

HERNANDO COUNTY PLANNING & ZONING COMMISSION

Minutes of December 10, 2007

The Hernando County Planning & Zoning Commission (P&Z) met in regular session on December 10, 2007, at 9:00 a.m., in the John Law Ayers County Commission Chambers, Hernando County Government Center, 20 North Main Street, Room 160, Brooksville, Florida. Members present were: Anthony Palmieri, Chairman; Robert Widmar, Vice Chairman; W. R. "Bob" DeWitt; Anna Liisa Covell; Kenneth Smith; and Ken Pritz, representing the Hernando County School Board. Also present were: Ronald F. Pianta, AICP, Planning Director; Jerry Greif, Chief Planner; Omar DePablo, Planner I; Kent Weissinger, Assistant County Attorney; Charles Mixson, County Engineer; and Cynthia Bogert, Administrative Secretary II and Notary Public for the State of Florida.

Meeting Called to Order

Chairman Palmieri called the meeting to order at 9:00 a.m., and after a moment of silence led the Pledge of Allegiance. The Chair instructed the audience of the time limits established by the Commission.

The members of the Commission and Staff introduced themselves to the audience at this time. All individuals providing testimony were sworn in by a Notary Public for the State of Florida and would be confirmed under Oath in this record.

Ex Parte Communications

The Commission members were polled and indicated they had no ex parte communications. Comm. DeWitt visited all the sites except agenda items #11(H0767), #12 (H0738), #14 (H0744), and #16 (CPAM0709). Comm. Covell and Comm. Smith indicated they drive past item #16. Comm. Widmar visited all the sites on the agenda.

Mr. Weissinger reminded the P&Z of the quasi-judicial proceedings and any observations made during site visits used to base their decision had to be placed on the record in the form of testimony or questions to persons providing testimony.

Announcements

There were no staff announcements.

Approval or Modification of the Agenda

The Agenda for December 10, 2007, was submitted for approval.

MOTION Comm. Smith moved to approve the Agenda as presented. Comm. Covell seconded the motion, and the motion carried 5-0.

Adoption of the Informational Packets into Evidence

The Agenda packet submitted to the Commission prior to the hearing included written information regarding all cases to be considered, and needed to be accepted into evidence for the hearing. The packet included staff

reports prepared by the Hernando County Planning Department staff. Staff recommended the Commission accept the Agenda packet, including the staff reports, into evidence as if read aloud in their entirety.

MOTION Comm. Covell moved to adopt the informational packet into evidence. Comm. Widmar seconded the motion, and the motion carried 5-0.

Ralph & Monteen Vitola for Rhema, LLC - Rezoning - H0740

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

Location: East side of Emerson Road, approximately 3,000' south of Cortez Boulevard

Representative: Nicholas Nicholson and Mark H. Guttman, Nicholson Engineering Associates, Inc.

This petition was postponed from the September 10, 2007, and October 8, 2007, P&Z hearings. Mr. Greif briefly reviewed the staff report which indicates the rezoning from PDP(SF) and AG to PDP(SF) and (MF) is inappropriate, based on the following conclusions:

1. The proposed development does not provide an appropriate transition in an area that is not intensely developed.
2. The proposed development is inconsistent with the County's adopted Comprehensive Plan and is incompatible with the surrounding land uses.
3. The proposed development is too intense due to the character of the surrounding properties, adjacent land uses, and environmental and soil limitations on the site.
4. The proposed density is too intense given the fact that the site is not located in close proximity to designated commercial areas or employment centers.

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the petitioner's request to rezone from PDP(SF) and AG to PDP(SF) and (MF).

Mr. Nicholson, under oath, addressed staff's concerns while reviewing their site plan. He stated the proposed 5.4 du/ac is allowed in a transitional area. He discussed the compatibility and transition of the proposed use with the surrounding non-residential uses to the north, east, and west, and addressed the different use to the south by proposing a five acre parcel along the southern boundary equal to the existing parcels. Addressing the density and soils in the northern portion, Mr. Nicholson explained that the flood plains will be moved towards the east and a large buffer will separate any roads or homes from the floodplain area. He added that the multifamily density would lower infrastructure costs for the county, and would offer housing for teachers and families near the existing schools.

Chairman Palmieri asked for public comment. Bruce Carpenter, 6018 Emerson Road, under oath, supported the proposal as it would provide housing for teachers and families with school age children.

Mr. Nicholson stated that he met with the principal of the private school and with Mr. Pritz regarding students accessing the schools. If the proposed density is approved, they could possibly construct a bridge over Emerson Road to the public school. They could not afford the bridge with the single family density.

Mr. Pianta clarified for Comm. Widmar that the overall density is 5.4 du/ac; however, the density proposed in the northern portion was around 8 du/ac. Mr. Pianta explained staff's objection that the proposed density exceeded the 4.0 du/ac cited in Policy 1.01F(7) and the location was not in close proximity to the criteria listed within the policy.

Comm. Widmar suggested eliminating the fourth floor of the MF buildings to address the 4.0 du/ac density. Mr. Pianta replied that staff would have to review a revised proposal.

Comm. Widmar questioned how security would be maintained in the gated community while providing multiple access to the schools. Mr. Nicholson explained how sidewalks would be designed throughout the development, with someone monitoring the gated sidewalks at the school access points.

Comm. Covell agreed that the site was a good location near the schools, but constructing a footbridge would not be cost effective without the higher density. However, she expressed concerns with the soil stabilization for roads and that a portion of the site was in the Byster Lake flood area as noted in the habitat and flood sections on page 3 of the staff report. Mr. Greif elaborated on the soil types cited in the staff report in response.

Comm. Covell questioned the maximum building height of 45' and/or three stories cited on page 5 of the staff report. Mr. Pianta clarified that under the PDP process, the height and associated setbacks may be increased for the MF section.

Comm. DeWitt inquired to the density of a recently approved site on SR 50 and Oxley Road, northwest of this site; Mr. Greif recalled the density was 12.5 du/ac. They discussed the prior zoning approval of the northern 25 acres of the subject site to 3.0 du/ac. Mr. Greif pointed out that this request included land within both the residential and rural categories which allow 1320' of transition into the rural category, but first an appropriate density had to be determined for the residential portion. Mr. Greif explained staff's opinion that 3.0 du/ac was an appropriate density for the northern portion but the petitioner was requesting 8.0 du/ac for the MF area and 5.4 du/ac overall. Mr. Greif felt 5.4 du/ac was an inappropriate density near the transitional boundary between the residential and rural land use categories. Mr. Greif added that comprehensive plan policies also reference appropriate densities in areas that are subject to flooding.

Comm. DeWitt agreed that the proposal needs a higher density to be feasible, especially if the pedestrian bridge is to be considered. Mr. Pritz stated the School District proposed the bridge to the developer to address their concern with students crossing Emerson Road. He explained that the school crossing guards were under the Sheriff's Office jurisdiction, not the school. Mr. Nicholson felt higher densities with more open space should be located near existing infrastructures and schools. Discussion ensued regarding projected costs for a pedestrian bridge.

Chairman Palmieri agreed with staff's recommendation as he could not support the proposed density and four-story building height. He suggested the petitioner revise the plan to reflect the 3 du/ac density originally approved.

Comm. Covell suggested postponing the petition to their February hearing to allow the petitioner adequate time to reduce the proposed density. Mr. Nicholson was unsure the MF density could be reduced to 4.0 du/ac but could consider reducing the building height to three-stories. A 60 day postponement would be sufficient time. Discussion ensued.

Comm. Smith agreed with the higher density and supported the petition as is.

MOTION Comm. Covell moved that the Planning and Zoning Commission postpone consideration of the petition until their February 11, 2008, meeting at 9:00 a.m. Comm. Widmar seconded the motion and the motion carried 5-0.

Shamiram, LLC - Abdul Adamo - Rezoning - H0750

Purpose: Establish a Master Plan on property zoned PDP(HC)/Planned Development Project (Highway Commercial) with a reduction in setbacks

Location: East side of Broad Street (US Hwy 41), approximately 950' south of Runway Drive

Representative: Ty Do; Mai, Couch, and Assoc. Inc.

