

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 9, 2021
Board of County Commissioners: September 14, 2021

APPLICANT: O&S Capital Enterprises, LLC

FILE NUMBER: H-21-26

REQUEST: Rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single-Family)

GENERAL LOCATION: South of Lagorce Avenue, west of Augustine Road and north of Landover Boulevard.

PARCEL KEY NUMBERS: 00417490

APPLICANT'S REQUEST:

The applicant is requesting a rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family) to construct 13 single-family homes on the 8.1-acre subject site. The minimum lot sizes proposed are 21,500 square feet with minimum lot width of 100'.

The site was previously designated as a park site on the original Spring Hill Master Plan. The site was declared as surplus, and the petitioner purchased the property from the County.

SITE CHARACTERISTICS:

Site Size: 8.1 acres

**Surrounding Zoning/
Land Uses:** North: PDP(SF); Single-Family Residential
South: PDP(SF); Single-Family Residential
East: PDP(SF); Single-Family Residential
West: PDP(SF); Single-Family Residential

Current Zoning: PDP(REC)/Planned Development Project (Recreational)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Comments: Soils and habitat are suitable to support gopher tortoises (a listed species). The Florida Fish and Wildlife Commission (FWC) permitting is required for burrows that cannot be avoided during clearing or development of individual lots.

Hydrologic Features: There are no Wellhead Protection Areas or wetlands on the subject site according to County data resources.

Protection Features: The property contains a centrally located sinkhole with associated AE floodplain (the sinkhole is classified as a Special Protection Area (SPA) in the County's Groundwater Protection Ordinance).

Comments: The site contains evidence of a previous sinkhole. According to Groundwater Protection Ordinance the site could be considered a Special Protection Area (SPA) and would be subject to the prohibitions in the ordinance. It should be noted that the sink feature is accepting the stormwater for the undeveloped area. It should also be noted that there appears to be a high number of reported sinkhole claims surround this area. A Geotechnical Evaluation will be required by a Florida Registered Geotechnical Professional Engineer prior to development.

If a karst feature is present, the SPA associated with the sink will consist of a setback of 500-feet measured from the outer boundary of the vulnerable feature. The following applicable uses are prohibited within the 500-foot setback: new residential subdivisions with a density of greater than one unit per acre that are not served by central sewer and discharging untreated stormwater to the sink (karst) feature. The entire property falls within the 500-foot setback and would be subject to a reduction in the number of lots.

Habitat: The property is vacant, forested, and shown 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.

**Archaeological/
Historical**

There are no archaeological or historical site according to County data resources.

Water Quality:

This project is located within the Weeki Wachee Priority Focus Area (PFA) 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. These materials are designed to address and help reduce nutrient pollution.

Comments:

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 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.

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

Flood Zone:

AE

SCHOOL DISTRICT REVIEW:

No comments were received from the Hernando County School District regarding this application.

A formal application for School Concurrency Analysis should be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. The administrative fee for this application is \$500.00. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated that they currently do not supply water or sewer to the subject site. Sewer service is not available to this parcel. There are existing 6-inch water mains that run along Landover Boulevard and Augustine Road, as well as an existing 4-inch water main that runs along Lagorce Avenue. HCUD has no objection to the requested zoning subject to a water capacity analysis and connection to the central water system at time of vertical construction, as well as Health Department approval of Advanced Onsite Sewage Treatment and Disposal Systems.

ENGINEERING REVIEW:

The subject site is located south of Lagorce Avenue, west of Augustine Road and north of Landover Boulevard. The County Engineer has reviewed the petitioner's request and indicated the following:

- Landover Boulevard is classified as a Collector Roadway. The petitioner shall coordinate driveways to Landover Boulevard with the County Engineer.
- Landover Boulevard is required to have a sidewalk installed along entire width of project.
- This tract contains an area of X-Shaded floodplain. Development is to conform to Hernando County Facility Design Guideline standards and Southwest Florida Water Management District Environmental Resource Permitting (SWFWMD ERP) Design requirements.

