

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: August 9, 2021  
Board of County Commissioners: September 14, 2021  
Board of County Commissioners: October 12, 2021  
Board of County Commissioners: November 16, 2021

**APPLICANT:** Theodoros N. Zorbas; Taylor Charles S TTEE

**FILE NUMBER:** H2134

**REQUEST:** Rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(SF)/Planned Development Project (Single-Family) with Deviations

**GENERAL LOCATION:** Northern Terminus of Gainsboro Avenue, and Eastern Terminus of Delbarton Street

**PARCEL KEY NUMBERS:** 1302922, 424231, 424222, 1353877, 1428440

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### APPLICANT'S REQUEST:

The petitioner is requesting a Rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/Residential-2) and C-2/(Highway Commercial) to PDP(SF)/Planned Development Project (Single-Family) with deviations to construct a 246-unit single-family residential subdivision.

The petitioner is proposing the following lot sizes and locations:

Lot Sizes	Number of Units	Location
40x110	146	Northern section of the property, adjacent to commercial/institutional uses. Eastern edge, adjacent to drainage retention and power lines
50x110	62	Center of development, along access to Lola Drive
60x110	38	South end of development, immediately adjacent to existing residential

The following deviations are being proposed as part of this rezoning request:

- Individual lot setbacks:
  - Front: 20' (Deviation from 25')
  - Side: 5' (Deviation from 10')

- Rear: 15' (Deviation from 20')
- Lot size: Deviation from 6,000 to 4,400 square feet

**SITE CHARACTERISTICS:**

<b>Site Size:</b>	72.7 acres
<b>Surrounding Zoning:</b>	
<b>Land Uses:</b>	North: PDP(GHC); Sam's Club/Wal-Mart South: PDP(SF); Single-Family Residential East: AR/C2; Vacant West: PDP(SF); Single-Family Residential/Public Assembly (SE1208)
<b>Current Zoning:</b>	AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential 2) and C-2/(Highway Commercial)
<b>Future Land Use Map Designation:</b>	Residential

**ENVIRONMENTAL REVIEW:**

<b>Soil Type:</b>	Candler Fine Sand
<b>Features/ Resources:</b>	The property does not contain any wetlands, archaeological or historical sites, or Special Protection Areas (SPAs) according to County data resources. A Wellhead Protection Area (WHPA) 2 covers most of the property, however, this will not have an impact on the proposed use. Floodplain-few very small X-shaded spots and small patch of AE on north end of Parcel Key #1428440.
<b>Habitat:</b>	Vacant, undeveloped properties shown as sandhill (western side) and coniferous plantation (planted pine on eastern side) with powerline corridors identified as utilities running through according to Florida Fish and Wildlife Commission Cooperative Land Cover Classification System (FWC CLC) that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping. Sandhill portion of the project is identified as strategic habitat conservation area by FWC.
<b>Comment:</b>	Candler Fine Sand provides habitat suitable for gopher tortoises and commensal species.
<b>Flood Zone:</b>	X

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

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, are to be removed during the development process.

#### **SCHOOL DISTRICT REVIEW:**

No comments were received from the Hernando County School District on the proposed residential subdivision.

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:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 8-inch water main that runs along the northern property line of Parcel Key #1302922, and an existing 16-inch water main that runs along the eastern property line of Parcel Key #1428440. There is an existing 8-inch sewer gravity main that ends at the southern property line of the Sam's parcel to the north

of Parcel Key #424231. There are off-site capacity issues that will need to be addressed at the time of site development.

HCUD conditionally approves the requested zoning change to allow the construction of 246 single family lots, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setback deviations of 5 feet.

## **ENGINEERING REVIEW:**

The County Engineer has reviewed the petitioner's request and has the following comments:

- The subject site contains shallow flooding and numbered floodplain.
- Developer must provide a drainage design and geotechnical report, including ground penetrating radar testing (or similar), in compliance with Hernando County Facility Design Guidelines.
- This project generates over 50 PM Peak Hour Trips. A Traffic Access Analysis is required. Any improvements identified by Traffic Access Analysis, are required to be installed by developer.
- Any substandard roadways and access will be required to meet Hernando County standards for a Collector Road, Major Local and Local Roadways.
- If the subject development does not connect to Lola Drive at time of development, the petitioner shall provide a turnaround meeting Hernando County Facility Design Guidelines and Fire/Emergency Services requirements.

