

# STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: June 14, 2022  
Board of County Commissioners: July 12, 2022  
Planning & Zoning Commission: October 31, 2022  
Board of County Commissioners: November 8, 2022

**APPLICANT:** New Strategy Holdings, LLC (On Behalf of HWY 98 N. Project, LLC)

**FILE NUMBER:** H-22-07

**REQUEST:** Rezoning from AG (Agricultural) to PDP(SF)/Planned Development Project (Single Family) with Deviations

**GENERAL LOCATION:** East side of McKethan Road (US Highway 98), at its intersection with Portage Path

**PARCEL KEY NUMBER:** 394647

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## APPLICANT'S REQUEST:

The applicant is requesting to rezone the property to PDP(SF)/Planned Development Project (Single Family) to allow for the development of 134 single-family residential lots with a minimum size of 6,250 square feet, a typical lot width of 50', and a maximum building height of two (2) stories.

The subject site is located within the Residential and Rural land use classifications; a companion small-scale Comprehensive Plan Amendment has been submitted to change the future land use on the site from Rural to Residential (CPAM2204).

### Deviations Requested:

#### **Perimeter Setbacks:**

- West: 75' (deviation from 125')

#### **Lot Setbacks:**

- Side: 5' (deviation from 10')
- Rear: 15' (deviation from 20')

## SITE CHARACTERISTICS:

**Site Size:** 48.70 acres

**Surrounding Zoning & Land Uses:**

North: AG  
South: AG  
East: R1C  
West: AR2

**Current Zoning:** AG

**Future Land Use Map Designation:**

Rural (CPAM2204 submitted to convert site to Residential FLU)

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand, Myakka Fine Sand, Basinger Fine Sand/Depressional, Tavares Fine Sand

**Comment:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional during the construction plan approval 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

**Protection Features:** There are no active wellhead protection areas on this property

**Habitat:** The habitat for this parcel includes Mixed Hardwood-Coniferous vegetation, Rural Open Land, Urban Open Land, Low Structure Density, Improved Pasture and Wet Prairie

**Water Quality Review:** This property is not located in a Priority Springs Area, or the Weeki Wachee Basin Management area

**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

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement

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

**Hydrologic Features:** There are wetlands on small portions of the property.

**Comment:** Wetlands shall be delineated on all plats and plans during the development process.

**Flood Zone:** AE and X

**SCHOOL DISTRICT REVIEW:**

The proposed subdivision will generate the following number of students per grade level category, based on the Hernando County School District calculations:

Student Generation by Grade Level		
PK-5	46%	19
6-8	23%	9
9-12	31%	13
Total		41

The Hernando County School District Level of Service (LOS) is 100% of permanent school capacity.

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 this parcel. There is an existing 8-inch water main that runs along the west side of McKethan Road. There is an existing 8-inch sewer force main that crosses McKethan Road approximately 1,000 feet to the north.

HCUD has no objection to requested zoning change from AG to PDP(SF) to allow the development of 134 single family detached 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 setbacks of less than 10 feet.

**ENGINEERING REVIEW:**

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

- This site comprises two parcels and contains a discharge flow path, an area of floodplain and a discharge to existing culverts at Cortez Blvd. Development within the floodplain requires specific permitting and mitigation. A certification of no net rise is required.
- Traffic Access Analysis is required.
- Traffic Access Analysis to include queuing analysis.
- Any improvements identified by the Traffic Access Analysis will be the developer's responsibility to install.
- All roads and driveways are to meet Hernando County Standards.
- Access Management and Drainage permits required from the Florida Department of Transportation.

**LAND USE REVIEW:**

The petitioner is proposing the following perimeter and individual lot setbacks for the project:

**Perimeter Setbacks:**

- North: 25'
- South: 25'
- East: 50'
- West: 75' (Deviation from 125')

**Residential Lot Setbacks:**

The petitioner is proposing the following individual lot setbacks:

- Front: 25'

- Side: 5' (Deviation from 10')
- Rear: 15' (Deviation from 20')

**Buffers:**

The petitioner has proposed a 20' landscape buffer along US Highway 98 and 10' buffers around the remainder of the project perimeter.

**Comments:** Further analysis of the lot sizes, setbacks and buffers are provided under the Comprehensive Plan Review portion of the staff report.

