

STAFF REPORT

Planning & Zoning Commission: September 11, 2006

Board of County Commissioners: October 11, 2006

APPLICANT: Gene Lanton, Coastal Bay Properties, LLC **FILE NUMBER:** H-06-94

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

GENERAL

LOCATION: South side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive

LEGAL

DESCRIPTION: A portion of Sections 25 and 36, Township 22 South, Range 19 East, 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: AG, C-2

South: AG

East: AG, C-2

West: AG, C-2

Surrounding Land Uses

Commercial, vacant commercial, undeveloped

Undeveloped

Rural residential, orange groves, vacant commercial

Undeveloped

SUMMARY OF REQUEST

The petitioner requests a rezoning from Agricultural (AG) to PDP(SF)(MF)/Planned Development Project(Single family) and (Multifamily). The subject property is located on the south side of Cortez Boulevard, approximately 1,700' east of Jefferson Street and Jasmine Drive.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural.
2. The property comprises approximately 88 acres.
3. The site is undeveloped.
4. The site appears to contain majestic and specimen trees.

5. The subject property has access from Cortez Boulevard.
6. The subject property is located within residential and conservation land use classifications on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand, Floridana variant loamy fine sand, Nobleton fine sand and pits.
8. The property is located in flood zones A and C; the property is located within the Bystre Lake 100 year floodplain.
9. The subject property contains wetlands, but no Wellhead Protection Areas or Special Protection Areas, according to County data resources.
10. The City indicates a water line is located on the north side of Cortez Boulevard and a force main extension to Emerson Road will be required for sewer service.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by agricultural, rural residential and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's Land Development Regulations (LDRs).

STAFF DISCUSSION

The petitioner requests a rezoning from Agricultural to Planned Development Project(Single Family) and (Multifamily) in order to develop the site with 263 residential units. The petitioner previously submitted a request to rezone the subject property to allow 500 units. The request was modified several times to reduce the intensity to 398, and then to 263. The plan with 263 units proposed ½ acre lots and 60' x 110' lots along the eastern boundary. The plan was ultimately denied because of concerns with compatibility with the adjacent uses, lack of a local street network and distance from central services. The petitioner requested to submit a new application within 12 months of the prior denial based on a modified plan. Both the Planning and Zoning Commission and the Board of County Commissioner's agreed to allow the petitioner to resubmit within the 12 month timeframe.

The development will consist of a mixture of 13- one acre single family lots in the southeast portion of the property, 49-60' x 110' single family lots in the northeast, and 201 multifamily units on the west half of the property.

The petitioner is proposing the following setbacks for the one acre lots of front: 20', side: 7.5' and rear: 15'. The 60' x 110' lots would have setbacks of front: 20', side 5' and rear: 15'. The setbacks proposed are consistent with other similar sized lots in the county.

The petitioner proposes a 75' wide natural buffer south of the power line, and a 35' wide natural buffer of 35'. The remaining perimeter setbacks are 20'.

The master plan depicts two (2) access points to Cortez Boulevard. The eastern access point is located at a directional median cut. The plan shows a collector road located in the western half of the subject property, stubbing into the AG parcel to the south. A frontage road is indicated along the site parallel to SR 50. Access is proposed into the property to the east.

The land use table indicates that approximately 35 acres will be provided in open space and drainage. The petitioner should be required to depict on a revised master plan the total acreage of open space separate from the combined DRA/open space.

The petitioner indicates that the multifamily component will comprise multiple buildings a minimum of 15' apart. If the request is approved, the petitioner would be required to meet the multifamily design standards for PDP(MF). These standards address building facades, roofing, open space, parking and internal access design and additional parking. The multifamily design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of approximately 3.3 acres. The plan depicts open space within the multifamily portion; however, does not indicate the acreage. A revised master plan would be required indicating compliance with the required open space for the multifamily.

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 City of Brooksville indicates the subject property is located in the City's "first right to serve area." The City indicates a water line is located on the north side of Cortez Boulevard and a force main extension to Emerson Road will be required for sewer service. Central services would be required for a development of this intensity.

The Hernando County School Board indicates that the request would generate approximately 88 additional 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.

The County Engineer requires that building permits for lots with 5' side setbacks include engineered drawings for drainage purposes.

The subject property contains four Class 3 wetlands according to County data resources. Any removal, alteration, and encroachment into these wetlands shall be in accordance with state and federal wetland permitting and mitigation procedures. Wildlife surveys shall be conducted, to determine the presence of listed species and to determine if any 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 subject property lies within an area of the Bystre Lake 100 year floodplain and contains a portion of the flood conveyance. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year floodplain. The function of the floodway conveyance shall not be adversely impacted.

The subject property lies on the edge of Chocachatti (Griffin) Prairie. This area of the County has important historical and archeological significance. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.

Citizens approached the ESLC (Environmental Sensitive Lands Committee), regarding Griffin Prairie's flood plain, and archeological significance. Members of the committee expressed concerns regarding restoration and the potential for nomination as a ESL future project.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by agricultural, rural residential, commercial and undeveloped parcels. Commercial uses are located to the north, across Cortez Boulevard. Large undeveloped AG parcels are located to the north, west and south. AG uses and rural residential uses are located to the east of the project along Griffin Road.

The subject property is located within a residential land use classification on the County's adopted Future Land Use Map. The residential land use classification would allow single family residential densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards being met 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, office and professional, schools, hospitals and minor public facilities. The petitioner proposes a density of approximately 3 units per acre.

The request to rezone from AG to PDP(SF) and (MF) appears appropriate, based on the following conclusions:

1. The intensity of the proposed development is consistent with the residential future land use map.

2. The buffering proposed along the eastern boundary of the project enhances compatibility with the area.
3. The proposed rezoning is consistent with the adopted Comprehensive Plan and 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 staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from AG (Agricultural) to PDP(SF)(MF)/Planned Development Project (Single Family) & (Multifamily) 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. Land use areas are approved as depicted on the land use map with a total of 263 units.
3. Minimum lot sizes in the southeast portion of the site are 43,560 square feet, with internal setbacks as follows:

front: 20', side: 7.5' rear: 15'
4. Minimum lot sizes in the northeast portion of the site are 6600 square feet, with internal lot setbacks as follows:
front: 20', side: 5', rear 15'
5. The multifamily portion must meet land development regulations for multifamily development.
6. Engineered drawings for drainage purposes shall be submitted with building permits for lots with 5' side setbacks.

7. Open space acreage must be indicated in the land use table on a revised master plan in compliance with the land development regulations.
8. Prior to final plat approval, the developer will establish a means for mandatory solid waste and recyclable material pick up.
9. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year floodplain. The function of the floodway conveyance shall not be adversely impacted. 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.
10. A thorough archeological/historical evaluation shall be conducted by a qualified professional prior to any site alterations.
11. A wetland wildlife surveys shall be conducted to determine the presence/absence of listed species and to determine if any wetlands provide critical habitat for federal and/or state listed species.
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.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The School Board of Hernando County, Florida

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Brooksville, FL 34601
352-797-7000

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8060 Mobley Road
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Pat Fagan
Sandra Nicholson

August 28, 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 request that you forwarded to me for the September P & Z meeting. My comments are listed below for consideration during the staff's review.

In reference to **H-06-94**, the request from Gene Lanton, Coastal Bay Properties, LLC to rezone 88.13 Ac and develop 263 single and multi-family residential 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 88 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 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 88 additional students. This worksheet shows an estimated impact in excess of school taxes between \$781,398 and \$793,233.

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