

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: December 10, 2007  
Board of County Commissioners: January 9, 2008

**APPLICANT:** Florida Fine Homes

**FILE NUMBER:** H-07-44

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

### GENERAL

**LOCATION:** North of White Pine Avenue and east of Evergreen Avenue

### LEGAL

**DESCRIPTION:** A portion of Section 20, Township 22 South, Range 18 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

### CITIZEN

**RESPONSE:** Correspondence received as of the date of this report? Yes  No

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### APPLICANT'S REQUEST:

The petitioner has submitted a request for a 40.0 acre parcel to be rezoned from AG/(Agricultural) to PDP(SF) Planned Development Project (Single Family) in order to develop the site with 56 lots at a minimum of 21,000 square foot (100' x 210') in size. The petitioner has indicated that the proposed project will have a maximum density of 1.5 units per acre.

### SITE CHARACTERISTICS:

**Site Size:** 40.0 acres

**Surrounding Zoning; Land Uses:** North: AG & AR2; Singe Family Homes  
South: R-1C; Singe Family Homes  
East: AG; Singe Family Homes  
West: R-1A; Singe Family Homes

**Current Zoning:** AG/(Agricultural)

**Future Land Use Map Designation:** Rural

**Flood Zone:** A and C

**SITE CIRCUMSTANCES:**

On July 24, 2007, the Board of County Commissioner voted 4-1 to approve a Comprehensive (Comprehensive) Plan Amendment (CPAM) to amend the Future Land Use Map (FLUM) by designating the subject parcel as a Rural Infill Overlay District. However, there were concerns expressed regarding the transition of lot sizes to address compatibility with the lot sizes of the adjacent parcels to the north of the subject parcel. It was determined that consideration of the lot size transition would be reviewed during the rezoning stage of the development approval process.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler fine sand, Sparr fine sand and Basinger fine sand

**Hydrologic**

**Features:** The subject property contains no wetlands or Well Head Protection Areas (WHPA), however, the property contains a Special Protection Areas (SPA) according to County data resources.

**Comments:** Any removal, encroachment or alteration of wetland areas shall comply with state and federal wetland regulations.

Lots adjacent to the wetland must maintain a drainage system upland of the wetland/SPA in order to prevent direct stormwater runoff into the wetland/SPA. A average 25' upland buffer is required between the drainage system and the wetland and must be designated on all future plats and plans.

The potential SPA is located within the south/west portion of the development area. Prior to any development associated with the potential feature a geotechnical evaluation shall be preformed. If tests indicate a SPA is present then the area must be designated on all future site plans/plats, and include a 500 foot buffer. Untreated stormwater discharge into any feature is prohibited; densities greater than one unit per acre that do not provide for a central sanitary sewer facility and wastewater treatment plant are also prohibited.

**Habitat:** Candler fine sand provides a habitat suitable for gopher tortoises. Gopher tortoises now qualify for reclassification from a species of special concern to threatened species status. Given the presence of the candler fine soils, gopher tortoise habitat and several commensal species have a moderate potential for occurring on the project site including eastern indigo snake (*Drymarchon*

*corais*), Florida mouse (*Podomys floridanus*), Florida pine snake (*Pituophis melanoleucus mugitus*), and gopher frog (*Rana areolata*). Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction, and a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.

**Comments:** If onsite mitigation is the preferred option for the conservation of the Gopher tortoise an onsite mitigation plan must be submitted with all future plats and plans.

**Floodplain:** According to County data resources a portion of the subject property is within the 100 year floodplain. The 100-year floodplain shall be delineated and shown on all site plans. All finished floor elevations shall be above the regulatory 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.

**Archeological/**

**Historical:** According to County data resources the subject property meets criteria which indicates it as a potential archaeological and/or historical site. The onsite criteria include, elevation, upland habitat, well drained soil, and water feature. An evaluation should be conducted to determine the presents/absence of any actual artifacts, and work in this location should be conducted in a diligent manner with regards to this information.

**UTILITIES REVIEW:**

The petitioner has indicated on their narrative that the proposed 56 lots would be served by central water and individual septic tanks.

Capacity of the existing infrastructure is dependent on the engineer’s estimated flows for this development. Existing water and sewer upgrades may be required to supply the proposed development. The applicant will have to connect to water and sewer at the time of development, and demonstrate compliance with the connection standards of the applicable ordinances at the time they apply for development permits. Any cost to upgrade the system will be the responsibility of the developer.

**SCHOOL BOARD REVIEW:**

The Hernando County School Board has indicated that if the request is approved, elementary school students will be assigned to Pine Grove Elementary School, middle school students will be assigned to West Hernando Middle School and high school students will be assigned to Central High School. The School Board indicates that these schools are currently over permanent capacity and additional students would have to be accommodated by adding

portable classrooms. The proposed development would generate approximately 19 additional students.

