

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

Board of County Commissioners: May 10, 2006

APPLICANT: GCMB Partners, LLC **FILE NUMBER:** H-06-16

PURPOSE: Rezoning from AG to PDP(MF)/Planned Development Project (Multifamily)

GENERAL

LOCATION: South side of Cortez Boulevard, north side of Wiscon Road, approximately 3,000' east of Lykes Dublin Road

LEGAL

DESCRIPTION: A portion of Section 30, Township 22 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Undeveloped
South: AG	Tree farm, undeveloped
East: CPDP, AG	Undeveloped
West: PDP(OP), AG	Tree farm, undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from AG to PDP(MF). The subject property is located on the south side of Cortez Boulevard, north side of Wiscon Road, approximately 3,000' east of Lykes Dublin Road.

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 44 acres.
3. The site is undeveloped.

4. The site contains no majestic or specimen trees.
5. The subject property has access from Cortez Boulevard and Wiscon Road.
6. The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Homosassa mucky fine sandy loan, Kendrick fine sand, Micanopy loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zones AH and C. The property is proximate to the Peck Sink.
9. The subject property contains wetlands, but no WHPAs or SPAs, according to County data resources.
10. The subject property is located within the City of Brooksville's first right to serve area. The City has been notified; however, no comments have been received.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by agricultural 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(MF) in order to develop the site with multifamily uses. The petitioner indicates the southern approximately 900', which comprises ten acres, is proposed to remain AG with a driveway from Wiscon to serve the MF. The plan shows three (3) four-story buildings and a 6,000 clubhouse building on the northern approximately 34 acres of the subject property. The petitioner proposes 96 units per building.

The petitioner proposes 60' building heights. The LDRs allow a maximum height for multifamily development of 45' and/or three stories, unless one foot is added to the required front and side yards for each foot of building height over 45' in addition to the general yard requirements for the zoning district. The plan meets the LDRs. The Planning staff does not object to maximum building heights of 60' with the minimum setbacks required: 140' from Cortez Boulevard, 35' from the frontage road, 25' from the side property lines, 90' from Wiscon Road.

The LDRs have multifamily design standards required for PDP(MF). These standards address building facades, roofing, open space, parking and internal access design. The multifamily design

standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of 5.1 acres of the 34 acres to be developed with the multifamily uses. The plan does not indicate the open space acreage proposed. The LDRs require a minimum separation distance of 15' between buildings; the narrative proposes a 50' minimum separation distance. Development will be required to comply with the LDRs.

The PDP rules require a minimum 5' buffer on a multifamily PDP where adjacent to agricultural, agricultural-residential or residential uses. The parcel is adjacent to AG parcels developed with AG uses and undeveloped and adjacent to undeveloped parcels zoned for office professional and multifamily uses. The staff is of the opinion that if the request is approved, the petitioner provide minimum 5' buffers on the northern 34 acres where adjacent to AG zoned property.

The plan shows the general location of parking lots throughout the development. If the request is approved, the developer will be required to provide parking as required per the LDRs for multifamily development. The narrative proposes providing parking at the rate of 1.25 spaces per unit. The LDRs require a minimum of 1.5 parking spaces per the 2-bedroom units proposed.

The narrative indicates that a driveway is proposed on the southern 10 acre parcel and the existing single family use is proposed to remain on the parcel. The Staff and the County Engineer do not object to the proposed driveway providing access to Wiscon Road.

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. The petitioner would be required to meet the applicable LDRs.

The subject property has access to Cortez Boulevard. If the subject request is approved, 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. The plan shows a frontage road provided within 75' of ROW adjacent to Cortez Boulevard which exceeds the minimum standard for a frontage road. The County Engineer indicates that if the request is approved, the frontage road should be realigned to connect with the reverse frontage road on the PDP(OP) parcel to the west. Additionally, the petitioner should be required to align with the frontage road identified on the plan for the C/PDP parcel to the east.

The petitioner proposes access to Cortez Boulevard and Wiscon Road. The County Engineer indicates that if the request is approved, the petitioner shall provide a minimum of 80' from the centerline of Wiscon Road.

