

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 13, 2025
Board of County Commissioners: February 25, 2025

APPLICANT: Riopelle Properties, LLC

FILE NUMBER: H-24-65

REQUEST: Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(SF)/Planned Development Project (Single Family) with Deviations

GENERAL LOCATION: West side of Kettering Road approximately 1.8 miles south of Cortez Boulevard

PARCEL KEY NUMBERS: 394585, 1357971

APPLICANT'S REQUEST:

On July 12, 2006, the Board of County Commissioners approved a rezoning to PDP(SF)/Planned Development Project (Single Family) for the development of a 302 unit community. Since the approval no development has occurred on the site. According to the County Land Development Regulations, a master plan shall initiate development within two (2) years of the governing body approval or shall be deemed expired.

The petitioner's current request is to reestablish the existing zoning PDP(SF)/Planned Development Project (Single-Family) to develop a single family subdivision with 302 units and to keep the all previously approved entitlements and is requesting a single deviation from the Maximum Lot Coverage: 65% (deviation from 35%).

SITE CHARACTERISTICS:

Site Size: 112.2

Surrounding Zoning & Land Uses:

North:	AG; Sewage treatment
South:	AG; Undeveloped
East:	PDP(IND); Undeveloped
West:	CPDP; Undeveloped

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

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler fine sand

Habitat: Majority of the property consists of open pasture with a few scattered oaks. No floral or fauna species were observed.

No wetlands are located on the property.

Comment: The petitioner is required to comply with all applicable FWC regulations and permitting.

Flood Zone: X

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 Utility Department (HCUD) has indicated they currently do not supply water or sewer service to these parcels. Water and sewer service are available to these parcels. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at the time of vertical construction, with the stipulation that the developer will provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks less than 10 feet.

Please note, that there may be deficiencies in the area's wastewater collection and transmission system which could require off-site improvements by the developer.

ENGINEERING REVIEW:

The subject site is located on the west side of Kettering Road approximately 1.8 miles south of Cortez Boulevard. The petitioner proposes a boulevard entrance of Kettering Road and a secondary access to future Dashbach Street (south). The County Engineer has reviewed the petitioners' request and indicated the following:

- A Traffic Access Analysis is required to be submitted. Any improvements identified by the Analysis will be the responsibility of the Developer to install.
- All Roads will need to meet Hernando County Standards.
- Dashback Street is classed as a Future Collector Roadway and will need to be brought up to current County standards from Kettering Road to the Eastern property line
- The petitioner shall work with the property owner/developer of the parcel to the south – (parcel key#541523) to develop an agreement for the necessary improvements to Dashback Street.
- The proposed project is in the I-75/SR 50 PDD and subject to all the requirements of.

LAND USE REVIEW:**Setbacks, Buffers, Lot Sizes and Lot Layout:**

The petitioner is proposing the following lot widths and sizes:

- Lot Widths: 55' (previously approved as 50')
- Lot Sizes: 6,600 square feet (previously approved as 6,000)

Comments: The petitioner is requesting a deviation from the "Maximum Lot Coverage" from the County maximum of 35% to 65%. Staff has no concerns with the request and does not consider the increase adverse to the public interest with appropriate performance conditions.

Minimum Building Setbacks:

- Front: 25' (at setback line)
- Rear: 15' (previously approved)
- Side (Internal): 7.5' (previously approve')

Perimeter Setbacks:

- East From Kettering Road: 50'
- West: 35'
- South From Dashbach St.: 35'
- North: 35'

Buffers

- East from Kettering: 20'
- West: 20'
- South From Dashbach St.: 20'
- North: 20'

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 proposes a boulevard entrance of Kettering Road and a secondary access to future Dashbach Street (south).

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. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

Comments: The petitioner has proposed 17.73 acres of neighborhood park and a 1.52 amenity site to be centrally located within the development. If the master plan is approved, the petitioner shall ensure that the park is accessible through vehicular, pedestrian and bicycle means.

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: If the master plan is approved, the petitioner shall be required to set aside three (3) acres for the preservation of natural vegetation. This open space shall be consistent with the proposed master plan as submitted with the application. As the buffers are proposed to be greater than 15' in width, they can be counted toward this minimum acreage.