This petition was postponed from the October 8, 2007, P&Z hearing. Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to establish a master plan on property zoned PDP(HC) with a reduction in setbacks 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 setbacks are approved as follows: From Broad Street (US Hwy 41): 75'; Side: 20'; Rear: 35'
3. A minimum 10' wide vegetative buffer with 80% opacity upon planting shall be provided on the south side of the property adjacent to the existing AG/(Agricultural) residential use.
4. The 100-year flood plain shall be delineated and shown on all future site plans. All finished floor elevations shall be above the regulatory 100 year flood plain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
5. The petitioner shall design and provide a stub out connection of the frontage road to the south in accordance with the requirements of the County Engineer.

6. Additional right-of-way shall be reserved for the site frontage along Broad Street (US Hwy 41) as required by FDOT and shown on the revised master plan. There shall be no improvements within the reserved area.
7. The developer shall provide an avigation easement in accordance with the requirements of the County Airport Director.
8. The petitioner will be required to provide parking in accordance with the requirements of the County LDRs.
9. The developer shall meet the County's LDR design and lighting requirements for small box commercial development.
10. Access shall be designed to meet the requirements of the FDOT and 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. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Ms. Do, under oath, agreed with staff's recommendations and asked for P&Z approval.

Chairman Palmieri asked for public comment. No one came forward.

Ms. Do indicated the location of the stubout on the small plan for Comm. Widmar. Mr. Pianta clarified that the back half of the parcel was a retention pond using by FDOT for the widening of US 41.

Ms. Do clarified for Chairman Palmieri that they will use a septic system until the connection lines for central sewer become available.

Comm. Covell stated that 8-½ x 11 site plans were difficult to read, recalled that two years ago the P&Z agreed the minimum site plan size would be 8-½ x 14.

MOTION Comm. Smith moved to recommend the BCC approve staff's recommendations. Comm. Covell seconded the motion and the motion carried 5-0.

Linda K. Miller, Mary E. Rich, and Lonzie Goodsen - Rezoning - H06110

Purpose: Rezoning from AR/(Agricultural Residential) to AG/(Agricultural)

Location: North side of Olympia Road, approximately 3,000' south of Cortez Boulevard

Representative: Joseph M. Mason Jr., Esquire

This petition was postponed from the September 10, 2007, and November 13, 2007, P&Z hearings. Mr. Greif briefly reviewed the staff report which indicates the rezoning from AR to AG is inappropriate based on the following conclusions:

1. The subject AR parcels do not meet the minimum lot size for the AG zoning district.
2. The AR parcels have been developed with residential uses.
3. Rezoning the properties to AG would not be compatible with the existing residential uses in the area.
4. Rezoning of the properties would create nonconforming lots within the AG District.

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution denying the petitioner's request to rezone from AR to AG.

Mr. Mason, under oath, discussed the history of the original zoning from AG to AR and the creation of four tracts. He reviewed a prior zoning petition, H-03-08, from AR to AG on one of the tracts, cited staff's opinion that AG was consistent with the comprehensive plan, noted the P&Z had recommended approval but BCC denied the petition, and submitted the staff report for the record. Mr. Mason then noted staff's opinion for this petition was inconsistent. He opined that staff's current position is based on policies in the comprehensive plan which prohibit the creation of new parcels that are less than the specified size in the AG district, and he argued that those policies do not indicate the zoning cannot change when it is appropriate. He opined that this situation is a classic example of spot zoning as defined within his narrative, which he cited. He asked to rezone approximately 3.5 acres of the original 5 acre tract back to AG.

Mr. Mason pointed out that there were no objections to the previous rezoning other than by neighbors who were involved in a neighborhood spat which should be resolved in other forums. Mr. Mason stated the noise and easement use issues raised at the prior rezoning hearing were not related to land use and he asked the P&Z not to take those issues into account.

Chairman Palmieri asked for public comment. Attorney Robert Morris, under oath, stated he represented Kathy Tabor and Susan Durst, property owners to the east and northeast respectively. He stated the requested rezoning was to allow commercial vehicle parking on the Miller parcel and related to signed petitions objecting to the commercial vehicle parking from the previous hearing. Mr. Morris stated that they could not undo the rezoning and parcel splits from 30 years ago, and he raised concerns as to how property values would depreciate under the proposed AG zoning and truck parking. Mr. Morris stated there was a current code enforcement case regarding the truck parking and ongoing litigation regarding the use of the easement, but those issues were not before the P&Z. He stated that the property owners relied on the AR zoning when they purchased their properties and there was not a consensus from the adjoining property owners to revert it back to AG.

Mr. Mason stated that he and Mr. Morris were trying to work out an agreement with their respective clients regarding the commercial vehicle parking. He reviewed an aerial photograph of the site while explaining where the truck would be parked and buffered from adjacent properties. He asked the P&Z to revert the AR zoning back to AG to be consistent with the surrounding zoning.

Mr. Greif advised Comm. DeWitt that the BCC voted 4-1 to deny the rezoning request in 2004. Comm. DeWitt recalled supporting the prior rezoning request and agreed the AR zoning was spot zoning.

Mr. Morris advised Comm. Covell that the Tabor property to the east was just under two acres. Comm. Covell recalled a similar parcel on Mondon Hill Road which was recently rezoned back to AG. She had supported the previous request and disagreed with staff's recommendation on this petition.

Comm. Widmar opined that the AG request was for the wrong reason – to park a commercial vehicle on the parcel, and not to allow agricultural activities. He may have considered the petition favorably if all four parcels were involved; but he supported staff's recommendation on this request.

Chairman Palmieri agreed that the original AR zoning was spot zoning but they cannot merge the four parcels back under one ownership. Approving the AR zoning would leave one non-conforming AR parcel. Therefore, he supported staff's recommendation.

Comm. Covell questioned staff's differing compatibility positions from the H03-08 petition. Mr. Pianta replied after considerable discussion regarding this petition, staff concluded that 1) a rural-residential character was created when the property was rezoned to AR and subdivided, 2) the property did not fit into the objective and purpose of the AG district, which typically consists of larger lots intended for agricultural uses, and 3) rezoning the property to AG would create non-conforming lots with certain active agricultural rights under the AG district that may not be appropriate for one acre lots. Discussion ensued.

MOTION Comm. Covell moved to recommend the BCC approve the petitioner's request to rezone from AR to AG. Comm. DeWitt second the motion and asked that the petition comply with the standard condition used for rezoning petitions. The motion failed 2-3 with Chairman Palmieri, Comm. Widmar, and Comm. Smith voting nay.

Comm. DeWitt explained that he supported the petition because the AG zoned lots across the street were also non-conforming. Comm. Covell agreed.

MOTION Comm. Widmar moved to recommend the BCC deny the petitioner's request. Comm. Smith seconded the motion and the motion carried 3-2 with Comm. DeWitt and Comm. Covell voting nay.

NOTE: A brief recess was taken between 10:24 a.m. and 10:36 a.m.

Verizon Wireless - Rezoning - H0757

Purpose: Public Service Facility Overlay District for a Communication Tower

Location: West side of Broad Street (US Hwy 41), approximately 400' north of Rustic Road

Representative: Laura B. Belflower, PA

This petition was postponed from the November 13, 2007, P&Z hearing. Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the request for a public service facility overlay district for a communication tower subject to the following 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 tower is approved up to a maximum of 195' in height.
3. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
4. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.
5. The proposed tower shall be constructed to support a minimum of four (4) antennas.
6. The compound shall be landscaped with an 80% opaque buffer, maturity achieved within one (1) year of planting, along the compound perimeter.
7. The tower will be designed with a collapse point 75' from the top of the tower.
8. The Public Service Facility shall be limited to the size of the compound as shown on the associated site plan.
9. The communication tower shall be camouflaged as a monopole with all supporting antenna concealed within the monopole, and the monopole shall be painted a neutral color.

Ms. Belflower, under oath, noted condition #8 should reflect the size was limited to the Public Service Facility instead of the compound, which is slightly larger and complies with state law. She indicated that staff had agreed with the modifications. She agreed with the remaining conditions.

Chairman Palmieri asked for public comment. No one came forward.

Ms. Belflower advised Comm. Covell that FAA approval did not require lighting so it won't interfere with the airport.

Comm. Widmar questioned the need for the 190' height instead of 150'. Ms. Belflower replied the height was consistent with other towers in the area and the 190' height was needed for coverage connectivity. Art Peters, RF consultant for the county, under oath, clarified that the service range distances outlined within the staff report did not refer to the signal range for coverage.

