

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 12, 2025
Board of County Commissioners: July 1, 2025

APPLICANT: Shady Oaks Project, LLC

FILE NUMBER: H-25-15

REQUEST: Rezoning from PDP(MH) Planned Development Project (Mobile Home) to PDP(SF) Planned Development Project (Single Family) with Deviations and Establish an Associated Master Plan

GENERAL

LOCATION: East Side of Treiman Boulevard, 2,548 feet north of Reynolds Street, opposite Belt Drive

**PARCEL KEY
NUMBER(S):** 01150471, 1078862 (Portion)

APPLICANT'S REQUEST

The subject site was rezoned in 1985 for a mobile home park (H-85-58) with a maximum number of 196 units. To date, no construction has occurred on the subject site.

The petitioner's current request is a rezoning from PDP(MH) Planned Development Project (Mobile Home) to PDP(SF) Planned Development Project (Single Family) to develop a unified single-family residential subdivision. The number of units is being held to the previous development approval (196).

The lot sizes and setbacks requested for the development are:

Lot Size	50'x120' (6,000 square feet)
Building Height	35' (2 Stories)
Building Setbacks	Front: 25' Side: 5' Internal **Including 2 nd Front for Corner Lots Rear: 15'

SITE CHARACTERISTICS

Site Size: 82.47 acres

Surrounding Zoning;

Land Uses: North: AG; undeveloped
South: AG, R1-A; undeveloped and residential uses
East: AG; Suncoast Line Railroad and Undeveloped
West: PDP(MH) and AR1; Residential and Agricultural-Residential uses

Current Zoning: PDP(MH) Planned Development Project (Mobile Homes)

**Future Land Use
Map Designation:** Rural

ENVIRONMENTAL REVIEW

An environmental analysis was completed on the subject site by the applicant and observed gopher tortoise burrows. No other direct observations of listed species or of their potential occurrence during the site inspection. Additionally, no wetlands were found to be on the site during preliminary inspection.

The applicant shall be required to comply with all Florida Fish and Wildlife Commission permitting requirements at the time of conditional plat.

UTILITIES REVIEW

The Hernando County Utilities Department does not currently supply water or sewer service to these parcels. Water and sewer services are available to these parcels. HCUD has no objection to the requested rezoning, subject to a utility capacity analysis and connection to the central water and sewer system at time of vertical connection. There are known deficiencies in the surrounding area's utility system. The Florida Department of Transportation is constructing improvements to US 301 and HCUD is upsizing the existing utilities along the highway during construction, which may address the known deficiencies.

Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries. Utility location does not guarantee capacity.

ENGINEERING REVIEW

The subject site is located on the East Side of Treiman Boulevard, opposite Belt Drive. It has one main access proposed off Treiman Boulevard, with interconnectivity proposed to the parcels immediately adjacent to the north and south.

The County Engineer has reviewed the petitioner's request and has the following comments:

- A Traffic Access Analysis is required to be submitted. Refer to Hernando County Facility Design Guideline IV-18. Any improvements found to be warranted in the Traffic Access Analysis will be the responsibility of the developer to install.
 - A Methodology Statement was received on 12/02/2024 and approved on 1/16/2025.
- A Frontage Road is required for this project as it abuts Treiman Boulevard (US-301), per the requirement of Ordinance. Due to the unique layout of the site, the entrance road into the development shall serve as the frontage road to the development. At the time of conditional plat, the applicant shall be required to demonstrate interconnectivity with the surrounding parcels.

- The Roadway and Driveway design will need to meet Hernando County Standards.

Comments: The petitioner has indicated that an interconnecting local road to Jodi W. Drive to the south will be constructed as part of the development. An additional potential connection to Reynolds Street is also proposed. These interconnections and their associated roundabouts shall be reviewed at the time of conditional plat.

LAND USE REVIEW

The applicant is proposing 196 units, an equivalent number of units to the previous approval, with a gross density of 2.36 dwelling units/acre.

Access:

To establish minimum access requirements to single-family and multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access for subdivisions. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units. If approved, individual single family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County Land Development Regulations require that new single-family and multifamily developments with more than 50 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.

Comments: The petitioner has shown two access points to the project. The northernmost entrance to the development shall be constructed as a boulevard and shall be treed in accordance with the Land Development Regulations. The tree-lining shall continue throughout the entire entryway until the roadway meets the first residential pod of the development.

