensued.

Being put to the vote, the motion carried 3-2 with Chairwoman Covell and Comm. DeWitt voting nay because of the inclusion of condition #2.

**TIMES PUBLISHING COMPANY - REZONING (H-05-96)**

Purpose: Rezoning from C-1 (General Commercial) and R-1C (Residential) to PDP(GC)/Planned Development Project (General Commercial) with a C-2 use for a Publishing and Printing Service Establishment

Location: East side of Winter Street, approximately 400' north of Cortez Boulevard

Representative: Leo Governale, Project Engineer, Governale Engineering Services, Inc.

The applicant is requesting to rezone from C-1 and R-1C to PDP(GC) with a C-2 use. The subject property is located on the east of Winter Street, approximately 400' north of Cortez Boulevard.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from C-1 and R-1C to PDP(GC) with a C-2 use of publishing and printing service establishment, 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 publishing and printing service establishment shall be limited to activities of assembly and distribution of published materials. Printing is not allowed.
3. The petitioner shall provide a minimum 10' wide buffer with 80% opacity along the north lot line.
4. The truck well shall be located along the building in the configuration indicated on the master plan, with a portion of the building constructed at its north end.
5. The assembly and distribution of the materials shall occur along the south, east and southeast portion of the site, not along Winter Street.
6. Minimum setbacks are approved as indicated on the master plan.
7. The petitioner shall provide additional ROW from Winter Street's centerline from the subject property's north lot line to the Cortez Boulevard/Winter Street intersection as determined by the County Engineer.

8. 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.

Mr. Governale, under oath, stated he concurred with the staff recommendations.

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

Mr. Jennings explained for Comm. Palmieri staff's concern that a full-fledged printing press newspaper operation was too intense due to the site's size and proximity to residential area to the north.

Chairwoman Covell opined that the width of the buffer along the northern boundary should be increased to 20' under condition #3 because of the adjacent R-1C zoning. Mr. Governale did not object to the increased buffer.

**MOTION** Comm. Preston moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

- 3 The petitioner shall provide a minimum 20' ~~10'~~ wide buffer with 80% opacity along the north lot line.

Comm. Palmieri seconded the motion and the motion carried 5-0.

**MICHAEL or TAMMY GALLO - REZONING (H-05-97)**

Purpose: Rezoning from PDP(MH)/Planned Development Project (Mobile Home) to C-1 (General Commercial)

Location: South side of Cortez Boulevard, approximately 250' east of La Pine Road

Representative: Marsha Wheaton

The applicant is requesting to rezone from PDP(MH) to C-1. The subject property is located on the south side of Cortez Boulevard, approximately 250' east of La Pine Road.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to from PDP(MH) to C-1, 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 will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.

Ms. Wheaton, under oath, stated their request for office space and noted the surrounding commercial in the area.

Chairwoman Covell asked for public comment. Leroy Sinclair, under oath, asked for clarification as to the type of business proposed for the site.

Ms. Wheaton clarified that the site would be used for an office associated with the petitioner's medical service company.

**MOTION** Comm. Palmieri moved to recommend the BCC approve staff's recommendations. Comm. DeWitt seconded the motion and the motion carried 5-0.

**RICHARD and MARI DAVIS - REZONING (H-05-98)**

Purpose: Rezoning from AG to C-3 (Neighborhood Commercial) or OP (Office Professional)

Location: North side of Powell Road, east side of California Street

Representative: Mari Davis

The applicant is requesting to rezone the subject property from AG to C-3. The Planning staff has also advertised OP for consideration. The subject property is located on the north side of Powell Road and the east side of California Street.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from AG to PDP(OP) 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 80' of ROW from the centerline of Powell Road and California Street.

Ms. Davis, under oath, discussed their request to rezone the property to operate a day care/pre-school facility.

Chairwoman Covell asked for public comment. Karlene Nordgren, under oath, stated she owned the adjacent property to the south and supported the proposed use.

Ms. Davis asked for approval without giving up the 80' ROW under condition #2. In response to Comm. DeWitt's questions, County Engineer Charles Mixson explained the need for the additional 80' of right of way for future widening of both California Street and Powell Road due to utility line and easement

restrictions in the area. He noted the full 80' was required for collector roads. Mr. Jennings clarified an additional 40' would be taken to add to the existing 40' to make a total of 80' from the centerline. Discussion ensued regarding Comm. DeWitt's concerns regarding financial impacts and impact fees.

