

STAFF REPORT

Planning & Zoning Commission: February 13, 2006
Board of County Commissioners: March 15, 2006
Planning & Zoning Commission: April 10, 2006
Board of County Commissioners: May 10, 2006
Planning & Zoning Commission: May 8, 2006

APPLICANT: Nohl Crest Homes Corporation **FILE NUMBER:** H-06-04

PURPOSE: Establishment of a Master Plan on Property Zoned PDP(MF)/Planned Development Property (Multifamily) with Setback and Parking Deviations

GENERAL

LOCATION: South side of Nakoma Way, approximately 850' east of St. Andrews Boulevard, approximately 1,600' west of US 19

LEGAL

DESCRIPTION: A portion of Section 26, Township 22 South, Range 17 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: PDP(MF), AR-2	The Heather
South: PDP(REC)	Golf course
East: PDP(MF), PDP(REC)	MF, golf course
West: PDP(MF), PDP(REC)	MF, golf course

SUMMARY OF REQUEST

The petitioner requests to establish a master plan on property zoned PDP(MF) with deviations from the multifamily parking and open space standards. The subject property is located on the south side of Nakoma Way, approximately 1,600' west of US 19.

FACTUAL INFORMATION

1. The property is currently zoned PDP(MF).

2. The property comprises approximately 13 acres.
3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Nakoma Way.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by multifamily residential and recreation uses.
13. The petitioner requested deviations from the County's multifamily design standards regarding setbacks, and parking distribution standards.

STAFF DISCUSSION

The petitioner requests to establish a master plan on property zoned PDP(MF). The petitioner proposes developing the site with 168 townhouse units. In 1972 the BCC approved the Heather's rezoning. No master plan exists for the multifamily area.

The plan shows 25' minimum perimeter setbacks with 5' landscape buffers. The petitioner proposes 168 single family attached townhouse units in 26 buildings. The plan shows 20 6-plex buildings and 6 8-plex buildings. The buildings are proposed to have a maximum height of 45' or three (3) stories. The building fronts are proposed to be located a minimum of 25' from the back of the curb and the building sides are proposed to be located a minimum of 10' from the back of the curb. The minimum building setbacks, excluding garages, from the edge of pavement of internal vehicular accessways

is 25'. The petitioner requests a reduction from 25' to 10' for sides of buildings from the internal accessways. The requested deviation is from the MF design standards in the LDRs, and not the PDP regulations; consequently this request will have to be addressed during development review of the project.

The County's LDRs include development standards for multifamily development addressing building facades, building materials, roof pitch and regulations on rooftop equipment in addition to open space, pedestrian circulation, access design, sidewalks, etc.

The petitioner requests a deviation from the multifamily parking standard as it relates to distribution throughout the project. The LDRs require 336 parking spaces for the multifamily development proposed. The plan proposes a total of 382 parking spaces. The petitioner proposes a deviation from the required distribution of parking spaces. When parking spaces are placed within entry aisles to a garage, an additional thirty (30) percent of the required parking must be provided within common areas throughout the project. The petitioner proposes providing 46 parking spaces in common areas instead of the required 101 parking spaces. The petitioner justifies the request by noting 46 additional spaces will be provided. The Planning staff does not object to the deviation, as the petitioner intends to provide more than the minimum number of spaces required.

The plan shows 1.85 acres (or 14.2% of the gross area) as open space/rec-park and 5.46 acres (or 42% of the gross area) in additional open space. The multifamily design standards indicate a minimum 15% of the gross site must be maintained in open space. The proposed open space meets the multifamily standards.

If the master plan is approved, the petitioner will be required to receive approval through the development department for compliance with the LDRs which include the MF development standards.

The petitioner indicates the project will be served by central water and sewer. The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 6" water line is located on the north side of Nakoma Way. The Utilities Department indicates the 6" water line must be looped as a requirement of the development. A 4" sewer force main is located on the north side of Nakoma Way, a sewer pump station is located on the north side of Nakoma Way near the north corner of the subject property and a gravity sewer system is located on St. Andrews Boulevard proximate to the southwest corner of the parcel. If the request is approved, the petitioner will be required to connect to central services.

County LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. If approved, the petitioner would be required to meet the applicable LDRs.

The proposed development area is a pod within the Heather subdivision. Board policy requires the provision of two access points to new developments, or development pods. The master plan indicates only one access to Nakoma Way. The petitioner should be required to provide a second access to the pod in order to meet the Board's access policy.

The Hernando County School Board indicates that the request would generate approximately 53 additional students. Elementary schools students would be assigned to Pine Grove Elementary School, middle school students would be assigned to West Hernando Middle School, and high school students would be assigned to Central High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

The Gulf Coast Conservancy has been notified of the request; no response has yet been received. SWFWMD has no comments regarding the request.

