

STAFF REPORT

HEARINGS: Planning & Zoning Commission: January 8, 2024
Board of County Commissioners: February 13, 2024

APPLICANT: AGAP Spring Hill Land LLC, Tim Oldemoppen

FILE NUMBER: H-23-56

REQUEST: Rezoning from AG (Agricultural) to PDP(REC)/ Planned Development Project (Recreation) with Deviations

GENERAL LOCATION: West side of Commercial Way (US HWY 19) between its intersection with Lake in The Woods Drive and Brandy Drive

PARCEL KEY NUMBER: 1580042, 1580033, 376088

APPLICANT'S REQUEST

The petitioner is requesting a rezoning from AG (Agricultural) to PDP(REC)/ Planned Development Project (Recreation) to develop three (3) parcels, totaling 35.63 acres with a 241-unit RV Resort. The petitioner has indicated the RV Resort will include a several guest amenities, which would include a clubhouse, sports courts, a playground, bathhouses/restrooms, and guest parking. As part of the request, the petitioner has requested a perimeter buffer reduction from the required 25' to 5'.

SITE CHARACTERISTICS:

Site Size: 35.63 acres

Surrounding Zoning & Land Uses:

North:	CPDP; Undeveloped.
South:	R-1A, C-2; Single Family, Retail Plaza
East:	C-2; Undeveloped; Retail Plaza
West:	AG, CV; Undeveloped

Current Zoning: AG (Agriculture), C-2 (Highway Commercial) and R-1B (Residential)

Future Land Use Map Designation: Residential, Commercial and Conservation.

NOTE: The shape of the proposed development is unusual. To make referencing the boundary easier, *Figure 1, Property Boundary/Property Line Illustration* has been provided as a guide.

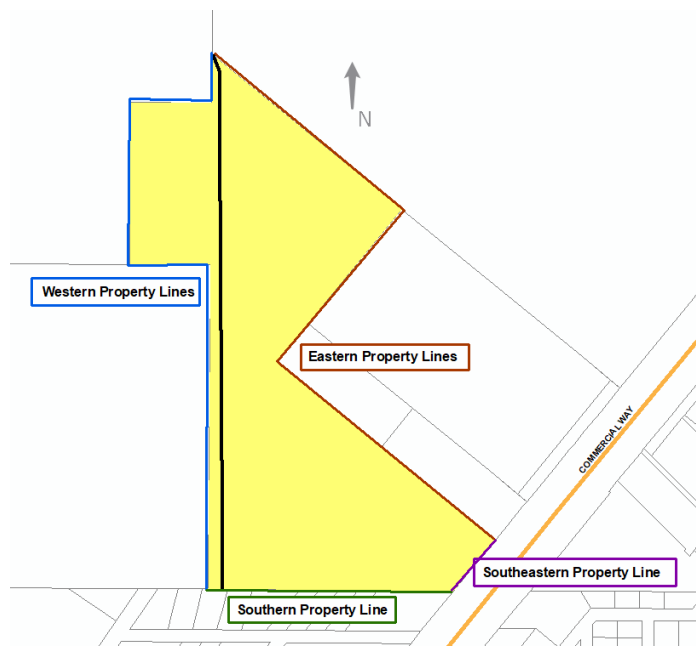


Figure 1: Property Boundary/Property Line Illustration

When a reference is made to the “eastern” property boundaries or lines, all property lines east of the black line, which runs through the parcel vertically, are included, except for the southeastern property line that provides frontage along Commercial Way (US Highway 19). These property lines are grouped together because each of the eastern property lines abut a commercial or potentially commercial land use. The property lines identified as the “western” property lines abut agricultural or conservation land uses.

ENVIRONMENTAL REVIEW

Soil Type:	Okeelanta-Terra, Myakka Fine Sand, Candler Fine Sand
Comment:	Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted as part of the construction drawing application stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
Protection Features:	There are no Wellhead Protection Areas (WHPA) or Special Protected Areas (SPAs) on the subject parcel.
Hydrologic Features:	The northern half of parcel 1580033 and all of parcel 376088 are in a karst sensitive area. Small portions of these parcels contain or are adjacent to a Class I Wetland.
Comment:	Wetlands shall be delineated on all plats and plans during the development process. (Strategy 10.03B(1)). The 100-year floodplain should be defined on the construction plans for the project. All finished floor elevations should be above the 100-year flood elevation.

Any removal, encroachment or alteration of these wetlands shall require permitting and mitigation by the appropriate state and federal agencies.

A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I wetland. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)). The wetland buffers should be planted with native vegetation to control erosion.

The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.

A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands.

Habitat: Sandhill, Mesic Flatwoods, Mixed Wetland Hardwoods, Hydric Hammock, Residential Medium and Commercial and Services according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Comment: A comprehensive floral survey shall be prepared by a qualified professional at the construction drawings stage of development. 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
Review:**

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

Comment: 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, include

FFL language in the HOAs covenants and restrictions, 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.

Flood Zone: X and AE

UTILITIES REVIEW

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

- HCUD does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main that runs along the west side of Commercial Way. There is an existing 15-inch sewer gravity main that also runs along the west side of Commercial Way.

Comment: HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW

The subject parcel is located on the west side of Commercial Way (US HWY 19) between its intersection with Lake in The Woods Drive and Brandy Drive. The petitioner has indicated a direct access to Commercial Way and a second means of access along the northeast corner, through the neighboring commercial development (Self storage/warehouse).

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

- The site is outside the 1% annual chance floodplain but must provide an outfall for the adjacent existing development (Storage King).
- An area of the site is shown within Flood Zone "X-Shaded" a 500 yr. (0.02% chance) floodplain.
- Development must conform to Hernando County Facility Design Guidelines and Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit storm drainage design requirements.
- A Traffic Access Analysis shall be required. The Traffic Analysis shall include a queuing analysis. Refer to Hernando County Facility Design Guidelines Sheet

IV-18 for requirements. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.

- The project's internal roadways design shall comply with Hernando County Standards, (IE: Collector, Major Local, Local & Frontage Road). Refer to Hernando County Facility Design Guidelines Section IV.
- FDOT access and drainage permits may be required.

EMERGENCY MANAGEMENT

The Hernando County Emergency Management Department (EM) has reviewed the petitioner's request and provided the following comments:

- The parcels proposed for development fall within three different evacuation zones (Zone B, C, and D). For these types of scenarios, it is not uncommon for evacuation orders to be issued for all areas west of US 19, as it provides a recognizable landmark that is easily understood by the public.
- The majority of the proposed development falls into Zone C, which correlates to storm surge inundation of up to 26 feet. However, it is important to note that all mobile homes countywide are very likely to be included in any evacuation order issued due to the threat of high winds (>39 mph sustained).

Comment: If the development is approved, the petitioner shall coordinate with EM for the potential inclusion of a site built, wind rated building to provide a safe shelter for residents in high wind events within the confines of the community. Alternatively, the developer may contribute to the County's retrofit efforts to offset the amount of shelter space that would be required for the County to accommodate these residents.

LAND USE REVIEW

Minimum RV/Park Model Building Setbacks and Lot:

- Front: 20'
- Side: 15'
- Rear: 8'
- Lot Width: 40'
- Lot Size: 2,800 Sq. Ft.

County LDR requirements indicate that no occupancy should exceed 180 days and no permanent units shall be permitted within the RC (Recreation) district. Furthermore, no accessory structure attached or detached shall be permitted, except that building which is utilized for a park manager.

Comment: The proposed RV Resort shall be permitted one (1) permanent residence, which may be a park model, to house the park's

operations manager. RV's and park models will have a maximum single stay length of 180 days and at no time will a resident stay in excess of 6 months.

No accessory structures such as carports, porches, screen enclosures, sheds etc. shall be permitted on the RV/Park Model lots unless the amenity is installed by the developer and is an integral part of the overall development.

Buffer

County LDRs require that all RC districts have a undisturbed perimeter buffer of twenty-five (25) feet enhanced with plantings where needed to achieve 80% opacity within 12 months.

Comment: The petitioner is proposing a perimeter buffer of 5'. If approved, the petitioner shall be required to meet the minimum perimeter buffer requirements of the RC district.