Ms. Davis clarified for Mr. Pritz that the facility would be used for before and after school activities for students in addition to pre-school aged children. Mr. Pritz advised the applicant to discuss her intentions with the principals of the two local schools as day care programs were provided at those schools.

Comm. Palmieri stated he could not support the petition. He expressed concern that due to the nature of the facility, it should be on central water and sewer which is not available. He felt the commercial use was incompatible with the surrounding residential area. He was not sure the site could accommodate a 4,000 square foot building without a reduction in setbacks or easement variance, especially with the future plans for road improvements. He felt the road capacity and intersection were inadequate to handle additional traffic and the future road improvements limiting access to a right-in/right-out could be problematic.

Chairwoman Covell was concerned that the facility with 100 children should not use a septic system and requested the development be connected to central water and sewer. Ms. Wheeler stated they planned to connect to the central water and sewer located across [California] street. Discussion ensued regarding water and sewer lines in the vicinity and connections to this site.

**MOTION** Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the following modified performance condition:

3. The development shall be connected to County water and sewer.

Comm. Sevier seconded the motion and the motion carried 4-1 with Comm. Palmieri voting nay.

**PROFREE #2 LLC - REZONING (H-05-99)**

Purpose: Revision to an Office Professional Master Plan to Include a Change in Access Points and a Change in the Concept of the Development

Location: East side of Landover Boulevard, south side of Chalmer Street, west side of Portillo Road

Representative: Ray Gustafson, Gustafson Engineering Company

The applicant is requesting a master plan revision to include a change in access points and a change in the concept of the development. The subject property is located on the east side of Landover Boulevard, south side of Chalmer Street, west side of Portillo Road.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission 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 a resolution approving the petitioner's request for a master plan revision, 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 served by central water and sewer.
3. The setbacks will be as follows:

|  |     |
|--|-----|
| From Landover Boulevard:                               | 50' |
| From Portillo Road:                                    | 35' |
| From Chalmer Street:                                   | 35' |
| From lot lines adjacent to property zoned for MF uses: | 35' |
| From lot lines adjacent to property zoned for OP uses: | 20' |
4. The developer shall provide a 6' buffer of 80% opacity against residential lots.

Mr. Gustafson, under oath, stated he agreed with the staff recommendations.

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

Chairwoman Covell questioned the 6' buffer along residential lots; Mr. Jennings noted the petition was for a master plan revision and the previous rezoning indicated a 6' buffer as part of the approval. Staff saw nothing that would suggest any changes to the buffer height. Comm. Palmieri suggested the buffer should be at least 10'.

**MOTION** Comm. Palmieri moved to recommend approval to the BCC per staff's recommendations with the following modified performance condition:

4. The developer shall provide a 10' 6' buffer of 80% opacity against residential lots.

Comm. DeWitt seconded the motion for discussion. Comm. DeWitt questioned the 10' buffer height, recalling the highest along a residential area was 8'. Comm. Palmieri noted there wasn't much difference between 6' and 8' so he amended his motion to leave condition #4 unchanged.

**AMENDED MOTION** Comm. Palmieri moved to recommend the BCC approve staff's recommendations. Comm. DeWitt seconded the motion and the motion carried 5-0.

**PRECISION LAND DEVELOPMENT (FRANCINE BAIA) - REZONING (H-05-100)**

Purpose: Rezoning from AG and R-1C (Residential) to PDP(SF)/Planned Development Project (Single Family)

Location: South of Dunkirk Road, south of Running Oak Court, west of Deer Street

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

The applicant is requesting to rezone from AG and R-1C to PDP(SF). The subject property is located south of Dunkirk Road, south of Running Oak Court, west of Deer Street.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from AG and R-1C 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 maximum number of lots is 18.
4. The minimum internal lot sizes shall be as follows: Front: 25'; Side: 10'; Rear: 20'
5. The perimeter setbacks shall be 25'.
6. The development shall have access to Running Oak Court and Deer Street. Future connection to the south shall be provided.
7. Usable open space must be provided consistent with the LDRs. The pond does not qualify as usable open space.
8. The petitioner shall provide a 5' wide vegetated buffer around the perimeter of the project.
9. 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.

Mr. Garman, under oath, reviewed the site plan. He discussed the proposed access to Dunkirk Road along the northwest boundary; however, there is a triangular County owned landscape tract and a 10' spite strip separating the subject property and Dunkirk Road which were not included as part of this petition.

Mr. Garman discussed condition #6 requiring access to the south, and noted the two acre parcel to the south had access via 427 feet of frontage on the approved conditional plat for Palm Court Estates. He stated they could meet staff's recommendation by adding a connection to the south, replacing the access to Dunkirk with a cul-de-sac, and revising their street network to avoid a cul-de-sac over 600' in length. He stated their preference to retain the connection to the north.

Chairwoman Covell asked for public comment. The following people spoke under oath regarding the petition: Tara Darby, Perry Danzi, Jennifer Sullivan, and Bill Busker. Their concerns included increased traffic, impacts to the wildlife and ecosystem, flooding, and sinkholes. Ms. Darby questioned the proposed development impacting an existing natural spring creating sinkholes in the southwest corner of the

property. Ms. Sullivan questioned the access to Dunkirk Road. Mr. Busker inquired to future road connections to Angora Street and Hoover Street and asked for sidewalks on Dunkirk for student safety to the high school.

Mr. Jennings clarified that the provision for a southern access recommended by staff under condition #6 could access the Palm Court Estates property, since that plat required a northern connection, and not necessarily to the two acre tract. The specific connection would be addressed during the conditional plat phase for the subject property.

Under rebuttal, Mr. Garman clarified the proposed Angora Street and Hoover Street connection under a previous rezoning petition. Regarding sinkhole concerns, he stated County Staff and SWFWMD visited the site, the plan was designed around the depressional area, and they would meet all required criteria. He reviewed the surface water line depicted on the site plan, noting the surface water limit was 25' msl whereas most of the project would be above 30' msl. He discussed the existing traffic problem with a 90' radius curve on Dunkirk Road east of the subject property, and noted the proposed 18 lots should not add to the traffic problem. Regarding wildlife, he stated they would comply with the rules and regulations regarding gopher tortoises on site.

In response to Comm. DeWitt's questions, County Engineer Charles Mixson stated he did not have a problem with the Dunkirk Road connection to the north as long as it met the 150' separation criteria from the intersection [at Sunrise Court]. Mr. Mixson did not have a preference of the plans proposed by Mr. Garman as long as a connection to the south was provided.

Comm. Palmieri questioned the minimum lot sizes for the AG and R-1C districts; Mr. Jennings replied the minimum for AG was 2 ½ acres and the minimum for R-1C was 10,000 square feet with central water and sewer. Mr. Garman clarified that central sewer was not available for this site.

Chairwoman Covell and Mr. Garman reviewed the second roadway proposal with southern access to the two acre parcel and replacing the access to Dunkirk Road to the north with a cul-de-sac. Mr. Greif elaborated on the approved conditional plat for Palm Court Estates [to the south] and outstanding issues regarding the location of the access from that plat to the north.

Mr. Garman advised Chairwoman Covell that a preliminary GPR (Ground Penetrating Radar) test had indicated some anomalies. He clarified that the project was designed so lots would abut existing lots along the perimeter of the property.

Comm. Palmieri stated his concern with the proposed density of 18 homes compared to the 9 allowed under the current zoning, the site containing a SPA, and the potential for sinkholes in the area; therefore he could not support the rezoning petition. Mr. Garman noted the area was developed with ½ acre lots or smaller and discussed the proposed lot configuration to accommodate the SPA and open space.

Mr. Garman clarified for Chairwoman Covell that the pond will be used for open space/recreational use and their plan was flexible to accommodate the required open space under condition #7.

**MOTION**      Comm. DeWitt moved to approve staff recommendation with the added statement under condition #6 that the applicant meet with the County Engineer before the BCC hearing to

discuss access to Dunkirk Road to the north and connection to the south. Comm. Sevier seconded the motion for discussion.

Comm. DeWitt discussed his preference to see both a connection to Dunkirk Road, if the line of sight could be worked out with the County Engineer, and a connection to the south. Discussion ensued regarding the submission of a conditional plat sometime in the near future outlining the access points.

Mr. Jennings clarified that the modified condition included a statement that the County Engineer review the direct entrance at Dunkirk prior to the [November 9, 2005] BCC hearing. Mr. Jennings advised the P&Z that the Dunkirk access would require another rezoning petition because of the designation of the tract between Dunkirk Road and the subject parcel.

Being put to the vote, the motion carried 4-1 with Comm. Palmieri voting nay.

NOTE: A recess was called at 12:20 p.m. and the meeting reconvened at 1:20 p.m.

**LONGVIEW EQUITIES, INC. - REZONING (H-05-101)**

Purpose: Rezoning from AR-2 to PDP(OP)/Planned Development Project (Office Professional) with a Reduction in Setbacks

Location: South side of Wiscon Road, approximately 650' east of Cortez Boulevard

Representative: Ty Maxey, Engelhardt, Hammer & Associates, Inc.

