

REZONING CASE H-24-31

STAFF REPORT

RECOMMENDATIONS / ACTIONS

STAFF RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION AUGUST 6, 2024

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 PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily) and General Commercial with deviations, with the performance conditions detailed in **Appendix A** of this report.

PLANNING AND ZONING COMMISSION ACTION AUGUST 12, 2024

On August 12, 2024, the Planning and Zoning Commission voted 5 to 0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP (Combined Planned Development project to include Multifamily) and General Commercial with deviations, with **modified** performance conditions detailed in **Appendix B** of this report.

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024
Board of County Commissioners: September 24, 2024

APPLICANT: NVR, Inc

FILE NUMBER: H-24-31

PURPOSE: Rezoning from PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily) and General Commercial with deviations

GENERAL LOCATION: Southwest corner of the intersection of Ponce De Leon Boulevard and Yontz Road

PARCEL KEY NUMBER: 656579, 1198643, 1056617,352013.

APPLICANT'S REQUEST

On November 10, 2015, the Board of County Commissioner's approved a rezoning from CPDP/Combined Planned Development Project (Multifamily), (General Commercial), AG/(Agricultural), and C-2/(Highway Commercial) to PDP(GC)/ Planned Development Project (General Commercial) with specific C-2/(Highway Commercial) uses in order to develop the 27.3 acre subject site with 250,000 square feet of commercial use. The master plan indicated seven (7) out-parcels with the balance of the property to contain a shopping center. Since the project's approval, no development has occurred and the master plan as since expired.

On April 9, 2024, Board of County Commissioner's denied a request for a Comprehensive Plan amendment in order to convert an approximately 11.5-acre portion of the subject site from Commercial to Residential. The intent at the time was to develop 200 townhome units across the entire site. The companion rezoning application was withdrawn.

The petitioner's current request is for a rezoning from PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily and General Commercial with deviations, in order to develop a mixed-use development. The petitioner has indicated the proposed project will consist of 200 townhome units and retail commercial. The project will consist of 2-story (45' in maximum height) townhomes with a minimum lot width of 20', with buildings generally clustered in 4-6 unit buildings. The petitioner has indicated a recreational area will be provided.

The commercial area will consist of 1.5 acres of retail commercial along the east side of the property (intersection of Ponce De Leon Boulevard (US Hwy 98) and Yontz Road). The petitioner is also requesting specific C-2 commercial uses for the development. The requested C-2 uses are as follows:

- Drive-in Restaurants
- Tire/Automotive Accessory Establishment
- Veterinarian Clinics and Hospitals
- Light Farm Equipment Supply (i.e. Tractor Supply)

Requested Deviation

1. Wavier of the required frontage road along US Hwy 98 and Yontz Road. The petitioner proposes a reverse service road behind the commercial area with a stub-out to the south.
2. Deviations from the side and rear building setbacks. Deviation from the side building setback of 10' to 0' for internal townhome setbacks and 5' sides. Furthermore, a rear setbacks reduction is requested from 20' to 15'.
3. As part of the townhome design, deviations are also requested for Lot Sizes and Lot Width. The Lot Widths are proposed as 20' (deviation from 75') and Lot Sizes from the required 12,000 square feet to 2,000 square feet.
4. Deviation from the maximum building lot coverage from 35% to 65%
5. A request for a reduction in the perimeter setback along Yontz Road from the required 75' to 35'.
6. A request for a reduction in the perimeter setback along Yontz Road from the required 125' to 75'.
7. A request for a reduction in commercial rear setbacks from 35' to 20'
8. Deviations from the two means of access for projects with 50 or more units. The petitioner is proposing a boulevard entrance.

