

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: August 8, 2022  
Board of County Commissioners: September 13, 2022

**APPLICANT:** Pulte Home Company, LLC

**FILE NUMBER:** H-22-19

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

**GENERAL LOCATION:** South side of Powell Road, approximately 1,600' west of California Street

**PARCEL KEY NUMBERS:** 377498

**PUBLIC INQUIRY WORKSHOP:** April 13, 2022

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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 subdivision with 68 units (3.49 DU/AC). The petitioner is proposing lot sizes consisting of 50' widths (6,000 Sq. Ft.) throughout the project.

#### **Deviations Requested:**

The following deviations are requested with this application:

- Waiver of the two means of access. A boulevard entrance is proposed as an alternative.
- Lot Width: 50' (deviation from 60')
- Minimum Setbacks:
  - Front 20' (deviation from 25')
  - Rear: 15' (deviation from 20')
  - Side: 5' (deviation from 10')

**PIW SUMMARY:**

On April 13, 2022, the petitioner held a public inquiry workshop to discuss the proposed project with the surrounding neighbors. The following is a summary of concerns brought forth by the 26 attending citizens:

- Traffic along Powell Road and concerns with Chocachatti Elementary drop-off and pick-up times.
- Pedestrian safety, especially for children walking to and from school.
- Citizen inquired about possible buffers along the western boundary
- Would the project have an HOA and what rules would the HOA have in place for the new project.
- Scheduling of project
- Noise associated with the development of the site

**SITE CHARACTERISTICS:**

**Site Size:** 19.47 acres

**Surrounding Zoning & Land Uses:** North: AR; Undeveloped, Oakwood Acres  
South: PDP(SF); Deerfield Estates  
East: Chocachatti Elementary and Nature Coast  
West: PDP(SF); Deerfield Estates

**Current Zoning:** AG/(Agricultural)

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Habitat:** Sandhill identified as urban open forested 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 wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

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|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Features/<br/>Resources:</b>   | The subject site falls within a Wellhead Protection Area 2 (WHPA) according to County data resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Comments:</b>                  | Residential uses with central services are allowed within Wellhead Protection Areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Protection<br/>Features:</b>   | There are no Special Protection Areas (SPA) according to County data resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Archaeological<br/>Review:</b> | There are no archaeological/historical resources according to County data resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Water Quality<br/>Review:</b>  | The proposed development is within the Weeki Wachee Priority Focus Area for the Weeki Wachee River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. Providing information on Florida friendly landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality. These materials are designed to address and help reduce nutrient pollution.                                                                                                                                                                                                                                                                                                                                    |
| <b>Flood Zone:</b>                | X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Comments:</b>                  | <p>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.</p> <p>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.</p> <p>The developer must provide geotechnical and geophysical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including all proposed drainage</p> |

retention areas (DRA) within the project to test for subsurface karst features.

**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 these parcels. There is an existing 12-inch water main that runs along the south side of Powell Road. There is an existing 6-inch sewer force main approximately 575 feet to the west at Celebration Drive. HCUD has no objection to the submitted zoning change 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 feet.

**Comments:** It should be noted that there are existing capacity issues in this area; off-site improvements will be required for this project.

**ENGINEERING REVIEW:**

The subject site is located on the south side of Powell Road, approximately 1,600' west of California Street. The petitioner has proposed a single boulevard entrance. The project is proposed for 69 units; however, the petitioner has not indicated another means of access and is utilizing the boulevard entrance as an alternative.

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

- A Traffic Access Analysis including a queuing analysis has been completed and accepted by the County Engineer.

- As identified by the Traffic Access Analysis, a westbound left turn lane is warranted. A 400-foot westbound left turn lane is required to be provided on Powell Road at the project entrance.
- The internal subdivision roads will need to meet County standards.
- Driveways will need to meet County standards.
- This site is adjacent to Chocachatti Elementary School on the easterly property line. The site contains two areas of 1% annual chance floodplain.
- This project must also meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.

**LAND USE REVIEW:**

**Setbacks, Lot Width and Sizes:**

The petitioner is proposing the following lot widths and sizes:

|            |                          |
|------------|--------------------------|
| Lot Width: | 50' (deviation from 60') |
| Lot Size:  | 6,000 square feet        |

Proposed Building Setbacks:

|        |                          |
|--------|--------------------------|
| Front: | 20' (deviation from 25') |
| Rear:  | 15' (deviation from 20') |
| Side:  | 5' (deviation from 10')  |

**Comments:** The proposed 50' lots along the west and southern boundary are incompatible with the neighboring 75' wide (Deerfield Estate) lots. A Compatibility Analysis is provided herein, and consideration should be taken for a minimum of 60' lots along said boundaries.

**Buffers:**

The petitioner has indicated a 20' landscape buffer along the northern, southern, and eastern boundaries with a 50' natural vegetative buffer along the west. The proposed 50' buffer will be supplemented where necessary to achieve an 80% opacity.

