

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 9, 2023  
Board Of County Commissioners: February 14, 2023

**APPLICANT:** Tim Oldemoppen, AGAP Spring Hill Land LLC.

**FILE NUMBER:** H-22-74

**REQUEST:** Rezoning from AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential) to PDP(MH)/Planned Development Project (Mobile Home)

**GENERAL LOCATION:** West side of Commercial Way (US HWY 19) between its intersection with Lake in The Woods Drive and Brandy Drive

**PARCEL KEY NUMBER:** 1580042, 1580033, 376088

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### APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential) to PDP(MH)/Planned Development Project (Mobile Home) to develop three (3) parcels with a 259-unit (7.27 dwelling units/acre) mobile home residential subdivision. The proposed development will consist of 1,500 square feet homes (on average) and include a clubhouse with several amenities. The petitioner had indicated the development will not be fee simple ownership and the entire property would be maintained under one ownership, leasing individual dwelling units to private individuals.

### SITE CHARACTERISTICS:

**Site Size:** 35.63 acres

**Surrounding Zoning & Land Uses:**

North:	CPDP; Undeveloped.
South:	R-1A, C-2; Single Family, Retail Plaza
East:	C-2; Undeveloped; Retail Plaza
West:	AG, CV; Undeveloped

**Current Zoning:** AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential)

**Future Land Use Map Designation:** Residential, Commercial and Conservation.

**NOTE:** The shape of the proposed development is unusual. To make referencing the boundary easier, *Figure 1, Property Boundary/Property Line Illustration* has been provided as a guide.

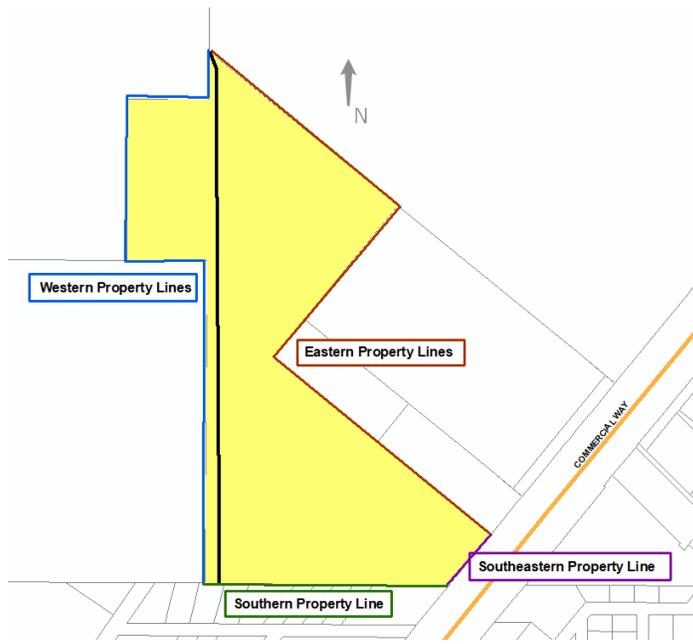


Figure 1: Property Boundary/Property Line Illustration

When a reference is made to the “eastern” property boundaries or lines, all property lines east of the black line, which runs through the parcel vertically, are included, except for the southeastern property line that provides frontage along Commercial Way (US Highway 19). These property lines are grouped together because each of the eastern property lines abut a commercial or potentially commercial land use. The property lines identified as the “western” property lines abut agricultural or conservation land uses.

**ENVIRONMENTAL REVIEW**

- Soil Type:** Okeelanta-Terra, Myakka Fine Sand, Candler Fine Sand
- Comments:** 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 as part of the construction drawing application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
- Protection Features:** There are no Wellhead Protection Areas (WHPA) or Special Protected Areas (SPAs) on the subject parcel.
- Hydrologic Features:** The northern half of parcel 1580033 and all of parcel 376088 are in a karst sensitive area. Small portions of these parcels contain or are adjacent to a Class I Wetland.
- Comments:** Wetlands shall be delineated on all plats and plans during the development process. Wetlands shall be delineated on all plats and plans (Strategy 10.03B(1)). The 100-year floodplain should be defined on the construction plans for the project. All

finished floor elevations should be above the 100-year flood elevation.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.

A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I wetland. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)). The wetland buffers should be planted with native vegetation to control erosion.

The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.

A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands.

**Habitat:** Sandhill, Mesic Flatwoods, Mixed Wetland Hardwoods, Hydric Hammock, Residential Medium and Commercial and Services 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).

**Comments:** A comprehensive floral survey shall be prepared by a qualified professional at the construction drawings stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

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

**Water Quality Review:**

The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.