**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 proposed one access point from McKethan Road and has designed this access as a treed boulevard entrance. Cross-connections to the north and south are available through the north/south road through the development, ending at each respective property line. If the master plan is approved, the petitioner shall be required to provide access as proposed on the master plan.

**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 shown a 2.0-acre neighborhood park on the proposed site plan. This exceeds the 1.84 acres required by the Hernando County Land Development Regulations. If the master plan is approved, the petitioner shall be required to provide the minimum neighborhood park acreage in accordance with these 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.

**Comment:** The petitioner has not designated acreage for the preservation of natural vegetation on the proposed master plan. If the master plan is approved, the petitioner shall be required to set aside 3.402 acres; vegetative buffers exceeding 15' in width can count toward this minimum requirement.

**Open Space and Connectivity:**

The site shall be designed to provide a multipurpose pathway to integrate the neighborhood park to the residential lots within the proposed development and provide for multimodal access throughout neighborhood. The multipurpose pathways shall be a minimum of eight (8) feet wide and shall incorporate pedestrian scale lighting and, where possible, take advantage of drainage features and other open space opportunities, incorporating pedestrian scale landscaping and seating areas.

No multipurpose pathways shall be placed within the vegetated buffers along the perimeter of the development or within those areas reserved for the preservation of 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. 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 Element**

The petitioner has submitted a Small-Scale Comprehensive Plan Amendment for the subject site (CPAM-22-04) to change the future land use to Residential for the entire site.

**Compatibility**

- Strategy 1.10B(4):** Review all land use applications for compatibility to include:
- a. Evaluation of existing uses of land, zonings, and Future Land Uses, including the existing and potential densities and intensities;
  - b. Consideration of existing development patterns and approved development in the area;
  - c. Evaluation of existing proposed and anticipated transitions between land uses;
  - d. Consideration of environmental and cultural features and community characters;
  - e. Appropriate timing based on the availability of adequate public facilities/services;
  - f. Consistency with applicable specific area plans, corridor plans and redevelopment plans;
  - g. Limitations on building height and/or use of increased setbacks; and
  - h. Transition of density and intensity.

- Strategy 1.10B(5):** To promote compatible lot size and design and to mitigate potential incompatibilities, residential Master Plan applications will be reviewed for the following:
- a. Use of undisturbed native vegetation as a suitable buffer;
  - b. Use of enhanced buffers to include supplemental trees and shrubs and/or perimeter fencing/walls;
  - c. Requirements for increased opacity of screening on the site perimeter;
  - d. Increased setbacks on the site perimeter;
  - e. The placement of smaller lots internal to the site;
  - f. The placement of larger lots, similar in size to adjoining lots, on the site perimeter;
  - g. Increased width of buffers on the site perimeter;

- h. Limitations on density consistent with adjoining land uses;
- i. Gradual transition of density and lot size; and
- j. Proposed residential developments adjacent to residential uses shall demonstrate compatibility through the creation of a similar lot pattern, enhanced screening/buffering or other means. Maintenance and enhancement of rural, scenic, or natural view corridors shall also be a consideration in evaluating compatibility in this area.

**Comments:** To ensure greater compatibility with the surrounding neighborhood and provide for an appropriate transition to the rural community that surrounds the proposed development, the following revisions to the master plan are recommended:

- The petitioner should remove the lots along the Western side of the north/south collector road. This will assist in maintaining the rural landscape along McKethan Road. This area should be converted to an expanded buffer, increasing the buffer width from McKethan to 200 feet.
- The lots along the north and south perimeter of the development should be increased to 60' wide, with 50' wide lots internal to the development. This will create a transition of lot sizes and increase the overall compatibility of the project to the surrounding rural uses.
- The proposed project shall have interconnectivity between its residential and recreational uses, creating a greater sense of place within the community and increasing opportunities for residents to enjoy the natural features as presented in the master plan.

**FINDINGS OF FACT:**

A rezoning from Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) with deviations is appropriate with the following modifications:

- The lots along the western border of the proposed subdivision along US Highway 98 are removed to maintain the rural landscape in the area.
- The lots along the northern and southern buffer are increased to 60' in width to provide transition of lot sizes within the neighborhood.
- The subdivision shall provide multimodal interconnectivity through a comprehensive open space and pathway network through the neighborhood.



**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 deny the petitioner's request for a Rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) due to the lack of required documentation for the County to properly evaluate the request.