SITE CHARACTERISTICS

Site Size: 27.4 acre

Surrounding Zoning;

Land Uses: North: AG, CPDP(MF & GC); Undeveloped, Church Mobile Home
South: AG; Mobile Home
East: AG; Undeveloped

West: AG; Mobile Home

Current Zoning: PDP(GC)/Planned Development Project (General Commercial) with specific C-2 uses

Future Land Use Map Designation: Commercial and Residential

Flood Zone: C

ENVIRONMENTAL REVIEW

Soil Type: Micanopy Loamy Fine Sand, Lichton Loamy Fine Sand, Sparr Fine Sand, Nobleton Fine Sand and Wachula Fine Sand.

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

Habitat: According to the Soil Survey of Hernando County, within the Blichton loamy fine sand, 0 to 2 percent slopes- the water table is at a depth of less than 10 inches for cumulative periods of 1 to 4 months during most years. This soil has medium potential for small commercial buildings if proper water control measures are used, and footings and foundations are increased in size and strength. The potential for roads and streets is low even if the unsuitable soil material is replaced.

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, briars, and native grasses including bluestems, pineland awn, toothachegrass, panicums, and lopsided indiagrass.

Sparr fine sands may be dominated by oaks, hickory, magnolia, sweetgum, pineland three-awn, slash, longleaf pines, and loblolly pines. Some areas may have an understory of inkberry, waxmyrtle, scattered palmetto, and pineland three-awn.

UTILITIES REVIEW

The Hernando County Utilities Department has indicated that the parcel is within the City of Brooksville Service 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 subject property is located on the southwest corner of the intersection of US Hwy 98 (Ponce De Leon Blvd.) and Yontz Road. The petitioner has proposed a single main boulevard entrance off Yontz Road for the proposed townhome portion of the project. The commercial development proposes two access points. One of Yontz Road to a proposed service road in lieu of a frontage road and a right-in/right-out onto US Hwy 98. The County Engineer has reviewed the petitioners request and indicated the following:

- A Traffic Access Analysis is required. Any identified improvements of the Traffic Access Analysis shall be the responsibility of the developer.
- A Frontage Road is required along the entire Frontage along US Hwy 98, per ordinance, a waiver requested by applicant, however narrative presents a reverse service road.
- A waiver to the frontage road requirement is not supported, an administrative design variance to the technical requirements would be supported.
- Connection to US Hwy 98 will require approval, authorization, and access management permit from FDOT/Florida Dept. of Transportation.
- An FDOT drainage permit may be required, contact FDOT.
- Recommend primary access connection to Yontz Road, with a right in/right out secondary access connection to US Hwy 98
- The driveway connections and roadway shall meet Hernando County standards.
- Sidewalks shall be required along US Hwy 98, on one side of the Frontage Road and the proposed buildings shall connect to sidewalks.

LAND USE REVIEW**Project Perimeter Setbacks:**

- US Hwy 98: 75' (deviation from 125')
- Yontz Road: 35' (deviation from 75') includes landscape buffer
- South: 35' includes 20' vegetated buffer
- West: 35'

Residential Design StandardsTownhome Building Setbacks:

- Front: 25'
- Side: 5' and 0' for internal townhome setbacks (deviation from 10')
- Rear: 15' (deviation from 20')

Townhome Proposed Design Criteria:

- Lot Size: 2,000 Sq. Ft. (deviation from 12,000 Sq Ft.)
- Lot Width: 20' (Deviation from 75')
- Lot Coverage: 65% (deviation from 35%)
- Building Height: 45' (Two-Story)

Buffer

A buffer shall be required between a Planned Development Project land use which is multifamily or non-residential and a land use, external to the PDP, which is residential, agricultural-residential or agricultural.

The buffer shall consist of a minimum five-foot landscaped separation distance. 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 is proposing the following buffers:

- North: 15' Landscape Buffer
- South: 20' Natural vegetated buffer with 80% opacity, enhanced as necessary
- East: 10' Adjacent to Commercial
- West: Drainage Retention Pond

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.

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 is requesting a boulevard entrance as an alternative to the required two means of access. Although boulevard entrances have been accepted in the past as alternatives to the two means of access, an emergency only access should be considered onto the commercial service road. The petitioner will be responsible for a treed roadway per County LDR's.

