

REZONING CASE H-24-13

STAFF REPORT

RECOMMENDATIONS/ACTIONS

STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION JULY 3, 2024

It is recommended 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(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations with performance conditions listed in **Appendix A** of this Staff Report.

PLANNING & ZONING COMMISSION July 8, 2024

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. Details listed in **Appendix B** of this Staff Report.

PLANNING & ZONING COMMISSION July 22, 2024

On July 22, 2024, the Planning and Zoning Commission voted 5-0 approving the petitioners request for a rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations. Details listed in **Appendix C** of this Staff Report.

INTRODUCTORY INFORMATION

HEARINGS: Planning & Zoning Commission: July 8, 2024
Board of County Commissioners: August 27, 2024

APPLICANT: Dockside Investors, LLC on behalf of Mohamed Nazir Hamoui and Nada Hamoui, Trustees of the N&N Family Revocable Trust

FILE NUMBER: H-24-13

REQUEST: Rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations

GENERAL LOCATION: Northwest corner of the intersection of Pythia Place and Linden Drive, approximately 300' north of County Line Road

PARCEL KEY NUMBER: 1180322

APPLICANT'S REQUEST:

This property is part of the Linden Retreat subdivision which was approved in 1988 (H-88-57). As part of the overall development, commercial outparcels were incorporated into the master plan along County Line Road. The subject site is a remnant parcel from the original approval.

The petitioner's current request is for a rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) with deviations, in order to develop the 6.14 acre parcel with a 48 townhome (7.82 DU/AC) community. The petitioner has indicated townhomes will be constructed with four (4) units per building. As part of the request the petitioner has requested the following deviations:

- Deviation from the minimum lot size of 6,00 Sq. Ft. to 1,854 Sq. Ft.
- Deviation from the minimum Lot Width of 60' to 18'
- Deviation from the minimum Street Frontage from 50' to 40'

The petitioner has indicated the requested deviations are to accommodate the townhome development layout.

SITE CHARACTERISTICS:

Site Size: 6.14 Acres

Surrounding Zoning & Land Uses:

North:	PDP(SF); Single Family
South:	CPDP, PDP(GHC); Commercial

East: PDP(SF); Single Family
West: PDP(AG); RV Park

Current Zoning: PDP(GHC)/Planned Development Project (General Highway Commercial)

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 during the construction plans stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Water Quality Review: The proposed development is within the Weeki Wachee River Basin Management Action Plan, the Weeki Wachee Primary Focus Area (PFA), and the Weeki Wachee Outstanding Florida Springs (OFS) Group.

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.

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

Protection Features: There are no protection features (Wellhead Protection Areas (WHPAs) present on this parcel.

Habitat: Low Density Structure and Urban Open Land according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

Comments: A comprehensive floral survey shall be prepared by a qualified professional at the construction plan approval stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Hydrologic Features:

There are no hydrologic features (Special Protection Areas (SPAs), sinkholes, karst sensitive areas, or wetlands) present on this parcel.

Flood Zone:

There is a portion of the northwest part of the property that is in X floodplain, the rest of the parcel is not in a floodplain.

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:

Hernando County Utilities Department (HCUD) does not currently supply water or sewer service to this parcel. Sewer service is not available to this parcel. There is an existing 8-inch water main that runs along the west side of Linden Drive, and an existing 6-inch water main that runs along the south side of Pythia Place. HCUD has no objection to the request, subject to connection to the central water system at time of vertical construction and Health Department approval of an appropriate Onsite Sewage Treatment and Disposal System.

ENGINEERING REVIEW:

This site is located at the corner of Linden Drive and Pythia Place. The petitioner is proposing a single entryway onto Pythia Place. The County Engineer has reviewed the petitioner's request and has the following comments:

- A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
- Linden Drive shall require a sidewalk installation for the entire parcel frontage.
- Pythia Place is classified as a frontage road and shall be required to be brought up to frontage road standards. Additionally, a sidewalk shall be required along one side of the frontage road.
- The existing pavement markings on Pythia Place, double yellow centerline stripe and the white edge line, as well as the Stop Bar shall need to be refreshed as part of this project.
- The developer shall obtain all permits from Hernando County, including right-of-way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
- All floodplain encroachment must be compensated.
- Stormwater runoff to be treated and attenuated.

LAND USE REVIEW:**Proposed Setbacks, Lots Size and Lot Width:**

- Front: 25'
- Side: 10'
- Rear: 20'

- Lot Width: 18' (deviation from 60')
- Lot Area: 1,854 Sq. Ft. (deviation from 6,000 Sq. Ft.)
- Street Frontage: 40' (deviation from 50')

Comments: The requested deviations are derived from the euclidean R-1A (Residential) zoning district. The PDP/Planned Development Project process allows for flexibility in order to meet the needs of specific uses. The requested deviations are not out of character with a townhome development subject to appropriate performance conditions.

Building Separation:

Minimum Building Separation: 15'

Comments: The petitioner has indicated the townhome units will consist of four (4) units per building. The minimum separation between each structure shall be 15' per County LDR's.

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 has indicated a 10' natural vegetative buffer adjacent to existing homes and enhanced where necessary to 80% opacity. Additionally, a 20' natural vegetative buffer enhanced where necessary to 80% opacity will be provided along the east. If noninvasives cannot be preserved, the petitioner has indicated a fence or wall will be provided.

COMPREHENSIVE PLAN REVIEW:**Residential Category**

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office

and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

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.

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 proposed density for the development is 7.82 du/ac. Which is considered average according to multifamily densities.

