

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 14, 2021
Board of County Commissioners: July 13, 2021

APPLICANT: Panther I

FILE NUMBER: H-21-16

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

GENERAL LOCATION: Between Eddington Road and Bromley Avenue, south of Springwood Road

PARCEL KEY NUMBERS: 767307

APPLICANT'S REQUEST:

The applicant is requesting a rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family) to construct eleven (11) single-family homes on the 5.9-acre subject site. The minimum lot sizes proposed are 10,000 square feet with a minimum lot width of 75 feet.

The site was previously designated as a park site on the original Spring Hill Master Plan. The site was declared as surplus, and the petitioner purchased the property from the County.

SITE CHARACTERISTICS:

Site Size: 5.9 acres

**Surrounding Zoning/
Land Uses:** North: PDP(SF); Single-Family Residential
South: PDP(SF); Single-Family Residential
East: PDP(SF); Single-Family Residential
West: PDP(SF); Single-Family Residential

Current Zoning: PDP(REC)/Planned Development Project (Recreational)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Hydrologic Features: The property does not contain any wetlands, WHPAs according to County data resources. AE floodplain is present within the depressional feature that holds stormwater; additionally, a small area of floodplain A is to the south-southeast of the property.

Protection Features: The property does not contain SPAs or archaeological or historical resources according to County data resources.

Habitat: The property is heavily forested and overgrown. It is shown as mesic flatwoods and stormwater treatment according to FWC CLC (Florida Cooperative Land Cover Classification System that includes Florida Land Use Cover and Classification System) mapping. The narrative states gopher tortoises (a listed species) are present.

Comment: FWC permitting is required for burrows that cannot be avoided.

Flood Zone: A, AE, X

Water Quality: This project is located within the Weeki Wachee Priority Focus Area (PFA) identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Providing materials on Florida friendly landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality.

Comment: 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 buffers, as applicable.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program materials 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 materials are available through Hernando County Utilities Department.

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

SCHOOL DISTRICT REVIEW:

No comments were received from the Hernando County School District regarding this application.

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.

BUILDING DEPARTMENT REVIEW:

The Hernando County Building Department did not identify any issues with the petitioner's request.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. There are existing 4-inch water mains that run along both Bromley Avenue and Eddington Road. There are existing 8-inch gravity sewer mains that run along both Bromley Avenue and Eddington Road. The HCUD has no objection to the requested zoning change to allow development of property into 11 single-family lots, subject to a water and sewer capacity analysis and connection to the central water and sewer systems at the time of vertical construction.

ENGINEERING REVIEW:

The County Engineer has reviewed the petitioner's request and has identified that the property contains two areas of 1% annual chance floodplain. This site accepts runoff from the County right-of-way and this function must be preserved.

LAND USE REVIEW:

Buffers and Setbacks:

The petitioner is proposing the following buffers and setbacks for the subject site:

Building Lot Setbacks:

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

The petitioner has proposed a 5' natural vegetative buffer along the boundaries of the development adjacent to existing residential lots.

Lot Sizes and Layout:

The petitioner is proposing 11 lots, each with their own driveway to either Bromley Avenue or Eddington Road.

Minimum Lot Size: 10,000 square feet

Minimum Lot Width: 75'

COMPREHENSIVE PLAN REVIEW:

The subject property is within the Residential future land use category, surrounded by the existing Spring Hill community.

Future Land Use Element

**Future Land Use Map
Strategy 1.04A(3):**

The *Residential Category* accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

**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.

Strategy 1.04B(1):

Commercial and institutional uses within the Residential Category are generally associated with medium and high

density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Single-Family Housing
Strategy 1.04B(3):

The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

Comments: The subject property is located within a residential land use category. The density proposed is 1.89 dwelling/acre, which is consistent with the density of the surrounding existing residential development.

Conservation Element

Invasive and Noxious Species

Objective 10.01D: Protect plant and animal communities from the spread of invasive and noxious exotic species.

Strategy 10.01D(1): Identify problem areas where invasive exotic vegetation may threaten the functional integrity of upland, wetland and aquatic ecosystems. Plant species included on the State of Florida’s Noxious Weed List and on the Florida Exotic Pest Plant Council list for the central Florida region should be included in the inventory.

Strategy 10.01D(6): Implement Florida Friendly Landscaping techniques as a means of increasing vegetation community resiliency and resistance to the recruitment and spread of exotic and noxious plants.

Comments: Invasive plant species are present on the subject site. These species will need to be identified and removed during the development process. In addition, Florida Friendly Landscaping™ techniques should be implemented as well.

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’s 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 to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) 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. Gopher tortoise burrow surveys are to be conducted as individual lots develop. If stormwater infrastructure improvements are required during subdivision development, then a burrow survey is needed. Burrow surveys shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during residential development. The petitioner is required to comply with all applicable FWC regulations.
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™ Program materials 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 materials are available through the Hernando County Utilities Department.

5. Invasive plant species shall be identified during the construction plan review and removed during the development process.

6. Minimum Building Setbacks:

Front: 25'

Side: 10'

Rear: 20'

Minimum Lot Width: 75'

7. A 5' natural vegetated buffer enhanced to 80% opacity shall be constructed along the boundaries of the property adjacent to existing residential lots.

8. 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.

9. The petitioner shall prepare a water and sewer capacity study in accordance with the requirements of the HCUD at the time of conditional plat review and connect to central water and sewer at the time of vertical construction.

10. 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 RECOMMENDATION:

On June 14, 2021, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/ Planned Development Project (Single Family) 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. Gopher tortoise burrow surveys are to be conducted as individual lots develop. If stormwater infrastructure improvements are required during subdivision development, then a burrow survey is needed. Burrow surveys shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during residential development. The petitioner is required to comply with all applicable FWC regulations.
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9. The petitioner shall prepare a water and sewer capacity study in accordance with the requirements of the HCUD at the time of conditional plat review and connect to central water and sewer at the time of vertical construction.
10. 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 July 13, 2021, the Board of County Commissioners voted 5-0 to adopt Resolution 2021-105 approving the petitioner’s request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/ Planned Development Project (Single Family) 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. Gopher tortoise burrow surveys are to be conducted as individual lots develop. If stormwater infrastructure improvements are required during subdivision development, then a burrow survey is needed. Burrow surveys shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during residential development. The petitioner is required to comply with all applicable FWC regulations.
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