

**STAFF REPORT**

Planning & Zoning Commission: February 12, 2007  
Board of County Commissioners: March 14, 2007

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**APPLICANT:** The Richardson Group, LLC **FILE NUMBER:** H-07-06

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

**GENERAL**

**LOCATION:** North side of County Line Road (CR 578), approximately 206' west of Suncoast Parkway

**LEGAL**

**DESCRIPTION:** A portion of Section 34, Township 23 South, Range 18 East, Hernando County, FL

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

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

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: PDP(SF)  
South: Pasco County  
East: PDP(MF) & CPDP  
West: AG

Avalon Subdivision  
Undeveloped  
Undeveloped  
Single Family, Undeveloped

**SUMMARY OF REQUEST**

The petitioner requests to rezone from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily). The subject property is located on the north side of County Line Road (CR 578), approximately 206' west of Suncoast Parkway.

**FACTUAL INFORMATION**

- 1. The property is currently zoned AG(Agricultural).
- 2. The property comprises approximately 18.75 acres.
- 3. The site is undeveloped.

4. The site does not contain majestic and specimen trees.
5. The subject property is located within a residential and commercial land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Masaryk very fine sand.
7. The property is located in flood zones B&C.
8. The subject property contains no wetlands, Well Head Protection Area (WHPA), or Special Protection Area (SPA), according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. The adequate public facility review indicates that there may be capacity issues associated with County Line Road.
11. The area is characterized by a single family residential subdivision under development, rural residential uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

### **STAFF DISCUSSION**

The petitioner has submitted a request to rezone this approximately 18.75 acre site from AG/ (Agricultural) to PDP(MF)/Planned Development Project (Multifamily). The petitioner is proposing to develop the site with 300 units with a density of 16 units per acre.

The plan indicates the perimeter setbacks are proposed as follows: 25' from the Anderson Snow Road and Arkays Avenue/front, 125' from the County Line Road/south, and 10' from all remaining perimeter.

The petitioner is proposing two different multifamily building styles. The petitioner will construct 2 and 3 story attached multifamily buildings which will range in size from 16-24 units. The master plan submitted does not designate the areas where each type of product will be located. The plan indicates the internal setbacks proposed are as follows for garage/storage buildings: 15' from the east adjacent to Old Anderson Snow Road and adjacent to the Suncoast Parkway, 25' west adjacent to Arkay Avenue and 125' south adjacent to County Line Road.

The master plan submitted is conceptual in nature. The final design and development of the site will have to comply with the County's LDRs relating to multifamily development. The standards address the provision of minimum open space, internal setbacks, separation between buildings,

building design, pedestrian connections, sidewalks, parking etc. The multifamily design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of 2.81 acres. Additionally, County LDRs require that new single family and multifamily development with more than 20 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width. The petitioner has indicated the proposed development will be designed to contain open space, buffering and landscaping to meet County requirements and to achieve an attractive design. The petitioner's plan proposes a 5' perimeter landscaped buffer with 5-8 foot high wall, fence or screen along west, south and north property lines. If approved the petitioner will have to meet all County LDR requirements.

The master plan indicates two access points to the subject property, along Arkays Avenue and Old Anderson Snow Road. If approved, the petitioner would be required to meet the applicable LDRs.

The master plan does not indicate parking would be provided on each lot and in common areas. The multifamily design standards indicate developments with more than twelve (12) units, must provide an additional 30% of the required parking in common areas throughout the project.

Florida's Scenic Highway Program was created by the legislature in 1993 to establish statewide standards of quality and criteria for designation. The Scenic Highway Program allowed the Florida Department of Transportation to identify and preserve the intrinsic scenic, cultural and historic qualities of designated roadways. The subject property is located immediately west of the Suncoast Trail. The petitioner has indicated on their narrative that a twenty 20' landscape buffer with a 6' high solid wall or fence will be provided where the site is located in close proximity to the Suncoast Trail. The petitioner has further indicated that two access points shall be provided for the trail at the subject property's southeast corner. If the request is approved, the petitioner would have to meet all requirements for the trail access and scenic preservation of the Suncoast Trail and Suncoast Parkway.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 16-inch water line is located at the intersection of County Line Road and Oak Chase Boulevard. There is also an existing 16-inch water main on Anderson Snow Road and Oak Chase Boulevard. An 8" sewer force main is located at the intersection of Anderson Snow Road and Oak Chase Boulevard. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development.

The Transportation Planning Coordinator indicates that there may not be capacity along this section of County Line Road to support the proposed development without some form of traffic mitigation. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat or site plan and the petitioner will have to demonstrate at that time that capacity is available. If the project is not concurrent, the developer has the option of either delaying development or addressing the transportation issues to ensure adequate capacity exists at that time of development. The

petitioner has submitted a preliminary traffic study; however, at the time of completion of this report, the study has not been accepted by the appropriate County agencies.

The County Engineer has indicated that the Anderson Snow Road and County Line Road intersection may be signalized. If approved, the petitioner must coordinate with the County Engineer and pay their fair share of road improvements including signalization and turn lanes. Furthermore, a portion of the subject property is within a flood zone.

Pasco County has indicated no objection to the proposed request.

The Florida Turnpike Enterprise had no comments regarding the request.

The Hernando County School Board indicates that the request would generate approximately 100 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.

Given the presence of the candler fine soils, gopher tortoise and several commensal species have a moderate potential for occurring on the project site including the eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for these listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

### **FINDINGS OF FACT**

The area is characterized by a single family residential subdivision under development, rural residential uses and undeveloped parcels.

