

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 12, 2021  
Board of County Commissioners: May 11, 2021

**APPLICANT:** Bengé Development Corporation

**FILE NUMBER:** H2109

**REQUEST:** Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations

**GENERAL LOCATION:** North side of Northcliffe Boulevard, approximately 1344' west of Puritan Lane

**PARCEL KEY NUMBERS:** 320129

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) with deviations for a 30.75-acre portion of the Oak Hill Golf Course, to develop 90 single family homes in the area previously designated for the clubhouse, putting green and driving range.

This site was approved for a change to the land use on a 29.75 acre-tract from Recreation to Residential, which is scheduled for adoption on April 13, 2021 Board of County Commissioners agenda (CPAM2002).

### BACKGROUND:

On January 12, 2021, the Board of County Commissioners approved the transmittal of CPAM2002 to the Florida Department of Economic Opportunity and the reviewing agencies. This amendment included a 100' buffer that remained in the Recreation Category against the existing residential developments along Keysville Avenue and Puritan Lane (hence the difference in acreage between the CPAM and associated zoning).

The petitioner's proposed project includes the following development standards:

- The typical lot width of 60';
- The typical lot depth of 110';
- Minimum front setback: 20' (Deviation from 25')
- Minimum side setback: 7.5' (Deviation from 10')
- Minimum rear setback: 20'

- A proposed project density of 2.96 units/acre;
- The project entrance which coincides with the existing entrance to the Oak Hill Golf Course;
- The proposed main roadway at the entrance is a tree-lined roadway;
- A buffer against the homes along Puritan Lane and Keysville Avenue of 100' and remains in the recreation land use classification;
- The existing parking lot, south of the clubhouse, is to be removed with the master plan. A new parking lot for the clubhouse will be developed west of the clubhouse area;
- A neighborhood park centrally located for access by all residents; and
- The existing stormwater retention area will be improved to accommodate the increased stormwater needs and will have enhanced landscaping

**SITE CHARACTERISTICS:**

**Site Size:** 30.75 acres

**Surrounding Zoning:**

<b>Land Uses:</b>	North:	Residential
	South:	Residential
	East:	Residential
	West:	Residential

**Current Zoning:** Planned Development Project (Recreational)

**Future Land Use  
Map Designation:**

Recreation (1 acre) and Residential (29.75 acres)  
(See CPAM2002)

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sands

**Hydrologic**

**Features:** The subject property contains two previously categorized Class 3 wetlands, according to the Hernando County data resources and FLUCCS mapping. They have been incorporated into the stormwater drainage system for the development and are no longer functional wetlands. There are no Special Protection Areas (SPAs), according to County data resources.

**Protection**

**Features:** The property has no Wellhead Protection Areas (WHPA) according to County data resources.

**Habitat:** Candler fine sands and associated soils provide suitable habitat for gopher tortoises and their commensal species. Since there is the potential for listed species to be present and portions are mapped as strategic conservation area by Florida Fish and Wildlife Conservation Commission (FWC), the site is to be surveyed prior to site alteration or commencement of construction. According to FLUCCS (Florida Land Use Cover and Classification System) mapping the property is shown as open land, golf course, residential medium density 2-5 dwelling units, freshwater marsh, and intermittent pond.

**Comments:** A comprehensive floral/faunal (wildlife) survey shall be conducted to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

**Water**

**Quality:** This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System.

**Comment:** Distribution of information on Florida-Friendly Landscaping™ techniques and proper fertilizer use is a way to educate property owners on water quality protection.

**Flood Zone:** X

**SCHOOL DISTRICT REVIEW:**

No comments were received from the School District on this application prior to the initial Planning and Zoning Commission meeting. Subsequently, comments were received confirming the available capacity of the schools within the Concurrency Service Area.

The Hernando County School District Level of Service (LOS) is 100% of permanent school capacity.

At the Elementary school level, sufficient capacity is not available at Spring Hill Elementary School, the Concurrency Service Area serving the proposed residential development. However, there is currently sufficient capacity in the adjacent Concurrency Service Area of Explorer K-8.

At the Middle and High school levels, sufficient capacity is currently available at Fox Chapel Middle School and Central High School.

A formal application for School Concurrency Analysis should be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. The administrative fee for this application is \$500.00. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) currently supplies water service to this parcel. There is an existing 12-inch water main located along the south side of Northcliffe Boulevard. There is an existing 8-inch sewer force main located along the north side of Northcliffe Boulevard. HCUD has no objection to the submitted zone change from PDP-Recreational to PDP-SF Residential subject to a water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.

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.

