

STAFF REPORT

Planning & Zoning Commission: January 9, 2006
Board of County Commissioners: February 8, 2006
Board of County Commissioners: March 15, 2006

APPLICANT: Keith Brickleyer, Esq., Brickleyer, Smolker & Bolves, PA
FILE NUMBER: H-06-06

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

GENERAL

LOCATION: North of Angela Lane, approximately 3,300' southwest of Elgin Boulevard

LEGAL

DESCRIPTION: A portion of Section 16, Township 23 South, Range 18 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 10 LETTER OF CONCERN: 1
PETITION AGAINST: 1 with 34 signatures

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG, PDP(SF)	Undeveloped
South: R-1C	Plantation Estates
East: PDP(SF)	Pristine Place
West: AG	Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(SF). The subject property is located north of Angela Lane, approximately 3,300' southwest of Elgin Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 60 acres.

3. The site is undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from Angela Lane.
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; however, the subject property is located on a section of Elgin Boulevard that has reduced capacity.
12. The area is characterized by single family uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from AG to PDP(SF) in order to develop the site with 181 single family attached villas and 48 single family detached homes. The petitioner has provided a revised site plan late in the staff's review process providing an unclear access management plan. The plan shows the 60 acre subject property and the 40 acre PDP(SF) property to the northwest. The P&Z recently approved a conditional plat for the 40 acre property to the northwest. The plan is inconsistent with the legal description of the 60 acres provided. The plan does not show functioning interconnection between the 60 acre subject property and the 40 acre property to the north.

In May 2005, the BCC denied a request to rezone the subject property from AG to PDP(SF), The petitioner had initially proposed a development at 5.4 units per acre, later revising it to 3.7 units per acre. In October 2005, the P&Z agreed to hear a request to rezone the property from AG to PDP(SF) within the 12 month period since the P&Z heard the original request.

The villas are proposed to have minimum lot sizes of 3,850 square feet with 35' minimum lot width, and setbacks as follows: 20' front, 5' side and 15' rear. The single family detached homes are proposed to have minimum lot sizes of 7,000 square feet with setbacks as follows: 20' front, 5' side and 15' rear. A revised plan shows the villas would have 20' front, 0'/5' side and 15' rear setbacks and the single family detached would have 20' front, 5' side and 15' rear setbacks.

The plan shows 35' landscape buffer/setback along the north, east and south project lines. If the request is approved, the Planning staff would also recommend a minimum 25' landscape buffer/setback along the west property line. No detail about the contents of the buffers is provided. It is the staff's opinion the buffer should be characterized by 80% opacity. The Planning staff recommends the buffers not be located on the single family lots but in a common area owned by the homeowners association.

The revised plan does not indicate the total amount of usable open space proposed. The plan appears to show more than the required 3 acres, or 5% of the project area, as usable open space. If the request is approved, the petitioner will be required to provide the minimum amount of open space proposed.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 10" water line is located on the west half of the northern property line, a 10" water line is located on the western property line and a 6" water line is stubbed out north on Angela Lane. A sewer pump station is proposed to be located approximately 825' north of the subject property. The developer will have to coordinate with the Utilities department for installation of a force main. Connection to the sewer force main will require installation of an onsite sewer pump station and an offsite force main. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The County's 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 Transportation Planning Coordinator indicates that the development approvals for previous developments along Elgin Boulevard have substantially reduced the capacity along the roadway; Elgin Boulevard has no additional capacity west of the power lines. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

The site has access from Angela Lane. The plan shows an access to the west to the extension of Sterling Hills Boulevard, a collector roadway. The depiction of the Sterling Hills Boulevard is consistent with the County's plan for a collector roadway from Elgin Boulevard to Linden Drive.

Access to Angela Lane is proposed as an emergency access only. The plan shows a roadway stubbing north into a 40 acre parcel on which the P&Z recently approved a conditional plat. The approved conditional plat does not provide interconnection south into the subject property. Additionally, the master plan approved in 2003 provided a 25' strip running from the southern terminus of the collector roadway to the east to provide access to a 20 acre property immediately north of the subject site. The subject master plan does not clearly reflect any coordination with this access strip.

The County subdivision access policy requires a minimum of two (2) access points for residential subdivisions, although if there is an ability to provide future connections as the area develops, a functional second access may not be required at the time development commences. The County Engineer indicates the access plan is unacceptable without a minimum of two (2) access points. The County Engineer notes that plan does not fully address provision of access to the 20 acre AG parcel north of the subject property. The County Engineer objects to the design of the proposed three (3) traffic circles in the northwest corner of the project; he recommends the developer provide only one traffic circle at this location. The Planning staff and the County Engineer are of the opinion the petitioner has not provided an adequate access plan for the project.

