

STAFF REPORT

Planning & Zoning Commission: August 14, 2006
Board of County Commissioners: September 13, 2006

APPLICANT: Mark C. Taylor **FILE NUMBER:** H-06-70

PURPOSE: Rezoning from AG (Agricultural) to C/PDP(MF) & (OP)/Combined Planned Development Project (Multifamily) & (Office Professional) with specific C-1 uses and a setback reduction

GENERAL

LOCATION: North side of County Line Road, east side of Farnsworth Boulevard

LEGAL

DESCRIPTION: A portion of Section 32, Township 23 South, Range 18 East in Hernando County, FL

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)
South: Pasco County
East: AG & R-1C
West: AG

Surrounding Land Uses

Single Family
Undeveloped
Undeveloped, Single Family
Undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone the subject property from AG to PDP(OP)(MF).

FACTUAL INFORMATION

1. The property is currently zoned AG.
2. The property comprises approximately 33.0 acres.
3. The site is undeveloped.
4. The site contains scattered trees does not appear to contain majestic and specimen trees.

5. The subject property has access from County Line Rd and Farnsworth Blvd.
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 Candler Fine Sands. 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 is available to serve the project. There is an existing sewer pump station located north of the center of this property in the Wellington Subdivision. To connect to this pump station will require the developer to obtain a utility easement from the Wellington subdivision. Also, depending on the proposed flows for the project, the existing pump station may be required to be upgraded at the expense of the developer to handle additional flows.
11. There are capacity issues along County Line Road.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The surrounding area is characterized by single family development, office and undeveloped land.
14. The petitioner has requested a reduction in setbacks along County Line Road.

STAFF DISCUSSION

On October 12, 2005, a petition was submitted on the subject property for a rezoning from AG to PDP(OP) with C-1 uses, and multifamily. Although the intensity previously proposed was similar to the subject request, the configuration of the master plan has been substantially changed. The BCC denied the previous request due to compatibility issues, intensity issues, traffic concerns, and issues relating to the status of Quality Drive, namely that construction from Mariner Boulevard had not been completed. Subsequent to the prior denial, the petitioner has placed a DRA and enhanced buffering along the northern boundary of the project south of the Wellington and Quality Drive has been constructed to Farnsworth.

The petitioner has submitted a request to rezone this 33 acre site from Agricultural to a Planned Development Project. The petitioner is proposing to develop the site with a mixture of multifamily, and office professional uses with additional general commercial uses. The requested general commercial component includes the following from the list of C-1 uses: convenience goods stores; personal service establishments; domestic and business service establishments; domestic and business repair establishments; gasoline service stations; dry cleaning establishments; antique stores; veterinary clinics with air conditioned, sound-attenuated runs; light domestic rental establishments; secondhand stores; and nursing care homes.

The overall concept of the development proposes creation of 9 lots from the subject property. The eastern portion of the site is proposed for development with multifamily uses, the western portion with the Office Professional/ C-1 uses. The plan depicts 3 access points to County Line Road, one into the MF portion of the project, one into the Office/Commercial in the middle of the site, and a right-in right-out into the Office/Commercial. Two access points are proposed to Farnsworth, one midway in the project, and one along the north as the extension of Quality Drive. Quality Drive has been constructed to Farnsworth, but was not open at the time of staff field work.

The plan depicts the extension of the frontage road in a sweeping configuration with a large Drainage retention area between the Wellington residential development and the frontage road. A 15' wide enhanced buffer is indicated along the northern boundary of the subject property adjacent to the Wellington. The frontage road should be constructed at the time of development of the site.

The multifamily component of the project proposes 145 units on 11 acres which results in a density of approximately 13 units per acre. The concept of the MF proposes buildings with a maximum of three (3) stories. The petitioner indicates the buildings will be 20' apart and units may either be rental or condominium.

The plan reflects a 5' wide sidewalk along the frontage road. A 35' building setback from the frontage road is indicated.

The petitioner requests a 35' building setback with 110' of right of way and no landscaping along County Line Road. The minimum setback requirement along County Line Road is 125'. The requested deviation is being made because of the provision of the reverse frontage road and the accommodation of future right-of-way. Given this fact, it appears that a reduction in setbacks is warranted; however the elimination of landscaping along County Line Road should not be granted.

The County Engineer has reviewed the subject request and commented that the western most project access is too close to Farnsworth and should be removed. An access reservation strip should be placed along County Line Road. Further, the intersection at the project access is the center of the property is not acceptable. The petitioner should be required to revise as determined acceptable to the County Engineer.

The master plan submitted is conceptual in nature. The final design and development of the site will have to comply with the County's LDRs relating to MF development. The standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking etc. Additionally, 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 commercial component of the request comprises approximately 17 acres which the petitioner indicates will be a business park. The business park essentially includes office professional uses, with some additional C-1 uses as enumerated in the introduction. Of the requested C-1 uses proposed, convenience goods stores with a limit to number of vehicle fueling stations; personal service establishments and nursing care homes are considered neighborhood commercial uses. The petitioner does not indicate any mix of OP to C-1 uses. Under the proposal if approved, all of the business park lots could be developed with the C-1 uses. The staff would not object to a mix of uses; however, it is recommended the additional C-1 uses only be allowed on the lots facing County Line Road. In relation, a small restaurant/deli with 40 or fewer seats would be complementary to the MF component of the request and would be a benefit to the business center.

Adding a limited restaurant/deli use can be accommodated under the advertising for this petition. Further, it is recommended that no more than one gas station be allowed in the project.

The Utilities Department has indicated that central water is available to serve the project. The Utilities Department further indicates that there is an existing sewer pump station located north of the center of this property in the Wellington Subdivision. To connect to this pump station will require the developer to obtain a utility easement from the Wellington subdivision. Also, depending on the proposed flows for the project, the existing pump station may be required to be upgraded at the expense of the developer to handle additional flows. The proposed development would be required to be served by central water and sewer services.

