

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 10, 2007
Board of County Commissioners: October 10, 2007
Planning & Zoning Commission: October 8, 2007
Board of County Commissioners: November 14, 2007
Planning & Zoning Commission: December 10, 2007
Board of County Commissioners: January 9, 2008
Planning & Zoning Commission: February 12, 2008
Board of County Commissioners: March 12, 2008

APPLICANT: Ralph & Monteen Vitola for Rhema, LLC

FILE NUMBER: H-07-40

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)

GENERAL

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

LEGAL

DESCRIPTION: A portion of Section 35, Township 22 South, Range 19 East of 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 and revise an approved master plan for a property zoned PDP(SF)/Planned Development Project (Single Family) and AG/(Agricultural) to PDP(MF)/Planned Development Project (Multifamily) and PDP(SF)/Planned Development Project (Single Family) in order to develop the 50 acre subject site with a 200 unit mixed residential development.

The petitioner has indicated that the subject site will be developed with two(2) residential products. The property's northern 30 acres will be developed with 184 two-story town homes, and the southern 20 acres will be developed with 16 single family detached units. The single family homes will have a minimum lot size of 0.21 acre lots (9,000 square feet) for

proposed Lots 1-14, 2.25 acres for proposed Lot 15 (which has an existing home that will remain) and 4.90 acres for proposed Lot 16. The proposed overall density for the project will be 4.0 units/acre.

On September 10, 2007, the petitioner submitted a 372 unit master plan for the subject site with 324 four (4) story multifamily units, 36 two (2) story town home units on the northern 30 acres and 16 detached single family lots on the southern 20 acres, with a overall density at 7.52 du/acre. Issues raised by the staff and the Planning and Zoning Commission included environmental constraints and compatibility with the bordering Rural Land Use designation. Subsequently, the petitioner requested a postponement; and on October 1, 2007, the petitioner submitted a revised proposal for the subject site. The petitioner's second request proposed 216 four (4) story multifamily and 38 two (2) story town home units on the northern 30 acres, and 16 detached single family on the southern 20 acres for a total of 270 units, with a overall density of 5.4 du/acre. Though the petitioner had moved a large portion of the project out of the flood plain area, provided flood plain mitigation and lowered densities, a portion of the project was still within the designated flood plain area and the proposed density was still considered inappropriate for the area.

On December 20, 2007, the petitioner submitted a revised master lowering the density of the proposed project and moving the some additional impervious areas out of the flood plain. The project was reduced from the original 376 overall units to 200 overall units, with a density of 4 du/ac.

SITE CHARACTERISTICS:

- Site Size:** 50.0 acres

- Surrounding Zoning; Land Uses:** North: AG; School
South: AG; Undeveloped
East: AG; Undeveloped
West: AG: School & Church

- Current Zoning:** PDP(SF)/Planned Development Project (Single Family) and AG/(Agricultural)

- Future Land Use Map Designation:** Rural & Residential, within the 1320' transition zone

- Flood Zone:** A portion of the property is within the 100 year Floodplain area

SITE CIRCUMSTANCES:

On August 9, 2006, the Board of County Commissioners voted 3-1 to approve a master plan and rezoning for the 25 acre northern portion of this 50 acre parcel from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family). The plan was to develop the subject site with 75 single family homes at a density of three (3) units/ acre.

The previous request was reviewed in regards to consistency of the proposed use with the Comprehensive Plan designation and residential land use transition zone policies, as well as its proximity to the Griffin Prairie. The subject property was on the edge of the Residential Land Use category of the Future Land Use Map (FLUM) and adjacent properties were within the adjacent Rural Land Use category, which does not permit densities at the level proposed. The petitioner had stated that the existing home on the remaining 25 acres to the south would serve as a transition between the proposed project and the rural area.

Several single family and multifamily projects have been approved in recent years proximate to this proposal. Two (2) projects are located within the Residential Land Use classification, and were approved with a maximum density of 3 du/acre. A multifamily project was approved northwest of the subject site at approximately 10 du/acre; however, this project is situated within a commercial node category on the future land use map, which anticipates more intense development. The Board of County Commissioners (BCC) had previously approved a density of 3 du/ac for the subject site. All three (3) previously approved projects are still undeveloped, and the proposed density of the current request exceeds the comparable densities of projects within the Residential Land Use category approved for the surrounding area.

ENVIRONMENTAL REVIEW:

Hydrologic

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

Protection

Features: No Well Head Protection Areas (WHPA) according to County data resources.

Soil Type: Blichton Fine Sands and Flemington Fine Sands

Habitat: According to the Soil Survey of Hernando County, within the Blichton loamy fine sand, at 0 to 2 percent slopes, the water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for 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.

According to the Soil Survey of Hernando County, within the 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. Potential is low for dwellings without basements, and small commercial buildings. Increased size and strength of footings and foundations is needed for dwellings without basements. Potential is very low for local roads and streets even if poor soil material is replaced and proper water control measures are used.

