

STAFF REPORT

HEARINGS: Planning & Zoning Commission: February 07, 2022
Board of County Commissioners: March 8, 2022

APPLICANT: Barclay Project, LLC

FILE NUMBER: H-21-86

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

GENERAL LOCATION: Northwest corner of Barclay Avenue and Jayrod Trail

PARCEL KEY NUMBERS: 193178, 1373917, 1373908, 193150, 193169

APPLICANT'S REQUEST:

The property is currently zoned AR/(Agricultural/Residential). The petitioner's current request is a rezoning to PDP(MF)/Planned Development Project (Multifamily) to develop a 172-unit townhome development.

The following deviations are proposed with this petition:

- Individual lot setbacks:
 - Front: 20' (Deviation from 25')
 - Side (where units are attached): 0' (Deviation from 10')
 - Side (end units) 15'
 - Rear: 15' (Deviation from 20')
- Minimum lot size: 1,600 square feet (deviation from 6,000 square feet)

Additionally, the petitioner has proposed to vacate a County-owned right-of-way (Jayrod Trail) along the property's southern border, as this is not being contemplated as an access for the development. If the master plan is approved, the petitioner will need to submit a petition to vacate this right-of-way to the Hernando County Zoning Department.

SITE CHARACTERISTICS:

Site Size: 19.60 acres

Surrounding Zoning & Land Uses: North: AR; Vacant
South: PDP(MF); vacant and retirement residence
East: PDP(SF); existing residential development (Silverthorn)
West: PDP(SF); PDP(SU); existing residential development

Current Zoning: AR/(Agricultural Residential);

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Habitat: Vacant, undeveloped and identified as sandhill 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: Candler Fine Sand provides habitat suitable for gopher tortoises and commensal species. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

Features/Resources: The property does not contain special protection areas, archaeological resources, or wetlands according to County data resources. Contains a Class 2 WHPA, Flood is X-shaded (shown in bottom of DRA). The proposed use is not impacted by the Wellhead Protection Area.

Flood Zone: X

Water Quality: This project is located within the Weeki Wachee Priority Focus Area identified by FDEP as contributing nutrients to the Weeki Wachee Riverine System. Providing information on Florida Friendly Landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality. These materials are designed to address and help reduce nutrient pollution.

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 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.

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

SCHOOL DISTRICT 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.

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to these parcels. There is an existing 16-inch water main approximately 710 feet to the south on the west side of Barclay Avenue, and an existing 6-inch water main across Barclay Avenue just to the east of Barclay Avenue and Silverthorne Boulevard. There is an existing 8-inch sewer force main approximately 710 feet to the south on the west side of Barclay Avenue.

There may be capacity issues in the area which would require offsite improvements.

HCUD has no objection to the requested zoning change subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

ENGINEERING REVIEW:

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

- This proposed development is outside the 1% annual chance floodplain.
- The development must meet the Hernando County Facility Design Guidelines and South West Florida Water Management District Environmental Resources Permitting drainage design requirements.
- This project will generate over 50 PM Peak Hour trips. A Traffic Access Analysis is required. The Traffic Access Analysis will be required to include a queuing analysis. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- The driveway /entry road is required to meet Hernando County Facility Design Guideline requirements.
- All roads are required to meet Hernando County Facility Design Guideline requirements, (Collector, Major Local).
- The petitioner's request to vacate Jayrod Trail is appropriate and can be approved. This will require a separate application upon the completion of the rezoning request.
- The project's drainage retention may be located northeast of subject project on County owned property subject to all agreements for Drainage Retention Area use. These agreements must be in place no later than at the time of Conditional Plat.

LAND USE REVIEW:

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 a treed boulevard entrance into the development from Barclay Avenue.

The petitioner has only shown one access point from the proposed development; the County Engineer has reviewed the proposed access and has no objections to the provision of one access point for the development.

Setbacks and Lot Size:

The petitioner has proposed the following perimeter setbacks for the subject site:

- North: 40'
- South: 30'
- West: 100'
- East: 50'

The petitioner has proposed the following setbacks for the individual lots:

- Front: 20' (Deviation from 25')
- Side (between individual units): 0' (Deviation from 10')
- Side (between townhome clusters): 15'
- Rear: 15' (Deviation from 20')

The petitioner has proposed a minimum lot size: 1,600 square feet (deviation from 6,000 square feet). This lot size is appropriate given the style of housing proposed within the development.

Buffer

The petitioner has proposed a 20' buffer along western portion of the northern boundary and the eastern portion of the southern boundary of the property.

