

STAFF REPORT

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

APPLICANT: Lennar Homes, LLC

FILE NUMBER: H2131

REQUEST: Rezoning from R-1C/(Residential) to PDP(SF)/Planned Development Project (Single-Family) with Deviations

GENERAL LOCATION: Eastern Terminus of Rainbow Woods Loop, approximately 550' east of Augustine Road

PARCEL KEY NUMBER: 377782

PUBLIC INQUIRY WORKSHOP: August 23, 2021

APPLICANT'S REQUEST:

The petitioner has submitted a rezoning request from R-1C to PDP(SF) to develop the subject parcel as a 153-unit single-family subdivision. This property is immediately adjacent to the Rainbow Woods subdivision to the north and west and the Spring Hill subdivision to the south and east.

The petitioner has requested the following deviations as part of the master plan submittal:

- Setbacks:
 - Side: 5' (Deviation from 10')
 - Rear: 15' (Deviation from 20')
- Minimum Lot Width: 40' and 50' (Deviation from 60')
- Minimum Lot Size: 4,800 (Deviation from 6,000) and 6,000 square feet

SITE CHARACTERISTICS:

Site Size: 40.5 acres

Surrounding Zoning and

Land Uses: North: R-1C; existing residential development
South: PDP(SF); existing residential development
East: PDP(SF); existing residential development
West: R-1C; existing residential development

Current Zoning: R-1C/(Residential)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Resources/

Features: The property does not contain any wetlands or archaeological sites according to County data resources. A WHPA 2 crosses the property, and a sinkhole is located on the northeast corner which is classified as a SPA. Three small x-shaded floodplain areas are present.

Habitat: Vacant and undeveloped shown as sandhill according to FWC CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping. The project area is largely identified as FWC strategic habitat conservation area.

Comment: Candler Fine Sand provides habitat suitable for gopher tortoises and commensal species.

Flood Zone:X

Water

Quality: This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Providing information on Florida-Friendly™ Landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality.

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 are to be included. Educational information is available through Hernando County Utilities Department.

Invasive plant species, if present, are to be removed during the development process.

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 this parcel. Sewer service is not available to this parcel. There is an existing 6-inch water main that runs along Lema Drive, an existing 8-inch water main that runs along Linden Drive, an existing 6-inch water main that runs along Conway Street, and an existing 6-inch water main that runs along Auburndale Street. The HCUD conditionally approves the requested zoning change from R-1C to PDP(SF) and revised Master Plan to allow the construction of up to 153 single-family dwellings, 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 provided the following comments:

- The petitioner must provide geotechnical data including ground-penetrating radar or similar subsurface testing, as required in Hernando County Facility Design Guidelines.
- This project generates over 50 PM Peak Hour Trips. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis are required to be installed by the developer.
- Clewiston Street (North of Linden Drive) shall be improved in accordance with the Hernando County Facility Design Guidelines.
- All roadways within the development shall be required to meet County standards.

LAND USE REVIEW:

Setbacks, Lot Widths, Buffers and Lot Layout:

The petitioner has proposed the following setbacks, minimum lot widths and minimum lot sizes for the subject site:

- Setbacks:
 - Front: 25'
 - Side: 5' (Deviation from 10')
 - Rear: 15' (Deviation from 20')
- Minimum Lot Width: 40' and 50' (Deviation from 60')
- Minimum Lot Size: 4,800 (Deviation from 6,000) and 6,000 square feet

Comments: The petitioner has shown the 6,000 square-foot lots along the western, northern and eastern perimeter of the subject development, with 4,800 square-foot lots within the interior of the subdivision. The petitioner has also provided buffers of 35 and 25 feet adjacent to proposed lots on the perimeter of the proposed subdivision. If the master plan is approved, the lots north of Rainbow Woods Loop along the western boundary of the development and along the northern property boundary should be limited to a single story. Additionally, the petitioner should be held to the minimum rear setback (20') for those lots.

Perimeter Setbacks and Buffers:

The petitioner has proposed the following perimeter buffers for the subject site:

- North: 35'
- South: 25'
- West: 35'
- East: 25'

Comments: The petitioner has not established a minimum opacity for the buffer. If the master plan is approved, the buffer shall be enhanced by landscaping to meet a minimum 80% opacity. This buffer shall be placed in a separate tract granted to and maintained by the Homeowner Association.

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 multi-family 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 multi-family 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 has proposed two access points into the development, one from Linden Drive which shall be the treed boulevard entrance, and stabilized emergency access from Rainbow Woods Loop. The gated emergency access shall be built to County Facility Design Guideline standards and gated per the requirements of the Hernando County Fire and Emergency Services Department.

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 Land Development Regulations (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 proposed 2.09 acres as recreation to serve the development. However, it is broken up into a small park area along the western boundary of the development and a larger recreation area in the middle of the development. If the master plan is approved, the entire park area shall be located in the central portion of the development. The remaining acreage located along the western boundary shall remain as open space.

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 proposed 18.31 acres of drainage, roads, open space and buffers; however, the acreage specifically allocated toward natural vegetation has not been defined. If the master plan is approved, 2.835 acres shall be required to be set aside as natural vegetation.