**ENGINEERING & TRANSPORTATION REVIEW:**

The plan indicates two points of connection to existing County roads. One is located at the southeast corner of the parcel at White Pine Avenue and the other is at the northwest corner of the parcel, connecting to Evergreen Avenue. Two (2) stub out connections are proposed. One, at the northeast corner, connecting through a residentially used parcel to Pine Cone Street, which may provide for an appropriate future interconnection. The second stub-out is located at the southwest corner of the parcel. This proposed stub-out does not provide for an appropriate interconnection and should be designed as a cul-de-sac.

The County Engineer has reviewed the request and indicated that access to the southwest access unto a residential parcel, must be designed with the appropriate turnaround/cul-de-sac per the Facility Design Guidelines

The Transport Planning Coordinator has reviewed the application and indicated no concerns with the petitioners request.

**LAND USE REVIEW:**

Proposed Lot Setbacks:

- Front: 25'
- Rear: 20'
- Sides: 10'

Proposed Minimum Perimeter Setbacks:

- North: 40'
- South: 25'
- East: 30'
- West: 20'

Proposed Natural Buffers:

- North: 20'
- South: 5'
- East: 10'
- West: 10'

County LDRs require buffering consisting of a minimum five (5) foot landscape buffer. The use shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosure. Such screening shall be a minimum height of five (5) feet and a maximum height of eight (8) feet. The petitioner's proposed buffers meet or exceed

the County's LDR requirements; however, if approved, the proposed perimeter buffers must be designated as a natural buffer area on the final plat which shall remain in its natural condition.

The Planning Staff has analyzed the lots directly adjacent to the parcel in the existing subdivisions to the north and south. Lots to the north of the subject site were approximately 4.0 acres in size and those to the south were approximately 0.5 acre lots. Based on this analysis, and the need to provide an appropriate transition to the north, the minimum lot size along the north boundary should be 1.5 acres with an enhanced natural buffer.

Single-family planned developments with lots smaller than one (1) acre in size must demonstrate that a minimum of 5% of the gross project site will be retained in usable open space. The plan indicates lots less than one (1) acre in size, and therefore requires a minimum of 5% open space. The required open space for the subject site is 2.0 acres. The petitioner is proposing approximately 2.20 acres of open space.

County LDRs require that new single family and multifamily development with more than 20 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. The plan as submitted indicates the treed boulevard will be utilized along the proposed stub-out to this southeast corner. This is not the main entrance, and the treed roadway should be relocated.

The County's LDRs encourage Florida friendly design. The petitioner should coordinate with the Florida Yards & Neighborhoods (FYN) Coordinator as part of the development of the project.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by single family, mobile homes and undeveloped parcels and is located within a Rural land use classification on the adopted Future Land Use Map. The subject property qualifies for development under the Rural Infill Overlay designation. This designation is applied as an overlay within the Rural land use areas of the county and provides for increased development density for sites that meet specific criteria as contained in Policies 1.01B(16) - 1.01B(18) in the Future Land Use element. The overlay designation allows for infill development and promotes the efficient use of existing infrastructure and land use compatibility within the rural areas of the county. The proposed request results in a density of 1.5 units per acre which is within the range allowed by the comprehensive plan.

**Policy 1.01A(9)** The Land Development Regulations shall establish a Planned Development Project (PDP) district which can be used for single use or mixed use projects, with flexibility in standards allowed if projects provide environmental protection, landscaping, increased open space,

public facilities, innovative planning design or other appropriate public benefits.

**Comment:** The development is proposed as a planned development project, and any approval should include appropriate performance conditions.

**Policy 1.01B(16)** Future Land Use Map amendments to create a Rural Infill Overlay designation for residential development of parcels in the Rural Category may be approved provided the following criteria are met:

- A. The parcel requesting the increase in density may be no greater than 40 acres in size and must have existed as of January 1, 1990.
- B. The parcel requesting the increase in density must be bordered on at least two sides by subdivisions containing lots one acre in size or less.
- C. Fifty percent of the lots described in B above, bordering the parcel must have been developed with residential structures.
- D. The density approved for the parcel requesting the increase in density may not exceed the density of the surrounding adjacent development.
- E. Adequate infrastructure must exist or be provided for the density being requested.
- F. The Development rules for development at the requested density must be met.

**Comment:** One of the provisions of Policy 1.01B(16) is that the density approved for the parcel not exceed the density of the surrounding adjacent development. Lots directly adjacent to the parcel in the existing subdivisions to the south are an average of 21,528 square feet. Based on the lot sizes along the south, the minimum lot size for the subject site should not be less than 21,500 feet in order to meet the provisions of the aforementioned policy. However, lots adjacent to the subject site along the north are larger lots and a proper lot size should be established to provide an appropriate transition.