The applicant is requesting to rezone from AR-2 to PDP(OP) with a reduction in setbacks. The subject property is located on the south side of Wiscon Road, approximately 650' east of Cortez Boulevard.

Mr. Greif read into record a letter dated October 2, 2005 from Ty Maxey requesting a postponement to the November 14, 2005 P&Z hearing.

Chairwoman Covell asked for public comment. Dick Malott, under oath, stated he could return next month.

**MOTION** Comm. Palmieri moved that the Planning and Zoning Commission postpone consideration of the petition until their November 14, 2005, meeting at 9:00 a.m. Comm. Sevier second the motion, and the motion carried 5-0.

**WRIGHT LAND DEVELOPMENT, LLC - REZONING (H-05-102)**

Purpose: Establishment of a Master Plan for Property Zoned PDP(SF)/Planned Development Project(Single family)

Location: East end of Tara Street, east end of Lola Drive, approximately 1,200' north of Delbarton Street

Representative: Darryl W. Johnston, Esquire

The applicant is requesting to establish a master plan for property zoned PDP(SF). The subject property is located on the east end of Tara Street, east end of Lola Drive, approximately 1,200' north of Delbarton Street.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to establish a master plan for property zoned 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 maximum number of lots is 26.
3. The development shall be served by central water and sewer.

4. Internal lot setbacks shall be as follows: Front: 25'; Side: 10'; Rear: 20'
5. The perimeter setbacks shall be 20'.
6. The petitioner shall provide access to Lola Drive and Tara Street and shall extend those roadways to the east property line.
7. The petitioner shall provide the minimum required usable open space, demonstrating that locating usable open space within the Progress Energy easement is not precluded by the easement.
8. The petitioner shall redesign the DRA proposed for the southwest corner of the property to interconnect with the existing DRA located to the southwest of the subject property, if required by the County Engineer.
9. 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.

Mr. Jennings clarified for Chairwoman Covell that this petition was significantly different from a previous petition in that the density proposed in this petition met the number of units allowed under the current zoning classification and it was over one year since the previous petition was heard by the P&Z.

Mr. Johnston, under oath, gave a brief history of the approved rezoning in 1988, noted the density at 26 lots was the same as the 1988 approval and the open space will meet the current LDRs. He stated they agreed with the staff recommendations.

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

Mr. Jennings clarified for Comm. DeWitt that the 1988 approval allowed 30 single family units. The lot sizes and open space requirement reduced the number of units proposed under this petition.

**MOTION** Comm. Palmieri moved to recommend the BCC approve staff's recommendations. Comm. DeWitt seconded the motion and the motion carried 5-0.

**TRIPLE B PROPERTIES - CONDITIONAL PLAT (P-05-27C)**

Purpose: Conditional Plat approval for Triple B Office Park

Location: Approximately ½ mile west of Deltona Boulevard, south side on Forest Oaks Boulevard

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

Mr. Greif noted the applicant was not present and this petition was heard after the Manuel LLC petition.

**MANUEL LLC - CONDITIONAL PLAT (P-05-28C)**

Purpose: Conditional Plat approval for Eagle Point

Location: North side of Eagle Next Drive, approximately ¼ mile west of Maplewood Drive

Representative: Donald Lacey, VP, Coastal Engineering Associates. Inc.

The applicant is requesting conditional plat approval for Eagle Point. This development consists of 11 single family lots on 20.2 acres located north side of Eagle Next Drive, approximately ¼ mile west of Maplewood Drive.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission approve the conditional plat of Eagle Point with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. The applicant must demonstrate that the proposed entrance location and design does not adversely impact the adjacent lot owners.
4. The applicant shall show the wetland jurisdictional line on the conditional plat.
5. The applicant shall show a 25' natural vegetative buffer upland of the jurisdictional wetland line. Lot area water-ward of the buffer line shall be incorporated into a conservation easement/tract.
6. Each lot shall contain a minimum building area of 3025 square feet as defined by the setbacks land-ward of the conservation buffer.
7. The applicant shall show sidewalks on both sides of the roadway on the conditional plat.
8. The applicant shall show the gated entrance area roadway design on the conditional plat.
9. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Lacey, under oath, reviewed the aerial photos and the conditional plat of the subject site. He explained the proposed access will be from an existing lot acquired by the applicant and noted the roadway will be private but not gated. Mr. Lacey noted their intent to build sidewalks wherever lots are present but not along the DRA, and he asked staff for a response to the change to condition #7. Referencing staff conditions #4 and #5, Mr. Lacey stated the jurisdictional wetland line will be firmly established with the agencies prior to development and discussed the recommendation for a 25' buffering inside the wetland line. He explained that a homeowner's association and deed restrictions will be established. Mr. Lacey summarized that the upland property was properly zoned, the minimum 7500 sq. ft. lots and approximate