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 is proposing recreational amenities for the project. If approved, the petitioner shall also insure appropriate pedestrian access to the amenities.

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.

Comments: The proposed project will require 1.9 acres of 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.

Commercial Design Standards:

Proposed Building Setbacks:

- US Hwy 98: 75' (deviation from 125')
- Yontz Road: 35' (deviation from 75')
- Rear: 20' (deviation from 35')
- Side: 15' Building Separation
- Side: 5' (deviation from 20') Internal Lot Lines
- South: 20'

Comments: The petitioner has requested several commercial setback deviations, including a request for a reduction in the commercial rear setback from the required 35' to 20'. Considering additional setbacks deviations were requested for the residential portion, if the commercial setback is approved it would place residential homes just 35' from the commercial use(s). Even with a proposed 10' buffer, which is inclusive of the proposed setbacks, the final separation between residential and commercial uses is not adequate; furthermore, the requested commercial rear setback deviation is not justified. Additional Residential Protection Standards may apply.

Additionally, the requested Yontz Road building setback deviation from the required 75' to 35' is not justified considering there is ample space to meet the minimum County LDRs.

Proposed Building Height

Building Height: 45' maximum

Buffer

The petitioner is proposing a 10' buffer between the commercial and residential use. The specific type of buffer has not been indicated.

Comments: If approved, the petitioner shall provide a 10' landscape buffer with a 6' high opaque fence. Fence shall be placed on the residential side of the buffer. Buffer shall include 8' high trees at planting, in a staggered planting a maximum of 30' between trees. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance.

Lighting

The petitioner has not indicated any lighting provisions for the proposed uses. If approved, the petitioner will be required to provide full cutoff fixtures and retain all light on-site and prevent any light spillage onto neighboring residential parcels. Security lighting shall be shielded from the neighboring residential use to the north.

Parking

County Land Development Regulations (LDRs) require a minimum of 4.0 parking spaces per 1,000 square feet of commercial use.

Landscape

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.

COMPREHENSIVE PLAN REVIEW

The subject site is located within the Residential and Commercial Land Use designation on the County's Adopted Comprehensive Plan. The area is primarily characterized by undeveloped, rural and residential uses.

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.

Strategy 1.04B(1): Commercial and institutional uses within the Residential Category are generally associated with medium and high-density residential development and may include neighborhood commercial, office professional, recreational, schools, and hospitals. Minor public facilities that do not

unduly disturb the peaceful enjoyment of residential uses may also be allowed.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

Comments: The petitioner is requesting a mixed-use development. Utilizing the underlying land use designations. A combined drainage retention area for both residential and commercial use is being proposed within the Commercial Land Use designation.

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.

Comments: The petitioner has indicated the proposed development will have a maximum of 200 units (7.3 du/ac). In the previous request, the Board of County Commissioners had expressed concerns with densities in this area. If approved, an appropriate density should be considered or performance conditions to assist in mitigating the proposed 200 units.

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 proposed development provides access to a collector road, however services are not located in proximity to the development. As discussed in the Commercial Node analysis, additional commercial acreage should be considered in order to provide immediate services to the proposed project and the surrounding area.

Strategy 1.04B(6): Multi-family development may be allowed in the Commercial Category pursuant to a Planned Development Project (PDP) Master Plan and related strategies to accommodate infill and/or mixed-use development.

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

Planned Development Projects and Standards

Objective 1.10C: Planned Development Project (PDP) zoning introduces flexibility to the land development process. The PDP is developed as a zoning district that may include multiple land uses and provides for the mitigation of impacts through performance standards. The PDP process may be used in any Future Land Use Category.

Strategy 1.10C(1): A Planned Development Project (PDP) is designed as an integral unit with one or more land uses utilizing a Master Plan to illustrate and describe the site layout and characteristics including, but not limited to, uses and use restrictions, density and intensity, site and building layout and design, site coverage and designated open space, construction and

phasing plans, and other detailed information about the project.

