

# REZONING CASE H-24-14

## STAFF REPORT

### RECOMMENDATIONS/ACTIONS

#### **STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 3, 2024**

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 revision to a Master Plan on property zoned C/PDP //(Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH and with deviations, with the following performance conditions listed in **Appendix A** of this Staff Report.

#### **PLANNING & ZONING COMMISSION July 8, 2024**

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

#### **PLANNING & ZONING COMMISSION July 22, 2024**

On July 22, 2024, the Planning and Zoning Commission voted 4-1 approving the petitioners request for a revision to a Master Plan on Property Zoned C/PDP //(Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH use for Park Models; and with deviations. Details listed in **Appendix C** of this Staff Report.

**INTRODUCTORY INFORMATION**

**HEARINGS:** Planning & Zoning Commission: July 8, 2024  
Board of County Commissioners: August 27, 2024

**APPLICANT:** Sunny Pines of Hernando, LLC

**FILE NUMBER:** H-24-14

**PURPOSE:** Revision to a Master Plan on Property Zoned C/PDP //(Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH use for Park Models; and with deviations

**GENERAL LOCATION:** Northwest corner of SR 50 and Mondon Hill Road

**PARCEL KEY NUMBER:** 370360

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**APPLICANT'S REQUEST:**

On January 1, 2012, the Board of County Commissioners voted to approve a rezoning from AG (Agricultural) and C-2/(Highway Commercial) to C/PDP/(Combined Planned Development Project) to include (General Commercial) with specific C-2 use for mini-warehouse, (Highway Commercial), (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH use for Park Models; and a reduction in setbacks. The petitioner at the time indicated developing a mixed use RV, primitive camping and resort residential development with approximately 160,000 square feet of commercial. The applicant proposed approximately 70.0 acres of RV (300 units), primitive camping (149 sites) and park models spaces (50 lots) for a maximum of 499 spaces. Since its approval, no development has occurred on the subject site. According to County Land Development Regulations (LDRs), the duration of master plan is two (2) years. The failure of the applicant to initiate substantial performance within two (2) years from date of approval by the governing body deems the master plan null and void.

The petitioners current request is to revise the previously approved master plan to a Combined Planned Development (CPDP) project with PDP (MH)/Planned Development Project (Mobile Home) and PDP(REC)/Planned Development Project (Recreational) with the intention of developing a mobile home park with an interim use of RV Park as the mobile home sites are being leased. The applicant intends to create an upscale mobile home park by utilizing the sand hill portion of site (central and northeastern areas) to create up to 300 mobile home sites. Each leased space will be a minimum of 5,000 square feet, with a typical space being 50' wide by 100' deep. A typical mobile home will be 28' wide by 56' long. Each mobile home site will provide a 12' carport on the side. Other site appurtenances will generally include an area for picnic table and chairs.

Until the mobile home park is fully leased, the applicant intends to utilize the unleased mobile home spaces for RV's. The applicant will also utilize the adjacent floodplain area for primitive camp sites with plenty of space for passive recreation. The petitioner proposes amenities such as clubhouse, pool and pickleball courts.

Setback Deviation Request:

Front (from access drive): 15' (deviation from 25')

Side: 5' (deviation from 10')

Rear: 10' (deviation from 15')

**SITE CHARACTERISTICS:**

**Site Size:** 110.4 acres

**Surrounding Zoning;**

**Land Uses:**

North: AG; Single Family and undeveloped

South: AG, PDP(GC), & R-1B; Single Family Homes, Convenience store and undeveloped

East: C-2 & R1-A; Single Family Homes & Undeveloped

West: PDP(RUR); Undeveloped

**Current Zoning:**

C/PDP/(Combined Planned Development Project) to include (General Commercial) with specific C-2 use for mini-warehouse, (Highway Commercial), (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH

**Future Land Use**

**Map Designation:**

Residential and Commercial

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler fine sands, kanapaha, arredondo and sparr fine sands

**Habitat:**

Candler fine sand provides a habitat suitable for gopher tortoises. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

**Comment:**

A comprehensive wildlife survey should be conducted. Any listed species may require a Florida Fish and Wildlife Conservation Commission (FWC) permit prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

**Protection**

**Features:** The subject property contains no Well Head Protection Areas (WHPA), according to County data resources.

**Hydrologic**

**Features:** The subject property contains a wetland and Special Protection Area (SPA) according to County data resources.

