

STAFF REPORT

HEARINGS: Planning & Zoning Commission: April 10, 2023
Board of County Commissioners: May 9, 2023

APPLICANT: Barbara Van Winkle, TTEE

FILE NUMBER: H-22-86

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

GENERAL LOCATION: East of the Suncoast Parkway, west of Cresap Street at the western terminus of Jernigan Street

PARCEL KEY NUMBERS: 346227, 346165

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG/(Agricultural) to PDP(SF)/ Planned Development Project (Single Family) to develop a single-family subdivision with 39 units on the subject parcels. The development density will be approximately 1.36 dwelling units/acre. The petitioner is proposing typical lot sizes of 17,475 square feet (116.5'x150.0').

If the master plan is approved, the petitioner shall be required to submit a right-of-way vacation application for the County-owned Potterfield Garden Acre right of way (Key 1639490) prior to submission of the conditional plat application.

No deviations are being requested as part of the subject application.

SITE CHARACTERISTICS

Site Size: 28.6 acres total

Surrounding Zoning & Land Uses: North: AG; Undeveloped
South: AR2, AG; Undeveloped
East: R-1C; Single Family Homes
West: Suncoast Parkway

Current Zoning: AG (Agricultural)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW

- Soil Type:** Candler Fine Sand
- Habitat:** The habitat on the subject parcels is 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:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive floral (vegetation) and 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 no Wellhead Protection Areas (WPA) according to County data. (WHPA)
- Hydrologic Features:** There are no Special Protection Areas (SPA) or wetlands according to County data.
- Water Quality:** The proposed development is within the Weeki Wachee River Basin Management Action Plan (BMAP), the Weeki Wachee Primary Focus Area (PFA), and the and 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 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

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.

HEALTH DEPARTMENT REVIEW:

According to the Department of Health in Hernando County, Chapter 381.0065(4)(b), Florida Statutes allows development of lots using a public water system to use septic tank systems for sewage disposal provided there are no more than 4 lots per acre. The subject property is located within PFA of Springs Protection and would be subject to nitrogen reducing systems if any individual lot is less than 43,560 square feet.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. Sewer service is not available to this parcel. There is an existing 8-inch water main that stubs out at the west end of Jernigan Street. HCUD has no objection to the request subject to a capacity analysis, connection to the central water system at time of vertical construction and Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems.

In planned development projects on a central water supply, the minimum lot size requirements per individual sewage disposal may be modified provided the overall density of the project does not exceed one (1) septic tank per twenty-one thousand five hundred (21,500) square feet and is subject to approval by the county planning and zoning commission.

Comments: The petitioner is requesting 39 units on 28.6 acres. The gross acreage calculation (31,994 sq. ft.) for individual sewage disposal exceeds the minimum 21,500 square foot lot requirement.

ENGINEERING REVIEW

The subject site is located east of the Suncoast Parkway, west of Cresap Street at the western terminus of Jernigan Street. The petitioner has proposed a single entrance to Jernigan Street with a future stub-out to the north.

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

- These properties are located outside the 1% annual chance floodplain.
- It is recommended that the vacation of right-of-way between the parcels be completed prior to master plan approval.

LAND USE REVIEW

Building Setbacks

Proposed Building Setbacks:

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

Buffers

The petitioner has indicated a five foot vegetative buffer is proposed on both the north and south and a twenty foot buffer is proposed along the Suncoast Parkway.

The Suncoast Parkway is considered a scenic highway. As part of any new subdivision or commercial development along a designated scenic highway, a 20' landscape buffer shall be required. The purpose of this buffer is to shield the traveling public from signage, development and walls/fences and provide views of open space and natural areas on designated scenic highways. Furthermore, the buffer shall be planted in accordance with the requirements of the Community Appearance Ordinance for scenic highways.

Comments: The petitioner is proposing a drainage retention area along 75% of the western boundary, against the Suncoast Parkway, along with a 20' buffer. If approved, the petitioner must provide a minimum 20' landscape buffer along the western boundary against the Suncoast Parkway. The existing trees shall remain within the buffer area supplemented with plantings to provide a minimum 80% opacity. The remainder of the project shall meet the minimum buffer requirements.

Natural Vegetation

Projects greater than twenty (20) acres shall designate an area of at least seven (7) 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 twenty thousand (20,000) square feet.

Comments: If approved, the petitioner must provide a minimum of seven (7) 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.

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

Residential Category

- 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.
- 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.
- 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.

FINDINGS OF FACT

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

The request is consistent with the County's adopted Comprehensive Plan and is compatible 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 rezoning from AG(Agricultural) 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. 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. 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.

6. Minimum Building Setbacks:
 - Front: 25'
 - Rear: 20'
 - Side: 10'

7. The petitioner shall provide a minimum 20' landscape buffer along the eastern boundary against the Suncoast Parkway. The existing trees shall remain within the buffer area and supplemented as needed to achieve a minimum 80% opacity within three years of planting.

8. 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.

9. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction and Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems.

10. The petitioner shall coordinate with the County to vacate the portion of the right-of-way that bisects the proposed development.

11. 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 April 10, 2023, the Planning and Zoning Commission voted 5-0 to 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 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.
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8. 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.

9. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction and obtain Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems.
10. The petitioner shall coordinate with the County to vacate the portion of the right-of-way that bisects the proposed development.
11. 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.