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 is located along County Line Road, an arterial road and is in close proximity to employment centers and services.

Strategy 1.04B(6): Multifamily 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 multifamily 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.

Planned Development Projects and Standards

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.

Strategy 1.10C(2): Delineation of the allowable density and/or intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities concurrent with project development as outlined in the adopted land development regulations.

Comments: The subject parcel is within the Residential Future Land Use. The subject property has been zoned for PDP(GHC)/Planned Development Project (General Highway Commercial) since 1988. The property is adjacent to commercial property at the southern property line. The proposed development is considered a transitional use between the commercial to the south and the single family homes to the north.

FINDING OF FACTS:

A rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) with Deviations is appropriate based on the following:

1. The PDP for the subject parcel was established in 1988 under the name "Linden Retreat" (H-88-57).
2. Multifamily is considered a transitional use between commercial and single family uses.
3. The proposed deviations are justified due to the request for a townhome 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.

APPENDIX A
STAFF RECOMMENDATION TO PLANNING AND ZONING
COMMISSION

APPENDIX A – STAFF RECOMMENDATION TO PLANNING & ZONING COMMISSION:

It is recommended 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(GHC)/ Planned Development Project (General Highway Commercial) 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. Minimum Setbacks, Lots Sizes and Lot Widths:
 - Front: 25'
 - Side: 10'
 - Rear: 20'

 - Lot Width: 18' (deviation from 60')
 - Lot Area: 1,854 Sq. Ft. (deviation from 6,000 Sq. Ft.)
 - Street Frontage: 40' (deviation from 50')
 - Building Separation: 15'
3. Buffers:
 - North, West and South; 20' natural vegetative buffer enhanced to 80% opacity and supplemented where necessary
 - East; 20' natural vegetative buffer enhanced to 80% opacity and supplemented where necessary
 - Fence to be utilized when noninvasive/natural vegetation cannot be preserved.
4. A connection to the central water system shall be made at time of vertical construction and the petitioner shall address Onsite Sewage Treatment and Disposal through the approval with the Health Department.
5. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the construction plan stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
6. Invasive plant species, if present, are to be removed during the development process.
7. 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.
8. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.
9. Linden Drive shall require a sidewalk installation for the entire parcel frontage.

10. Pythia Place shall be required to be brought up to frontage road standards. Additionally, a sidewalk shall be required along one side of the frontage road.
11. The existing pavement markings on Pythia Place, double yellow centerline stripe and the white edge line, as well as the Stop Bar shall be refreshed as part of this project.
12. The developer shall obtain all permits from Hernando County, including right-of-way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
13. All floodplain encroachment shall be compensated.
14. Stormwater runoff to be treated and attenuated. Stormwater ponds must be located outside of floodplains.
15. 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.
16. The petitioner shall provide a master 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.

**APPENDIX B
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX B –PLANNING & ZONING COMMISSION ACTION:

The July 8, 2024, Planning and Zoning hearing was canceled due to a lack of a quorum. According to state statute, at least three (3) voting members are required in order to conduct a meeting. The hearing will be rescheduled for a future date as a Special Hearing.

**APPENDIX C
PLANNING AND ZONING COMMISSION
ACTION**

APPENDIX C –PLANNING & ZONING COMMISSION ACTION:

On July 22, 2022, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from PDP(GHC)/ Planned Development Project (General Highway Commercial) to PDP(MF)/ Planned Development Project (Multifamily) 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. Minimum Setbacks, Lots Sizes and Lot Widths:
 - Front: 25'
 - Side: 10'
 - Rear: 20'

 - Lot Width: 18' (deviation from 60')
 - Lot Area: 1,854 Sq. Ft. (deviation from 6,000 Sq. Ft.)
 - Street Frontage: 40' 18' (deviation from 50')
 - Side: 0' shared wall and lot line (deviation from 10')
 - Building Separation: 15'
3. Buffers:
 - North, West and South; 20' natural vegetative buffer enhanced to 80% opacity and supplemented where necessary
 - East; 20' natural vegetative buffer enhanced to 80% opacity and supplemented where necessary
 - Fence to be utilized when noninvasive/natural vegetation cannot be preserved.
4. A connection to the central water system shall be made at time of vertical construction and the petitioner shall address Onsite Sewage Treatment and Disposal through the approval with the Health Department.
5. A comprehensive floral and faunal (wildlife) survey shall be prepared by a qualified professional at the construction plan stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.
6. Invasive plant species, if present, are to be removed during the development process.
7. 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.
8. A Traffic Access Analysis shall be required. Any improvements identified by the Traffic Access Analysis will be the responsibility of the developer to install.

9. Linden Drive shall require a sidewalk installation for the entire parcel frontage.
10. Pythia Place shall be required to be brought up to frontage road standards. Additionally, a sidewalk shall be required along one side of the frontage road.
11. The existing pavement markings on Pythia Place, double yellow centerline stripe and the white edge line, as well as the Stop Bar shall be refreshed as part of this project.
12. The developer shall obtain all permits from Hernando County, including right-of-way use permit and other applicable agencies. Required to meet all applicable regulations for construction and use of the property.
13. All floodplain encroachment shall be compensated.
14. Stormwater runoff to be treated and attenuated. Stormwater ponds must be located outside of floodplains.
15. 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.
16. Townhomes shall have a minimum of three (3) exterior architectural features.
17. An increase in the Floor Area Ratio (FAR) is approved based on the proposed use.
18. Townhomes shall be limited to two stories.
19. The petitioner shall provide a master 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.