

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007
Board of County Commissioners: June 20, 2007
Planning & Zoning Commission: June 11, 2007
Board of County Commissioners: July 11, 2007
Planning & Zoning Commission: July 9, 2007
Board of County Commissioners: August 8, 2007

APPLICANT: St Joseph Development, LLC

FILE NUMBER: H-07-13

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

GENERAL LOCATION: West side of Darby Lane, approximately 2,160' south of Cortez Boulevard (SR 50)

LEGAL DESCRIPTION: A portion of Section 21, Township 22 South, Range 19 East, Hernando County, FL

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) in order to develop an approximately 4.83 acre parcel with 48 multifamily units (9.9 units per acre). The submitted master plan illustrates eight (8), 2 story structures.

Proposed Perimeter Setbacks:

Front (Darby Lane): 35'
Side (North & South): 20'
Rear (West): 25'

SITE CHARACTERISTICS:

- Site Size:** 4.83 acres
- Surrounding Zoning; Land Uses:** North: City; Multifamily
South: City; Single Family
East: City; Park
West: AG; Undeveloped
- Current Zoning:** AG/(Agricultural)
- Future Land Use Map Designation:** Residential
- Flood Zone:** A

SITE CIRCUMSTANCES:

The original application was submitted on January 31, 2007, for a rezoning of a 4.83 acre parcel. The petitioner, on April 3, 2007, submitted a new master plan to included a 0.6 acre parcel which would be utilized as a buffer and to provide acreage for additional units. The 0.60 acre parcel is currently within the City of Brooksville. The subject site is bordered on three (3) sides by the City of Brookville and the petitioner has indicated that there are plans to annex into the City upon completion of the County zoning process.

The analysis for this application is solely based on the first submitted application which is entirely within Hernando County. The density (48 dwelling units) stated herein reflects the 4.83 acres and is derived from the first master plan dated January 31, 2007.

ENVIRONMENTAL REVIEW:

Soil Type: Flemington Fine Sandy Loam

Hydrologic

Features: According to County data resources there are no Well Head Protection Areas (WHPA); however a portion of the property is contained within the 500 foot buffer of a listed Pit/Special Protection Area (SPA). Furthermore, the property contains a Class III Wetland.

Flemington fine sandy loam, 2 to 5 percent slopes has a perched water table above the Bt horizon (clay accumulation), and is saturated for 1 to 4 months during the wet season. This soil has medium potential for dwellings, and small commercial buildings if proper water control measures are used, and

footings and foundations are increased in size and strength. Potential for roads and streets is low even if the unsuitable soil material is replaced.

A portion of the subject property is within the 100-year floodplain according to County data resources. The 100-year floodplain shall be delineated on revised construction drawings. All roadways, driveways and finished floor elevations shall be above the regulatory 100-year flood elevation.

Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations. A jurisdictional delineation of the wetlands on the proposed project needs to be conducted.

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer has reviewed the subject request and has indicated that the petitioner must provide a sidewalk to Darby Lane and along Darby Lane within the project line.

The Transportation Planner has reviewed the subject request and had no comments.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer are within the City of Brooksville First Right to Serve District.

SCHOOL BOARD:

The Hernando County School District has indicated that approval of the subject request would impact the district with an increase of 19 students. 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. The above mentioned schools are currently over permanent capacity.

LAND USE REVIEW:

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 County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by

a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of five (5) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting. The petitioner has proposed a 5' wide enhanced vegetative buffer on the south side of the property along adjacent residential. If approved the petitioner will have to meet all County LDR requirements.

The LDRs have design standards required for PDP(MF)/Planned Development Project (Multifamily). These standards address building facades, roofing, open space, parking and internal access design. The design standards require a minimum 15% of the gross area be provided as open space, which would be a minimum of 0.72 acres for this 4.83 acre site. The plan as submitted does not depict the required open space for the subject site. If approved, the petitioner must provide the required open space as required by the County's LDR.

County LDRs require that new single family and multifamily developments 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 County's LDRs encourage Florida friendly design and the County's Comprehensive Plan requires development to adhere to green industries best management practices and distribution of Florida Yards & Neighborhoods (FYN) education to individual lot owners. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by a mix of single family residential and multifamily developments. The subject property is located within a Residential land use classification on the adopted Future Land Use Map. Land uses allowed in the residential land use 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 9.9 units per acre which is considered medium to high density according to the Comprehensive Plan.

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.

Comment: The subject property has access to Cortez Boulevard via Darby Lane and is in an area characterized by single family, multifamily and recreation use. Commercial corridors and employment centers are accessible from the site.

The subject property is located in a mixed residential area consisting of single family homes and multifamily development . The proposed use can be compatible with the surrounding use with appropriate performance conditions.

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.

Policy1.01G(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.

Comment: The master plan must meet the required open space, buffering and landscaping requirements of the County’s LDR.

The proposed rezoning from AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) is appropriate with performance conditions, based on the following conclusions:

1. The proposed multifamily development would be compatible with the surrounding neighborhood with performance conditions.
2. 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.

NOTICE OF APPLICANT RESPONSIBILITY:

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATIONS:

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), on the 4.83 acre portion of the request within Hernando County jurisdiction, 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 two (2) stories.
3. If the County has not adopted a school concurrency ordinance by the time of development, the developer will negotiate a mitigation plan with the School Board.
4. Perimeter setbacks for the project:
Front (Darby Lane): 35'
Side (North & South): 20'
Rear (West): 35'
5. A 20' wide vegetative buffer with 80% opacity shall be provided along the south side of the property.
6. The maximum number of dwellings shall be 48 units.
7. Development of the property shall comply with the County's flood plain management ordinance, the requirements of the County Engineer and Facility Design Guidelines pertaining to development in the 100 year flood plain.

8. A minimum 30% of the required parking shall be provided in the common areas throughout the project.
9. The development shall be served by central water and sewer.
10. The petitioner shall provide sidewalks from the project to Darby Lane and along Darby Lane between the project boundary.
11. Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations. A jurisdictional delineation of the wetlands on the proposed project shall be conducted by the petitioner prior to development.
12. The petitioner shall meet the Florida friendly design standards as required by the County's LDRs.
13. A treed roadway/access way shall be provided for motor vehicles extending through the length or width of the development with a vegetative buffer at least 10' in width.
14. A minimum 15% usable open space shall be provided for the project.
15. Approval shall be in general conformance of the original master plan submitted on January 31, 2007, for 48 dwelling units.
16. 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.

HISTORY:

At the May 14, 2007 meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of the request until June 11, 2007, at 9:30 am, in order for staff to review the master plan from the petitioner.

At the request of staff, on May 24, 2007 a letter was received from the petitioner to continue the request until July 9, 2007 in order to review and response to Legal's concern with the 0.6 acre portion of the subject site that is currently within the City of Brooksville.

On June 20, 2007, the Board of County Commissioners voted 5-0 to postpone consideration of this petition until the July 11, 2007, hearing at 9:00 A.M.

P & Z ACTION:

At the June 11, 2007 meeting, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request to rezone AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) until July 9, 2007 in order to review and response to Legal's concern with the 0.6 acre portion of the subject site that is currently within the City of Brooksville.