

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 8, 2022
Planning & Zoning Commission: September 12, 2022
Board of County Commissioners: September 13, 2022
Board of County Commissioners: October 11, 2022

APPLICANT: William Ryan Homes Florida, Inc.

FILE NUMBER: H-22-50

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

GENERAL

LOCATION: North side of Challice Drive, approximately 450' west of Anderson Snow Road

PARCEL KEY

NUMBER: 00379101

APPLICANT'S REQUEST:

On December 14, 2021, the Board of County Commissioners approved the petitioner's request for a rezoning from PDP(MF)/ Planned Development Project (Multifamily) to PDP(SF)/ Planned Development Project (Single-Family) with Deviations (H2157) in order to develop the 10.38-acre site with 30 single family lots. Since its approval, the petitioner has initiated the conditional plat process and is actively seeking development.

The petitioner's current request is for a master plan revision in order to revise condition #9 (see below) to include the required 10' perimeter buffer as part of the single-family lots. The petitioner has indicated this will ensure that there is no dead space between the property line and required fence. Additionally, the relocation of the buffer will be protected through a HOA restriction as a non-buildable easement. This modification will also prevent the 10,500 square foot lots from having to be reduced in size. The petitioner seeks no other changes to the previously approved master plan and all other performance conditions will remain in full force and effect.

Condition #9

The petitioner shall provide a 10' landscape buffer and 6' fence along the perimeter of the project. The buffer shall be designated as a separate tract on the final subdivision plat and in the HOA documents, owned and maintained

by HOA. A landscape plan shall be provided at the time of construction plan review.

SITE CHARACTERISTICS:

Site Size: 10.83 acres
Surrounding Zoning & Land Uses: North: CPDP; Undeveloped (Multifamily and Office Professional)
South: PDP(SF); Avalon Subdivision
East: AG & AR; Single-Family
West: PDP(SF); Crown Pointe Subdivision
Current Zoning: AG/(Agricultural)
Future Land Use Map Designation: Residential

LAND USE REVIEW:

Buffers:

The petitioner has proposed a 10' landscape buffer with 6' fence along the perimeter of the subject site. The 10' buffer is proposed as part of the single family lots and will be protected from encroachment by HOA recorded restrictions.

Comments: Staff has reviewed the petitioner's request and supports their proposal of including the 10' within the lots and ensuring the 10' buffer is protected via HOA restrictions. The revision would still meet the intent of the buffer by protecting the perimeter of the development from having structures along the fence line. The buffer easement shall be shown and labeled on construction drawings.

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 remaining 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 petitioners request will not adversely affect the scope of the development or be adverse to neighboring parcels.

FINDINGS OF FACT:

Master Plan Revision on Property Zoned PDP(SF)/ Planned Development Project (Single-Family) with Deviations 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 Concurrence. 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(MF)/ Planned Development Project (Multifamily) to PDP(SF)/ Planned Development Project (Single-Family) with 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. The petitioner shall provide a 10' perimeter landscape buffer within the lots and shall ensure the protection of the 10' buffer via a HOA restricted easement. A 6' fence shall be provided along the perimeter of the project. The 10' buffer easement shall be shown and labeled on all construction drawings.
3. 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.
4. All previously approved performance conditions shall remain in full force and effect with the exception of condition #9 modified herein.
 2. A wildlife survey shall be prepared by a qualified professional to identify listed species present prior to development activities. 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 connect to the central water and sewer systems 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: 20' (deviation from 25')
 - Side: 7.5' (deviation from 10')
 - Rear: 20'
 - Minimum Lot Width: 75'
 - Minimum Lot Size: 10,500 square feet
 - Maximum Number of Units: 30
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 petitioner shall provide a full connection to the north at time of development.

P&Z RECOMMENDATION

On August 8, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner’s request for a Master Plan Revision on Property Zoned PDP(SF)/ Planned Development Project (Single-Family) with Deviations to a future hearing date, with the applicant incurring all readvertising costs.

P&Z RECOMMENDATION:

On September 12, 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(MF)/ Planned Development Project (Multifamily) to PDP(SF)/ Planned Development Project (Single-Family) with Deviations and 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. The petitioner shall provide a 10’ perimeter landscape buffer within the lots and shall ensure the protection of the 10’ buffer via a HOA restricted easement. A 6’ fence shall be provided along the perimeter of the project. The 10’ buffer easement shall be shown and labeled on all construction drawings.
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 - 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.

- 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.
- The developer shall connect to the central water and sewer systems at time of vertical construction.
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- 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.
- The petitioner shall provide a full connection to the north at time of development.

5. No construction traffic shall be permitted on Challice Drive.

BOCC ACTION

On September 13, 2022, the Board of County Commissioner voted 5-0 to postpone the petitioner's request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single-Family) with Deviations to their October 11, 2022, hearing.

BOCC ACTION:

On October 11, 2022, the Board of County Commissioners voted 5-0 to adopt Resolution 2022-198 approving the petitioner's request for a rezoning from PDP(MF)/ Planned Development Project (Multifamily) to PDP(SF)/ Planned Development Project (Single-Family) with Deviations and 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. The petitioner shall provide a 10' perimeter landscape buffer within the lots and shall ensure the protection of the 10' buffer via a HOA restricted easement. A 6' fence shall be provided along the perimeter of the project. The 10' buffer easement shall be shown and labeled on all construction drawings.
3. 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.
4. All previously approved performance conditions shall remain in full force and effect with the exception of condition #9 modified herein.
 - A wildlife survey shall be prepared by a qualified professional to identify listed species present prior to development activities. The petitioner is required to comply with all applicable FWC regulations.
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 - 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.

- 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.

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- The petitioner shall provide a full connection to the north at time of development.

5. No construction traffic shall be permitted on Challice Drive. Challice Drive shall remain fully barricaded either by natural and/or supplemental barriers on the side of the road external to the development until construction is completed. The construction plans for the development shall include the construction access plan for the site as approved by the Department of Public Works