

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: September 12, 2022  
Board of County Commissioners: October 11, 2022

**APPLICANT:** GTG Spire Homes, LLC

**FILE NUMBER:** H-22-57

**REQUEST:** Establish a Master Plan on Property Zoned PDP(SF)/Planned Development Project (Single Family) with deviations

**GENERAL LOCATION:** Eastern Terminus of Torchwood Court

**PARCEL KEY NUMBERS:** 373054

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### APPLICANT'S REQUEST:

On October 12, 2010, the Board of County Commissioners approved a rezoning from CPDP/Combined Planned Development Project to PDP(SF)/Planned Development Project (Single Family) with deviations for a 44-unit (6.3 du/ac) subdivision. At the time the petitioner was proposing two types of housing products - single family and/or single family attached townhomes. To accommodate the development, the petitioner requested a reduction in the minimum lot sizes, building setbacks and lot frontage. Since its approval, no development has occurred on the property. According to County LDR's, master plans that fail to obtain approval for vertical construction within two years of approval become null/void.

The petitioner's current request is to establish a master plan on the subject site. The new request eliminates the option for single family attached townhomes and proposes to develop the site with 30 single family homes.

### Deviations Requested

- Individual Lot Setbacks (All included in previous master plan approval):
  - Front: 25'
  - Side: 5' (deviation from 10')
  - Rear: 15' (deviation from 20')
  - Lot Frontage: 50' (deviation from 60')
  - Lot Size: 5,000 Sq. Ft. (deviation from 6,000 Sq. Ft)

- Deviation from the maximum 600' cul-de-sac length requirement (this has been conceptually approved by the Department of Public Works pending approval by the Fire Department at the time of plat).

**SITE HISTORY:**

The subject site is part of the Sherman Hills master plan approved on November 11, 1990, (H 90-60). The Sherman Hills master plan was approved for 1,227 single family/single family attached units with an overall density of eight (8.0) dwelling units per acre. The subject site has been subdivided and is a separately owned parcel. The petitioner's request is generally consistent with the 1990 approval.

**SITE CHARACTERISTICS:**

**Site Size:** 6.8 acres

**Surrounding Zoning & Land Uses:**  
North: AG; Single Family  
South: CPDP & PDP(REC); Golf Course & Undeveloped  
East: AG & CV; Undeveloped  
West: CPDP & PDP(REC); Golf Course & Undeveloped

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family)

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Habitat:** Urban open land with sandhill remanent 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).

**Features/ Resources:** The subject does not contain any Wellhead Protection Areas (WHPA) according to County data resources.

**Protection**

**Features:** There are no Special Protection Areas (SPA) or wetlands according to County data resources.

**Archaeological**

**Review:** There are no archaeological/historical resources according to County data resources.

**Flood Zone:** C; a small portion along the southwest corner is located within the 100-year flood plain

**Comments:** Any land alterations that impact the 100-year floodplain capacity and/or volume must be appropriately mitigated. The 100-year floodplain must be delineated and shown on all future plans and all roadways, driveways, and finished floor elevations must meet the flood drainage prevention and protection ordinance, the Facility Design Guidelines and adopted building codes.

**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.

Invasive plant species shall be identified and removed during the development process.

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.

The developer must provide geotechnical and geophysical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including all proposed drainage 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 8-inch water main that runs along the north side of Redbay Drive and the east side of Crested Orchid Drive. There is an existing 8-inch gravity main that runs in Redbay Drive and Crested Orchid Drive, as well as an existing 8-inch sewer force main that runs along the south side of Redbay Drive and the west side of Crested Orchid Drive. 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 along the northern terminus of Redbay Drive and the eastern terminus of Torchwood Court. The petitioner is proposing two (2) access points for the proposed development - one to Redbay Drive and another to Torchwood Court.

The petitioner has indicated the proposed development will extend the existing roadway network adding 3 cul-de-sacs. The proposed T-Head cul-de-sac road will exceed the allowable 600' cul-de-sac limits. The petitioner is requesting a waiver of the maximum 600' requirement.

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

- Redbay Drive and Torchwood Court shall meet Hernando County Standards for a Local Roadway.
- The applicant has requested a deviation to the cul-de-sac road requirements; this is acceptable and approved pending approval of the Fire Department.

- The driveway to Croom Rital is to be brought up current Commercial Driveway standards.
- A Traffic Access Analysis is required for the extension of Redbay Drive and Silk Bay Drive.
- The petitioner must define how development intends to prohibit traffic access to the golf cart road.
- The petitioner must coordinate with the County Engineer and demonstrate how this development will not increase traffic thresholds and performance conditions of the previously approved Sherman Hills project.
- This area contains 1% annual chance floodplain with elevation 58.1\*feet. Requires SWFWMD Permit modification.

**LAND USE REVIEW:**

**Setbacks, Lot Width and Sizes:**

Perimeter Setbacks:

- Croom Rital Road: 35'
- North: 20'
- South: 20'
- West: 20'

Single Family Detached Building Setbacks:

- Front: 25'
- Side: 5' (deviation from 10')
- Rear: 15' (deviation from 20')
- Lot Frontage: 50' (deviation from 60')
- Lot Size: 5,000 Sq. Ft. (deviation from 6,000 Sq. Ft)
- Height: 2-Story

**Comments:** The previously approved perimeter and building setbacks are acceptable to staff.

**Buffers:**

The petitioner has indicated a 5' landscape buffer along the west property line and along the northern portion of the property adjacent to the agricultural parcel.

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

**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 and part of the original Sherman Hills master plan.

**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:**

### **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 proposed density, the proposed project is compatible with the surrounding area.

**FINDINGS OF FACT:**

The request to Establish a Master Plan on Property 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:
  - Maximum 600' cul-de-sac length.
  - Lot Size: 5,000 Sq. Ft. (deviation from 6,000 Sq. Ft)
  - Minimum Setbacks:
    - Side: 5' (deviation from 10')
    - Rear: 15' (deviation from 20')
    - Lot Frontage: 50' (deviation from 60')
2. 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 Concurrence. 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 to Establish a Master Plan on Property 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. An updated faunal (wildlife) survey shall be prepared by a qualified professional. Include any invasive species. 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. 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.
9. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.

10. Perimeter Setbacks:
  - Croom Rital Road: 35'
  - North: 20'
  - South: 20'
  - West: 20'
  
11. Single Family Detached Building Setbacks:
  - Front: 25'
  - Side: 5' (deviation from 10')
  - Rear: 15' (deviation from 20')
  - Lot Frontage: 50' (deviation from 60')
  - Lot Size: 5,000 Sq. Ft. (deviation from 6,000 Sq. Ft)
  - Height: 2-Story
  
12. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction.
  
13. Redbay Drive and Torchwood Court shall meet Hernando County Standards for a Local Roadway.
  
14. Cul-de-sac lengths are approved as shown on the master plan.
  
15. The driveway to Croom Rital shall be brought up current Commercial Driveway standards.
  
16. A Traffic Access Analysis shall be required for the extension of Redbay Drive and Silk Bay Drive.
  
17. The petitioner shall define how development intends to prohibit traffic access to the golf cart road.
  
18. The petitioner shall coordinate with the County Engineer and demonstrate how the development will not increase traffic thresholds and performance conditions of the previously approved Sherman Hills project.
  
19. 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.