

STAFF REPORT

Planning & Zoning Commission: June 12, 2006

Board of County Commissioners: July 12, 2006

APPLICANT: BMM Land Trust **FILE NUMBER:** H-06-57

PURPOSE: Rezoning from AG(Agricultural) to C/PDP(OP) & (SU)/Combined Planned Development Project(Office Professional) and (Special Use) for congregate care facilities, and a waiver of the frontage road

GENERAL

LOCATION: North side of SR 50, approximately 1700' west of Cobb Road

LEGAL

DESCRIPTION: A portion of Section 20, 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: R-1A	Undeveloped
South: AG; City; C-1	Undeveloped; MF under development
East: R-1A	Undeveloped
West: AG	Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 30 acre site from Agricultural to C/PDP(OP) and (SU) to allow congregate care facilities. The property is located on the north side of SR 50, at the northern terminus of Mobley Road.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural.
2. The property comprises approximately 30 acres.

3. The subject property is undeveloped.
4. The site may potentially contain majestic and specimen trees.
5. The subject property has access from SR 50.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types are Blichton and Nobleton sands.
8. The property is located in a flood zone A and C.
9. The subject property does not contain any WHPAs or SPAs. County data resources indicate a class 2 wetland area along the eastern portion of the site.
10. The subject property is located within the City of Brooksville's First Right to Serve Area.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is a mixture of undeveloped land, commercial and MF under development.
13. The petitioner's plan indicates the frontage road along SR 50; however, verbally indicated a desire to waive it to the east. The staff included a waiver in the request for the BCC's consideration and further discussion.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 30 acre site from AG to C/PDP(Office Professional) and (Special Use) for congregate care facilities.

The narrative submitted by the petitioner indicates the desire to subdivide the property into approximately 5 parcels with each parcel potentially being a care center operation. The petitioner envisions uses such as facilities for youth and young adults with life challenging issues, life care facilities, and general congregate care facilities. The petitioner proposes 300 beds total for the combined congregate care uses. The Office Professional component of the request would accommodate administrative offices, and other general office uses. The petitioner indicates that each parcel will ultimately be owned and operated independently, but a property owners association for maintenance of the infrastructure will be created.

All development will be required to meet the minimum commercial development standards.

The subject property is located along SR 50. There is a guard rail along the frontage of the site, and a full median opening at SR 50 and Mobley Road. The petitioner proposes access to the property at the median opening. SR is four laned in this area.

The plan submitted by the petitioner depicts a frontage road across the property to comply with the County's LDRs; however, the petitioner has indicated a desire to waive the requirement along the northern portion of the site which is adjacent to residentially zoned property. The petition was advertised so the Board could consider a waiver. The staff has reviewed the request with the County Engineer. A frontage road is needed along this property to provide connectivity to the north ultimately to both Ft. Dade Avenue and Cobb Road. The petitioner should be required to provide the frontage road across the property, and along the eastern boundary of the project to the north. The petitioner should be required to provide adequate right-of-way along the eastern boundary to provide for a roadway to the north. The County's Transportation Coordinator has indicated concurrence that it would be preferable to maintain a future connection to the north to ultimately connect to Ft. Dade Avenue than to provide the connection to the east.

The County Engineer indicated that the angles of the entry road do not meet standards at the project access. The access would have to be redesigned to meet the LDRs.

Additionally, there is limited capacity along Jefferson St. East of the subject property. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat. 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 the time of development.

The plan indicates an internal cul-de-sac which serves the 5 parcels. The plan depicts a 25' perimeter setback. The County LDRs require a 35' rear perimeter setback for OP development. If the request is approved, the setback along the north boundary would have to meet the minimum LDRs. The petitioner is proposing a 5' wide landscape buffer along the perimeter of the project. It is the staff's opinion the petitioner should be required to provide an enhanced buffer along project boundaries adjacent to platted single family lots. A minimum 10' wide buffer with 80% natural vegetation should be maintained in order to minimize visual impacts of the development. The petitioner proposes a minimum 15' internal lot setback between parcels. The staff would not object to the proposed internal lot setbacks.

The plan depicts an area along SR 50 between the proposed frontage road and SR 50 with no designation. It appears the area is going to be left natural. Staff would recommend the area be depicted as preservation on a revised master plan which would enhance the visual impact of the project from SR 50.

County records indicate that there is a 20' platted roadway along the northern boundary of the project, and a platted portion along the eastern boundary. The roadways are not open; however, they exist by plat.

The plan depicts stormwater retention areas within the interior of the project.

The petitioner's narrative does not discuss wetlands on the property. The County's generalized mapping indicates a class 2 wetland along the eastern portion of the project and a small waterbody in the center of the property. There is a swale running from the southeastern portion of the project to the north west through parcels indicated as lots 4 & 5. The existing conveyance shall remain unimpeded. The associated wetlands shall be verified and delineated. Any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures, and County policies. Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if the wetlands provide critical habitat for federal and/or state listed species. If the wetlands provide critical habitat to listed species, those wetlands would be re-classified as Class 1 (in accordance with the County's Comprehensive Plan), and require County approval before any removal, encroachment or alteration could be considered. Additionally, ephemeral wetlands an 1/8 of an acre or larger are classified as Class 2 wetlands in the County's Comprehensive Plan.

The County's LDRs encourage Florida friendly landscape design and the County's Comprehensive Plan requires development to adhere to green industries best management practices. This can be accomplished through coordination with the County's Extension Office.

The subject property is located within the City's first right of refusal area. The petitioner indicates that the project will tie into the City's existing facilities. It is the staff's position that a development of this intensity should be required to be served by central water and sewer services.

The City of Brooksville and the FDOT have been notified of the request, no comments have yet been received.

FINDINGS OF FACT

The area is characterized by undeveloped property, commercial, single family and MF under development.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Offices and professional uses can be located in the residential land use category with performance conditions being met.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. There is residentially zoned property north and east of the property; however, the it is currently undeveloped. It is the staff's opinion with appropriate buffering, the subject request would not be incompatible with the surrounding area.

The Planning staff is of the opinion that rezoning the subject property from Agricultural to CPDP (OP) and (SU) to allow congregate care facilities would be appropriate, based on the following conclusions:

1. The proposed rezoning, with appropriate performance conditions, would be compatible with the surrounding area.
2. The frontage road along this project is necessary to provide future interconnection with the adjacent properties and consequently the waiver is not approved.
3. The proposed rezoning, with appropriate performance conditions, is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses.

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 C/PDP(OP) and (SU) for congregate care facilities 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. Perimeter setbacks shall be as follows:

From the north: 35'
Side: 25'
Front: 125'
3. Minimum internal lot setbacks

Side: 15'
From frontage road: 35'
From SR 50: 125'

4. A minimum 10' wide natural buffer with 80% opacity shall be provided along the north and east boundaries of the project adjacent to platted residential property. A minimum 5' along the west.
5. The buffer/sensitive area along SR 50 shall be designated as a preservation area on a revised master plan.
6. Development of the subject property shall be approved allowing up to 300 congregate care beds.
7. The petitioner shall extend a roadway to the north along the eastern boundary of the project, and provide adequate right-of-way to accommodate.
8. The entry road at the project's access shall be redesigned to meet the minimum LDRs. All other internal roadways shall meet the minimum LDRs.
9. Wetlands shall be delineated and any removal, encroachment or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures, and County policies.
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
11. A wildlife survey acceptable to the County shall be conducted to determine the presence/absence of federal and/or state listed species and Class 1 wetlands.
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.

P&Z RECOMMENDATION: