

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 10, 2022
Board of County Commissioners: February 8, 2022

APPLICANT: Hernando Residential Investments, LLC

FILE NUMBER: H-21-79

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

GENERAL

LOCATION: Eastern terminus of Calusa Street and west of Suncoast Boulevard

PARCEL KEY

NUMBERS: 189744

APPLICANT'S REQUEST:

On August 11, 2004, the Board of County Commissioners approved a rezoning from AR-2/ (Agricultural Residential) to PDP(SF)/Planned Development Project (Single-Family) in order to develop a 30-lot subdivision with half acre lots. Since approved no development as occurred on the site.

The petitioner's current request is for a Master Plan revision in order to reconfigure the previous layout and to include 36 lots with a minimum lot size of 0.3 acres. The petitioner has indicated that the project will be served by potable water and septic and which will meet the minimum requirements of the Hernando County Code of Ordinances for overall density for septic systems. The petitioner seeks no deviations.

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.

SITE CHARACTERISTICS:

Site Size: 19.68 acres

**Surrounding Zoning &
Land Uses:**

North: AR-2; Single-Family
South: AR-2; Single-Family
East: AR-2; Single-Family
West: PDP(SF); Single-Family

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

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Habitat: Vacant, undeveloped sandhill identified as rural open forested 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. Candler Fine Sand provides habitat suitable for gopher tortoises and commensal species.

Comments: A comprehensive wildlife/gopher tortoise survey shall be conducted in order to identify any listed species present on the property. A Florida Fish and Wildlife Conservation Commission (FWC) permit may be required prior to site alterations. The petitioner is required to comply with all applicable FWC regulations.

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

**Protection
Features:** The property is not located within a Wellhead Protection Area (WHPA) according to County data resources.

**Resources/
Features:** The property does not contain archaeological or historical resources according to County data resources.

Water Quality: This project is located within the Weeki Wachee Priority Focus Area identified by the Florida Department of Environmental Protection (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.

Invasive plant species if present are to be removed during the development process.

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 the Hernando County Utilities Department.

Flood Zone: C, with a small portion of AE along the western boundary.

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) has indicated they currently do not supply water or sewer service to this parcel. There is an existing 6-inch water main that stubs out on Calusa Street just to the west of the parcel. Sewer service is not available, however, there is an existing 16-inch sewer force main approximately 1,550 feet to the south on Suncoast Boulevard. HCUD has no objection to the submitted revision subject to a utility capacity analysis, connection to the central water system at time of vertical construction, and Health Department approval of Onsite Sewage and Disposal Treatment Systems.

SCHOOL DISTRICT 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.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the eastern terminus of Calusa Street and west of Suncoast Boulevard. The petitioner is proposing two access points to Suncoast Boulevard (east) and an additional access point to an existing stub out at Calusa Street (west).

The County Engineer reviewed the request and has indicated the following:

1. The proposed roadways must be designed and built to County standards.
2. Mitigation may be required for all curves.
3. All signs and markings are to be per the current MUTCD (Manual on Uniform Traffic Control), FDOT (Florida Department of Transportation) Standard Plans, Florida Greenbook and Hernando County Facility Design Guidelines.
4. This property contains an area of floodplain and an area of shallow flooding outside the special flood hazard area. Development within the floodplain requires specific permitting and Mitigation.

LAND USE REVIEW:

Setbacks, Lot Widths and Lot Sizes:

Proposed Building Setbacks:

Front: 25'

Side: 10'

Rear: 20'

Minimum Lot Width: 117'

Minimum Lot Size: 13,068 square feet

Buffers:

The petitioner has proposed a 10' enhanced landscape buffer along the western property line. The proposed buffer is in accordance with the previous approval. If approved, all other boundaries must meet the minimum buffering requirements of the County LDRs. requirements.

