

## STAFF REPORT

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**HEARINGS:** Planning and Zoning Commission: June 13, 2022  
Planning and Zoning Commission: August 8, 2022  
Board of County Commissioners: July 12, 2022  
Board of County Commissioners: September 13, 2022

**APPLICANT:** NVR, Inc.

**FILE NUMBER:** H-22-08

**REQUEST:** Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial) with Deviations

**GENERAL LOCATION:** Southeast Corner of Commercial Way and Centralia Road

**PARCEL KEY NUMBERS:** 940389, 1128782, 940398

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### BACKGROUND:

On February 2, 2022, the petitioner submitted a request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial) with deviations. The requested modification included 80,000 square feet of commercial and 513 dwelling units of various lot sizes and housing products.

On June 13, 2022, the Planning and Zoning Commission voted 5-0 to postpone the petitioner's request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial) with Deviations to the August 8, 2022, Planning and Zoning Commission hearing date.

Subsequent to the July 13, 2022, Planning and Zoning Commission meeting, the petitioner provided the additional information necessary to process the application.

**PETITIONER'S REQUEST:**

The analysis of the previously approved commercial intensity and residential density versus the petitioner's current request is listed below.

	<b>Previous Approval</b>	<b>Current Request</b>
<b>Commercial Intensity</b>	14 acres	7 acres
<b>Residential Density</b>	385 dwelling units Mix of 50', 70' and 100' lots	513 dwelling units Mix of villas, 40' and 50' lots

**Proposed Commercial Entitlements:**

The petitioner has identified 7.0 acres with a total of 80,000 square feet of commercial uses. However, no specific information on the setbacks or building sizes and scale have been provided. Prior to the development of the commercial component of this site, the petitioner shall be required to submit a master plan revision with necessary details for the commercial development.

**Deviations Requested:**

- Overall Project Perimeter Setbacks:
  - North (Centralia Road): 40' (Deviation from 20')
- Internal Building Setbacks (Residential):
  - Side: 5'/0' (villa lots) (Deviation from 10')
  - Rear: 15' (deviation from 20')
- Minimum Lot Size (Residential): 4,400 square feet (deviation from 6,000)

**SITE CHARACTERISTICS:**

**Site Size:** 153.84 acres

**Surrounding Zoning:**

**Land Uses:** North: AG  
South: C3  
East: R1C  
West: Conservation

**Current Zoning:** PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial)

**Future Land Use**

**Map Designation:** Residential/Commercial

**ENVIRONMENTAL REVIEW:**

- Soil Type:** Candler Fine Sand and Basinger Fine Sand
- Protection Features:** Wetlands are class 1 and 3 (Class 1 wetland Comp plan policy NW corner). There are no WHPAs or SPAs. There is a large archaeological/historical site according to County data resources. A cemetery is located on the property (Centralia cemetery).
- Habitat:** The property is vacant, forested with planted pine and shown as sandhill, coniferous plantation, wet prairie, and stormwater treatment areas, according to FWC CLC (Florida Cooperative Land Cover Classification System that includes Florida Land Use Cover and Classification System). Candler Fine Sand and habitat are suitable for gopher tortoise. The petitioner is required to comply with all applicable FWC regulations and permitting.
- 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.
- Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.
- 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.
- Water Quality:** The proposed development is within the Chassahowitzka River Basin Management Action Plan and subject to a nutrient Total Maximum Daily Load (TMDL) for nitrate. 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.
- Flood Zone:** A and AE

## **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.

## **UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Water and sewer service are not currently available to this parcel. There is an existing 16-inch water main to the south on the east side of Commercial Way at Weeki Wachee High School. There is an existing 10-inch sewer force main also to the south on the east side of Commercial Way at the high school.

HCUD has no objection to the revised master plan for CPDP for PDP(SF) and PDP(GC) which reduces the project's commercial footprint and modifies the residential portion to develop a total of 513 units, subject to a utility capacity analysis and connection to the central water and sewer systems, with the stipulation that the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

## **ENGINEERING REVIEW:**

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

- A Frontage Road will be required.
- A Traffic Access Analysis is required. A Methodology Statement is currently under review. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer.
- Requires FDOT access and drainage permits.
- Access to existing stub roads will be required.
- Driveways and roadways must meet County standards.
- This site contains several 1% annual chance floodplain areas.