**Comments:** The County's generalized mapping indicates a large Class 2 wetland along the southeast portion of the project that is separated from a Class 1 wetland to the south by SR 50. This wetland was divided by SR 50 and is still connected by an equalizer pipe to the wetland on the south side of the roadway. In effect, the wetland should be classified as a Class 1. Any removal, encroachment, or alteration of the wetland areas shall adhere to federal and state permitting and mitigation procedures, and County policies.

Wildlife surveys shall be conducted to determine the presence of listed species and to determine if the wetlands provide critical habitat for federal and/or state listed species. Additionally, if the wetlands provide critical habitat to listed species, those wetlands would be re-classified as Class 1 (in accordance with the County's Comprehensive Plan), and require County approval before any removal, encroachment or alteration could be considered.

There are three (3) SPA's in or within close proximity to the subject site. One SPA is shown along the north/central portion of property, one is located outside the property boundary near the northwest corner, and a third SPA is potentially located on the southwest side of wetland just north of SR 50. The proposed uses are allowed in proximity to the located SPA's. According to the petitioner, the RV portion of the development will be connected to sewer and water. Should the petitioner propose septic tanks near the SPA's, a density buffer shall be provided of no greater than one unit per acre.

**Flood Zone:** A and C; the property is located within the Bystre lake 100-year floodplain. Temporary (short term) use of the area within the floodplain may be approved when limited to the "dry season." These uses could include primitive camping.

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) has indicated that they currently do not service the subject site. Water service is available to this parcel. Sewer service is not currently available, however, in January of 2022 HCUD entered into a Water and Sewer Service Agreement with the Developer to bring water and sewer service to the proposed project. HCUD has no objection to the request subject to the fulfillment of the agreed upon stipulations in the aforementioned Water and Sewer Service Agreement which includes connection to the central water and sewer systems at time of vertical construction.

**ENGINEERING & TRANSPORTATION REVIEW:**

The subject property is located on the north side of SR 50, west of Mondon Hill Road. The petitioner has indicated two (2) access points for the proposed development. One directly to SR 50 and the second directly to Mondon Hill Road. The entrance at Mondon Hill will allow tenants to access SR 50 at a signalized intersection. The County Engineer as reviewed the request and indicated the following:

- All floodplain encroachment must be compensated.
- Stormwater treatment and attenuation ponds to be located outside of floodplain.
- Traffic Access Analysis will be required. Any improvements shall be the responsibility of the developer.
- A frontage road is required for the entire length of Cortez Boulevard and a sidewalk is to be constructed along one side of the frontage road.
- The developer shall install sidewalks along Cortez Boulevard for the entire frontage of the property. A small portion of sidewalk exists along the wetland but will need to be extended. A sidewalk shall also be provided along Mondon Hill for the entire frontage of the property.
- FDOT access management permit required.
- FDOT drainage permit may be required.
- Must obtain all permits from Hernando County, including right-of-way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.

**LAND USE REVIEW:****Proposed Perimeter Setbacks:**

North:	50'
South (SR 50):	125'
East (Mondon Hill Road):	75'
West:	50'

**Proposed Internal Building Setbacks:**

Front (from access drive):	15' (deviation from 25')
Side:	5' (deviation from 10')
Rear:	10' (deviation from 15')
Lot Size:	5,000 Sq Ft (50' x 100')

**Buffer:**

County LDRs require that all R-C districts have a boundary landscape buffer of twenty-five (25) feet (where applicable to be left in its natural state). The petitioner has indicated the following buffers for the proposed development:

- North: 50 Natural Vegetative buffer at 80% opacity where mobile homes and active recreation are adjacent to the rural neighboring residences.
- South: 25' Landscape buffer along SR 50 where development is proposed, 25' natural buffer in floodplain and wetland area)

West: 25' Natural Vegetative Buffer  
East: 25' Landscape buffer along Mondon Hill Road

**RV Requirements:**

County LDRs requirements indicate that no occupancy should exceed 180 days and no permanent units will be permitted within the Recreation district. Furthermore, no accessory structure attached or detached shall be permitted, except that building which is utilized for a park manager. The petitioner has indicated that mobile home sites will be leased for RV rental as an interim use while the mobile home sites are leased for their final use of mobile homes.

**Comments:** This standard shall also apply to the proposed ancillary use of primitive camping. Primitive Camping shall be defined as: Camping without the modern convenience of full hookup facilities of potable water, sewer electricity and other similar utilities. Camping refers exclusively to the use of tents or similar portable campers. Intended for short term stay.

**Natural Vegetation:**

Development Projects greater than 20 acres in size must designate an area of at least seven percent (7%) of the total project as Preserved Natural Vegetation and no construction activity can occur in these areas. Preserved Natural Vegetation areas must be a minimum of 20,000 square feet.

**Comments:** The required open space for the subject site would total 7.8 acres. If approved, the petitioner must meet the minimum open space required by the County's LDRs.

**Landscaping:**

The County's LDRs encourage the use of Florida friendly design standards. The development should comply with the Florida Yards & Neighborhoods (FYN) design techniques.

**COMPREHENSIVE PLAN REVIEW:**

The subject property is located within residential and commercial land use classifications on the adopted Future Land Use Map. The property to the west of the subject property is zoned PDP(Rural) and is currently undeveloped. Properties to the north are zoned Agricultural and characterized by 5 and 10 acre parcels with single family and mobile homes.

**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.

**Comments:** The proposed development has a density of 2.72 du/ac

**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.

**Mobile Homes and Recreational Vehicles**

**Strategy 1.04B(8):** Mobile homes are recognized as an affordable housing choice in the Residential Category, providing for compatibility with surrounding land uses and served at the site by appropriate infrastructure and services in accordance with Residential Category standards. Direct access to an arterial or major collector roadway is required to facilitate emergency evacuation.

**Planned Development Projects and Standards**

**Strategy 1.10C(1):** A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and phasing plans, and other detailed information about the project.

**Strategy 1.10C(2):** Delineation of the allowable density and/or intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities concurrent with project development as outlined in the adopted land development regulations.

**Comments:** The development is proposed as a Combined Planned Development Project which includes PDP(REC)/ Planned Development Project (Recreational) for the interim RV use and PDP(MH)/Planned Development Project (Mobile Home) for the mobile homes. Any approval should include appropriate performance conditions.

**FINDING OF FACTS:**

The request for a revision to a Master Plan on property zoned C/PDP /(Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH and with deviations is appropriate, based on the following conclusion:

1. The proposed mobile home use and interim RV's and the ancillary primitive camping are consistent with the County's adopted Comprehensive Plan and are compatible with the surrounding land uses subject to compliance with recommended performance conditions.
2. The proposed deviations are not considered 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. Homeowners 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.*

**APPENDIX A  
STAFF RECOMMENDATION TO PLANNING AND ZONING  
COMMISSION**

**APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:**

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 revision to a Master Plan on property zoned C/PDP ((Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH and with deviations, 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. 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.
3. The petitioner shall comply with the minimum open space standards of the Community Appearance Ordinance.
4. The 100-year floodplain must be delineated and shown on all site plans and all roadways, driveways, and finished floor elevations must meet the Facility Design Guidelines and adopted building codes. Park models and RV lots shall be located outside of the 100 year floodplain.
5. Maximum units permitted shall be 300. RV's shall be permitted on the mobile home lots as interim use and the use shall be allowed for a maximum of 3 years.
6. Minimum Perimeter Setbacks:

North:	50'
South (SR 50):	125'
East (Mondon Hill Road):	75'
West:	50'
7. Proposed Internal Building Setbacks:

Front (from access drive):	15' (deviation from 25')
Side:	5' (deviation from 10')
Rear:	10' (deviation from 15')
Lot Size:	5,000 Sq Ft (50' x 100')
8. Florida Yards & Neighborhoods (FYN) principles shall be used for landscaping within the development.
9. No accessory structures associated with RV's, attached or detached shall be permitted.