**Comments:** 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.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information, include FFL language in the HOAs covenants and restrictions, 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:** X and AE

## **UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) has reviewed the petitioner's request 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 west side of Commercial Way. There is an existing 15-inch sewer gravity main that also runs along the west side of Commercial Way.
- HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

## **ENGINEERING REVIEW**

The subject parcel is located on the west side of Commercial Way (US HWY 19) between its intersection with Lake in The Woods Drive and Brandy Drive. The petitioner has indicated a direct access to Commercial Way and a second means of access along the northeast corner, through the neighboring commercial development (Self storage/warehouse).

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

- The site is outside the 1% annual chance floodplain but must provide an outfall for the adjacent existing development (Storage King).
- An area of the site is shown within Flood Zone "X-Shaded" a 500 yr. (0.02% chance) floodplain.
- Development must conform to Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit storm drainage design requirements.

- A Traffic Access Analysis is required. Traffic Analysis to include queuing analysis. Refer to Hernando County Facility Design Guidelines Sheet IV-18 for requirements.
- Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- The projects internal roadways design shall comply with Hernando County Standards, (IE: Collector, Major Local, Local & Frontage Road). Refer to Hernando County Facility Design Guidelines Section IV.
- FDOT access and drainage permits may be required.

## EMERGENCY MANAGEMENT

The Hernando County Emergency Management Department (EM) has reviewed the petitioner's request and provided the following comments:

- The parcels proposed for development fall within three different evacuation zones (Zone B, C, and D). For these types of scenarios, it is not uncommon for evacuation orders to be issued for all areas west of U.S. 19, as it provides a recognizable landmark that is easily understood by the public.
- The majority of the proposed development falls into Zone C, which correlates to storm surge inundation of up to 26 feet. However, it is important to note that all mobile homes countywide are very likely to be included in any evacuation order issued due to the threat of high winds (>39 mph sustained).
- Along these lines, EM cannot recommend this type of development in such a vulnerable location. If development is approved, EM will be looking for the inclusion of a site built, wind rated building to provide a safe shelter for residents in high wind events within the confines of the community. Alternatively, the developer may contribute to our retrofit efforts to offset the amount of shelter space that would be required for the County to accommodate these residents.

**Comments:** The petitioner has indicated their willingness to work with Emergency Management to provide the necessary accommodations for the residents of the mobile home park during emergency events.

## LAND USE REVIEW

This project qualifies as a "Mobile Home Park" as defined in the County Regulations, which state: Premises or tract of land prepared and approved according to the Procedures of this ordinance to accommodate mobile homes where the sale of the lot is not involved. The land uses permissible in the PDP(MH)/ Planned Development Project (Mobile Home) district include all permitted and special exception uses allowed

in the RM zoning district which have been specifically designated or specified in the narrative or on the master plan.

Manufactured home or mobile home shall mean a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The terms "manufactured home or mobile home" do not include "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Individual Lot Requirements**

In the PDP(MH)/ Planned Development Project (Mobile Home) district, individual lots are subject to front, side and rear yard setbacks. The petitioner plans on developing the property as a single parcel, and therefore it is appropriate to establish a minimum building separation instead.

**Table 1: Proposed Setbacks / Separation of Uses for a Mobile Home Park**

<b>Regulation / Proposed Regulation</b>	<b>Petitioner Proposed Regulation for internal buildings</b>	<b>Comparable Regulation for an individual lot in the RM District</b>
Front Yard Setback / Minimum setback from the internal roadway	20'	25'
Side Yard Setback / Minimum Building Separation	10'	15'
Rear Yard Setback / Minimum Building Separation	10'	25'
Minimum Dwelling Size <sup>1</sup>	1,200 square feet	600 square feet

**Comments:** The petitioner’s proposal includes 1,500 square feet as the approximate dwelling unit size for the park. Staff proposes a 1,100 square foot minimum to give the developer the freedom to provide dwellings of different sizes.

Maximum Building Area: 35% of the gross development area.

Maximum Building Height: 35'

<sup>1</sup> For the purposes of this subsection, "minimum living area" shall mean the minimum floor area of a dwelling unit exclusive of carports, breezeways, unenclosed porches or terraces.

## Perimeter Setbacks and Buffer Requirements

The petitioner proposes a 10' perimeter building setback and buffer. There are no perimeter setbacks established in the RM zone. In this instance, staff recommends basing a perimeter setback and buffer width designated as a "special regulation" and established in the R-1-MH (Residential Single-Family Manufactured Housing) (Appendix A, Article IV, Section 9 (e)(1) for the perimeter setback and buffer. This regulation states: "All R-1-MH districts shall provide a landscaped buffer of 25' around all boundaries of development area."