Commercial Category

Objective 1.04G: The Conservation Category allows timbering (with a management plan) and limited resource-oriented recreational activities such as hiking, picnicking and fishing. Accessory residential units for security purposes may also be allowed. The Commercial Category allows primarily retail, office, and commercial service uses with an overall average gross floor area ratio of 0.35 but also includes limited industrial, recreational and institutional uses. Residential and mixed uses may be allowed subject to locational criteria and performance standards.

Strategy 1.04G(1): Commercial development as envisioned on the Future Land Use Map is intended primarily for locations at major intersections and along major corridors where service to local and regional markets are enhanced by transportation patterns. New commercial zoning is directed to these mapped areas. Commercial areas that are not mapped but are allowed under this Future Land Use Category include neighborhood commercial and specialty commercial uses as described in this Plan, commercial approved as part of mixed use developments, commercial designated by planned development districts, the infill development of existing commercial areas, commercial areas extending from designated commercial nodes, and pre-existing commercially developed and designated areas. Frontage roads and cross-access between commercial uses is required where needed in accordance with the provisions of this Plan and adopted land development regulations.

Commercial Nodes

Strategy 1.04G(2): Commercial development as mapped by the Future Land Use Map is intended to create and identify functional nodes that conveniently serve the supporting population without compromising the integrity of residential areas. Commercial nodes:

- a. are located at the intersections of roads having collector status or greater;

- b. recognize concentrations of existing commercial development;
- c. are generally less than 100 acres in size within the Adjusted Urbanized Area of the County;
- d. are generally less than 60 acres in size outside of or on the fringe of the Adjusted Urbanized Area of the County;
- e. may be located in Centers or Corridors pursuant to the related strategies.

Strategy 1.04G(3): When reviewing requests to designate new commercial areas or zonings apart from nodes depicted on the Future Land Use Map, the County will be guided by the commercial node strategies provided herein and the need to provide for a range of commercial uses.

Strategy 1.04G(4): Development in commercial nodes shall provide for extension of the County's frontage road network on arterial roadways in accordance with adopted land development regulations. Proposed commercial development may only extend outward from a commercial node where there is a frontage road or cross-access connected to the proposed development in order to encourage compact commercial development and maintain the function of adjacent roadways, especially arterials and collectors. Commercial development shall provide for multi-modal interconnection between commercial activities and adjacent residential areas.

Comments: The Future Land Use Map is not parcel specific; however, still provides approximate acreage for the land uses identified on the Future Land Use map. The subject site has approximately 11.7 acres of Commercial Land Use designation. The petitioner has indicated only utilizing 1.5 acres for commercial with the remainder proposed for multifamily. Per Comprehensive Plan Strategies, the maximum Commercial Floor Area Ratio (FAR) for the 11.7 acres would equal 178,378 square feet of commercial. The petitioners proposed 1.5 acres would only yield 22,869 square feet. Although multifamily uses are permitted within a Commercial Land Use designation when part of a mixed use development, consideration should be taken as to how much of the

commercial land use designation should be occupied/encroached by residential uses.

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: Hernando County encourages interconnectivity between land uses in order to assist with traffic impacts. The petitioner is proposing a reverse service road system parallel to US Highway 98. However, the proposed reverse service road would be terminated at the proposed southern drainage retention pond and would not continue to the southern property line. The county Engineer has indicated a waiver to the frontage road requirement is not supported; however, an administrative design variance to the technical requirements would be supported.

FINDING OF FACTS

A rezoning from PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily) and General Commercial with deviations is appropriate based on the following:

1. The requested rear setback deviation for the commercial from 35' to 20' and the Yontz Road deviation from 75' to 35' is not justified considering there is ample commercial acreage; furthermore, the proposed drainage retention pond can be adjusted to maintain the proposed 1.5 acre commercial tract.
2. As indicated in the Comprehensive Plan analysis, although residential is permitted in the Commercial Land use designation as part of a mixed-use development, the proposed 1.5 acres of commercial out of the overall 11.7 acres of allocated Commercial Land use is not adequate. The petitioner should

increase the commercial acreage to a minimum of 5.0 acres in order to meet the Comprehensive Plan Strategies and the current and future needs of the area.

