

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 9, 2023  
Board of County Commissioners: February 14, 2023

**APPLICANT:** Tri County Development Inc.

**FILE NUMBER:** H-22-65

**REQUEST:** Rezoning the from PDP(SU)/Planned Development Project (Special Use) to PDP(MF)/Planned Development Project (Multifamily) with Deviations

**GENERAL LOCATION:** Northeast corner of Henderson Street and Mariner Boulevard

**PARCEL KEY NUMBER:** 1085505

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### APPLICANT'S REQUEST:

The petitioner is requesting a rezoning the from PDP(SU)/Planned Development Project (Special Use) to PDP(MF)/Planned Development Project (Multifamily) with Deviations on a 9.5-acre portion of the subject site. At present, approximately half the subject property is being actively utilized by the Suncoast YMCA for athletics, fitness and education, with the required parking and circulation. The remaining half the property, primarily in the north and northwest sections, is undeveloped and consists of baseball/softball fields which are no longer in the YMCA's long-range plans.

The applicant is requesting to retain the existing PDP(SU)/Planned Development Project (Special Use) YMCA designation for the portion of the property that will continue to be used for operation of the YMCA, but rezone the 9.5 acres, as shown on the proposed master plan, to PDP(MF)/Planned Development Project (multifamily) for a 55 and over rental villa community. The development will consist of 84 single story villas with garages. These residences are of varying sizes, ranging from 1,000 to 1,500 square feet of living space. The villas will be marketed with an emphasis on their proximity to the YMCA and memberships for use of that facility that are incorporated into their rent.

The subject site is part of the original Seven Hills Development of Regional Impact (DRI), a multifaceted community comprised of single family residential (Seven Hills, private adult single family residential (Wellington), multifamily, senior multifamily, commercial, office, a golf course, a hospital, a public school (Seven Hills Elementary) and the YMCA. As part of the original DRI, 900 multifamily units were vested, of which only a third have been developed. The proposed 84-unit villa development is well within the original threshold entitlements.

**Deviations Requested:**

The petitioner is requesting the following deviations:

- Mariner Boulevard: 20' (Deviation from 50')
- Internal - From Access Drive: 20' (Deviation from 25')
- Internal - Side (between individual units): 0' (Deviation from 10')
- Waiver of the Neighborhood Park requirement in place of shared amenities with YMCA

**SITE CHARACTERISTICS:**

**Site Size:** 9.5 Acre (19.70 Acres Total)

**Surrounding Zoning/Land Uses:** North: PDP(SF); Single Family  
 South: PDP(SU); YMCA  
 East: CPDP; Duke Energy  
 West: PDP(SF); Single Family

**Current Zoning:** PDP(SU)/Planned Development Project (Special Use)

**Future Land Use Map Designation:** Residential

**ENVIRONMENTAL REVIEW:**

**Soil Type:** Candler Fine Sand

**Comments:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:** The subject property is located within Wellhead Protection Area (WHPA).

**Comments:** This designation will not impact the requested zoning activity.

**Hydrologic Features:** There are no hydrologic features (sinkholes, karst sensitive areas or wetlands) on this property.

**Habitat:** The property is developed and shown as low intensity urban according to Florida Fish and Wildlife Conservation Commission (FWC) CLC (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data) mapping.

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| <b>Water</b>       | <b>Quality</b>   |
| <b>Review:</b>     | The subject property is in the Weeki Wachee Priority Focus Area (SPA) for the Basin Action Management Plan (BMAP) identified by the Florida Department of Environmental Protection (FDEP) as contributing nutrients to the Weeki Wachee Riverine System. |
| <b>Comments:</b>   | Implementation of Florida Friendly Landscaping™ principles, techniques, and materials are designed to conserve water and reduce pollutant loading to Florida’s waters.   |
| <b>Flood Zone:</b> | X and AE   |

**UTILITIES REVIEW:**

The Hernando County Utilities Department (HCUD) currently supplies water and sewer service to the existing commercial building(s) located on this parcel. There is an existing 6-inch water main that runs along the north side of the entrance road to the commercial building(s) and a 10-inch water main along the west side of Mariner. There is an existing gravity sewer system servicing the existing building(s) located at the intersection of Mariner Boulevard and Henderson Street and a 4-inch sewer force main along the east side of Mariner Boulevard. HCUD has no objection to the request subject to a utility capacity analysis and connection to the central water and sewer systems at time of vertical construction.