COMPREHENSIVE PLAN REVIEW:

The subject site is located predominately within the Residential Land Use designation and a small portion within the Commercial Land Use on the County's adopted Comprehensive plan. The area is characterized by commercial to the north, east and south and conservation along the west (FWC owned parcels). A small portion of the property (along the west) is located within the Conservation designation; however, it should be noted that the Comprehensive Plan is not parcel specific. For the purposes of this review, the subject site will be considered entirely within the Residential Land Use Designation.

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.

Comment: The maximum density for the RC District is 11 units per acre. The proposed development is 6.76 dwelling units per gross acre.

Recreational Vehicles

Strategy 1.04B(10): Recreational vehicle parks are appropriate in the Residential, Commercial and Rural Future Land Use Categories and should be directed to areas containing tourist attractions or natural resources. Recreational vehicle parks shall have access to arterial or collector roads.

Comment: The proposed project has direct access to US Hwy 19.

Development in Coastal Zone Habitat

GOAL 11.02: Coastal Zone Development Hernando County shall direct new and expanded population concentrations, vulnerable land uses and new infrastructure away from the Coastal Zone as indicated in this Element. [F.S. 163.3177(6)(g), 163.3178(2), 163.3178(8)]

Strategy 11.01A(1): The Coastal Zone is established as all areas west of US Highway 19.

Comment: The majority of the proposed development falls into Zone C, which correlates to storm surge inundation of up to 26 feet. As Emergency Management has commented, it is not uncommon for evacuation orders to be issued for all areas west of US Hwy 19, as it provides a recognizable landmark that is easily understood by the public. The first "recommended" evacuation orders during an emergency event normally include the evacuation of all those living in RV's and mobile homes.

FINDINGS OF FACT:

A rezoning from AG (Agricultural) to PDP(REC)/ Planned Development Project (Recreation) with Deviations is appropriate based on the following conclusions:

1. The proposed reduction of the perimeter buffer from 25' to 5' is not justified. The petitioner shall meet the minimum buffer requirements of the RC District.
2. The proposed RV resort and commercial is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with 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 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 rezoning from AG (Agriculture) to PDP(REC)/ Planned Development Project (Recreation) with Deviations 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. The petitioner shall provide a wildlife survey, prepared by a qualified professional, prior to any development occurring on the property. Further, copies of any required permits shall be provided prior to the issuance of development permits by Hernando County.
3. The petitioner shall provide the minimum open space requirements of the County's LDR.
4. The petitioner shall provide a 25' perimeter buffer.
5. No accessory structures associated with RV's, attached or detached shall be permitted.
6. One (1) permanent resident structure shall be permitted for use by the property's operations manager.
7. No occupancy shall exceed 180 days, and no permanent units except Park Models shall be permitted.
8. Minimum RV/Park Model Building Setbacks and Lot:
 - Front: 20'
 - Side: 15'
 - Rear: 8'
 - Lot Width: 40'
 - Lot Size: 2,800 Sq. Ft.

9. The development shall be limited to 241 units.
10. The petitioner shall coordinate with EM for the potential inclusion of a site built, wind rated building to provide a safe shelter for residents in high wind events.
11. The petitioner shall be required to conduct utility capacity analysis and connect to the central water and sewer systems at time of vertical construction.
12. Environmental
 - a. The petitioner is required to comply with all applicable FWC regulations and permitting.
 - b. Any removal, encroachment or alteration of class 1 wetlands shall require permitting and mitigation by the appropriate state and federal agencies.
 - c. A vegetated buffer averaging 25' in width (with no portion of the buffer narrower than 15' wide) shall be maintained by development adjacent to Class I wetland. No development is allowed in the buffer except for walkways or boardwalks used for access or recreation. (Strategy 10.03B(8)). The wetland buffers should be planted with native vegetation to control erosion.
 - d. The wetlands and associated buffer areas shall include a conservation easement in favor of the developer and including a third-party right of enforcement in favor of the County pursuant to Section 704.06(8), Florida Statutes on the master plan and construction drawings.
13. A stormwater plan shall be designed and maintained upland of the wetland buffer to prevent direct stormwater runoff, provide treatment, and avoid adverse impacts to the wetlands.
14. A Traffic Access Analysis shall be required. The Traffic Analysis shall include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
15. The project's internal roadways design shall comply with Hernando County Standards, (IE: Collector, Major Local, Local & Frontage Road).
16. 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.
17. FDOT access and drainage permits may be required.

18. 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.