3. The request is consistent with the Comprehensive Plan Strategies with appropriate performance conditions.
4. The request is compatible with surrounding area with appropriate 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.

APPENDIX A

STAFF RECOMMENDATION TO THE

PLANNING AND ZONING COMMISSION

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 PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily) and General Commercial 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. The petitioner shall provide a comprehensive floral/faunal (wildlife) survey prepared by a qualified professional to identify any listed species present prior to any clearing or development occurring on the property. Furthermore, copies of any required FWC permits shall be provided prior to clearing or development.
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. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department. (Condition dependent on lot ownership and how the site will be developed.)
5. The petitioner shall contact the State Division of Historical Resources, Compliance and Review section, to determine if there are any State survey requirements for any archaeological features near the subject property.
6. The petitioner shall provide the minimum required natural vegetation in accordance with the Hernando County Land Development Regulations.
7. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
8. A formal application for School Concurrency Analysis shall be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as

a condition of any such approval, a Capacity Improvement Agreement or a Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

9. The petitioner shall coordinate the frontage road and any potential variances with the County Engineer.
10. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
11. The development will be required to provide a sidewalk along Yontz Road or shall contribute towards the County's Sidewalk Fund.
12. A sidewalk will be required along US Hwy 98 (Ponce De Leon), pending FDOT recommendation. If the sidewalk is not recommended by FDOT, the developer may pay into the sidewalk fund.
13. FDOT access management and drainage permit may be required.
14. The development shall be permitted a single boulevard entrance of Yontz Road.
15. Townhome Building Setbacks:
 - Front: 25'
 - Side: 5' and 0' for internal townhome setbacks (deviation from 10')
 - Rear: 15' (deviation from 20')
16. Townhome Design Criteria:
 - Lot Size: 2,000 Sq. Ft. (deviation from 12,000 Sq Ft.)
 - Lot Width: 20' (Deviation from 75')
 - Lot Coverage: 65% (deviation from 35%)
 - Building Height: 45' (Two-Story)
17. Maximum Building Height: 45' and/or Three Stories
18. Commercial Building Setbacks:
 - US Hwy 98: 75' (deviation from 125')
 - Yontz Road: 75'
 - Rear: 35'
 - Side: 15' Building Separation
 - Side: 5' (deviation from 20') Internal Lot Lines
 - South: 20'
19. A treed roadway shall be provided per County LDR's.
20. Minimum Residential Buffers:
 - North: 15' Landscape Buffer

- South: 20' Natural vegetated buffer with 80% opacity, enhanced as necessary
 - West: 10' Adjacent to townhomes
21. An emergency access shall be provided to the proposed reverse service/frontage road.
 22. The petitioner shall provide a 10' landscape buffer with a 6' high opaque fence. Fence shall be placed on the residential side of the buffer. Buffer shall include 8' high trees at planting, in a staggered planting a maximum of 30' between trees. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance.
 23. A minimum of 5.0 acres of commercial shall be provided in order to meet the overall objectives of the Comprehensive Plan.
 24. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days upon rendition of the resolution and the BOCC performance conditions. Failure to submit the revised plan will result in no further development permits being issued until submitted by the applicant.

