

STAFF REPORT

HEARINGS: Planning & Zoning Commission: October 31, 2022
Board of County Commissioners: November 8, 2022

APPLICANT: Panther I, LLC

FILE NUMBER: H-22-56

REQUEST: Rezoning from AG (Agriculture) to PDP(RUR)/Planned Development Project (Rural) with specific AG uses and a Deviation

GENERAL LOCATION: Southwest intersection of the Suncoast Parkway and Centralia Road

PARCEL KEY NUMBER: 330056

APPLICANT'S REQUEST

The petitioner's request is to provide single-family housing in a rural setting by rezoning the subject parcel from AG (Agriculture) to PDP(RUR)/Planned Development Project (Rural) with the following AG uses:

- Single Family Dwellings
- Carport, detached garage, or other buildings not used as a dwelling incidental to the principal permitted use of the premises.
- Accessory uses customarily incidental to the principle permitted use of the premises.
- Home Occupations
- Poultry and swine for home consumption maintained at least 75' from adjacent properties

On the provided master plan, the petitioner has proposed to subdivide the property into eighteen (18) parcels of no less than 2.5 acres each.

Requested Deviation

- Length of Dead-End roadway: 2,632' (from 600')

SITE CHARACTERISTICS

Site Size: 53.9 acres

**Surrounding Zoning &
Land Uses:**

North: AG (Agricultural)
South: AG (Agricultural)
East: Suncoast Parkway (589)
West: AG (Agricultural)

Current Zoning: AG (Agricultural)

Future Land Use

Map Designation: Rural

ENVIRONMENTAL REVIEW

Soil Type: Candler Fine Sand/0-5% Slopes and Williston Loamy Fine Sand/2-5% Slopes

Comments: Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection
Features:**

There are no protection features on the subject property.

**Hydrologic
Features:**

The property does not contain a sinkhole or a karst sensitive area. There are no wetlands present.

Habitat:

Sandhill, Upland with deep sand substrate; xeric; panhandle to central peninsula; frequent fire (1-3 years); open canopy of longleaf pine and/or turkey oak with wiregrass understory. (FNAI)

**Water Quality
Review:**

The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the and Chassahowitzka-Homosassa Outstanding Florida Springs (OFS) Group.

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 materials within tracts that may be fee simple.

The developer must provide geotechnical and geophysical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including any proposed drainage retention areas (DRA) within the project that may require to test for karst features or voids.

Flood Zone: X, AE; a small portion of land near Centralia Road and a small portion of land adjacent to the DRA near the southeast corner of the property is in the A Flood Zone.

SCHOOL BOARD 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

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. Water and sewer service are not available to these parcels. HCUD has no objection to the requested zoning change from AG to PDP-Rural to allow the development of 18 single family 2.5-acre lots, subject to Health Department approval of required Onsite Sewage Treatment and Disposal Systems.

ENGINEERING REVIEW

The subject parcel is located on the south side of Centralia Road adjacent to the Suncoast Trail and the Suncoast Parkway. The petitioner is proposing a single access to Centralia Road. The County Engineer has reviewed the petitioner's request and provided the following comments:

- This property contains areas of 1% annual chance floodplain, development within the floodplain requires specific permitting and mitigation.
- The roadway shall meet Hernando County Standards for a Local Roadway.
- Applicant has requested a deviation in the length of a dead-end roadway, this is acceptable and approved, pending the Fire Department approval.

LAND USE REVIEW

The PDP(RUR)/ Planned Development Project (Rural) allows all permitted and special exception uses allowed in the AG, AR, A/R-1, A/R-2, Country 2.5 and A-C zoning districts which have been specifically designated or specified in the narrative or on the master plan. The petitioner has identified the following uses to be permitted within the subdivision:

- Single Family Dwellings
- Carport, detached garage, or other buildings not used as a dwelling incidental to the principal permitted use of the premises.
- Accessory uses customarily incidental to the principle permitted use of the premises.
- Home Occupations
- Poultry and swine for home consumption maintained at least 75' from adjacent properties

Comment: All of these are permitted uses identified in one or more of the zoning districts applicable to PDP(RUR). The petitioner shows the size of the lots as 2.5 acres or more. This lot size is consistent with the minimum lot size in the Country 2.5 and the AR (Agricultural), AR-1 (Agricultural/Residential-1), AR-2 (Agricultural/Residential-2) zoning districts.

