

## STAFF REPORT

---

**HEARINGS:** Planning & Zoning Commission: September 12, 2022  
Board of County Commissioners: October 11, 2022

**APPLICANT:** 34601 Realty Partners, LLC

**FILE NUMBER:** H-22-54

**PURPOSE:** Establish a Master Plan to Include a Rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

**GENERAL LOCATION:** West side of Cobb Road, north side of Fort Dade Avenue

**PARCEL KEY NUMBER:** 00352772

---

### BACKGROUND:

On May 14, 2019, the Board of County Commissioners voted 5-0 to approve a Master Plan revision on property zoned PDP(SF)/Planned Development Project (Single Family) and PDP(MF)/Planned Development Project (Multifamily) with deviations. The request was for a 170-unit (4.25 du/ac) subdivision consisting of single family detached units and attached villas. Single family detached lots were to be located south of the entrance and the attached villa lots were to be located north of the entrance. Since its approval no development has occurred on the subject site.

### APPLICANT'S REQUEST:

The petitioner's current request is to establish a Master Plan and include a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with Deviations. The petitioner has indicated that due to onsite features (storm water ditch bisecting the site) and extended setback from Cobb Road, the parcel has not been viable for development of standard single-family lots.

The petitioner is proposing 261 (an increase from 170) individual rental housing units. With on-site management and recreation, individual rental housing operates much like an apartment community, except the dwelling units consist of small, individual detached cottage like homes. Dwellings will be one-story in height and range in size from 1,050 - 1,450 square feet with two dwellings on each 7,500 sq. ft. lot.

**Requested Deviations:**

- **Perimeter Setbacks:**
  - Cobb Road: 70' (deviation from 125')
- **Internal Building Setbacks:**
  - Front: 10' (deviation from 25')
  - Side: 0'-5' (deviation from 10')
  - Lot Size: 7,500 sq. ft. (3,500 per villa lot)
  - Building Separation: 10' (deviation from 15')
- Deviation from the maximum 600' cul-de-sac length requirement.
- Waiver of the Frontage Road requirement
- Waiver of the two means of access requirement. This is requested due to no access permitted to Ft. Dade Road (canopy road).
- Reduction in the minimum street frontage of 20' on cul-de-sacs or street curves, from ordinance requirement of 30'.

**SITE CHARACTERISTICS:**

**Site Size:** 40.0 acres

**Surrounding Zoning**

**Land Uses:** North: AG; Commercial tree service  
South: R-1A; Undeveloped; Single Family  
East: PDP(LI), AG and City; Industrial use, Undeveloped and Convenience store  
West: Mining; AG; Cemex, Single Family

**Current Zoning:** PDP(MF)/Planned Development Project (Multifamily) and PDP(SF)/Planned Development Project (Single Family)

**Future Land Use**

**Map Designation:** Residential

**Flood Zone:** C; portions of the site are located within the 100-year flood plain

**Comments:** Portions of the project are located within a designated floodplain. Any land alterations that impact the 100-year floodplain capacity and volume must be appropriately mitigated. The 100-year floodplain must be delineated

and shown on all future plans and all roadways, driveways, and finished floor elevations must meet the flood drainage prevention and protection ordinance, the Facility Design Guidelines and adopted building codes.

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Blichton Loamy Fine, Nobleton Fine Sand, Agricultural Soils

**Comments:** The Nobleton fine sand environment includes a forest of live, laurel and water oaks, slash and longleaf pines; hickory; magnolia; and sweetgum. Understory vegetation is wax myrtle, briers, and native grasses including bluestems, pineland awn, toothachegrass, panicums, and lopsided Indiangrass. Blichton and Nobleton soils are poorly drained with medium potential for dwellings and small commercial buildings.

**Hydrologic Features:** The subject property contains Class 3 wetland but does not contain Special Protection Areas (SPA), according to County data resources.

**Comments:** There is a wooded stream that runs north-south through the western side of the property and a small Class 3 wetland on the east side adjacent to Cobb Road. The stream is no longer considered a wetland due to upstream alterations.

**Protection Features:** The property does not contain a Wellhead Protection Area (WHPA) according to County data resources.

**Comments:** A comprehensive floral and wildlife (faunal) survey shall be prepared by a qualified professional. 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 and controlled.