Comments: If the master plan is approved, the petitioner shall be required to provide a 20' wide vegetative buffer with preserved existing vegetation, enhanced to 80% opacity as required, along the entire northern and southern boundaries. This buffer shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.

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 2.2 acres for an amenity/park area on the master plan. This meets the minimum criteria for the neighborhood park for the subject site.

Natural Vegetation:

Projects two (2) to twenty (20) acres must designate an area of at least five (5) percent 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 two thousand (2,000) square feet and no more than two (2) non-contiguous areas shall be allowed.

Comment: The petitioner has not specified the location for preservation of any natural vegetation. If the master plan is approved, the petitioner shall be required to set aside 0.96 acres for natural vegetation in accordance with the Hernando County Land Development Regulations.

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.

Comments: If approved, the petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County LDRs.

COMPREHENSIVE PLAN REVIEW:

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.

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.

- Strategy 1.04B(7):** All multi-family developments shall be located such that the integrity of nearby established single family neighborhoods is preserved:
- a. multi-family development may serve as a density transition located on the periphery of single-family neighborhoods and connecting to higher intensity uses;
 - b. multi-family developments at a density incompatible with surrounding land uses should not access arterial or collector roadway systems through established single-family neighborhoods.

Land Use Compatibility

Objective 1.10B: **The County shall establish standards by which land use compatibility is evaluated in the review of proposals for Future Land Use Map amendments, zoning changes, and other land development applications.**

- Strategy 1.10B(1):** Future Land Use Map amendments should be compatible with surrounding development and minimize impact to natural resources without the need for mitigation measures that are extraordinary in scope or difficult to enforce.

- Strategy 1.10B(2):** Zoning changes should be compatible with surrounding development and minimize impact to natural resources. Impacts may be mitigated through design of building placement, buffers,

noise reduction, setbacks and other appropriate planning techniques or performance measures.

Strategy 1.10B(3): Protect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area.

Comments: The subject site is located along Barclay Avenue, within the urbanized area of Spring Hill. The proposed PDP(MF)/Planned Development Project (Multifamily) is consistent with the Comprehensive Plan residential land use category, and is fitting for the area, as it is adjacent to single-family residences and multi-family zoned properties.

FINDINGS OF FACT:

The request for rezoning from AR/(Agricultural/Residential) to PDP(MF)/Planned Development Project (Multifamily) with Deviations is appropriate based on the following conclusions:

1. The proposed use is consistent with the County’s adopted Comprehensive Plan and compatible with the surrounding area.
2. The requested use is not adverse to the public interest.

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 Concurrence. 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 a Rezoning from AR/(Agricultural-Residential) to PDP(MF)/Planned Development Project (Multifamily) 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. A comprehensive floral and 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 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™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County’s Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. The developer must provide geotechnical testing in accordance with the Hernando County Facility Design Guidelines, including DRAs to determine if karst features are present.
6. The developer shall conduct a water and sewer capacity analysis during the conditional plat phase and connect to the central water and sewer systems at time of vertical construction. Any required capacity improvements will be the responsibility of the developer.
7. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
8. Project drainage retention may be located northeast of subject project on County owned property subject to all agreements for Drainage Retention Area use. These agreements must be in place no later than at the time of Conditional Plat.
9. Minimum Perimeter Setbacks:

North:	40'
South:	30'
West:	100'
East:	50'

Minimum Lot Setbacks:

Front:	20' (Deviation from 25')
Side (between individual units):	0' (Deviation from 10')
Side (between townhome clusters):	15'
Rear:	15' (Deviation from 20')

10. The minimum lot size shall be 1,600 square feet (deviation from 6,000 square feet).
11. The petitioner shall provide a treed boulevard entrance from Barclay Avenue.
12. The petitioner shall be required to provide a 20' wide vegetative buffer of preserved existing vegetation, enhanced to 80% opacity as required, along the entire northern and southern boundaries. This buffer shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.
13. The petitioner shall provide the minimum neighborhood park acreage in accordance with the Hernando County Land Development Regulations.
14. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County Land Development Regulations.
15. The petitioner shall set aside the minimum acreage for natural vegetation in accordance with the Hernando County Land Development Regulations.
16. 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.
17. 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.

P&Z RECOMMENDATION:

On February 7, 2022, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Rezoning from AR/(Agricultural-Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations 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 comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
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17. 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.

BCC ACTION:

On March 8, 2022, the Board of County Commissioners voted 5-0 to adopt Resolution 2022-56 approving the petitioner's request for a Rezoning from AR/(Agricultural-Residential) to PDP(MF)/Planned Development Project (Multifamily) with deviations 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 comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
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17. 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.