

REZONING CASE H-24-15

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JUNE 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 Rezoning from CPDP (Combined Planning Development Project) with single-family and Multifamily uses to PDP(SF)/ Planned Development Project (Single Family) without the requested deviations and performance conditions listed in **Appendix A** of the Staff Report.

INTRODUCTORY INFORMATION:

HEARINGS: Planning & Zoning Commission: June 10, 2024
Board of County Commissioners: July 30, 2024

APPLICANT: KB Home Tampa Division (Michael Dady), VP of Land Acquisitions

FILE NUMBER: H-24-15

REQUEST: Rezoning from CPDP (Combined Planning Development Project) with Single-family and Multifamily uses to PDP(SF)/ Planned Development Project (Single Family) with deviations

GENERAL LOCATION: North side of Powell Road approximately 2,426' from its intersection with Board Street (US 41)

PARCEL KEY NUMBER(S): 380910

APPLICANT'S REQUEST

The petitioner requests the rezoning of the subject property from CPDP (Combined Planning Development Project) with single family and Multifamily uses to PDP(SF)/ Planned Development Project (Single Family) with deviations to develop a single family subdivision with 220 dwelling units. The proposed density is 2.75, which is within the allowable density according to the Comprehensive Plan. There is one proposed access point for the subdivision, which connects directly to Powell Road.

Requested Deviations

1. Waive the requirement for a second entrance to be provided for residential developments with fifty (50) or more dwelling units. (*Hernando County BOCC Adopted Policy*)
2. A five (5) foot reduction in the side yard setbacks, decreasing them from 10' to 5'. (*Appendix A, Article III, Section 1*)
3. A five (5) foot reduction in the rear yard setbacks, decreasing it from 20' to 10'. (*Appendix A, Article III, Section 1*)
4. A thirty-five (35) foot reduction in the southern perimeter setback (Powell Road), decreasing it from 75' to 40'. (*Appendix A, Article III, Section 1*)

SITE CHARACTERISTICS

Site Size: 80.0 acres

**Surrounding Zoning;
Land Uses:**

North: AG; Single Family

South: CPDP (Combined Planning Development Project)
(H-17-01); Undeveloped

East: PDP(SF)/ Planned Development Project (Single
Family); Future Entrada Road

West: AG; Single Family

Current Zoning: CPDP (Combined Planning Development Project) with single and
multifamily uses. (H-10-13)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW

Soils: Micanopy Loamy Fine Sand / 2% to 5% Slopes

Protection Features: The County does not currently have access to the Well Head
Protection Area (WHPA) Geographic Information Systems data or
the Special Protection Areas (Special Protected Areas (SPAs) data.

Comment: The petitioner is not requesting any uses that are prohibited within
the Wellhead Protection Area (WHPA). It is the responsibility of the
property owner to hire qualified and licensed consultants to
determine the presence of a Wellhead Protection Area (WHPA) on
the site, if requested by the County.

Hydrologic Features: There are four wetland areas on the subject property. The County
does not currently have access to data regarding sinkholes on the
property.

Comment: The petitioner shall provide information about the wetlands and
include jurisdictional wetland lines on the Master Plan and all other
plans submitted for review by the County. There shall be a buffer
adjacent to all wetlands with an average width of 20', with no portion
being less than 15' wide.

Habitat: There are several habitats on the property and the potential for
several endangered species present on the site.

Comment: A comprehensive floral and faunal (wildlife) survey shall be
prepared by a qualified professional. 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.

Water Quality:

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

Comment:

Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.

Flood Zone:

The subject property has areas of AE, A and X flood zones present.

UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) reviewed the petitioner's request and provided the following comments:

- HCUD does not currently supply water or sewer service to this parcel.
- Water mains are available along the south side of Powell Road.
- There is a sewer force main that runs along the west side of Broad Street.
- HCUD has no objection to the requested zoning change from PDP(SF) and PDP(MF) to PDP(SF) to allow the development of 220 single-family homes, 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.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

ENGINEERING REVIEW

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

- The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife

Commission (FWC).

- All floodplain encroachment shall be compensated.
- Stormwater treatment and attenuation ponds shall be located outside of floodplain.
- A Traffic Access Analysis is required. Turn lanes may be required and will be determined by the Traffic Access Analysis. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- A sidewalk shall be constructed along Powell Road (Collector Roadway) for the entire frontage.
- The entrance road for the project shall be designed as a collector roadway.
- The petitioner shall specify if the roadways will be public or private.
- The petitioner shall provide roadway designation for all the other roadways in the development at the Conditional Plat stage.

LAND USE REVIEW

The petitioner proposes a single family subdivision with 220 homes, a density of 2.76 homes per acre, three (3) acres of recreation and a single access point on Powell Road. The proposed lot sizes are 6,000 and 7,200 square feet, with lot widths of 50' and 60' respectively.

Second Means of Access

The petitioner requests a waiver from the adopted County policy which requires that a second entrance to be provided for residential developments with fifty (50) or more dwelling units. There is currently not another road adjacent to the subject property. However, there is a road identified on the master plan for Hernando Oaks (Entrada) that is planned to connect to Powell Road on the east side of the property.