Comm. Widmar noted the tower was only 42' from its southern property line and he was concerned with the 75' collapse point in condition #7. Ms. Belflower described the tower design to bend over at the collapse point, with the bottom portion designed not to collapse. Ms. Belflower clarified that this tower will be designed with a 50' collapse point from the top.

Ms. Belflower advised Comm. DeWitt that the required balloon test was conducted and had filed the affidavit for the record.

MOTION Comm. Covell moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

7. The tower will be designed with a collapse point ~~75'~~ 50' from the top of the tower.
8. The Public Service Facility shall be limited to the size of the ~~compound~~ Public Service Facility as shown on the associated site plan.

Comm. DeWitt seconded the motion and the motion carried 5-0.

Brooksville Commons, LLC - Rezoning - H0755

Purpose: Rezoning from CPDP/Combined Planned Development Project, AG/(Agricultural), and C-1/(General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses

Location: Southwest corner of Yontz Road and Ponce De Leon Boulevard (US Hwy 98)

Representative: Cynthia Tarapani, Florida Design Consultants, Inc.; Joel R. Tew, Esquire; Richard C. Millian, Esquire

This petition was postponed from the November 13, 2007, P&Z hearing. Mr. Greif briefly reviewed the staff report which indicates the request for CPDP, AG, and C-1 to PDP(GC) with limited C-2 uses is not appropriate due to inconsistencies with the adopted Comprehensive Plan policies, and is incompatible with the existing rural character of the area.

1. Expansion of the commercial node is inconsistent with the County's adopted Comprehensive Plan, incompatible with the surrounding area and premature in intensity.
2. Expansion of the commercial node at this location is inconsistent with the development policies for community commercial nodes, which this intersection is expected to function as given expected development trends.
3. Expansion of the commercial node along Yontz Road is inconsistent with the Comprehensive Plan policies regarding strip commercial development trends.
4. The project should be reduced in size and scope to minimize impact on the surrounding land uses. Development on the subject site should be limited to that portion of the site which is within the existing commercial node, and is suitable for intense development.

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution denying the requested rezoning from CPDP, AG, and C-1 to PDP(GC) with limited C-2 uses.

Mr. Tew, under oath, reviewed the location map, future land use map, and zoning map from an evidence binder that was distributed at the meeting. He discussed the commercial node located at US 98 and Yontz

Road, and the differing opinions of the applicant and staff as to whether it should be a general or community commercial node. He explained that the project could be approved under either category because the comprehensive plan allows up to 100 acres of commercial for a general node or 60 acres for a community node. The aggregate commercial acreage approved for the northwest and northeast parcels were 16 acres, leaving sufficient acreage to allow the 27 acres requested in this petition. Mr. Tew discussed their desire to combine the existing CPDP, AG, and C-2 zoning into a single PDP with a consolidated master plan.

Ms. Tarapani, under oath, reviewed the summary of approved projects in the vicinity outlined under tab 10 of the binder, and noted a total of 16.7 acres of commercial use were already allocated for the node, leaving 43 acres remaining for the other two quadrants. She discussed a demographic profile using the 2000 census and 2007 estimated data to demonstrate there was sufficient population in the area to support the proposed retail project. In addition, she indicated the PHCC North Campus 1.5 miles further north on US 98 as well as the large industrial and mining sector within the area could support a shopping center at this location.

Mr. Tew cited polices from the Comprehensive Plan Commercial Node Objective (tab 13) relative to road status and commercial acreage for both the General Commercial Node and the Community Commercial Node. He compared the Functional Roadway Classification maps for Hernando County and FDOT (tabs 5 and 6 respectively) and the Hernando County Buildout Thoroughfare Plan Map (tab 7) to justify that US 98 and Yontz Road were arterial roads as classified by FDOT, and US 98 was planned as a four-laned roadway on the county's map which is consistent with an arterial, not a collector road. He argued that the property sits at an arterial road and collector road, if not two arterial roads, which according to the comprehensive plan would allow a general commercial node with up to 100 acres for commercial use.

Mr. Tew stated that the "policies" referenced by staff to divide the commercial acreage evenly into the four quadrants of a node, and not to extend the commercial acreage 1320' beyond the node's intersection were not in the comprehensive plan or the LDRs. He argued that staff's opinion to evenly divide the commercial acreage into four 15-acre quadrants would result in development of small commercial strip centers or outparcels; whereas, allowing the 27 acres on this parcel would result in a better project with a cohesive master plan and frontage road system. He clarified that under the community commercial node with a total of 60 acres, 17 acres would remain for the fourth quadrant, as 16 acres were already allocated for the northwest and northeast quadrants. Addressing the 1320' issue, he argued that C-2 commercial zoning existed 1900' from the intersection at their western property line. He pointed out that the abutting parcel to the north allowed commercial zoning 2500' north of the node's intersection.

Mr. Tew argued that staff recommended denial of this petition but recommended approval of an upcoming comprehensive plan amendment (CPAM0709) from residential to mining on property which abuts their southern boundary. Mr. Tew did not object to the mining application, but questioned how mining was more compatible with residential than the retail commercial they were seeking in this petition. He asked the P&Z to recommend approval of this petition to the BCC as in his opinion, approval of both petitions would address potential incompatibility issues between residential and mining in the area.

At Chairman Palmieri's request, Mr. Mixson clarified the collector status designation of US 98 between Cobb Road and Jefferson Street depicted on the County's Functionally Classified Roadway Map. He discussed the agreement between the County MPO and FDOT to switch Cobb Road and the present US

98 in the future. Cobb Road will become the new US 98 under FDOT maintenance, and old US 98 will revert back to county maintenance.

Chairman Palmieri asked for public comment. No one came forward.

Responding to Comm. Widmar's questions, Mr. Pianta explained staff's opinion that a community commercial node would be more appropriate at this intersection based on the land use map designations, development trends for the area, and its close proximity to the City of Brooksville. He elaborated on staff's concern that extending the commercial along Yontz Road would be outside the designation of the node and how staff had viewed the existing C-2 zoning as an anomaly. Mr. Pianta clarified that US 98 would be the major corridor and Yontz Road will be the secondary corridor. Addressing the other quadrants of the node, Mr. Pianta explained the commercial to the north functioned as neighborhood oriented commerce associated with the approved CPDP zoning, and the PDPs on the other parcels had expired. Addressing the upcoming comprehensive plan amendment, Mr. Pianta explained that mining in the area will not continue forever, and staff had concerns with the proposed shape and extension of the node along Yontz Road.

Comm. Smith and Comm. DeWitt expressed their support for the proposal and the node extension, especially in light of the upcoming CPAM-07-09 petition.

Mr. Greif clarified for Comm. Covell that the comprehensive plan specifies maximum commercial acreage for each commercial node type, but it does not specify how the acreage is to be divided within the quadrants. Mr. Pianta added that the comprehensive plan consisted of policies, not regulations, which were subject to interpretation.

Comm. Covell supported the petition as it would tie in with the zoning to the north and the site abutted ,at a minimum, two collector roads. She felt that CPAM0709, if approved, would have a significant impact on the subject property.

Mr. Pianta advised Chairman Palmieri of staff's opinion that the rectangular shape of the site with a majority of its frontage on Yontz Road was not appropriate for the node. Staff felt the node would be more appropriate along US 98/Ponce de Leon Boulevard, with Yontz serving as the minor thoroughfare. Secondly, the parcel would extend beyond the designated node on the land use map.

Mr. Tew reviewed the conceptual site plan with Chairman Palmieri. He noted the western portion would be used for water retention due to the topography, the C-2 uses would probably be located in the outparcels with the retail located in the shopping center, and they would abide by all county standards.

Chairman Palmieri asked staff for performance conditions if the petition is approved. Mr. Pianta outlined a list of conditions to: 1) establish the perimeter setbacks shown on the site plan; 2) require the petitioner to provide a frontage road in accordance with the requirements of the County Engineer; 3) identify the maximum square footage as 250,000, which includes the outparcels; 4) require the developer meet the County's LDRs for large scale retail commercial development; 5) require a 35' perimeter buffer; 6) include the standard conditions that the developer obtain all necessary permits, and any revisions to the plan must be submitted within 30 days of Board approval; 8) require the developer provide a traffic study at time of development; 9) identify the C-2 uses as listed in the staff report; and 10) address the access points.