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 with the I-75/SR-50 Planned Development District. The area is currently in transition with multiple single family development breaking ground (Sunrise and Benton Hill). Kettering Road is a mixed-use corridor with industrial, distribution and sand mine uses.

I-75/SR-50 Planned Development District

Objective 1.05A: The I-75/SR-50 Planned Development District (I-75/SR-50 PDD) is hereby established for the purpose of implementing planning tools to maximize the potential economic value of the I-75 corridor through coordination of multiple land uses, roadway network configuration, new and upgraded public infrastructure and consistency of design. The PDD shall extend between the County's existing SR-50/I-75 interchange and where Lockhart Road crosses I-75 and from Lockhart Road to the Withlacoochee State Trail.

Strategy 1.05A(1): The I-75/SR-50 Planned Development District mapped area is characterized by a significant potential for future development of multiple land use types. The I-75/SR-50 PDD shall seek to create, to the maximum extent practical, a largely self-contained internally functional concentration of commercial, industrial, and mixed residential land uses supported by public infrastructure. The County intends to encourage and functionally integrate these land uses mainly through advance planning and programming of infrastructure that facilitates orderly development patterns.

Strategy 1.05A(2): Developments within the I-75/SR-50 PDD shall include a master plan utilizing the Planned Development Project (PDP) process for review. The County shall consider the following guidelines and criteria in the review of a PDP and associated master plan:

- a. Standards for a multi-modal transportation network encompassing access, circulation and connection among and between public and private properties;
- b. Planning for infrastructure needs to accommodate wastewater, potable water, fire and emergency medical service, recreation and schools;
- c. Concentration of commercial uses, mixed uses and town-center type development along and/or easily accessed from SR-50, including park and ride opportunities for future inter-county transit;

- d. Opportunities that include primary industrial uses compatible with the placement of commercial or town center areas in order to enhance employment opportunities;
- e. Attractive, convenient and safe multi-modal connections to schools, parks and other identified community focal points;
- f. Attractive, convenient and safe bike and pedestrian connection to the Withlacoochee State Trail;
- g. Standards to create a “sense of place.”

Comments: The development shall meet the minimum Development Guidelines of the I-75/SR 50 PDD as listed herein.

Strategy 1.05A(3): Plans for development approval shall include a frontage road network, alternative access, and easements in accordance with long-range transportation plans of the Hernando/Citrus Metropolitan Planning Organization, and other planning studies/transportation criteria for the I-75/SR-50 PDD.

Strategy 1.05A(4): The County shall coordinate with the plans of the Florida Department of Transportation for SR 50 and I-75 in order to ensure that the transportation network is closely coordinated with land uses in the PDD.

Strategy 1.05A(5): The County shall utilize the I-75/SR-50 Area Plan document dated September 4, 2007, and the I-75/SR-50 Area Circulation Plan Study dated April 2013, both hereby incorporated by reference, as a guide for the consistency of proposals for development, and the overall infrastructure needs and plans in the PDD.

Strategy 1.05A(6): The County shall identify and implement feasible funding mechanisms to accommodate public infrastructure needs for the PDD.

Comments: The subject site is within the I-75/S.R. 50 PDD and is consistent with the PDD requirements for the area.

FINDINGS OF FACT:

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

1. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area, and
2. The requested deviation for an increase in maximum lot coverage is not adverse to the public interest.

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 approval of the petitioner's request for rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(SF)/Planned Development Project (Single Family) with deviations, and 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 comprehensive floral and faunal 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. At the time of construction drawings, the petitioner shall provide Cultural Resource Assessment (CRAS) report(s) and State Division of Historical Resources letter of determination.
7. 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.
8. A Traffic Access Analysis is required with the conditional plat. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
9. All roads shall meet Hernando County Standards.
10. Dashback Street is classed as a Future Collector Roadway and shall be brought up to current County Standards from Kettering Road to the Eastern property line, work with the property owner/developer of the parcel to the South – (parcel key#541523) to develop an agreement for the necessary improvements to Dashback Street.
11. The development shall meet all the requirements in the I-75/SR 50 PDD.
12. Subject to a utility capacity analysis and connection to the central water and sewer systems at the time of vertical construction, with the stipulation that the developer will provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks less than 10 feet. Deficiencies in the area's wastewater collection and transmission system could require off-site improvements by the developer.