- Development must comply with SWFWMD ERP (Southwest Florida Water Management District Environmental Resource Permitting) and Hernando County Facility Design Guideline storm drainage regulations.
- Please refer to the Centralia Watershed when submitting drainage plans.

**Comments:** Subsequent to the above preliminary comments, the petitioner submitted a revised plan to the Planning Division. This plan is not acceptable to the Public Works Department due to the lack of a frontage road and the lack of connection to adjacent properties.

**LAND USE REVIEW:**

The land use specifications below apply to the overall project perimeter setbacks and the specific land use requirements for the residential portion of the development. Prior to the development of the commercial portion of the site, a master plan revision will need to be submitted to address the code requirements for commercial development.

**Overall Land Use Specifications:**

**Perimeter Setbacks:**

- West (US Hwy 19): 125'
- North (Centralia Road): 40' (Deviation from 20')
- South: 25'
- East: 15'

These perimeter setbacks are not inclusive of the vegetative buffers proposed for the site.

**Residential Land Use Specifications:**

**Setbacks, Lot Widths, and Sizes:**

The petitioner is proposing the following minimum setbacks for the subject site:

- Front (single family): 25'
- Front (villas): 20'
- Side: 5' (0 internal for villas)
- Rear: 15'
  
- Minimum Lot Width: 40'
- Minimum Lot Size: 4,400 square feet

**Buffers:**

- East: 50' natural vegetative buffer with 80% opacity and enhanced where necessary

- North: 20' landscape buffer
- South: None proposed
- West: None proposed

**Comments:** The petitioner has not proposed buffers along the southern and western property lines where adjacent to US Highway 19 (Commercial Way) and commercial uses. The petitioner shall be required to meet the minimum requirements of the land development regulations for these locations.

**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 two points of access to US Highway 19 (Commercial Way) and one access off Centralia Road. However, no treed boulevard entranceway was identified in the plan. If the master plan is approved, the petitioner shall be required to designate the southernmost access from US Highway 19 (Commercial Way) as the treed boulevard entrance into the development, meeting the requirements of the Hernando County Land Development Regulations.

**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 proposed 5.5 acres for recreation on the master plan. This recreation area is centrally located within the development.

**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. 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.

**Comments:** The petitioner has set aside 11.0 acres for natural vegetation on the master plan.

**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:**

**Level of Service Analysis:**

**Strategy 1.12A(1):** A level of service standard shall be adopted for facilities and services. These standards shall be used for the purpose of implementing impact fees and for issuing development orders and are as follows:

- a. Fire Protection: Maintain or exceed an overall ISO (Insurance Service Office) rating of Class 2/2Y for Hernando County Fire District.
- b. Law Enforcement: Maintain a ratio of at least 1.32 sworn officers per 1,000 permanent residents of the unincorporated County with accompanying equipment and facilities;

- c. Public Buildings: Maintain the provision of public buildings at a minimum of 1,500 square feet per 1,000 permanent and seasonal residents (peak population);
- d. Public Libraries: Maintain a book collection equal to at least 1.5 items per capita for the permanent residents;
- e. Educational Facilities: Levels of service for educational facilities are set forth in the Public School Facilities Element of this Plan;
- f. Transportation Facilities: Level of service standards for transportation facilities are set forth in the Transportation Element of this Plan;
- g. Potable Water Facilities, Wastewater Facilities, Solid Waste Facilities, and Drainage Facilities: Level of service standards for potable water, wastewater, solid waste and drainage facilities are set forth in the Utilities Element of this Plan;
- h. Hurricane Evacuation: Level of service standards for hurricane evacuation are set forth in the Coastal Management Element of this Plan.

**Strategy 1.12A(2):** The County's established level of service standards shall be maintained for the following facilities:

- a. public libraries;
- b. public buildings;
- c. law enforcement and detention facilities;
- d. public parks;
- e. fire and emergency medical services;
- f. public schools;
- g. potable water and wastewater services
- h. solid waste services;
- i. drainage facilities;
- j. transportation facilities.

**Strategy 1.12A(3):** Land development should not proceed unless facilities and services are available, planned, provided or mitigated consistent with the projected impact of the development

**Comments:** The petitioner has reviewed the level of service standards for Hernando County and has acknowledged that impact fees shall be paid to offset their impact to these public facilities. Additionally, the developer has acknowledged that any costs to construct on-site or off-site improvements necessary for utilities infrastructure shall be their responsibility. Upon the completion of the required transportation analysis, any

required improvements shall be the responsibility of the developer. At the time of conditional plat, a certificate of concurrency will be issued upon the determination that the County has the capacity to provide adequate transportation, utilities, drainage, and parks infrastructure.