LAND USE REVIEW:

Building Lot Setbacks:

Front: 25'

Side: 15'

Rear: 20'

Lot Sizes and Layout:

The petitioner is proposing 13 lots, each with their own driveway.

Minimum Lot Size: 21,500 square feet

Minimum Lot Width: 100'

COMPREHENSIVE PLAN REVIEW:

Future Land Use Element

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.

Comments:

The subject property is located within a residential land use category. The density proposed is 1.60 dwelling/acre, which is consistent with the density of the surrounding existing residential development.

Utilities Element

Wastewater Treatment Advancements

Strategy 6.03E(2): The County should consider methods to alleviate nutrient pollution from septic tanks including connection to central systems and the appropriate use of advanced on-site systems for single or multiple lots.

Comments: According to the Florida Department of Health in Hernando County, since the subject site is located within the Weeki Wachee Priority Focus Area, the developer will be required to utilize nitrogen reducing systems for each individual residential lot, as the lot sizes requested are under 43,560 square feet.

Conservation Element

Invasive and Noxious Species

Objective 10.01D: Protect plant and animal communities from the spread of invasive and noxious exotic species.

Strategy 10.01D(1): Identify problem areas where invasive exotic vegetation may threaten the functional integrity of upland, wetland and aquatic ecosystems. Plant species included on the State of Florida's Noxious Weed List and on the Florida Exotic Pest Plant Council list for the central Florida region should be included in the inventory.

Strategy 10.01D(6): Implement Florida Friendly Landscaping techniques as a means of increasing vegetation community resiliency and resistance to the recruitment and spread of exotic and noxious plants.

Comments: Invasive plant species are present on the subject site. These species will need to be identified and removed during the development process. In addition, Florida Friendly Landscaping techniques should be implemented as well.

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's 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 to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) 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. Minimum Building Setbacks:
Front: 25'
Side: 15'
Rear: 20'
3. Gopher tortoise burrow surveys shall be conducted as individual lots develop. If stormwater infrastructure improvements are required during subdivision development, then a burrow survey is needed. Burrow surveys shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during residential development. The petitioner is required to comply with all applicable FWC regulations.
4. 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.
5. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program materials 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 materials are available through the Hernando County Utilities Department.

6. Invasive plant species shall be identified during the construction plan review and removed during the development process.
7. A Geotechnical Evaluation shall be required by a Florida Registered Geotechnical Professional Engineer prior to development.
8. 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.
9. The petitioner shall obtain approval of the number of driveways and locations on Landover Boulevard from the County Engineer.
10. 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 August 9, 2021, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a Resolution approving the petitioner's request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) 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. Minimum Building Setbacks:
Front: 25'
Side: 15'
Rear: 20'
3. Gopher tortoise burrow surveys shall be conducted as individual lots develop. If stormwater infrastructure improvements are required during subdivision development, then a burrow survey is needed. Burrow surveys shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during residential development. The petitioner is required to comply with all applicable FWC regulations.
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6. Invasive plant species shall be identified during the construction plan review and removed during the development process.
7. A Geotechnical Evaluation shall be required by a Florida Registered Geotechnical Professional Engineer prior to development. The geotechnical evaluation shall indicate whether a Special Protection Area (SPA) is present; based on the outcome of this geotechnical evaluation, the petitioner shall either be required to abandon the SPA or follow all related Land Development Regulation requirements for SPA's including the density limitation.

8. 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.
9. The petitioner shall obtain approval of the number of driveways and locations on Landover Boulevard from the County Engineer.
10. 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.

BCC ACTION:

On September 14, 2021, the Board of County Commissioners voted 5-0 to adopt Resolution 2021-149, approving the petitioner's request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) 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. Minimum Building Setbacks:
Front: 25'
Side: 15'
Rear: 20'
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9. The petitioner shall obtain approval of the number of driveways and locations on Landover Boulevard from the County Engineer.
10. 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.