**Comments:** If approved, a 25' planted buffer shall be provided on the eastern property lines, with a 30' perimeter building setback inclusive of the 25' vegetated buffer. On the western property lines, a 15' natural undisturbed vegetative buffer shall be provided as well as a 20' perimeter setback that is inclusive of the buffer.

**Table 2: Proposed Perimeter Setbacks and Perimeter Buffer requirements**

Location	Petitioner Proposed	Staff Proposed
Landscaped buffer along the eastern property lines (Planted buffer along the eastern property lines achieving 80% opacity within 12 months of planting)	10'	25'
Perimeter setback on the eastern property lines adjacent to the commercial uses.	10'	30'
Landscaped buffer along the western property lines (Undisturbed natural vegetative buffer along the western property lines)	10'	15'
Perimeter setback on the western property lines adjacent to the conservation and agricultural land uses.	20'	20'

## Landscape

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. The petitioner is also required to comply with all applicable FWC regulations and permitting.

## 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.

**Comments:** The petitioner has proposed a 1.0 acre clubhouse and amenity area for the proposed development. If approved the petitioner must provide the minimum 3.0 acre neighborhood park as required by County LDR's.

### 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.

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 not indicated a treed boulevard entrance; however, has provided for two means of access for the residential development. If approved, a treed boulevard entrance must be provided for the main access along US Highway 19.

## COMPREHENSIVE PLAN REVIEW:

### Residential Category

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.

**Comments:** The proposed development is 7.2 Dwelling units per gross acre.

## Mobile Homes and Recreational Vehicles

Strategy 1.04B(8): Mobile homes are recognized as an affordable housing choice in the Residential Category, providing for compatibility with surrounding land uses and served at the site by appropriate infrastructure and services in accordance with Residential Category standards. Direct access to an arterial or major collector roadway is required to facilitate emergency evacuation.

**Comments:** This development has access to US Highway 19 / Commercial Blvd.

Strategy 1.04B(9): New zoning for mobile homes shall not be permitted in the Coastal Zone as defined in the Coastal Management Element of this Plan.

**Comments:** This strategy specifically addresses the creation of new zones that allow mobile homes in the coastal area. Strategy 11.01A(1) (below) defines the coastal zone as all areas west of US Highway 19. The approval of this project would create new zoning within the coastal area contradicting this Comprehensive Plan strategy.

There are mobile home parks west of US Hwy 19 that were approved and developed in the 1980s prior to the adoption of the Comprehensive Plan and this strategy. Mobile homes are also allowed by-right in the R-1A (Residential) zone district; most within this area were in place prior to the adoption of the Comprehensive Plan.

## Development in Coastal Zone Habitat

GOAL 11.02: Coastal Zone Development Hernando County shall direct new and expanded population concentrations, vulnerable land uses and new infrastructure away from the Coastal Zone as indicated in this Element. [F.S. 163.3177(6)(g), 163.3178(2), 163.3178(8)]

Strategy 11.01A(1): The Coastal Zone is established as all areas west of US Highway 19.

**Comments:** The majority of the proposed development falls into Zone C, which correlates to storm surge inundation of up to 26 feet. As Emergency Management has commented, it is not uncommon for evacuation orders to be issued for all areas west of US Hwy 19, as it provides a recognizable landmark that is easily understood by the public. The first

“recommended” evacuation orders during an emergency event normally include the evacuation of all those living in mobile homes.

**FINDINGS OF FACT:**

A rezoning from AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential) to PDP(MH)/Planned Development Project (Mobile Home) is inappropriate based on the following conclusions:

1. The proposed Planned Development is located within the “Coastal Zone”. The Comprehensive Plan states new zoning for mobile homes shall not be permitted in the Coastal Zone as defined in the Coastal Management Element of this [Comprehensive] Plan. It establishes all land west of US Highway 19/Commercial Way as “Coastal Zone”. Thus, the location of the proposed project is incompatible with regards to Comprehensive Plan objectives and strategies (Strategy 1.04(B)(9)).
2. EM does not recommend this type of development in its proposed location. If development is approved, EM will be looking for the inclusion of a site built, wind rated building and/or potential contributions to the County’s shelters.
3. The proposed use is inconsistent with the County’s adopted Comprehensive Plan.

**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 AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential) to PDP(MH)/Planned Development Project (Mobile Home) based on the objectives and strategies (Strategy 1.04(B)(9)) of the Comprehensive Plan.