Mr. Mixson added that the frontage road needs to be extended down. The access points were good, but they would have to determine if full access points were needed based on the traffic reports.

Mr. Tew accepted the proposed conditions but asked to reserve the right to changed the setback and buffer along the southern boundary during the site plan review process, if the comprehensive plan is approved for mining. Currently the southern boundary setback and buffer reflect the subject property abutting residential. The mining operation will have to buffer itself from adjacent properties.

Comm. Widmar asked if the alignment at the northeast access along Yontz Road noted on page 4 of the staff report was included in the performance conditions. Mr. Mixson replied affirmatively. Comm. Widmar asked for confirmation that there will be no outparcel in the southwest corner. Mr. Tew replied that there was no intent to place an outparcel west of the frontage road; the actual location of the frontage road may shift slightly.

MOTION Comm. Covell moved to recommend approval of the petitioner's request to the BCC with the following performance conditions:

- The perimeter setbacks and frontage road to be included as shown on the conceptual site plan
- The maximum square footage will be 250,000 square feet
- The developer shall meet all LDR requirements for large scale retail commercial development
- The perimeter buffer shall be 35' for the entire site
- The developer shall obtain all necessary permits per county regulations
- The developer shall submit site plan revisions within the 30 day period
- The developer shall include a traffic study
- All necessary roadway improvements for US 98 and Yontz Road will be at the cost of the developer
- The C-2 uses shall be identified
- The access points to the site shall be per the County Engineer's direction.

Comm. Smith seconded the motion. Discussion ensued.

Mr. Pianta stated that the developer will have to establish the internal setbacks for the outparcels, as they are typically depicted on the master plan; and it should be part of the P&Z recommendation. Upon further discussion, Mr. Tew indicated the typical minimum setback between commercial structures is 10'. Comm. Covell agreed to add the condition to her motion.

Comm. Widmar inquired to water and sewer service. Mr. Pianta replied that the site was within the City of Brooksville utility service area and will be addressed as part of the site plan review when the site is developed.

Mr. Tew inquired to relief of the southern boundary setback and buffer if they do not abut residential. Comm. Covell and Mr. Pianta agreed that the setback and buffer be established on the master plan. A master plan revision can be requested in the future, if needed.

Begin put to the vote, the motion carried 5-0.

Philip Dobson - Rezoning - H0765

Purpose: Re-establish a Master Plan on property zoned PDP(OP)/Planned Development Project (Office Professional)

Location: South side of Spring Hill Drive, approximately 350' east of Antilles Lane, approximately 350' west of Omaha Circle

Representative: Philip Dobson

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to re-establish a master plan on property zoned PDP(OP), with the following 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. All previously approved conditions of approval shall remain in force and effect.
3. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Mr. Dobson, under oath, explained that his approved master plan expired while he was having recorded deed restrictions rescinded by a judge. He reviewed the proposed master plan, noting a slight shift in the building locations along the rear 14' setback to save an existing stand of trees. He asked the P&Z to reinstate his PDP(OP) with the minor changes.

Chairman Palmieri asked for public comment. No one came forward.

Mr. Greif clarified condition #3 for Mr. Dobson.

MOTION Comm. DeWitt moved to recommend the BCC approve staff's recommendations. Comm. Smith seconded the motion and the motion carried 5-0.

Newton Oldacre McDonald, LLC - Rezoning - H0767

Purpose: Rezoning from C-1/(General Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2/(Highway Commercial) use for an Automotive Service Establishment with a reduction in setbacks

Location: East side of US Hwy 19 (Commercial Way), approximately 1,200' south of Trenton Avenue

Representative: Don Kendall, Development Management Group, LLC

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone from C-1 to PDP(GC) with a specific C-2 use for an Automotive Service Establishment 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 setbacks are approved as follows:
North: 20'; South: 35'; Commercial Way (US Hwy 19): 75'; East: 35'
3. A 25' wide vegetative buffer shall be provided on the along Commercial Way (US Hwy 19). A 5' wide vegetative buffer shall be provided along the remaining perimeter of the subject site.
4. Access shall be as depicted on the master plan.
5. The development shall be served by central water and sewer.
6. No direct access to Commercial Way (US Hwy 19) shall be permitted.
7. The developer shall meet the County's LDR design and lighting requirements for small box commercial development.
8. No outside storage or display of material and/or merchandise shall be permitted.
9. The areas designated for used tire storage and trash enclosure shall be screened from view from the public right-of-way by a minimum 6' wall.
10. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Mr. Kendall, under oath, agreed with staff's recommendation.

Chairman Palmieri pointed out an error in the notary acknowledgment section of the application form. Mr. Weissinger stated the error made the application defective. Mr. Greif suggested the P&Z move forward with the petition as long as the applicant provide a properly executed application before the BCC hearing. Mr. Kendall agreed.

Chairman Palmieri asked for public comment. No one came forward.

Comm. Widmar questioned the wall height under condition #9, and recalled a similar petition further north which required a taller wall for the used tire storage area. Mr. Greif stated the key to the condition was screening the storage area from view, and suggested removing the height reference in condition #9.

MOTION Comm. Covell moved to recommend approval to the BCC per staff's recommendations with the following modified performance condition:

9. The areas designated for used tire storage and trash enclosure shall be screened from view from the public right-of-way by a ~~minimum 6'~~ wall.

Comm. Widmar and Comm. DeWitt seconded the motion and the motion carried 5-0.

NOTE: A lunch recess was called between 11:58 a.m. and 1:01 p.m.

Robert A. Williams, and/or Fowler White Boggs Banker PA - Rezoning - H0738

Purpose: Rezoning from AG/(Agricultural) and C-2/(Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with limited C-2/(Highway Commercial) uses with a reduction in setbacks

Location: Northwest corner of County Line Road and US Hwy 19 (Commercial Way)

Representative: Mary Sherman, Fowler White Boggs Banker PA

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the rezoning from AG and C-2 to PDP(GC) with specific C-2 uses with a reduction in setbacks with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 are approved as:
US Hwy 19: 75'; Frontage Road: 35'; Side: 20'; Rear: 35'
3. The petitioner shall provide a frontage road in accordance with the terms of the County's frontage road ordinance.
4. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
5. All wetlands shall be delineated on future plans and any removal, alteration, or encroachment into the wetlands shall adhere to state and federal permitting and mitigation.
6. A portion of the property is contained within the 100 year floodplain. Mitigation for flood plain encroachment will be required for fill volume placed within the flood plain. Additional mitigation will be required for any impact to jurisdictional wetlands. All roadways and finished floor elevations shall be above the 100-year flood elevation.

7. Full cutoff lighting shall be required within 30 feet of all property lines on the perimeter of the development. All other lighting shall be semi-cutoff or full cutoff fixtures.
8. A 10' wide landscape buffer shall be placed around the entire perimeter of the subject site. Buffers adjacent to residential and conservation uses must be planted to provide and maintain a minimum 80% opacity.
9. The developer shall provide a transportation analysis for review and approval by the County Engineer prior to the issuance of any permits for the project. In addition, the developer shall be responsible for all improvements necessary, as determined by the approved transportation analysis.
10. The design and location of access to US Hwy 19 shall be in accordance with the requirements of FDOT and the County Engineer.
11. The subject site shall be limited to the following C-2 uses:
 1. Drive-in restaurants
 2. Tire and automotive accessory establishments
 3. Automotive specialty establishments
 4. Automotive and truck rental establishments
 5. Veterinarian and animal clinics or hospital service establishment
 6. Alcoholic beverage dispensation
 7. Publishing and printing service establishments
 8. Domestic rental establishments
 9. Light construction service establishments
 10. Retail plant nurseries
 11. Light landscaping service establishments
 12. Automobile service establishments
 13. Automobile dealer establishments, including the principal selling of used cars
 14. Automobile dealer establishments, including the principal selling of new cars, service establishments including body shop
 15. Automobile and truck repair establishments including body shops
 16. Mini-Warehouse
 17. One single family dwelling unit per commercial parcel in conjunction with the operation of a business on the premises.
 18. Boat sales and service with or without outside display
 19. Light farm equipment and supply establishment
12. Development shall be in substantial accordance with the master plan.
13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Ms. Sherman, under oath, reviewed the site plan to provide infill development between the existing C-2 uses. They met with SWFWMD regarding conservation of additional properties and will meet all state, federal, SWFWMD, and county requirements for stormwater treatment. They agreed with staff's

recommendations. Robert Williams as well as representatives of the contract purchaser and engineers were present to answer any questions.