FINDINGS OF FACT

The area is characterized by multifamily residential and recreation uses. Multifamily and recreational uses are located to the north. Multifamily development is located to the east. The Heather golf course is located to the east, west and south.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Multifamily is an allowable subcategory of residential which may allow multifamily units up to 16 units per acre. The petitioner proposes 168 units on 13 acres. The 12.92 du/ac density would be allowed with performance conditions per the LDRs. The subject property is already zoned multifamily, the petitioner seeks to establish a master plan as required by the LDRs.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. The subject property is located within the Heather development, which is characterized by single family and multifamily residential uses.

The staff is of the opinion that the establishment of the master plan on property zoned PDP(MF) with deviations from the multifamily parking standards is appropriate, based on the following conclusions:

1. The setback deviation requested should be addressed at the time of development review.
2. The proposed master plan would be compatible with the surrounding area.
3. The proposed master plan is consistent with the Comprehensive Plan.

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

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

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for the establishment of a master plan on property zoned PDP(MF) with deviations from the multifamily parking standards, with the following performance standards:

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 density approved is 13 du/ac.
3. The minimum lot size is 792 square feet.
4. Minimum internal side lot setbacks shall be 0'.
5. Minimum perimeter building setbacks shall be 25'.
6. The development shall meet the multifamily design standards required for a PDP(MF).
7. Two access points to Nakoma Way shall be provided to the project.
8. The deviation from the standard for the required distribution of parking spaces is approved as proposed.
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.

P&Z RECOMMENDATION:

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

BCC ACTION:

On March 15, 2006, the BCC voted 5-0 to postpone hearing the request until the May 10, 2006, meeting at 9:00 a.m.

NOTE:

The petitioner has verbally indicated the concept is changing from a single family attached townhouse concept to a multifamily concept. No revised materials have yet been received. The petitioner indicates he has met with the Heather's homeowners association to describe the revised concept. The petitioner has verbally indicated he intends to request a postponement to the May 8th P&Z.

P&Z RECOMMENDATION:

At the April 10, 2006 meeting, the P&Z voted 5-0 to postpone hearing the request until the May 8, 2006 meeting at 9:00 a.m. The petitioner submitted revised materials to the staff on April 7, 2006.

The revised plan submitted by the petitioner indicates 210 unit condominiums, which is an additional 42 over the prior plan, on the subject 13.44 acre project. The density proposed is 15.6 units per acre

The petitioner's narrative states that as a condominium development, there will be no individual fee-simple lots within the development. The development will maintain a minimum of 25' foot perimeter setbacks and on all sides. The petitioner states that each building will maintain a 10' foot front/side setback from back of curb, and 15' building separations. The project, if approved, will be required to meet the county's minimum LDRs for MF development. The setbacks as proposed do not comply with the minimum standards. The petitioner has provided no justification to vary the established standards.

The petitioner has modified their plan to indicate two access points to Nakoma Way to comply with the BCC policy.

Condition numbers 3 & 4 are no longer necessary since the petitioner has modified the concept such that lots are no longer being proposed.

The School Board of Hernando County, Florida

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December 12, 2005

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

Dear Chris:

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

In reference to **H-06-01** the request from Homer E. Hunnicutt, Jr. to rezone and develop a 49.18 acre site with 388 multi-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 rezoning request is expected to have a significant impact to the District with an increase of an additional 130 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$275,000 and 5.5 teachers at an estimated cost of \$275,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 130 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,156,662 and \$1,174,122.

In reference to **H-06-04**, the request from Nohl Crest Homes Corporation to establish a Master Plan on 13 Ac and develop 158 multi-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 rezoning request is expected to have an impact to the District with an increase of an additional 53 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$175,000 and 2.5 teachers at an estimated cost of \$125,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 53 additional students. This worksheet shows an estimated impact in excess of school taxes between \$472,383 and \$479,493.

In reference to **H-06-06**, the request from Keith Brickmeyer, Esq to rezone 60 Ac and develop 48 single family detached homes and 181 single family villas, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – JD Floyd Elementary School
Middle (6-8) – Powell Middle School
High (9-12) – Springstead High School

This rezoning request is expected to have an impact to the District with an increase of an additional 77 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$175,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 77 additional students. This worksheet shows an estimated impact in excess of school taxes between \$688,725 and \$699,030.

In reference to **H-06-10**, the request from Alan Garman and John McRae to rezone and develop approximately 133 residential lots, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 45 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms at an estimated cost of \$100,000 and 2 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities and eliminate portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 102 additional students. This worksheet shows an estimated impact in excess of school taxes between \$406,197 and \$412,182.

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