The Transportation Planning Coordinator indicates that there is no longer capacity available along County Line Road. 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 Hernando County School Board indicates that the request would generate approximately 48 additional students. Elementary schools students would be assigned to Suncoast 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.

Pasco County has been notified of the request, no comments have yet been received.

FINDINGS OF FACT

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses allowed with performance conditions include multifamily housing up to 16 units 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 petitioner is proposing a MF project with a density of approximately 13 units per acre which is considered high density pursuant to the adopted comprehensive plan. Policy 1.01G(5) of the Future Land Use Element states that high density multifamily residential development in other than multi-use PDPs should be located in close proximity to commercial or employment centers. The proposed MF development is part of a mixed use PDP and is located proximate to a commercial area. Policy 1.01G(6) of the Future Land Use Element indicates that multifamily development should not be located where access to the arterial or collector roadway system is through established single family neighborhoods. The subject property directly accesses County Line Road, classified as an arterial roadway, and a reverse frontage road, with no access through a residential neighborhood. The additional buffering and placement of the DRA between the frontage road and the Wellington residential development adequately addresses the compatibility issues associated with the proposal.

The petitioner is requesting an Office Professional PDP with limited C-1 uses. The adopted comprehensive plan would allow office professional and neighborhood commercial in the residential land use classification, and general commercial uses with the extension of a functioning frontage road system. By restricting the C-1 uses to lots along County Line Road, the staff would have no objections.

The proposed rezoning is appropriate with performance conditions, based on the following conclusions:

1. Approval of PDP(OP) with additional C-1 uses would not be inappropriate on the lots located along County Line Road.
2. Approval of PDP(MF) at the intensity proposed would not be inconsistent with the adopted comprehensive plan.
3. The reduction in setbacks requested along County Line Road are acceptable given the provision of right of way and the reverse frontage road.
4. Landscaping along County Line Road shall be required.

- 5. The transportation impacts resulting from rezoning the property to PDP(OP) with C-1 uses, and (MF) will require off-site transportation improvements to allow development to proceed, or development must wait until concurrency is available.
- 6. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County’s Land Development Regulations subject to compliance with all performance conditions herein.

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 Concurrency. 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, it is recommended that 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) and (OP) with C-1 uses, and a reduction in setbacks, with the following performance conditions:

- 1. The petitioner must obtain all necessary 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. C-1 uses are approved as follows: convenience goods stores; personal service establishments; domestic and business service establishments; domestic and business repair establishments; gasoline service stations limited; dry cleaning establishments; delicatessens and restaurants with a 40 or less seating capacity; antique stores; veterinary clinics with air conditioned, sound-attenuated runs; light domestic rental establishments; secondhand stores; and nursing care homes along the properties identified as lots 1-5. There shall be a limit of one facility which sells fuel on lots 1-5.
- 3. OP uses are approved on properties identified as lots 6-8 on the proposed master plan.
- 4. Minimum OP lot setbacks are as follows:

Front (County Line Road):	35'
Side and Rear (internal)	10'
Frontage Road & Farnsworth:	35'

5. Minimum MF setbacks:

Front (County Line Road):	35'
west boundary:	15'
east boundary:	20'
Frontage road:	35'

6. The petitioner shall provide a minimum 15' vegetated buffer with a wall or fence providing a minimum 80% opacity along the northern property line.

7. Pedestrian interconnection shall be required within the commercial area, and from the commercial area to Quality Drive and Farnsworth.

8. The frontage road shall be constructed at the time of development.

9. MF buildings along the northern portion of lot 9 shall be limited to 2 stories.

10. The westernmost access to County Line Road is not approved.

11. The access in the property's center shall be redesigned to meet the County Engineer's approval.

12. The petitioner shall provide 110' of right-of-way along County Line Road as indicated on the master plan.

13. Buffering shall be required along County Line as per the LDRs.

14. 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.

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
Phone 352-797-7096

Superintendent
Wendy L. Tellone, Ed.D.
Chairperson
Jim Malcolm
Vice Chairperson
John Druzbeck
Members
Pat Fagan
Sandra Nicholson

July 24, 2006

Carlene Riecse, Planner III
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601

Dear Carlene:

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

In reference to **H-06-70**, the request from Mark C. Taylor to rezone a 33 acre site with 145 multi-family dwelling units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Suncoast 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 48 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 48 additional students. This worksheet shows an estimated impact in excess of school taxes between \$421,521 and \$430,221.

In reference to **H-06-79**, the request from Jorge Lopez for Garden Homes, LLC to rezone a portion of an 8.63 acre site with 72 multi-family units, I offer the following:

Schools for which students from this development will be zoned:
Elementary (K-5) – Brooksville 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 24 students. The above mentioned schools are currently over permanent capacity. An immediate solution to solve the impact of additional students would be adding a portable classroom at an estimated cost of \$150,000 and 1 teacher at an estimated cost of \$50,000. 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 24 additional students. This worksheet shows an estimated impact in excess of school taxes between \$212,976 and \$217,296.

In reference to **H-06-83**, the request from JA Padilla, 34601 Realty Partners to rezone a 40 acre site with 408 multi-family units, 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 136 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 \$525,000 and 6 teachers at an estimated cost of \$300,000. 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 136 additional students. This worksheet shows an estimated impact in excess of school taxes between \$1,231,344 and \$1,243,584.

In response to **H-06-78**, the request from Gerda P. and Helmut A Seefired to rezone 10 Acres will have minimal impact to the Hernando County School District as it will generate approximately 8 students. The request from Janis Tucker Moore, **H-06-80** will have no significant impact as it will generate less than 3 students.

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