Blichton and Flemington fine sand environments are dominated by oaks, hickory, magnolia, sweetgum, pineland three-awn, slash, and longleaf pines. The understory may consist of flowering dogwood, American hornbeam, hop hornbeam, southern redcedar, American holly, American beautyberry, and deertongue.

Flood: There is flood plain located on the east boundary of the subject property. The petitioner proposes some development within the floodplain. If the request is approved, no impervious development should be permitted within any portion of the floodplain area. The 100-year floodplain must be delineated and shown on all site plans.

A portion of the project is located within the Bystre Lake Flood Area. Any land alterations that impact the 100 year floodplain capacity and volume must be appropriately mitigated.

Other: There is an existing drainage conveyance onsite. The conveyance must contain a 35' conservation easement. If the request is approved, all exotic plant species shall be removed from the conveyance and the 35' easement. Furthermore, the conveyance must be delineated and shown on all future plans.

UTILITIES REVIEW:

The Utilities Department has indicated that the subject site is within the City of Brooksville Service area. The City of Brooksville indicates that a 10 inch waterline and a 6 inch sanitary sewer force main are adjacent to the property, on the west side of Emerson Road.

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.

SCHOOL BOARD REVIEW:

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Moton Elementary School, middle school students will be assigned to West Hernando Middle School D.S. Parrott Middle School and high school students will be assigned to Hernando High School. The School Board estimates the project has the potential to bring approximately 85 additional students to the three (3) schools. Currently the three (3) schools are at permanent capacity. An immediate solution to solve the impact of additional students would be adding portable classrooms. However, the state requires schools to build permanent capacity facilities to support their goal of eliminating portables.

ENGINEERING & TRANSPORTATION REVIEW:

The master plan indicates that two (2) access points will be provided along Emerson Road. Access to the multifamily development will be along an 80' wide boulevard which aligns with the western school bus entrance and the single family units will have access along a 50' wide local street. A gated road between the multifamily and single family development will be utilized as an emergency access.

The County Engineer has reviewed the request and indicated that the access to the development must align with the access to the school. Furthermore, the petitioner should coordinate with the County Engineer on providing turn lanes on both projects entrances.

The Transportation Planning Coordinator has reviewed the request and indicated that the developer must provide a transportation analysis to determine whether the intensity of the project will affect the Jefferson Street and Emerson Road intersection. The intersection is currently not signalized and any impact by the proposed development to the intersection would require the petitioner to pay their proportionate share for signalization. In addition, the developer shall be responsible for all improvements determined by the traffic analysis.

LAND USE REVIEW:

Development Projects greater than 20 acres in size, must designate an area of at least seven percent (7%) of the total project as Preserved Natural Vegetation and no construction activity can occur in these areas. Preserved Natural Vegetation areas must be a minimum of 20,000 square feet. The required open space for the subject site would total 3.5 acres. The petitioner's proposed open space area exceeds the minimum open space as required by the County's LDRs.

The petitioner is proposing a total of 333 spaces, including a minimum of 15% visitor parking.

Proposed Perimeter Setbacks:

Emerson Road: 225' (100' is a Florida Power Easement)

North: 50'
South: 50'
East: 250'

Proposed Single Family Setbacks for Lots 1-14 (75' x 120'):

Front: 25'
Side: 7.5'
Rear: 15'

Proposed Single Family Setbacks for Lots 15-16 (existing home on Lot 15 is to remain):

Front: 50'
Side: 10'
Rear: 35'

Proposed Townhome Setbacks:

Front: 25'
Side: 20' between buildings (end units)
Rear: 20'

The petitioner has indicated that a 20' minimum fire separation will be provided between the townhome structures. The PDP rules require that lots less than 60' at the building line submit a fire protection plan upon the filing of the conditional plat.

New single-family and multifamily residential development of more than fifty (50) units shall provide at least one (1) treed roadway/access way for motor vehicles extending through the length or width of the development, whichever dimension is greater. Treed roadways shall provide a vegetative buffer a minimum of ten (10) feet in width with at least one (1) tree as defined in this article for every thirty (30) linear feet on both sides of the roadway, and including other appropriate landscaping consistent with accepted traffic engineering standards. If approved, the petitioner must provide a treed boulevard for the multifamily portion of the project in accordance with the County LDRs.

The petitioner has provided for a minimum 20' foot buffer with additional 30' natural preserved buffer (50' total) along the north property line and a 30' wide enhanced, 80% opacity buffer along the east project boundary. An additional 30' enhanced internal buffer will be provided to separate town home units from the single family homes. All buffers will be provided as an easement to ensure the buffer is protected and the natural vegetation and buffers will be utilized wherever possible. The east boundary line of the project will further be buffered by a proposed drainage retention area that extends the full length of the project.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within both Residential and Rural Land Use classifications on the adopted Future Land Use Map. Residential land uses consistent with those uses allowed in the Residential Land Use Category are allowable up to 1,320 feet into the Rural Land Use Category without a comprehensive plan amendment only where it lies contiguous to a Residential Land Use Category, it does not have a detrimental impact on the established nature of the area, the needed infrastructure is available or planned to support the density and intensity of development, and, a transition of density and intensity from urban to rural is created in accordance with Policy 1.01B(3) so that the boundary between Residential and Rural is established by the transition in density and intensity.