Comments: Staff recommends denial of the waiver. The proposed density (220 DU) is too intense for a single access and poses life safety issues. In order to alleviate potential congestion in an emergency, staff recommends the petitioner be required to work with the adjacent property owner to the east to provide a connection to the future Entrada Road.

Perimeter Setbacks

The petitioner requests the following deviation to the southern perimeter setback:

- A thirty-five (35) foot reduction in the southern perimeter setback (Powell Road), decreasing it from 75' to 40'.

Powell Road will have to be widened to accommodate the 800 plus new vehicles accessing the road in the half mile between this proposed development and the recently approved 200 dwelling unit PDP(MF)/ Planned Development Project (Multifamily) (H-23-82) development directly to the east, and Broad Street (SR 41). The petitioner agrees to provide the County with a 40' right-of-way along Powell Road to accommodate this widening.

Comments: Staff recommends denial of this request. The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility (*Hernando County Comprehensive Plan Objective 1.10D*). The petitioner has not based this request on the provision of environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits or quality community design and land use compatibility.

Internal Lot Setbacks

The petitioner requests the following deviations to the lot setbacks:

1. A five (5) foot reduction in the side yard setbacks, decreasing them from 10' to 5'.
2. A five (5) foot reduction in the rear yard setbacks, decreasing it from 20' to 10'.

Comments: Staff recommends denial of these requests. At the Hernando County Workshop held in December of 2023, the Board members unanimously agreed that side yard setbacks should be no smaller than 7.5'. The PDP process allows flexibility in standards for projects that provide environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits, or features that promote quality community design and land use compatibility (*Hernando County Comprehensive Plan Objective 1.10D*).

The petitioner has not based these requests on the provision of environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits or quality community design and land use compatibility. Without the provision of any of the items identified in the Comprehensive Plan, the PDP process is only being used to increase the number of lots in the development and reduce the amount of open space.

Buffers

The petitioner proposes the following buffers for the development:

- North: 15' natural vegetated buffer. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
- South (Powell Road): 20' landscaped buffer
- East: 25' natural vegetated buffer. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
- West: 25' when adjacent to rural residential lots. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.

15' when adjacent to vacant parcels. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.

Neighborhood Park

The petitioner proposes a three (3) acre park area centrally located in the development with a recreation center and various active and passive recreation amenities available. The proposed development requires the creation of 2.7 acres of park area. The required neighborhood park system may consist of single or multiple neighborhood park sites, but in no event shall the required site be less than one (1) acre in size. A list of proposed active amenities is required to be provided with the conditional plat application.

Natural Preserved Areas

The Land Development Regulations require the petitioner to designate 7% (5.6 acres) of the total development size as "Natural Preservation." The petitioner proposes 6 acres of designated natural preserved area within the development. The designated area must be at least 20,000 Square Feet with no portion less than 15' in width to qualify as a natural preserved area.

COMPREHENSIVE PLAN REVIEW

Future Land Use Map, Residential

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.

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 proposed use for the property as a single-family development is consistent with the comprehensive plan.

FINDING OF FACTS

1. The use of the subject parcel for a single family subdivision is appropriate with regards to the location and future land use.
2. The lack of a second access to the subdivision opens up the potential for more than 400 people to be stranded without emergency services or the ability to evacuate the area if a single point of access is blocked or damaged for any reason.
3. The petitioner has not based the deviation requests on the provision of environmental protection, landscaping, increased open space, public facilities, innovative design, public benefits or quality community design and land use compatibility, and therefore recommends denial of the requested deviations.

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.

The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.

APPENDIX A:
STAFF RECOMMENDATION
TO THE PLANNING AND ZONING COMMISSION

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 CPDP (Combined Planning Development Project) with single-family and Multi-family uses to PDP(SF)/Planned Development Project (Single Family) without deviations 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. Planning

- A. Maximum number of Lots Allowed: 220
- B. Allowed Uses in this PDP:
 - I. Single Family Residential Houses
 - II. Associated accessory buildings
 - III. Clubhouse
 - IV. Park
- C. Lot Information:
 - Minimum Lot Size (square footage): 6,000 square feet
 - Minimum Lot Width at the front setback line: 50'
 - Minimum Lot Frontage: 50'
 - Minimum Lot Frontage for lots on a cul-de-sac or lots on a curve with a radius less than fifty (50) feet: 30'
 - Maximum Lot Coverage: 35%
- D. Lot Setbacks:
 - Front: 25'
 - Side: 10'
 - Rear: 20'

*Corner lots shall have a front yard setback on each road frontage

- E. Neighborhood Park: 3 acres

The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.

The approximate location and acreage of the neighborhood park system shall be identified within the project master plan. The final location of the park site(s), access and a list of proposed facilities shall be provided for review and approval during the conditional plat process. A neighborhood park(s) site plan, prepared by a registered landscape architect or professional civil engineer, shall be submitted for review and approval in conjunction with the final construction plans for the subdivision. Development of the neighborhood park system shall occur prior to receiving fifty-one (51) percent of the certificates of occupancy for the subdivision (based on complete build-out).