Chairman Palmieri asked for public comment. Todd Pressman, representing the Holiday Springs RV Resort Park, under oath, discussed their objections to the proposal while displaying several items via overhead projection. He opined that the proposal will be detrimental to the abutting RV park, the Bobhill Spring and nature walkway. He felt the conversion the large residential land use designation to commercial was a substantial land use amendment. Citing a portion of Policy 1.01O(4) regarding infill from the comprehensive plan, he opined the approximate 730' fronting US 19 was extremely long. He cited portions of Policy 1.01L(5) regarding mitigation of negative impacts and Policy 1.01L(8) regarding buffering from higher intensity commercial to support his concern regarding impacts to the abutting residential and nature resource areas. He submitted a petition with over 100 signatures opposing the application. Mr. Pressman reviewed and submitted correspondence from Rosanne Clementi of Southeast Environmental Solutions Inc, addressing environmental impacts to the onsite wetland. He also submitted correspondence from SWFWMD's Paul O'Neil, P.E. Director, Regulation Performance Management Department indicating an application for a conceptual master plan from December 2001 was withdrawn; therefore, there was no understanding as to how the wetlands were to be mitigated. Mr. Pressman objected to the 60% setback reduction along US 19 to 75' at the 'gateway' to the county. He submitted a letter from Julie Wert, Gulf Coast Conservancy, expressing their concern that the environmental impact of the project was sufficient to reject the petition until in-depth environmental studies can be completed. Mr. Pressman was also concerned with traffic impacts from the proposed reverse frontage road. He asked the P&Z to be very cautious as he presented critical points supported by the concerns of the area residents.

Robert Williams from Fowler White Boggs Banker PA, under oath, objected to the documents presented from Gulf Coast Conservancy and Southeast Environmental Solutions because there was no means to verify or cross examine the information under entitlement of due process.

Comm. Covell inquired to Mr. Pressman's credentials. He replied that he was a planning consultant without formal planning background acting as an agent for the Holiday Springs RV Park.

Mr. Weissinger noted that since there was no specific ruling on Mr. Williams' objection, he reminded the P&Z that this was a quasi-judicial matter and their decision was to be based on competent substantial evidence in the record.

Lamont Garber, principal owner of Holiday Springs RV Resort, under oath, noted the previous park owner deeded a strip of land from Travel Park Drive to the owner of the abutting C-2 property. He discussed his concerns with water drainage as 1) the proposed frontage road was located where a ravine is used to filter fresh water from the springs, and 2) US 19 and the abutting C-2 property drained through basins near the park. He questioned the compatibility of the proposed automotive repair shop with the highly sensitive lands and natural resources. He felt the proposal will ruin the campground and ruin the natural resources.

Wayne Garber, part owner of Holiday Springs RV Resort, under oath, objected to the proposed rezoning and the negative impacts it will have on their park, wetlands, walking trail and springs. He objected to the requested setback reduction.

Clyde Day, under oath, was concerned with potential contamination to drinking water, as well as noise and pollution associated with the proposed auto repair shop.

James Boprey, resident of Holiday Spring Park, under oath, was concerned with water runoff into their pool and wetlands.

Wayne Parow, resident of the park, under oath, explained that their park was not gated and was concerned with potential crime as strangers drove through their park.

Doug Pond, under oath, stated he was a six-month resident. He stated his wife used the pool daily for a medical condition and were concerned with impacts to the pool and drinking water.

Under rebuttal, Mr. Williams stated they too were concerned about the spring and would not destroy the wetlands. All SWFWMD, DEP, and County ordinances will be met, and a Corp of Engineers permit will be obtained, if necessary. Mr. Williams noted the dog-legged property to the west will probably be turned over to SWFWMD for permanent preservation. Only the strip along US 19 will be developed commercially, and since the area is a commercial corridor, the developer has a right to a reasonable use.

Gayle Hoffman, Florida registered P.E., and project engineer, under oath, explained that currently the stormwater from the east and west sides of US 19 discharge into the wetlands adjacent to the spring and there was no evidence on the FDOT right-of-way that it is treated. Their proposal will treat and attenuate all water on their site, which will improve the runoff conditions at the park site.

Mr. Williams stated they were trying to protect the springs. He explained that the 75' setback was due to the reverse frontage road. He wished they had an opportunity to meet with the residents beforehand to address their concerns. The developer would be amenable to add buffers. He asked the P&Z to approve their project.

Mr. Weissinger asked if the ingress/egress easement connecting the frontage road south to Travel Park Drive was in favor of Hernando County, and if the public had the right to use it or was it limited to an entity. Mr. Williams replied that they met with Engineering and it was in favor of Hernando County; however, that information will be confirmed prior to the BCC hearing.

Comm. Covell asked to add a condition ensuring the dog-legged property is preserved by SWFWMD as wetlands and no development will occur other for drainage retention or stormwater treatment. Mr. Williams accepted the condition. He stated the parcel to the immediate west of the dog-leg will also go to SWFWMD. Mr. Pianta clarified that the western parcel was lessed out of this application.

Comm. Covell suggested increasing the buffer abutting the Holiday Park Resort. She discussed the algae problem at Weeki Wachee Springs from US 19 stormwater runoff, and she opined that this project may help clean up that area as well. She was in favor of this project.

Comm. Widmar did not like the encroachment past the current C-2 line and did not like the parking lot in the northwest corner of the plan. He preferred the C-2 extend straight down to the depth of the existing C-2 zoning. Mr. Williams stated they could remove the parking area but would like to use the area for

stormwater. Mr. Greif noted that portion of property would still have to be rezoned commercial. Comm. Widmar accepted the suggestion.

Addressing Comm. Widmar's questions regarding attenuating the water runoff, Mr. Hoffman explained how all the ponds will be interconnected with a weir at the extreme north end of the project where all the water will discharge. Mr. Lamont Garber discussed the water flow of natural spring and their concern with the proximity of the development to the stream and nature trail.

Mr. Williams advised Comm. DeWitt that removing the parking in the northwest corner will reduce the overall square footage of the project. Comm. DeWitt and Comm. Smith stated their support for the project with the parking lot removed.

Chairman Palmieri disagreed with rezoning the western portion of the site, but agreed with rezoning the north/south strip to the depth of the existing commercial to the north. He did not agree with several C-2 uses being requested and felt the list should be cut in half.

Mr. Pianta and Mr. Greif clarified for Comm. Widmar that the policies referenced by Mr. Pressman dealt with infill which were not relevant to this location. Mr. Greif referenced Policy 1.01O(1) which delineates strip commercial on the future land use map from US 19 south of SR 50 to the county line.

MOTION Comm. Covell moved to recommend approval to the BCC per staff's recommendations with the following additional performance conditions:

14. No development shall occur west of the frontage road in the dog leg portion of the site; however, the dog leg portion may be used for stormwater retention.
15. The petitioner shall provide documentation of the public right of access to Travel Park Drive.

Comm. Smith seconded the motion and the motion carried 4-1 with Chairman Palmieri voting nay because he felt there were too many C-2 uses.

Artibushev Holdings Inc., Jacob M. Buchman, Milton Carp, & Milk-a-Way Farms - Rezoning - H0766

Purpose: Revision to a Master Plan and a rezoning from PDP(IND)/Planned Development Project (Industrial) to PDP(CP)/Planned Development Project (Corporate Park)

Location: West side of Anderson Snow Rd, approximately 1,100' south of Corporate Way

Representative: Darryl Johnston

Mr. Greif briefly reviewed the staff report which indicates the master plan revision and rezoning from PDP(IND) to PDP(CP) along with a reduction in the 50' residential buffer is inappropriate, based on the following conclusions:

1. The petitioner has not demonstrated the need for additional commercial/retail uses at this location, and the need to reduce the inventory of available industrial land.

2. The request would negatively impact the ability of the County to develop its economic and manufacturing base.
3. The extent of corporate park zoning requested is an attempt to commercialize an area that is not designated, nor appropriate, for future commercial development.
4. The proposed buffer reduction is incompatible with the adjoining residential area.
5. The current PDP(IND) zoning is consistent with the County's adopted Comprehensive Plan policies relative to the need to protect and enhance the County's primary employment base.