**Comments:** If approved, the buffer shall be in conformance with the proposed master plan.

**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 proposed treed boulevard entrance from Powell Road and indicated the boulevard entrance would be utilized as an alternative to another mean of access due to limited site access. Staff does not consider the request adverse to the public interest and the County Engineer had no objections to the request.

**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 1.2-acre neighborhood park. The petitioner meets the minimum requirements of the County's LDRs.

**Natural Vegetation:**

Projects two (2) to twenty (20) acres must designate an area of at least five (5) percent 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 two thousand (2,000) square feet and no more than two (2) areas shall be allowed.

**Comments:** If approved, the petitioner must provide a minimum of five (5) percent 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.

**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 property is located within the Residential land use classification on the adopted Future Land Use Map.

**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.

**COMPATIBILITY ANALYSIS:**

The area is characterized by large AR/(Agricultural Residential) lots to the north, a school campus to the east and an established single-family subdivision (Deer Field Estates) to the west and south. Although the petitioner has proposed a 50' buffer along the western property line and a 20' along the south, consideration should be taken in reference to lot size compatibility.

**Land Use Compatibility**

**Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

**Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

**Strategy 1.10B(3):** Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

**Comments:** Based on the forgoing Strategies and the necessity for compatibility through buffers and lot size transitions, it is recommended that lot sizes along the west and south property lines be a minimum of 60'. All other lots may remain as 50'

**FINDINGS OF FACT:**

The request for rezoning from AG/Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations is appropriate based on the following conclusions:

1. The following requested deviations are justified with appropriate performance conditions:
  - Lot Width: 50' (for lots other than those along the west and south property lines)
  - Minimum Setbacks:
    - Front 20' (deviation from 25')
    - Rear: 15' (deviation from 20')
    - Side: 5' (deviation from 10')
  - Two Means of Access Policy
2. 60' lots should be placed along the west and south property lines in order to provide proper transition towards the larger Deerfield lots.
3. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.

**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 rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) 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. A wildlife survey shall be prepared by a qualified professional. 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.
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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted, including all proposed drainage retention areas within the project to test for subsurface karst features.
6. 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.
7. This project must meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.
8. Minimum Lot Widths: 50' (for the project interior and eastern property line)  
60' (along the western and southern property line)
9. Minimum Lot Size: 6,000 square feet
10. Minimum Building Setbacks:  
Front: 20' (deviation from 25')  
Rear: 15' (deviation from 20')  
Side: 5' (deviation from 10')

11. Landscape Buffers:
  - Powell Road: 20'
  - West: 50'
  - East: 20'
  - South: 20'
12. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
13. The petitioner shall preserve the minimum five percent (5%) 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.
14. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
15. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
16. The petitioner shall be required to provide a treed boulevard entrance from Powel Road.
17. The petitioner shall provide a 400-foot westbound left turn lane along the project entrance.
18. 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 August 8, 2022, the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations and the following modified 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. A wildlife survey shall be prepared by a qualified professional. 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.
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.
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6. 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.

7. This project must meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.
8. Minimum Lot Widths: 50' ~~(for the project interior and eastern property line)~~  
~~60' (along the western and southern property line)~~
9. Minimum Lot Size: 6,000 square feet
10. Minimum Building Setbacks:
  - Front: 20' (deviation from 25')
  - Rear: 15' (deviation from 20')
  - Side: 5' (deviation from 10')
11. Landscape Buffers:
  - Powell Road: 20'
  - West: 50'
  - East: 20'
  - South: 20'

The landscape buffers are all to be separate tracts, owned and maintained by the Homeowners' Association. The western and southern landscape buffers will include natural vegetation preserved and enhanced to 80% within 3 years of planting.
12. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
13. The petitioner shall preserve the minimum five percent (5%) 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.
14. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
15. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

16. The petitioner shall be required to provide a treed boulevard entrance from Powel Road.
17. The petitioner shall provide a 400-foot westbound left turn lane along the project entrance.
18. 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.

**BOCC ACTION:**

On September 13, 2022, the Board of County Commissioners voted 3-2 to adopt Resolution 2022-166 approving the petitioner's request for rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations and the following modified 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. A wildlife survey shall be prepared by a qualified professional. 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.
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.
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  - Powell Road: 20'
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The landscape buffers are all to be separate tracts, owned and maintained by the Homeowners' Association. The western and southern landscape buffers will include natural vegetation preserved and enhanced to 80% within 3 years of planting.

12. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
13. The petitioner shall preserve the minimum five percent (5%) 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.
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15. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
16. The petitioner shall be required to provide a treed boulevard entrance from Powel Road.

17. The petitioner shall provide a 400-foot westbound left turn lane along the project entrance.
18. 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.
19. **Developer must let the homeowners know that they live next to a school which means noise.**
20. **Petitioner will work with the County Engineer to determine turn lanes.**