10. No occupancy shall exceed 180 days for the interim RV use or primitive camping.
11. No utilities shall be permitted in the primitive camping area.
12. Minimum Buffer Requirements:
  - North: 50' Natural Vegetative buffer at 80% opacity where mobile homes and active recreation are adjacent to the rural neighboring residences.
  - South: 25' Landscape buffer along 5R 50 where development is proposed, 25' natural buffer in floodplain and wetland area)
  - West: 25' Natural Vegetative Buffer
  - East: 25' Landscape buffer along Mondon Hill Rod
13. The development shall be subject to the January 2022 HCUD Water and Sewer Service Agreement which includes connection to the central water and sewer systems at time of vertical construction.
14. All floodplain encroachment shall be compensated.
15. Stormwater treatment and attenuation ponds to be located outside of floodplain.
16. Traffic Access Analysis will be required. Any improvements shall be the responsibility of the developer.
17. A frontage road is required for the entire length of Cortez Boulevard and a sidewalk is to be constructed along one side of the frontage road.
18. The developer shall install sidewalks along Cortez Boulevard for the entire frontage of the property. A small portion of sidewalk along the wetland exists but will need to be extended.
19. Sidewalks shall be provided along Mondon Hill (Collector Roadway) for the entire frontage of the property.
20. FDOT access management permit shall be required.
21. FDOT drainage permit may be required.
22. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of receiving the final BCC action report from the County. Failure to submit the revised plan will result in no further development permits being issued.

**APPENDIX B  
PLANNING AND ZONING COMMISSION  
ACTION**

**APPENDIX B –PLANNING & ZONING COMMISSION ACTION:**

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

**APPENDIX C  
PLANNING AND ZONING COMMISSION  
ACTION**

**APPENDIX C –PLANNING & ZONING COMMISSION ACTION:**

On July 22, 2022, 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 approving the petitioner's request for a revision to a Master Plan on property zoned C/PDP /(Combined Planned Development Project) which includes (Recreational), (Resort Residential), and (Single Family) with a specific R-1-MH and with deviations, 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. 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.
3. The petitioner shall comply with the minimum open space standards of the Community Appearance Ordinance.
4. The 100-year floodplain must be delineated and shown on all site plans and all roadways, driveways, and finished floor elevations must meet the Facility Design Guidelines and adopted building codes. Park models and RV lots shall be located outside of the 100 year floodplain.
5. Maximum units permitted shall be 300. RV's shall be permitted on the mobile home lots as interim use and the use shall be allowed for a maximum of 3 years from date of first issued Certificate of Occupancy (CO).
6. Minimum Perimeter Setbacks:

North:	50'
South (SR 50):	125'
East (Mondon Hill Road):	75'
West:	50'
7. Proposed Internal Building Setbacks:

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Lot Size:	5,000 Sq Ft (50' x 100')
8. Florida Yards & Neighborhoods (FYN) principles shall be used for landscaping within the development.
9. No accessory structures associated with RV's, attached or detached shall be permitted.

10. No occupancy shall exceed 180 days for the interim RV use or primitive camping.
11. No ~~utilities shall be permitted in the primitive camping area~~ shall be permitted.
12. Minimum Buffer Requirements:
  - North: 50' Natural Vegetative buffer at 80% opacity where mobile homes and active recreation are adjacent to the rural neighboring residences.
  - South: 25' Landscape buffer along 5R 50 where development is proposed, 25' natural buffer in floodplain and wetland area)
  - West: 25' Natural Vegetative Buffer
  - East: 25' Landscape buffer along Mondon Hill Rod
13. The development shall be subject to the January 2022 HCUD Water and Sewer Service Agreement which includes connection to the central water and sewer systems at time of vertical construction.
14. All floodplain encroachment shall be compensated.
15. Stormwater treatment and attenuation ponds to be located outside of floodplain.
16. Traffic Access Analysis will be required. Any improvements shall be the responsibility of the developer.
17. A frontage road ~~is~~ will be required upon need and demand for the entire length of Cortez Boulevard and a sidewalk will be required upon need and demand ~~is to be constructed~~ along one side of the frontage road.
18. The developer shall install sidewalks along Cortez Boulevard for the entire frontage of the property. A small portion of sidewalk along the wetland exists but will need to be extended.
19. Sidewalks shall be provided along Mondon Hill (Collector Roadway) for the entire frontage of the property.
20. FDOT access management permit shall be required.
21. FDOT drainage permit may be required.
22. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of receiving the final BCC action report from the County. Failure to submit the revised plan will result in no further development permits being issued.