

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 13, 2007
Board of County Commissioners: September 12, 2007
Planning & Zoning Commission: October 8, 2007
Board of County Commissioners: November 14, 2007
Planning & Zoning Commission: November 13, 2007
Board of County Commissioners: December 12, 2007

APPLICANT: JRZ Suspension Systems, LLC and Spirits Acquisition, LLC

FILE NUMBER: H-07-27

PURPOSE: Rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family), PDP(REC)/Planned Development Project (Recreational) and PDP(RR)/Planned Development Project (Resort Residential)

GENERAL

LOCATION: An area lying between Elgin Boulevard and Northcliffe Boulevard and Deltona Boulevard and Keyville Road

LEGAL

DESCRIPTION: A portion of Section 1, 6, 7, & 12, Township 23 South, Range 17 & 18 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 to rezone from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family), PDP(REC)/Planned Development Project (Recreational) and PDP(RR)/Planned Development Project (Resort Residential) in order to utilize the existing 215 acre Oak Hill Golf course, clubhouse and open area for additional single family lots and a Golf Course Resort.

The petitioner is proposing rezoning property zoned PDP(REC)/Planned Development Project (Recreational) in order to develop approximately 25 single family homes within the Oak Hill Golf Course community. Several of the properties intended for single family homes are within existing drainage retention areas (DRAs). The developer proposes relocating such DRAs onto the golf course as water features.

The developer plans to leave the 18-hole golf course and driving range in operation and make improvements and additions to the golf course as needed. The petitioner’s narrative proposes constructing a health spa, 3-story parking garage and a new 3-story clubhouse where the existing 1,500 square foot clubhouse now exists. The new clubhouse is proposed to provide a pro shop, formal restaurant, conference center, a 120 room hotel facility, gift shops, banquet facilities, and golf training facilities.

As indicated on the master plan, the renovation and development of the new Golf Course Resort will require a rezoning of PDP(RR)/Planned Development Project (Resort Residential) to include approximately 52 rental villas along the southern portion of the golf course near the clubhouse. The proposed villas will be rented on a seasonal bases and have no permanent residents. The proposed villas will be designed exclusively for golf cart access.

SITE CHARACTERISTICS:

Site Size:	215.0 Acres
Surrounding Zoning; Land Uses:	North: PDP(SF) & R 2.5; Single Family South: PDP(SF) & R 2.5; Single Family East: PDP(SF) & R 2.5; Single Family West: PDP(SF) & R 2.5; Single Family
Current Zoning:	PDP(REC)/Planned Development Project (Recreational)
Future Land Use Map Designation:	Residential
Flood Zone:	C

SITE CIRCUMSTANCES:

On December 8, 1992, the Board of County Commissioners voted 5-0 to approve rezoning from C/PDP(SF) to R-2.5 for an approximate 450-acre parcel which encompassed a portion of Spring Hill Unit 23. Approval was based on its consistency with the Spring Hill master plan, which designated the site as residential, and the R-2.5 district’s existing conditions for Unit 23.

At the August 13, 2007, meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until October 8, 2007, at 9:00 a.m. in order for the petitioner to meet with the residents of the neighborhood.

At the October 8, 2007, meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until November 13, 2007, at 9:00 a.m. to allow the petitioner to

meet again with the residents of the neighborhood, and to allow staff time to review a recently submitted revised master plan reflecting a reduction in golf course lots.

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand and Paola Fine Sand

Hydrologic

Features: The subject property contains a Special Protection Areas (SPA), but no wetlands according to County data resources.

Protection

Features: The property is within a Well Head Protection Area-2 (WHPA-2) associated with public supply well. The proposed uses are allowable within this designation.

Habitat:

Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Peromyscus floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

Comments:

The site contains sinkholes/karst features in the vicinity of the proposed conference center/clubhouse area which are Special Protection Areas (SPAs) by ordinance. Subsurface geotechnical testing is needed in these area to determine if significant karst features or voids are present. Testing is also needed for new home sites proposed over existing drainage retention areas (DRAs). Since these DRAs have been operational, testing is needed to verify that concentrated stormwater volumes have not contributed to sinkhole formations.

