

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 8, 2021
Board of County Commissioners: December 14, 2021

APPLICANT: Shuaney Irrevocable Trust, Michael P. Spellman, Trustee

FILE NUMBER: H2160

REQUEST: Rezoning from CPDP/ (Combined Planned Development Project) to PDP(SF)/Planned Development Project (Single-Family) with deviations

GENERAL LOCATION: Bounded by Sherman Hills Boulevard, Park Ridge Drive and Cedar Side Avenue

PARCEL KEY NUMBERS: 1382033, 1313670

APPLICANT'S REQUEST:

On September 13, 2006, the subject site was approved for a Combined Planned Development Project (Single-Family and Special Use for DRA's) to construct 68 residential units with lots widths of 80' and 50'. Since the initial approval, no vertical construction has occurred.

The petitioner's current request is a rezoning from CPDP/(Combined Planned Development) to PDP(SF)/Planned Development Project (Single-Family) with deviations. This request includes the following:

- An increase in the total number of units from 68 to 85.
- A deviation to the rear building setbacks from 20' to 15'.
- The project was originally approved for a mix of 80' and 50' wide lots. The proposed revision will only include 50' wide lots.

SITE CHARACTERISTICS:

Site Size: 22.68 acres

Surrounding Zoning & Land Uses:

North: PDP(REC); Golf course
South: PDP(SF); Single-family
East: PDP(REC),(SF); Golf course, Single Family
West: PDP(REC),(SF); Golf course, Single Family

Current Zoning: CPDP/(Combined Planned Development) (Single-Family and (Special Use)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand and Sparr Fine Sand

Habitat: The property is wooded, vacant, shown as urban open land according to FWC CLC (Florida Cooperative Land Cover Classification System that includes Florida Land Use Cover and Classification System). Soils and habitat are suitable for gopher tortoise. The petitioner is required to comply with all applicable FWC regulations and permitting.

Comment: Candler Fine Sand provides habitat suitable for gopher tortoise and burrowing owls. A wildlife survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Resources/
Features:** The property does not contain wetlands, Wellhead Protection Areas (WHPA), or archaeological or historical resources according to County data resources.

Water Quality: Florida-Friendly Landscaping™ Program materials and information on the County's Fertilizer Ordinance and fertilizer use can be made available to new property owners through coordination with Hernando County Utilities Department.

Flood Zone: C and a small portion of AE

SCHOOL DISTRICT REVIEW:

No comments were received from the Hernando County School District on the subject application.

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 west side of Sherman Hills Boulevard connecting to an 8-inch water main that stubs out at the western property line, an existing 6-inch water main stubs out at the western end of Majestic Drive, and an existing 6-inch water main that stubs out midway along the southern parcel line. There is an existing 8-inch sewer gravity main that runs along Sherman Hills Boulevard, turning east to run along the southern property line halfway, to then turn south to Park Ridge Drive, and an existing 8-inch gravity sewer main that runs along Cedar Side Avenue. HCUD has no objections to the request 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 setback deviations of 5 feet.

ENGINEERING REVIEW:

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

1. The proposed project must provide a drainage design meeting the requirements of Hernando County Facility Design Guidelines and Southwest Florida Water Management District Environmental Resource Permitting requirements.
2. Traffic Access Analysis is required, any improvements identified by the Traffic Access Analysis will be the developer's responsibility.
3. Driveway and Roadway are required to meet Hernando County Facility Design Guidelines standards.

LAND USE REVIEW:

Setbacks, Lot Widths and Lot Sizes:

The petitioner is requesting the following minimum setbacks, lot widths and lot sizes for individual lots:

- Front: 20'
- Side: 5' (7.5' previously approved)
- Rear: 15' (Deviation from 20')
- Minimum Lot Width: 50'
- Minimum Lot Size: 5,500 square feet

Comments: The project was previously approved for a mix of 80' and 50' lots. The petitioner is proposing the new development as all 50' lots.

While the petitioner has requested a deviation to the minimum lot size, the lots proposed are compatible with the adjacent land uses due to their location next to the existing golf course. This golf course provides a significant buffer from the surrounding residential homes and also provides a transition of land uses to the smaller lots proposed by the developer. For the lots to the south and east, appropriate buffering should be considered to provide a transition from the smaller lots to the exiting larger lots.

Perimeter Setbacks and Buffers:

The petitioner has not proposed any buffers against existing residential parcels. If approved, the developer must provide a 20' vegetative buffer at 80% opacity along the south and east border where lots are adjacent to existing residential units, providing a transition between the existing subdivisions and the subject property. All vegetation shall be placed outside any proposed drainage easements.

Additionally, the petitioner has not proposed perimeter setbacks for the proposed development. The minimum perimeter setbacks shall be as follows:

- Front: 25'
- Side: 10'
- Rear: 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 is showing two access points. However, neither access is designed as a treed boulevard entrance. If the master plan is approved, the access point from Sherman Hills Boulevard shall be designed as a treed boulevard entrance into the subdivision, in accordance with the Hernando County Land Development Regulations.

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.

Comments: The petitioner has set aside 1.36 acres as a neighborhood park for the proposed subdivision. The allocated acreage meets the minimum requirements of the Land Development Regulations. If the master plan is approved, the petitioner shall be required to provide this acreage in accordance with the proposed master plan.