The Hernando County School Board indicates that the request as proposed would generate no additional students. However, if children are allowed to reside in the development, the request would generate an additional 95 students. Elementary schools students would be assigned to Moton Elementary School, middle school students would be assigned to D. S. Parrott Middle School, and

high school students would be assigned to Hernando High School. These schools are currently over permanent capacity. The comments received by the School Board are attached to this report.

According to County data resources, the subject property contains a Class 3 wetland as defined by the Comprehensive Plan. This small wetland area on the east side of the project and the conveyance to the east are associated with the 100-year flood plain and the Peck Sink Complex. Peck sink is to the east of the subject property about 750 feet. During flood events the wetland becomes interconnected to the conveyance to Peck Sink.

Due to the unique nature of the Peck Sink complex and its rapid and direct contribution to the underlying aquifer, staff would recommend a 75 foot natural buffer measured from the jurisdictional wetland line of any wetland area contiguous to the Peck Sink Complex. Additionally, staff would recommend all landscaping in any approved development adhere to the principles concerning fertilizer and pesticide use as described in the DEP/IFAS publication "Best Management Practices for Protection of Water Resources in Florida". In order to comply with the County's Groundwater Protection Ordinance (GPO), any development in this area would also need to ensure that there be no direct stormwater discharge to any wetland area which has the ability to discharge to Peck Sink. Additionally, any stormwater discharged from this site must be treated to conform to predevelopment water quality levels. Floral & Faunal surveys would also be recommended to determine any listed species requirements on this property. Any wetlands and 100 year flood zone areas would need to be clearly indicated on any future plans.

The primary goal of the buffer requirement is to protect water quality flowing off the property into Peck Sink (the Upper Floridan Aquifer). Staff recommended a 75' natural buffer, not to be disturbed, to be measured from the jurisdictional wetland line of any wetland area contiguous to the Peck Sink Complex. The 75' measurement is based on the County's existing Riverine Protection Ordinance (RPO) as part of the County's Land Development Regulations. The RPO includes a 75' setback specifically for the protection of surface water quality in the major riverine systems in the County.

The project plan didn't supply flood elevation data. The site plan shows a drainage retention area and a roadway in close proximity to the wetland. If this project is approved, roadways or any finished floor elevations will be required to be constructed above the 100 year floodzone and adequate provision for onsite flood plain mitigation must be made within the specific sub-basin being filled. According to the adopted FEMA Flood Insurance Rate Map the 100 year flood elevation is 70 feet. According to the "Peck Sink Watershed Study Final Report" prepared by Dames & Moore for the County in 1992, the 100 year flood elevation for this node is 70.94 feet. FDOT commissioned a report from Andreyev Engineering on the Peck Sink Watershed which was issued in October, 1995. This report collected more site specific data and modeled the 100 year, 24 hour storm event. The closest sampling point modeled in the report was the upper sink of the Peck Complex. This study produced a 100-year flood elevation at 74 feet for this location. There is currently a cooperative study of the Peck Sink basin underway which will further refine these elevations. Prior to construction drawing approval, the SWFWMD flood study will be accepted by

the County and approved by SWFWMD and the results utilized to review the drawings. All roadways and finished floor elevations shall be constructed above this elevation.

The County's generalized mapping indicates that there is an archeological site adjacent to S.R. 50 in the subject area. If undocumented, the nature and significance of the historical/archeological site shall be evaluated by a qualified archeological expert before any development of the subject property.

The City of Brooksville and the FDOT have been informed of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by agricultural uses and undeveloped parcels. A tree farm is located to the west of the subject property. Undeveloped properties are located to the north, northwest, east and south.

The subject property is located within residential and rural land use classifications on the adopted Future Land Use Map. Policy 1.01B(10) indicates residential land uses consistent with those uses allowed in the residential land use category are allowable up to 1,320' into the rural land use category. The MF component of the project is proposed within an area which allows residential development pursuant to the Comprehensive Plan. The mapping associated with the Comprehensive Plan is generalized.

Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities.

The multifamily density proposed is approximately 8.5 units per acre. Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality. It is the staff's opinion the request is consistent with the adopted Comprehensive Plan. The subject property is proximate to commercial areas, a hospital, has access to arterial and collector roadways, can be served by central services and has sufficient acreage to be served with the minimum required open space.