The developer shall provide new property owners with written program materials and owners shall be encouraged to utilize the Florida-Friendly Landscaping™ program best management practices.

Geotechnical subsurface testing and reporting shall be conducted in accordance with the County's Facility Design Guidelines

**UTILITIES REVIEW:**

The Utilities Department has indicated that the subject property is located within the City of Brooksville's first right of refusal area.

**SCHOOL BOARD REVIEW:**

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.

**ENGINEERING REVIEW:**

The site is located on the west side of Cobb Road, north side of Fort Dade Avenue. The petitioner has indicated a single boulevard entrance off of Cobb Road for the development with no access to Fort Dade Avenue.

The applicant has requested a waiver of the required frontage road. During previous zoning actions, it was determined that connecting the frontage road to Fort Dade Avenue was not desirable given the roadway status as a canopy road; however, connection to the north was required. The applicant is not proposing a connection to the northern. The Engineering Department would not support the request to remove the northern access. If approved, the plan should provide for some future interconnection.

The plan proposes cul-de-sac lengths of approximate 900' and 1,000', which exceed the maximum 600' allowed by the County's LDRs. Given that no access to Fort Dade Avenue is being provided, and environmental issues on the site, the staff would not object to the cul-de-sac lengths as proposed

The County Engineering Department has reviewed the petitioner's request and indicated the following:

- Right-of-Way dedication will be required at Ft. Dade Avenue and Cobb Road.
- A FDOT Access Management and Drainage permit will be required.
- The applicant to confirm with FDOT right-of-way needs along Cobb Road.
- A Traffic Access Analysis is required at the time of development. The Traffic Access Analysis will determine if any additional operational improvements, including turn lanes may be required. Traffic Analysis to include a queuing

analysis. The petitioner will be responsible for any required improvements identified by the Traffic Analysis.

- Cobb Road is a Collector Road, per the County Sidewalk Ordinance, a sidewalk along Cobb Road will be required.
- Approval of a reduction in the minimum street frontage, from 30' to 20' on cul-de-sacs or street curves, is dependent on the petitioner's ability to demonstrate appropriate widths to accommodate drainage and all necessary functions, to include approval of the Fire Dept. (Appendix A Article VIII Section 2 (G) (4) (f)).
- Deviation from the frontage road is approved subject to connection to the north when the existing mining area is reclaimed.
- The proposed construction must conform to the most recent Peck Sink Watershed Floodplain Justification Report, approved by the Southwest Florida Water Management District (SWFWMD).
- Discharge to the stream running through the site is limited to the pre-development volume and rate. The area south of the site is subject to flooding from this stream.
- Development shall comply with the County's floodplain management ordinance, the requirements of the County Engineer and Facility Design Guidelines pertaining to development in the 100-year floodplain.
- All previous conditions of rezoning H-18-25 still applicable.
- In accordance with previous approvals: (H-16-11):
  - A minimum 40' right-of-way shall be provided from the center line of Fort Dade Avenue. A minimum 80' of right-of-way shall be required from the center line of Cobb Road. No drainage retention areas and/or improvements shall occur in these areas and petitioner shall provide a deed of the right-of-way to Hernando County at time of development.

## **LAND USE REVIEW:**

### **Setbacks, Lot Width and Sizes:**

#### **Proposed Perimeter Setbacks:**

Cobb Road:	70' (deviation from 125')
Fort Dade Avenue:	50'
North:	25'
West:	25'

#### **Proposed Internal Building Setbacks:**

Front:	10' (deviation from 25')
--------	--------------------------

Side: 0'-5' (deviation from 10')  
Rear: 20'  
Lot Size: 7,500 sq. ft. (3,500 per villa lot)  
Building Separation: 10' (deviation from 15')

**Buffers**

The County LDRs have design standards for buffering. The buffer shall consist of a minimum five (5) foot landscaped separation. The multifamily or nonresidential use located on such lot shall be permanently screened from the adjoining and contiguous properties by a wall, fence, and/or approved enclosures. Such screening shall have a minimum height of five (5) feet and a maximum height of eight (8) feet, or an evergreen hedge with a minimum height of five (5) feet at the time of planting.