Chairman Palmieri pointed out the notary seal was missing from the application. Mr. Johnston stated a corrected application will be submitted for the record.

Mr. Johnston, under oath, reviewed their request to rezone to PDP(CP) and a buffer reduction from 50' to 15' with a 6' fence along the western boundary. Addressing staff's objections, he explained the property slopes upward along the west, resulting in the property being above grade. He opined that a 15' vegetative buffer with a 6' opaque fence along the property line would obscure all site lines, would provide an additional noise buffer that doesn't exist, and would provide sufficient buffering to the adjacent residential uses.

Mr. Johnston explained they were most desirous to rezone lots 1, 13, and 14, consisting of approximately 19 acres to Corporate Park, and not the full 30.7 acres they originally requested. He discussed how his client was unsuccessful in marketing the property for industrial uses due to the lack of infrastructure; however, there was a market for corporate park uses. Allowing limited commercial uses on these lots could provide the needed infrastructure to attract industrial users to the adjacent lots. He opined that the corporate park zoning on the three lots would be a logical transition between the MF to the south and the industrial/heavier commercial uses to the north, and retail/office uses would make an attractive entrance to the industrial property. Lastly, Mr. Johnston opined that rezoning approximately 19 acres would not have a negative impact on the county's ability to develop a manufacturing base; a concern raised by staff. He asked the P&Z to recommend approval of the reduced buffer and rezoning of lots 1, 13, and 14 to PDP(CP).

Chairman Palmieri asked for public comment. No one came forward.

Mike McHugh, Office of Business Development Director, under oath, agreed with Mr. Johnston that without infrastructure in place, the site was not attractive for corporate park or industrial businesses. He explained that it takes approximately 24 months to develop the site for an industrial use, and businesses don't have that time horizon. Mr. McHugh stated that after Mr. Artzibushev and Mr. Smith, a company representative, described their intentions, he believed the proposal was not completely inconsistent with other developments in the area, citing the VFW hall and other commercial and office sites in the vicinity as examples. Mr. McHugh described how the county was trying to create employment centers to attract value-added businesses, and how extremely expensive it was to do a business park. However, without platting the land and bringing in the roads, water, and sewer, the land will remain undeveloped. He added that some amount of retail or office professional could be complementary if it is not disproportionate and furthers industrial development by creating marketable sites. Mr. McHugh noted that the proposal as

described is new to Hernando County, but was becoming a popular development mechanism in the Tampa Bay area. He was unsure what type of industries this concept would be drawn without further research but noted those types of businesses attract a higher wage and skilled employment. He could not opine whether or not this proposal was right for the site. He noted that he did not see anything that would be inconsistent with the airport, so those needs were met.

Mr. Johnston offered no rebuttal.

Mr. McHugh discussed with Comm. Widmar the success of the airport industrial park and how businesses are seeking to purchase development ready lands rather than leasing them. Mr. McHugh indicated that the industrial section continues to be good, unlike the housing market. Discussion ensued.

Comm. Covell agreed with Mr. McHugh that industrial businesses want development ready sites. She did not agree, however, with the argument to rezone the property PDP(CP) for commercial uses as the site would require platting, and installation of roads, water, and sewer just as much if the site was developed for industrial uses. She commented how industrial based properties are shrinking in the county and how she had disagreed with rezoning the industrial properties along Anderson Snow Road over the past few years. She added that she was in favor of staff's recommendation to deny the petition.

Comm. DeWitt opined that by allowing the commercial in front, the applicant would have a viable product to sell, get a return on the needed infrastructure needed, and the site would be ready for industrial development in the rear. He suggested adding conditions requiring the developer to provide water and sewer on the entire site prior to or during the platting process.

Mr. Pianta responded that the applicant was already in the platting process and had received conditional plat approval. He explained staff's position that rezoning 30 acres, or even 19 acres was an attempt to commercialize the area along Anderson Snow Road that the comprehensive plan envisioned for an employment base. There were plenty of complimentary commercial uses within close proximity to the site. He related to discussions with Mr. Johnston months ago and how staff could not arrive at something they thought would be complimentary. Responding to Comm. DeWitt's query about lots 1, 13, and 14, Mr. Pianta explained that it would be an attempt to develop the corridor with commercial uses, whereas staff felt complimentary office uses should be located towards the back. In addition, Mr. Pianta thought the three combined lots were too extensive, noting Lot 1 consisted of 13 acres alone.

Comm. Widmar opined that the 50' buffer was appropriate. He objected to the fencing from the adjacent homeowner's perspective and as a deterrent to wildlife. He liked the idea of jump-starting the industrial use with the corporate park, but he was concerned that they were doing marketing with zoning which he felt was using zoning the wrong way. He supported staff's recommendation.

Chairman Palmieri disagreed with the reduced buffer proposed by the applicant as it was previously approved to protect the abutting residential uses. He supported staff's recommendation.

MOTION Comm. Covell moved to recommend the BCC deny the request per staff's recommendations. Comm. DeWitt seconded the motion and the motion carried 5-0.

Florida Fine Homes - Rezoning - H0744

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

Location: North of White Pine Avenue and east of Evergreen Avenue

Representative: Nicholas W. Nicholson, PE, Nicholson Engineering Associates, Inc.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a 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 other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The developer shall delineate the portion of the wetland feature within the subject property on conceptual plat and construction plans, and abide by all state and federal wetland regulations. An average 25' buffer adjoining the wetland shall also be required and designated on all future plats and plans.
3. Minimum lot size approved along the north boundary shall be 1.5 acres
4. Minimum lot size approved within 500' feet of the SPA shall be one (1) acre.
5. Minimum lot size on the remaining lots shall be 21,500 square feet in accordance with Section 28-99(a) of the Hernando County Code for individual sanitary sewer disposal systems on lots with portable water.
6. Minimum natural buffers enhanced to an 80% opacity:
North: 20'; South: 5'; East: 10'; West: 10'

The buffers shown within lots shall be designated as natural buffer areas on the final plat and shall remain in its natural condition.

7. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
8. The 100 year floodplain shall be delineated and shown on all site plans. All finished floor elevations shall be above the regulatory 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
9. Lots adjacent to the wetland/SPA feature shall maintain a drainage system upland of the wetland/SPA line in order to prevent direct stormwater runoff into the wetland/SPA feature.

10. The wetland and associated buffer shall be designated as a conservation easement on the final subdivision plat.
11. The petitioner shall 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' feet in width. The treed roadway should be extended to the north, not to the southwest corner of the site as shown on the master plan.
12. Proposed Internal Lot Setbacks: Front: 25'; Rear: 20'; Sides: 10'
13. Proposed Minimum Project Perimeter Setbacks:
North: 40'; South: 25'; East: 30'; West: 20'
14. The petitioner shall stub out and block all traffic from utilizing the northeast stub-out until such time as the roadways extension is brought to County road standards.
15. If the County has not adopted a school concurrency ordinance by the time of development, the developer shall enter into a separate mitigation agreement with the School Board prior to development.
16. The proposed stub out to the southwest shall be designed as a cul-de-sac.
17. Florida Yards & Neighborhoods" (FYN) principles shall be implemented for landscaping within the development and FYN materials shall be distributed to new homeowners.
18. The petitioner shall provide a minimum of 5% usable open space.
19. The subject site shall be served by central water.
20. The potential SPA is located within the south/west portion of the development area. Prior to any development associated with the potential feature a geotechnical evaluation shall be performed. If tests indicate a SPA is present, then the area must be designated on all future site plans/plats, and include a 500 foot buffer.
21. An archaeological survey shall be performed by a qualified professional prior to conditional plat review.
22. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

Mr. Greif clarified condition #4 and the last sentence of condition #20 for Mr. Nicholson.

Mr. Nicholson, under oath, questioned the last sentence in condition #8, noting the county policy required internal roadways within a development be above the 25 year floodplain, not the 100 year floodplain. Mr.

Mixson agreed that the facilities design guideline call for it to be above the 25 year floodplain and agreed to modify condition #8 accordingly. Otherwise, Mr. Nicholson agreed with staff's recommendation.

Chairman Palmieri asked for public comment. No one came forward.

Comm. Covell asked if the cul-de-sac referenced in condition #16 would be to regulation length. Mr. Pianta replied affirmatively.

Mr. Nicholson clarified for Chairman Palmieri that condition #6 referred to the peripheral buffers, and the 5' natural buffer would not be part of the lots.