5,000 sq. ft. lots along the existing roadway were greater than existing adjacent lots, and the 11 lots would not create a transportation impact to adjacent lots. He asked that the P&Z approve the conditional plat if it was consistent with the county's regulations and zoning for the area. He asked to discuss what activities can go on the conservation tract under condition #5 with staff.

Chairwoman Covell asked for public comment. The following people spoke under oath in opposition of the petition: Cindy Smith; Jennifer Sullivan; John Wilson; Nancy Messineo; Linda Prescott; Grace Pizzo; Mike Ahern; Ron Basso; and Michael Jordan, President of the Hernando Beach Property Owner's Association. Their concerns included the possible violation of wetland protection and the lack of protection for the beach areas, coastline, fish hatcheries, endangered species, the environment and water filtering. Additionally, there were concerns about the issues of evacuation, safety, flooding and possible liability and legal ramifications. During their testimony, Mr. Wilson displayed an aerial of the area and Ms. Messineo displayed photographs taken of property behind her home. The following people spoke under oath in support of the petition: William Epply, Scott Browning and Janey Baldwin. They felt this is upland property, not wetland as stated by those in objection to the petition, and disagreed with restricting the development of land that is properly zoned.

Responding to public comment, Mr. Lacey explained that the portion of the site to be developed is upland property, the property is properly zoned for single family use, the lot size exceeds the requirements, and the purpose of this petition was to determine conditional plat approval. Prior to development the applicant will have to obtain approval from SWFWMD with respect to the wetland line, drainage retention stormwater management, and protection of the surrounding water quality.

Mr. Lacey reviewed staff's recommendations. Regarding the entrance under condition #3, he stated the applicant will provide a 40' ROW with 5' landscape and vegetative buffer tracts on both sides of the roadway. He agreed to provide a 25' natural vegetative buffer and create a conservation easement/tract under condition #5 in accordance with state and county regulations. He reviewed the placement of sidewalks along the cul-de-sac but not in front of the DRA to address condition #7. He asked to remove condition #9 as they no longer proposed a gate. He reiterated that the petition was for conditional plat approval and not zoning approval.

Comm. Sevier stated he could not vote to approve additional homes in this area because the potential dangers from road flooding preventing access to evacuation routes during hurricanes and tropical storms.

Comm. Palmieri asked to speak with staff's Environmental Planner, and asked what impacts this development as proposed would have on the site and surrounding area. Dawn Velsor, Lead Environmental Planner for the Hernando County Planning Department, under oath, explained that the site would have to go through the SWFWMD Environmental Recourse Permitting process with review of stormwater, buffering, and wetland issues, and permits would be issued for the stormwater design.

Mr. Jennings clarified that there will be impacts when developing any property; however the P&Z needed to look at applicable rules in the subdivision regulations in relation to platting the proposed development. He did not agree with public comments about the area being violated because the plat designates the land as an upland area and the developer can only plat to the sovereign land lines. He explained that the conditional plat depicts a general geometric layout and more precise layouts would be done later in the development process. Comm. Palmieri stated he did not feel it is appropriate to develop this site.

Mr. Weissinger reminded the P&Z that this was only the conditional plat approval phase, and clarified that during final plat approval, the Legal Department will ensure the sovereign land lines are properly surveyed according to strict statutory requirements which are reviewed by the Department of Environmental Protection.

Mr. Lacey responded to Mr. Richards' question that the grade height and crown of the roadway will be determined when SWFMD addresses the elevation, drainage, and stormwater issues during the design phase of the project. Mr. Jennings elaborated on roadway designs in subdivisions so the homes are not impacted by stormwater and discussed the flood plain rules regarding fill for home construction. Mr. Richards expressed concern with the development being so close to the water.

County Engineer Charles Mixson, under oath, clarified for Comm. DeWitt that the 40' ROW proposed by the applicant at the entranceway would be the minimum to work with the drainage and adjacent lots. Mr. Mixson stated the roads could be private without a gate. Mr. Lacey clarified that the private roads would be built to county standards and maintained by the Homeowner's Association.