**Comments:** The petitioner has proposed a potential emergency access to Lola Drive. If the master plan is approved, this emergency access shall be developed with a turnaround in accordance with the Hernando County Facility Design Guidelines and the requirements of the Hernando County Fire and Emergency Services Department. If at any time Lola Drive is extended, allowing an interconnect to the subject property, the turnaround can be removed so the property can connect to Lola Drive, providing an emergency access from the development.

## **LAND USE REVIEW:**

### **Setbacks, Lot Widths and Buffers:**

The petitioner is proposing the following setbacks and minimum widths for all individual lots within the subject development:

**Front:** 20' (Deviation from 25')

**Side:** 5' (Deviation from 10')

**Rear:** 15' (Deviation from 20')

**Minimum lot widths:** 40', 50' and 60' (40' and 50' Deviation from 60')

In addition, the developer is proposing the following perimeter landscape buffers for the development:

- North: 20' behind Wal-Mart and varying widths behind Sam's Club
- South: 10' between existing and proposed single-family lots
- East: 10' along the existing Duke Energy power station and powerline easements
- West: 10' between the existing church and vacant land

The petitioner is also proposing a 6' opaque fence into the southern landscape buffer where the 60' lots abut existing homes on Delbarton Street.

**Comments:** To ensure an appropriate transition between the existing commercial uses along Cortez Boulevard and the proposed development, the petitioner should increase the buffer along the north end of the property to a consistent 20'. This buffer shall have at least 80% opacity with any existing trees retained.

**Access:**

To establish minimum access requirements to single-family and multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access for subdivisions. The policy serves to provide more than one-way in and one-way out for residents of a subdivision, alternate routes for emergency services, interconnection between subdivisions, a shortened drive time for residents to the entrance/exits, and access points for travel direction outside of the development. A minimum of two (2) access points must be provided to serve any new subdivision or development pod with more than 50 units. If approved, individual single-family and multifamily pods that exceed 50 units must meet the two (2) means of access per pod.

Additionally, Hernando County Land Development Regulations require that new single family and multifamily developments with more than 50 units provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

**Comments:** The petitioner has identified two points of access to the proposed development, one via Delbarton Street at the south end of the development and the other from Gainsboro Avenue at the southwest corner of the development. Neither road has been designed as a treed access roadway. If the master plan is approved, the petitioner shall design one access point into the development as a treed access roadway in accordance with the Hernando County Facility Design Guidelines.

**Neighborhood Park:**

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

**Comments:** The petitioner has not identified a specific area for neighborhood park. If the master plan is approved, the petitioner shall be required to set aside 2.96 acres as dedicated space for a neighborhood park in accordance with the Hernando County Land Development Regulations.

**Natural Vegetation:**

Projects greater than twenty (20) acres shall designate an area of at least seven percent (7%) 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 twenty thousand (20,000) square feet. If approved, the petitioner must provide a minimum of seven percent (7%) natural vegetation. 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 shall meet the LDR requirement for natural vegetation.

**Fire Protection Plan:**

Hernando County LDRs require that a fire protection plan be completed for residential developments with lot sizes less than 60' in width.

**Comments:** If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

**COMPREHENSIVE PLAN REVIEW:**

**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(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.

**Land Use Compatibility**

**Objective 1.10B:** The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.

**Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers, noise reduction, setbacks and other appropriate planning techniques or performance measures.

**GOAL 1.11 –**

**Urban Sprawl:**

In accordance with the County’s growth strategy to provide for directed high-quality infrastructure services and discourage urban sprawl, Hernando County will provide mechanisms that prioritize public infrastructure and direct growth towards urbanized and urbanizing areas of the County.

**Directed Infrastructure**

**Objective 1.11A:**

All County infrastructure planning shall ensure that the existing and future infrastructure needs, especially for roads, wastewater service, and potable water service, are prioritized for urbanized, urbanizing and infill areas of the County, especially in the Residential, Commercial, Industrial and Planned Development District Future Land Use Categories.

**Strategy 1.11A(1):**

The County’s long range and master plans for transportation, potable water service, wastewater service and other public facilities are utilized to provide guidance for the timing and location of infrastructure according to need and level of service. Capital infrastructure projects shall be primarily directed to the urbanized areas of the County as depicted on the Adjusted Urbanized Area Map.

**Strategy 1.11A(2):**

The County shall manage infrastructure availability to influence the timing and location of development.

**Strategy 1.11A(3):**

Direct infrastructure toward the urbanized area and areas designated under the Plan for new development to prevent urban sprawl.