**Comments:** The petitioner has indicated a ten (10) foot natural and enhanced landscape buffer at 80% opacity along the north and west property boundary. The petitioner has not mentioned buffers along the south or east. If approved, the petitioner must provide ten (10) foot natural and enhanced landscape buffers at 80% opacity along the north and west and meet the minimum buffering requirements of County's LDRs for the remaining boundary.

**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 not proposed a treed boulevard entrance from Cobb Road. If the master plan is approved, the petitioner shall be required to provide a treed boulevard entrance from Cortez Boulevard.

Due to the site's environmental constraints and restricted access to Fort Dade Road, the second means of access has been waived; however, a stub-out to the north must be provided for any future development.

**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

**Comments:** The petitioner has proposed 2.0 acres of neighborhood park. If approved, the development must meet the minimum neighborhood park requirements of 3.16 acres as required by the County's LDRs.

**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. Vegetated buffers at least 15' in width can count toward this acreage.

**Comments:** 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.

**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.

**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.

**Canopy Road**

The County has an adopted canopy road ordinance. Fort Dade Avenue is considered a canopy road. Canopy roads are roads, whether rural or urban, that are characterized by rows of trees bordering both sides of the road corridor of sufficient height, density, and crown spread to create natural canopy coverage over the road corridor and that preserve and maintain the historic, natural beauty, and ambience of Hernando County. All lands within fifty (50) feet of the center lines of the canopy roads are considered to be tree protection zones and as such, no tree can be removed for the purpose of access to adjacent properties, and no improvements shall be carried out nor made in the tree protection zone other than routine maintenance of existing roadways, utilities, and existing drainage facilities without the express, written approval of the Board of County Commissioners.

***Comment:*** The petitioner's plan reflects 50' building setbacks and drainage retention areas along Fort Dade Avenue. There is a 50' tree protection zone along Fort Dade Avenue. If approved, no lots or drainage retention areas will be allowed in the 50' tree protection zone.

**COMPREHENSIVE PLAN REVIEW:**

The surrounding area is characterized by a mixture of uses including Cemex mining operations, commercial and industrial to the east, and residential and undeveloped parcels to the south.

**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.

***Comments:*** The multifamily development is proposed as a PDP/Planned Development Project with a maximum of 261 units on 40.0 acres. The proposed density is 6.52 du/acre. The proposed project

location is suitable for multifamily with appropriate performance conditions.

### **Multi-Family Housing**

**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 261 units on 40.0 acres. The proposed density is 6.52 du/acre. The proposed project location is suitable for multifamily with appropriate performance conditions.

### **Road Network – Frontage Roads**

**Objective 5.01B:** Maintain and expand a system of frontage roads and cross-access easements parallel to County arterial and collector roads. The frontage road network is designed to enable the creation of shared drives, shared easements, and alternative routes. Frontage road configuration is intended to optimize corridor and roadway network function, maintain capacity on the functionally

classified network, and provide aesthetic, safe and convenient access to multiple properties and business sites.

**Strategy 5.01B(3):** The County should require cross-access easements, shared drives, shared access and other techniques that optimize the function of the roadway network where frontage roads are not required.

**Comments:** The petitioner has requested a waiver of the frontage road due to site constraints and prohibited access to Ft Dade Avenue a canopy road. The County Engineer as reviewed the petitioners request and indicated the waiver is justified, with access to the northern parcel reserved for when the existing mining area is reclaimed for future connectivity.

## **FINDINGS OF FACT:**

The request to establish a Master Plan to Include a rezoning from PDP(SF)/Planned Development Project (Single Family) to PDP(MF)/Planned Development Project (Multifamily) with Deviations is appropriate with performance conditions, based on the following conclusions:

1. The following requested deviations are justified with appropriate performance conditions:

- **Perimeter Setbacks:**

- Cobb Road: 70' (deviation from 125')

The required 125' is typically associated with the frontage road requirements. The County Engineer has conceptually approved a waiver of the required frontage road pending access to the north.

- **Internal Building Setbacks:**

- Front: 10' (deviation from 25')
  - Side: 0'-5' (deviation from 10')
  - Lot Size: 7,500 sq. ft. (3,500 per villa lot)
  - Building Separation: 10' (deviation from 15')

The proposed setback, lot size and building separation reductions are justified due to the nature of the proposed individual rental housing design.