The Hernando County School Board indicates that the request would generate approximately 77 additional students. Elementary schools students would be assigned to J.D. Floyd Elementary School, middle school students would be assigned to Powell Middle School, and high school students would be assigned to Springstead High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

FINDINGS OF FACT

The area is characterized by single family residential uses and undeveloped parcels. Pristine Place, a single family subdivision characterized by lots one-third of an acre in size, is located to the east. Plantation Estates, a single family subdivision characterized by half-acre lots, is located to the south. A 40-acre parcel to the north was rezoned in 2003 from AG to PDP(SF), with a density of four (4) units per acre. Undeveloped AG parcels are located to the north and west.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities ranging from .10 du/acre up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches, and community center with the appropriate land use approvals. The proposed request results in a density of 3.8 units per acre which is within the range allowed by the comprehensive plan.

Policy 1.01F (3) indicates medium high density zoning districts shall be directed to areas within or adjacent to urbanizing sectors within the County at densities not to exceed 4.0 units per acre. The Planning staff is of the opinion medium high density residential is appropriate at this location, with adequate access provided, due to the character of the adjacent single family residential development.

The Planning staff is of the opinion the Planning and Zoning Commission should postpone hearing the petitioner's request to rezone from AG to PDP(SF), due to the inadequate information provided regarding the access plan proposed for the project.

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:

The Staff recommends the P&Z postpone consideration of the petitioner's request until their February 13, 2006, hearing.

P&Z RECOMMENDATION:

The Planning and Zoning Commission made the following findings based on information provided at the hearing:

1. The intensity proposed in the modified master plan would not adversely impact the surrounding area.
2. The master plan adequately addresses issues relating to access and inter-connectivity.
3. The proposed rezoning, is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions set forth.

At the January 9, 2006 meeting, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG 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 applicant shall make roadway connection to the north into the adjacent portion (eastern portion) of the Perry/Bradford 40 acre tract as shown on the zoning site plan submitted 12-21-05. The applicant shall relocate the access reservation strip approved per rezoning petition H-05-55 (25') north and provide a 50' access reservation strip as shown on the zoning site plan. Development of the subject property shall not commence until the master plan revision for the Perry/Bradford 40 acre tract has been submitted and approved addressing the north/south connection and the relocation of the access reservation strip.
3. The developer shall provide emergency access to Angela Lane.

NOTE:

The Planning staff recommends that if the BCC approves the request, the following performance conditions be considered.

4. The minimum lot size for the villas is 3,850 square feet; the minimum lot size for single family detached homes is 7,000 square feet.
5. The maximum density allowed is 3.8 units per acre.
6. Minimum internal lot setbacks for the villas are approved as follows:
Front: 20' Side: 0/5' Rear: 15'
7. Minimum internal lot setbacks for the single family detached homesites are approved as follows: Front: 20' Side: 5' Rear: 15'
8. Minimum perimeter building setbacks are approved as follows:
From the north, south and east property lines: 35'
From the west property line: 25'
9. Minimum 25' perimeter buffers with 80% opacity are required along the north, east and south property lines. A minimum 5' vegetated buffer is required along the west property line. The buffers shall be located in a common area owned by the homeowners association.
10. The petitioner shall redesign the access at the northwest corner with only one traffic circle, as required by the County Engineer.
11. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

On February 8, 2006, the Board of County Commissioners voted 5-0 to postpone this petition until the March 15, 2006 BCC hearing at 9:00 a.m.

STAFF REPORT ADDENDUM:

The staff had recommended postponement of the petitioner's initial request because we had some concerns regarding the access issues to this site. Specifically, the master plan indicated a roadway stubbing to the north into a 40 acre parcel. The 40 acre parcel, which recently obtained conditional plat approval, did not indicate this connection into the subject property. Additionally, the master plan for the 40 acre parcel to the north provided a 25' strip to the east to provide access into a 20 acre property north of the subject site. The initial master plan did not clearly reflect any coordination with this access strip. At the P&Z hearing conducted in January, the petitioner proposed a condition which would mandate a master plan revision on the 40 acre property to the north to ensure the interconnection, and to relocate the access strip to the 20 acre piece prior to any approvals being obtained on the subject property. Based on the petitioner's proposal, the P&Z recommended approval, with conditions, without a formal recommendation by the Planning staff. Staff provided supplemental conditions for the BCCs consideration in the event the BCC approved the request. Although the petitioner's proposal to add a condition was not the staff's preference for resolving the issue, we believe the final language developed will address our concerns.

The petition was scheduled for the February 8, 2006, BCC meeting; however the petitioner requested a postponement in order to address the conditions added by staff, make some modifications to the plan, and request staff render a formal recommendation on the request.