13. The developer shall provide a build out schedule to the Hernando County Utility Department.
14. Minimum Lot Widths: 55' (at the building line)
15. Minimum Lot Sizes: 6,600 square feet
16. Maximum Lot Coverage: 65%
17. Minimum Setbacks :
 - Front: 25 ft.
 - Rear: 15 ft.
 - Side: 7.5 ft.
18. Minimum Perimeter Setbacks:
 - East From Kettering Road: 50'
 - West: 35'
 - South From Dashbach St.: 35'
 - North: 35'
19. Minimum Buffer Requirements:
 - East from Kettering: 20'
 - West: 20'
 - South From Dashbach St: 20'
 - North: 20'

These buffers shall be enhanced by landscaping to achieve a minimum opacity of 80% and shall be placed in a separate tract owned and maintained by the HOA.

20. The petitioner shall provide two access points into the development – one shall be designed as a treed boulevard entrance into the development in accordance with the Hernando County Land Development Regulations.
21. The petitioner shall provide the minimum neighborhood acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
22. 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.
23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.

24. 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 January 13, 2025, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(SF)/Planned Development Project (Single Family) with deviations, and with 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 comprehensive floral and faunal 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 as required by the County's Facility Design Guidelines.
- ~~6. At the time of construction drawings, the petitioner shall provide Cultural Resource Assessment (CRAS) report(s) and State Division of Historical Resources letter of determination.~~
7. 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.

8. A Traffic Access Analysis is required with the conditional plat. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
9. All roads shall meet Hernando County Standards.
10. Dashback Street is classified ~~classed~~ as a Future Collector Roadway and shall be brought up to current County Standards from Kettering Road to the southern project access point on Dashback Street Eastern property line. The petitioner and the County shall work with the property owner/developer of the parcel to the South – (parcel key#541523) to develop an agreement for the necessary improvements to Dashback Street. The construction of Dashback Street is Impact Fee Credit eligible and will follow Sec 23-144 Exemptions and Credits (b) for the establishment of impact fee credits.
11. The development shall meet all the requirements in the I-75/SR 50 PDD.
12. Subject to a utility capacity analysis and connection to the central water and sewer systems at the time of vertical construction, with the stipulation that the developer will provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks less than 10 feet. Deficiencies in the area's wastewater collection and transmission system could require off-site improvements by the developer.
13. The developer shall provide a build out schedule to the Hernando County Utility Department.
14. Minimum Lot Widths: 55' (at the building line)
15. Minimum Lot Sizes: 6,600 square feet
16. Maximum Lot Coverage: 65%
17. Minimum Setbacks :
 - Front: 25 ft.
 - Rear: 15 ft.
 - Side: 7.5 ft.

18. Minimum Perimeter Setbacks (inclusive of buffers):

- East From Kettering Road ROW: 50'
- West: 35'
- South From Dashbach St ROW: 35'
- North: 35'

19. Minimum Buffer Requirements:

- East from Kettering: 20'
- West: 20'
- South From Dashbach St: 20'
- North: 20'

~~These buffers shall be enhanced by landscaping to achieve a minimum opacity of 80% and shall be placed in a separate tract owned and maintained by the HOA. The west buffer will be natural vegetation and the south, north and east buffers shall be landscaped buffers (80% opacity will not be achieved).~~

20. The petitioner shall provide two access points into the development – one shall be designed as a treed boulevard entrance into the development in accordance with the Hernando County Land Development Regulations.

21. The petitioner shall provide the minimum neighborhood acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.

22. The petitioner shall preserve and/or plant 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.

23. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.

24. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of being officially notified by the Planning Department of the final BCC approval action. Failure to submit the revised plan will result in no further development permits being issued.