

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: December 11, 2023  
Board of County Commissioners: January 9, 2024

**APPLICANT:** Oak Development Group LLC on Behalf of Panther I LLC

**FILE NUMBER:** H-23-54

**REQUEST:** Rezoning from AR (Agricultural/Residential) and AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations

**GENERAL LOCATION:** Between the east side of Eakin Street, approximately 230' from its intersection with Atlanta Avenue, and the west side of Lomita Wren Road, approximately 300' from its intersection with Mirage Avenue

**PARCEL KEY NUMBERS:** 343015, 103907

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### APPLICANT'S REQUEST

The petitioner requests a rezoning of the subject property from AR (Agricultural/Residential) and AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations. The petitioner is requesting approval of 190 dwelling units (DU), with mixture of single-family dwellings and mobile homes, on 53.28 acres of land, for a density of 3.57 DU/Acre. There are four (4) proposed access points to the development. The larger of the two subject parcels abuts the Royal Highlands subdivision on the north, south and east property boundaries. The smaller of the two parcels is in the Hi-Way Farms subdivision.

This application may seem familiar; Oak Development Group LLC applied for a rezoning for a PDP(SF)/Planned Development Project (Single Family) for a parcel with access points at Gyrafalcon Avenue and Godwit Avenue (application H-22-76) with the same requested deviations to setbacks and lot sizes and approximately the same density. The H-22-76 application was withdrawn by the request of the applicant, at the July 11, 2023, Board of County Commissioners Meeting (BOCC), after going to the Planning and Zoning Board as well as the BOCC at several times each. The persistent concern for that proposed development appears to have been related to the number of access points, and the traffic generation for a development with 142 dwelling units.

### SITE CHARACTERISTICS

**Site Size:** 54.0 Acres

**Surrounding Zoning;  
Land Uses:**

|        |  |
|--------|--|
| North: | R-1C (Residential); Single Family Residence and Undeveloped                                |
| South: | R-1C (Residential), AR (Agricultural/Residential); Single Family Residence and Undeveloped |
| East:  | R-1C (Residential); Single Family Residence and Undeveloped                                |

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|---|---|
|   | West: AR (Agricultural/Residential); Undeveloped    |
| <b>Current Zoning:</b>                  | AR (Agricultural/Residential) and AG (Agricultural) |
| <b>Future Land Use Map Designation:</b> | Residential   |

## ENVIRONMENTAL REVIEW

**Soils:** Candler Fine Sand 0-5% slopes, Basinger Fine Sand/Depressional

**Comment:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:** There are neither Protection Features (Wellhead Protection Areas (WHPA) nor Special Protection Areas (Special Protected Areas (SPAs) on this site according to county data.

**Hydrologic Features:** There are no Hydrologic Features (Sinkholes, Karst Sensitive Areas, and Wetlands) on this property according to county data.

**Comment:** There is a water feature on the property that is designated "Palustrine-unconsolidated bottom permanently flooded-excavated" according to Southwest Florida Water Management District (SWFWMD). It is the responsibility of the petitioner to coordinate development permitting with SWFWMD.

**Habitat:** The subject property is designated Sandhill, Wet Prairie, and Artificial Impoundment Reservoir according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

**Comment:** Invasive plant species if present are to be removed during the development process.

**Water Quality:** The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Outstanding Florida Springs (OFS) Group and the Weeki Wachee Springs Priority Focus Area.

**Comment:** Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.

**Flood Zone:** The subject properties are in the X flood zone with portions in the AE flood zone.

## UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the application and provided the following comments:

- HCUD does not currently supply water or sewer service to these parcels.
- There is an existing 16-inch water main that runs along the east side of Commercial Way.
- There is an existing 10-inch sewer force main that also runs along the east side of Commercial Way.

**Comment:** HCUD has no objection to the submitted zoning change from AR and AG to PDP(SF) to allow the development of 190 single family homes, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10'.

The shortest distance between the water and sewer mains lining Commercial Way and the subject property, is approximately 2,300'. The more likely placement of new water and sewer mains for this development would follow Atlanta Avenue, proceeding up Eakin Street for a total approximate distance of 3,175'.

## TRANSPORTATION

The roads in the Royal Highlands subdivision are a mixture of limerock and paved rural local roads<sup>1</sup>. The roads are paved that have been done so through an MSBU. There are four (4) proposed access points to the development. Two access points are on Eakin Street which dead ends to the north and is a rural local road designed to accommodate larger lot sizes and low expected vehicle traffic. The Hi-Way Farms subdivision has access to a single road (Eakin) which dead ends to the north.

Eakin Street turns into Atlanta Avenue approximately 300' south of the subject property and ends with direct access onto Commercial Way. Atlanta and Eakin may be unpaved limestone roads. One access

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<sup>1</sup> Rural roads are characterized by moderate to low posted speeds, infrequent access points to that road, small travel lane widths (10' or less), lack pavement markings (no center line or exterior lane lines), lack of formal curbs or shoulders and low estimated Average Annual Daily Trips (AADT).

point to Lomita Wren Road, which is a local rural roadway, and one access point at Masked Duck Road, also a local road, which currently dead ends at the subject parcel.

