

STAFF REPORT

HEARINGS: Planning & Zoning Commission: February 7, 2022
Board of County Commissioners: March 8, 2022

APPLICANT: Pastore Custom Builders

FILE NUMBER: H-21-83

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

GENERAL LOCATION: Bounded by Coronado Drive, Linden Drive and Little Farms Drive

PARCEL KEY NUMBERS: 417383

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 15 single-family homes on an 8.4-acre site. The minimum lot sizes proposed are 16,988 square feet. The site was previously designated as a park site on the original Spring Hill Master Plan and was designated as surplus property by the Board of County Commissioners. The petitioner subsequently purchased the property from the County.

The petitioner has indicated the use of individual advanced sewage septic systems for each lot in accordance with Section 28-99 of the Hernando County Code of Ordinances which states, in part, in planned development projects on a central water supply, the minimum lot size requirements per individual sewage disposal may be modified provided the overall density of the project does not exceed one (1) septic tank per twenty-one thousand five hundred (21,500) square feet and is subject to approval by the County Planning and Zoning Commission. The proposed project meets this requirement.

SITE CHARACTERISTICS:

Site Size: 8.4 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 (Recreation)

**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). Burrow surveys are required prior to individual lot development. 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 wetlands on the subject site according to County data resources. The property contains a Wellhead Protection Area, Class 2; the proposed use is allowed within the WHPA.

**Protection
Features:** The property does not contain a Special Protection Area (SPA) in the County's Groundwater Protection Ordinance.

Habitat: The property is vacant and shown as urban open pine and medium residential density/2-5 dwellings per acre 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).

**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: X-shaded

HEALTH DEPARTMENT REVIEW:

According to the Department of Health in Hernando County the subject property is located within PFA of Springs Protection and would be subject to nitrogen reducing systems if any individual lot is less than 43,560 square feet.

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 4-inch water main that runs along the northern property line on Coronado Drive, an existing 12-inch water main that runs along the west side of Coronet Court, and an existing 6-inch water main that runs along the east side of Little Farms Drive. HCUD has no objection to the requested zoning change subject to a water capacity analysis, connection to the central water system at time of vertical construction, and Health Department approval of Enhanced Onsite Sewage Treatment and Disposal Systems for the development.

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.

ENGINEERING REVIEW:

The subject site is located on the south of Coronado Drive, east of Linden Drive and west of Little Farms Drive. The petitioner is proposing 15 single-family lots with each parcel having its own driveway. The County Engineering Department has reviewed the rezoning and indicated the following:

1. Development must meet the Hernando County Facility Design Guideline and South West Florida Water Management District Environmental Resources Permitting drainage design requirements.
2. The site contains an area of 1% annual chance floodplain. Floodplain mitigation must preserve the floodplain volume.
3. This former County owned park-site has specific conditions concerning drainage requirements within the contract to purchase agreement, those conditions shall be reiterated as performance conditions of the rezoning. (See purchase agreement reversion clause for conditions)

LAND USE REVIEW:

Setbacks

Proposed Minimum Building Setbacks:

- Front: 25'
- Side: 10'
- Rear: 20'

Lot Sizes and Layout

The Hernando County Code of Ordinances, Section 28-99 – Restrictions as to number of systems per lot provides the regulatory framework for new residential developments utilizing septic tanks for wastewater disposal:

Sec. 28-99. - Restrictions as to number of systems per lot.

- a. In residential developments where a central water supply system is utilized, a maximum of one individual sewage disposal system per twenty-one thousand five hundred (21,500) square foot lot is allowed.
- b. In residential developments where individual wells are utilized, a maximum of one individual sewage disposal system per each one (1) acre lot is allowed.
- c. In planned development projects on a central water supply, the minimum lot size requirements per individual sewage disposal may be modified provided the overall density of the project does not exceed one (1) septic tank per twenty-one thousand five hundred (21,500) square feet and is subject to approval by the county planning and zoning commission.

Comments: The petitioner is requesting 15 lots with a minimum lot size of 16,988 square feet for the 8.4 acre subject site. The 15 lots requested would equate to an average of one septic tank per 24,394 square feet of site area. This distribution would meet the minimum septic tank density of 1 tank per 21,500 square feet of site area, in accordance with Section 28-99(C) of the Code of Ordinances.

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(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 0.9 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 may be 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.

FINDINGS OF FACT:

A rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single-Family) is appropriate based on consistency with the Comprehensive Plan and compatibility with the surrounding areas and subject to appropriate performance conditions.

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 RECOMMENDATIONS:

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 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. A wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
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™ 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.
5. The developer shall connect to the central water system at time of vertical construction and comply with the Health Department requirements for onsite nitrogen reducing sewage treatment systems in accordance with the Weeki Wachee Priority Focus Area. The developer is required to perform a water capacity analysis to HCUD specifications at the time of conditional plat.
6. Minimum Building Setbacks and lots; Minimum Lot Size:
Front: 25'
Side: 10'
Rear: 20'
Maximum number of lots: 15
Minimum Lot Size: 16,988 square feet
7. Invasive plant species shall be identified during the subdivision review process and removed during the development process.

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 drainage retention area for the proposed development shall comply with the conditions regarding the property contained in the Purchase Agreement.
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 February 7, 2022, 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 PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/ Planned Development Project (Single-Family) with the following unmodified 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 wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
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the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.

9. The drainage retention area for the proposed development shall comply with the conditions regarding the property contained in the Purchase Agreement.
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 March 8, 2022, the Board of County Commissioners voted 5-0 to adopt Resolution 2022-55 approving the petitioner's request for a Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/ Planned Development Project (Single-Family) with the following unmodified 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 wildlife survey shall be prepared by a qualified professional at the time of conditional plat approval. The petitioner is required to comply with all applicable FWC regulations.
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