

# STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: March 13, 2023  
Board of County Commissioners: April 11, 2023

**APPLICANT:** Legacy WMD, LLC

**FILE NUMBER:** H-22-87

**REQUEST:** Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) with Deviations

**GENERAL LOCATION:** South side of San Antonio Road, north of Zeth Road, approximately 600' west of Barclay Avenue

**PARCEL KEY NUMBERS:** 1725388, 1725397, 1725404, 1725413, 1725422, 1725379, 1725360

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## APPLICANT'S REQUEST

On October 10, 2007, the Board of County Commissioners approved a Master Plan Revision on the subject site to develop five (5) single family lots, varying in size from 2.35 acres to 3.26 acres (H-07-45). The project was proposed to be gated with the streets being privately owned and maintained by the Homeowners Association.

Since its approval, the amenities have been developed for the subdivision (two ponds and streets). Design concepts have been altered, requiring a master plan revision to modify previously approved performance conditions.

### Requested Deviations

The petitioner's request is to modify the following conditions:

- Reduce all restrictive access easements from 20' to 5'.
- Reduce the landscape buffers along Zeth Court and San Antonio Road from 20' to 5'
- Allow one access point per lot to San Antonio for Lots 3 and 4 exclusively.

## SITE CHARACTERISTICS

**Site Size:** 20.0 acres

### Surrounding Zoning & Land Uses:

North: AR2; Single Family & Mobile Homes  
South: AR2; Undeveloped  
East: AG; Undeveloped  
West: PDP(SF); Sterling Hills

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

**Future Land Use  
Map Designation:** Residential

**Flood Zone:** C

## ENVIRONMENTAL REVIEW

**Soil Type:** Candler Fine Sand

**Hydrologic  
Features:** The subject property contains no wetlands or Special Protection Area (SPA), according to County data resources.

**Protection  
Features:** The property contains a Class 2 Well Head Protection Areas (WHPA) according to County data resources.

**Habitat:** Sandhill, urban open land, and artificial impoundment/reservoir according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

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

## UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) does not currently supply water service to these parcels, however there is an existing 8-inch water main that runs along Shadow Creek Drive. Sewer service is not available to these parcels. HCUD has no objection to the request.

Future development of these parcels is subject to connection to the central water system at time of vertical construction, and Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems.

## ENGINEERING REVIEW

The subject site is located south side of San Antonio Road, north of Zeth Road, approximately 600' west of Barclay Avenue. The petitioner has indicated the development has existing access to Zeth Court. Additional access points for Lots 3 and Lots 4 are requested to connect to San Antonio Road.

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

- This subdivision contains an area designated as a stormwater mitigation pond with a floodplain elevation of 54.8'. No stormwater changes are proposed to the original design. The proposed changes will not impact the stormwater system.
- Access to San Antonio Road, currently a limerock road, shall require improvements from the western most side of the driveway access of Lot 3 to Barclay Avenue.

## LAND USE REVIEW

### Building Setbacks

The petitioner has proposed internal lot setbacks to be 20' on all sides except those lots that front the internal road, which will be 50' feet.

#### Previously Approved Perimeter Setbacks:

- South (Zeth Court): 50'
- North (San Antonio Road): 50'
- West (Sterling Hill): 20'
- East (Unplatted AG land): 35'

### Buffers

Per County LDR's, a buffer shall consist of a minimum five-foot landscaped separation distance. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

**Comments:** The petitioner has requested that the previously approved buffers be reduced from 20' along Zeth Court and San Antonio to the minimum County LDR standard of 5'. With the size of the parcels (none are under 2.2 acres) and complimentary adjacent land uses (single family and undeveloped agricultural land) there is no need for wider buffers to preserve the quality of life and privacy for the residents.

### Access Easements

Restrictive access easements along Zeth Court and San Antonio Road were coupled with the landscape buffers in the previous project design. With the petitioner's request to reduce the size of the buffers along the north and south project boundaries, a reduction in the restrictive access easement would be appropriate. The reduced access easement and landscape buffer does not change the building setback line, which will remain 50' from Zeth Court and San Antonio Road.

There is also a restrictive access easement, for the personal use of the owners, between lots 3 and 4 that is 20' wide (40' total). The petitioner is requesting a reduction in the size of this access easement from 20' to 5' (10' feet total). There is nothing extraordinary about these parcels that would require an easement of this size, and as such, a reduction in the easement does not change the nature or appearance of the project.

### COMPREHENSIVE PLAN REVIEW

The subject property is located within the Residential land use classification on the adopted Future Land Use Map and part of the original Sherman Hills master plan.

#### Future Land Use Map

Strategy 1.04A(3): The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

#### Residential Category

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(1): Commercial and institutional uses within the Residential Category are generally associated with medium and high density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

### Single-Family Housing

Strategy 1.04B(3): The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

### FINDINGS OF FACT

A Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) with Deviations, is appropriate based on the following conclusions:

1. The following requested deviations are justified with appropriate performance conditions:
  - Reduce all restrictive access easements from 20' to 5'.
  - Reduce the landscape buffers along Zeth Court and San Antonio Road from 20' to 5'.
  - Allow one access point each to San Antonio for Lots 3 and 4 exclusively.
2. The proposed use is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding area.

### NOTICE OF APPLICANT RESPONSIBILITY

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

### STAFF RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) with Deviations and the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

2. 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.
3. 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.
4. The petitioner shall provide a wildlife survey, prepared by a qualified professional prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
5. Access to San Antonio Road, currently a limerock road, shall require improvements from the western most side of the driveway access of Lot 3 to Barclay Avenue.
6. Restrictive Access Easements:
  - Along Zeth Court: 5' (deviation from 20')
  - Along San Antonio: 5' (deviation from 20')
  - Between lots 3 and 4: 5' (deviation from 20')
7. One access point per lot shall be permitted to San Antonio for Lots 3 and 4 exclusively (deviation from no access permitted).
8. Perimeter Setbacks:
  - North (San Antonio Road): 50'
  - South (Zeth Court): 50'
  - East (Unplanted AG land): 35'
  - West (Sterling Hill): 20'
9. Internal Setbacks:
  - Front (Shadow Creek Drive): 50'
  - Side (between parcels in this project): 20'
  - Lot 2 along the access easement: 20'
10. The petitioner shall conduct a geotechnical survey to determine that affected lots are buildable during the construction plans phase of development.
11. The petitioner shall pave North Road to the project's entrance.
12. The development shall connect to central water system at time of vertical construction and shall obtain Health Department approval for appropriate Onsite Sewage Treatment and Disposal Systems.

13. Landscape Buffers:
  - North (San Antonio Road): 5' (deviation from 20')
  - South (Zeth Court): 5' (deviation from 20')
  - East (Unplatted AG Land): 5'
  - West (Sterling Hill): 5'
  
14. 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.

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**P&Z RECOMMENDATION:**

On March 13, 2023, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) with Deviations and 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. 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.
3. 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.
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10. The petitioner shall conduct a geotechnical survey to determine that affected lots are buildable during the construction plans phase of development.
11. The petitioner shall pave North Road to the project's entrance.
12. The development shall connect to central water system at time of vertical construction and shall obtain Health Department approval for appropriate Onsite Sewage Treatment and Disposal Systems.
13. Landscape Buffers:
  - North (San Antonio Road): 5' (deviation from 20')
  - South (Zeth Court): 5' (deviation from 20')
  - East (Unplatted AG Land): 5'
  - West (Sterling Hill): 5'
14. A gate that accommodates RV's and Boats shall be allowed along the northern entrance road (San Antonio Road). The gate will be permitted via the Right-of-way use permit process.
15. 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.