Proposed Building Setbacks

- Front: 75'
- Sides: 35'
- Rear: 50'

Proposed Perimeter Setbacks

- North: 25'
- South: 20'
- East: 25'
- West: 20'

Comment: Neither the building setbacks nor the perimeter setbacks differ from those identified in the regulations.

Proposed Buffers

The natural vegetation used for buffers shall meet at least 80% opacity to a minimum height of five (5) feet. Supplemental planting will be required if the natural buffer does not meet the opacity requirements. No vegetative buffer over two (2) feet in height that might block any driver's view shall be permitted within the clear-sight triangle of the intersection of Centralia Road and the roadway internal to this subdivision.

The petitioner is responsible for maintenance of this buffer until such time as a Homeowners Association (HOA) is established. Maintenance of the buffers may then transfer to the HOA.

Comment: The petitioner indicates a 25' undisturbed vegetative buffer and restricted access easement along the northern and western perimeters.

COMPREHENSIVE PLAN REVIEW

The subject site is in a Residential Land Use Designation in the County's Comprehensive Plan. The area is characterized by single family residential uses to the west, large remaining agricultural tracts to the east, and an undeveloped multifamily tract to the north.

Future Land Use Map

Strategy 1.04A(4): The ***Rural Category*** retains and promotes agricultural activities, retains the rural nature and countryside character of a significant portion of the County including rural residential uses with limited agricultural activities, limits residential density and infrastructure outside of recognized urbanizing areas as shown on the Adjusted Urbanized Area Map, and, may be used to recognize properties with natural physical development limitations such as floodplains.

Rural Category

Strategy 1.04C(2): The Rural Category contains areas of predominately platted or divided lands which have a more dense development pattern and character of a rural residential or residential nature that are recognized by existing zoning designations which allow for infill in a manner consistent with the character of the area, but does not allow for expansion into areas designated with lower land use densities.

Comment: The proposed project can be considered infill and where the density of the development is consistent with the surrounding land use and parcel sizes.

FINDINGS OF FACT

- The Hernando County Board of County Commissioners regularly approves deviations to dead-end roadways conditioned upon the approval of the Fire and Engineering Departments.
- The uses proposed by the petitioner are allowed within the zoning districts that are applicable to the PDP(RUR) district.

- The proposed project can be considered infill and where the density of the development is consistent with the surrounding land use and parcel sizes.
- The petitioner's request is consistent with the current and future land uses for the subject parcel.

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 the Board of County Commissioners adopt a Resolution approving the petitioner's request for a rezoning from AG (Agriculture) to PDP(RUR)/Planned Development Project (Rural) with specific AG uses, the requested deviation, 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. Development of this subdivision is dependent upon Health Department approval of required Onsite Sewage Treatment and Disposal Systems
3. The maximum length of the roadway shall be 2,632' upon approval of the Fire Department. Written approval shall be submitted with the Conditional Plat Application.
4. Building Height: 45' maximum
5. Lot Width
 - At the road: 50' minimum
 - At the building line: 150' minimum
6. Lot size:
 - Minimum lot size: 2.5 Acres

7. Building Setbacks
 - Front: 75'
 - Sides: 35'
 - Rear: 50'
8. Perimeter Setbacks
 - North: 25'
 - South: 20'
 - East: 25'
 - West: 20'
9. Buffers:
 - North and West Perimeter: 25' undisturbed vegetated buffer.
10. The natural vegetation used for these buffers shall meet at least 80% opacity to a minimum height of five (5) feet. Supplemental planting will be required if the natural buffer does not meet the opacity requirements.
11. The petitioner is responsible for maintenance of this buffer until such time as a Homeowners Association (HOA) is established. Maintenance of the buffers may then transfer to the HOA.
12. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the land clearing or construction plans stage of development whichever occurs first. The petitioner is required to comply with all applicable FWC regulations and permitting. Invasive plant species, if present, are to be removed during the development process.
13. This property contains areas of 1% annual chance floodplain, development within the floodplain requires specific permitting and mitigation.
14. The roadway shall meet Hernando County Standards for a Local Roadway.
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.