

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: December 12, 2022  
Planning & Zoning Commission: January 9, 2023  
Board of County Commissioners: January 10, 2023  
Board of County Commissioners: February 14, 2023

**APPLICANT:** Oak Development Group, LLC

**FILE NUMBER:** H-22-76

**REQUEST:** Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) and PDP(SU)/Planned Development Project (Special Use) with Deviations

**GENERAL LOCATION:** Eastern terminus of Godwit Avenue and Gyrafalcon Avenue and south of Seely Lane

**PARCEL KEY NUMBERS:** 344657

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### APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations to develop a single-family residential subdivision with up to 162 dwelling units on 40.4 acres (4.0 DU/AC). The parcel has an existing communication tower; the gross density includes the tower area.

The petitioner has proposed a minimum lot width of 52' and lot size of 6,240 feet for those internal lots within the subdivision. The lots along the perimeter of the development, at the north, south and west ends, are proposed at a minimum of 72' in width with a total lot size of 8,640 square feet. This rezoning petition is a companion to the Small-Scale Comprehensive Plan Amendment (CPAM2205).

#### **Deviations Requested:**

The petitioner is requesting the following deviations as part of the proposed master plan:

- Minimum Lot Area: 5,500 square feet (Deviation from 6,000 square feet)
- Minimum Lot Width: 50' (Deviation from 60')
- Setbacks (R-1A Residential District and PD Perimeter Setbacks):

- Front: 20' (Deviation from 25')
- Side: 5' (Deviation from 10')
- Front (Double Frontage/Corner Lots) - Require one of two frontages to meet 20' Front setback:
  - 2<sup>nd</sup> Front of Corner Lot: 10' (Deviation from 20')

**SITE CHARACTERISTICS**

**Site Size:** 40.4 acres

**Surrounding Zoning and Land Use:**

North:	AG; Developed/undeveloped residential uses
South:	AG; Developed/undeveloped residential uses
East:	AG; Developed/undeveloped residential uses
West:	R-1A; Developed residential uses

**Current Zoning:** AG (Agriculture)

**Future Land Use Map Designation:** Rural (Pending adoption of CPAM2205 to change the Future Land Use to Residential)

**ENVIRONMENTAL REVIEW**

**Soil Type:** Basinger Fine Sand, Candler Fine Sand

**Resources and Features:** The property contains no Wellhead Protections Areas (WHPA) or Special Protection Areas (SPA) according to County data. A Class 3 wetland is located on western boundary.

**Comments:** The petitioner will be required to provide a wetland delineation on all future development plans.

**Habitat:** Vacant, undeveloped forested sandhill and low density residential according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

**Comments:** Candler Sands provide habitat suitable for gopher tortoises and commensal species. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

The subject site has an existing communication tower which has an existing eagle's nest. The petitioner has provided the required 500' buffer in order to protect the nest. The area will not be developed and will be zoned PDP(SU)/Planned Development Project (Special Use) in order to preserve the area.

**Flood Zone:** X with a portion of the western boundary in AE.

**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. Providing information on Florida Friendly Landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality.

**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 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.

## SCHOOL DISTRICT REVIEW

The applicant 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.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water service is not available to this parcel, however there are existing 2-inch and 4-inch water mains that run along Fir and Evergreen Streets located in the subdivision to the south, and existing 4-inch and 8-inch water mains approximately 1,800 feet to the north along Smooth Bark Court and Woodland Waters Boulevard. Sewer service will become available via an existing 10-inch sewer force main (running along the western property line) once the Weeping Willow force main has been completed. 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 site is located on the eastern terminus of Godwit Avenue and Gyrafalcon Avenue and south of Seely Lane. The petitioner proposes connections to both Godwit Avenue and Gyrafalcon Avenue. The County Engineer has reviewed the petitioner's request and has the following comments:

- Floodplain permitting, and mitigation are required. Development must conform to Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permit storm drainage design requirements.
- A Traffic Access Analysis will be required. Traffic Access Analysis must include a queuing analysis. Refer to Hernando County Facility Design Guidelines IV-18 for requirements.
- A Traffic Access Analysis Methodology Statement was approved on August 12, 2022.
- The projects internal roadways design and curves shall meet Hernando County Standards. (IE: Collector, Major Local, Local & Frontage Road). Refer to Hernando County Facility Design Guidelines Section IV.
- The petitioner must provide a designed construction access point to be reviewed and approved by County Engineer no later than at time of Conditional Plat.