Fire Protection Plan:

Hernando County Land Development Regulations (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 Element:

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.

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.

Comments: The petitioner has proposed 6,000 square foot lots along the perimeter of the development. With the 35' vegetative buffer and the removal of the deviation for the rear setback, a proper transition between the existing residential developments and the subject site has been established.

FINDINGS OF FACT:

The request for Rezoning from R-1C/(Residential) 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 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 R-1C/(Residential) 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 wildlife (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, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the Homeowner Association 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 provide geotechnical data including ground-penetrating radar or similar subsurface testing, as required in Hernando County Facility Design Guidelines.
6. 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.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. Clewiston Street (North of Linden Drive) shall be improved in accordance with the Hernando County Facility Design Guidelines and the requirements of the County Engineer.
9. Minimum Setbacks, Lot Sizes, and Lot Widths (with exception of those north of Rainbow Woods Loop and along the northern property boundary):
 - Setbacks:
 - Front: 25'
 - Side: 5' (Deviation from 10')
 - Rear: 1 5' (Deviation from 20')
 - Minimum Lot Width: 40' and 50' (Deviation from 60')
 - Minimum Lot Size: 4,800 (Deviation from 6,000) and 6,000 square feet

10. Minimum Setbacks, Lot Sizes, Lot Widths and Height Requirements (properties north of Rainbow Woods Loop and along the northern property boundary):

- Setbacks:
 - Front: 25'
 - Side: 5' (Deviation from 10')
 - Rear: 20'
- Minimum Lot Width: 50' (Deviation from 60')
- Minimum Lot Size: 6,000 square feet
- Maximum Height: 1-story

11. Perimeter Buffers:

- North: 35'
- South: 25'
- West: 35'
- East: 25'

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.

12. The petitioner shall provide a gated emergency access to Rainbow Woods Loop designed as a standard roadway in accordance with the Hernando County Facility Design Guidelines and gated in accordance with the requirements of Hernando County Fire and Emergency Services.

13. The petitioner shall combine the proposed neighborhood park acreage to provide a single centralized neighborhood park for the development, meeting the minimum requirements of the Hernando County Land Development Regulations (LDRs). Areas currently listed as park acreage along the western boundary shall remain as open space.

14. 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.

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

16. 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.

17. 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.
18. 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 October 11, 2021, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from R-1C/(Residential) 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 wildlife (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, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the Homeowner Association 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 provide geotechnical data including ground-penetrating radar or similar subsurface testing, as required in Hernando County Facility Design Guidelines.
6. 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.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. Clewiston Street (North of Linden Drive) shall be improved in accordance with the Hernando County Facility Design Guidelines and the requirements of the County Engineer.
9. Minimum Setbacks, Lot Sizes, and Lot Widths (with exception of those north of Rainbow Woods Loop and along the northern property boundary):
 - Setbacks:

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10. Minimum Setbacks, Lot Sizes, Lot Widths and Height Requirements (properties north of Rainbow Woods Loop and along the northern property boundary):
- Setbacks:
 - Front: 25'
 - Side: 5' (Deviation from 10')
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 - Minimum Lot Width: 50' (Deviation from 60')
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- North: 35'
 - South: 25'
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- 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.
12. The petitioner shall provide a gated emergency access to Rainbow Woods Loop designed as a standard roadway in accordance with the Hernando County Facility Design Guidelines and gated in accordance with the requirements of Hernando County Fire and Emergency Services.
13. The petitioner shall combine the proposed neighborhood park acreage to provide a single centralized neighborhood park for the development, meeting the minimum requirements of the Hernando County Land Development Regulations (LDRs). Areas currently listed as park acreage along the western boundary shall remain as open space.
14. 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.
15. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.

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17. 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.
18. 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.

BOCC ACTION:

On November 16, 2021, the Board of County Commissioners voted 4-1 to adopt Resolution 2021-206 approving the petitioner's request for a rezoning from R-1C/(Residential) 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 wildlife (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, as applicable.
4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the Homeowner Association 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 provide geotechnical data including ground-penetrating radar or similar subsurface testing, as required in Hernando County Facility Design Guidelines.
6. 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.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. Clewiston Street (North of Linden Drive) shall be improved in accordance with the Hernando County Facility Design Guidelines and the requirements of the County Engineer.
9. Minimum Setbacks, Lot Sizes, and Lot Widths (with exception of those north of Rainbow Woods Loop and along the northern property boundary):
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- 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.
12. The petitioner shall provide a gated emergency access to Rainbow Woods Loop designed as a standard roadway in accordance with the Hernando County Facility Design Guidelines and gated in accordance with the requirements of Hernando County Fire and Emergency Services.
13. The petitioner shall combine the proposed neighborhood park acreage to provide a single centralized neighborhood park for the development, meeting the minimum requirements of the Hernando County Land Development Regulations (LDRs). Areas currently listed as park acreage along the western boundary shall remain as open space.
14. 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.
15. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.

16. 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.
17. 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.
18. 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.