Setbacks, Lot Width and Sizes:

The petitioner has proposed the following building setbacks and lot sizes for the subject site:

- Lot Size: 50'x120' (6,000 square feet)
- Lot Coverage: 40% (Deviation from 35%)
- Front Setback: 25'
- Side Setbacks: 5'/ 15' corner lots (Deviation from 10')
- Rear Setbacks: 15' (Deviation from 20')

Comments: Based on previous Board of County Commissioners' direction, the side setbacks proposed by the applicant are not supported by Planning Division staff. For consistency with previous approvals and to maintain the general atmosphere of Hernando County it is recommended that the side setbacks be increased to 7.5' with the retention of the 15' setbacks for corner lots.

The lot width reduction is supported by staff to allow for the increased buffering, stormwater facilities and park and natural vegetation to be developed on the site. The lot width proposed is within the policy direction of the Board of County Commissioners and will allow for clustering of the homes and provide opportunities for residential development within the uniquely sized parcel.

Perimeter Setbacks and Buffers

The petitioner has proposed the following perimeter setbacks for the subject site:

- North: 30'
- East: 30'
- West: 30'
- South: 50'
- Along Treiman Boulevard: 25' (Reduction from 125')

Comments: This perimeter setback reduction along Treiman Boulevard is not supported by staff. No buildings are proposed within the 125' setback. Additionally, Treiman Road is anticipated to be widened in the near future; additional right-of-way may be required from the applicant. In addition, signs and landscaping are allowed within the perimeter setback insofar as they meet all appropriate Hernando County Facility Design Guidelines and permit requirements, including sight triangle and circulation. The justification is not warranted.

Within these perimeter setbacks, the petitioner has proposed the following buffers:

- 10' landscape buffer along both sides of the entrance road into the development
- 15' landscape buffer along the northern boundary where the residential development begins
- 20' landscape buffer along the eastern boundary of the development
- 15' along the south immediately adjacent to the residential pod
- 25' landscape buffer along the southern boundary at the project exist
- 15' landscape buffer along the project exit

Comments: The petitioner shall maintain and/or enhance vegetation along all buffers to ensure that they are at 80% opacity within 18 months of planting. If revegetation is required to obtain the 80% opacity requirement, a revegetation plan must be provided at the time of construction drawings.

Neighborhood Park:

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres. If approved, the development must meet the minimum neighborhood park requirements as required by the

County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

Comments: The petitioner has indicated that the site will be developed with landscaping and walkways from US 301 into the residential portion of the site. Neighborhood Park locations are not shown on the proposed master plan; however, the narrative proposes a location south of the amenity area within the development. Staff believes the park location is appropriate to identify in the Conditional Plat, due to the topographic uniqueness of the property. The park should be centrally located to be accessible to all residents within the development and should connect to the walkways as discussed in the narrative to provide comprehensive pedestrian access throughout the development.

Natural Vegetation:

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of twenty thousand (20,000) square feet.

Comments: The petitioner has not shown the locations for the preservation of natural vegetation on the subject site. If approved, the petitioner shall set aside a minimum of 7% natural vegetation in accordance with the Land Development Regulations. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width. The preserved vegetation must be designated during the conditional plat phase of development.

Fire Protection Plan:

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60' in width.

Comments: If the master plan is approved, the applicant shall be required to provide a fire protection plan as part of the Conditional Plat submittal package.

COMPREHENSIVE PLAN REVIEW

The subject site is located within the Rural land use classification; however, has vested rights in accordance with the Property Rights Chapter of the Comprehensive Plan as indicated below.

GOAL 12.02: **Property Rights: Hernando County will recognize property rights interests in local decision-making.**

Strategy 12.02A(2): Existing legal zonings and related entitlements/property rights that do not conform with the Future Land Use Map Category shall be allowed to continue under this Plan and their entitlements shall not be diminished.

Comments:

The subject property was initially approved for 196 mobile home units in 1985. These development rights remain vested under the Land Development Regulations and the Comprehensive Plan. The market has changed, and mobile homes are no longer a preferable housing type for Hernando County residents; therefore, the applicant has applied to utilize the entitlements previously vested and apply them toward the development of a single-family neighborhood. The total number of units will not exceed the 196 units initially approved. This development is consistent with the Comprehensive Plan as the site has existing entitlements that are being applied to the new request; there is no anticipated change to the potential development intensity.

