

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 11, 2021
Board of County Commissioners: November 16, 2021

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

FILE NUMBER: H2113

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

GENERAL LOCATION: Northeast side of Barcelona Boulevard, approximately 355' northwest of Sherman Hills Boulevard

PARCEL KEY NUMBERS: 1313689; 1313670

PUBLIC INQUIRY WORKSHOP: August 23, 2021

APPLICANT'S REQUEST:

On September 13, 2006, the subject site was approved for a Combined Planned Development Project to construct 85 residential units and set aside acreage for neighborhood parks and other community amenities. 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:

- The total number of units is being reduced from 85 to 81.
- A 20-foot enhanced vegetative buffer is proposed along the southern property line.

The areas initially designated as PDP(SU)/Planned Development Project (Special Use) now have their specific uses identified in the master plan. These uses include drainage retention and neighborhood park areas.

There are two remnants of Parcel Key 1313670 that are not included in the proposed master plan. One small piece is part of the Sherman Hills Boulevard extension needed to access the proposed development. The other piece is located on the southeast side of

Parcel Key 1244442, owned by a separate entity. This sliver shall be included in the upcoming Master Plan Revision for Sherman Hills Phase 4B.

SITE CHARACTERISTICS:

Site Size:	21.2 acres
Surrounding Zoning & Land Uses:	North: PDP(REC); Golf course South: PDP(SU)/PDP(SF); existing single-family residential East: PDP(REC); golf course West: PDP(SF); existing single-family residential
Current Zoning:	CPDP/(Combined Planned Development)
Future Land Use Map Designation:	Residential

ENVIRONMENTAL REVIEW:

Soil Type:	Candler Fine Sand
Resources/ Features:	The property does not contain wetlands, WHPAs, SPAs, or archaeological or historical resources according to County data resources. A small amount of flood zone A is present at the far eastern end of the project (parcel key # 1313670).
Habitat:	The property has been previously cleared with a few scattered trees and is classified as urban open land according to FLUCCS (Florida Land Use Cover and Classification System) and FWC Cooperative Land Cover (CLC) mapping.
Comment:	Candler Fine Sand provides habitat suitable for gopher tortoise and burrowing owls. A wildlife survey is required to determine if listed species are present.
Flood Zone:	X
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.

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 south side of Barcelona Boulevard, an existing 6-inch water main that runs along the north side of Lexington Circle, and an existing 8-inch water main that runs along the southbound lane of Sherman Hills Boulevard. There is an existing 8-inch gravity sewer main that runs along Lexington Circle, an existing 8-inch gravity sewer main starting at Barcelona Boulevard running south along Castle Ridge Drive, an existing 8-inch gravity sewer main starting just south of Barcelona Boulevard running south along Windmere Road, and an existing 8-inch gravity sewer main running along the northbound lane of Sherman Hills Boulevard. HCUD has no objection to the petitioner's request, subject to a water and sewer capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW:

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

- The roadways within the development are to be built to Hernando County Facility Design Guideline requirements.
- This project generates 83 PM Peak Hour Trips. A Traffic Access Analysis is required.
- The property is outside the floodplain. The petitioner shall comply with Southwest Florida Water Management District Environmental Permit (SWFWMD ERP) and Hernando County Facility Design Guidelines drainage design requirements.

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' (Deviation from 10')
- Rear: 25'
- Minimum Lot Width: 50' (Deviation from 60')
- Minimum Lot Size: 5,500 square feet (Deviation from 6,000)

Comments: 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. Additionally, the developer has proposed a 20' vegetative buffer along the southern border where lots are adjacent to existing residential units that shall be enhanced to 80% opacity, providing a transition between the existing subdivisions and the subject property.

Perimeter Setbacks and Buffers:

The petitioner has proposed a 20' enhanced vegetated buffer along the southern section of the development, where the subject site abuts drainage retention areas.

Comments: The petitioner has not shown any vegetative buffer along the southern property line where the proposed development abuts existing residential lots. If the master plan is approved, the 20' buffer will need to be extended across the entire southern property line, enhanced to 80% opacity. Lastly, the petitioner has proposed a 10' drainage easement alongside the southern boundary of the development. All vegetation shall be placed outside the 10' wide drainage easement proposed along this southern border.

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 Barcelona Drive 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 1.3 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. 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: The petitioner has not identified the total acreage set aside as natural vegetation for the proposed subdivision. If the master plan is approved, 1.48 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(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.

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 Barcelona Drive 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 10')
 - Rear: 25'
 - Minimum Lot Width: 50' (Deviation from 60')
 - Minimum Lot Size: 5,500 square feet (Deviation from 6,000)
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 to serve the proposed development 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. A 20' vegetative buffer shall be required along the southern border where lots are adjacent to existing residential units. The buffer shall be enhanced to 80% opacity, included as a separate tract on the subdivision plat dedicated to the Homeowners Association for maintenance and also be included in the HOA documents. All vegetation shall be placed outside the 10' wide drainage easement proposed along this southern border.
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.