

STAFF REPORT

HEARINGS: Planning & Zoning Commission: December 9, 2024
Board of County Commissioners: January 28, 2024

APPLICANT: Harvey Schonbrun, Trustee

FILE NUMBER: H-24-56

REQUEST: Rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family)

GENERAL LOCATION: Bounded by Mandrell Avenue, Red Coach Street and Linden Drive

PARCEL KEY NUMBERS: 415134

APPLICANT'S REQUEST:

The applicant is requesting a rezoning from PDP(REC)/Planned Development Project (Recreational) to PDP(SF)/Planned Development Project (Single Family) in order to construct eight (8) single family homes on the 5.5 acre subject site. The minimum lot sizes proposed are 21,500 square feet with a lot width of 70'. The site was previously designated as a park site on the original Spring Hill Master Plan. The site was declared as surplus and the petitioner purchased the property from the County.

The petitioner has indicated the use of individual advanced sewage systems for each lot in accordance with Section 28-99 of the Hernando County Code of Ordinances. The petitioner's proposed minimum lot size is 21,000 square feet. The proposed lot sizes comply with the minimum code criteria based upon the total acreage and average lot size based upon an additional restriction placed upon proposed Tract A. These proposed lots are similar in size to other residential lots in the area, which are served by standard septic tanks. With the overall property size of 5.5 acres, the gross density of the proposed project would be less than 1.5 units per acre.

SITE CHARACTERISTICS:

Site Size: 5.5 acres

**Surrounding Zoning;
Land Uses:** North: PDP(SF); Single Family
South: PDP(SF); Single Family
East: PDP(SF); Single Family
West: PDP(SF); Single Family

Current Zoning: PDP(REC); Planned Development Project (Recreation)

**Future Land Use
Map Designation:**

Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

**Hydrologic
Features:**

The property contains a small wetland along the north portion of the site associated with the flood plain area. Additionally, a small portion of the southwest corner of the property is located with a Wellhead Protection Area (WHPA) according to County data resources. AE floodplain is present within the depressional feature that holds stormwater; additionally, a small area of floodplain A is to the south-southeast of the property.

**Protection
Features:**

The property does not contain SPAs or archaeological or historical resources according to County data resources.

Habitat:

The property is heavily forested and overgrown. It is shown as mesic flatwoods and stormwater treatment according to FWC CLC (Florida Cooperative Land Cover Classification System that includes Florida Land Use Cover and Classification System) mapping. The narrative states gopher tortoises (a listed species) are present.

Comments:

A wildlife survey shall be prepared by a qualified professional to identify any other listed species present prior to clearing or development activities. The petitioner is required to comply with all applicable FWC regulations.

Flood Zone:

X, with a small AE along the north

Water Quality:

This project is located within the Weeki Wachee Priority Focus Area (PFA) identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Providing materials 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 design techniques, principles, materials and plantings for required buffers, as applicable.

Invasive plant species if present will need to be removed during the development process.

UTILITIES REVIEW:

HCUD does not currently supply water or sewer service to this parcel. Water service is available to this parcel, sewer service is not available to this parcel. HCUD has no objection to the requested rezoning subject to a utility capacity analysis, connection to the central water system at time of vertical construction, and Health Department approval of appropriate Onsite Sewage Treatment and Disposal Systems for the developed lots.

ENGINEERING REVIEW:

The subject site is located and bounded by Mandrell Avenue, Red Coach Street and Linden Drive. Homes will have direct access to these existing roads. The County Engineering Department has reviewed the petitioner request and indicated the following:

1. No traffic related issues or concerns.
2. Sidewalks will be required for all roads (Linden Dr., Mandrell Avenue., Red Coach St.) surrounding the development.
3. Site contains floodplain and development of the site must conform to Hernando County Facility Design Guidelines and the Southwest Florida Water Management District drainage design regulations.