The subject site is compatible with the surrounding uses, as there are existing single-family homes to the south of the proposed development with vested R1-A entitlements. A Comprehensive Plan Amendment to Residential would not be supported by staff as the entire area is within the Rural classification and the density of the existing residential is low-density single-family residential, compatible with the Rural land use classification. Additionally, if a Comprehensive Plan Amendment were to be considered, it could potentially set a precedent for future amendments and create a sprawl effect through the Rural areas of the County. Maintaining the Rural land use classification allows for the retention of the vested rights on the site, but converts those rights to a more sustainable building type of single-family homes, while not having a significant potential impact on the surrounding community.

FINDINGS OF FACT

The Rezoning from PDP(MH) Planned Development Project (Mobile Home) to PDP(SF) Planned Development Project (Single Family) with Deviations and Establish an Associated Master Plan is appropriate based on the following findings of fact:

- The property has vested entitlements under the Property Rights Element of the Comprehensive Plan.
- The proposed development is limited to the number of units (196) approved with the initial rezoning application (H-85-58)
- The proposed development will not increase impacts to public facilities above and beyond the impacts anticipated from the initial rezoning application.
- The applicant has proposed interconnectivity to the adjacent parcels in lieu of a frontage road due to site design constraints.

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. Homeowner 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 a resolution approving the petitioner's request for a Rezoning from PDP(MH) Planned Development Project (Mobile Home) to PDP(SF) Planned Development Project (Single Family) with Deviations and Establish an Associated Master Plan 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 petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping.
3. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
4. The applicant shall be required to comply with all Florida Fish and Wildlife Commission permitting requirements at the time of conditional plat.
5. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
6. The development shall be limited to the entitled total of 196 single-family residential units.
7. Lot Width and Size:
 - Lot Size: 50'X120' (6,000 square feet)
 - Lot Coverage: 40% (Deviation from 35%)
 - Front Setback: 25'
 - Side Setbacks: 7.5' (Deviation from 10') - includes the second front for corner lots
 - Rear Setbacks: 15' (Deviation from 20')

8. Perimeter Setbacks

- North: 30'
- East: 30'
- West: 30'
- South: 50' (Master plan showed 30')
- Along Treiman Boulevard: 125'

Signs and landscaping are allowed within the perimeter setback insofar as they meet all appropriate Hernando County Facility Design Guidelines and permit requirements, including sight triangle and circulation.

9. Perimeter Buffers:

- 10' landscape buffer along both sides of the entrance road into the development
 - 15' landscape buffer along the northern boundary where the residential development begins
 - 20' landscape buffer along the eastern boundary of the development
 - 15' along the south immediately adjacent to the residential pod
 - 25' landscape buffer along the southern boundary at the project exist
 - 15' landscape buffer along the project exit
10. The applicant shall reflect the location and acreage of the neighborhood park in accordance with the Hernando County Land Development Regulations at the time of conditional plat. This park shall be centrally located to be accessible to all residents within the development and should connect to the walkways as discussed in the narrative to provide comprehensive pedestrian access throughout the project. The amenity center as indicated in the narrative may count toward the total park acreage but shall not be the sole park location.
11. The applicant shall preserve the minimum 7% natural vegetation on the subject site in accordance with the Hernando County Land Development Regulations. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width. The preserved vegetation must be designated during the conditional plat phase of development.
12. The applicant shall provide a fire protection plan at the time of conditional plat.
13. The applicant shall be required to complete a utility capacity analysis and connect to central water and sewer at the time of vertical construction. The preliminary analysis shall be required at conditional plat, with subsequent detailed analyses required at construction drawings.
14. The northernmost entrance to the development shall be constructed as a boulevard and shall be treed in accordance with the Land Development Regulations. The tree-lining shall continue throughout the entire entryway until the roadway meets the first residential pod of the development.

15. A Traffic Access Analysis is required to be submitted. Refer to Hernando County Facility Design Guideline IV-18. Any improvements found to be warranted in the Traffic Access Analysis will be the responsibility of the developer to install.
16. A Frontage Road is required for this project as it abuts Treiman Boulevard (US 301), per the requirement of Ordinance. Due to the unique layout of the site, the entrance road into the development shall serve as the frontage road to the development. At the time of conditional plat, the applicant shall be required to demonstrate interconnectivity with the surrounding parcels.
17. The petitioner has indicated that an interconnecting local road to Jodi W. Drive to the south will be constructed as part of the development. An additional potential connection to Reynolds Street is also proposed. These interconnections and their associated roundabouts shall be reviewed at the time of conditional plat.
18. The Roadway and Driveway design will need to meet Hernando County Standards.
19. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan will result in no further development permits being issued