Comm. DeWitt, Mr. Weissinger, and Mr. Jennings discussed recent changes by the P&Z to accept sworn public testimony for conditional plats. Mr. Weissinger explained that the determination was made that the conditional plat process was just as much a quasi-judicial proceeding as standard rezonings.

Mr. Weissinger explained that the P&Z was to determine whether the conditional plat was in compliance with the county requirements and policies; the P&Z would approve the plat if they found it to be in compliance or deny it based on the determination that it was not in compliance. Discussion ensued.

Mr. Greif clarified for Comm. DeWitt that the proposed plat met the requirements with the exception of condition #3 because the standard for the road was greater than proposed in the plat. The impact will be the creation of corner lots on two separate tracts of land.

Mr. Jennings replied to Comm. DeWitt's question that the issue would have to be resolved at the construction plan phase, but opined that the proposed 5' buffer and reduced ROW width would not address the problem. Comm. DeWitt stated his agreement with some public comment and supported staff's recommendation.

In response to Chairwoman Covell questions, Mr. Jennings indicated the sovereign land line would be verified and confirmed by the agencies after the conditional plat but prior to the final plat being presented to the County. Chairwoman Covell asked to include language in condition #6 for clarification indicating that the sovereign lot line would be verified by the government agencies, and leave condition #3 as recommended by staff. She agreed with deleting condition #8 relative to the gated entrance. Mr. Greif suggested changing condition #7 to indicate the applicant shall show sidewalks along all lots instead of along both sides of the roadway. Chairwoman Covell agreed with the modification.

Comm. Sevier noted the elevation was not shown and was concerned with the properties being underwater during storm events. He stated he could not vote in favor of the conditional plat.

Mr Jennings replied to Comm. Palmieri's question that to the best of his knowledge, the parcel has been zoned R1B since the county adopted zoning maps and the upland areas were included in the same zoning as Hernando Beach.

**MOTION** Comm. DeWitt moved that the Planning and Zoning Commission approve the conditional plat of Eagle Point with the following modified performance conditions:

7. The applicant shall show sidewalks on both sides of the roadway along all lots on the conditional plat.
8. The applicant shall show the gated entrance area roadway design on the conditional plat.
8. The lot lines will be determined by the location of the sovereign line and verified by the government agencies that have jurisdiction over that.

Chairwoman Covell passed the gavel and seconded the motion. The motion failed 2-3 with Comm. Sevier, Comm. Palmieri and Comm. Preston voting nay.

**MOTION** Comm. Sevier moved that the Planning and Zoning Commission deny the conditional plat of Eagle Point. Comm. Palmieri seconded the motion and the motion carried 3-2 with Chairwoman Covell and Comm. DeWitt voting nay.

Mr. Lacey questioned the inconsistencies beside the issue with condition #3. Comm. Palmieri replied that he denied the petition because the parcel contains a mixture of upland, transitional, wetland and a portion of salt water marsh testimony by the public that the area floods during storms. He stated that the testimony and presentation did not convince him that the development would not have an effect on the surrounding area. Comm. Sevier opined that although there was some upland area, he was concerned with placing residents in danger during storm events. Comm. Preston stated her concern with possible evacuation issues and that the high water mark was not answered.

NOTE: A short recess was called at 2:52 p.m. and the meeting reconvened at 3:00 p.m.

**TRIPLE B PROPERTIES - CONDITIONAL PLAT (P-05-27C)**

Purpose: Conditional Plat approval for Triple B Office Park

Location: Approximately ½ mile west of Deltona Boulevard, south side on Forest Oaks Boulevard

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

This petition was adjourned from earlier in the meeting because the applicant was not present.

The applicant is requesting conditional plat approval for Triple B Office Park. This development consists of 6 commercial lots on 2.75 acres located approximately ½ mile west of Deltona Boulevard, south side of Forest Oaks Boulevard.

Mr. Greif reviewed the staff which indicated the Planning staff recommends the Planning and Zoning Commission approve the conditional plat of Triple B Office Park with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. Prior to final plat approval the developer must obtain site plan approval from the Commercial Development for the entire project.
4. The project will be required to provide subdivision construction plans for county approval.
5. The applicant must properly label all DRA(s) on the conditional plat.
6. The applicant must indicate on the conditional plat: the access road/driveway/parking area as a tract; the DRAs as a tract; and the common area as a tract.
7. The applicant shall establish lot boundaries conforming with the building pad footprint and reduce proposed property lines as shown on the conditional plat.
8. The applicant shall indicate dimensions of the building pad footprints in order to establish lot sizes on the conditional plat.
9. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Garman, under oath, stated he concurred with the staff recommendations.