The subject property is located within a residential and commercial land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use classification, with appropriate land use approvals, include single family residential densities up to 5.4 units per acre, resort residential, and ancillary uses such as recreation, churches and community centers. Land uses which can be located in this category with performance standards include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, offices and professional, schools, hospitals and minor public facilities. The Comprehensive Plan contains goals, objectives, and policies which provide guidance regarding appropriate density for single family attached housing. The petitioner is proposing a development at a density of 16 units per acre which is considered high-density pursuant to the Comprehensive Plan.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The request proposes a multifamily density of approximately 16 units per acre.

Policy 1.01F(7) provides criteria for determination of appropriate locations of higher residential densities greater than 4.0 units per acre which include such things as proximity to existing or designated commercial areas or corridors or major employment centers, direct access to arterial or collector roadways, character and density of existing or approved residential development of close proximity, service by water and sewer facilities, provision of open space beyond minimum county standards, aesthetic or architectural quality.

The request is consistent with the adopted Comprehensive Plan. The subject property has direct access to an arterial roadway and expressway, can be served by central services and is proposed to have adequate open space.

Policy 1.01G(5): High density multi-family residential development in other than multi-use PDPs should be located in close proximity to commercial or employment clusters.

The proposed development is located along County Line Road and Suncoast Parkway. The subject site is located in close proximity to Airport PDD employment centers and an approved 375,000 square foot commercial node to the east.

Policy 1.01G(7): Multi-family development shall be encouraged as "step-down" in intensity of use between single family residential and intensive uses such as commercial and industrial.

Policy 1.01G(9): Require high density and medium density multi-family residential development to have appropriate open space, buffering, landscaping, and recreation areas suited to their density and design.

Policy 1.01L(1): Establish a Commercial Land Use Category, in which land uses such as commercial, recreation, office and professional, minor public facilities, incidental residential units in commercial buildings, single and multi-family residential dwelling units only when part of an integrated transportation and utilities master plan for the affected commercial node or strip commercial area, and minor institutional are allowed.

A portion of the subject property is designated as a commercial land use on the adopted County Comprehensive Plan. The location is appropriate to allow the multifamily use within the commercial land use designation. In addition, the area should be developed to provide integrated access to intervening parcel, to allow for a unified development.

Objective 1.04C: indicates land development shall not be permitted unless the necessary facilities and services to maintain public health, safety and general welfare are either existing or ensured.

County Line Road may not have the capacity to support the proposed multifamily use at this time. The petitioner will be required to address and mitigate any transportation impacts to ensure available capacity at the time of development, or delay development until the project is concurrent.

Policy 1.01H(2) indicates existing and future residential areas are to be protected from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

The subject property is located in close proximity to the Avalon subdivision and single family homes on Arkays Avenue. The proposed site currently has an undeveloped parcel and a large single family tract between the project and Arkays Avenue. The proposed use can be compatible with the surrounding use with performance conditions.

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

1. The proposed MF development would be compatible with the surrounding neighborhood with performance conditions.
2. The transportation impacts resulting from rezoning the property to PDP (MF) will require the development to ensure available capacity at the time of development to proceed, or development must be delayed until adequate capacity is available.
3. The proposed rezoning would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all performance conditions herein.

**The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of 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:**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from AG/(Agricultural) to PDP(MF)/Planned Development Project (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. The maximum building height shall be three (3) stories.
3. A maximum of 300 multifamily dwelling units are allowed.
4. The housing products shall be grouped together in pods.
5. Perimeter setbacks are as follows:
  - from the Parkway: 25'
  - from the north: 30'
  - from the south: 25'
  - from the east: 30'
  - from the west: 20'
6. A 20' landscaped buffer shall be provided along the Suncoast Trail. The landscape buffer shall be planted with staggered row of native shade trees and/or long-leaf pine trees, three (3) inch minimum caliper Florida Grade Number 1 or better, with maximum spacing of thirty (30) feet on center. The buffer shall also include ten (10) native shrubs for each required trees at a minimum planting height of eighteen (18) inches.
7. The construction of the proposed 6' high solid wall or fence shall be constructed outside of the 20' landscape buffer along the Suncoast Trail.
8. The development shall be served by central water and sewer.
9. 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.
10. The petitioner shall pay their fair share of road improvements to include turn lanes, signalization and entrance improvements as determined by the County Engineer.

11. The property will have to receive a concurrency determination regarding the transportation impacts at the time of development proposal. If the project is not concurrent regarding the transportation impacts, the project will have the option of mitigating any transportation impacts to ensure that adequate capacity exists at the time of development, or delaying or phasing development until adequate capacity exists.
12. 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.
13. Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.
14. The petitioner shall provide a 50' easement for future interconnection from Arkays Avenue at the southwest corner of the portion of the site which abuts Arkays Avenue, east along that property line to a point 50' feet beyond where the property line abuts parcel ID # R34-423-18-0000-0140-0010
15. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

*The School Board of Hernando County, Florida*

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January 25, 2007

Omar DePablo, Planner I  
Hernando County Planning Department  
20 North Main Street, Room 262  
Brooksville, FL 34601

Dear Omar:

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

In reference to **H-07-06**, the request from The Richardson Group, LLC to rezone approximately 18.75 Ac and develop 300 multi-family units, I offer the following:

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

This rezoning request is expected to have an impact to the District with an increase of an additional 100 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 \$500,000 and 4.5 teachers at an estimated cost of \$225,000. However, the state requires us to build permanent capacity facilities to support their goal of eliminating portables. I have attached a worksheet developed by the District's Chief Financial Officer showing anticipated revenue and the impact of this development based on the projected 100 additional students. This worksheet shows an estimated impact in excess of school taxes between \$822,900 and \$896,400.

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