Policy 1.01F(7) of the Future Land Use Element 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 proposed density of 4 du/ac (200 units) total is inconsistent with the adjoining rural and conservation land uses to the south and east, and is not compatible with the existing development trends. In addition, the site is not located in close proximity designated major commercial or employment centers. If approved, the density should be reduced to 3 du/ac or less.

Policy 1.01B(3): The range of residential density allowed within the 1320 foot transition zone where the Residential Land Use Category abuts the Rural Land Use Category will maintain an orderly progression of intensity from development areas to rural areas.

Comment: A maximum density of 3.0 du/ac or less would maintain an orderly transition from the residential area to the rural area.

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

Comment: Any approval should include appropriate performance conditions to address potential negative impacts from the development.

- Policy 1.03B(1)** New development shall be discouraged in floodplains, flood prone areas and coastal high hazard areas. New development shall be directed to areas that do not present risks of flooding.
- Policy 1.06A(4)** Utilize the Natural Resources Conservation Service identification of soils subject to flooding, in addition to FEMA mapping, in the regulation of seasonally or periodically flooded areas.
- Policy 1.06A(5)** All urban future land use categories, including commercial, residential, and industrial, shall address the structural capability of the soils, through the development review process.
- Policy 4.08A(1)** Prohibit land filling, channelization, ditching, or other physical alterations to land which results in net loss of storage within the areas inundated by the 100-year storm event.
- Policy 6.08A(2)** Development in flood-prone areas shall generally be less intensive and shall meet the standards established in the County flood plain ordinance

Comment: The subject site contains environmental, soils, and compatibility limitations. The proposed density of the combined town home and single family site at 4.0 du/ac (184 units on 30 acres and 16 units on 20 acres) would prove to be too intense for the subject site due to its proximity to the Rural Land Use classification combined with the soils and flood plain limitations. Any approval should include appropriate performance conditions to reduce the density of the proposed project to 3.0 du/ac or less and keep impervious areas out of the designated flood plain.

The request for a the 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) is appropriate, with proper performance conditions, based on the following conclusions:

1. The project should be reduced in size and scope to minimize environmental impact, and maintain an orderly transition to the rural area and conservation area to the south and east. Reducing the development on the subject site to 3 du/acre would provide an appropriate transition and help to reduce the impact of poor soils and flood plain on the site.
2. The proposed development would be compatible with the surrounding neighborhood with performance conditions.

3. The proposal would be consistent with the Comprehensive Plan and would be consistent with the County's Land Development Regulations subject to compliance with all recommended 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 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 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).

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 35 feet.
3. 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.
4. Minimum Perimeter Setbacks:
Emerson Road: 75'
North: 20'
South: 20'
East: 20'
5. Townhome Setbacks:
Front: 25'

Side: 20' between buildings (end units)

Rear: 20'

6. The petitioner shall maintain a minimum 20' fire separation between the townhome structures.
7. Single Family Setbacks for Lots 1-14 (75' x 120'):
 - Front: 25'
 - Side: 7.5'
 - Rear: 15'
8. Single Family Setbacks for Lots 15-16:
 - Front: 50'
 - Side: 10'
 - Rear: 35'
9. A 50' wide natural buffer shall be provided along the north and south property line, a 200' wide natural buffer along the west, and 30' wide natural buffer on the east side of the property. These buffers shall be enhanced to provide for 80% opacity.
10. A 30' wide enhanced buffer shall be provided between the town home and single family development pods. The enhanced buffer shall provide for 80% opacity.
11. Maximum density approved as follows:
 - 30 acre townhome portion: 134 units
 - 20 acre single family portion: 16 units
 - Maximum overall density approved is 3.0 du/acres
12. 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.
13. The 100-year flood plain shall be delineated and shown on all future site plans. No development of impervious surface shall be permitted within the designated flood plain area.
14. Access shall be as depicted on the master plan.
15. Additional parking spaces for visitors shall be provided throughout the town home portion of the development. The minimum number of additional spaces provided shall be at least 15% of the required parking.

16. The petitioner shall provide turn lanes on Emerson Road at both entrances as required by the County Engineer.
17. 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.
18. An archaeological survey shall be performed by a qualified professional prior to conditional plat review.
19. Florida Yards & Neighborhoods (FYN) principles shall be implemented for landscaping within the development and FYN materials shall be distributed to new homeowners.
20. The petitioner shall provide one treed roadway/access way, for the northern 30 acre development pod, in accordance with the requirements of the County LDR's.
21. The developer shall be responsible for the clearing of all exotic plant species from any portion of the eastern drainage ditch and associated upland easement that falls within the projects boundary.
22. The petitioner shall provide a 35' conservation easement along the drainage conveyance that shall be delineated and shown on all future plans.
23. The development shall comply with the open space requirements of the County LDR's.
24. 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.
25. 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.