Referencing condition #15, Mr. Pritz stated that they had not had any discussions with this developer. Mr. Nicholson agreed to meet with the school district.

MOTION Comm. DeWitt moved to recommend approval to the BCC per staff's recommendations with the following modified performance conditions:

8. The 100 year floodplain shall be delineated and shown on all site plans. All finished floor elevations shall be above the regulatory 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory ~~100~~ 25 year flood elevation.

Comm. Covell seconded the motion and the motion carried 5-0.

Janis Moore Tucker - Conditional Plat - P0710C

Purpose: Conditional Plat approval for Centralia Acres

Location: Approximately ¾ mile east of US19, lying north of Centralia Road

Representative: Nicholas Nicholson, Nicholson Engineering Associates, Inc.

Mr. Greif briefly reviewed the staff report. It is recommended that the Planning and Zoning Commission approve the conditional plat of Centralia Acres with the following performance conditions:

1. The conditional plat shall expire in two (2) years if no further approvals in the subdivision process are obtained.
2. The applicant must conform to Hernando County Facility Design Guidelines.
3. Prior to construction drawing approval a Wildlife Survey shall be performed by qualified professional for County review, and copies of any required permits shall be provided.
4. The applicant shall show on the construction drawings the turning template for school bus, fire engine, Sport Utility and Passenger class vehicles for traffic calming circles at the intersections.
5. The applicant shall eliminate the proposed T-turnabout at the connection to Mocking Wren Road.

6. If the County has not adopted a School Concurrency ordinance by the time of development, the developer shall enter into a separate mitigation agreement with the School Board prior to construction plan approval.
7. The applicant must submit a revised conditional plat to the Planning Department within 30 days of the applicant receiving the Planning and Zoning Commission approval notice. The final revised conditional plat must be submitted to the Planning Department no later than at the end of the 5th month proceeding Planning and Zoning Commission approval. Staff approval of the revised conditional plat must occur within 6 months from receiving the approval notice. If not, the conditional plat will become null and void.

Mr. Nicholson, under oath, explained that the original conditional plat did not leave enough room east to west to fit the roads and lot sizes; therefore, the lot depth was reduced by 10'. He did not have a problem with staff's recommendations.

Chairman Palmieri asked for public comment. No one came forward.

Comm. Widmar questioned if a performance condition was needed for the required paving of Mocking Wren Road. Mr. Pianta replied it was a condition of the rezoning approval.

Responding to Comm. Covell's question regarding condition #4, Mr. Mixson clarified that sufficient radius was needed so emergency vehicles can get through the traffic circles without slowing down or running over the curb.

Mr. Pritz asked the petitioner to meet with the School District regarding condition #6. Mr. Nicholson concurred.

MOTION Comm. Covell moved to recommend the BCC approve staff's recommendations. Comm. Widmar seconded the motion and the motion carried 5-0.

NOTE: A short recess was taken between 2:43 p.m. and 2:53 p.m. Paul Wiczorek, Senior Planner, was present for the two Comprehensive Plan amendments on the agenda.

Florida Crushed Stone Company / Timothy D. Boyssel, Jr. - Comprehensive Plan Amendment - CPAM0709

Purpose: Amend the Future Land Use Map from Residential to Mining

Location: Northeast of the CSX Rail Line, South of Yontz Road, West of US 98

Representative: Darryl Johnston

Mr. Wiczorek briefly reviewed the staff report. It is recommended that the Planning & Zoning Commission review and consider the proposed draft Comprehensive Plan Amendment CPAM-07-09 Florida Crushed Stone, accept public comments, and recommend to the Local Planning Agency (LPA) and the Board of County Commissioners that the proposed amendments to the County's adopted

Comprehensive Plan be transmitted to the Florida Department of Community Affairs and the associated review agencies with review requested.

Mr. Johnston, representing Florida Crushed Stone (FCS), under oath, stated they concurred with staff's recommendation and the compatibility of the amendment. He pointed out the location of the wetland along the southern boundary of the property, which travels offsite along a ditch. He explained that there will be a 100' buffer from their property line as required in the zoning and MOPA processes and the wetland/ditch is less than 100' wide. He added that the area will not be mined in the future. Mr. Johnston stated that representatives from FCS were present to address any questions.

Chairman Palmieri asked for public comment. Laura Hall, 20170 Manecke Road, under oath, stated that she lived on the corner of Manecke Road and East Avenue, across from David Frazier's corn field, and that she had received a notification letter because she lived within 250' of the subject site. She questioned if the County wanted mining just 1.3 miles from the County courthouse. Stating her objection, Ms. Hall was concerned with the devastation older mining operations in the county had on the land and wildlife, and she asked the P&Z to think long and hard before approving the petition because there was no turning back once the zoning changes from residential to mining.

Addressing the distance from the Brooksville city limits, Mr. Johnston noted other adjacent properties that have been designated and zoned for mining for a number of years. Mining provided a base industry in the county for many generations. He elaborated on the reclamation requirements that have been in place since the adoption of the mining ordinance. Mr. Johnston asked the P&Z to consider the staff report and their recommendations. He added that various elements in the comprehensive plan point towards approval of the property and the property is contiguous to other property designated as mining on the future land use map, some of which is already zoned for mining. He urged the P&Z to adopt staff's recommendation for approval to the BCC.

Comm. Smith inquired to the distance between the blasting area and the property line, questioned the distance to the Gulf Ridge Baptist Church and pastorium on Manecke Road, and asked if there would be any associated traffic on Manecke Road. Mr. Johnston replied that the blasting distance would be 100' from the edge of the wetlands as defined on their plan. He discussed the required 100' distance from abutting vacant or commercial property or 500' from residential property. The estimated distance to the church was 800' as it was separated by the county/city owned ditch and Frazier's corn field. The blasting distance would be determined later during the mining plan and would comply with the mining ordinance. He stated there would be no traffic from this project on Manecke Road.

Comm. Widmar was concerned with the close proximity of Parcels B and C, and the eastern portion of Parcel A to residential properties. He questioned the need to change these parcels when the abutting larger property had not been mined yet. He stated that he would not support this petition for those reasons.

Mr. Johnston explained that the comprehensive plan amendment sets the mining in place prior to the rezoning or mining operation permit processes can start. He clarified that issues such as buffering, rock extraction, blasting, and impacts to adjacent commercial or residential properties are determined during the rezoning and mining operation permitting phases. He added that mining is a temporary use, and some of this property may lend itself more for industrial uses rather than mining.

Comm. Covell and Mr. Johnston discussed another comprehensive plan amendment from last year in which a portion of the property along Yontz Road was designated for overburden storage only. Comm. Covell opined that the demand and need for concrete, aggregate, and cement has slowed down in the past 18 months and she discussed her concern with existing mining properties not being reclaimed.

Comm. Covell stated she could not support the petition, opining that it was inconsistent and encroached too close to the residential properties along Hammond and Manecke roads and AR properties east of US 98. Mr. Johnston noted US 98 separated the site from a majority of the residential properties, with only a few residential properties along the perimeter of the subject site. Mr. Johnston understood Comm. Covell's concern but noted buffering and other concerns would be appropriately addressed during the rezoning and MOPA hearings as opposed to the comprehensive plan hearing.

Mr. Wiczorek elaborated on the two comprehensive plan amendments referenced by Comm. Covell. One amendment designated property west of the subject property to mining, and the other amendment included several parcels from industrial to mining. As part of that approval, FCS had to designate a like amount of existing property for industrial purposes so there would not be a net loss of industrial lands near Cobb Road.

Comm. DeWitt stated his support for mining in the county but could not support this proposal because of its intrusion into the residential area, especially with the anticipation of additional residential development to the north. He elaborated on the lack of reclamation of existing mining properties, especially on Buscak Road.

Comm. Smith was concern with the impacts to residences on Manecke Road and potential blasting operations. Mr. Johnston explained that some properties on Manecke Road were closer to the potential industrial property than the mining property. He explained that because of improved blasting technology, there are not as many complaints as in the past.

Mr. Johnston reiterated that mining is a temporary use, and the reclamation is triggered after the mining ceases. There have been a couple of areas that have been reclaimed. Mr. Wiczorek added that there was a staff member of the Development Department responsible for the administration of the mining operations. Mr. Johnston believed that FCS has reclaimed everything they were required to do, and is committed to reclaim 100 percent of its property. Bonds are posted for 110 percent of the reclamation costs as a revenue source.