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

Mr. Jennings noted that all roads, parking and drainage areas would be common areas.

Chairwoman Covell noted she voted against the rezoning of this parcel because she opined it was inappropriate for the area and felt there were traffic issues along Forest Oaks Blvd. She asked if she could deny the conditional plat for the same reasons. Mr. Weissinger explained that she would have to state reasons why the plat was not in compliance with the technical requirements of the Hernando County Codes and other applicable requirements. Mr. Jennings clarified that the zoning process and conditional plat process were separate.

**MOTION** Comm. DeWitt moved that the Planning and Zoning Commission approve the conditional plat of Triple B Office Park per staff's recommendation. Comm. Palmieri seconded the motion and the motion carried 5-0.

**DISCUSSION OF BRICKLEMYER REQUEST FOR SR 54 INVESTMENT PROPERTIES**

Mr. Greif reviewed Planning Department Memorandum PD-489 which outlines a request by Keith W. Bricklemyer for the P&Z to consider a rezoning application for SR 54 Investment Properties located on the north of Angela Lane, approximately 3,300' southwest of Elgin Boulevard. Mr. Greif noted public hearings were conducted by the P&Z (March 14, 2005 and April 11, 2005) and BCC (April 13, 2005 and May 11, 2005) under rezoning petition H-05-21, and the BCC ultimately denied that petition on May 11, 2005. He stated the P&Z could discuss and determine whether to hear the petition within a twelve-month period.

Responding to Chairwoman Covell's question, Mr. Jennings clarified that this application was substantially different from the original application but was similar to revised material presented to the P&Z. He recalled that the revisions were submitted at the P&Z public hearing and there were unresolved issues when presented to the BCC regarding access.

Keith Bricklemyer, Attorney for the petitioner, explained that the BCC was presented with two plans, their original design with 325 units and a revised plan with 222 units which was presented at the P&Z hearing. The staff report was based on the original plan, and the discrepancies caused the BCC to deny the application. He asked to file a PDP petition for the 200 units to address the density concerns raised by the Planning Staff. Mr. Bricklemyer indicated the new application will show two access points in response to Comm. Sevier's question.

Comm. Palmieri suggested the Planning Staff review the new application and schedule the petition within the 12 month period only if there was a substantial change. Chairwoman Covell noted it was the P&Z's responsibility, not staff, under the administrative rules to determine when to hear the petition.

Comm. Palmieri and Chairwoman Covell stated their opinion to only hear the petition if there is a substantial change to the plan presented to them at their April 11, 2005 hearing, otherwise they would prefer to wait until after April 2006 so as not to set a precedence.

**MOTION** Comm. DeWitt moved that if the applicant could demonstrate to the Planning Staff that there were substantial changes to the plan presented to the P&Z on April 11, 2005 and codified any recommendations by Staff, then the P&Z would allow the presentation of the application within the one year period. Comm. Palmieri seconded the motion.

Mr. Jennings explained that the determination would have to be made by the P&Z, not the Planning Staff. He explained that the proposal being requested for the new application was substantially different from the plan that was originally submitted to the P&Z with their public hearing packet, but it was not substantially different from the plan presented at the [April 11] meeting. He explained that even though the plan would be not substantially different, the information provided to the Board and the public would be substantially different.

Mr. Bricklemyer clarified that the application will be substantially different than the application that was originally reviewed by staff for the public hearings. The original application was not amended the way it should have been for sufficient staff review.

Comm. Palmieri and Mr. Brickleyer discussed the proposed changes; Comm. Palmieri noted there will be a change in the access points, number of SF units, and lot size which he considered to be a substantial change.

**AMENDED MOTION** Comm. DeWitt moved that the P&Z grant the applicant's request to consider a new application within the twelve month period. Comm. Palmieri seconded the amended motion and the motion carried 5-0.

**APPLICATION REVIEW FOR CURRENT VACANCY ON THE PLANNING AND ZONING COMMISSION**

The Planning Department presented Memorandum PD-507 which included the ranking sheet and applications for the current vacancy on the P&Z board. Applications were received from Arthur Raymond Dillman, Lisa Hammond, Bill Joe Luecke, Kenneth W. Smith, Robert F. Widmar, Thomas Richards, James Adkins, and Tina Tysinger.

Chairwoman Covell advised the P&Z that they are required by the BCC to review and rank each applicant, and provide written justification for the selection of the top candidate.