**ENGINEERING REVIEW:**

The subject site is located on the northeast corner of Henderson Street and Mariner Boulevard. The petitioner is proposing two access points. One along the south into and through the exiting YMCA driveway, which would allow for direct access to the signal and the other directly to Mariner Boulevard along the northwest portion of the project. The County Engineer has reviewed the petitioner’s request and has the following comments:

- A Traffic Access Operational Analysis will be required.
- A Traffic Access Operational Analysis to include analysis of the first two driveways setback distances will be required.
- Any improvements identified by the Traffic Access Operational Analysis will be the developer’s responsibility to install.
- Second access to Mariner Boulevard shall be limited to right-in/right-out only.
- All roads and driveways are to meet Hernando County Standards.

**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 identified two access points into the development; however, neither has been indicated as the treed boulevard entrance. If approved, the access from the south must provide a boulevard entrance not the project as required by County LDR's.

**Setbacks and Lot Size:**

Proposed Perimeter Setbacks:

- North: 20'
- South: 20'
- West: 20' (Deviation from 50')
- East: 20'

Proposed Internal Building Setbacks:

- Access Drive: 20' (Deviation from 25')
- Side (between units): 0' (Deviation from 10')

**Buffer**

Minimum Proposed Buffers:

- North - (Spring Hill lots): 10' at 80% opacity
- South - (YMCA Facility): 20' landscaped
- East - (Duke Powerline): 10' landscaped
- West - (Mariner Blvd): 15' landscaped

**Comments:** If approved, the petitioner may reduce the 20' buffer along the south against YMCA to 10' to increase the buffer distance along the north to 20'. The northern buffer shall also be supplemented where necessary to achieve 80% opacity

**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 master plan does not show a neighborhood park as required by the County LDRs. The petitioner has indicated the proposed development will

be in partnership with YMCA to provide membership to its seniors and provide the subdivision with the required amenities. Staff has reviewed this proposal and has no objections to the concept.

**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 0.47 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:**

The subject site is located within the Residential Land Use designation and is characterized by single family homes. The subject site is part of the original Seven Hills Development of Regional Impact (DRI), which was entitled for, 900 multifamily units of which only a third have been developed. The proposed 84-unit villa development is well within the original threshold entitlements.

**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 Mariner Boulevard, 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 with appropriate performance conditions.

**FINDINGS OF FACT:**

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

1. The following requested deviations are justified with appropriate performance conditions:
  - Internal - From Access Drive: 20' (Deviation from 25')
  - Internal - Side (between individual units): 0' (Deviation from 10')
  - Waiver of the Neighborhood Park requirement in place of shared amenities with YMCA
2. The petitioners request for a building setback reduction along Mariner Boulevard from the required 50' to 20' is excessive considering Mariner Boulevard's intensity. Staff would recommend a minimum of a 35' building setback.
3. The master plan is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

**STAFF 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 the from PDP(SU)/Planned Development Project (Special Use) 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 and connect to the central water and sewer systems at time of vertical construction.
7. A Traffic Access Operational Analysis shall be required and shall include an analysis of the first two driveways setback distances. Any improvements identified by the Traffic Access Operational Analysis will be the developer’s responsibility to install.
8. The proposed second access to Mariner Boulevard shall be limited to right-in/right-out only.
9. Minimum Perimeter Setbacks:
  - North: 20'
  - South: 20'
  - West: 35'
  - East: 20'
- Internal Building Setbacks:
  - Access Drive: 20' (Deviation from 25')
  - Side (between units): 0' (Deviation from 10')
10. The petitioner shall provide a treed boulevard entrance from the YMCA entrance.
11. Minimum Buffer Requirements:
  - North - (Spring Hill lots): 20' at 80% opacity
  - South - (YMCA Facility): 10' landscaped
  - East - (Duke Powerline): 10' landscaped
  - West - (Mariner Blvd): 15' landscaped
12. A waiver of the neighborhood park is granted due to the partnership with YMCA.
13. The petitioner shall submit a fire protection plan with the Conditional Plat in accordance with Hernando County Land Development Regulations.
14. The petitioner shall set aside the minimum acreage for natural vegetation in accordance with the Hernando County Land Development Regulations.



15. 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.