Natural Vegetation:

Projects two (2) to twenty (20) acres in size must designate an area of at least five (5) percent of the total project area as preserved natural vegetation and no construction activity can occur in this area. Preserved natural vegetation areas must be a minimum of two thousand (2,000) square feet and no more than two (2) areas shall be allowed. Preserved natural vegetation and/or planted native vegetation may be used to meet all or part of the requirement for open space if it is a minimum of fifteen (15) feet in width.

Comments: The petitioner has not identified the total acreage set aside as natural vegetation for the proposed subdivision. If the master plan is approved, 0.98 acres shall be set aside for natural vegetation. The proposed vegetative buffer can count toward this acreage.

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 36 lots with a minimum lot size of 13,068 square feet for the 19.68 acre subject site. The 36 lots requested would equate to an average of one septic tank per 23,812.8 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:

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

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(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 petitioner has indicated an increase in the number of lots from 30 to 36. The master plan modification increases the previously approved density from 1.52 DU/AC to 1.83 DU/AC. The proposed density is compatible with the surrounding area subject to appropriate performance conditions.

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.

FINDINGS OF FACT:

A Master Plan revision on property zoned PDP(SF)/Planned Development Project (Single-Family) is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all recommended 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 Master Plan Revision on Property Zoned 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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall provide a utility capacity analysis at the time of conditional plat review and connect to the central water system at time of vertical construction.
6. The petitioner shall preserve the minimum five percent (5%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.

7. 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.
8. Minimum Setbacks, Lot Widths, Number of Units and Lot Sizes:

Front:	25'
Side:	10'
Rear:	20'
Minimum Lot Width:	117'
Minimum Lot Size:	13,068 square feet
Maximum Number of Units:	36
9. The petitioner shall provide a 10' landscape buffer enhanced with native vegetation as needed along the western property line. The remaining boundaries shall meet the minimum buffering requirement of the County LDRs. All buffers shall be maintained by a HOA.
10. 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.
11. 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.
12. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.

P&Z ACTION:

On January 10, 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 Master Plan Revision on Property Zoned 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.
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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall provide a utility capacity analysis at the time of conditional plat review and connect to the central water system at time of vertical construction.
6. The petitioner shall preserve the minimum five percent (5%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
7. 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.
8. Minimum Setbacks, Lot Widths, Number of Units and Lot Sizes:

Front:	25'
Side:	10'
Rear:	20'
Minimum Lot Width:	117'

Minimum Lot Size: 13,068 square feet
Maximum Number of Units: 36

9. The petitioner shall provide a 10' landscape buffer enhanced with native vegetation as needed along the western property line. The remaining boundaries shall meet the minimum buffering requirement of the County LDRs. All buffers shall be maintained by a HOA.
10. 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.
11. 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.
12. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.

BOCC ACTION:

On February 8, 2022, the Board of County Commissioners voted 4-1 to adopt Resolution 2022-38 approving the petitioner's request for a Master Plan Revision on Property Zoned 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. 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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all drainage retention ponds within the project.
5. The developer shall provide a utility capacity analysis at the time of conditional plat review and connect to the central water system at time of vertical construction.
6. The petitioner shall preserve the minimum five percent (5%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
7. 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.
8. Minimum Setbacks, Lot Widths, Number of Units and Lot Sizes:

Front:	25'
Side:	10'
Rear:	20'
Minimum Lot Width:	117'

Minimum Lot Size: 13,068 square feet
Maximum Number of Units: 36

9. The petitioner shall provide a 10' landscape buffer enhanced with native vegetation as needed along the western property line. The remaining boundaries shall meet the minimum buffering requirement of the County LDRs. All buffers shall be maintained by a HOA. Additionally, an 8' vinyl fence shall be placed along the north and west property boundaries. The landscape buffer shall be placed on the outside of the fence.
10. 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.
11. 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.
12. There shall be a disclosure statement to all future residents placed in the Homeowners' Association documents that the subdivision is adjacent to agricultural/residential designated properties that allow shooting and limited agricultural activities.
13. 42. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days of Board of County Commissioners approval. Failure to submit the revised plan will result in no further development permits being issued.