## LAND USE REVIEW

### Setbacks and Buffers

The petitioner is proposing the following setbacks, lot sizes and lot widths for each residential lot:

- Front: 20' (Deviation from 25')
- Sides: 5' (Deviation from 10')
- Rear: 20'
- Minimum Lot Width: 52' (Deviation from 60')

The petitioner has also proposed a 20' landscape buffer along the entire perimeter of the project.

**Comments:** The petitioner has not identified any perimeter setbacks for the subject property. If the master plan is approved, the following minimum perimeter setbacks shall be required:

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

### 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 proposed two points of access into the development – Godwit Avenue and Gyrafalcon Avenue. The petitioner has not indicated which of the two proposed access points will be the required treed boulevard entrance. If approved the petitioner shall provide a treed boulevard

entrance in accordance with the Hernando County Land Development Regulations.

**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 designated 2.12 acres for a neighborhood park. The park meets the minimum requirements for the neighborhood park according to the Hernando County Land Development Regulations. Design shall ensure the park is accessible through the internal roadway network within 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. 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 if it is a minimum of fifteen (15) feet in width.

**Comments:** The petitioner has not provided calculations for the preservation of natural vegetation on the site. If the master plan is approved, the petitioner shall be required to set aside 2.81 acres for natural vegetation. The proposed perimeter buffer may be counted toward this requirement.

**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 approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**COMPREHENSIVE PLAN REVIEW:**

The subject site is located within the Rural Land Use category and has a corresponding Comprehensive Plan Amendment (CPAM2205). The area is characterized by standard residential parcels (west and southeast) and agricultural lots varying in size from 2.5 to 5.0 acres, with several larger parcels.

**Future Land Use Element**Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

**Comments:** Single Family is consistent with the associated Small-Scale Comprehensive Plan Amendment (CPAM2205).

**FINDINGS OF FACT:**

A Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) and PDP(SU)/Planned Development Project (Special Use) with Deviations is appropriate based on consistency with the County's adopted Comprehensive Plan and compatibility with the surrounding land uses subject to compliance with all performance conditions.

**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 Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) and PDP(SU)/Planned Development Project (Special Use) with Deviations and 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 is required to comply with all applicable FWC regulations and permitting.
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, as applicable.
4. 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.
5. A jurisdictional wetland line shall be shown on the conditional plats.
6. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
7. Invasive plant species must be removed, including wetland areas, during the development process and controlled through the approved Association documents during the subdivision process for long-term maintenance and control.



8. The subdivision shall be limited to 162 single-family residential units located within the PDP(SF)/Planned Development Project (Single-Family) section of the development. No residential units shall be constructed in the area designated as PDP(SU)/Planned Development Project (Special Use) on the master plan. The PDP(SU) shall be reserved for the tower and eagles nest buffer of 500'.
9. 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. All required improvements will be the responsibility of the developer.
10. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis (TAA) in accordance with the requirements of the County Engineer. The Traffic Access Analysis shall include a queuing analysis. Any identified improvements shall be the responsibility of the developer.
11. The petitioner shall maintain a minimum perimeter buffer of 20' enhanced to an 80% opacity by landscaping and augmented with a 6' high opaque fence or wall around the project perimeter, except in areas designated as neighborhood park or drainage. The buffer shall be designated as a common tract and included in the Association documents for long term maintenance.
12. Minimum Lot Setbacks, widths and sizes:
  - Front: 20'(Deviation from 25')
  - Sides: 5' (Deviation from 10')
  - Rear: 20'
13. Minimum Lot Width: 52' (Deviation from 60')
14. Minimum Perimeter Setbacks:
  - Front: 25'
  - Side: 10'
  - Rear: 10'
15. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
16. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations as designated on the master plan. The neighborhood park shall provide vehicular and pedestrian access from the subdivision street network.

17. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
18. 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.
19. The petitioner shall provide a designed construction access point to be reviewed and approved by County Engineer no later than at time of Conditional Plat.
20. The petitioner shall notify residents and/or buyers that the subject site was the former Brooksville Turret Gunnery Range.
21. The petitioner shall provide a boulevard entrance in accordance with County LDR's.
22. 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 December 12, 2022, the Planning and Zoning Commission voted to postpone the petitioner's request for a Rezoning from Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) and PDP(SU)/Planned Development Project (Special Use) with Deviations to the January 9, 2023, hearing at 9:00 a.m. with the applicant incurring any sign re-posting costs.