**Policy 1.01B(17)** Properties to be considered for increased density shall be required to seek a “Rural Infill Overlay District” designation via amendment to the Future Land Use Map. When a determination has been approved

as part of a Rural Infill Overlay District, that information will be placed in Section D: Future Land Use Map Mapping Criteria & Land Uses Allowed and will be referenced by the Comprehensive Plan Amendment (CPAM) number assigned to the case. Additional criteria may be added to further define approved conditions. This information will be used in the determination of a zoning approval on the parcel.

**Policy 1.01B(18)** Properties under consideration for the Rural Infill Overlay District designation shall have or create access to a paved, county-maintained roadway. All roads within the clustered portions of the project shall be paved to County standards.

**Policy 1.01F (2)** indicates low density zoning districts shall be established to encourage and promote single family development at densities not to exceed 2.5 units per acre and are intended to be the district most utilized for regulating future single family development.

**Comment:** Low-density residential would be appropriate at this location and any approval should include appropriate performance conditions.

**Policy 1.01H(2)** Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

**Comment:** The Rural overlay will allow a residential density not to exceed 1.5 dwelling units per acre, with minimum lot size of 21,500 square feet.

**Rural Cluster Overlay**

**Mapping Criteria:** Purpose of the Rural Infill Overlay is to allow for the more efficient use of existing infrastructure by creating a method to increase residential density compatible with surrounding existing residential uses.

**Comment:** In order to create an appropriate transition to address the issue of compatibility with the existing lot sizes to the north of the subject parcel, lots along the perimeter of the subject development must be larger to approximate the adjoining lot sizes.

The request for a the rezoning from AG/(Agricultural) to PDP(SF)/Planned Development Project (Single Family) is appropriate, based on the following conclusion:

1. The proposed single family zoning is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The proposed single family development would be compatible with the surrounding neighborhood and act as an appropriate transition with 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. 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 Resolution # \_\_\_\_\_ approving the petitioner's request to rezone from (AG)/Agricultural 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. The developer shall delineate the portion of the wetland feature within the subject property on conceptual plat and construction plans, and abide by all state and federal wetland regulations. An average 25' buffer adjoining the wetland shall also be required and designated on all future plats and plans.
3. Minimum lot size approved along the north boundary shall be 1.5 acres
4. Minimum lot size approved within 500' feet of the SPA shall be one (1) acre.

5. Minimum lot size on the remaining lots shall be 21,500 square feet in accordance with Section 28-99(a) of the Hernando County Code for individual sanitary sewer disposal systems on lots with portable water.
6. Minimum natural buffers enhanced to an 80% opacity:
  - North: 20'
  - South: 5'
  - East: 10'
  - West: 10'

The buffers shown within lots shall be designated as natural buffer areas on the final plat and shall remain in its natural condition.

7. 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.
8. The 100 year floodplain shall be delineated and shown on all site plans. All finished floor elevations shall be above the regulatory 100 year floodplain. All roadways, driveways and finished floor elevations shall be above the regulatory 100 year flood elevation.
9. Lots adjacent to the wetland/SPA feature shall maintain a drainage system upland of the wetland/SPA line in order to prevent direct stormwater runoff into the wetland/SPA feature.
10. The wetland and associated buffer shall be designated as a conservation easement on the final subdivision plat.
11. The petitioner shall 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' feet in width. The treed roadway should be extended to the north, not to the southwest corner of the site as shown on the master plan.
12. Proposed Internal Lot Setbacks:
  - Front: 25'
  - Rear: 20'
  - Sides: 10'

13. Proposed Minimum Project Perimeter Setbacks:
  - North: 40'
  - South: 25'
  - East: 30'
  - West: 20'
14. The petitioner shall stub out and block all traffic from utilizing the northeast stub-out until such time as the roadways extension is brought to County road standards.
15. If the County has not adopted a school concurrency ordinance by the time of development, the developer shall enter into a separate mitigation agreement with the School Board prior to development.
16. The proposed stub out to the southwest shall be designed as a cul-de-sac.
17. Florida Yards & Neighborhoods” (FYN) principles shall be implemented for landscaping within the development and FYN materials shall be distributed to new homeowners.
18. The petitioner shall provide a minimum of 5% usable open space.
19. The subject site shall be served by central water.
20. The potential SPA is located within the south/west portion of the development area. Prior to any development associated with the potential feature a geotechnical evaluation shall be performed. If tests indicate a SPA is present, then the area must be designated on all future site plans/plats, and include a 500 foot buffer.
21. An archaeological survey shall be performed by a qualified professional prior to conditional plat review.
22. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.