There are no transit stops or routes along these roads.

## **ENGINEERING REVIEW**

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

- This site contains a large area of flood Zone "AE, (El.21.5)" in the east of the site, and a small area of Zone "AE,(El.22.3)" in the northeasterly corner.
- There are also two areas of shallow flooding less than 1 foot deep.
- A Traffic Access Analysis is required. Any improvements identified by the analysis will be the responsibility of the developer.
- All Roadways shall meet Hernando County Design Standards.
- Sidewalks will be required throughout the project.
- Improvements to adjacent roadways are required and will be the responsibility of the Developer.

## **LAND USE REVIEW**

The petitioner is requesting approval of 190 dwelling units (DU) on 43.28 acres of land, for a density of 3.57 DU/Acre. There are four (4) proposed access points to the development. The larger of the two subject parcels abuts the Royal Highlands subdivision on the north, south and east property boundaries. The smaller of the two parcels is in the Hi-Way Farms subdivision.

There are approximately 208 parcels within 1,000 feet of the subject properties. One-hundred thirty-one (131) of these parcels are 20,000 square feet and over, 64 of the 131 parcels are over one (1) acre. The land use density for these 208 parcels 1.17 DU/Acre<sup>2</sup>). While this could be an ideal area to create smaller lots to transition from rural to the commercial zoning along Commercial Way, the difference between the existing and proposed development patterns, lot sizes and density is concerning, especially with the existing road network being as rural as it is currently.

Lot requirements for the R-1A zone are as follows:

- Minimum lot size: 6,000 sf
- Minimum width at the building line: 60'
- Minimum Street Frontage: 60'
- Maximum building area: 35%
- Maximum Building Height: 35' and/or 2 ½ stories

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<sup>2</sup> The subject parcels were excluded from the density calculation because they are large undeveloped tracts of land that would unfairly skew the existing density of the area. If included, the existing density of the area would be .91 dwelling units/acre.

- Setbacks:
  - Front: 25'
  - Side: 10'
  - Rear: 20'
  - Front (second front yard, corner lots): 25'

### Deviations

The petitioner proposes two different lot sizes that are deviations from the R-1A residential zoning district ([Appendix A, Article IV, Section 2A](#)) as well as deviations from the minimum lot width:

- 50' x 110' for a minimum lot size of 5,500 square feet
- 70' x 110' for a minimum lot size of 7,700 square feet.

Comment: The surrounding property is zoned R-1C (Residential), where the minimum lot size is 10,000 square feet and AR (Agricultural/Residential), where the minimum lot size is 43,560 square feet (1 acre).

The petitioner requests the following deviations from the R-1A setbacks:

- Front: 20' (deviation from 25')
- Side: 5' (deviation from 10')
- Front (second front yard, corner lots): 10' (deviation from 25')

Comment: The more appropriate<sup>3</sup> residential district to base this PDP on would be the surrounding R-1C district. The surrounding R-1C (Residential) and AR (Agricultural/Residential) zoning districts are limited to single family homes.

Staff do not recommend approval of any lot sizes below 10,000 square feet for this area, to remain consistent with the required minimum lot size in the surrounding area. Staff do not recommend approving the requested deviations to the lot width, frontage, size or setbacks.

## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map, Residential

Strategy 1.04A(2): *Review of rezoning requests shall be consistent with the overall intent of the Future Land Use Map (FLUM) and Comprehensive Plan strategies in terms of potential use or character and in terms of potential densities and intensities. Approval of changes to the FLUM requested by the property owner may be accompanied by a requirement to rezone the property in conformance with the new FLUM designation prior to development.*

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<sup>3</sup> Appropriate meaning more consistent with the surrounding land development patterns and current zoning.

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort, and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Comment: The petitioner's request is consistent with the Residential Future Land use in that single family residential uses are the expected land use in the category. The proposed density is 3.57 dwelling units per acre while the surrounding density is 1.17 dwelling units per acre (excluding the acreage of the subject parcels. This is a significant increase in density that Staff feels is inappropriate at this location. The existing facilities the proposed development will be required to connect to are over 2,200 feet away, and the road network in this location is ill equipped to handle such a significant increase in vehicular traffic.

## **FINDING OF FACTS**

1. The subject parcels are zoned AG (Agricultural) and AR.(Agricultural/Residential)
2. The surrounding parcels are zoned AR and R-1C (Residential).
3. The proposed density is 2.4 dwelling units per acre more than the existing density.
4. The road conditions in this area are not in place to serve the amount of traffic this project will generate.
5. Significant investments (from the petitioner) in the infrastructure of this area would be required if this project is approved.
6. The largest proposed lot sizes are less than half of the existing surrounding lot sizes.
7. The petitioner's request is not compatible with the existing land development patterns, density and available infrastructure.

## **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 denying the petitioner's request for rezoning from AR

(Agricultural/Residential) and AG (Agricultural) to PDP(SF)/ Planned Development Project (Single Family).