LAND USE REVIEW:**Lot Sizes and Layout****Minimum Building Setbacks**

Front: 25'

Side: 10'

Rear: 20'

The Hernando County Code of Ordinances, Section 28-99 – Restrictions as to number of systems per lot provides the regulatory framework for new residential developments utilizing septic tanks for wastewater disposal:

Sec. 28-99. - Restrictions as to number of systems per lot.

- a. In residential developments where a central water supply system is utilized, a maximum of one individual sewage disposal system per twenty-one thousand five hundred (21,500) square foot lot is allowed.
- b. In residential developments where individual wells are utilized, a maximum of one individual sewage disposal system per each one (1) acre lot is allowed.

- c. In planned development projects on a central water supply, the minimum lot size requirements per individual sewage disposal may be modified provided the overall density of the project does not exceed one (1) septic tank per twenty-one thousand five hundred (21,500) square feet and is subject to approval by the county planning and zoning commission.

Comments: The petitioner is requesting a minimum lot size of 21,500 square feet. The site is 5.5 acres; this meets the minimum septic tank density of 1 tank per 21,500 square feet of site area, Section 28-99(C) of the Code of Ordinances.

COMPREHENSIVE PLAN REVIEW:

Future Land Use Element

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 1.5 dwelling units per gross acre to 5.3 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 subject property is located within a residential land use category. The density proposed is 1.46 dwelling/acre, which is consistent with the density of the surrounding existing residential development.

Utilities Element

Wastewater Treatment Advancements

Strategy 6.03E(2): The County should consider methods to alleviate nutrient pollution from septic tanks including connection to central systems and the appropriate use of advanced on-site systems for single or multiple lots.

Comments: According to the Florida Department of Health in Hernando County, since the subject site is located within the Weeki Wachee Priority Focus Area, the developer will be required to utilize nitrogen reducing systems for each individual residential lot, as the lot sizes requested are under 43,560 square feet.

Conservation Element

Invasive and Noxious Species

Objective 10.01D: Protect plant and animal communities from the spread of invasive and noxious exotic species.

Strategy 10.01D(1): Identify problem areas where invasive exotic vegetation may threaten the functional integrity of upland, wetland and aquatic ecosystems. Plant species included on the State of Florida's Noxious Weed List and on the Florida Exotic Pest Plant Council list for the central Florida region should be included in the inventory.

Strategy 10.01D(6): Implement Florida Friendly Landscaping techniques as a means of increasing vegetation community resiliency

and resistance to the recruitment and spread of exotic and noxious plants.

Comments:

Invasive plant species are present on the subject site. These species will need to be identified and removed during the development process. In addition, Florida Friendly Landscaping techniques should be implemented as well.

FINDINGS OF FACT:

A rezoning from PDP(REC)/Planned Development Project (Recreation) to PDP(SF) Planned Development Project (Single Family) is appropriate based on consistency with the Comprehensive Plan and compatibility with the surrounding areas.

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. Homeowners 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 to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) 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 wildlife survey shall be prepared by a qualified professional to identify any other listed species present prior to clearing or 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. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program materials 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 materials are available through the Hernando County Utilities Department.
5. Invasive plant species shall be identified during the construction plan review and removed during the development process.
6. The developer shall complete a water capacity analysis (including necessary fire service/hydrant spacing) during the subdivision review process and connect to the central water system at the time of vertical construction.
7. The subject property is located within the Weeki Wachee Priority Focus Area of Springs Protection and is subject to nitrogen reducing systems if any individual lot is less than 43,560 square feet.
8. Lots shall have a minimum lot size 21,500 square feet in accordance with Section 28-99(C) of the Code of Ordinances.
9. Minimum Building Setbacks:
 Front: 25'
 Side: 10'
 Rear: 20'
10. 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.
11. 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.

PLANNING & ZONING COMMISSION ACTION:

On December 9, 2024, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request to rezone a property zoned PDP(REC)/Planned Development Project (Recreation) to PDP(SF)/Planned Development Project (Single Family) with the following unmodified 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 wildlife survey shall be prepared by a qualified professional to identify any other listed species present prior to clearing or development activities. The petitioner is required to comply with all applicable FWC regulations.
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