- Deviation from the maximum 600' cul-de-sac length requirement. The request is justified due to environmental constraints.

- Waiver of the Frontage Road requirement. This has been conceptually approved by the Department of Public Works pending interconnectivity to the north.
  - Waiver of the two means of access requirement. The request is justified due to environmental constraints and no access permitted to Ft. Dade Road (canopy road).
  - Reduction in the minimum street frontage of 20' on cul-de-sacs or street curves, from ordinance requirement of 30'. The County Engineer will work with the petitioner during the construction plan process.
2. The proposed 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 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. 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 establish a Master Plan to Include a rezoning from PDP(SF) Planned Development Project (Single Family) 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. Any literature relative to this project shall stipulate that there is an industrial area located proximate to the site which operates 24 hours a day, 7 days a week.
3. The petitioner shall provide 10' natural and enhanced landscape buffers at 80% opacity along the north and west property boundary and meet the minimum buffering requirements of County's LDRs for the remaining boundary.
4. The banks of the creek shall be stabilized to prevent erosion. The stabilization method and locations shall be shown on the construction drawings.
5. Existing impediments within the flow line of the creek shall be removed during site development.
6. The stormwater plan shall be designed to outfall, after the required treatment, into the creek to increase the creek's flow.
7. Stormwater shall not be allowed to directly discharge into the Class 3 wetland along Cobb Road.
8. A comprehensive floral and wildlife (faunal) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.
9. Invasive plant species if present are to be removed during the development process and controlled.
10. The developer shall provide new property owners with written program materials and owners shall be encouraged to utilize the Florida-Friendly Landscaping TM program best management practices.
11. Geotechnical subsurface testing and reporting shall be conducted in accordance with the County's Facility Design Guidelines
12. 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.
13. Access to Fort Dade Avenue is not allowed.

14. Right-of-Way dedication shall be required at Ft. Dade Avenue and Cobb Road.
15. The developer shall comply with the County's canopy road ordinance.
16. A minimum 40' right-of-way shall be provided from the center line of Fort Dade Avenue. A minimum 80' of right-of-way shall be required from the center line of Cobb Road. No drainage retention areas and/or improvements shall occur in these areas and the petitioner shall provide a deed of the right-of-way to Hernando County at time of development.
17. A FDOT Access Management and Drainage permit shall be required.
18. The applicant shall confirm with FDOT right-of-way needs along Cobb Road.
19. A Traffic Access Analysis shall be required at the time of development. The Traffic Access Analysis shall determine if any additional operational improvements, including turn lanes will be required. The Traffic Analysis shall include a queuing analysis. The petitioner shall be responsible for any required improvements identified by the Traffic Analysis.
20. Cobb Road is a Collector Road, per the County Sidewalk Ordinance, a sidewalk along Cobb Road shall be required.
21. The petitioner shall coordinate with the County Engineer the request for a reduction in the minimum street frontage and shall demonstrate appropriate widths to accommodate drainage and necessary functions as required by County LDR's.
22. The frontage road requirement is waived; subject to the petitioner providing a future connection to the north.
23. The petitioner shall provide a treed roadway/access for the development in accordance with the land development regulations.
24. The development shall meet the minimum neighborhood park requirements of 3.16 acres as required by the County's LDRs.
25. Perimeter Setbacks:

Cobb Road:	70' (deviation from 125')
Fort Dade Avenue:	50'
North:	25'
West:	25'

Internal Building Setbacks:

Front:	10' (deviation from 25')
--------	--------------------------

Side: 0'-5' (deviation from 10')  
Rear: 20'  
Lot Size: 7,500 sq. ft. (3,500 per villa lot)  
Building Separation: 10' (deviation from 15')

26. Cul-de-sac lengths are approved as shown on the master plan.
27. The master plan is approved for 261 individual multifamily rental housing units.
28. The petitioner shall submit a Fire Protection Plan with the Conditional Plat in accordance with Hernando County LDRs.
29. No lots or drainage retention areas shall be allowed in the 50' tree protection zone along Fort Dade Avenue.
30. The petitioner shall provide a divided boulevard entrance from Cobb Road.
31. 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 will result in no further development permits being issued.