APPENDIX B

PLANNING AND ZONING COMMISSION ACTION

PLANNING AND ZONING COMMISSION ACTION

On August 12, 2024, the Planning and Zoning Commission voted 5 to 0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(GC)/ Planned Development Project (General Commercial) with C-2 uses to CPDP Combined Planned Development project to include Multifamily) and General Commercial with deviations, with the following **modified** 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 petitioner shall provide a comprehensive floral/faunal (wildlife) survey prepared by a qualified professional to identify any listed species present prior to any clearing or development occurring on the property. Furthermore, copies of any required FWC permits shall be provided prior to clearing or development.
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. Retention of large native trees and stands should be maintained to the extent possible.
4. The Builder/Developer shall provide new residential property owners with Florida-Friendly Landscaping™ Program materials and encourage use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use shall be included. Educational materials are available through the Hernando County Utilities Department. (Condition dependent on lot ownership and how the site will be developed.)
5. The petitioner shall contact the State Division of Historical Resources, Compliance and Review section, to determine if there are any State survey requirements for any archaeological features near the subject property.
6. The petitioner shall provide the minimum required natural vegetation in accordance with the Hernando County Land Development Regulations.
7. The petitioner shall coordinate with the City of Brooksville Utility Department's (CBUD).
8. A formal application for School Concurrency Analysis shall be submitted to the School District no less than thirty (30) days prior to submission for approval of a site plan, conditional plat, or functional equivalent. Should the School District then find sufficient capacity neither exists, nor is anticipated to exist within three (3) years from the issuance of such approval, the School District will require, as a condition of any such approval, a Capacity Improvement Agreement or a

Proportionate Share Mitigation Agreement with the School Board, to offset the demand for public school facilities created by the proposed development.

9. The petitioner shall coordinate the frontage road and any potential variances with the County Engineer. **This coordination will include the drainage retention area.**
10. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install.
11. The development will be required to provide a sidewalk along Yontz Road or shall contribute towards the County's Sidewalk Fund.
12. A sidewalk will be required along US Hwy 98 (Ponce De Leon), pending FDOT recommendation. If the sidewalk is not recommended by FDOT, the developer may pay into the sidewalk fund.
13. FDOT access management and drainage permit may be required.
14. The development shall be permitted a single boulevard entrance of Yontz Road.
15. Townhome Building Setbacks:
 - Front: 25'
 - Side: 5' and 0' for internal townhome setbacks (deviation from 10')
 - Rear: 15' (deviation from 20')
16. Townhome Design Criteria:
 - Lot Size: 2,000 Sq. Ft. (deviation from 12,000 Sq Ft.)
 - Lot Width: 20' (Deviation from 75')
 - Lot Coverage: 65% (deviation from 35%)
 - Building Height: 45' (Two-Story)
17. **Residential Perimeter Setbacks:**
 - **North (Yontz Road): 35'**
 - **East (adjacent to commercial property): 15'**
 - **East (adjacent to non-commercial property): 0'**
 - **South: 35'**
 - **West: 0'**
18. Maximum Building Height: 45' and/or Three (3) Stories

19. Commercial Building Setbacks:

- East (US Hwy 98): 75' (deviation from 125')
- North (Yontz Road): **35' 75'**
- South: 20'
- Rear: 35'
- Side: 15' Building Separation
- Side (internal lot lines): 5' (deviation from 20')

20. A treed roadway shall be provided per County LDR's.

21. Minimum Residential Buffers:

- North: 15' Landscape Buffer
- South: 20' Natural vegetated buffer with 80% opacity, enhanced as necessary
- West: 10' Adjacent to townhomes

22. Emergency access shall be provided to the proposed reverse service/frontage road.

23. The petitioner shall provide a 10' landscape buffer with a 6' high opaque fence. The fence shall be placed on the residential side of the buffer. The buffer shall include 8' high trees at planting, in a staggered planting a maximum of 30' between trees. The remaining areas shall meet the minimum buffer requirements of the Commercial Design Standards and the Community Appearance Ordinance.

24. A minimum of **3.0 ~~5.0~~** acres of commercial shall be provided in order to meet the overall objectives of the Comprehensive Plan.

25. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days upon rendition of the resolution and the BOCC performance conditions. Failure to submit the revised plan will result in no further development permits being issued until submitted by the applicant.