Other:

A comprehensive wildlife survey shall be conducted in order to identify any listed species present on the property. Since listed species may be present on-site, a Florida Fish and Wildlife Conservation Commission permit may still be required prior to site alterations. The petitioner is required to comply with all applicable Florida Fish and Wildlife Conservation Commission (FWC) regulations.

UTILITIES REVIEW:

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. There is an existing 12-inch water line on the south side of Northcliffe Boulevard. There is an existing 8-inch force main on the north side of Northcliffe Boulevard.

Capacity of the existing infrastructure is dependent on the engineer's estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

ENGINEERING & TRANSPORTATION REVIEW:

The property is located in an area lying between Elgin Boulevard, Northcliffe Boulevard, Deltona Boulevard, and Keysville Road. The proposed residential lots will access existing roads within the Oak Hill Golf Course Community and the new Golf Resort will have access to Northcliffe Boulevard via a new access point west of the existing access.

The Engineering Department had reviewed the request and made the following recommendations:

1. The petitioner must align the proposed access to the Golf Resort with Century Drive to the south.
2. The petitioner must coordinate access for the Golf Course Resort with the County Engineer and must show the location on a revised master plan.
3. The developer shall provide an access management study and traffic 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 determined by the access management study and traffic analysis.
4. All proposed drainage retention areas (DRAs) must be in conformance with County and SWFWMD standards and must be coordinated with County Engineer.

The Transportation Planner reviewed the subject request and indicated that the developer must provide a traffic analysis to determine adequate capacity exists on Northcliffe Boulevard and Deltona Boulevard.

FIRE DISTRICT REVIEW:

The Spring Hill Fire District indicated that the proposed golf cart only access to the villas must meet all Fire Marshal emergency access requirements. The petitioner must provide a

minimum 20' fire apparatus emergency road access, with a minimum 36 ton capacity for all proposed villas. The emergency access must be a minimum of 10' from all structures and have no more than a five percent grade.

SCHOOL BOARD REVIEW:

The Hernando County School District has indicated that approval of the subject request would have minimal impact to the District as it will only generate an estimated 8 students.

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 commercial, single family and multifamily development. The standards address the provision of minimum open space, internal setbacks, separation between buildings, building design, pedestrian connections, sidewalks, parking, etc.

The master plan depicts villas with no specific internal setbacks or lot sizes. County LDRs require that lots less than 60' in width provide a fire protection plan. If the request is approved, the petitioner would have to meet all of the applicable LDRs for the proposed rental villas.

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural. The buffer shall consist of a minimum five-foot landscaped separation distance. 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 eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting. If the request is approved, the petitioner would have to meet all of the applicable LDRs for the proposed villas.

To maximize buildout and create a cohesive development, the petitioner is proposing a three (3) level parking garage to accommodate the needed parking for the Golf Resort. At the time of completion of this report, no specific setbacks have been indicated by the petitioner for the parking garage. If approved, due to its location and intensity within a residential area, the petitioner must provide adequate setbacks and buffering from Northcliffe Boulevard to mitigate the impact. The petitioner must meet all of the applicable LDRs for the proposed structure. It is recommended that the parking garage maintain a minimum 125' setback and 35' landscape buffer from Northcliffe Boulevard and/or residential uses.

The plan does not depict the parking capacity of the parking garage. If the request is approved, the petitioner will be required to provide parking meeting the LDRs.

The petitioner has not provided specifics on the Golf Resort lighting plan. Due to the scale of the development, the minimum county LDRs require site lighting to be semi cut-off for internal lighting and full cut-off fixtures within 30 feet of the property line. If the request is approved, the petitioner would have to meet all of the applicable LDRs for the proposed Golf Resort and parking garage.