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. 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: The petitioner has not identified the total acreage set aside as natural vegetation for the proposed subdivision. If the master plan is approved, 1.59 acres shall be set aside for natural vegetation. The proposed vegetative buffer can count toward this 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:

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(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 petitioner has indicated an increase in the number of overall units from 68 to 85. The increase in units equates to a density of 3.74 units per acre. The proposed increase is compatible with the surrounding area subject to performance conditions.

FINDINGS OF FACT:

The request for rezoning from CPDP/ (Combined Planned Development Project) 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.
2. The requested use 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 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 approval of the petitioner's request for a Rezoning from CPDP/ (Combined Planned Development Project) 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 wildlife survey shall be prepared by a qualified professional to identify listed species present prior to development activities. 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.
4. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction.
6. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
7. The access point from Sherman Hills Boulevard shall be designed as a treed boulevard entrance into the subdivision, in accordance with the Hernando County Land Development Regulations.

8. Minimum Setbacks, Lot Widths and Lot Sizes:
 - Front: 20'
 - Side: 5' (Deviation from 7.5')
 - Rear: 15' (Deviation from 20')
 - Minimum Lot Width: 50'
 - Minimum Lot Size: 5,500 square feet
9. The minimum perimeter setbacks shall be as follows:
 - Front: 25'
 - Side: 10'
 - Rear: 20'
10. The petitioner shall set aside the minimum acreage for a neighborhood park in accordance with the Hernando County Land Development Regulations.
11. 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.
12. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
13. 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.
14. The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 5 feet.
15. The developer must provide a 20' vegetative buffer at 80% opacity along the south and east border where lots are adjacent to existing residential units, providing a transition between the existing subdivisions and the subject property. The buffer shall be included in the HOA documents and located in a common tract on the final subdivision plat dedicated to and maintained by the HOA. Landscape plans shall be provided for review at the time of construction plan review. All vegetation shall be placed outside drainage easements.

16. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.

P&Z RECOMMENDATION:

On November 8, 2021, the Planning and Zoning Commission voted 4-0 to recommend approval of the petitioner's request for a Rezoning from CPDP/ (Combined Planned Development Project) 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 wildlife survey shall be prepared by a qualified professional to identify listed species present prior to development activities. 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.
4. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction.
6. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
- ~~7. The access point from Sherman Hills Boulevard shall be designed as a treed boulevard entrance into the subdivision, in accordance with the Hernando County Land Development Regulations.~~
8. 7. Minimum Setbacks, Lot Widths and Lot Sizes:
 - Front: 20'
 - Side: 5' (Deviation from 7.5')
 - Rear: 15' (Deviation from 20')
 - Minimum Lot Width: 50'
 - Minimum Lot Size: 5,500 square feet (Deviation from 6,000 square feet)

9. ~~8.~~ The minimum perimeter setbacks shall be as follows:
- Front: ~~25'~~ 15' (Deviation from 25')
 - Side: ~~40'~~ 15'
 - Rear: ~~20'~~ 15' (Deviation from 20')
10. ~~9.~~ The petitioner shall set aside the minimum acreage for a neighborhood park in accordance with the Hernando County Land Development Regulations.
11. ~~10.~~ 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.
12. ~~11.~~ The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
13. ~~12.~~ 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.
14. ~~13.~~ The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 5 feet.
15. ~~14.~~ The developer must provide a 15' ~~20'~~ vegetative buffer at 80% opacity along the south and east border where lots are adjacent to existing residential units, providing a transition between the existing subdivisions and the subject property. The buffer shall be included in the HOA documents and located in a dedicated easement ~~common tract~~ on the final subdivision plat dedicated to and maintained by the HOA. Landscape plans shall be provided for review at the time of construction plan review. All vegetation shall be placed outside drainage easements.
16. ~~15.~~ The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.

BCC ACTION:

On December 14, 2021, the Board of County Commissioners voted 4-1 to adopt Resolution 2021-231 to recommend approval of the petitioner's request for a Rezoning from CPDP/ (Combined Planned Development Project) 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 wildlife survey shall be prepared by a qualified professional to identify listed species present prior to development activities. 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.
4. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction.
6. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
7. Minimum Setbacks, Lot Widths and Lot Sizes:
 - Front: 20'
 - Side: 5' (Deviation from 7.5')
 - Rear: 15' (Deviation from 20')
 - Minimum Lot Width: 50'
 - Minimum Lot Size: 5,500 square feet (Deviation from 6,000 square feet)

8. The minimum perimeter setbacks shall be as follows:
 - Front: 15' (Deviation from 25')
 - Side: 15'
 - Rear: 15' (Deviation from 20')
9. The petitioner shall set aside the minimum acreage for a neighborhood park in accordance with the Hernando County Land Development Regulations.
10. 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.
11. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
12. 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.
13. The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 5 feet.
14. The developer must provide a 15' ~~20'~~ vegetative buffer at 80% opacity along the south and east border where lots are adjacent to existing residential units, providing a transition between the existing subdivisions and the subject property. The buffer shall be included in the HOA documents and located in a dedicated easement ~~common tract~~ on the final subdivision plat dedicated to and maintained by the HOA. Landscape plans shall be provided for review at the time of construction plan review. All vegetation shall be placed outside drainage easements.
15. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.