

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 11, 2023
Board of County Commissioners: October 10, 2023

APPLICANT: Solterra Land, LLC c/o Jon Kattke

FILE NUMBER: H-23-20

REQUEST: Rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations

GENERAL LOCATION: Northwest corner of Anerson Snow Road and Amero Lane

PARCEL KEY NUMBERS: 565819, 1377496, 565855, 196442

APPLICANT'S REQUEST:

The petitioner's is requesting a rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations in order to develop four parcels into a 200 unit (15 DU/AC) multifamily development. The proposed project will consist of multiple structures not to exceed 35' in height.

The petitioner is requesting a deviation to reduce the front setbacks along Anderson Snow Road from the required 75' to 55'.

SITE CHARACTERISTICS:

Site Size: 13.45 acres

**Surrounding Zoning;
Land Uses:** North: AG; Undeveloped
South: AR, PDP(OP); Undeveloped, Veterinary Clinic
East: PDP(REC); Anderson Snow Park
West: AR, R-1C; Single Family

Current Zoning: AR (Agricultural/Residential)

**Future Land Use
Map Designation:** Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Comments: 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. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features: The subject property contains no wetlands or Special Protection Areas (SPA), according to County data resources.

Protection Features: The property is located within a Wellhead Protection Area 2 (WHPA) according to County data resources.

Comments: The WHPA-2 designation will not affect the proposed use

Resources/ Features: The developer shall be responsible with coordinating with the Department of Historical Resources in order to ensure there are no archaeological sites on the subject site.

Comments: 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 developer must provide geotechnical subsurface testing in accordance with the Hernando County Facility Design Guidelines, including any proposed drainage retention areas (DRA) within the project required to test for karst features or voids.

Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.

Flood Zone: C

SCHOOL BOARD REVIEW:

No comments were received from the Hernando County School District on the subject application.

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.

AIRPORT REVIEW:

The subject property is located within the airport influence zone as identified in the County's LDRs. The petitioner shall be required to provide an aviation easement.

UTILITIES REVIEW:

The Hernando County Utility Department (HCUD) has indicated that it does not currently supply water or sewer service to this parcel. There is an existing 20-inch water main that runs along the west side of Anderson Snow Road. There is an existing 4-inch sewer force main that runs along the north side of Amero Lane, turning south to run along the east side of Anderson Snow Road for approximately 650 feet where it connects to a 20-inch sewer force main. HCUD has no objection to the submitted rezoning, subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the northwest corner of Anderson Snow Road and Amero Lane. The petitioner has indicated the project will be served by to access points along Anderson Snow Road. No access is being proposed to Amero Lane.

The County Engineer reviewed the request and indicated the following:

- This site is located outside the 1% annual chance floodplain.
- A Traffic Access Analysis will be required. Traffic Access Analysis shall include a queuing analysis.
- Any improvements identified by the Traffic Analysis will be the responsibility of the developer to install.

- Should the Traffic Access Analysis indicate that Turn Lanes are required, Turn Lanes and Transitions will have to meet Hernando County Standards.
- Anderson Snow Road is going to be widened to a four-laned roadway in the future and the dedication of 25' of Right-of-Way is required to accommodate the widening.
- Anderson Snow Road is Classified as a Collector Roadway, and a sidewalk will be required along the entire frontage of Anderson Snow Road.
- Sidewalk is required the length of parcel along Amero Lane.
- The access driveways, parking layout and disabled parking spaces will be required to meet Hernando County Standards.

LAND USE REVIEW:

Building Setbacks

Minimum Building Setbacks:

Anderson Snow Road:	55' (Deviation from 75')
Amero Lane:	35'
West:	35'
North:	10'
Maximum Building Height:	35'

Buffer

The petitioner has indicated a 55' wide buffer along Anderson Snow Road, however no other specifics on buffers have been provided.

Comments: If approved, the developer shall provide a 55' wide buffer along Anderson Snow Road, a 10' landscape buffer along Amero Lane and northern property line, along with a 6' high opaque fence along the entire western property line. The western buffer shall also include 8' trees at planting.

Access

To establish minimum access requirements to multifamily subdivisions, the Board of County Commissioners adopted a policy requiring two (2) means of access. 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.

Comments: The petitioner is proposing two access points onto Anderson Snow Road.

Landscape

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.

COMPREHENSIVE PLAN REVIEW:

The area is characterized by single-family homes parcels to the west and a County park to the east. The subject property is located within the Residential land use classification on the adopted Future Land Use Map.

Public School Facilities Element:

Strategy 8.01C(2) Hernando County shall encourage development to locate in areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School District, provided such location of the development is consistent with the land use polices of the Hernando County Comprehensive Plan.

Future Land Use Element:

Residential Mapping Criteria:

The Residential Category is designed to accommodate a variety of residential and support uses at varying densities and types located in areas primarily clustered in and around the Adjusted Urbanized Area and those areas that maximize the efficient use of existing and planned infrastructure.

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.

Multi-Family Housing

Strategy 1.04B(4): The Residential Category includes zoning for multi-family housing generally averaging 7.5 dwelling units per gross acre up to 22 dwelling units per gross acre in order to provide for a diversity of housing choices. Multifamily housing should be

located within, or in close proximity to urban areas shown on the Adjusted Urbanized Area Map, or near shopping and employment centers or within Planned Development Projects.

Strategy 1.04B(5): High density zonings are intended for locations in the more intensely developed sections of the County. New residential development of high-density housing shall utilize the Planned Development Project (PDP) process. Regulatory criteria shall include standards that evaluate and address suitability of the location including:

- a. proximity to existing or designated commercial areas, corridors, or employment centers;
- b. direct or limited local access to arterial or collector roadways;
- c. availability of appropriate infrastructure and services capacity at the site including police, fire, emergency medical services, potable water utility supply, sewer utility supply, and primary and secondary school facilities;
- d. protection of high quality environmentally sensitive resources or historic and archaeological resources;
- e. the character and density of existing and approved residential development in the surrounding area.

Comments: The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 200 units on 13.45 acres. The proposed density is 15 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

FINDINGS OF FACT:

A request for rezoning from AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations is appropriate based on the following:

1. The proposed front building setback from the required 75' to 55' is not considered adverse to the public interest due to the height of the proposed structure being limited to 35'.
2. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all 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 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 AG (Agricultural) and AR (Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) 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. A faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner shall 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 developer shall provide a 55' buffer along Anderson Snow Road along with a 6' high opaque fence or wall along the western property line. The western buffer shall include 8' trees at planting. A 10' landscape buffer shall be provided along Amero Lane and the northern property line.
5. Geotechnical subsurface testing and reporting in accordance with the County's Facility Design Guidelines shall be conducted for all Drainage Retention Areas (DRAs) within the proposed project.

6. A Traffic Access Analysis Que Stacking study will be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
7. A 25' wide of right-of-way dedication shall be required to accommodate the widening Anderson Snow Road.
8. Sidewalks shall be required along the entire frontage of Anderson Snow Road and Amero Lane.
9. Minimum Building Setbacks:

Anderson Snow Road:	55' (Deviation from 75')
Amero Lane:	35'
West:	35'
North:	10'
Maximum Building Height:	35'
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 be required to provide a water and sewer capacity analysis and connect to the central water and sewer systems at time of vertical construction.
12. The petitioner shall provide a master plan in compliance with all of 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.