The petitioner has proposed utilizing the third floor of the Clubhouse for a 120 room hotel. Under the County's LDRs, a hotel use would require a rezoning to C-1/(General Commercial). Due to the subject site's location within a residential area, staff is not recommending the hotel.

The Golf Resort development will have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

Spring Hill has established deed restrictions for this site. The deed restrictions on the subject property indicate the site is to be used for residential dwellings. Although the County does not enforce deed restrictions, it does take such restrictions into consideration when determining the character of the neighborhood.

COMPREHENSIVE PLAN REVIEW:

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.

Policy 1.01A(9) The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space, public facilities, innovative planning design or other appropriate public benefits.

Comment: The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

Policy 1.01A(4) Development within a PDP shall occur according to limitations of use, design, density, coverage, and phasing stipulated on an approved Development plan.

Policy 1.01R(2) In order to promote a harmonious built environment, performance standards to be included in the LDRs may cover such issues as services, access, noise, bulk, height, traffic, buffers, open space, acreage minimums or maximums, landscaping, signage, timing, architectural and aesthetic designs.

Comment: The proposed development should be designed in such a way that it provides a neighborhood friendly environment, and any approval should include appropriate performance conditions.

The rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family), PDP(REC)/Planned Development Project (Recreational) and PDP(RR)/Planned Development Project (Resort Residential) is appropriate with performance conditions, based on the following conclusions:

1. The master plan 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.
2. The rezoning would be compatible with the surrounding area subject to compliance with all performance conditions herein.
3. The 120 room hotel use is inconsistent with the County’s adopted Comprehensive Plan and incompatible with the surrounding area .

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 PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family), PDP(REC)/Planned Development Project (Recreational) and PDP(RR)/Planned Development Project (Resort Residential) with the following 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 parking garage shall maintain a minimum 125' setback and 35' landscape buffer from Northcliffe Boulevard and/or any residential use.
3. A minimum 35' landscape buffer shall be maintained along Northcliffe Boulevard.
4. Access to the site shall line up with Century Drive and be coordinated with the County Engineer.
5. The petitioner shall follow all requirements from South Florida Water Management District for all removed and new drainage retention areas and shall comply with the Water Management District's requirements for karst sensitive areas.
6. The 120 room hotel request is not approved.
7. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present including new home sites proposed over existing drainage retention areas (DRAs).
8. Due to the scale of the development, site lighting shall be semi cut-off for internal lighting and full cut-off fixtures within 30 feet of the property line.
9. The petitioner shall provide a minimum five (5) foot buffer with 80% opacity along the east portion of the proposed villas.
10. The developer shall provide an access management study and traffic 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 operational and/or link improvements determined by the access management study and traffic analysis.
11. The parking garage shall be limited to two (2) levels and a maximum height of 30' feet.

12. The Clubhouse/Conference Center shall be limited to two (2) stories and a maximum height of 30' feet.
13. The petitioner shall provide a minimum 20' fire apparatus emergency road access, with a minimum 36 ton capacity for all proposed villas. The emergency access must be a minimum of 10' from all structures and have no more than a five percent grade.
14. The petitioner shall provide a fire protection plan for the proposed rental villas.
15. The petitioner shall provide a traffic analysis to determine adequate capacity exist on Northcliffe Boulevard and Deltona Boulevard.
16. 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.
17. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 business days of BCC approval. Failure to submit the revised plan within 30 calendar days from BCC approval will result in the zoning becoming null and void.

NOTE:

At the October 8, 2007, meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition in order to give the petitioner time to meet again with the residents and to consider a further reduction in golf course lots. In addition, the postponement was to allow the Planning Department time to review the revised master plan. Subsequent to the Planning and Zoning hearing, staff met with the petitioner; however, no additional changes have been made to the revised master plan. Staff has reviewed the revised master plan, and at this time makes no additional recommendations regarding the petition other than the proposed reduction in single family lots.