The staff is of the opinion that the approval of the rezoning from AG to PDP(MF) is appropriate based on the following conclusions:

1. The proposed multifamily zoning would be compatible with the surrounding area.
2. The proposed multifamily zoning is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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

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

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG to PDP(MF) on the northern approximately 1900', with a driveway to Wiscon on the remaining AG portion, 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 have a maximum density of 8.5 units per acre.
3. 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. The frontage road shall be realigned to the south in order to interconnect with the reverse frontage road on the PDP(OP) parcel to the west and the north/south road in the northwest corner of the CPDP parcel to the east.
4. The petitioner shall provide a minimum of 80' from the centerline of Wiscon Road.
5. The perimeter setbacks shall be as follows:
140' from Cortez Boulevard

35' from the frontage road
25' from the side property lines
90' from Wiscon Road.

6. Minimum 5' vegetated buffers shall be provided on the northern 34 acres where adjacent to AG parcels.
7. The minimum separation distance between buildings shall be 50'.
8. There shall be a 75' natural buffer measured from the jurisdictional wetland line of any wetland area contiguous to the Peck Sink Complex. The area within this buffer shall not be disturbed.
9. All wetlands and 100 year floodplain shall be delineated and shown on all future plats and construction drawings.
10. Prior to construction drawing approval, the SWFWMD flood study will be accepted by the County and approved by SWFWMD and the results utilized to review the drawings. All roadways and finished floor elevations shall be constructed above this elevation.
11. All stormwater discharged from the site must be treated to conform to pre-development stormwater quality levels.
12. All landscaping installation and maintenance shall adhere to the principles concerning fertilizer and pesticide use as described in the DEP/IFAS publication "Best Management Practices for Protection of Water Resources in Florida".
13. Parcel C as identified on the master plan shall be labeled as AG.
14. The nature and significance of the historical/archeological site shall be evaluated by a qualified archeological expert before any development of the subject property.
15. 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:

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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Vice Chairperson
Jim Malcolm
Members
John Druzbeck
Pat Fagan
Sandra Nicholson

March 20, 2006

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 April P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-27** the request from BDC, LLC to Establish a Master Plan for a 10 acre site with 96 multi-family units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 32 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 1.5 teachers at an estimated cost of \$75,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 32 additional students. This worksheet shows an estimated impact in excess of school taxes between \$283,968 and \$289,728.

In reference to **H-06-40** the request from Hampton Ridge Partners, LLC to rezone a 78.9 acre site with 128 single family lots, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D.S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 43 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 teachers at an estimated cost of \$100,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 43 additional students. This worksheet shows an estimated impact in excess of school taxes between \$386,013 and \$393,693.

In reference to **H-06-37** the request from J. Lewless Holdings, LLC to rezone a 79.6 acre site with 230 single family lots, I offer the following:

Schools for which students from this development will be zoned:

Elementary (K-5) – Eastside Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando 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 \$350,000 and 3.5 teachers at an estimated cost of \$175,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 \$687,729 and \$701,529.

In response to **H-06-42**, the request to rezone from GGW, LLC and BTM, LLC it appears that residential units are planned, however, not enough information was provided to allow me to comment. If need be, I will make my comments at the public input portion of the meeting.

It appears that the request from GCMB Properties, LLC **H-06-16** will have no student impact; however if children are allowed to reside in the proposed condominium units the impact will be as follows:

Schools for which students from this development will be zoned:
Elementary (K-5) – Moton Elementary School
Middle (6-8) – D. S. Parrott Middle School
High (9-12) – Hernando High School

This rezoning request is expected to have an impact to the District with an increase of an additional 96 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 \$350,000 and 4 teachers at an estimated cost of \$200,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating 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 96 additional students. This worksheet shows an estimated impact in excess of school taxes between \$851,904 and \$869,184.

H-06-31, H-06-32, H-06-36 and H-06-39 will have minimal impact to the Hernando County School District as each of these will generate less than 10 students.

The request from Levitt Homes, LLC **H-06-41** will have no student impact to the Hernando County School District.

Sincerely,

Ken Pritz

Hernando County School Board
Facility & Support Operations, Executive Director