During discussion, Comm. Sevier expressed the importance for members to attend all meetings and suggested site visits for better understanding of the petitions. Comm. DeWitt discussed his concern with ranking applicants without first interviewing them. Comm. Preston felt the applicants should be acquainted with the County before sitting on the P&Z board.

Chairwoman Covell noted Mr. Richards was seated at the dias and some other applicants were present in the audience. The P&Z agreed, with the exception of Comm. Sevier, not to take public comment or comments from the applicants.

The P&Z ranked the applicants. Comm. Palmieri stated his first choice was Mr. Widmar because of his educational background, professional diversity, and his contribution during the EAR review process. He suggested appointing Mr. Richards for an upcoming vacancy at the end of the year.

Comm. Sevier stated he would not verbally announce his ranking but noted it was recorded on the ranking sheet. Mr. Weissinger noted that the ranking sheet was part of the public record and not required to be read allowed.

Comm. Preston ranked Mr. Richards due to his attendance record.

Comm. DeWitt stated his first choice was Mr. Richards and Mr. Smith as an alternate.

Chairwoman Covell stated her ranking was based on the guidelines for the different districts and diversity on the board. She ranked both Mr. Richards and Mr. Widmar first, noting Mr. Richards was interested in completing the full time position and Mr. Widmar's participation in the EAR committee. She ranked Ms. Hammond third for her participation in the EAR committee, Mr. Dillman fourth for his engineering expertise, Mr. Adkins fifth for his fire expertise, Mr. Smith sixth for his farming experience because Comm. Sevier also had farming experience, Ms. Tysinger as seventh because Comm. DeWitt shared the

same real estate background, and Mr. Luecke as eighth because he already served on another county board.

The signed ranking sheets were submitted to Chairwoman Covell. The consensus of the P&Z was to recommend Thomas Richards for the vacancy.

Mr. Jennings suggested the P&Z indicate their second choice to fill the potential alternate position should Mr. Richards be appointed to the full time position. Discussion ensued regarding whether these applicants would be considered for the upcoming vacancies for terms ending in December 2005. Chairwoman Covell asked that the applicants either be contacted or considered for those vacancies.

**MOTION** Comm. Sevier moved that the Planning and Zoning Commission recommend the Board of County Commissioners appoint Thomas Richards for the full time position of the P&Z. Comm. DeWitt seconded the motion and the motion carried 5-0. Comm. Palmieri noted Mr. Richards was not his first choice but voted in favor of the motion.

**OTHER BUSINESS**

Comm. Sevier referenced an article in the *Hernando Times* entitled Board Hopefuls GEO Ties Debated and noted the P&Z decisions were never based on partizan politics.

Comm. DeWitt discussed Nicholas Nicholson's early departure at the September P&Z meeting and stated that he heard Comm. Nicholson state he was not feeling well and required medication. Comm. DeWitt felt that if that information had been relayed to the Chair, discussion would not occur regarding a reprimand. Chairwoman Covell agreed that had they known the severity of Mr. Nicholson's illness, they would not have gotten upset with his departure. She publicly thanked Mr. Nicholson for serving on the P&Z for seven years.

Chairwoman Covell and Mr. Weissinger discussed a newspaper article regarding a problem in Hillsborough County regarding delayed subdivision due to school concurrency; she provided the article to Mr. Weissinger. Mr. Weissinger and Mr. Jennings explained that Planning staff and the County Attorney's office were meeting to ensure Hernando County understands the new growth management legislation. Mr. Jennings added that the County had applied for interlocal agreements regarding school concurrency.

Chairwoman Covell and Mr. Jennings discussed another newspaper article regarding new growth management of roads and building permits issued without road concurrency. Mr. Jennings stated they were meeting with the County Attorney's Office regarding the requirements to implement the new statutory provisions. Mr. Weissinger noted the County had already enacted proportionate fair share mitigation through development agreements and additional contributions as necessary.

Comm. Dewitt and Mr. Jennings discussed the 50 peak hour trip threshold for traffic studies. They also discussed a density clustering in rural areas and the idea of a "density bonus" to allow addition density with reserved open space in a conservation subdivision.

Comm. Sevier reiterated that he would have like to have heard from the applicants present for the vacant position. Comm. Palmieri felt the procedure should be changed. Chairwoman Covell stated the policy would have to be changed as a board, not individually, and reviewed the requirements of the BCC policy.

There being no further business, the meeting was adjourned at 3:52 p.m.

Signed,

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Anna Liisa Covell, Chairwoman  
Hernando County Planning & Zoning Commission

cjb