**ENGINEERING REVIEW:**

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

- A traffic access analysis will be required. The developer will be responsible for any improvements identified in traffic access analysis.
- The proposed roads within the development will have to meet county standards.
- Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
- The proposed development falls within two watersheds and contains several areas shown as 1% annual chance floodplain.

**LAND USE REVIEW:**

**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 LDRs 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 is proposing the primary access from Northcliffe Boulevard, utilizing the existing entrance to the Oak Hill Golf Course. An access point east of the main entrance, closer to Puritan Lane, will be retained as an emergency exit only.

The primary entrance shall be developed as a treed roadway in accordance with the Hernando County Land Development Regulations.

**Setbacks, Lot Size and Lot Width:**

The petitioner is requesting the following lot setbacks, lot sizes and lot widths for single family detached and attached structures:

- Front: 20' (Deviation from 25')
- Sides: 7.5' (Deviation from 10')
- Rear: 20'
- Lot Width: 60'
- Lot Size: 6600 square feet

**Comments:** The narrative includes a reference to a potential an option for attached units; however, the typical unit setbacks, number of units, widths and sizes were not included on either the master plan or narrative. If the master plan is approved, the recommended master plan will not include an option to

develop attached units. The petitioner shall be limited to 90 detached single family units in accordance with the master plan.

The petitioner has not shown any perimeter setbacks on the proposed master plan. If the plan is approved, the minimum perimeter setbacks would be required:

- Front: 25'
- Side: 10'
- Rear: 20'

**Buffers:**

The petitioner has proposed a 100' foot buffer along existing residential units on Puritan Lane and Keysville Avenue. This area is currently designated Recreation by the Future Land Use Map.

***Comment:*** If the master plan is approved, the vegetative buffer shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.

**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 proposed 1.5 acres for a neighborhood park. This exceeds the minimum 1.41 acres as required by the Hernando County Land Development Regulations.

**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. If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space provided it is a minimum of fifteen (15) feet in width.

**Comments:** The petitioner shall meet the LDR requirement for natural vegetation. The 100' buffer can be counted toward the minimum requirements.

**COMPREHENSIVE PLAN REVIEW:**

The subject parcel is currently classified as Recreation on the Hernando County Future Land Use Map. There is a corresponding Comprehensive Plan Amendment changing the Future Land Use from Recreation to Residential on 29.75 acres with one acre designated as a vegetated buffer on the master plan which is in the Recreation category. The rezoning request is consistent with the Comprehensive Plan and CPAM2002.

**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 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 approval of the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations, and 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 shall provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. 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. Retention of large native trees and stands should be maintained to the extent possible.

4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department.
5. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.
7. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
8. The proposed roads within the development shall meet Hernando County Facility Guideline standards.
9. The property 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.
10. The petitioner shall be limited to 90 detached single-family units in accordance with the master plan.
11. Minimum Building Setbacks, Lot Width and Lot Size:
  - Front: 20' (Deviation from 25')
  - Sides: 7.5' (Deviation from 10')
  - Rear: 20'
  - Lot Width: 60'



- Lot Size: 6,600 square feet
12. Minimum Perimeter Setbacks:
- Front: 25'
  - Side: 10'
  - Rear: 20'
13. The 100' foot vegetative buffer along existing residential units on Puritan Lane and Keysville Avenue shall be a common tract, owned and maintained by the Homeowners Association, and exclusive of the perimeter setback.
14. The petitioner shall utilize the existing entrance to the Oak Hill Golf Course as the primary access for the proposed development, enhancing the entryway by developing it as a treed boulevard roadway.
15. The secondary access point to the proposed development as identified in the master plan shall be a gated emergency access meeting the design requirements of the Fire Department.
16. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
17. 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.

**P&Z ACTION:**

On April 12, 2021, the Planning and Zoning Commission voted 5-0 to recommend approval of the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations, and with the following unmodified 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 shall provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. 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. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department.
5. Subsurface geotechnical testing shall be conducted for all proposed improvements to determine if significant karst features or voids are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. HCUD has identified capacity issues within the existing sewer system in this area. Offsite sewer system upgrades may be necessary to provide sewer capacity for this parcel.
7. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
8. The proposed roads within the development shall meet Hernando County Facility Guideline standards.

9. The property 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.
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17. 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.

**BCC ACTION:**

On May 11, 2021, the Board of County Commissioners voted 4-1 to adopt Resolution 2021-68 approving the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family), with deviations, and with the following unmodified 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 shall provide a wildlife survey, prepared by a qualified professional to identify any listed species present prior to any development occurring on the property. Furthermore, copies of any required permits shall be provided prior to clearing or commencement of construction.
3. 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. Retention of large native trees and stands should be maintained to the extent possible.
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