A revised master plan has been provided to the staff. The revised request being presented to the BCC for approval proposes a mixture of Villa lots (single family attached on 35' x 110' lots), and single family lots (70 x 110') for a total of 211 units. The internal lots setbacks proposed are: front: 20', side 5' for the SF, and 5'/0' for the SFA, rear: 15'. Lots along the south and east boundaries will have a 35' perimeter buffer in addition to the 15' rear yard setback. The buffer is proposed to provide 80% opacity.

Additionally, the previous plan submitted to the staff indicated villa lots along the eastern boundary adjacent to Pristine Place. The petitioner has modified the plan by placing single family lots along the eastern boundary. The villa lots are placed along the north boundary and internal to the project. Single family lots are along the south and the east. The overall density being proposed is approximately 3.51 units/acre. The lot size areas as indicated on the master plan cannot be relocated if the request is approved without a master plan revision. The petitioner also proposes several DRAs along the project perimeter. Any relocation of the DRAs would require a master plan revision as they are considered to be part of the petitioner's buffering plan.

The initial plan indicated two traffic circles at the northwest portion of the project. After review with the County Engineer, the staff's supplemental conditions reflected the plan should be revised to provide only one traffic circle. The plan proposed for approval modified the configuration per the staff's recommendation.

As a final note, the petitioner submitted a master plan revision pursuant to condition #2 which is currently being processed by staff.

After review of the revised plan submitted on February 22, 2006, the staff is of the opinion that the request for a rezoning from AG to PDP(SF) is appropriate, based on the following conclusions:

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

Pursuant to the findings of fact outlined in the staff's addendum above, the Planning staff recommends the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG 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 applicant shall make roadway connection to the north into the adjacent portion (eastern portion) of the Perry/Bradford 40 acre tract as shown on the zoning site plan submitted 12-21-05. The applicant shall relocate the access reservation strip approved per rezoning petition H-05-55 (25') north and provide a 50' access reservation strip as shown on the zoning site plan. Development of the subject property shall not commence until the master plan revision for the Perry/Bradford 40 acre tract has been submitted and approved addressing the north/south connection and the relocation of the access reservation strip.
3. The developer shall provide emergency access to Angela Lane.
4. The minimum lot size for the villas is 3,850 square feet; the minimum lot size for single family detached homes is 7,000 square feet.
5. The maximum density allowed is 3.51 units per acre.
6. Minimum internal lot setbacks for the villas are approved as follows:
Front: 20' Side: 0'/5' Rear: 15'

7. Minimum internal lot setbacks for the single family detached homesites are approved as follows: Front: 20' Side: 5' Rear: 15'
8. Minimum perimeter building setbacks are approved as follows:
 From the north, south and east property lines: 35'
 From the west property line: 25'
9. Minimum 35' perimeter buffers with 80% opacity are required along the north, east and south property lines. A minimum 5' vegetated buffer is required along the west property line with 80% opacity. The buffers shall be located in a common area owned by the homeowners association.
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

BCC ACTION:

On March 15, 2006, the Board of County Commissioners voted 5-0 to adopt Resolution # 2006-76 approving the rezoning from AG 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 applicant shall make roadway connection to the north into the adjacent portion (eastern portion) of the Perry/Bradford 40 acre tract as shown on the zoning site plan submitted 12-21-05. The applicant shall relocate the access reservation strip approved per rezoning petition H-05-55 (25') north and provide a 50' access reservation strip as shown on the zoning site plan. Development of the subject property shall not commence until the master plan revision for the Perry/Bradford 40 acre tract has been submitted and approved addressing the north/south connection and the relocation of the access reservation strip.
3. The developer shall provide emergency access to Angela Lane.
4. The minimum lot size for the villas is 3,850 square feet; the minimum lot size for single family detached homes is 7,000 square feet.
5. The maximum density allowed is 3.8 units per acre.
6. Minimum internal lot setbacks for the villas are approved as follows:

Front: 20' Side: 0'/5' Rear: 15'

- 7. Minimum internal lot setbacks for the single family detached homesites are approved as follows:
Front: 20' Side: 5' Rear: 15'
- 8. Minimum perimeter building setbacks are approved as follows:
From the north, south and east property lines: 35'
From the west property line: 25'
- 9. Minimum 35' perimeter buffers with 80% opacity are required along the north, east and south property lines. A minimum 5' vegetated buffer is required along the west property line. The buffers shall be natural with additional inplantings if necessary to maintain opacity and be located in a common area owned by the homeowners association.
- 10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.

NOTE: The BCC additionally approved a developer's agreement with the developer to provide for additional funding for the improvement to Elgin Boulevard to help offset the transportation impacts of the project.

The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, FL 34601
352-797-7000

**Facility & Support
Operations
8060 Mobley Road
Brooksville, FL 34601
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Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
Robert Wiggins
Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

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