F. Perimeter Setbacks (inclusive of the vegetated buffer)

- North: 30'
- South: 75' from the future right-of-way
- East: 40'
- West: 30'

G. Buffers:

- North: 15' Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
- South: 20' Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
- East: 25' Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
- West: 25' when adjacent to rural residential lots. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.
15' when adjacent to vacant parcels. Natural Vegetated enhanced with plantings to attain 80% opacity within 12 months.

Buffer fencing – If a fence is used, the greenery shall be installed on the side of the fence that faces the adjacent property at the conclusion of construction.

- H. Perimeter Buffers and Setbacks shall not be included as a part of individual lots. A distinct lot edge shall be marked on lots to denote that preservation of that area is required.
- I. Landscaping: A minimum of fifteen (15) trees per acre shall be either preserved or installed. At least five (5) of those trees shall be shade trees. Unless otherwise approved for removal, specimen and majestic trees shall be preserved.

3. Environmental:

- B. Required Natural Vegetation: 6 Acres

Article II, Section 10-28 (2). Preserved natural vegetation and/or planted native vegetation shall be provided per the following standard:

Projects greater than twenty (20) acres shall designate an area of at least seven (7) 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 twenty thousand (20,000) square feet.

- C. Vegetated buffers shall remain undisturbed, with the exception of the removal of invasive species or dead trees. Buffers may not include any stormwater management facilities, utility easements or drainage retention areas.
- D. The petitioner shall provide information about the wetlands and include jurisdictional wetland lines on the Master Plan and all other plans submitted for review by the County. There shall be a buffer adjacent to all wetlands with an average width of 20', with no portion being less than 15' wide.
- E. Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement within 12 months.
- F. Invasive plant species if present are to be removed during the development process.
- G. 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.

4. Engineering:

- A. The petitioner shall obtain all applicable permits from Hernando County and other applicable permitting agencies. These permits include, but are not limited to, a right-of-way use permit, an access management or drainage permit from the Florida Department of Transportation (FDOT), and/or a Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Commission (FWC).
- B. All floodplain encroachment shall be compensated.
- C. Stormwater treatment and attenuation ponds shall be located outside of floodplain.
- D. A Traffic Access Analysis is required. Refer to Hernando County Facility Design Guidelines IV-18. Turn lanes may be required and will be determined by the Traffic Access Analysis.

- E. Any improvements identified by the Traffic Analysis shall be the responsibility of the developer to install.
- F. A sidewalk shall be constructed along Powell Road (Collector Roadway) for the entire frontage.
- G. The entrance road for the project shall be designed as a collector roadway.
- H. The petitioner shall specify if the roadways will be public or private.
- I. The petitioner shall provide roadway designation for all the other roadways in the development at the Conditional Plat stage.

5. Utilities:

- A. A capacity analysis shall be performed and provided to the County as part of the conditional plat process.

Please note: Availability of existing water, sewer, and reclaimed water capacity is dependent on the engineer's estimated flows for the proposed development. Existing utility infrastructure may require upgrades to supply service to the proposed development. Complete a Utilities Capacity Request form located on HCUD's Engineering website and submit with a proposed site plan for capacity inquiries.

****Utility location does not guarantee capacity****

- B. The petitioner shall connect to the central water and sewer systems at time of vertical construction.
- C. Utility placement details showing the locations of all utilities shall be shown on the conditional plat for lots with side setback deviations of five (5) feet. **(if the 5' side setback deviation is approved)**

6. Schools:

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.

- 7. **Construction Buffer:** Article II, Section 10-28 (5) All new development (subdivision and commercial) greater than two (2) acres that abuts existing residentially zoned housing units not in previously developed or future phases of the same development must provide a construction buffer at the perimeter of the construction site boundary. It shall be a natural

vegetative buffer a minimum of ten (10) feet in width, provide a minimum of eighty (80) percent opacity, and minimize - airborne erosion to existing adjacent residentially zoned housing units. If natural vegetation is not adequate or available to provide such a buffer, a fence or wall at least six (6) feet in height above grade must be installed within thirty (30) days of clearing and prior to commencement of construction. If a fence is used it must include mesh or slats to minimize airborne erosion. If a permanent fence or wall is provided it must be dominated by greenery on the side facing adjacent property at the conclusion of construction. Retention of a natural vegetative buffer is encouraged. A permanent construction buffer can be used to meet all or part of the requirement for natural vegetation preservation.

8. The petitioner shall remove any barbed wire and/or electric fencing from the subject parcel(s) prior to the issuance of any Certificate of Occupancy being issued. This includes any areas designated as Buffers and Drainage Retention Areas designated as PDP(Special Use) on plats.
9. Prior to the issuance of an approved set of construction plans, the developer shall provide the Department of Public Works and The Planning Department with a contact list of any known contractors and professionals that will be working on the site as well as designating a primary contact should issues arise.
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.