

STAFF REPORT

HEARINGS: Planning & Zoning Commission: September 9, 2024
Board of County Commissioners: October 22, 2024

APPLICANT: Tri-County Development, Inc

FILE NUMBER: H-24-54

REQUEST: Master Plan Revision on Property Zoned PDP(MF)/(Planned Development Project (Multifamily) to Reduce the Rear Setbacks for Seven (7) Specific Parcels

GENERAL LOCATION: North side of County Line Road, approximately 850' west of the Suncoast Parkway

PARCEL KEY NUMBERS: 1810838, 1810847, 1810856, 1810865, 1811383, 1811445, 1811490

APPLICANT'S REQUEST:

On February 9, 2021, Phase 1 of the Anderson Snow Villas development was approved for parcels owned by the petitioner. This approval consisted of 110 one-story duplex-type villa units on 55 lots with connectivity and buffering to the Suncoast Parkway and trail.

On September 14, 2021, the Board of County Commissioners approved a 5.2 acre addition to Phase 1. The addition provided for 20 two-unit duplex villa lots for an additional 40 units.

The petitioners current request is for a master revision in order to revise condition number ten (10) of the previous approval (H2138) and reduce the rear building setbacks for seven (7) specific parcels (1810838, 1810847, 1810856, 1810865, 1811383, 1811445, 1811490). The previously approved deviation for the rear setback was 15'. Due to design constraints the petitioner is requesting to further reduce the rear setbacks for the said lots to 13.25'. No other changes are being requested.

SITE CHARACTERISTICS

Site Size:	24.0 acres
Surrounding Zoning:	
Land Uses:	North: PDP(OP); Undeveloped South: AG/Residential Uses East: Suncoast Parkway West: R1-A; Residential Uses
Current Zoning:	PDP(MF)/ (Planned Development Project (Multifamily)
Future Land Use	
Map Designation:	Commercial/Residential

LAND USE REVIEW

County LDRs, require any modification to specific performance conditions approved by the Governing Body to return to the BOCC for approval.

Appendix A, Zoning Article VIII, Section 4 Revisions

The following circumstances shall be considered a substantial deviation and require modification to the approved master plan and approval by the Governing Body. The process for receiving master plan revision approval for modifications which are deemed substantial shall be in the same manner as a zoning amendment petition:

1. Relocations of land uses which are either adjacent to platted or developed portions of the project, or adjacent to the project perimeter;
2. Increase of density, or intensity, or a change of approved uses;
3. Increase or decrease in or major location change of approved rights of way;
4. Substantial change in external access points;
5. Addition or subtraction of land;
6. Change in permitted setbacks;
7. Changes which alter the proposed concept or design of the development;
8. Increases to the approved building heights;
9. Changes that substantially alter the basic size and location of approved land uses and which impact surrounding properties or substantially alter the approved site layout;
10. Any modification to specific performance conditions approved by the Governing Body.

Proposed Rear Building Setbacks:

- Front: 25'
- Side (External): 5'
- Side (Between Units): 0'
- Rear: 13.25' (previously approved 15')

Comments: The petitioner is requesting a single deviation for the rear building setbacks for seven (7) parcels. The petitioner indicated that due to lot constraints, the rear setbacks were necessary to maintain the standard building models. Staff reviewed the petitioners request and have no objections to the rear setback deviations.

FINDINGS OF FACT:

A master plan revision on property zoned PDP(MF)/(Planned Development Project (Multifamily) to reduce the rear setbacks for seven (7) specific parcels is appropriate based on consistency with the County's adopted Comprehensive Plan and compatibility with the surrounding land uses subject to compliance with all performance conditions.

NOTICE OF APPLICANT RESPONSIBILITY:

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

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner's 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 Master Plan Revision on Property Zoned PDP(MF)/(Planned Development Project (Multifamily) to Reduce the Rear Setbacks for Seven (7) Specific Parcels, 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. All previous conditions of H-20-53 and H-21-38 shall be in full force and effect.

3. Minimum Rear Building Setbacks for Lots 1810838, 1810847, 1810856, 1810865, 1811383, 1811445, 1811490:

- Front: 25'
- Side (External): 5'
- Side (Between Units): 0'
- Rear: 13.25' (previously approved 15')

PLANNING AND ZONING COMMISSION ACTION:

At their regular meeting on September 9, 2024, the Planning and Zoning Commission voted 4-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Master Plan Revision on Property Zoned PDP(MF)/(Planned Development Project (Multifamily) to Reduce the Rear Setbacks for Seven (7) Specific Parcels, with the following **unmodified** 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. All previous conditions of H-20-53 and H-21-38 shall be in full force and effect.
3. Minimum Rear Building Setbacks for Lots 1810838, 1810847, 1810856, 1810865, 1811383, 1811445, 1811490:
 - Front: 25'
 - Side (External): 5'
 - Side (Between Units): 0'
 - Rear: 13.25' (previously approved 15')