Comm. Covell commented that "when mining ceases" was open-ended and felt FCS could be a better neighbor by reclaiming sections of their operations instead of waiting until the entire northwest portion of the county is mined. Mr. Johnston noted some parcels do not have an associated reclamation date, but others have a date certain in which mining has to be completed.

Mr. Johnston advised Chairman Palmieri that he had responded to Councilwoman Laura Bradburn about a recent e-mail from Bill Geiger, Community Development Director of the City of Brooksville regarding the amendment.

Chairman Palmieri felt the same way as Comm. Covell and Comm. DeWitt regarding the reclamation. He remarked that the staff report addressed the issues of consistency, compatibility, groundwater and

environmental issues; however, he did not agree with staff to approve the entire site. He did not object to approving Parcels A and D in their entity, and the northern portion of Parcel B down to the vertical line. He suggested eliminating the southern portion of Parcel B and all of Parcel C.

Comm. DeWitt asked if FCS anticipated mining this site within the next 10 years. John Koepke, Environmental Manager for FCS, under oath, replied that mining on the Cobb Road property west of this site will begin in 2010. Responding to additional questions, Mr. Koepke stated their environmental consultant walked the site to determine wildlife species of concern and wetland locations and any potential impacts. Mr. Koepke stated that he did not have the authority to remove Parcel C from consideration, but they would try to make it a workable situation.

In response to additional questions, Mr. Wieczorek advised Chairman Palmieri that Laura Hall's parcel appeared on the adjacent property owner's list as being within 250' of the subject property.

Comm. Covell agreed with eliminating the portion of Parcel B south of the rectangular shape; the southern boundary would be parallel with the southern boundary of Parcel D, in addition to Parcel C. Otherwise she would not support the amendment because she felt it was inconsistent due to the encroachment into the residential nature of the area.

Comm. Widmar asked to include a condition requiring a 500' radius from US 98 in Parcel A because of blasting. Comm. DeWitt and Comm. Covell clarified that condition would fall under the zoning process.

Comm. DeWitt asked if comprehensive plan amendments had two year time limits similar to zoning master plans. Mr. Wieczorek replied that the amendment did not, but subsequent the mining master plan has a 20 or 25 year life, and the mining operation permit has a 5 year life. Discussion ensued regarding developments and mining operations having to comply with the regulations at the time of development/operation.

MOTION Comm. Covell moved that the Planning and Zoning Commission recommend the LPA/BCC transmit CPAM-07-09 to the DCA with the elimination of Parcel C and the southernmost portion of Parcel B. Comm. DeWitt seconded the motion and the motion carried 5-0.

Hernando County BCC - Comprehensive Plan Amendment - CPAM0710

Purpose: Amend the Future Land Use Map Series by amending the High Hazard Map and amend the Coastal Management Element, all a part of the Hernando County Comprehensive Plan

Location: Countywide

Representative: Paul Wieczorek, Senior Planner, Hernando County Planning Department

Mr. Wieczorek briefly reviewed the staff report. Using the overhead projection, he reviewed the difference in the high-hazard line from the present High Hazard Area Map and the proposed map which complies with the new coastal high-hazard area definition amended by the Florida Legislature. He explained how the new map will be beneficial to the county in that vacant uplands west of US 19 won't be considered

high-hazard and subject to the stricter high hazard standards in the comprehensive plan. He discussed the revision to Policy 5.02B(1) to change the definition of the high hazard area as outlined in the staff report. It is recommended that the Planning and Zoning Commission conduct a public hearing on the proposed changes to the High Hazard Area map and Coastal Management Policy and recommend to the Local Planning Agency and the Board of County Commissioner that the amendment, CPAM-07-10, be transmitted to the Department of Community Affairs and Agencies for review.

Chairman Palmieri asked for public comment. No one came forward.

Responding to Commissioner's questions, Mr. Wieczorek explained that a multitude of variables and data sources were used, and the model is recognized in Florida and other locations for issues of inundation from hurricanes through surge. The proposed map was created by the Planning Department's GIS section and was based on the SLOSH model contained within the mapping resources. The topographical and elevation data is only a portion of the SLOSH modeling, but it is not the primary variable.

Mr. Wieczorek stated that the high hazard line has nothing to do with flood insurance or FEMA, and the modeling is an effort to predict potential surge within the area. The regulatory component is used as part of the comprehensive plan policies, which are translated into land development regulations. The surge only relates to water, and has nothing to do with wind zones. Mr. Pianta clarified that this is a planning tool only, required to be shown in the comprehensive plan along with policies that further restrict intensity and development in the area subject to storm surges. Building structures meeting a certain height requirement is regulated by the building code.

Mr. Wieczorek noted the map included locations of the A and V zones, and the A Zone closely equates to the surge line. Mr. Pianta noted the A and V zones were added to the map for convenience. However, those were separate lines set by FEMA for the flood insurance program and had not been changed.

MOTION Comm. Covell moved that the Planning and Zoning Commission approve staff's recommendation for the LPA/BCC transmit CPAM0710 to the DCA. Comm. Widmar seconded the motion and the motion carried 5-0.

Review of the Minutes - November 13, 2006

The minutes of the November 13, 2006, meeting of the Hernando County Planning and Zoning Commission were submitted for approval.

MOTION Comm. DeWitt moved to approve the minutes of the November 13, 2006, meeting as presented. Comm. Widmar seconded the motion, and the motion carried 5-0.

Commissioners and Staff Issues

Comm. Covell discussed a matter in which a citizen, Chuck Schlakman, continued to send unsolicited correspondence to her home after she had advised him to send correspondence to the Planning Staff as she could not discuss matters coming before the P&Z due to ex parte communications. She further related how Mr. Schlakman petitioned the BCC for her removal from the P&Z and made unwarranted comments about her. She read into record an e-mail she sent to Mr. Schlakman on November 28, 2007, requesting he

immediately cease sending her unsolicited correspondence. She stated that this individual has invaded her privacy and further action will be taken if it continues.

Comm. Widmar urged the Commission to disregard the dismissal of Comm. Covell as her record of public service stands on its own merits.

Comm. Widmar asked if the Staff considered further Comm. DeWitt's recent request to place conditional plats on a consent agenda. Mr. Pianta replied that it had good merits to take into consideration.

Comm. Widmar reminded Mr. Weissinger about providing procedural rules to the P&Z. Mr. Weissinger replied that he discussed the matter with County Attorney Garth Collier. From a legal standpoint it was necessarily not a good idea to have too many specific rules in place as it could cause problems when the rules are not consistently followed. As an example, he used the P&Z's preference to require sworn testimony for all matters, including legislative issues that do not legally require it. Mr. Weissinger stated that he could provide rules used for small boards if the P&Z wanted. However, unless the P&Z perceives a need for a specific policy dealing with procedure matters, they can address matters as they come up.

Comm. Widmar asked if the P&Z should make a recommendation to the BCC to either add language to the ordinances or temporarily suspend the two year expiration for master plans and conditional plats due to the current housing and commercial markets in the U.S. He discussed the economic impacts to both developers having to resubmit plans and the time spend by the P&Z and BCC reviewing them.

Mr. Pianta opined that it was not a good idea because once this economic period passes, extensions of master plans will become irrelevant as markets change and properties change hands. Mr. Pianta explained that the two year period forces people to develop the property and not submit speculative changes. Secondly, it requires the development to meet the current regulations. He mentioned that next month the P&Z will be reviewing an amendment to the zoning ordinance which includes clarification as to when the master plan expires, which will address Comm. Widmar's concerns.

Chairman Palmieri and Comm. Covell disagreed with changing the two year time line.

Comm. Smith complemented staff for not getting angry when the P&Z votes in opposition to staff's recommendation. He appreciated the great working relationship between the Commission and staff. Mr. Pianta added that the role of the P&Z was to get issues out on the table and staff appreciated the different perspectives and comments provided by the P&Z.

Mr. Pritz commended the P&Z for their volunteer work and hours spend each month, and thought it would be nice for the public to recognize their effort more than they do.

Holiday wishes were extended from the Commission and Staff.

Other Business

There being no further business, the meeting was adjourned at 4:22 p.m.

Signed,

Anthony Palmieri, Chairman
Hernando County Planning & Zoning Commission

cjb