**Compatibility Analysis:**

**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 petitioner has proposed a 50' vegetative buffer along the eastern boundary where adjacent to existing residential development. Additionally, the petitioner has proposed a transition of lot sizes 40'/villa lots along the western side of the property to 50' lots toward the eastern side of the development where adjacent to existing residential uses. The recreation area is centrally located to the development, providing adequate access for all residents. With these design elements, the proposed development is compatible with the surrounding development and the Comprehensive Plan.

**FINDINGS OF FACT:**

The request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial) with Deviations is appropriate based on the following conclusions:

1. The petitioner did not provide adequate justification for the lack of connection to the stub roads, nor did they provide a frontage road meeting the requirements of the Hernando County Facility Design Guidelines. If the master plan is approved, the petitioner shall provide access to the stub roads and construct a frontage road as part of a comprehensive transportation strategy.
2. The enhanced buffer along the eastern boundary of the project provides an appropriate transition between the proposed plan and the existing residential development.
3. The petitioner has acknowledged its requirement to meet Comprehensive Plan level of service requirements and recognizes the potential for on-site and offsite costs for required infrastructure.
4. Prior to the development of the commercial component of this site, the petitioner shall be required to submit a master plan revision with necessary details for the commercial development.

**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 Commissioner's adopt a resolution approving the petitioner's request for a Master Plan Revision on Property Zoned PDP(SF)/Planned Development Project (Single Family) and PDP(GC)/Planned Development Project (General Commercial) 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 comprehensive wildlife and floral 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. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention areas within the project to test for subsurface karst features.
6. Invasive plant species shall be identified during the construction plan review and removed during the development process.
7. Contact Florida Division of Historical Resources for requirements of a cultural resource assessment for compliance.
8. The petitioner shall provide the jurisdictional wetland lines on all future plans.
9. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
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. A frontage road along US Highway 19 (Commercial Way) meeting the requirements of the Hernando County Facility Design Guidelines shall be constructed at the time of development.
12. A Traffic Access Analysis is required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer.
13. The petitioner shall be required to connect to all stub roads adjacent to the development.
14. This project must meet the storm drainage design requirements of Southwest Florida Water Management District and Hernando County Facility Design Guidelines.
15. Minimum Perimeter Setbacks (not inclusive of the vegetative buffer):
  - West (US Hwy 19): 125'
  - North (Centralia Road): 40' (Deviation from 20')
  - South: 25'
  - East: 15'
16. Minimum Setbacks, Lot Widths and Lot Sizes:
  - Front (single family): 25'
  - Front (villas): 20'
  - Side: 5' (0 internal for villas)
  - Rear: 15'
  
  - Minimum Lot Width: 40'
  - Minimum Lot Size: 4,400 square feet
17. Minimum Buffers:
  - North: 20'
  - East: 50'

The petitioner shall be required to meet the minimum requirements of the land development regulations for the southern and western property lines.

These buffers are all to be separate tracts, owned and maintained by the Homeowners' Association, with natural vegetation preserved and enhanced to 80% opacity within 3 years of planting.
18. The petitioner shall be required to designate the southernmost access from US Highway 19 (Commercial Way) as the treed boulevard entrance into the development, meeting the requirements of the Hernando County Land Development Regulations.

19. The petitioner shall provide the minimum neighborhood park acreage as required by the County's Land Development Regulations and ensure that this park is pedestrian-accessible for all residents within the development.
20. The petitioner shall preserve the minimum seven percent (7%) natural vegetation as required by the County's Land Development Regulations. The required natural vegetation may be included as part of the required open space.
21. The petitioner shall submit a fire protection plan with the conditional plat in accordance with Hernando County LDRs.
22. The developer shall provide a utility capacity analysis and shall connect to the central water and sewer systems at time of vertical construction. Furthermore, the developer will be required to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
23. The petitioner is limited to 80,000 square feet of commercial uses. Prior to the development of the commercial portion of the site, the petitioner must submit a master plan revision to provide clarification on the uses, setbacks, buffering, and connectivity provided for this section of development.
24. The petitioner is limited to 513 dwelling units. A specific lot layout shall be provided at the time of conditional plat.
25. 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.