***Comments:***

While the proposed subdivision is in the urbanized area of the County, there are limitations to the existing transportation and utilities networks that will need to be resolved prior to development occurring. Any substandard roads accessing the subject site shall be required to meet County standards, in accordance with the Hernando County Facility Design Guidelines. Additionally, there are off-site improvements that will be required to ensure that adequate water and sewer capacity is available for the development.



**FINDINGS OF FACT:**

A Rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential-2) and C-2/(Highway Commercial) to PDP(SF)/Planned Development Project (Single Family) with deviations is appropriate based on the following:

1. The request is consistent with the County's adopted Comprehensive Plan and compatible with the surrounding land uses subject to compliance with all 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'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 for a rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential-2) and C-2/(Highway Commercial) to PDP(SF)/Planned Development Project (Single Family) with deviations and 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 comprehensive floral and wildlife (faunal) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
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™ (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.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
6. Any substandard roadways and access will require upgrades and improvements in accordance with the requirements of the County Engineer and the Facility Design Guidelines.
7. The petitioner shall design the stub-out to Lola Drive as a turnaround, meeting all Hernando County Facility Design Guidelines and the requirements of the Hernando County Fire and Emergency Services Department. If at any time Lola Drive is extended, allowing an interconnect to the subject property, the turnaround can be removed the property can connect to Lola Drive, providing an emergency access from the development. This emergency access shall be designed in accordance with the requirements of the County Engineer and the Hernando County Fire and Emergency Services Department.
8. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
9. Minimum Landscape Buffer (minimum 80% opacity with retention/enhancement of existing vegetation):
  - North: 20' (for the entire property line)
  - South: 10' supplemented with a 6' fence
  - East: 10'
  - West: 10'
10. Minimum Lot Setbacks, widths and sizes:
  - Front: 20' (Deviation from 25')
  - Side: 5' (Deviation from 10')
  - Rear: 15' (Deviation from 20')
  - Minimum lot widths: 40', 50' and 60' (40' and 50' Deviation from 60')
11. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. Any offsite improvements to ensure capacity is available to serve the development shall be the responsibility of the developer.

12. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations.
13. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
14. 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.
15. The developer shall provide utility placement details showing the locations of all utilities with the conditional plat.
16. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.
17. 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 for a rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential-2) and C-2/(Highway Commercial) to PDP(SF)/Planned Development Project (Single Family) with deviations and 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 comprehensive floral and wildlife (faunal) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
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™ (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.
5. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
6. Any substandard roadways and access will require upgrades and improvements in accordance with the requirements of the County Engineer and the Facility Design Guidelines.
7. The petitioner shall design the stub-out to Lola Drive as a turnaround, meeting all Hernando County Facility Design Guidelines and the requirements of the Hernando County Fire and Emergency Services Department. If at any time Lola Drive is extended, allowing an interconnect to the subject property, the turnaround can be removed the property can connect to Lola Drive, providing an emergency access from the development. This emergency access shall be designed in accordance with the requirements of the County Engineer and the Hernando County Fire and Emergency Services Department.

8. In conjunction with the conditional plat phase, the petitioner shall perform a Traffic Access Analysis in accordance with the requirements of the County Engineer. Any identified improvements shall be the responsibility of the developer.
9. Minimum Landscape Buffer (minimum 80% opacity with retention/enhancement of existing vegetation):
  - North: 20' (for the entire property line)
  - South: 10' supplemented with a 6' fence
  - East: 10'
  - West: 10'
10. Minimum Lot Setbacks, widths and sizes:
  - Front: 20' (Deviation from 25')
  - Side: 5' (Deviation from 10')
  - Rear: 15' (Deviation from 20')
  - Minimum lot widths: 40', 50' and 60' (40' and 50' Deviation from 60')
11. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. Any offsite improvements to ensure capacity is available to serve the development shall be the responsibility of the developer.
12. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations.
13. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's LDRs. The required natural vegetation may be included as part of the required open space.
14. 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.
15. The developer shall provide utility placement details showing the locations of all utilities with the conditional plat.
16. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

17. 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 postpone the petitioner's request for a rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential-2) and C-2/ (Highway Commercial) to PDP(SF)/Planned Development Project (Single Family) with deviations until the October 12, 2021, hearing date.

**BCC ACTION:**

On October 12, 2021, the Board of County Commissioners voted 4-0 to postpone the petitioner's request for a rezoning from AR/(Agricultural/Residential), AR-2/(Agricultural/ Residential-2) and C-2/ (Highway Commercial) to PDP(SF)/Planned Development Project (Single Family) with deviations until the November 16, 2021, hearing date.